

Delimitation in India

Methodological Issues

Previous exercises on the delimitation of Lok Sabha and assembly constituencies have been largely fair and satisfactory. However, the current delimitation exercise, under the auspices of the Fourth Delimitation Commission, involves several methodological issues that need to be resolved in a bipartisan, non-contentious manner, in keeping with the necessary constitutional specifications.

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Since July 2002, the exercise of delimitation of Lok Sabha and assembly constituencies has been on in India. This is perhaps the longest delimitation exercise, and also the most expensive. The Delimitation Commission set up for the purpose has already been given two extensions, and its present term is due to expire in a few months time (July 31). The countdown has already begun, but it remains to be seen whether the commission will be able to complete its task. The anxiety is because of the fact that as of February 2006, delimitation has been completed only in the five states of Kerala, Tripura, Mizoram, Goa, Rajasthan and, in one union territory, Pondicherry.

Delimitation is a complex and cumbersome exercise requiring very careful and meticulous handling as it involves politically sensitive and socially volatile issues. Most of the countries requiring delimitation of constituencies entrust the task to a responsible body. In the US, Canada, France, Italy, Germany, Belgium, Poland, Sweden, etc, the legislatures deal with the task of electoral "redistricting", i.e., re-drawing the boundaries of single-member constituencies. In Australia, Botswana, UK, Namibia and India, a Boundary or Delimitation Commission has been set up through parliamentary legislation to do the job. In Pakistan, Turkey, Belarus, Lithuania and Ukraine, delimitation is done by the electoral management bodies (viz, Election Commission). In some countries, for example Hungary, the delimitation exercise is entrusted to a government department.

The Fourth Delimitation Commission in India was set up with Kuldeep Singh,

a retired justice of the Supreme Court as its chairman, under the Delimitation Act 2002 passed by the Parliament. However, there are two riders which interfere with the functioning of the said legislation. The first one is the Constitution 84th Amendment Act 2001, which has again put a freeze on the number of elected representatives to the Lok Sabha (LS) and the legislative assemblies till the publication of first census figures after 2026 (which means really 2031 as the census is only a decennial exercise and the figures will be available only by that time). And the second is the Constitution 87th Amendment Act 2003, which provides that instead of the earlier provision on making Census 1991 the basis of the current delimitation exercise, Census 2001 shall be the basis of the delimitation. We already had a freeze on the number of seats in the LS (Article 81) and the state assemblies (Article 170), as well as on the delimitation exercise (Articles 82 and 170) for the last 30 years put by the Constitution 42nd Amendment Act 1976. The constitutional provisions (Articles 81 and 170) mandated that for any delimitation exercise, the population figures would be taken from Census 1971 till the census figures after 2000 are published, and further that it shall not be necessary to go in for a delimitation exercise till the publication of the census figures after 2000. The last delimitation exercise had been conducted by the Third Delimitation Commission in 1972 after the publication of the census figures of 1971, and, hence, in the light of the 42nd amendment of the Constitution in 1976, there was no delimitation exercise after the publication of the 1981 and 1991 Census figures. Now, the freeze on the delimitation exercise has been removed,

but the freeze on the number of seats in the LS and the state assemblies continues.

The Fourth Delimitation Commission's work was halted for some time owing to the controversy over the earlier provision making the 1991 Census the basis of the current delimitation exercise. It was argued that when the census figures for 2001 are available why should the fourth commission not use the latest figures. Finally, the union cabinet took a decision on April 26, 2003 to bring in a new legislation in Parliament to make census figures for 2001 the basis of the current delimitation exercises. The Parliament passed the Constitution 87th Amendment Act 2003 which received the assent of the president on June 22, 2003. That was a legislation to amend inter alia section 4, section 8 and section 9 of the Delimitation Act, 2002 whereby census figures for 2001 were made the basis of the current delimitation exercise. However, there was no proposal to lift the freeze on the number of seats in the LS and state legislative assemblies. The census data of 2001 was released on December 31, 2003. The Delimitation Commission had been originally given a term of two years, but in the light of the constitutional amendment, the dissolution of the XIIIth LS, and the renomination of several associate members in the commission, the term had to be extended twice.

However, in most states, the working of the commission has invited public ire and protest owing to the fact that officials have tampered with the spirit of the methodology of delimitation as enshrined in the Delimitation Act 2002, and have allegedly acted in a somewhat partisan manner. In Greater Calcutta for example, there were 22 assembly constituencies; among them 18 are with the opposition. If the present delimitation recommendations are accepted there will be only 11 assembly constituencies left in Greater Calcutta, and, except for one, all the 10 constituencies would be captured by the CPM as the 2004 election data indicates (*The Statesman*, Kolkata, July 16, 2005). Such problems are being reported from other states as well.

Methodological Issues

The delimitation exercise in India faces some major methodological problems: (i) selection of a correct and satisfactory method for the allocation of seats

among several states; (ii) redrawing the electoral boundaries of the constituencies, or redistricting, in such a manner that the exercise does not fall into the trap of “gerrymandering”; and (iii) balancing the population of the constituencies in such a manner that it synchronises with the legal and constitutional dictates for delimitation.

Delimitation requires the selection of a proper method for the allocation of constituencies. All previous delimitation exercises¹ in India did not specify what method was followed in the delimitation of electoral constituencies; Delimitation Acts of 1952, 1962, 1972 and 2002 all remained silent on this vexed issue. There are several methods for the delimitation of constituencies, viz, the Jefferson method, Hamilton method, Hill and Huntington method, Quota method, Webster method, etc. In the Jefferson Method (method of greatest divisor), the total population is divided by the number of seats and each state is assigned its quota, disregarding any fractional remainder. The number of members is adjusted so that none are left over. This method had been proposed by the third US president Thomas Jefferson, and was in vogue in the US during 1790-1840. In the Hamilton Method (method of largest fractional remainder), members are first apportioned according to each state’s quota, disregarding any fractional remainders, and then, any leftover seats are assigned to the states with the largest fractional remainders. This method had been proposed by Alexander Hamilton and was in use in the US during 1850-1910. In the Hill and Huntington Method (method of equal proportion), the formula uses the state’s population divided by the geometric mean of that state’s current number of seats and the next seat (the square root of $n(n-1)$). This formula allocates the remainder of seats among the states in a way that provides the smallest relative difference between any pair of states in the population of a district and in the number of people per representative. This method was suggested by Joseph Hill and later refined by the Harvard mathematician Edward Huntington. In this method, a quotient of 2.45 would yield three seats. Using this method, a quotient should be rounded up if it exceeds the geometric mean (or square root of the product) of the two nearest whole numbers (the square root of $2 \times 3 = 6$ is 2.449 which is less than 2.450). The US Supreme Court upheld the US Congress’ choice of this method over other possible methods and it remains in use today [Watson undated].

Two other major methods are the quota method and Webster Method. In the quota method, first the number of the seats for the legislature is assumed to be fixed; then the population of the state is divided by that number to get the national average of the quota of population for one seat. This quota is used to allocate seats among several states. In doing so, the population of one state is divided by the quota of population and the quotient becomes the number of seats allocated to that state. In doing so, the remainders are rounded up or down [McMillan 2002]. In the Webster method (method of major fractions), first the size of the legislature is chosen. Then a divisor x is chosen whereby, when the population of the state is divided by x and the resulting number is rounded off to the nearest integer, the results add up to the chosen size of the legislature. Each state’s population is divided by the divisor x and the quotient rounded off to the nearest integer [McMillan 2002]. The Webster method is the system which most closely satisfies the ideal of one-person, one-vote, one-value. It does not favour larger or smaller states, and allocates seats as near as possible to the quota – the number of seats of average population size that each state could return. It is also unaffected by the “Alabama paradox”, whereby the introduction of a new state changes the allocation of seats to other states, even when the size of the house is allowed to rise. This is important in the Indian context, “where only those states with populations over six million are included in the proportionate allocation of seat process...” [McMillan 2001].

Alistair McMillan has compared the quota method and the Webster method in the Indian context, and opined that the Webster method is better than the quota method. In the simulations worked out by him, it has been shown that in the quota method, the quota of seats calculated for a house of 543 MPs strangely leads to the allocations of 548 seats. The difference arises when the remainders (in working out the quota) are not equally divided between those more than 0.5 and those less than 0.5. He claims that all other methods introduce bias either towards small or large states; only the Webster method is free of any such bias [McMillan 2002]. However, in the simulations presented by McMillan, the calculations seem to be somewhat faulty. In his simulations for the quota method, the seat quota of Punjab (12.59) and West Bengal (41.59) have been rounded downwardly to the nearest integer as 12 and 41 respectively, whereas, in the simulations for the Webster method, the seat share of Kerala (16.59) and

UP (86.53) have been rounded upwardly as 17 and 87 respectively [Tables 1 and 2]. How can the same fraction 0.5 be rounded off to the nearest integer downwards in quota method and upwards in Webster method? Hence, it is difficult to accept the Webster method as immaculate and faultless as persuasively argued by McMillan. However, that is not to contest that we should explore a more rational and indigenous technique for seat allocation in the delimitation exercise. And, it would augur well for the Indian polity if the Delimitation Commission makes the method public.

Redistricting or Gerrymandering

Another problem in the delimitation exercise is the possibility of drawing boundaries of constituencies in such a manner as to favour a particular party or a candidate. This is called gerrymandering. The term is of American origin and is used to describe some deliberate redrawing of the boundaries of congressional districts to influence the outcome of elections. The term came into use in the US in 1812 when the governor of Massachusetts, Elbridge Gerry, created an electoral district of such an “elongated and squiggly shape” that it resembled the salamander. His family name of Gerry was merged with the noun salamander to create the term gerrymandering. The object of gerrymandering is either to concentrate the opposition votes in a few electoral districts (called “packing”), or diffuse the opposition votes across many districts (called “cracking” or “dilution”). In 1967 the US Congress passed a law requiring all US representatives to be elected from single member districts. In 1985, the US Supreme Court struck down the practice of political gerrymandering. And in 1993 (Shaw vs Reno) and 1995 (Miller vs Johnson), the US Supreme Court struck down even racial gerrymandering under which electoral districts were created with a “majority of minorities” so that underrepresented minorities got a chance to elect their own representatives. However, the court ordered only against the creation of electoral constituencies on racial basis; it did not order the dismantling of already created districts. As by 1995 most of the electoral districts had already been racially gerrymandered, the only remedy against racial gerrymandering now lies in the judiciary, which can undo the racial redistricting through judicial review one by one, or by legislative initiatives [Horn 1995].

In India, the redrawing of electoral boundaries of the parliamentary and the

legislative assemblies have been largely fair and satisfactory. But on certain occasions, the charges of malpractices and the ruling party's interference have been heard. In the case of the first delimitation carried out by the offices of the president of India, the delimitation was found to be so unsatisfactory by the then law minister C C Biswas that he lamented, "The President's Order which was laid before Parliament were simply torn into pieces by Parliament whose decisions seems to have been actuated more by the convenience of individual members of the House rather than by the considerations of general interest" [quoted in Jha 1963:132]. Even the late Jayprakash Narayan complained that the "task [of delimitation] had been

practically left in the hands of a single party, Congress" [Bhalla 1973:145]. Even during subsequent delimitations, the same charges continued to be levelled against the exercise of delimitation.

The current delimitation is also facing similar charges. There are reports about the interference by ruling parties in several states. In some states, the delimitation exercise had to be stopped altogether. Since there are politicians on the Delimitation Commission as associate members (though without voting rights), they try to influence the delimitation process. They try to persuade the local officials to gerrymander constituencies of their choice in such a manner so that they and their respective parties may reap political advantages out

of the exercise. They always try to manipulate the exclusion of those wards, localities or villages that are opposition strongholds. The introduction of the electronic voting machine (EVM) has facilitated the booth-wise counting of votes and the identification of such pockets with scientific precision. Hence, the associate members may put pressure on the commission either to "crack them" or "pack them" in such a manner that opposition pockets no longer play any significant role in the outcome of elections. Given the primordial affinities of voters, religion and caste comes to dominate the ideologies and the programmes of the parties. Hence, not only small pockets, but also village after village come to be affiliated to a particular party on the basis of caste or religion. That makes the task of impartial delimitation quite difficult. Hence, it may be worthwhile to co-opt academicians, political scientists, psephologists, etc, of repute and credibility into the delimitation exercises. This will give an objective, impartial, and academic flavour to the delimitation process and, perhaps, offset the political machinations contemplated by politicians and partisan bureaucrats on the Delimitation Commission.

Legal and Constitutional Dictates

The redrawing of boundaries also requires the equal distribution of population, to the extent practicable, among several constituencies of a state. Had this been the only criterion, things would have been quite simple for the Delimitation Commission, but there are other constitutional and legal riders too and synchronising these makes the task of readjusting the existing boundaries quite difficult. The most glaring disparity in the size of the electorate exists under the very nose of the Delimitation Commission, the Election Commission and the central government – the case of Delhi itself. In the parliamentary constituency of Chandni Chowk there are only about 3.76 lakhs voters while in the outer Delhi constituency they are about 31 lakhs. Such examples can be multiplied. Why such disparities? The reason may be found in the delimitation law itself. In the amended Delimitation Act 2002, the provision responsible for that is clause 9(1) which states:

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 2001 Census to single-member

Table 1: Quota Method Reallocation of LS Seats

States	2001 Census Provisional Population	Present LS Seats	Quota of LS Seats Using 2001 Census		Over/under Representation
All India	1010604216	524	524	524	0
Andhra Pradesh	75727541	42	39.2	39	3
Assam	26638407	14	13.8	14	0
Bihar	82878796	40	42.9	43	-3
Chhattisgarh	20795956	11	10.7	11	0
Gujarat	50596992	26	27.5	28	-2
Haryana	21082989	10	10.9	11	-1
HP	6077248	4	3.1	3	1
J and K	10069917	6	5.2	5	1
Jharkhand	26909482	14	13.9	14	0
Karnataka	52733958	28	27.3	27	1
Kerala	32838619	20	16.5	16	4
MP	60385118	29	31.3	31	-2
Maharashtra	96752247	48	50.1	50	-2
Orissa	36706920	21	19	19	2
Punjab	24289296	13	12.59	12	1
Rajasthan	56473122	25	29.2	29	-4
TN	62110839	39	32.2	32	7
UP	166052859	80	86	86	-6
Uttaranchal	8479562	5	4.3	4	1
West Bengal	80221171	42	41.59	41	1
Delhi	13782976	7	7.1	7	0

Source: www.nuff.ox.ac.uk/users.mcmillan/delim/delim2.

Table 2: Webster Method Reallocation of Seats

States	2001 Census Provisional Population	Present LS Seats	Proportional Seats Using 2001 Census		Over/under Representation
All India	1010604216	524	524	524	
Andhra Pradesh	75727541	42	39.4	39	3
Assam	26638407	14	13.8	14	0
Bihar	82878796	40	43.1	43	-3
Chhattisgarh	20795956	11	10.8	11	0
Gujarat	50596992	26	26.3	27	0
Haryana	21082989	10	10.9	11	-1
HP	6077248	4	3.16	3	1
J and K	10069917	6	5.2	5	1
Jharkhand	26909482	14	14	14	0
Karnataka	52733958	28	27.4	27	1
Kerala	32838619	20	16.59	17	3
MP	60385118	29	31.4	31	-2
Maharashtra	96752247	48	50.4	50	-2
Orissa	36706920	21	19.1	19	2
Punjab	24289296	13	12.6	13	0
Rajasthan	56473122	25	29.4	29	-4
TN	62110839	39	32.3	32	7
UP	166052859	80	86.5	87	-7
Uttaranchal	8479562	5	4.4	4	1
West Bengal	80221171	42	41.8	42	0
Delhi	13782976	7	7.1	7	0

Source: www.nuff.ox.ac.uk/users.mcmillan/delim/delim2.

territorial constituencies and delimit them on the basis of the census figures as ascertained, at the census held in the year 2001, 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 paid 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.

So, the population variable has to be synchronised with all those variables so that delimitation does not produce ridiculous redrawings of constituencies. As the bureaucrats at grassroots level assist the commission in the delimitation exercise, they tend to pay greater attention to variables other than the population. In the actual conduct of the elections, it is non-demographic variables that may cause greater trouble to the district

administration. However, the fourth commission has, in some cases, evolved norms in this respect. In Uttar Pradesh, for example, the commission had decided to keep the population of the assembly constituencies at 3,27,696. However, in exceptional cases, there can be a rise of 10 per cent with the permission of the commission. That would put a check on the local bureaucrats who may not be able to sideline the population factor in the delimitation of the constituencies though that may involve the transfer of a large chunk of urban electors to rural constituencies.

The constitutional requirement is not only enshrined in the Constitution in respect of the population in Articles 81 and 82 for LS, and Article 170 for the state assemblies, but also in Articles 330 and 332. Article 330 reserves LS constituencies for the SCs and the STs, and Article 332 reserves seats for them in state legislative assemblies of the states. In so doing, thus, the delimitation requires (i) that the number of LS and assembly constituencies to be

reserved for the SCs and the STs be determined, and (ii) those constituencies which are to be reserved, should be identified from amongst the number of constituencies allotted to a state. The Constitution's Article 330(2) mandates that the number of seats reserved for the purpose "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]. The same requirement is mandated by Article 332(3) in respect of the determination of the number of reserved seats for state legislative assemblies. In respect of the identification of the exact parliamentary and the assembly constituencies to be so reserved, there are two legal requirements – (i) "the

Table 4: States Where Delimitation of Parliamentary Constituencies Is Complete

State/UT (with Date of order by Delimitation Commission)	Projected Gain/Loss of LS Seats(+/-)									
	Total Seats	General			Scheduled Caste			Scheduled Tribe		
		Pres	Proj	+/-	Pres	Proj	+/-	Pres	Proj	+/-
Kerala (23.3.05)	20	18	18	-	2	2	-	0	0	-
Tripura (28.2.05)	2	1	1	-	0	0	-	1	1	-
Mizoram (13.4.05)	1	0	0	-	0	0	-	1	1	-
Goa (8.11.04)	2	2	2	-	0	0	-	0	0	-
Pondicherry (8.10.04)	1	1	1	-	0	0	-	0	0	-
Rajasthan (8.8.2005)	25	18	18	-	4	4	-	3	3	-

Source: Website of the Delimitation Commission of India/Election Commission of India.

Table 3: Projected Gain/Loss of Lok Sabha Seats to States on the Basis of Census 2001

States	Population Figures Census 2001			Projected Gain/Loss of Seats (+/-)									
	Total	SC (Per Cent)	ST (Per Cent)	Total Seats	General			Scheduled Caste			Scheduled Tribe		
					Pres	Proj	+/-	Pres	Proj	+/-	Pres	Proj	+/-
All India	1028610328	16.2	8.2	543	423	410	-13	79	88	+9	41	45	+4
Jammu and Kashmir	10143700	7.6	10.9	6	6	5	-1	0	0	-	0	1	+1
Himachal Pradesh	6077900	24.7	4	4	3	3	-	1	1	-	0	0	-
Punjab	24358999	28.9	0	13	10	9	-1	3	4	+1	0	0	-
Uttaranchal	8489349	17.9	3	5	4	4	-	1	1	-	0	0	-
Haryana	21144564	19.3	0	10	8	8	-	2	2	-	0	0	-
Delhi	13850507	16.9	0	7	6	6	-	1	1	-	0	0	-
Rajasthan	56507188	17.2	12.6	25	18	18	-1	4	4	-	3	3	-
Uttar Pradesh	166197921	21.1	0.1	80	63	63	-	17	17	-	0	0	-
Bihar	82998509	15.7	0.9	40	33	34	+1	7	6	-1	0	0	-
Sikkim	540851	5	20.6	1	1	1	-	0	0	-	0	0	-
Arunachal Pradesh	1097968	0.6	64.2	2	2	2	-	0	0	-	0	0	-
Nagaland	1990036	0	89.1	1	1	1	-	0	0	-	0	0	-
Manipur	2166788	2.8	34.2	2	1	1	-	0	0	-	1	1	-
Mizoram	888573	0	94.5	1	0	0	-	0	0	-	1	1	-
Tripura	3199203	17.4	31.1	2	1	1	-	0	0	-	1	1	-
Meghalaya	2318822	0.5	85.9	2	2	2	-	0	0	-	0	0	-
Assam	26655528	6.9	12.4	14	11	12	1	1	1	-	2	1	-1
West Bengal	80176197	23	5.5	42	32	30	-2	8	10	+2	2	2	-
Jharkhand	26945829	11.8	26.3	14	8	8	-	1	2	+1	5	4	-1
Orissa	36804660	16.5	22.1	21	13	13	-	3	3	-	5	5	-
Chhattisgarh	20833803	11.6	31.8	11	5	7	+2	2	1	-1	4	3	-1
MP	60348023	15.2	20.3	29	20	19	-1	4	4	-	5	6	+1
Gujarat	50671017	7.1	14.8	26	20	20	-	2	2	-	4	4	-
Maharashtra	96878627	10.2	8.9	48	41	39	-2	3	5	+2	4	4	-
AP	76210007	16.2	6.6	42	34	32	-2	6	7	+1	2	3	+1
Karnataka	52850562	16.2	6.6	28	24	21	-3	4	5	+1	0	2	+2
Goa	1347668	1.8	0	1	2	2	-	0	0	-	0	0	-
Kerala	31841374	9.8	1.1	20	18	18	-	2	2	-	0	0	-
Tamil Nadu	62405679	19	1	39	32	32	-	7	7	-	0	0	-

Source: Compiled by the author using data from the Census 2001, websites of the Parliament of India, and the Election Commission of India.

total number of seats assigned [reserved] to the legislative assembly of any state... shall be an integral multiple of the number of seats in the House of the People allotted [reserved] to that State” (Delimitation Act 2002, clause 8, proviso third), and (ii) 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, 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 (Delimitation Act 2002, clause 9:1: c & d).

As per the Constitution 84th Amendment Act 2001 and the Delimitation Act 2002, the determination of the number of reserved constituencies for the SCs and the STs in LS and the state assemblies was to be made on the basis of the population of the SCs and the STs as per the 1991 Census. But, the Constitution 87th Amendment Act 2003 makes the 2001 Census, and not the 1991 Census figures the basis for determining this. That requires the conversion of some general seats into reserved seats, and vice versa. That may invite resistance because caste Hindu and Muslim candidates from such newly reserved constituencies will suddenly become ineligible for seeking elections from their

respective constituencies that they might have nursed for quite some time. Not only that, but some reserved constituencies may also be dereserved as per the provisions of the Constitution; and hence, some SC and ST candidates may find their political careers ruined owing to the conversion of some reserved seats into general seats.

Delimitation on Reserved Seats

The population of SCs in India, as per the 1971 Census, was 14.6 per cent of the total population of the country; the 2001 Census puts the figures at 16.2 per cent. Thus, on an all India basis, there is a rise of 1.6 per cent in the population of SCs between 1971 and 2001. After the 1971 Census, 79 LS seats (14.6 per cent) were reserved for the SCs, if the 2001 Census figures are to be considered for the reservation of seats, then 16.2 per cent seats should go to them. That would mean 88 seats. Thus, a rise of 1.6 per cent population of

the SCs would lead to nine more LS seats being additionally reserved for them. Similarly, the ST population in India, as per the 1971 Census was 38 million i.e., 6.9 per cent of the total population of the country; the 2001 Census puts the figures at 8.2 per cent. Thus on an all India basis, there is a rise of 1.3 per cent in the population of the STs between 1971 and 2001. After the 1971 Census, 41 LS seats were reserved for the STs; if 2001 Census figures are made the basis for the determination of the reserved seats for the STs, then, 8.2 per cent seats are required to be reserved for them; this would mean 45 seats. Thus, a marginal rise of 1.3 per cent in the population of the STs would lead to the reservation of four more seats for them. Thus, the number of total reserved seats for the SCs and the STs would rise from 120 (after the third commission) to 133 in the current delimitation exercise. That would reduce the availability of general seats in the LS from 423 to 410, a loss of 13 seats.

Table 6: States Where Delimitation of Assembly Constituencies Is Complete

State/UT (with Date of order by Delimitation Commission)	Projected Gain/Loss of Assembly Seats(+/-)									
	Total Seats	General			Scheduled Caste			Scheduled Tribe		
		Pres	Proj	+/-	Pres	Proj	+/-	Pres	Proj	+/-
Kerala (23.3.05)	140	126	124	-2	13	14	+1	1	2	+1
Tripura (28.2.05)	60	33	30	-3	7	10	+3	20	20	-
Mizoram (13.4.05)	40	1	1	-	0	0	-	39	39	-
Goa (8.11.04)	40	39	39	-	1	1	-	0	0	-
Pondicherry (8.10.04)	30	25	25	-	5	5	-	0	0	-
Rajasthan (8.8.2005)	200	143	141	-2	33	34	+1	24	25	+1

Source: Website of the Delimitation Commission of India/Election Commission of India.

Table 5: Projected Gain/Loss of Assembly Seats in States on the Basis of Census 2001

States	Population Figures Census 2001			Projected Gain/Loss of Seats (+/-)										
	Total	SC (Per Cent)	ST (Per Cent)	Total Seats	General			Scheduled Caste			Scheduled Tribe			
					Pres	Proj	+/-	Pres	Proj	+/-	Pres	Proj	+/-	
All India	1028610328	16.2	8.2											
Jammu and Kashmir	10143700	7.6	10.9	87	80	71	-9	7	7	-	0	9	+9	
Himachal Pradesh	6077900	24.7	4	68	49	48	-1	16	17	+1	3	3	-	
Punjab	24358999	28.9	0	117	88	83	-5	29	34	+5	0	0	-	
Uttaranchal	8489349	17.9	3	70	55	55	-	12	13	+1	3	2	-1	
Haryana	21144564	19.3	0	90	73	73	-	17	17	-	0	0	-	
Delhi	13850507	16.9	0	70	57	58	+1	13	12	-1	0	0	-	
Rajasthan	56507188	17.2	12.6	200	143	140	-3	33	35	+2	24	25	+1	
Uttar Pradesh	166197921	21.1	0.1	403	314	318	+4	89	85	-4	0	0	-	
Bihar	82998509	15.7	0.9	243	204	203	-1	39	38	-1	0	2	+2	
Sikkim	540851	5	20.6	32	18	23	+5	2	2	-	12	7	-5	
Arunachal	1097968	0.6	64.2	60	1	1	-	0	0	-	59	59	-	
Nagaland	1990036	0	89.1	60	1	1	-	0	0	-	59	59	-	
Manipur	2166788	2.8	34.2	60	40	37	-3	1	2	+1	19	21	+2	
Mizoram	888573	0	94.5	40	1	2	+1	0	0	-	39	38	-1	
Tripura	3199203	17.4	31.1	60	33	31	-2	7	10	+3	20	19	-1	
Meghalaya	2318822	0.5	85.9	60	5	9	+4	0	0	-	55	51	-4	
Assam	26655528	6.9	12.6	126	102	103	+1	8	7	-1	16	16	-	
West Bengal	80176197	23	5.5	294	218	210	-8	59	68	+9	17	16	-1	
Jharkhand	26945829	11.8	26.3	81	44	50	+6	9	10	+1	28	21	-7	
Orissa	36804660	16.5	22.1	147	91	91	-	22	24	+2	34	32	-2	
Chhattisgarh	20833803	11.6	31.8	90	46	51	+5	10	10	-	34	29	-5	
MP	60348023	15.2	20.3	230	156	148	-8	33	35	+2	41	47	+6	
Gujarat	50671017	7.1	14.8	182	143	142	-1	13	13	-	26	27	+1	
Maharashtra	96878627	10.2	8.9	288	248	233	-15	18	29	+11	22	26	+4	
AP	76210007	16.2	6.6	294	240	227	-13	39	48	+9	15	19	+4	
Karnataka	52850562	16.2	6.6	224	189	173	-16	33	36	+3	2	15	+13	
Goa	1347668	1.8	0	40	39	39	-	1	1	-	0	0	-	
Kerala	31841374	9.8	1.1	140	126	125	-1	13	14	+1	1	1	-	
Tamil Nadu	62405679	19	1	234	189	188	-1	42	44	+2	3	2	-1	

Source: Compiled by the author using data from the Census 2001, websites of the Parliament of India, and the Election Commission of India.

The Delimitation Commission is responsible for the allocation of these extra reserved seats among several states. In doing that, the commission shall have to work out the proportion of the population of the SCs and the STs to the total population in each state. And the same proportion of the LS seats will have to be reserved for the SCs and the STs in that state. In some states like Punjab, UP, Himachal Pradesh, West Bengal, Haryana, Tamil Nadu, Rajasthan, Orissa, Bihar, MP and Delhi the population of SCs has risen considerably. However, they may not be the beneficiaries of additional reserved seat allocations. The states almost sure to get more reserved seats for the SCs are Andhra Pradesh (+1), Jharkhand (+1), Karnataka (+1), Maharashtra (+2), Punjab (+1) and West Bengal (+2). The states likely to get greater share of ST seats are J and K (+1), Andhra Pradesh (+1), Karnataka (+2) and MP (+1) (Table 3).

In Table 3, we have studied the reserved seat distribution in the several states on the basis of the 2001 Census, and made projections regarding the redistribution of the reserved seats using the 2001 Census figures for the SC and the ST population. Our study shows that in the current delimitation exercises, nine SC and four ST seats in the LS are to be additionally reserved. These SC/ST seats are to be assigned to the states where the proportion of the reserved seats to the general seats is lesser than the proportion of the SC/ST population to the general population. The study shows that Maharashtra and West Bengal are clear leaders as they take two additional SC seats each. Karnataka too is to gain as it is likely to get additionally one SC and two ST seats. Andhra Pradesh loses two general seats, one going to the SC and the other to the ST. West Bengal loses two general seats, both to be transferred to the SC category. In the newly formed state of Jharkhand, one ST seat would be transferred to the SC category. Interestingly, there are three states which are likely to gain general seats at the expense of the SC/ST. Assam will gain one general seat at the expense of the ST seat; Bihar will get one additional general seat at the cost of SC seat, and Chhattisgarh will get two more general seats – one each at the expense of the SC and ST seats.

However, it is clear from Table 3 that the allocation of all SC seats is not going to be an easy task because the seat-population ratio formula does not provide a clear clue to the Delimitation Commission. Punjab, for example, may have shown the highest SC population percentage (28.9), but it may not get any additional SC seat

because any additional reserved seat would raise the seat percentage to approximately 31 per cent. Conversely, while only four seats should be additionally earmarked for the STs, there are five seats required to be reserved in different states (J and K, MP and Andhra Pradesh – one each, and Karnataka two seats) (Table 3). Only six states/union territories have been able to finalise the delimitation of constituencies for their respective parliamentary constituencies (Table 4).

Similarly, the situation in respect of seats in the state legislatures will also change. As is shown in Table 5, 15 states will increase their share of reserved SC seats (Maharashtra 11, AP and West Bengal 9 each, Punjab 5, Tripura and Karnataka 3 each, Rajasthan, Orissa, Madhya Pradesh and Tamil Nadu 2 each, Himachal Pradesh, Uttaranchal, Manipur, Jharkhand and Kerala 1 each: total 53), and four states will lose about seven SC seats (UP 4, Delhi, Bihar and Assam 1 each). As regards the ST seats, nine states will gain around 42 seats (Karnataka 13, J and K 9, MP 6, Maharashtra and AP 4 each, Bihar and Manipur 2 each, Rajasthan and Gujarat 1 each), whereas 10 states would lose about 28 ST seats (Jharkhand 7, Chhattisgarh and Sikkim 5 each, Meghalaya 4, Orissa 2, Uttaranchal, Mizoram, Tripura, West Bengal and Tamil Nadu 1 each). In this way, all over India, SC and ST seats in state assemblies would go up by 46 and 14 seats respectively. That would mean a loss of 60 net general seats in all state assemblies. While 15 states would lose 87 general seats (Karnataka 16, Maharashtra 15, Andhra Pradesh 13, J and K 9, West Bengal and MP 8 each, Punjab 5, Manipur and Rajasthan 3 each, Tripura 2, HP, Bihar, Gujarat, Kerala, Tamil Nadu 1 each), seven states and Delhi together would gain 27 general seats (Jharkhand 6, Sikkim and Chhattisgarh 5 each, Meghalaya and Uttar Pradesh 4 each, Assam, Mizoram and Delhi 1 each).

Presently, there are 28 states and in them there are 4,020 legislative assembly seats (general 2,936, SC 552, ST 532), and seven union territories with 100 assembly seats (general 82, SC 18, ST 0). After the current delimitation exercise, while the total number of legislative assembly seats in all the states will remain unchanged, the break-up of general, SC and ST seats is likely to change. In six states/union territories where delimitation of constituencies has been completed for the assembly seats, Kerala has lost two general seats – one each going to the SC and the ST, Tripura has lost three general seats – all going to

the SCs, and Rajasthan has lost two general seats – one each going to the SC and the ST (Table 6).

During the previous delimitation exercise (1972-75), Parliament anticipated the possible rise in the number of reserved seats and the decline in the number of general seats, and by the Constitution 21st Amendment Act 1973 raised the strength of LS from 520 to 545. So, after the delimitation exercise then, while there were four more reserved seats for the SCs and the STs (from 112 to 116), there was also a corresponding increase in the number of general seats (from 406 to 426). But, owing to the 84th Amendment of the Constitution, though the number of SC and ST seats will go up, it will not be possible to raise the number of general seats this time. The commission would submit its recommendations to the president and once the president notified the delimitation, it would become final. Under Article 329, no person would have the right to question the delimitation before any court of law. [1]

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Note

- 1 The first delimitation was done by the office of the president of India with the help of the Election Commission for the 1952 general elections. Subsequently, the first commission was set up under the Delimitation Act 1952. The first commission carried out the apportionment of seats for the 1957 elections taking into account the population figures from the 1951 Census. The second and third commissions were set up under the Delimitation Act 1962 and the Delimitation Act 1972 respectively and they used the population figures of 1961 and 1971 Census respectively, www.delimitation-India.com.

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