

CHAPTER-II

DELIMITATION OF CONSTITUENCIES

Constitutional ban on delimitation:

In 1976, articles 81, 82 and 170 of the Constitution which, as originally enacted, provided, inter alia, for the readjustment of seats and fresh delimitation of Parliamentary and Assembly constituencies after each decennial census, were amended by the Constitution (Forty-Second Amendment) Act to provide that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the People to the States and the total number of seats in the State Legislative Assemblies and the division of States into territorial constituencies (both Parliamentary and Assembly). Consequently, subject to any changes as a result of special laws of Parliament, such as those relating to formation of new States or reorganization of States and additions to the list of Scheduled Tribes and Scheduled Castes and Constitutional amendments, the delimitation of Parliamentary and Assembly constituencies as provided in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, on the basis of the 1971-Census figures will continue to be effective until the fresh delimitation as contemplated to be undertaken after the publication of the figures for the first Census taken after the year 2000 A.D.

SPECIAL LAWS AND CONSTITUTION AMENDMENT:

In 1986, Parliament passed two special laws, one for the establishment of the State of Mizoram, namely, the State of Mizoram Act, 1986 and the other for the establishment of the State of Arunachal Pradesh, namely, the State of Arunachal Pradesh Act, 1986. These Acts provide for the delimitation of the Assembly constituencies of the States by the Election Commission. In 1987, Parliament passed a special law providing for the reorganization of the Union Territory of Goa, Daman and Diu, namely, the Goa, Daman and Diu Reorganization Act, 1987, which provided for the establishment of a new State of Goa and for a new Union Territory of Daman and Diu. The Act also provides for the delimitation of the Assembly constituencies of the new State of Goa by the Election Commission. The Constitution (Fifty-Seventh Amendment) Act, 1987 was passed by Parliament to provide for increased representation to Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. Parliament also enacted the Constitution (Scheduled Tribe Order) Amendment Act, 1987 to add to the list of Scheduled Tribes in Meghalaya. The Representation of the People (Third Amendment) Act, 1987 was enacted by Parliament to specify the number of seats which shall be reserved

for the Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. The consequent work of determination of the Assembly constituencies in the States of Meghalaya, Mizoram and Nagaland in which seats shall be reserved for the Scheduled Tribes was entrusted to the Election Commission through amendments made in the Representation of the People Act, 1950 by the Representation of the People (Second Amendment) Act, 1987.

DELIMITATION OF ASSEMBLY CONSTITUENCIES
IN THE STATE OF MIZORAM:

The work relating to delimitation of Assembly constituencies in the State of Mizoram had to be completed as expeditiously as possible as the State of Mizoram Act contemplated the constitution of a new Legislative Assembly for the State on the date of the formation of the State itself. The work connected with the delimitation of constituencies, revision of electoral rolls and the conduct of general election for constituting the new Assembly had thus to be completed within a very short time.

The State of Mizoram Act provided that the total number of seats in the Legislative Assembly of the State of Mizoram to be filled by persons, chosen by direct election from assembly constituencies shall be forty and that the Election Commission shall distribute the seats to single member territorial constituencies and delimit them having regard to the provisions of the Constitution and to the following provisions:

- (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; and
- (b) Constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where a proportion of their population to the total is the largest.

The Act required the Election Commission to associate with itself as associate members the sitting member of the House of the People representing the Parliamentary constituency of Mizoram, namely, Shri Lalduhoma, M.P. and such of the six members of the Legislative Assembly of the

then existing Union Territory of Mizoram as the Speaker thereof may nominate. The Speaker of Mizoram Legislative Assembly, vide his communication dated the 29th September, 1986, nominated the following six MLAs:-

- (i) Brig. T. Sailo.
- (ii) Shri J. Thanguama.
- (iii) Shri M.Z. Hiphei.
- (iv) Shri Vanlalnghaka.
- (v) Shri Zalawma.
- (vi) Shri Liansuama.

As Brig. Sailo could not accept the nomination on account of ill-health, the Speaker subsequently nominated Shri Zairemthanga as Associate Member in his place. As the delimitation of the constituencies had to be done on the basis of the 1971-population figures, the Commission reformulated, in the first instance, with the assistance of the officers from the Office of the Chief Electoral Officer of Mizoram the data as to population as ascertained at the 1971-Census in terms of the latest administrative units and collected other necessary statistical data and maps for preparation of the working paper containing delimitation of the forty assembly constituencies. The working paper was prepared and sent out to the Associate Members on the 24th October, 1986 with a request that they should attend a meeting in the Office of the Commission on the 18th November, 1986 for discussion on the working paper and for preparing the draft proposal for the Commission. All the Associate Members attended the meeting. Thanks to the willing co-operation of the Associate Members, the meeting which commenced at about 10 A.M. continued till 11 P.M. The suggestions of the Associate Members were carefully considered. Though a substantial measure of consensus could be reached, it was found not feasible to accommodate all their suggestions within the guidelines for delimitation as given in the State of Mizoram Act. The Commission's proposals, as modified after discussion with the Associate Members together with the dissenting proposals of the Associate Members were published in the Official Gazette (Extraordinary) of the Gazette of India as well as the Gazette of Mizoram on the 26th November, 1986. The last date for receipt of objections and suggestions from public was fixed as 11th December, 1986. A Camp Office of the

Commission was opened at Aizawl to receive the objections and suggestions from the public. About fifty representations were received from the public. Copies of the same were circulated to the Associate Members for their information by the Camp Office and for considering the representations, the Commission held public sittings at Saiba, Lunglei and Aizawl on 15th, 16th and 17th December, 1986 respectively. Wide publicity was given to the Commission's public sittings and the persons who submitted representations were individually informed of the sittings. Apart from the persons who sent their representations, a number of persons representing different political and other groups made oral submissions to the Commission at the public sittings.

After the public sittings, the Commission had a final round of meeting with the Associate Members on the 18th December, 1986 at Aizawl for consideration of the Commission's draft proposals, the dissenting proposals of the Associate Members and the various suggestions and objections made at the public sittings. The various suggestions which were in accordance with the guidelines provided in the State of Mizoram Act, that is to say, suggestions for reducing the disparities in the size of the constituencies in terms of population and suggestions made with a view to equalising the population on grounds of physical features, boundaries of administrative units, communication facilities, geographical compactness or public convenience, were accepted and the suggestions which were put mainly from the point of view of political or individual interest were not accepted. The Commission's Order containing the delimitation of the forty assembly constituencies of Mizoram was published in the Official Gazette on the 30th December, 1986.

During the Chief Election Commissioner's visit to Mizoram in connection with the delimitation work, representatives of students met him on 14.12.1986 at Aizawl and represented that all the forty seats allotted to the State of Mizoram should be reserved for the Scheduled Tribes. It was explained to them that whereas all the thirty seats in the then Legislative Assembly of the Union Territory of Mizoram were general, under the provisions of the State of Mizoram Act, 1986, thirty-eight, out of the forty seats would be reserved for the Scheduled Tribes. It was also explained to them that the Commission had to act in accordance with the law and under the law as it stood then, only thirty-eight seats could be reserved for the Scheduled Tribes. An assurance was also given to them that their point of view would be communicated to the Government of India in due course.

DELIMITATION OF ASSEMBLY CONSTITUENCIES IN THE STATE OF ARUNACHAL PRADESH

Unlike the State of Mizoram Act, 1986, which required the holding of a General Election [after completion of the work relating to delimitation of Assembly constituencies and revision of rolls] in such manner as to enable the new Legislative Assembly of that State to function as from the date of establishment of the State, the State of Arunachal Pradesh Act, 1986, like other

earlier enactments relating to formation of new States, provided for a transitional arrangement by way of a provisional Legislative Assembly consisting of the elected members of the then existing Union Territory of Arunachal Pradesh up to 21.3.1990. Thus, the Act allowed more than adequate time for completion of the work relating to the delimitation of the Assembly constituencies in the State.

The State of Arunachal Pradesh Act provided that the total number of seats in the Legislative Assembly of the State of Arunachal Pradesh to be filled by persons, chosen by direct election from assembly constituencies shall be forty and that the Election Commission shall distribute the seats to single-member territorial constituencies. The guidelines for delimiting the constituencies as provided in the Act are the same as those provided in the State of Mizoram Act. The Act also required the Election Commission to associate with itself as Associate Members the sitting members of the House of the People representing the Parliamentary constituencies of the State, namely, (1) Shri P.K. Thungon, M.P., (2) Shri Wangpha Lowang, M.P. and such six of the members of the Arunachal Pradesh Legislative Assembly as the Speaker thereof may nominate. The Speaker of the Arunachal Pradesh Legislative Assembly, vide his communication dated the 10th March, 1987, nominated the following six members of the Assembly:-

- (i) Shri Todak Basar (Minister)
- (ii) Shri T.L. Rajkumar (Speaker)
- (iii) Shri Tsering Tashi (Minister)
- (iv) Shri Tadak Dulom (Minister)
- (v) Shri Gyati Takka and
- (vi) Kumari Komoli Masang.

The delimitation of the constituencies has to be on the basis of the 1971-population figures and, accordingly, the data as to population as ascertained at the 1971-Census was reformulated with reference to the latest administrative units and other necessary statistical data and maps for preparation of the working paper containing delimitation of the forty Assembly constituencies were also collected. Thereafter, the Commission prepared a working paper and the same was sent to the Associate Members on the 21st August, 1987 with the request that they should attend a meeting in the office of the Commission on the 5th October, 1987 for discussion on the working paper and for preparing the draft proposals of the Commission. In the meantime, the Commission was informed about the demand for increasing the number of seats in the Legislative Assembly of Arunachal Pradesh from forty to sixty. The Commission accordingly decided to postpone the consideration of the working paper pending the decision of the Government with respect to the said demand.