

# Delimitation of Kashmir

August 22, 2019

**Source:** *The Hindu*

## **Manifest pedagogy:**

Topics like delimitation , Model code of Conduct, PIL are very tangential as they are not usually covered in standard books. When such topics are in news they need to be thoroughly prepared. Hence the below article has been written!

**In news:** Delimitation of J&K to be carried out soon.

## **Static dimensions:**

- What is delimitation?
- Delimitation Commission : Brief history composition, functions and powers

**Current dimensions:** Kashmir Delimitation

**Content:** The Election Commission of India recently held an internal meeting on addressing the reorganization of Jammu and Kashmir into two Union territories—Jammu and Kashmir, and Ladakh and also discussed the pending delimitation exercise.

## **Delimitation:**

- Delimitation stands for defining of the boundaries of assembly or parliamentary constituencies in a country governed by a legislative set up.
- The process of delimitation actually redraws the size and scope of the constituencies and also decides the number of seats that have to be reserved for the Scheduled castes.
- Delimitation process is repeated in regular intervals to ensure that the different constituencies have a similar number of votes.

- Under **Article 82** of the Indian Constitution, the Parliament by law enacts a Delimitation Act after every census.
- So far, 4 delimitation acts were passed in 1952, 1962, 1972, and 2002.
- After the Act coming into force, the Central Government constitutes a Delimitation Commission.

#### Delimitation Commission of India:

- The Delimitation commission or Boundary commission of India is a commission established by the Government of India under the provisions of the Delimitation Commission Act.
- The main task of the commission is **redrawing the boundaries of the various assembly and Lok Sabha constituencies** based on a recent census.
- The representation from each State is not changed during this exercise.
- The **number of SC and ST seats in a state are changed** in accordance with the census.
- The Commission is a powerful and **independent body whose orders cannot be challenged in any court of law.**
- The orders are laid before the Lok Sabha and the respective State Legislative Assemblies but modifications are not permitted.
- When the constitution came into existence, it had fixed the number of Seats to Lok Sabha as not more than 500.
- For the First General Elections for the Lok Sabha as well as legislative Assemblies for 1951-52, the Election Commission had divided the entire country into viable territorial divisions of parliamentary / assembly Constituencies.
- However, after that this task was given to the Independent Delimitation Commission.
- Delimitation commissions have been set up four times in the past – 1952, 1963, 1973 and 2002.

- The present delimitation of constituencies has been done on the basis of the **2001 census figures** under the provisions of **Delimitation Act, 2002**.
- The Constitution of India was specifically amended in 2002 not to have delimitation of constituencies till the first census after 2026.

(When delimitation was done according to the population, the states which achieved population control found their number of seats reduce while the states reporting higher populations were benefited by more constituencies. Therefore only after 2026, changing the number of seats in the parliament can be considered)

- Thus, the present Constituencies carved out on the basis of the 2001 census shall continue to be in operation till the first census after 2026.
- **Population is the basis of allocation of seats of the Lok Sabha.**
- As far as possible, every State gets representation in the Lok Sabha in proportion to its population as per census figures.
- The purpose is the rationalization of the structure and composition of the electoral constituencies, on the principle of “ **One vote one value**”.
- The assembly election in Karnataka, conducted in three phases in May 2008, was the first to use the new boundaries as drawn by the 2002 delimitation commission.

### **Delimitation in Jammu and Kashmir:**

#### **History:**

Following the accession of Kashmir into India, Sheikh Abdulla's government allotted 30 seats for the Jammu region, 43 seats for the Kashmir region and two seats for the Ladakh region. After this move, the regional disparity continued to exist with Jammu having 37 seats, Kashmir having 46 seats and

Ladakh having 4 seats.

Between 2005 and 2008, the Gulam Nabi Azad's government recommended a 25% increase in the number of seats in all three geographies. Though this process would have increased an additional of 22 constituencies in the assembly, the PDP – Congress alliance could not achieve this since it lacked majority in the assembly.

In 2002, Farooq Abdullah government amended the constitution of Jammu and Kashmir leading to the freezing of delimitation till 2026.



#### Major changes that will happen due to delimitation in J&K:

- The Act provides for an elected legislative assembly and council of ministers headed by the chief minister for the UT of J&K.
- As per the provisions, the total number of assembly segments will be increased by seven seats to 114, from the existing 107 seats.
- These 114 seats include 24 seats reserved for representatives from Pakistan-occupied Kashmir (PoK).
- The council of ministers will be trimmed to 10% of the total strength of the legislature.
- At present, the total strength of the assembly of the J&K UT is 83 ( Jammu -37 , Kashmir – 46) after the deletion of the four assembly constituencies of Ladakh.
- The delimitation of these 83 segments will now be decided by the Election Commission through the constitution of a delimitation commission.
- STs are likely to get a new assembly seat (( Gujjars, Bakarwals and Gaddi were given Scheduled Tribe status in 1991 and form 11 per cent of the state's population but still have no political reservation), SCs already have a reservation in the assembly).

- The **assembly term will be six years** instead of five.
- While the UT of J&K will continue to have five MPs in the Lok Sabha, the UT of Ladakh will have one MP. Similarly, the UT of J&K will have four MPs in the Rajya Sabha.
- The incumbent governor of J&K, Satya Pal Malik, will be the LG for both union territories for the period determined by the president.
- With the reorganisation of the state, the **J&K Legislative Council**, also known as Upper House or House of Elders, has been **abolished**. The House comprised 34 members. (( So now, only 6 states are having legislative council – Karnataka, Maharashtra, Andhra Pradesh, Telangana, Bihar and UP)).
- The J&K high court shall be common for both UTs. The judges of the existing court shall become judges of the common high court.
- There will be a separate advocate general for the J&K UT.
- The Public Service Commission (PSC) for the existing state of J&K will continue to be the recruiting agency for the gazetted services of the J&K UT, while the UT of Ladakh shall come under the ambit of the Union Public Service Commission.
- The UT of J&K will be under the Centre's direct rule. At least 106 new Central laws have become applicable to the UT.
- Under the reorganisation Act, seven laws related to owning land and property in the UT of J&K have been amended to omit different provisions.
- At Least 153 state laws have been repealed under the reorganisation Act, along with 11 under the Governor's Act. However, 166 state laws shall remain in force in the two UTs.