



## J&K Delimitation

**For Prelims:** Delimitation Commission and Related Constitutional Provisions, Lok Sabha, Legislative Assembly, Supreme Court, Article 370

**For Mains:** Indian Constitution, Elections, Statutory Bodies, Delimitation Process, Delimitation of J&K and Related Issues

### Why in News?

Recently, a commission set up by the Centre Government **submitted its final report for the delimitation of Assembly and parliamentary constituencies** in Jammu and Kashmir.

### Why was the Commission Set Up?

- Delimitation became necessary when the **Jammu and Kashmir Reorganization Act, 2019** increased the number of seats in the Assembly.
- The erstwhile **J&K state had 111 seats — 46 in Kashmir, 37 in Jammu, and 4 in Ladakh — plus 24 seats reserved for Pakistan-occupied Kashmir (PoK).**
- In the erstwhile state, delimitation of parliamentary constituencies was governed by the Constitution of India and that of Assembly seats was carried out by the then state government under the **Jammu and Kashmir Representation of the People Act, 1957.**
- After abrogation of J&K's special status in 2019, the delimitation of both Assembly and parliamentary seats is governed by the Constitution.
- The Delimitation **Commission was set up on 6<sup>th</sup> March 2020.**
- It was headed by retired [Supreme Court Justice Ranjana Prakash Desai](#), it has the **Chief Election Commissioner and J&K's Chief Electoral Officer** as members, and **J&K's five MPs as associate members.**

### What Changes Have Been Made?

- **Legislative Assembly:** The Commission has increased **seven Assembly seats — six in Jammu (now 43 seats) and one in Kashmir (now 47).**
  - It has also made massive changes in the structure of the existing Assembly seats.
- **Lok Sabha:** There are **five Parliamentary Constituencies** in the region. The Delimitation Commission has seen the Jammu & Kashmir region as one single Union Territory.
  - The Commission has **redrawn the boundaries of Anantnag and Jammu seats.**
  - **Jammu's Pir Panjal region, comprising Poonch and Rajouri districts** and formerly part of Jammu parliamentary seat, has now been added to Anantnag seat in Kashmir.
  - Also, a **Shia-dominated region of Srinagar** parliamentary constituency has been transferred to Baramulla constituency.
- **Kashmiri Pandits:** The Commission has recommended **provision of at least two members from the community of Kashmiri Migrants (Kashmiri Hindus)** in the Legislative Assembly.
  - It has also recommended that Centre should consider giving representation in the J&K Legislative Assembly to the displaced persons from Pakistan-occupied Kashmir, who

migrated to Jammu after Partition.

- **Scheduled Tribes:** Total nine seats reserved for [Scheduled Tribes](#) for the first time.

## Why has Exercise been Controversial?

- Constituency boundaries are **being redrawn only in J&K when delimitation for the rest of the country has been frozen until 2026.**
- The last delimitation exercise in **J&K was carried out in 1995.**
- In 2002, the then J&K government **amended the J&K Representation of the People Act to freeze the delimitation exercise until 2026**, as in the rest of the country.
- This was challenged in the J&K High Court and then the **Supreme Court, both of which upheld the freeze.**
- Also, while **delimitation as a rule is carried out on the basis of Census population**, the Commission said it would take certain other factors into consideration for J&K, including size, remoteness and closeness to the border.

## What do the Changes in Assembly Seats Mean?

- While the **basis for delimitation is the 2011 Census**, the changes mean that **44% of the population (Jammu) will vote in 48% of the seats**, while the **56% living in Kashmir will vote in the remaining 52% of the seats.**

## What is 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 a change in the number of seats in a state.**
- This exercise also involves reservation of Assembly seats for **SC & ST** in accordance with the Constitution.
- 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.

## What is the 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.
  - The delimitation commission is an **independent body constituted under Article 82** after the Parliament enacted a Delimitation Act after every census.
- 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 **had 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.**

## Who is Included in a 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.

### **UPSC Civil Services Examination Previous Year Questions (PYQs)**

**Q. With reference to the Delimitation Commission consider the following statements: (2012)**

1. The orders of the Delimitation Commission cannot be challenged in a Court of Law.
2. When the orders of the Delimitation Commission are laid before the Lok Sabha or State Legislative Assembly, they cannot effect any modification in the orders.

**Which of the statements given above is/are correct?**

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

**Ans: (c)**

**[Source: IE](#)**

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