



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 6th 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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