

**Changing Face of Electoral India:
Delimitation 2008**

VOLUME - I

Delimitation Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi-110001



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PREFACE

The periodic readjustment of the Lok Sabha and Assembly constituencies is mandatory in a representative system where single-member constituencies are used for electing political representatives. The electoral boundaries are drawn on the basis of the last published census figures and are relatively equal in population. Equally populous constituencies allow voters to have an equally weighted vote in the Legislature. Electoral constituencies that vary greatly in population – a condition called “malapportionment” – violate a central tenet of democracy, namely, that all voters should be able to cast a vote of equal weight. Delimitation and Elections are the two basic pillars of a parliamentary democracy.

The first Delimitation Commission in India was constituted in 1952, the second in 1962 and the third in the year 1973. The third delimitation exercise – based on 1971 census – was completed in the year 1975. The present delimitation, based on 2001 census, has been undertaken after 30 years. The population has increased by almost 87% and the nature of constituencies in the country, by and large, had become malapportioned. The first three Commissions, having met after every ten years, had comparatively easier task before them. They also had the power to increase the total number of Lok Sabha and Assembly constituencies in the country. The Parliament by the Constitution (Eighty-Fourth) Amendment Act, 2001 froze the total number of seats in the Lok Sabha and Assemblies with the result that the present Commission could not increase the total seats in the Lok Sabha or Assemblies. The delimitation exercise relating to 543 Lok Sabha and 4120 Assembly Constituencies in India has been a gigantic task. The work of the Commission as compared to the earlier three Commissions has been more difficult, extremely sensitive and time consuming. Nevertheless, the Commission commenced its work on the basis of 2001 census in July 2004 and completed the exercise by the end of

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2007. It is a matter of pride that by any standards the time taken by the Commission is the bare minimum and the shortest.

Although the rules for delimitation vary markedly across countries, tasks involved in drawing boundaries are generally similar. In India, the drawing of boundaries, generally, entails: (a) allocating seats to the states and districts within a state; (b) creating a database composed of maps, population figures and the details showing geographic/natural/administrative conditions of the area concerned; (c) associating the statutory representatives from the Lok Sabha and State Assemblies; (d) distributing the states and districts into geographic units called the constituencies; (e) having an extensive exercise for public input into delimitation process; (f) summarizing and evaluating the constituencies; and (g) passing and publishing the Final Order. The procedure for delimiting the constituencies in India has been clearly spelled out in the Delimitation Act, 2002. Legal framework provides for an independent and impartial Delimitation Commission. The Final Orders of the Commission are not subject to modification or veto by the Government.

The Delimitation Commission functioned in a transparent manner. The methodology and guidelines were clearly established and published in advance. The public sittings were elaborate and transparent. The Commission held 130 public sittings in 24 States in India. Approximately 7200 persons addressed the Commission and gave their suggestions and objections. About 1,22,000 people attended the public sittings in various cities. While framing the constituencies, the Commission – as far as practicable – kept in view the communities of interest such as those sharing a common tribe, race or ethnic background and also those defined geographically or by physical features like mountains, forests, rivers etc. The Commission drew the boundaries of the constituencies reserved for Scheduled Castes and Scheduled Tribes strictly in accordance with the constitutional and statutory provisions. Some of the Scheduled Caste constituencies are continuing to be reserved for the last more than two/three decades. There has been a public demand that the principle of rotation be adopted for reservation of Scheduled Caste constituencies. This was not permissible under the Delimitation Act, 2002. The Commission, however, is of the view that there is considerable merit in this demand and we recommend that the Government may consider incorporating suitable provision in law to provide for rotation in the reservation of Scheduled Caste constituencies.

In a few states – including Tamil Nadu - there was demand that the delimitation of constituencies be done by adopting Panchayat as a basic administrative unit and not the revenue village. The contention was that all the three tiers of democracy, namely, Lok Sabha, Assemblies and Panchayats/Local Bodies should have a common electoral roll. There is obvious merit in the contention but in view of the non-availability of panchayat level data and the corresponding maps, it was not possible for the Commission to adopt panchayat as the basic administrative unit for framing the constituencies in all the States. Articles 81, 82 and 170 of the Constitution and the Delimitation Act, 2002 specifically provide that the delimitation exercise is to be done on the basis of published figures of 2001 census. It may be mentioned that on a demand by the Associate Members from Tamil Nadu the Commission requested the Registrar General of India and Census Commissioner to have the panchayat-wise census done in Tamil Nadu within a reasonable time frame but it could not be done. Unless the authentic panchayat-wise census figures were available, the Commission could not do panchayat-wise delimitation. However, in Kerala, Orissa, Bihar, Jharkhand and West Bengal where authentic panchayat-wise census figures were available, the Commission drew the boundaries of the constituencies by adopting the panchayat as the basic unit. We recommend to the Government of India to have the next general census in 2011 conducted panchayat-wise, so that, the delimitation exercise, thereafter, in all the states in India is held on the basis of Panchayat boundaries.

The Delimitation Commission has successfully conducted a mammoth exercise with the cooperation of the Election Commission, specially the Chief Electoral Officers of the respective States and the Registrar General of India and Census Commissioner. In the Delimitation Commission, the team, headed by Dr. Mrutunjay Sarangi, IAS, OSD-cum-Deputy Election Commissioner (Delimitation) and consisting of Shri S.K. Mendiratta, Legal Advisor; Shri Shangara Ram, Secretary; Shri N.K. Goel, Sr. PPS and the staff deputed by the Election Commission of India has worked untiringly and with utmost devotion. Members of the public – except on a few occasions - displayed an amazing degree of maturity, sagacity and patience in putting forth their suggestions to the Commission. In fact, on many issues and on many occasions, the Commission revised its proposals on public demand. I feel that the democratic pulse of the people in India ticks strong and steady, going by the enormous interest shown by public at large in the delimitation process.

On this momentous occasion, I feel truly humble for having got the privilege to lead a timely and meaningful exercise. I suggest that delimitation should be carried out after every census so that changes are not too extensive and the value of every elector's vote remains more or less steady. I take this opportunity to thank Shri B.B. Tandon, former Chief Election Commissioner and Shri N. Gopaldaswami, Chief Election Commissioner of India, who have been *ex-officio* Members of the Commission and but for whom I would not have been able to shoulder this responsibility. I extend my thanks to the Election Commissioners, the State Election Commissioners, the Registrar General of India and Census Commissioner, Chief Electoral Officers, leaders of political parties, public representatives, Associate Members and members of the public at large for their enormous contribution during the course of the Commission's meetings. The Commission's doors were always open for them and their suggestions and objections have always been of great assistance to the Commission for completing this exercise. This book is dedicated to them and the faceless millions who constitute India's electorate.



(KULDIP SINGH)
CHAIRMAN

Dated: April 17, 2008

N. GOPALASWAMI
Chief Election Commissioner of India



भारत निर्वाचन आयोग
Election Commission of India

FOREWORD

The periodic readjustment of the boundaries of the Assembly and Parliamentary Constituencies throughout the country is mandated by law and is an important exercise in a representative democracy. I had the privilege of being associated with this exercise which was carried out after 30 years on the basis of the 2001 census figures. I was a Member of the Delimitation Commission since 16 May, 2005 until the work was completed in early 2008.

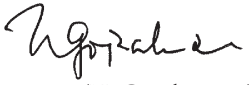
The Commission carried its task diligently and impartially. It obtained valuable inputs from all the Associate Members and guidance from the respective State Election Commissioners. However, it is necessary to record here that coming as it did, 30 years after last such exercise, the considerable demographic changes that had occurred in the country during the last three decades meant that the delimitation exercise, in many states, led to radical changes in the boundaries of many constituencies. It also meant, in view of the fast-paced urbanization that the country has witnessed, increase in the seats in urban areas. In some states, these extensive changes led to some amount of heart-burning and, in a few, it even resulted in demonstrations against the Commission and disruption of its proceedings. In light of this experience it is suggested, as the Hon'ble Chairman has observed in his Preface, that this exercise should be carried out after every census with or without changing the number of seats as the Parliament may deem fit. Such a periodic exercise will have the advantage of preventing distortions which arise on account of demographic changes over as long a period as three decades. In fact, one of the criticisms laid at the door of the Delimitation Commission was that it had failed to take into consideration the changes that had occurred in the population of many fast-urbanizing areas so much so distortions had already occurred even as the Commission completed its task a good seven years after the census. I, therefore, recommend that delimitation exercise should be done periodically every ten years so as to keep pace with the demographic changes in a fast-urbanizing country like ours.

It was heartening to note that the many public sittings held all across the country by the Commission were well attended. It was a particularly happy experience to see representations from institutions and individuals who were not connected with any political party or sitting or ex-MPs or MLAs. Though such representations were small in number, it was a good augury giving indication of the concern and interest of the general public on the question of delimitation of constituencies.

The Commission was ably led by Justice Kuldip Singh (Retd.) who with his vast and in-depth knowledge of law and an eye for detail and enormous patience had set the tone for public sittings where every representationist was allowed time to have his/her say and every representation was considered and decided on merit. I sincerely thank Justice Kuldip Singh (Retd.) largely because of whom the Commission's work was acknowledged as being impartial.

It is for the first time that a written record of the Commission's work is being published and I am sure it will prove to be useful as reference material to the Election Commission, the future Delimitation Commissions, to political parties and other interested citizens.

New Delhi
Dated : 21st April, 2008


(N. Gopalswami)
Chief Election Commissioner

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INTRODUCTION

The word “Delimitation” literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a province having a legislative body. The job of delimitation is assigned to a high power body. Such a body is known as Delimitation Commission or a Boundary Commission. In India, such Delimitation Commissions have been constituted four times – in 1952 under the Delimitation Commission Act, 1952, in 1963 under the Delimitation Commission Act, 1962, in 1973 under the Delimitation Act, 1972 and in 2002 under the Delimitation Act, 2002. The Delimitation Commission in India is a statutory body whose orders have the force of law and cannot be called in question before any court. As per Constitutional provisions, these orders come into force on a date specified by the President of India. The copies of the Commission’s orders are laid for information before the House of the People and the State Legislative Assembly concerned.

The main purpose of undertaking the delimitation exercise is to rationalize the structure and composition of the electoral constituencies. Since the current delimitation process was put into operation after a gap of around thirty years, the Commission’s objective was to remove the gross inequalities in the population size of the Constituencies, on the principle of “One vote and one value”. Between 1971 Census and 2001 Census, the population of India had increased by more than eighty-seven per cent. Migration to urban or industrialized areas also made such increase skewed in direction and intensity. For example, in the national capital itself, the Outer Delhi Parliamentary Constituency had grown to a staggering 3.1 million people, whereas the neighbouring Chandni Chowk Parliamentary Constituency had only 0.35 million population. The need of the hour, therefore, was to bring the population of the various Constituencies to a uniform size as far as practicable. Moreover, the population of the Scheduled Castes and the Scheduled Tribes has also undergone changes in various dimensions in the past three decades. In some states, their proportion to the total population has changed and in many cases their population has shifted to other areas in search of work or due to other demographic pressure. The new delimitation exercise is aimed at addressing these important concerns and providing appropriate solutions. It is pertinent to note that although the Parliament has frozen the total number of seats in the Legislative Assemblies and the Lok Sabha through the Constitution (84th Amendment) Act, 2001, and the Constitution (87th Amendment) Act, 2003, the number of seats reserved for the Scheduled Castes and Scheduled Tribes have not been frozen. Nor, have the Parliament, in their wisdom, opted for rotation of reserved constituencies in the state legislatures as well as in the Lok Sabha.

The present Delimitation Commission was constituted by the Government of India under Section 3 of the Delimitation Act, 2002, enacted by the Parliament and Notified on 12th July, 2002. The Commission was headed by Justice Kuldip Singh, a retired judge of the Supreme Court. The Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner was an ex-officio member and the State Election Commissioner of the concerned State or Union Territory appointed under clause (1) of Article 243 K or under clause (1) of Article 243 L of the Constitution, as the case may be, was the other ex-officio member of the Commission. The Chairman of the Delimitation Commission took charge on 16th July, 2002 and as such the Commission started functioning from that date with its Headquarters at Nirvachan Sadan, Ashoka Road, New Delhi. In addition to the above three members, five MPs and five MLAs from each State were nominated as Associate Members of the Commission. These Associate Members were nominated by the Speaker of the Lok Sabha in respect of the Members of Parliament and by the speakers of respective Legislative Assemblies in the case of MLAs. Where the number of MPs in a State was less than five, all the MPs were nominated as Commission's Associate Members. The Associate Members did not have the right to vote or to sign any orders of the Commission.

The Commission was assisted by a Secretariat, headed by a Deputy Election Commissioner (Delimitation), who is a senior civil servant from the IAS, in the rank of Joint Secretary to the Government of India. In terms of sub-section (6) of Section 6 of the Delimitation Act, 2002, one of the Secretaries of the Election Commission of India was notified as ex-officio Secretary of the Delimitation Commission. Four Under Secretaries and supporting staff numbering around twenty were drawn from the Election Commission of India. With a view to augment the GIS section of the Delimitation Commission, assistance was provided by the Registrar General of India and Census Commissioner from time to time.

The Delimitation Commission, set up under the Delimitation Act, 2002, was entrusted with the task of readjusting all parliamentary and assembly constituencies in the country. The Commission's role under the Constitution and the Delimitation Act, 2002 was to readjust the parliamentary and assembly constituencies in all the states of India, (except the state of Jammu and Kashmir) on the basis of population ascertained in the 2001 Census. Such re-delimitation of parliamentary and assembly constituencies has been done by the Commission having regard, inter alia, to the provisions of Articles 81, 170, 330 and 332 of the Constitution. Section 9(1) of that Act provides that all parliamentary and assembly constituencies to be re-delimited shall be single member territorial constituencies and under clause (a) of that sub-section, all constituencies shall be, as far as practicable, geographically compact areas, and in delimiting

them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and convenience of the public.

The Parliament initially provided for the delimitation exercise to be conducted on the basis of the 1991 census. Subsequently, it amended the Constitution of India (Eighty-seventh Amendment dated 22nd June, 2003), which provided that the delimitation work shall be done by the Commission on the basis of the 2001 census and not on 1991 census figures. As a consequence, the work done by the Commission on the basis of 1991 census became non-est by the operation of law. The Commission had started its preliminary work in July 2003 itself on the basis of provisional 2001 census figures since the final figures were not available by then. The 2001 census figures for most of the States were published by the Registrar General of India on December 31, 2003. Thereafter the Commission took up the work of collecting data and tabulating the same. While the process was going on, the Lok Sabha was dissolved and fresh elections were declared in early 2004. As a consequence, the Associate Members from the earlier Lok Sabha ceased to be the Associate Members of the Delimitation Commission of India by operation of law. After the constitution of the Fourteenth Lok Sabha, the Commission requested the Hon'ble Speaker to nominate Associate Members to the Delimitation Commission from each State. On receipt of the nominations on the 21st July, 2004, the Commission recommenced the delimitation work.

During the period 2002-04, Working Papers had been prepared for the states of Tripura, Mizoram, Sikkim, Madhya Pradesh, Meghalaya, Andhra Pradesh, Karnataka, NCT of Delhi, Pondicherry, Goa, Chhattisgarh, Arunachal Pradesh, Kerala, Rajasthan, Himachal Pradesh, Haryana and Nagaland. The draft delimitation proposals in respect of Sikkim (on the basis of 1991 census figures) were published on 5th April, 2003, in the Sikkim Government Gazette as well as in the Gazette of India. The public sittings to consider the objections and suggestions received in connection with the draft proposals, were held on 22nd April, 2003, at Namchi and on 23rd April, 2003, at Gangtok. Similarly, delimitation work for all the states mentioned above had progressed substantially by May 2003. However, the Commission had to abandon the work done up to that stage consequent on the Eighty-seventh Amendment to the Constitution in June 2003.

The Delimitation Act, 2002 laid down the broad parameters within which the delimitation exercise was to be carried out. However, for smooth functioning and effective results, the Commission formulated and announced a set of Guidelines, which were followed during the delimitation process. The Commission also made available to the public all the relevant information such as the Constitutional provisions, the

previous Acts, the present Delimitation Act, 2002, the Methodology and Guidelines, the Frequently Asked Questions (FAQs) etc. in its official website www.delimitation-india.com. Moreover, every time the Commission published the Draft proposals or issued the Final Orders, they were also simultaneously released in the official website. Copies of the relevant Constitutional provisions, the Delimitation Act, 2002 and the Methodology and Guidelines published by the Commission are at Annexures I to III.

The exercise for each state started with the compilation of the published 2001 census data and the maps provided by the Chief Electoral Officer of that state. At the commencement of the delimitation exercise, the Commission extensively interacted with the State Election Commissioners and the Associate Members to decide the entitlement of Legislative Assembly seats for the districts and for adoption of the lowest administrative units for each state. Since frequent changes in the boundaries of the administrative units would have made delimitation exercise difficult, the Commission took a decision to freeze their boundaries as on 15th February, 2004. It wrote to all the state governments not to make any change in the boundaries of the administrative units such as districts, tehsils, blocks, villages and panchayats till the completion of the delimitation exercise. A list of the administrative units adopted for various states is at Annexure IV.

Based on population, the Constitutional provisions, the Delimitation Act, and the Guidelines, the Draft Working Papers were prepared by the Secretariat of the Delimitation Commission. They consisted of the following seven sets of papers:

- i) Paper I - District-wise 2001 population data, entitlement of assembly seats for each district, and entitlement of SC/ST seats for Lok Sabha as well as the Legislative Assembly;
- (ii) Paper II - Distribution of SC seats among the districts;
- (iii) Paper III - Population of Scheduled Castes in the proposed assembly constituencies and details of seats proposed to be reserved for SCs;
- (iv) Paper IV - Population of Scheduled Tribes in the proposed assembly constituencies and details of seats to be reserved for STs;

- (v) Paper V - Abstract statement of proposed assembly constituencies and total, SC and ST population in each constituency;
- (vi) Paper VI - District-wise statement showing the composition of the Assembly Constituencies, their extent, total population, SC and ST population, and the percentage of population deviation from the Constituency average; and
- (vii) Paper VII - Proposed Lok Sabha constituencies, their extent in terms of proposed assembly constituencies, total population, SC and ST population, and the percentage of population deviation from the Constituency average.

The Papers I to V and the Final Orders for each State are appended to the details for that particular State. Papers VI and VII are incorporated in the Final Orders. The Working Papers, prepared by the Commission's Secretariat through a computerized exercise by use of Geographic Information System (GIS) and Archview software, were initially scrutinized by the full Commission. The Chief Electoral Officers were associated with the exercise for providing information and clarifications on geographical contiguity, population details as well as geophysical features. A series of meetings took place with the Associate Members from each state to discuss the Working Paper, and their suggestions were examined in detail. All the suggestions in respect of individual Assembly Constituencies and Parliamentary Constituencies received in the Commission's office from interested members of the public, legislators, other politicians and political parties were circulated to the Associate Members. The proposals in the Working Papers VI and VII in respect of each of the Assembly and Parliamentary Constituencies were discussed in detail with the Associate Members and their suggestions were considered in the Commission's meetings with them. After full discussion, the Draft Proposals were prepared and sent to the Associate Members for their consideration and offering dissenting notes, if any. While publishing the draft proposals in the official gazettes and the media, the Commission also gave notice about the date, time and venue for the Public Sitings and invited objections and suggestions regarding the draft proposals to be considered at the public sittings.

The Commission took great care in identifying the seats reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assemblies and the Lok Sabha. Articles 330 and 332 of the Constitution of India, and Section 9 (1) (d) of the Delimitation Act, 2002 make it clear that in the reservation of

constituencies for the Scheduled Tribes, the Commission has no discretion and only those seats where their proportion is the highest, are to be reserved. This was done by working out the percentage of Scheduled Tribe population in each Assembly and Parliamentary Constituency and identifying the requisite number of reserved constituencies by arranging them in descending order.

While reserving Constituencies for the Scheduled Castes, the Commission ensured reservation of the requisite number of seats for them in each district in proportion to their population and distributed them in different parts of the state where their population is comparatively large. Wherever the Commission came across three or more SC Assembly Constituencies (AC) contiguous to each other or with the adjoining district, one of those was de-reserved and the AC with the next highest percentage of SC population was declared as a reserved seat.

Similar practice was also followed for the Parliamentary Constituencies. In Uttar Pradesh, for example, it was found that most of the seventeen Parliamentary Constituencies reserved for Scheduled Castes were concentrated in the Eastern and Central regions. In order to disperse them all over the state, the Commission decided to allocate the seats to the different Revenue Divisions by working out their entitlement as per the proportion of their SC population. Similar dispersal was also done in the states of Andhra Pradesh, Bihar, Maharashtra and Tamil Nadu.

Public sittings gave an opportunity to the people, the public representatives, political leaders and other stakeholders to express their views. All those who filed objections and suggestions in response to the public notice were specifically heard. Thereafter those members of the public who came to be present and wanted to speak were heard subject to availability of time. The Associate Members also attended the Public sittings which were followed by one or more meetings with them to ascertain their views on the suggestions of the public. All the suggestions of the public, given in writing or orally during the public sittings, the views and comments of the Associate Members and representations from various stakeholders were tabulated by the Secretariat of the Commission. The Commission conducted a final round of internal meetings to examine all the suggestions and took decisions on the changes to be made on the draft proposals. All such changes were incorporated while preparing the Final Order, which was signed by the Chairman and the two other members of the Commission before publication in the State Gazette, the Gazette of the Government of India and two vernacular newspapers in the state.

Articles 82 and 170 of the Constitution mandate that the order of the Delimitation Commission would come into effect from such date as the President of India specifies. As and when the Final Orders were passed by the Delimitation Commission, they were sent to the Ministry of Law and Justice and to the Secretary to the President for appropriate action under the above provisions of the Constitution. Copies of the Final Order were also sent to the Chief Secretaries of the concerned state for laying them on the table of the Legislative Assemblies. The Final Orders of the Commission to the Secretariat were also laid before the Lok Sabha and the Rajya Sabha.

The Commission took up the delimitation exercise in different states simultaneously on receipt of the final Census figures for the 2001 Census. It conducted the first public sitting under the amended Delimitation Act, at Margao, on 14th December, 2004, and at Panaji on 15th December, 2004, for the State of Goa. Subsequently, public sittings for the other states were taken up as and when the draft proposals were published in the respective states. The first Final Notification issued by the Delimitation Commission was for the State of Goa, published in the State Gazette and in the Gazette of India on 31st March, 2005. By 17th of August, 2007, Final Notification had been issued for twenty-five states. In the remaining four States, namely, Assam, Arunachal Pradesh, Manipur and Nagaland, the Commission had achieved substantial progress in its work, but stay granted by the Guwahati High Court delayed the finalization of the delimitation process in these states. Although the Commission succeeded in getting the stay vacated from the Supreme Court, the delimitation exercise could not be completed in these states, as meanwhile on 14th January, 2008 the Government of India promulgated an Ordinance amending the Delimitation Act, 2002. The relevant provisions of Section 10A and Section 10B of the amended Act are as under:

“10A (1) Notwithstanding anything contained in Sections 4, 8 and 9, if the President is satisfied that a situation has arisen whereby the unity and integrity of India is threatened or there is a serious threat to the peace and public order, he may, by order, defer the delimitation exercise in a State.

(2) Every order made under this section shall be laid before each House of Parliament”.

“10B. Notwithstanding anything contained in sub-section (2) of Section 10, the final orders relating to readjustment of number of seats and delimitation of constituencies in respect of the State of Jharkhand published under the said section vide order O.N. 63(E), dated 30th April, 2007 and O.N. 110(E),

dated 17th August, 2007 shall have no legal effect and the delimitation of the constituencies as it stood before the publication of the said order shall continue to be in force until the year 2026 in relation to every election to the House of the People or to the Legislative Assembly, as the case may be, held after the commencement of the Delimitation (Amendment) Ordinance, 2008". Copy of the Ordinance is at Annexure V.

Section 10 B nullifies the Final Order of the Delimitation Commission for the state of Jharkhand. Under Section 10A, the Government of India have passed four separate Orders on 8th February, 2008 whereby the delimitation exercise in the four North Eastern states of Assam, Arunachal Pradesh, Manipur and Nagaland has been deferred. Copy of these Orders are collectively at Annexure VI. The President of India, by the Order dated 19th February, 2008, has given immediate effect to the Final Orders passed by the Delimitation Commission for the remaining twenty-four states including the Union Territories of Delhi and Pondicherry. Only for the states of Meghalaya and Tripura where the poll process had already commenced, the delimitation orders came into effect from the 20th March, 2008. Copy of this order is at Annexure VII.

The Delimitation Commission followed the provisions of the Constitution, the Act and its Guidelines to adopt a uniform procedure for carrying out the delimitation exercise in various states, on the basis of the population figures as notified in the 2001 Census. However, in a few states exceptional situations were encountered, necessitating Special Orders to address the critical issues. For example, in the state of Uttaranchal there was vociferous demand from the political parties, Associate Members and the public not to reduce the number of seats in the hill districts. In Jharkhand, there was unanimous demand from the Associate Members not to reduce the number of seats reserved for Scheduled Tribes in the existing Legislative Assembly and Lok Sabha. The Commission tried its best, within the provisions of law and parameters laid down by its guidelines, to mitigate the genuine grievance of the people in such situations. In each case, Special Orders were passed by the Delimitation Commission to provide relief sought for to the extent permissible under law. Similarly, for reasons beyond its control, the Commission could not conduct public sittings in a few states such as Assam, Jharkhand and Arunachal Pradesh even after notifying the schedule in the Government Gazette as well as in local media. In West Bengal, public sittings were marred by unruly disruptions and could not be completed. The Commission had to pass Special Orders to dispense with further public sittings in these states. Copies of these special orders are appended to the text of the relevant states in the book.

The delimitation exercise has been a stupendous task. The Commission held a total of 130 public sittings spread over 67 cities in 24 States (no public sittings were held in the States of Jharkhand, Assam, Arunachal Pradesh, Manipur and Nagaland). Approximately 1,22,000 people attended the public sittings and near about 7,200 persons placed their views before the Commission. The various state governments have extended full support to the Delimitation Commission in conducting the Public sittings. The District Magistrates, the Police machinery, the Public Relations Department and the various other arms of the state apparatus combined to ensure that the public sittings were conducted smoothly and full opportunity was given to the people to put forth their views, objections and suggestions on the draft proposal published by the Commission. The Chief Electoral Officer (CEO) and his office were fully involved in the exercise by rendering assistance on providing data, maps as well as useful information on the geographical and topographical features of the state. The CEOs also acted as the over-all coordinators for the delimitation exercise for their respective states. Similarly, the office of the Registrar General of India-cum-Census Commissioner was an indispensable part of the Commission's operations by providing the census data and preparing maps for the constituencies at various stages through their map division.

The role of the political parties, public representatives, the media and the participating public was extremely laudable, inasmuch as they acted as the channels of public opinion, and ventilated the people's grievances as well as their expectations in a concise, organized and articulate manner. At the end of the exercise, the democratic spirit of the nation triumphed, reflecting the care and concern of the vox populi in carving out constituencies for the convenience of the public and for successful operationalisation of the electoral system.

ANNEXURES

Annexure - I

CONSTITUTIONAL PROVISIONS

81. Composition of the House of the People

- (1) [Subject to the provisions of article 331] the House of the People shall consist of:-
 - (a) not more than [five hundred and thirty members] chosen by direct election from territorial constituencies in the States, and
 - (b) not more than [twenty members] to represent the Union territories, chosen in such manner as Parliament may by law provide.
- (2) For the purposes of sub-clause (a) of clause (1) .-
 - (a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and
 - (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State:
[Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions.]
- (3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:
[Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed, -
 - (i) for the purposes of sub-clause (a) of clause (2) and the provision to that clause, as a reference to the 1971 census; and
 - (ii) for the purposes of sub-clause (b) of clause (2) as a reference to the 2001 census.]

82. Readjustment after each census

Upon the completion of each census, the allocation of seats in the House of the people to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House:

[Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust-

- (i) the allocation of seats in the House of the People of the States as readjusted on the basis of 1971 Census and
- (ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 2001 Census under this article].

170. Composition of the Legislative assemblies

- (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, member chosen by direct election from territorial constituencies in the State.

- (2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

[*Explanation*:- In this clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.]

- (3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:

[Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust:-

- (i) the total no. of seats in the Legislative Assembly of each State as readjusted on the basis of 1971 census and

- (ii) the division of each State into territorial constituencies as may be readjusted on the basis of 2001 census.]

329. Bar to interference by courts in electoral matters. – Notwithstanding anything in this Constitution

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;

330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People-

- (1) Seats shall be reserved in the House of the People for-

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes [except the Scheduled Tribes in the autonomous districts of Assam and]
- (c) the Scheduled Tribes in the autonomous districts of Assam.

- (2) The number of seats reserved in any State [or Union Territory] for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State [or Union territory] in the House of the People as the population of the Scheduled Castes in the State [or Union territory] or of the Scheduled Tribes in the State [or Union territory] or part of the State [or Union territory], as the case may be, in respect of which seats are so reserved, bears to the total population of the State [or Union territory].

[(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.]

[*Explanation* - In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the 2026 have been published, be construed as a reference to the 2001 census.]

332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States

- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes. [except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State.

- (2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.
- (3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.
- [3A] Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be:-
- (a) if all the seats in the Legislative Assembly of such State in existence of the date of coming into force of the Constitution (Fifty seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;
- (b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.]
- [3B] Notwithstanding anything contained in clause (3), until the readjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992 of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.]
- (4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.
- (5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.
- (6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district.

Annexure - I Contd.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 22nd February, 2002/Phalguna 3, 1923 (Saka)

The following Act of Parliament after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 21st February, 2002 and is hereby published for general information:

**THE CONSTITUTION (EIGHTY-FOURTH AMENDMENT)
ACT, 2001**

[21st February, 2002.]

An Act further to amend the Constitution of India

Be it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Eighty-fourth Amendment) Act, 2001. Short title.
2. In article 55 of the Constitution, in the proviso to the Explanation, for the figures "2000", the figures "2026" shall be substituted. Amendment of article 55.
3. In article 81 of the Constitution, in the proviso to clause (3),- Amendment of article 81
 - (i) for the figures "2000", the figures "2026" shall be substituted;
 - (ii) for the words and figures "be construed as a reference to the 1971 census", the following shall be substituted, namely:-

"be construed,-

 - (i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971 census; and
 - (ii) for the purposes of sub-clause (b) of clause (2) as a reference to the 1991 census".

- Amendment of article 82
4. In article 82 of the Constitution, in the third proviso,-
- (i) for the figures "2000", the figures "2026" shall be substituted;
 - (ii) for the words "readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article", the following shall be substituted, namely:-
"readjust-
 - (i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census; and
 - (ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 1991 census, under this article",

- Amendment of article 170
5. In article 170 of the Constitution,-
- (a) in clause (2), in the proviso to the Explanation, for the figures "2000" and "1971", the figures "2026" and "1991" shall respectively be substituted;
 - (b) in the third proviso to clause (3),-
 - (i) for the figures "2000", the figures "2026" shall be substituted;
 - (ii) for the words "readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause", the following shall be substituted, namely:-
"readjust-
 - (i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1991 census; and
 - (ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census, under this clause".

- Amendment of article 330.
6. In article 330 of the Constitution, in the proviso to the Explanation, for the figures "2000" and "1971", the figures "2026" and "1991" shall respectively be substituted.

- Amendment of article 332
7. In article 332 of the Constitution,-
- (a) in clause (3A), for the figures "2000", the figures "2026" shall be substituted;
 - (b) in clause (3B), for the figures "2000", the figures "2026" shall be substituted.

SUBHASH C. JAIN
Secy. to the Government of India

Annexure - I Contd.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th June, 2003/Asadha 3, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 22nd June, 2003, and is hereby published for general information :-

THE CONSTITUTION (EIGHTY-SEVENTH AMENDMENT) ACT, 2003

[22nd June, 2003]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :-

1. This Act may be called the Constitution (Eighty - seventh Amendment) Act, 2003. Short title.

2. In article 81 of the Constituion, in clause (3), in the proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted. Amendment of article 81

3. In article 82 of the Constitution, in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted. Amendment of article 82

4. In article 170 of the Constitution, - Amendment of article 170

(i) in clause (2), in the Explanation, in the proviso, for the figures "1991", the figures "2001" shall be substituted;

(ii) in clause (3), in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.

As published in Gazette of India, No. 42, Part-II, Section 1 Extraordinary issue at New Delhi on June 24, 2003.

Amendment of
article 330

5. In article 330 of the Constitution, in the Explanation, in the proviso, for the figures "1991", the figures "2001" shall be substituted.

SUBHASH C. JAIN
Secy. to the Govt. of India

Annexure-II

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th June, 2002/Jyaishta 14, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 3rd June, 2002, and is hereby published for general information :

THE DELIMITATION ACT, 2002

No. 33 of 2002

[3rd June, 2002.]

An Act to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union Territory having a Legislative Assembly into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union territories and for matters connected therewith

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows :

1. This Act may be called the Delimitation Act, 2002 Short title.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) "article" means an article of the Constitution;
 - (b) "associate member" means a member nominated under section 5;
 - (c) "Commission" means the Delimitation Commission constituted under section 3;
 - (d) "Election Commission" means the Election Commission referred to in article 324;
 - (e) "member" means a member of the Commission and includes the Chairperson; and
 - (f) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu & Kashmir.

As published in Gazette of India, No. 36, Part-II, Section 1 Extraordinary issue at New Delhi on June 4, 2002.

Constitution of
Delimitation
Commission

3. As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:-

(a) one member, who shall be a person who is or has been a judge of the Supreme Court, to be appointment by the Central Government who shall be the Chairperson of the Commission;

(b) the Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner. *ex officio*

Provided that after the nomination of an Election Commissioner as a member under this clause, no further nomination under this clause shall be made except to fill the casual vacancy of such member under section 6; and

(c) the State Election Commissioner of concerned State, *ex officio*:

Explanation - For the purposes of clause (c), the State Election Commissioner of concerned State, in respect of the duties of the Commission relating to that State, means the State Election Commissioner appointed by the Governor of that State under clause (I) of article 243K.

Duties of
Commission

4. (1) The readjustment made, on the basis of the census figures as ascertained at the census held in the year 1971 by the Delimitation Commission constituted under section 3 of the Delimitation Act, 1972, of the allocation of seats in the House of the People to the several States and the total number of seats in the Legislative Assembly of each State shall be deemed to be the readjustment made by the Commission for the purposes of this Act. 76 of 1972

(2) Subject to the provisions of sub-section(1) and any other law for the time being in force, the Commission shall readjust the division of each State into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly on the basis of the census figures as ascertained at the census held in the year 1991:

Provided that where on such readjustment only one seat is allocated in the House of the People to a State, the whole of that State shall form one territorial constituency for the purpose of elections to the House of the People from that State.

Associate
Members

5. (1) The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, ten persons five of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State:

Provided that where the number of members of the House of the People representing any State is five or less, then, all such members shall be the associate members for that State and in the latter case the total number of associate members shall be less than ten by such number as by which the total number of members of the House of the People representing that State is less than five.

(2) The persons to be so associated from each State shall be nominated, in the case of the members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House or, as the case may be, of the Assembly.

(3) The first nominations to be made under sub-section(2)-

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act; and

(b) shall be communicated to the Chief Election Commissioner, and where the nomination are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(4) None of the associate members shall have a right to vote or to sign any decision of the Commission.

(5) The Commission shall have power to call upon -

(a) the Registrar-General and Census Commissioner, India or his nominee; or

(b) the Surveyor General of India or his nominee; or

(c) any other officer of the Central Government or State Government; or

(d) any expert in geographical information system; or

(e) any other person.

Whose expertise and knowledge are considered necessary by the Commission to provide assistance to it in addition to the assistance provided by the persons referred to in sub-section(1) and the officers and persons so called upon shall be duty bound to assist the Commission.

(6) The Secretary to the Election Commission shall be the ex officio Secretary of the Commission and shall discharge his functions with

the assistance of the employees of the Election Commission under the supervision of the Chairperson of the Commission.

6. If the office of the Chairperson or of a member or of an associate members falls vacant owing to his death or resignation, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3 or, as the case may be, of section 5. Casual Vacancies

7. (1) The Commission shall determine its own procedure and shall, in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973. ^{2 of 1974}

Explanation:- For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Readjustment of number of seats

8. The Commission shall, having regard to the provisions of articles 81, 170, 330 and 332, and also, in relation to the Union territories, except National Capital Territory of Delhi sections 3 and 39 of the Government of Union Territories Act, 1963 and in relation to the National Capital Territory of Delhi sub-clause (b) of clause (2) of article 239AA, by order, determine:- ^{20 of 1963}

(a) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the number of seats in the House of the People to be allocated to each State and determine on the basis of the census figures as ascertained at the census held in the year 1991 the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(b) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the total number of seats to be assigned to the Legislative Assembly of each State and determine on the basis of the census figures as ascertained at the census held in the year 1991 the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State;

Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (b) shall be an integral multiple of the number of seats in the House of the People allocated to that State under clause (a).

Delimitation of Constituencies

9. (1) The Commission shall, in the manner herein provided, then, distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State as readjusted on the basis of 1971 census to single-member territorial constituencies and delimit them on the basis of the census figures as ascertained, at the census held in the year 1991, having regard to the provisions of the Constitution, the provisions of the Act specified in section 8 and the following provisions, namely:-

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(2) The Commission shall -

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals shall be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sitting at such place or places in each State as it thinks fit; and

(d) thereafter by one or more orders determine -

(i) the delimitation of parliamentary constituencies; and

(ii) the delimitation of assembly constituencies, of each state.

10. (1) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned and simultaneously cause such orders to be published at least in two vernacular newspapers and publicize on radio, television and other possible media available to the public and after such publication in the official Gazettes of the States concerned, every ^{Publication of orders and their date of operation.}

District Election Officer shall cause to be affixed, the Gazette version of such orders relating to the area under his jurisdiction, on a conspicuous part of his office for public notice.

(2) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the State concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in any other law for the time being in force or any order or notification issued under such law in so far as such representation and delimitation are inconsistent with the provisions of this Act.

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of the assembly constituencies of that State and any bye-election to fill any vacancy in such House or in any such Assembly shall be held on the basis of the provisions of the law and orders superseded by sub-section (4) as if the said provisions had not been superseded.

(6) The Commission shall endeavour to complete and publish each of its orders referred to in sub-section (1) in the manner provided in that sub-section, within two years of the constitution of the Commission under section 3.

11. (1) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned :-

(a) correct any printing mistake in any of the orders made by the Commission under section 9 or any error arising therein from an inadvertent slip or omission; and

Power to maintain the delimitation orders up-to-date.

(b) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders up-to-date, so, however, that boundaries or areas or extent of any constituency shall not be changed by any such notification.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Repeal.

12. The Delimitation Act, 1972 is hereby repealed.

76 of 1972.

SUBHASH C. JAIN
Secy. to the Government of India.

Annexure - II Contd.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, dated the 2nd January, 2004/Pausa 12, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 1st January, 2004 and is hereby published for general information :

THE DELIMITATION (AMENDMENT) ACT, 2003

No. 3 of 2004

[1st January, 2004.]

An Act to amend the Delimitation Act, 2002.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows :

1. (1) This Act may be called the Delimitation (Amendment) Act, 2003.
(2) It shall be deemed to have come into force on the 31st day of October, 2003.
2. In section 3 of the Delimitation Act, 2002 (hereinafter referred to as the principal Act), for the Explanation, the following Explanation shall be substituted, namely:-
“Explanation - For the purposes of clause (c), the State Election Commissioner of concerned State, -
 - (i) in respect of the duties of the Commission relating to a State (other than the States of Meghalaya, Mizoram and Nagaland), means the State Election Commissioner appointed by the Governor of that State under clause (1) of article 243K; and
 - (ii) in respect of the duties of the Commission relating to the State of Meghalaya or the State of Mizoram or the State of Nagaland, as the case may be, means a person nominated by the Government of that State for such purposes.”
3. In section 4 of the principal Act, in sub-section (2), for the figures “1991”, the figures “2001” shall be substituted.
4. In section 8 of the Principal Act,-
 - (i) In clause (a), for the figures “1991”, the figures “2001”, shall be substituted;
 - (ii) in clause (b), for the figures “1991”, the figures “2001” shall be substituted.
5. In section 9 of the principal Act, in sub-section (1), for the figures “1991”, the figures “2001” shall be substituted;

As published in Gazette of India, No. 4, Part-II, Section I Extraordinary issue at New Delhi on 2nd January, 2004.

6. (1) The Delimitation (Amendment) Ordinance, 2003 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

T.K. Viswanathan
Secy. to the Government of India

Annexure - III

**DELIMITATION OF ASSEMBLY AND PARLIAMENTARY
CONSTITUENCIES****GUIDELINES AND METHODOLOGY****1. Constitutional and Legal Provisions**

The Constitution (Eighty-fourth Amendment) Act, 2001 and the Constitution (Eighty-seventh Amendment) Act, 2003 have, inter alia, amended Articles 81, 82, 170, 330 and 332 of the Constitution of India. The cumulative effect of these amendments to the Constitution is that –

- (i) the total number of existing seats as allocated to various States¹ in the House of the People on the basis of 1971 census shall remain unaltered till the first census to be taken after the year 2026;
- (ii) the total number of existing seats in the Legislative Assemblies of all States as fixed on the basis of 1971 census shall also remain unaltered till the first census to be taken after the year 2026;
- (iii) the number of seats to be reserved for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in the House of the People and State Legislative Assemblies shall be re-worked out on the basis of 2001 census;
- (iv) each state shall be re-delimited into territorial parliamentary and assembly constituencies on the basis of 2001 census and the extent of such constituencies as delimited now shall remain frozen till the first census to be taken after the year 2026; and
- (v) the constituencies shall be so re-delimited that population (on the basis of 2001 census) of each parliamentary and assembly constituency in a State shall, so far as practicable, be the same throughout the State.

In pursuance of the aforesaid amendments made to the Constitution by the Constitution (Eighty-fourth Amendment) Act 2001 and the Constitution (Eighty-seventh Amendment) Act 2003, Parliament has enacted the Delimitation Act, 2002, as amended vide the Delimitation (Amendment) Act, 2003, entrusting the above mentioned tasks at (iii), (iv) and (v) above to the Delimitation Commission to be set up under section 3 of the said Act. The Delimitation Commission so set up has started functioning w.e.f. 04.07.2002 under the chairmanship of Mr. Justice Kuldip Singh (former Judge of the Supreme Court of India) with Shri B.B. Tandon, Election Commissioner of India, and the State Election Commissioner of the State concerned as defined in the explanation to Section 3 of the said Act (in respect of the work relating to that State) as *ex-officio* members.

The Commission shall also associate in its work, in respect of each State, five members of Lok Sabha elected from that State (or all such members if their number is less than five) and five members of the State Legislative Assembly. These Associate Members shall be nominated by the Hon'ble Speakers of the Lok Sabha and State Legislative Assemblies concerned. But these Associate Members shall have no voting right.

¹ 'State' here does not include the State of Jammu & Kashmir, but includes the National Capital Territory of Delhi and Union Territory of Pondicherry

II. Division of States into Parliamentary and Assembly Constituencies

The division of each State into assembly and parliamentary constituencies is thus to be made having regard to the total number of existing seats in each State Legislative Assembly and the total number of seats as allocated at present to each State in the House of the People. In other words, each State is to be divided into the same number of assembly constituencies as the total number of existing seats in the State Legislative Assembly and the number of parliamentary constituencies in the State would be equal to the number of seats presently allotted to that State in the House of the People (see First and Second Schedules to the Representation of the People Act 1950).

Further, all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to the physical features, existing boundaries of administrative units, facilities of communication and public convenience.

III. Population

- (i) All assembly and parliamentary constituencies are to be delimited on the basis of the 2001 Census. The census figures of 2001 as published by the Census Commissioner are thus alone to be taken into account for this purpose.
- (ii) Each constituency in a State shall be so delimited that the population of all constituencies shall, so far as practicable, be the same throughout the State.
- (iii) For this purpose, the total population of the State (2001 Census) shall be divided by the total number of assembly constituencies in the State and the State average per assembly constituency shall thus be obtained. This State average shall be the guiding factor for delimiting the constituencies in such a manner that each constituency, so far as practicable, has an equal population.
- (iv) The Delimitation Commission has, however, taken an internal decision that as constituencies cannot be delimited having exactly equal population in all cases, a deviation to the extent of 10 per cent *plus or minus* from the State/district average would be acceptable to the Commission, if the geographical features, means of communication, public convenience, contiguity of the areas and necessity to avoid breaking of administrative units so demand.

IV. Administrative Units

Though the population to be taken into account is the population of 2001 Census, the Commission has decided that constituencies shall be delimited having regard to the administrative units, i.e., district/sub divisions/tehsils/patwar circles, panchayat samitis/panchayats, etc., as in existence on 15th February, 2004. (The Commission had earlier written to all the State Governments not to disturb the administrative units, as existing on 01.08.2002, till the completion of the delimitation exercise in the State in all respects, but in some cases, the Commission has permitted re-organisation of certain administrative units on sufficient justification and urgency being shown to it.)

V. Methodology for Allocation of Assembly Constituencies to the Districts and Delimitation of Assembly Constituencies

- (i) The Delimitation Commission has taken decision that, so far as practicable, all assembly constituencies in a district shall be confined within the territorial limits of that district. In other words, an assembly constituency shall not ordinarily extend to more than one district.
- (ii) Having regard to the above internal decision of the Delimitation Commission, the first step will be to allocate the number of assembly constituencies to each district on the basis of the total population of that district divided by the average population per constituency as worked out under sub-paragraph (3) of the preceding paragraph. Where the entitlement of a district on the basis of such State average contains a fraction, the fractions more than one-half shall be counted as one and fractions less than one-half shall be ignored.
- (iii) As a next step, the average population in each constituency in the district shall be worked out by dividing the total population of the district with the number of seats allocated to that district.
- (iv) Then, the areas of the district shall be divided into the requisite number of assembly constituencies having regard to the average population per constituency in the district with a permissible deviation of 10 per cent *plus* or *minus* from the district average.
- (v) In delimiting the assembly constituencies, efforts will be made to ensure that, as far as practicable, sub-divisions/tehsils are kept intact and not unnecessarily broken. Further, in each State, an administrative unit shall need to be identified having regard to the administrative set up of that State which will be adopted as the *lowest administrative unit which should not be broken in any case*. For example, in the State of Madhya Pradesh, the administrative units are districts, tehsils, revenue inspector circles (RICs) and patwari circles (PCs). If a PC (consisting of a few villages) is adopted as the lowest administrative unit for the purpose of delimitation, the whole of that PC will be kept intact and included in one assembly constituency and the villages contained in that PC will not be divided into different assembly constituencies.
- (vi) While delimiting the assembly constituencies on the basis of the administrative units as mentioned above, the contiguity of such administrative units will be the basic requirement, so that no constituency has an enclave/island within it of certain areas belonging to another constituency and having no contiguity to the other areas of that latter constituency.
- (vii) Further, apart from contiguity, geographical features, better connectivity, means of communication, public convenience will also be kept in view and areas divided by rivers or hilly ranges or forests or ravines and other such natural barriers will not be put in the same constituency.
- (viii) As far as possible, the delimitation of the constituencies in a district shall be done starting from North to North-East and then proceeding in a zig-zag manner to end at the Southern side.

VI. Delimitation of Parliamentary Constituencies

Each parliamentary constituency in a State shall be an integral multiple of the assembly constituencies comprised therein. No assembly constituency shall extend to more than one parliamentary constituency.

VII. Reservation of Seats for SCs and STs

- (i) Seats have to be reserved for the scheduled castes and scheduled tribes in proportion to their population to the total population of the State.
- (ii) This allocation of seats for the SCs and STs is to be worked out separately both for the assembly and parliamentary constituencies in each State, on the basis of 2001 Census.
- (iii) Under section 9(1)(d) of the Delimitation Act 2002, seats for the STs are to be reserved in the constituencies in which the percentage of their population to the total population is the largest. Therefore, after all the assembly constituencies in the State have been delimited, the constituencies to be reserved for STs will be those where the percentage of the ST population to the total population of the constituencies is the largest, in descending order equal to the number of constituencies to be reserved for STs.
- (iv) Under section 9(1)(c) of the said Act, the constituencies for SCs are to be distributed in different parts of the State and seats are to be reserved for SCs in those constituencies where the percentage of their population to the total population is comparatively large. Therefore, while working out the allocation of total number of seats for each district as mentioned above, the number of seats to be reserved for SCs in those districts will also have to be worked out separately. Subsequently, SC seats will be reserved in those constituencies in the district in which, so far as practicable, the percentage of their population to the total population is the largest, in descending order equal to the number of SC seats in the district concerned.

VIII. Preparation of Working Paper

A working paper will be prepared by the office of the Delimitation Commission having regard to the above principles and internal decisions of the Delimitation Commission. The working paper will consist of seven papers containing:

- (i) Paper I - District-wise 2001 population data and entitlement of assembly seats for each district;
- (ii) Paper II - Entitlement of seats for Scheduled Castes in the assembly and distribution of SC seats among the district;
- (iii) Paper III - SC population in the proposed assembly constituencies and seats proposed to be reserved for SCs;
- (iv) Paper IV - ST population in the proposed assembly constituencies and seats proposed to be reserved for STs;
- (v) Paper V - Abstract statement of proposed assembly constituencies and total, SC and ST population in each constituency;

- (vi) Paper VI - District-wise statement showing details of extent, total/SC/ST population in each of the proposed assembly constituencies;
- (vii) Paper VII - Proposed Lok Sabha constituencies and their extent in terms of proposed assembly constituencies.

IX. Working Paper - Approval by the Commission

Preparation of Working Paper and its approval by Delimitation Commission will be done into two stages. In the first stage, Papers I and II showing the proposed allocation of Assembly seats to various districts in the States and further showing the proposed distribution of seats for Scheduled Castes among the various district will be prepared by the office. Soon after Papers I and II are prepared by the office, the same will be submitted to the Chairman, Election Commissioner of India and the State Election Commissioner of that State, who are *ex-officio* Members, and a meeting will be held of the full Commission to tentatively approve these Papers I and II. The Commission has now decided to consult Associate Members by calling their first meeting soon after Papers I and II have been tentatively prepared by the Commission. Normally the Chief Electoral Officer of the State concerned will also be directed to attend such meeting to clarify any point relating to data and maps and any other related matter.

Thereafter, the remaining Papers III to VII showing the proposed territorial extent of Assembly and Parliamentary Constituencies and the constituencies which are proposed to be reserved for Scheduled Castes and Scheduled Tribes will be prepared by the office and approved tentatively by the Commission after taking into consideration suggestions made by the Associate Members at the aforesaid first meeting. After approving the tentative proposals in the complete Working Paper (containing Papers I to VII), the Commission will direct the Secretariat to send copies of the complete Working Paper to the Associate Members who will be given a reasonable time to study the proposals and to come with their suggestions for further meeting(s) in the Commission. The CEO of the concerned State will provide the Associate Members with copies of required data and maps.

X. Meeting with Associate Members

As mentioned in the preceding paragraph, the Commission will hold the first meeting with the Associate Members for considering Papers I and II showing the proposed allocation of Assembly seats to various districts in the States and further showing the proposed distribution of seats for Scheduled Castes among the various districts. The Commission will then hold further meeting(s) with Associate Members after the remaining papers (Papers III to VII) of the Working Paper showing the proposed territorial extent of Assembly and Parliamentary Constituencies and the constituencies which are proposed to be reserved for Scheduled Castes and Scheduled Tribes have been prepared by the Commission after taking into consideration suggestions made by the Associate Members at the aforesaid first meeting. At the second round of meeting(s) of the Commission with the Associate Members (AMs), their suggestions with regard to the Working Paper will be duly considered, and the draft proposals of the Commission will then be prepared in the light of the

suggestions of the AMs. A copy of the draft proposals so prepared will be sent to each of the AMs and they may give a dissenting note in respect of any of the draft proposals, if they so desire.

XI. Draft Proposals – Notification

The draft proposals of the Commission shall then be published in the Gazette of India and the concerned State's Gazette along with the dissenting notes, if any, submitted by the Associate Members and who desire publication thereof. These shall also be published at least in two vernacular newspapers. The CEO and DEOs and all election authorities will be directed to make copies of the notification containing the draft proposals available to all those who may ask for it. Widest publicity will be given through print and electronic media. A notice will also be issued specifying a date on or before which the public is requested to send their objections and suggestions to the proposals.

After the specified date, the suggestions and objections received will be tabulated and made into sets and distributed to all Members of the Commission including Associate Members.

XII. Public Sitings

After the last date for submitting suggestions and objections is over, the Commission will hold public sittings at one or more places in the State to hear the public in person. Wide publicity will be given to those sittings.

XIII. Final Orders

After hearing the public, the Commission will hold a final meeting attended by Associate Members (though they have no right to vote) to consider all suggestions received in writing as well as orally made at the public sittings and decide the modifications that are required to be made to the draft proposals and prepare a final order. The final order thus prepared, both for assembly constituencies and parliamentary constituencies of the State, will be signed by the full Commission and the Secretary to the Delimitation Commission will cause the final orders to be published in the Gazette of India and State Gazette. The final orders are also required to be published in two vernacular news papers in the State concerned. After the final orders are published, the President of India shall be requested to issue a notification specifying a date from which the said orders shall come into force. The copies of those orders shall also be laid before the House of the People and the State Legislative Assembly concerned, but no modification shall be permissible therein by them.

Sd/-

Shangara Ram
Secretary

Annexure - IV

**LIST SHOWING THE ADMINISTRATIVE UNITS FOR
DELIMITATION EXERCISE**

Sl. No.	State	Rural Area	Urban Area
1.	Andhra Pradesh	1. District	Corporation/Municipality/ Ward
		2. Mandal	
		3. Village	
2.	Arunachal Pradesh	1. District	Town
		2. Circle	
		3. Village	
3.	Assam	1. District	Municipal Corpn./Municipal Board/Town Committee/ Ward
		2. C.D. Block	
		3. Village	
4.	Bihar	1. District	Municipal Corp./ Municipalities/Ward
		2. C.D. Block	
		3. Gram Panchayat	
5.	Chhattisgarh	1. District	Nagar Palika/Nagar Panchayat/ Nagar Nigam/Ward
		2. Tehsil	
		3. Revenue Inspector Circle (RIC)	
		4. Patwari Circle (PC)	
6.	Goa	1. District	Municipal Council/Ward
		2. Taluka	
		3. Circle	
		4. Saza	
		5. Village	

Sl. No.	State	Rural Area	Urban Area
7.	Gujarat	1. District	Municipal Corporation/ Municipalities/Ward
		2. Taluka	
		3. Village	
8.	Haryana	1. District	Municipality/Council/Ward
		2. Tehsil	
		3. Kanungo Circle (KC)	
		4. P.C.	
9.	Himachal Pradesh	1. District	Municipality/Municipal Council
		2. Tehsil	
		3. Sub – Tehsil	
		4. KC.	
		5. PC.	
10.	Jharkhand	1. District	Municipal Corporation/ Municipality/Ward
		2. CD Block	
		3. Gram Panchayat	
		4. Village	
11.	Karnataka	1. District	Municipality/Municipal Corporation/Ward
		2. Taluka	
		3. Circle (Hobli)	
		4. Village	

Sl. No.	State	Rural Area	Urban Area
12.	Kerala	1. District	Municipality/Corporation/Ward
		2. Taluka	
		3. Panchayat	
13.	Madhya Pradesh	1. District	Corporation/Municipality/Nagar Panchayat/Ward
		2. Tehsil	
		3. RIC	
		4. PC	
14.	Maharashtra	1. District	Corporation/Municipality/Council/Ward
		2. Tehsil	
		3. RIC	
		4. Saza	
		5. Village	
15.	Manipur		
16.	Meghalaya	1. District	Municipality/Ward
		2. C.D. Block	
		3. Gram Sevak Circle	
17.	Mizoram	1. District	Urban/Town
		2. R.D. Block	
		3. Village	
18.	Nagaland	1. District	Sadar/Ward
		2. Circle	
		3. Village	

Sl. No.	State	Rural Area	Urban Area
19.	Orissa	1. District	Municipal Corporation/Municipality/Ward
		2. C.D. Block	
		3. Gram Panchayat	
20.	Punjab	1. District	Corporation/Municipality/Ward
		2. Tehsil	
		3. K.C.	
		4. P.C.	
21.	Rajasthan	1. District	Municipal Council/Corp./Ward
		2. Tehsil	
		3. ILRC	
		4. Patwari Circle	
22.	Sikkim	1. District	Notified Town Area/Ward
		2. Sub-Division	
		3. Revenue Blocks	
23.	Tamil Nadu	1. District	Corporation/Municipality/Town Panchayat/Ward
		2. Taluk	
		3. Revenue Village	
24.	Tripura	1. District	Municipality Council/Nagar Panchayat/Ward
		2. Sadar Sub-Division	
		3. Tehsil	
		4. Mouza	

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Sl. No.	State	Administrative Units	Urban Area
25.	Uttaranchal	1. District	Municipality/Ward
		2. Tehsil	
		3. Kanungo Circle	
		4. Patwar Circle	
26.	Uttar Pradesh	1. District	Corporation/Municipality/Ward
		2. Tehsil	
		3. Kanungo Circle	
		4. Patwar Circle	
27.	West Bengal	1. District	Corporation/Municipality/Ward
		2. Sub-Division	
		3. C.D. Block	
		4. Gram Panchayat	
28.	Delhi		NDMC/DMC/ Census Town (CT)/ Enumeration Block (EB)/ Census Charge/Village
29.	Pondicherry	1. District	Municipal/Municipality/Ward
		2. Commune Panchayat	
		3. Gram Panchayat	
		4. Village	