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Delimitation in North-east Illegal: Former EC Expert

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Why 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.

Key Points

- **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**.

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.

Source: IE