

# **JAMMU & KASHMIR DELIMITATION.**

Recently, the Election Commission of India held internal discussions on the delimitation of constituencies ahead of elections to the new Union Territory of Jammu and Kashmir

According to the Jammu and Kashmir Reorganisation Act, 2019, the number of seats in the Legislative Assembly of the UT of J&K would be increased from 107 to 114. In the new Assembly, 24 seats have been kept aside for areas under Pakistan Occupied Kashmir (PoK), which means elections will be conducted for 90 seats. The Act also specifies that delimitation will be based on the 2011 census till 2026.

## Delimitation in India

Articles 82 and 170 of the Constitution of India provides for readjustment (Delimitation) and the division of each State into territorial constituencies on the basis of the 2001 census by such authority and in such manner as Parliament may, by law, determine. Accordingly, the Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002 for this purpose. Further, Articles 330 and 332 of the Constitution of India provides for refixing the number of seats reserved for the Scheduled Castes and Scheduled Tribes in the House of the People and Legislative Assemblies of the States on the basis of the 2001 census.

## Need for Delimitation

The uneven growth of population in different constituencies in different parts of the country as well as within the same state. Also, continuous migration of people / electorate from one place to another especially from rural areas to urban areas have resulted in strikingly different sizes of electoral constituencies even within the same State.

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So, after every census, a readjustment is to be made in: Allocation of seats in the Lok Sabha to the states Division of each state into territorial constituencies. However, the 42nd Amendment Act of 1976 froze the allocation of seats in the Lok Sabha to the states and the division of each State into territorial constituencies till the year 2000 at the 1971 level. Further, by the 84th Amendment Act of 2001, this ban on readjustment was extended for another 25 years (i.e., upto year 2026), without affecting the total number of seats based on the 1971 census. The 84th Amendment Act of 2001 also empowered the government to undertake readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census. Later, the 87th Amendment Act of 2003 provided for the delimitation of constituencies on the basis of the 2001 census and not 1991 census. Delimitation of constituencies is carried out by the Simple Majority of Parliament. Also delimitation exercise cannot be questioned in any court.