All About Delimitation

Why in news?

The delimitation of constituencies for the Lok Sabha and State Legislative Assemblies is to be carried out on the basis of the first Census after 2026.

What is delimitation?

> *It is the act of redrawing boundaries of Lok Sabha and state Assembly seats to represent changes in population.*

- Delimitation means the process of fixing the number of seats and boundaries of territorial constituencies in each State for the Lok Sabha and Legislative assemblies.
- **Objective-** To provide equal representation to equal segments of a population.
- **Constitutional provisions**- ***Article 82 and 170*** of the Constitution provide that the number of seats in the Lok Sabha and State Legislative assemblies as well as its division into territorial constituencies shall be readjusted after each Census.
- **Delimitation Commission**- It is set up under an act of Parliament which performs the 'delimitation process'.Such an exercise was carried out after the 1951, 1961 and 1971 Census.
- **Exemption**- Several States such as Assam, Arunachal Pradesh, Nagaland and Manipur are left out from the exercise due to "security risks."

What is delimitation commission?

> *Article 81 of the Constitution defines the composition of the Lok Sabha and it mandates that the composition should represent changes in population.*

- **Delimitation exercise**- It is carried out by an independent Delimitation Commission, appointed by the Government of India under provisions of the Delimitation Commission Act.
- **Article 82**- It provides for Parliament to readjust, after completion of each census, seats allocated to the House of the People to the States and division of each State into territorial constituencies.
- **Appointment-** By the President of India.
- **Election Commission**- Delimitation Commission works in collaboration with the Election Commission of India.
- **Composition**-It is composed of
    - A retired Supreme Court judge,

    - Chief Election Commissioner of India and
    - Respective State Election Commissioners.
- **Independence**- Delimitation Commission is to work without any executive influence.
- **Bar on court**- The Constitution mandates that the Commission's orders are final and cannot be questioned before any court as it would hold up an election indefinitely.
- **Role**- It determines the number and boundaries of constituencies in a way that the population of all seats, so far as practicable, is the same.
- **Reserved seats**- The Commission is also tasked with identifying seats reserved for Scheduled Castes and Scheduled Tribes.
- **Public feedback**- The draft proposals are published for public opinions by holding public sittings, after hearing the public it considers objections and suggestions and carries out changes.
- **Final order**- It is published in the Gazette of India and the concerned State Gazette, it comes into force on a date specifies by the President.

Why is Delimitation pending since 1976?

- **1971 Census**- The seats are frozen as per the 1971 Census in order to encourage population control measures so that States with higher population growth do not end up having higher number of seats.
- **42nd Amendment Act, 1976**- It froze the number of Lok Sabha seats and put off delimitation for 25 years until the 2001 Census under Article 82.
- **84th Amendment Act, 2001-** It extended the deadline for delimitation to 2026, hence the population based on which the number of seats is allocated refers to the population as per 1971 Census.
- **Uniformity-** This was justified on the ground that a uniform population growth rate would be achieved throughout the country by 2026.
- **Readjustment**-The boundaries of territorial constituencies were readjusted (without changing the number of seats) and seats for SC and ST were determined as per the 2001 Census and will again be carried out after 2026.

The first Census after 2026 will be the Census in 2031, but due to delays in 2021 Census the central government is on the process to conduct delimitation exercise.

What are the issues?

- **Population explosion**- During the last five decades the population has been high in some States like Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan.
- **Population control measure**- States like Kerala, Tamil Nadu, Karnataka and Andhra Pradesh have shown positive population control measure.
- **Lack of representation**- Smaller northern States such as Punjab, Himachal Pradesh and Uttarakhand and north-eastern States may be at disadvantage compared to large northern States like Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan in terms of representation.
- **Concern of federal principles**- It contradicts the federal principles of the country,

which emphasizes equitable representation across regions.

- **Contradicts freezing seats philosophy**- The seats were frozen to stabilize population, States that have been more successful in controlling their population may lose out on their political significance due to this approach.

International practices
• **United States**- It follows an *equal proportion method*, it ensures that there is no significant gain or loss for any State during reapportionment. • The seats among States are redistributed after every census using the method of equal proportion. • **European Union Parliament**- It employs *degressive proportionality* to allocate seats based on population size. • The ratio of population to the number of seats increases as the population grows.

What lies ahead?

- **Fix Lok Sabha seats**- The role of Member of Parliament (MP) is to legislate on Union List like defence, railways etc., and hold the Central government accountable.
- Majority of the schemes of the Centre are implemented only by the State government, hence the number of MPs in Lok Sabha may be capped at the present 543 which would ensure no disruption in the present representation from various States. This will maintain and uphold the *federal principle*.
- **Balance democratic represenation**- The number of MLAs in each State may be increased in line with the current population without changing the number of Rajya Sabha seats to address the democratic representational requirement.
- **Empower local bodies**- It is the most important reform for strengthening democracy is to empower local bodies of panchayats and municipalities who engage with the citizens on a day-to-day basis.
- The devolution of power and finances to these bodies must be significantly increased to strengthen democracy at grass root levels.

Reference

The Hindu- Understanding the delimitation exercises

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