



KAMARAJ IAS ACADEMY
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Delimitation

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Why is in news? ECI publishes draft delimitation proposal for Assam; Suggestions & Objections invited till July 11, 2023

The Election Commission of India published the draft proposal for delimitation of Assembly & Parliamentary Constituencies for Assam as provided for in **Section 8-A of the Representation of the People Act, 1950**.

Procedure for the delimitation process has been followed as laid down in the relevant laws viz. **Section 8 A of the R. P. Act, 1950 read with Section 9 (1) (c) and (d) of the Delimitation Act, 2002** (33 of 2002), **Article 82, 170, 330 and 332** of the Constitution of India.

The **last delimitation exercise in Assam was carried out in 1976**.

All Assembly and Parliamentary Constituencies in the State are to be delimited on the **basis of the 2001 Census** as provided in Article 170 and Article 82 of the Constitution

The census figures of 2001, as published by the Census Commissioner have thus alone been considered for this purpose.

Delimitation:

Delimitation of constituencies refers to **dividing a geographical area into separate constituencies** to conduct elections and ensure fair and equal representation of all voters.

Articles 82 and 170 of the Indian Constitution deal with the **delimitation of parliamentary and assembly constituencies, respectively**. Both articles provide for the formation of a Delimitation Commission **after every census to determine the allocation of seats in parliament and state legislatures**. These articles aim to ensure fair and equal representation of the people in the electoral process.

Procedure for the delimitation process in India as per Delimitation Commission Act 2002:

According to Articles 82 and 170 of the Constitution, a **Delimitation Commission that the President of India appointed performs delimitation**.

The Chief Election Commissioner, the appropriate State Election Commissioner, and a retired Supreme Court judge make up the Delimitation Commission.

The Commission defines constituency borders by taking into account a number of variables, including population, geography, topography, etc.

In the official gazette, the Commission publishes a draft plan for the delineation of constituencies and requests public comments and ideas.

The Commission drafts a final proposal and submits it for publication in the official gazette after considering the objections and suggestions.

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After receiving the President's approval and being published in the official gazette, the final proposal is then made into law.

According to **Article 3 of the Indian Constitution**, the delimitation process can also be started if a State Reorganisation Commission approves it.

In the history of the Indian republic, **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, 1991 and 2001 Censuses**.

The process of delimitation in India is significant as it **ensures fair representation of people** in the electoral process, prevents malapportionment of constituencies, and promotes democracy. It helps ensure every citizen have a voice in governance.

However, **there is a need to change the process of delimitation -**

Due to a **lack of transparency and the possibility of political party influence**, the existing delimitation process has the potential to result in gerrymandering and the malapportionment of constituencies.

Contrary to Article 3 of the Indian Constitution, **local elements like cultural or linguistic identities are not taken into account** during the delimitation process.

The procedure typically delays elections, which takes a long time and makes things unstable.

Minorities and women who are disadvantaged in society are not appropriately represented in the current delimitation procedure as also highlighted by the Sachar Committee report).

The **current delimitation procedure may provide some political parties an undue advantage**, resulting in a less representative government and violating the Delimitation Commission Act of 2002.

For the Indian democracy to work well (as it relates to Article 326 of the Indian Constitution), a more fair and democratic delimitation process is required.

However, the **process should not be changed** because of certain factors -

The current process of delimitation is enshrined in the Indian Constitution as per Article 82 and Article 170.

It is carried out by an independent commission, ensuring a fair process.

The current process ensures that every citizen has a voice in governance as Article 326 envisaged.

It is based on demographic data, ensuring an accurate representation of the population.

It is essential to ensure equal representation in the electoral process as Articles 82 and 170 envisaged.

According to the Delimitation Commission Act of 2002, the procedure is constantly reviewed to make sure it is impartial and fair.