

Delimitation Commission - UPSC Polity Notes

The Delimitation Commission is appointed by the President of India and works in collaboration with the Election Commission of India. It is appointed for the purpose of drawing up the boundaries of constituencies all over the country.

The Delimitation Commission is an important topic for the polity and governance segments of the UPSC syllabus. In this article, you can read all about the concept of delimitation, as well as the role and functions of the Delimitation Commission.

Latest update: The Delimitation Commission on May 05, 2022, submitted its final proposal for Jammu and Kashmir. In the proposal, it was suggested that 6 new legislative seats be created for Jammu, while 1 was to be created for Kashmir. The delimitation order has changed names of 9 assembly constituency seats. Local parties in Kashmir opposed the move citing that it was unacceptable and tilted power in favour of Jammu.

The Jammu and Kashmir Delimitation Commission Report

Soon after the passage of Jammu and Kashmir Reorganisation Act, 2019, an executive order was issued for the creation of a Delimitation Commission for the Union territories of Jammu and Kashmir. The commission was chaired by retired Supreme Court judge Ranjana Prakash Desai and has based its report on the basis of census 2011. Following are the three major takeaway from the report:

1. The 5 parliamentary constituencies have been reorganised in such a fashion that each one now has 18 assembly constituencies.
2. Six assembly seats in Jammu and three in Kashmir have now been reserved for the Scheduled Tribes (STs).
3. Removing the regional divide between Jammu and Kashmir thus viewing them as one, as evidenced by the merging of Kashmir's Anantnag area with Jammu's Rajouri and Poonch to form the Anantnag-Rajouri Parliamentary constituency.
4. Addition of 6 new assembly constituencies in Jammu and 1 in Kashmir area. This has resulted in increase of assembly constituencies in Jammu from 37 to 43, in Kashmir from 46 to 47; totalling 90 from an earlier 83.
5. The report allegedly has violated the population criteria while awarding the seats. This is evident as Jammu with 44% population has now got 48% stake in seats while Kashmir with 56% of population now has only 52% of seats. In the earlier case, Kashmir had approximately 56% of seats while Jammu had 44% only.
6. The commission further proposed that the Union Territory's Legislative Assembly include at least 2 people from the Kashmiri migrant population, one of whom be a woman, with voting rights equal to nominated members, as in the Legislative Assembly of Puducherry.

Delimitation Meaning

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

- As a result of the delimitation process, the number of seats allocated to different states in the Lok Sabha and the total number seats in a Legislative Assembly of a state can also alter.
- The redrawing of boundaries is based on a recent census.
- The body that does the delimitation exercise is called the Delimitation Commission.

Why is delimitation of constituencies done?

Delimitation is conducted for the following reasons:

1. To have equal representation for equal segments of a population.
2. To have a fair division of geographical areas so that no political party has an undue advantage over the others.
3. To adhere to the principle: **“One Vote One Value”**.

How is delimitation done?

- After every census, the Parliament will enact a Delimitation Act, as per Article 82.
- As per Article 170, the states also get classified into territorial constituencies after every census, according to the said Act.
- Once the Act is enacted, the Central Government sets up a Delimitation Commission.
- The Commission then exercises the delimitation.

How is delimitation done in areas which have disadvantaged groups?

- A quota of constituencies to be reserved in each State is fixed depending on the proportion of SC or ST in that State.
- After drawing the boundaries, the Delimitation Commission looks at the composition of population in each constituency. Those constituencies that have the highest proportion of Scheduled Tribe population are reserved for ST.
- In the case of Scheduled Castes, the Delimitation Commission looks at two things.
- It picks constituencies that have higher proportion of Scheduled Caste population.
- But it also spreads these constituencies in different regions of the State.
- This is done because the Scheduled Caste population is generally spread evenly throughout the country.
- These reserved constituencies can be rotated each time the Delimitation exercise is undertaken.
- The Constitution does not make similar reservation for other disadvantaged groups.

Delimitation Commission

The Delimitation Commission is a high-level body set up by an act of the Parliament.

- It is appointed by the country's President.
- It works in tandem with the Election Commission of India.
- Delimitation Commission Members:
 - A retired judge of the Supreme Court
 - The Chief Election Commissioner
 - State Election Commissioners (of the respective states)

Functions of Delimitation Commission

The Delimitation Commission is a high power body whose orders have the force of law. Its orders cannot be questioned in a court of law. The copies of the orders are laid before the Lok Sabha and the legislative assemblies concerned, but no change is permitted in them.

- The Delimitation Commission has to determine the number and boundaries of constituencies in such a manner that the population of all seats is the same, as far as possible practically.
- The Commission also identifies the seats to be reserved for the scheduled castes and scheduled tribes communities, in areas where their population is significant.
- If the members of the Commission have differing opinions, then the decision of the majority will

be taken into consideration.

- The Commission releases draft proposals to the public through the Gazette of India and the official gazettes of states, and also in regional language newspapers.
- It also conducts public sittings wherein the public's opinion is heard through written or oral representations.
- If found appropriate, changes are made to the draft proposal.
- The final order is published in the Gazettes and comes into effect by a date specified by the President.

Duties of Delimitation Commission

- It shall be the duty of the Commission to readjust the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each state on the basis of the latest census figures of population.

Delimitation Commissions in the Past

The first delimitation exercise was conducted by the Indian President (with the help of the Election Commission) in 1950-51. The Delimitation Commission Act was enacted in 1952.

There have been four Delimitation Commissions:

- 1952
- 1963
- 1972
- 2002

There were no such commissions after the census in 1991 and 1981.

Delimitation Problems

Because of the delimitation process, states that have not achieved any significant strides in reducing their population could end up with larger numbers of seats in the Parliament. In 2008, delimitation was based on the census of 2001, however, the total number of seats in the Parliament and the Legislative Assemblies fixed as per the census of 1971 was not changed. Another problem is that the Constitution of India has put a cap on the maximum number of seats in the Lok Sabha to 550 and Rajya Sabha to 250. So, because of delimitation, an increasing number of populations are being represented by a single representative.

An amendment has postponed the lifting up of the cap on the maximum seats in the parliament to the year 2026, on the grounds that a uniform growth rate of population would be achieved by 2026 throughout India.