

CSB IAS ACADEMY

TOPIC OF THE DAY (DATE: 22.09.2023)

DEBATE ON DELIMITATION IN INDIA

WHY IN NEWS?

In Recent times, there is debate on Delimitation news due to the Concerns raised by the parties in south India Over Distribution of seats in Lok Sabha after upcoming census and Women Reservation Bill that provides Reservation for women will come into effect only after the next delimitation .

What Is Delimitation?

- The Election Commission defines delimitation as the process of drawing boundaries of constituencies for elected bodies based on the population in the most recent Census. It also says that ***“the ratio between (the number of seats) and the population of the state is, so far as practicable, the same for all states”***. So, each constituency across the country should ideally have the same population.
- **Article 82 and Article 170** of the Constitution empowers the Parliament to readjust the allocation of seats in the Lok Sabha and the Legislative Assemblies of States respectively, after every census.

Delimitation Commission is appointed by the President of India and works in tandem with the Election Commission of India. It consists of Retired Supreme Court judge ,Chief Election Commissioner and respective State Election Commissioners.

Functions and Powers:

- The Commission, in consultation with State Election Commissions, examines changes in the population to redraw constituencies or create new ones. It then publishes in the ***Gazette of India its draft report, which is open for public feedback***. After accounting for the feedback, the Commission publishes its final report. ***Once published, the Commission’s orders are final and, as per the Delimitation Commission Act 1952 and Article 329A of the Constitution, have the “full force of law and shall not be called into question in any court”***.
- Delimitation also affects the number of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs), which are determined on a state-by-state basis as per the share of these communities’ populations in each state. ***The last such update was in 2008***.

Need of Delimitation

- To provide equal representation to equal segments of a population.
- Fair division of geographical areas so that one political party doesn’t have an advantage over others in an election.
- To follow the principle of “One Vote One Value”.

History of Delimitation in India

In India, such Delimitation Commissions were established four times:

- in 1952 under the Delimitation Commission Act of 1952;
- in 1963 under the Delimitation Commission Act of 1962;
- in 1973 under the Delimitation Act of 1972;
- in 2002 under the Delimitation Act of 2002.

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- In 1976, the **42nd Amendment to the Constitution froze the number of Lok Sabha seats and put off delimitation for 25 years until the 2001 Census under Article 82**. The idea was to give states time to reduce their fertility rates and ensure parity across the country.
- In 2002, delimitation was delayed for another 25 years, with **the 84th Amendment under the Atal Bihari Vajpayee-led BJP government**. Though constituency boundaries were redrawn to account for changes in population according to the 2001 Census, the total number of Lok Sabha seats and the number of seats allotted to each state remained unchanged. **The Amendment froze the allocation of seats in Article 82 until "the relevant figures for the first Census taken after the year 2026 have been published"**.

Why South Indian States raised concerns on Delimitation?

- As India prepares for its next census, the delimitation of Lok Sabha seats has become a point of concern
- Southern states argue that **they should be recognised and rewarded for their efforts to control population growth, rather than penalised for their success**. Implementing effective family planning programs has led to a lower population growth rate in Southern states compared to Northern states, which could result in a smaller share of central funds and fewer Lok Sabha seats for Southern states in the delimitation exercise
- The 2019 research paper "**India's Emerging Crisis of Representation**" discusses the potential impact of delimitation on the allocation of seats in India's parliament. According to the paper, if the delimitation is carried out based on the **2031 Census, states in the north such as Bihar and Uttar Pradesh are expected to gain 21 seats, while southern states like Tamil Nadu and Kerala may lose 16 seats**.
- The delimitation **could also potentially shift power away from the south and towards the north**, and affect the allocation of seats reserved for Scheduled Castes and Scheduled Tribes (SC/ST).
- If delimitation takes place, southern states will likely experience a reduction in the number of seats allocated to them compared to the northern states. Hence, when considering electoral representation, **the quality of the people should be given more importance than just the number of people**.

WAY FORWARD

- **Population Freeze until Stabilization**: Suggests a freeze on delimitation until all states achieve population stabilization, without a defined time frame.
- **Mathematical Model Development**: Devise a mathematical model along the lines of the 'Cambridge Compromise' based on a mathematically equitable "formula" for the apportionment of the seats of the European Parliament between the member-states.
- **Ensuring Representation without Penalties**: Emphasizes that states successfully stabilizing their population, particularly in the south, should not face representation penalties but continue enriching legislative and parliamentary processes.
- **Focus on Population Control**: Advocates the necessity to limit population growth without compromising equitable representation.
- **Addressing Diverse Characteristics**: Move beyond headcount-based representation and consider diverse characteristics, ensuring the inclusion of marginalized voices like tribal communities and the elderly.