



Interim Report of J&K Delimitation Commission

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, in its interim report, the **Jammu and Kashmir (J&K) Delimitation Commission** has proposed significant changes to the electoral map of J&K.

- The delimitation exercise had [started in June 2021 in the state.](#)

What was the Previous Distribution of J&K Constituencies?

- The erstwhile J&K State had an **87-member assembly, with 37 constituencies in the Jammu region and 46 in the Kashmir division and four in Ladakh**. Besides, 24 seats are reserved and vacant for Pakistan occupied Kashmir (PoK).
- J&K **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.

What are the Major Recommendations of J&K Delimitation Commission?

▪ About:

◦ Increased Assembly Strength:

- The Commission has, as per the mandate granted under the **J&K Reorganisation Act, 2019, added seven assembly constituencies to J&K**, increasing its strength from 87 to 90.
- The interim report **proposes an increase of six seats for the Jammu province, taking the number of constituencies to 43, and an increase of one seat in the Kashmir province, taking the seat strength to 47**, almost bringing the two regions at par with each other.
- The Commission has **suggested redrawing of boundaries of most of the Assembly segments in J&K**. It has named and reconfigured 28 new constituencies and deleted 19 assembly segments.

◦ Reservation in Assemblies:

- The Commission has proposed to **reserve seven seats for [Scheduled Castes](#) (SCs) Hindus** that mainly populate the Samba-Kathua-Jammu-Udhampur belt and **nine seats for [Scheduled Tribes](#) (STs)** which will help Gujjar and **[Bakerwals](#)**, mostly non-Kashmiri speaking Muslims inhabiting the Rajouri-Poonch belt in the Jammu province.

◦ Increased Lok Sabha Seats:

- The Commission has **proposed reframing of Lok Sabha constituencies**, with J&K having five parliamentary constituencies, which included three seats from Kashmir and two from Jammu.
- It has **proposed a Lok Sabha seat**, disjointed geographically, by **merging three districts of south Kashmir and two districts of Rajouri and Poonch** in the Pir Panjal valley. It will be named Anantnag-Rajouri seat.

▪ Criticism:

◦ Kashmir has Larger Population:

- This seat sharing was criticised on the grounds that the **Kashmir province has more population at 68.88 lakhs against 53.50 lakhs in the Jammu province**.
- However, the **commission argued that it has taken into account the topography**, means of communication and convenience available and not just the population size.

◦ Reorganisation Unconstitutional:

- It has been claimed that the **J&K Reorganisation Act, 2019 was “palpably unconstitutional” and it has already been challenged in the Supreme Court**.

◦ Arbitrary Process:

- Critics have also **questioned the formula applied in case of J&K by the commission and** termed the Commission’s report an arbitrary overhaul, with no regard for even the terrain, let alone the population that tends to be a basic parameter for redrawing the boundaries of assembly and parliamentary segments.

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 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.

Why is Delimitation Needed?

- The **uneven growth of population in different constituencies** in different parts of the country as well as within the same state.
- Also, **continuous migration of people** / electorate from one place to another especially from rural areas to urban areas have resulted in strikingly different sizes of electoral constituencies even within the same State.

What are the 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: TH](#)

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