

New Delimitation Exercise by Assam: 2001 Census Data used for Readjustment of Constituencies

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Paper - II
(Indian Polity)

The ECI's decision to merely reorient Parliamentary and Assembly constituencies without increasing their numbers was opposed by some political leaders and supported by the government.

Assam remerged four districts with the ones they were carved out of four days after the Election Commission of India (ECI) notified the initiation of the delimitation of the Assembly and Parliamentary constituencies in the State on December 27, 2022. Many welcomed the ECI decision but questioned the use of the 2001 Census figures for the readjustment of the constituencies and an alleged bid to make Muslims less politically relevant.

What Is Delimitation?

Delimitation is the process of redrawing boundaries of Lok Sabha and State Assembly constituencies based on a recent census to ensure each seat has an almost equal number of voters. It is ideally carried out every few years after a Census by an independent Delimitation Commission formed under the provisions of the Delimitation Commission Act.

Why was it Put on Hold in Assam?

Delimitation panels were set up thrice (1952, 1962, and 1972) regularly before the exercise was suspended in 1976 in view of the family planning programs in the States. The last Commission was set up in 2002 but before its exercise was completed in 2008, the delimitation of four northeastern States was deferred due to “security risks” through separate presidential orders.

Apart from law and order, various organizations in Assam, including the BJP, were opposed to delimitation in 2008 as they wanted it to be done only after the updating of the National Register of Citizens (NRC) to weed out “illegal immigrants”.

What do the parties have to say?

The Central government reconstituted the Delimitation Commission for the four northeastern States and the Union Territory of Jammu and Kashmir on March 6, 2020. The exercise was imminent but Section 8A of the Representation of People Act, 1950, cited by the ECI for initiating delimitation and the use of the 2001 Census data has raised hackles. Section 8A only allows reorientation and rules out any change in the total number of parliamentary and Assembly constituencies.

“What’s the point if Assembly seats are not increased?” asked Rajgor Dal MLA Akhil Gogoi. Airing a similar view, Congress leader Debabrata Saikia said basing the delimitation on the 2001 Census would be unjust, specifically after the ECI used the 2011 Census for completing the exercise in Jammu and Kashmir, where the number of constituencies increased.

All India United Democratic Front MLA Aminul Islam sniffed a political agenda behind using the 2001 Census as the 2021 Census could reveal a few reserved Assembly seats now have Muslims in a majority, necessitating their dereservation. Assam has 16 Assembly seats reserved for the Scheduled Tribes and eight for the Scheduled Castes.

What is the government’s take?

Assam Chief Minister Himanta Biswa Sarma said delimitation can provide the safeguards that the NRC and the Assam Accord of 1985 envisaged but failed. He said this in the context of a “demographic invasion” that the BJP and its regional allies think would eventually see Assam being taken over by Bengalispeaking or Bengalorigin Muslims.

Delimitation:

Delimitation refers to the determination of boundaries of constituencies for assembly and Lok Sabha elections in a state. In the process of delimitation, it is possible to change the number of seats allotted to any one state, but at the same time care is taken that the ratio between the number of Lok Sabha seats in any state and the population of that state remains the same for all the states.

Purpose of Delimitation:

The purpose of delimitation is to ensure equal representation for all citizens keeping in mind the changes in population over time. To make proper division of constituencies on the basis of population so that equal opportunity of representation can be provided to each class of citizens. To protect the interests of the Scheduled Castes, the reserved seats are also determined under the process of delimitation.

Delimitation Commission:

Delimitation Commission also known as Boundary Commission. After every census, a Delimitation Act is enacted by the Parliament of India under Article-82 of the Constitution. After the enactment of this Delimitation Act, the Delimitation Commission is appointed by the President, which works closely with the Election Commission.

Powers of Delimitation Commission:

The Delimitation Commission is an independent body, which carries out the work of delimitation in the country on the basis of the powers conferred under the Constitution of India. The orders of the Delimitation Commission come into force from such date as may be specified by the President. The orders of the commission are issued in the nature of law and cannot be challenged in any court. After the delimitation process is completed, copies of the orders of the Commission are placed before the Lok Sabha and the respective Vidhan Sabhas. However, the Lok Sabha or the Vidhansabha is not allowed to amend the orders of the Delimitation Commission.

The BJP and some NGOs believe the NRC draft list included too many “noncitizens” by leaving out “only” 19.06 lakh out of 3.3 crore applicants. The Chief Minister also asserted that political leaders do not worry about losing out if more seats are ‘reserved for SCs and STs after the delimitation’, indicating a rearrangement of seats from where Muslims have been a deciding factor. Three of the districts – Bajali, Biswanath, and Hojai – merged with their parent districts and have a sizeable Muslim population.

Composition of Delimitation Commission:

The Delimitation Commission is headed by a retired judge of the Supreme Court. Apart from this, the Chief Election Commissioner or any Election Commissioner nominated by the Chief Election Commissioner and the Election Commissioners of the respective states are included in the commission. As associate members, the Commission can appoint 10 members from each state for the implementation of the delimitation process, out of which 5 will be members of the Lok Sabha and 5 will be members of the Legislative Assembly of the respective state. Keep in mind that the associate members will be nominated by the Speaker of the Lok Sabha and the Speaker of the Legislative Assembly of the respective states.

Functions of Delimitation Commission:

1. Delimitation of parliamentary constituencies
2. Delimitation of assembly constituencies
3. Reservation of seats for scheduled castes and tribes

Delimitation in North Eastern States:

The boundaries of the constituencies were redrawn for the last time in the country in the year 2008 under the Delimitation Commission Act, 2002, but in the northeastern states of Assam, Arunachal Pradesh, Manipur and Nagaland, the delimitation was not done in the year 2008 due to the fear of unrest and deteriorating social harmony.

Delimitation Commission in India:

Since independence, four Delimitation Commissions have been constituted in the country-

1. The first Delimitation Commission was constituted in the year 1952 under the Delimitation Commission Act, 1952.
2. The second Delimitation Commission was constituted in the year 1963 under the 'Delimitation Commission Act, 1962'.
3. The third Delimitation Commission was constituted in the year 1973 under the 'Delimitation Commission Act, 1972'.
4. The fourth Delimitation Commission was constituted in the year 2002 under the 'Delimitation Commission Act, 2002'.

→ No delimitation was done after the 1981 and 1991 census. In fact, compared to the states which have implemented their population control efforts well, the states with majority of population could have benefited from the delimitation. Due to this, states with population majority would have got more representation in the parliament. To avoid these controversies, the constitution was amended and the delimitation was postponed till 2001. Later, by the 84th Constitutional Amendment in 2001, the delimitation was postponed till the year 2026. This was the reason that in the delimitation that was done in the year 2002, only the boundaries were changed and no change was made in the numbers except reserved seats.

Expected Question

Que. Consider the following statements -

1. The Orders of the Delimitation Commission cannot be challenged in any court.
2. Lok Sabha or Vidhan Sabha is not allowed to make any kind of amendment in the orders of the Delimitation Commission.

Which of the statements given above is/are correct?

- (a) only 1 (b) only 2
(c) Both 1 and 2 (d) Neither 1 nor 2

Answer : C

Mains Expected Question & Format

Que.: What do you understand by Delimitation? Throw light on the power, structure, and works done so far by the Delimitation Commission.

Answer Format :

- ❖ Explain the delimitation.
- ❖ State the power, composition of the Delimitation Commission and the works done by the commission so far.
- ❖ Give a balanced conclusion.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.