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Delimitation in Jammu and Kashmir

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Why in News

Recently, the delimitation exercise has started in Jammu and Kashmir (J&K).

The completion of the delimitation exercise will **mark the political process in the Union Territory (UT)** that has been **under Centre's rule since June 2018**.

MAP OF UT OF JAMMU & KASHMIR AND UT OF LADAKH



Key Points

- **Delimitation:**

- Delimitation is the **act of fixing or redrawing the limits or boundaries of territorial constituencies** (Assembly or Lok Sabha seat) in a country or a province having a legislative body, as per the **Election Commission**.
- The delimitation exercise is **carried out by an independent high-powered panel known as the Delimitation Commission** whose orders have the force of law and cannot be questioned by any court.
- The exercise has been carried out over the years **to redefine the area of a constituency-based on its population size (based on the last Census)**.
- Aside from changing the limits of a constituency, the process **may result in change in the number of seats in a state**.
- This exercise also **involves reservation of Assembly seats for Scheduled Castes (SCs) and Scheduled Tribes (STs)** in accordance with the Constitution.

- **Aim:**

The key aim is **to have equal representation to equal segments of the population** in order to ensure a fair division of geographical areas so that all political parties or candidates contesting elections have a level playing field in terms of a number of voters.

- **Constitutional Basis for Delimitation:**

- Under **Article 82**, the Parliament enacts a **Delimitation Act** after every Census.
 - Under **Article 170**, States also get divided **into territorial constituencies** as per Delimitation Act after every Census.
 - Once the **Act is in force**, the Union government sets up a **Delimitation Commission**.
 - However, the **first delimitation exercise was carried out by the President (with the help of the Election Commission) in 1950-51**.
- The **Delimitation Commission Act** was enacted in 1952.
- Delimitation Commissions **have been set up four times** — 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002.

There was **no delimitation after the 1981 and 1991 Censuses**.

- **Delimitation Commission:**

- The Delimitation Commission is **appointed by the President of India** and works **in collaboration with the Election Commission of India**.
- **Composition:**
 - Retired Supreme Court judge
 - Chief Election Commissioner
 - Respective State Election Commissioners.

- **Delimitation in Jammu and Kashmir:**
 - The delimitation exercise in J&K in the past **has been slightly different** from those in the rest of the country because of the **region's special status**.
 - The **delimitation of Lok Sabha seats** was then governed by the **Indian Constitution** in J&K, but the **delimitation of Assembly seats** was governed separately by the **Jammu and Kashmir Constitution and Jammu and Kashmir Representation of the People Act, 1957**.
 - However, Jammu and Kashmir lost its special status and was **divided into two Union Territories (J&K and Ladakh)** after the **abrogation of its special status under Article 370, on 5th August, 2019**.
 - Following this, a **special delimitation commission** was constituted on **6th March, 2020** to carve out Assembly and Parliament seats in the UT.
- **Issues with Delimitation:**
 - **States that take little interest in population control could end up with a greater number of seats** in Parliament. The southern states that promoted family planning faced the possibility of having their seats reduced.
 - In 2002-08, Delimitation was done based on the 2001 census, but the total number of seats in the Assemblies and Parliament decided as per the 1971 Census was not changed.
 - The Constitution has also **capped the number of Lok Shaba & Rajya Sabha seats to a maximum of 550 & 250 respectively** and increasing populations are being represented by a single representative.

Source: IE