CHAPTER - IV
DELIMITATION OF CONSTITUENCIES.

INTRODUCTION:

For the purpose of Elections, the States are divided into geographically compact areas; known as Parliament Constituencies (for Elections to Lok Sabha) and Assembly Constituencies (for Elections to State Legislative Assembly). All are single member Constituencies. In the first two General Elections, there were double member constituencies where Seats had been reserved for Scheduled Castes or Scheduled Tribes. With the enactment of the two member Constituencies (Abolition) Act, 1960, there are since then only single member Constituencies throughout the country. Each
Parliamentary Constituency consists of an Integral number of Assembly Constituencies.¹

CONSTITUTIONAL BASIS AND PROCEDURE:

Article 82 of the Constitution Provides that upon the Completion of each Census the allocation of Seats in the Lok Sabha to the States and division of each State into Territorial Constituencies shall be re-adjusted by such authority and in a manner as Parliament may determine by Law. Clause (3) of Article 170 makes similar provision in regard to the Seats in the States Legislative Assemblies and the Division of the States into Territorial Constituencies. Article 327 confers specific power on Parliament to make Law with respect to the delimitation of Constituencies.

Pursuant to these provisions, Parliament enacted on the lines of an earlier Act of 1952, though with a few important differences, the Delimitation Act, 1962. The Delimitation Commission constituted under this Act was a High Powered Body consisting of three Members two of whom were to be nominated by the President from serving or retired Judges of the Supreme Court or High Courts while the Chief Election Commissioner was to be an Ex-officio Member. The Commission was to be assisted by two to seven Associate Members from each State, (increased to nine by the Delimitation Act, 1962 ) depending upon the population of the State concerned, nominated by the Speaker of the respective Houses (House of the People and Legislative Assemblies) with due regard to the composition of the House.²

¹ Elections, Candidates and Voters; Institute of Constitutional and Parliamentary Studies P.N. Krishamani pp. 26 - 27
² Section 5 (1) and (2): Delimitation Act, 1952.
The Commission's functions under the Act were two folds.

1. to determine on the basis of the latest census figures and having regard to the Provisions of Articles 81, 170, 330 and 332,

   (a) The number of seats in the Lok Sabha to be allocated to each state and the number of seats, if any, to be reserved for the Scheduled Castes and the Scheduled Tribes of the State; and

   (b) The total number of seats to be assigned to the Legislative Assembly of each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State.

2. to divide each State into Territorial Constituencies and delimit them.

In delimiting the Constituencies, the Commissions was required to observe the following Principles:

(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.

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3 P. N. Krishna Mani. op. cit., p. 27.
(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.

In a number of Countries such as U.K., Canada, Australasia, New Zealand, Malaya, Mauritius, Nigeria, Siera Leone and West Germany, the task of delimiting the constituencies is entrusted to Independent Specialised Commissions, whose recommendations Subject to Legislative Approval, are mandatory. These Commissions variously designated as Representation Commission, Election Commission or Boundary Commission, demarcate the Constituencies objectively and impartially on the basis of convenience and equity. The principle of Convenience implies that Constituencies should not be too large for the maintenance of Personal contacts between the Candidates and the Constituents; the Principle of equity signifies that there should be parity between Constituencies in terms of population as far as practicable. The continuous application of these twin principles for every periodic revision of Constituencies ensures fair play and impartiality to all parties and Candidates.5

By stipulating that the representation accorded to the territorial constituencies of the House of the People and Legislative Assemblies shall be re-adjusted after every

decennial census operation, the Constitution links representation with the population as in the U. S. and Canada and ensures against undue haste or slackness in the delimitation of Constituencies there of, if the authorities wished to indulge in Gerry-mandering. The Constitution not only pre-determined the question of Principle but has also provided sufficient safeguards against any outrage of its spirit in the allocation of Parliamentary seats to the States and in the physical Demarcation of Constituencies the field were fraud is practiced in many countries of the World.

Article 81 (2) provides:

(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.

Similarly, uniformity of representation to various Constituencies in Legislative Assemblies has been ensured through Article 170(2).

The Election Commission has been given power under Section II of the Delimitation Commission Act, 1962, to maintain the Delimitation Orders upto date. It may from time to time, by Notification in the appropriate Gazzette.

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6 Gerry-mander: To rearrange voting Districts in the interests of a particular Party or Candidate formed from the name of Governor Elbridge Gerry (1744 - 1819) and Salamander, from the likeness of that animal of the Gerrymandered map of Massachusetts in 1811. CHAMBERSIS 20th Century Dictionary

7 R. P. Bhalla. Elections in India. p. 46
(a) Correct any printing mistake in any of the orders made by the Delimitation Commission or any error arising therein from an inadvertent slip or Commission;

(b) Where the boundaries of name of any District of any Territorial division mentioned in any of the orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders upto date.\(^8\)

When there is no Delimitation Commission functioning and it becomes necessary to delimit constituencies afresh due to the formation of a new State or transfer of areas from one State to another, Parliament invariably vests the power of Delimitation in the Election Commission (of Section 17 of the State of Himachal Pradesh Act, 1970).

**SIZE OF CONSTITUENCY:**

A word need be said about the size of a Constituency. In India the Constitution established universal adult franchise which implies two things. First, that every elector is precisely equal to every other, and secondly, that territorial Constituencies are so delimited as to ensure approximate equality of Population.\(^9\) The Principle of equal electorate is the direct and inevitable consequence of the Universal Franchise. This kind of equalising of Constituencies is essential as otherwise the value of a vote in one

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Constituency will be higher or lower than in the other. A state divided into equal electoral districts seems, as Laski put it, the general lesson of historic experience.\textsuperscript{10}

The Constitution of India recognised the principle of equal Constituency in the distribution of Parliamentary seats among the States, in fixing the strength of Legislative Assemblies and in delimiting the Constituencies thereof. But it has not been found possible to create Constituencies precisely equal in the size of their population or electorate. In an ideal electoral system with single member constituency the maximum possible electorate must not exceed twice the size of the minimum.\textsuperscript{11} India certainly falls short of the ideal of equal electoral districts. But India is not the only exception in this respect. In almost every democratic country, it has been found difficult to adhere strictly to this principle in as much as it comes into conflict with some other significant factors like topography, means of transport and communication, local interests etc; which cannot be altogether ignored. As a matter of fact it is not always desirable to carry out any principle to its logical conclusion. What may be accepted is that, a rule, Constituencies should be equal in size and there should be justification for any deviation from it.

In India, a Lok Sabha Constituency generally have a population ranging from 7 to 10 lakha and a State Assembly Constituency may have a population of 1 to $1 \frac{1}{2}$ lakhs. In terms of electors, a Lok Sabha Constituency generally has 3 to 4 lakh electors and a State Assembly Constituency has 50,000 to 70,000 electors,\textsuperscript{12} though this has not been

\textsuperscript{11} J. F. S. Ross, op. cit p. 106.
\textsuperscript{12} R. P. Bhalla, op. cit p. 89
the same for all the States and Union Territories. Mizoram having a population of only 332,339 according to 1971 census figures, the average number of electors in the State Assembly Constituencies is 8310 only and the Lok Sabha Constituency electors comprised of 1,56,898 in the Fifth General (1972) to 2,26,146 electors, in the Ninth General Election (1989) and 4,14,412 in the Tenth General to the Lok Sabha in 1991. The whole country is divided into 3941 Vidhan Sabha (State Assembly) Constituencies which are grouped together to form the 543 Lok Sabha Constituencies (Excluding nominated member). Normally Seven Assembly Constituencies are grouped together to form one Lok Sabha Constituency, but this can vary from one State to another. In Uttar Pradesh, only five Assembly Constituencies form the Lok Sabha Constituency while the entire forty Assembly Constituencies constituted the single Parliamentary Constituency in Mizoram.

As the Population in India has been consistently growing and seats in the Lok Sabha and State Legislative Assemblies have been more or less permanently fixed up, the average population in each Lok Sabha and State Assembly Constituency has been consistently growing up. The solution perhaps lies in increasing the strength of the House of the People and the Legislative Assemblies in the States. This would ease the task of distribution of seats generally and would lower the burden of the member's work in relation to his constituencies. In Britain which is not even one tenth the size of India, the strength of the House of Common is 630.

13 David Butler, Ashok Lahiri, Prannoy Roy. India Decides. p. 7
14 Nagaland, Chandigarh, Pondicherry also have the entire Assembly / Municipality Constituencies forming the single Parliamentary Constituencies. The Population as in 1989 being 818,001; 334,552 and 574,557 respectively.
The manner of final settlement of the delimitation may be described thus. The Commission formulates its proposals for the delimitation of the Constituencies on the basis of the latest census figures and having regard to the Provisions of the Constitution and to the principles as mentioned. These proposals together with the dissenting proposals, if any, of the associate members are published in the Gazzette. The Election Commission consolidates, all the delimitation order and publishes them in a single order known as the Delimitation of Parliamentary and Assembly Constituencies Order.

Every order of the Delimitation Commission, both in respect of the allocation of Seats in the Lok Sabha and to the State Legislative Assemblies and in respect of the Delimitation of Constituencies, when published in the Gazette of India, has the force of Law and cannot be called in question by any Court (Article 329 (a) of the Constitution S. 10 (2) and of the Delimitation Commission Act, 1962). The vesting of final authority in the Delimitation Commission prevents Gerrymandering. In MEGHRAJ KOTHARI Vs. DELIMITATION COMMISSION AND OTHERS (CIVIL NO. 8 (NCM) of 1966) case, the Supreme Court refused to interfere with an order of the Delimitation Commission, thereby placing beyond doubt the finality of the Commission's authority.15

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15 Supreme Court Reports, 1967, p. 400.
Prior to 21st January, 1972, the present Mizoram was one of the Autonomous
Hill Districts in Assam having a 24 members District Council under the sixth Schedule
to the Constitution of India. With the re-organisation under the North Eastern Area (re-organisation) Act, 1971 the erstwhile Mizo District became a Union Territory with a Legislative Assembly of 30 members with effect from 21st January, 1972.\footnote{16}

The Autonomous Mizo District Council was dissolved on 29th April, 1972 and the Legislative Assembly of the Union Territory of Mizoram was duly constituted under Section 2 of the Government of Union Territories Act, 1963 with effect from 29th April, 1972.\footnote{17}

The Government of Union Territories Act, 1963 (20 of 1963) as amended by the Government of Union Territories (Amendment) Act, 1971 (83 of 1971) provided for special provisions for Delimitation of Constituencies of Mizoram Legislative Assembly.\footnote{18}

(1) The Provisions of Section 39 to 43 (both inclusive) of the Delimitation Common Act, 1962, shall not apply to the Delimitation of Constituencies for the purpose of Elections to the Legislative Assembly of the Union Territory of Mizoram.

\footnote{17} The Mizoram Gazzette : Part II May 5, 1972.
(2) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union Territory of Mizoram Under Sub-Section (2) of Sections 3 two Single Member Assembly Constituencies and delimit them on the basis of the latest census figures 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.

(b) In delimiting the Constituencies, regard shall be had to physical features, existing boundaries of Administrative units, facilities of communication and public convenience.

For the purpose of assisting in the performance of its functions under Sub-Section (2) the Election Commission shall associate with itself as associate members.19

(a) All the persons who, having been elected to the Legislative Assembly of the State of Assam from Lungleh, Aizawl East and Aizawl West Territorial Constitutions, are members of that Assembly immediately before the day appointed under Clause (b) of Section 2 of the North Eastern Areas (re-organisation) Act, 1971; and

(b) Such three elected members of the District Council of the Mizo District as the Chairman there of may nominate: Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

19 Ibid, p.17.

(a) Lalchunga Chinzah, John F. Manliana & A. Thanglura.
(b) J. Thanghuama, P.C. Sapnla & Mylai Hlychho.
In this regard, the report of the Commission on the Hill Areas of Assam (1965 to 1966) had emphasised in particular that a democratic body possessing Legislative and Executive authority should not be allowed to delimit its own Constituencies and decide its tenure. The task of Delimitation of Constituencies should also not be left to a District Council but should be entrusted to an independent body. This body which may be called the ‘District Council Delimitation Committee’ should consist of three members with an Officer of the rank of District Judge as its Chairman, and one of its members should be the Chief Electoral Officer of the State. Apart from other consideration such a Committee would be able to remove the apprehensions entertained by the minorities both Tribal and Non-Tribal in the Hilly District about unfair manipulations in the Delimitation of the Constituencies.

As per the North Eastern Areas (re-organisation) Act, 1971 (Act No. 81 of 1971) Part III (18) the whole of the Union Territory of Mizoram shall form one parliament Constituency to be called the Mizoram Parliamentary Constituency. The Amendment of fourth Schedule to the Constitution allotted one seat in the Council of State to the Union Territory of Mizoram.

The 1971 Census population of the Mizoram Union Territory was used for the purposes of the Delimitation of Constituencies for the first 30 Member Legislative Assembly Election as shown below:

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22 Ibid. p.9.
# TABLE - 6

1971 Census Population (Mizoram)

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>TOTAL</th>
<th>SC Percent</th>
<th>ST Percent</th>
<th>SC Percent</th>
<th>ST Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIZAWL</td>
<td>2,29,112</td>
<td>21</td>
<td>2,17,207</td>
<td>.09</td>
<td>99 .01</td>
</tr>
<tr>
<td>LUNGLEH</td>
<td>62,136</td>
<td>61</td>
<td>55,479</td>
<td>.11</td>
<td>99 .89</td>
</tr>
<tr>
<td>CHHIMTUIPUI</td>
<td>41,142</td>
<td></td>
<td>40,613</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,32,390</td>
<td>82</td>
<td>3,13,299</td>
<td>02</td>
<td>99.89</td>
</tr>
</tbody>
</table>

**NOTES:** The 1971 census Population (final) figures were obtained directly from the Director of Census Operations, Assam-Shillong and is authenticated by him.

Whenever, there is a difference between the total population and the population of Schedule Tribes (ST) plus the total population of Schedule Castes (SC) the difference in the figure indicates the total general population (i.e., neither the ST nor the SC).

**SOURCE:** 1971 CENSUS POPULATION MIZORAM UNION TERRITORY

**COMPILED BY THE CHIEF ELECTION OFFICER, MIZORAM.**

The Proposals of the Election Commission for the Delimitation of the said thirty member Assembly Constituencies were published in the Official Gazette of the State of Assam on Tuesday, the 13th January, 1972 all objections and suggestions received by
the Election Commission in relation to the said Proposals were further considered with the associate members in a sitting held in the Commission’s Office, New Delhi on the 4th February, 1972.23

The Election Commission therefore in Pursuance of Section 43A of the Government of Union Territories Act, 1963 (20 of 1963) as amended determined the Delimitation of the thirty Territorial Constituencies which were as follows :-24

A. CHHIMTUJPUI DISTRICT:


B. LUNGLEI DISTRICT:


9. Hnahthial

C. AIZAWL DISTRICT:


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23 The Mizoram Gazette, Extra-ordinary, Feb. 10, 1972
24 Ibid. Also See appendix V for Area of Parliamentary and Assembly Constituencies (Area in Sq. Kms.)
APPRAISAL OF THE COMMISSIONS WORK:

The demarcation of the constituencies for the new thirty Members Assembly was carried out in the line of the existing District Council Constituencies. Villages within the Circle Constituencies were dispersed and divided to make way for new Mizoram Legislative Assembly Constituencies. In place of the Circle numbering of the Constituencies specific Constituency Centres were selected. The increasing of members from 22 in the District Council period to 30 in the new Union Territory Assembly necessitated the reshaping of the entire existing Constituencies.

From the then Aizawl Sub-division, within the Circle I Constituency, five Assembly Constituencies which include the Aizawl South, Aizawl Central, Aizawl North, Sairang and Sateek were carved out. From the Circle II Constituency, four Assembly Constituencies comprising of the Aizawl North, Ratu, Kawnpui and Kolasib were established. In the Circle III 'A' Constituency, only one Assembly Constituency i.e., Ratu was formed. While from the Circle III 'B', Ratu and Suangpuilawn Assembly Constituencies were created. The two Assembly Constituencies of Suangpuilawn and Saitual made up of the Circle IV 'A' Constituency and Khawzawl Constituency, from the Circle IV 'B'. Another four Assembly Constituencies, Khawbung, Champhai, Khawzawl, Khawhai were established out of the Circle V. From the Circle VI, North Vanlaiphai, Khawhai Lungpho Assembly Constituencies were formed. Tlungvel and Lungpho Assembly Constituencies together made up of the Circle VII, while North Vanlaiphai and Khawbung Assembly Constituencies likewise made up of the Circle VIII. Lungpho, Serchhip and Sateek Assembly Constituencies were carved out from
Circle IX and Phuldungsei and Sateek Constituencies from Circle X. The three Assembly Constituencies of Sairang, Mamit and Rengdil comprised of the Circle XI Constituency.

In the Lunglei Sub-Division, Buarpui Assembly Constituency made up of Circle XII and Hnahthial Constituency, Circle XIII, while Buarpui, Lungleh, South Vanlaiphai Assembly Constituencies were carved out of the Circle XIV. From Circle XVII (Part), Demagiri Constituency was formed. In the Saiha Sub-Division, Sangau, Saiha and South Vanlaiphai (Lungleh Sub-Division) Constituency were carved out from the Circle XV. Tuipang Constituency formed the Circle XVI and Chawngte Constituency from Circle XVII Constituency.

It was thus observed that an Integral number of Villages from one Circle Constituency to another was grouped together to form the new Assembly Constituencies. Sateek Constituency for example had 15 villages taken from Circle I, 3 from Circle IX and 1 from Circle X. In all, Hnahthial was the single Constituency which remained undisturbed, as it alone constituted the then entire Circle XIII Constituency. On the basis of the 1971 Census figures, the average population per Constituency was as follows:

Total Population : 3,32,390

Population for each Constituency = \( \frac{332390}{30} \)

= 11079
Whereas the Aizawl North Constituency with 8770 Electorates and the Saiha Constituency having 3759 electorates constituted and biggest and smallest Constituency in terms of electorates (difference 5211). None of the Constituencies was able to hold the average population equated for each constituency, based from the Population (1971). In the Chhimtuipui District, excepting for Chawngte Constituency which have a total of 8017 electorates, the remaining three Constituencies electorates distribution was evenly balanced. The difference between the highest Chawngte and the lowest Saiha Assembly Constituency in terms of electorates was 4258.

The Constituencies within the Lunglei District was best demarcated of all the three Districts. The differences of electorates amongst the five Constituencies was also much less than in the other two Districts. In the Aizawl Districts, Aizawl North Constituency and Phuldungsei Constituency each with 8960 and 3787 electorates had difference of 5173 between them.

Though large scale Political manipulations was not observed, there were however, instances where in Political maneuver certainly infiltrated the Delimitation Processes. In the case of Chhimtuipui District alone, the Commission had taken in to account the extant of three District Councils in the area and had carved the four Constituencies accordingly. The difference of Voters among the four Constituencies was therefore Justified to a great extant. None the less, in the shifting or inclusion of villages from one Constituency to another, particularly in the three Tuipang, Sangau and Saiha Constituencies, the involvement of some political manipulation could not be ruled out.
The naming of South Vanlaiphai in Lunglei District as the Constituency Center was not proper. South Vanlaiphai and its surrounding villages should have been shifted to Hnahthial Constituency and a separate Constituency with Tawipui as the Center be made, in place of South Vanlaiphai. This would then enable all the five Constituencies in the District to have a balanced number of electorates.

Of the numerous flaws and drawback in the delimitation of Constituencies in the Aizawl District, the Constituencies of Khawzawl, Mamit, Rengdil, Sairang and Aizawl Central stood out more prominent than the rest. The Khawzawl Constituency had its constituent villages like Mimbung, Khawdungsei, Kawlbem, Ngopa, Hnahlan and Aiduzawl, all of which was much too far from the Center i.e Khawzawl. Ngopa should have been made the Constituency Centre and if for one reason or other Khawzawl should be made the Constituency Centre, it should have been grouped together with the nearby villages and a separate Ngopa Constituency be created.

The Demarcation of Constituencies within the Aizawl Town and the distribution of wards in the three Constituencies was yet and again not justified. While the Aizawl North Constituency had 8960 voters, Aizawl Central had only 3862 (difference of 5098) and Aizawl South 4517 electorates. In order to bring about an over all uniform and balanced electorates, apart from the three Constituencies, one additional constituency could have been made and the Sairang Constituency be scrapped or withdrawn and Sairang Village shifted to the Aizawl Town constituencies. As for the Rengdil Constituency, the selection of Rengdil as a centre was a mistake. In its place, Lokicherra should have been made the Centre as it is more nearer and centre to the
constituent villages than Rengdil. Mamit Constituency had its Constituent villages such as Tuipuibari and Kawrtethawveng which was too far away from the Centre, considering the improper means of roadways or communication that linked them. However, as only 21 Constituencies have to be over looked. Apart from the above mentioned Constituencies, there were many constituencies where Villages have been included or delated from one particular constituency to another merely on the ground of political expediency.

Moreover, the fact that all biases in the Delimitation of Constituencies cannot be eliminated unless all other factors i.e. geographical, linguistic, transport or communication and integrity of administrative units are not ignored. Many who have expected the undoing of the District Council Constituencies delimitation would be set right were rather disappointed. The fault perhaps herein lies on those who have objected to the final decision of the Commission order. This was so because the number of representatives who submitted their suggestions and objections based from the draft proposals of the Constituencies put up by the commission was relatively few, inspite of the given time period during which the Commission in the form of Publications and Notifications through the local newspapers and Radio tried its most effort to ensure public participation. The main reason for the low public participation appeared to be the lack of understanding on the part of the general public and the Political Parties alike of the norms and procedures that are involved in the Delimitation of Constituencies, and not the lack of interests as was suggested by some, for this was the first time, in
which large scale delimitation of Constituencies was carried out in the Union Territory of Mizoram.

The need for making a fresh delimitation of 30 members Union Territory Assembly Constituencies was voiced by most of the Political Parties in the Territory, as the existing Constituencies Demarcation in its true character lacked from many wants. In compliance to the desire and wishes of the various Political Parties and others concerned, the delimitation commission in pursuance of Sub-Section (1) of the section 10 of the Delimitation Commission Act, 1972 (76 of 1972) issued the following order dated 8th February, 1975 under Section 9(2) of the Act in respect of the Delimitation of Assembly Constituencies into which the Union Territory of Mizoram shall be divided for the purpose of elections to the Legislative Assembly of the Union Territory.25 The overall re-delimitation of the 30 union Territory Constituencies was more balanced and justified from all respects than the previous ones. Altogether four new Constituencies Centre was created replacing the existing Centres which all along was under much criticism.

With the changes thus brought about, the Constituency on the whole was able to hold on to its earlier positions and identity as no drastic changes were made in the boundaries of the Constituencies. Of the few suggestions and objections that were submitted to the Commission the opposition members in the Legislative Assembly has suggested that the clustering of Chakma dominated villages into one Constituency, apart from the existing the Chakma populated Chawngte Constituency, be avoided and

thereby draw the demarcation boundaries line of the Constituencies in those areas into
breath wise (East to West) instead of the proposed length wise (North to South) if this
was so, both the Mizo and Chakma Village would constitute one Constituency in which
the majority voters would consist of the indigeneous Mizos. The idea behind the
suggestion was to avoid creating another Chakma Constituency and hence keep a check
on the more infiltration of the Chakma into the State from across the border of
Bangladesh.26

While interviewing the then members of the opposition in the Assembly, the
members strongly advocated the steps taken by them during the period and
vehemently attacked the Congress members for what they called “Narrow Party
Political Interests” as the Congress Party was interested only in the number of
Constituencies gained by the Party, as the Chakma minority group in Mizoram have
always been the vote bank of the Congress. As such to create another Chakma
Constituency meant another assured Congress Constituency in the fray.

It is understood that the ultimate decision and final authority on the matter rest
with the Commission. The Commission could not perhaps satisfy everybody for it was
required to balance numerous factors, sometimes contradictory, but on the whole it
have been a fair and impartial move with the fact that not a single objection from any
quarter was raised after the delimitation of Constituencies was finalized.

26 Based on interview conducted with the associate members from the opposition parties.
In 1986, an accord was concluded between the Government of India and the M.N.F. One of the terms of accord says “with a view to satisfy the desires and aspirations of all sections of the People of Mizoram, the Government of India will initiate measures to confer statehood on the Union Territory of Mizoram subject to the other stipulations contained in the Memorandum of Settlement”. Accordingly, Parliament passed necessary Legislation conferring Statehood on Mizoram. The existing Legislative Assembly was dissolved.

The Election Commission of India vide its Notification No. 282/MIZ/86 dated the 30th December, 1986 under the Delimitation of Constituencies provided for the division of the newly State of Mizoram into forty Territorial Constituencies. Out of the forty Assembly Constituencies, 28 Assemblies are in Aizawl District, 7 Assembly Constituencies in Lunglei District and 5 Assembly Constituencies are in Chhimtuipui District. As per the Provisions of the Mizoram State Act, 1986, the forty Assembly Constituencies were to be divided based on 1971 Population (as shown in Table -6). The equation of allotment of seats of each District was as follows :-

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28 Election Commission of India, Summary of suggestions and objections received from the public 1986. p 1
Total Population (1971) = 332,390

Population for each Constituency = \( \frac{332,390}{40} \) = 8310

(a) Chhimtuipui District = \( \frac{41,142}{8310} \) = 4.95 (5 seats)

(b) Lunglei District = \( \frac{63,136}{8310} \) = 7.48 (7 seats)

(c) Aizawl District = \( \frac{2,29,112}{8310} \) = 27.57 (28 seats)

Section 10 of the Mizoram State Act, 1986 (No, 34 of 1986) provides that the total number of seats in the Legislative Assembly of the State of Mizoram to be filled by persons chosen by Direct Elections from Assembly Constituencies shall be forty. Section III (1) of the said Act empowers the Election Commission to distribute the seats assigned to the Legislative Assembly of the State of Mizoram under Section 10 to single member Territorial Constituencies and delimit them, having regard to the Provisions of the Constitution and to the following provisions 29 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 and,

(b) Constituencies in which seats are reserved for the Scheduled Tribes shall as far as practicable be located in Areas were the proportion of their population to the total population is the largest.

29 The Mizoram State Bill, 1986 Section 10 & 11.
Thus, under the Mizoram State Act, 1986, Constituencies are required to be delimited and seats reserved for Scheduled Tribes on the basis of 1971 Census population. According to the 1971 Census figures, the population is as follows:

- **Total Population** = 3,32,390
- **S. T. Population** = 3,13,299

Proportion of S. T. Population to Total Population = 0.943

No. of seats to which S.T.'s are entitled for = 0.943 x 40 = 37.72 = 38

As laid down in the State of Mizoram Bill, 1986 Part III Section 11 (2) (a) and (b) "for the purpose of assisting it in the performance of its functions under Sub-Section (1) the Election Commission shall associate with itself as associate members:

- (a) the sitting member of the House of the People referred to in Section 9; and
- (b) such six of the members of the Legislative Assembly of the existing Union Territory of Mizoram as the Speaker thereof may nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

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30 Election Commission of India, op. cit.
31 (a) Laldahawma (b) Liansuama, Vanlalnghaka, Hiphei, Zilawma, Zairemthanga and J. Thanghuama.
32 The State of Mizoram Bill, 1986 : Part III Section II (2) (a) & (b).
The Election Commission published its proposals for the Delimitation of the 40 single member Territorial Constituencies assigned to the Legislative Assembly of Mizoram, vide its Notification No. 283 / MIZ / 86 dated the 26th November, 1986, inviting objections and suggestions to its proposals. Having heard and considering all the objections and suggestions received from individuals and representations of Political Parties the Election Commission held its meeting with the Associate members at Aizawl on the 18th December 1986 and finalised delimitation of Mizoram into 40 member Assembly Constituencies.33

Accordingly, the Election Commission of India notified its final Delimitation Order No. 282 / MIZ /86 date 30th December, 1986 and published in an Extra Ordinary issue No. 82 of the Mizoram Gazette on 30.12.86. According to the aforesaid final Delimitation Order of the Election Commission of India, the allocation of seats in the State Legislative Assembly has been as under :-34

TABLE - 7

<table>
<thead>
<tr>
<th>Total No. of Seats</th>
<th>Reserved for S. T. (Schedule Tribe)</th>
<th>General Seat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Assembly</td>
<td>40</td>
<td>38</td>
</tr>
</tbody>
</table>


34 Ibid. p. 5.
### DISTRIBUTION OF SEATS IN THE THREE DISTRICTS:

<table>
<thead>
<tr>
<th>District</th>
<th>Total No. of Seats</th>
<th>Reserved for S.T. (Schedule Tribe)</th>
<th>General Seat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aizawl District</td>
<td>28</td>
<td>27</td>
<td>1</td>
</tr>
<tr>
<td>Lunglei District</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Chhimtuipui District</td>
<td>5</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>40</strong></td>
<td><strong>38</strong></td>
<td><strong>2</strong></td>
</tr>
</tbody>
</table>

The Serial number and names of the forty Assembly Constituencies and the District wise allocation were as follows:

**CHHIMTHUJPUI DISTRICT:**

(1) Tuipang  (2) Saiha  (3) Sangau  (4) Lawngtlai  (5) Chawngte.

**LUNGLEI DISTRICT:**

(6) Tiabung  (7) Buarpui  (8) Lunglei South  (9) Lunglei North  (10) Tawipui

(11) Vanva  (12) Hnahthial.

**AIZAWL DISTRICT:**

(13) North Vanlaiphai  (14) Khawbung  (15) Champhai  (16) Khawhai

(17) Saitual  (18) Khawzawl  (19) Ngopa  (20) Suangpuilawn

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35 Election Commission of India op. cit.
(21) Ratu  (22) Kawnpui  (23) Kolasib  (24) Bilkhawthlir  (25) Lokicherra
(26) Kawrthah  (27) Mamit  (28) Phuldungsei  (29) Sateck  (30) Serchhip
(31) Lungpho  (32) Tlungvel  (33) Aizawl North -I  (34) Aizawl North - II
(35) Aizawl East - I  (36) Aizawl East - II  (37) Aizawl West - I
(38) Aizawl West - II  (39) Aizawl South - I  (40) Aizawl South - II.

After preparing the draft proposals, the 1971 S.T. Population in each Constituency has been worked out and it was observed that 8 - Lunglei South with S.T. Population of 35.93 percent and 25 - Lokicherra with S.T. Population of 81.07 percent are the two Constituencies having the lowest proportion of S.T. population when compared to other Constituencies. Therefore, these two Constituencies are to be kept in as general seats. Even though the said two seats are general seats, S.T’s are entitled to contest and get elected from these two seats.36

However, with the pressure from the General Public, the students lobby and the Political Parties and the consequent fifty seventh Amendment Act, 1987 of the Constitution which was brought in to force on 21st September, 1987 and the Representation of the People (third Amendment) Act, 1987 (No. 40 of 1987), the Election Commission of India declare the thirty nine of the forty seats in the Mizoram State Legislative Assembly to be reserved for the Scheduled Tribes. Thereby making 8 - Lunglei South as the single general seat.

36 Election Commission of India op. cit.
APPRAISAL OF THE COMMISSIONS WORK:

As far as Chhimtuipui District was concerned, the Commission had taken into account the extant of three Autonomous District Councils, namely Chakma, Pawi and Lakher and carved the 5 Constituencies as follows. Chakma District Council area to from 5 - Chawngte Constituency, Pwai District Council area to form two Constituencies of 3 - Sangau and 4 - Lawngtlai and Lakher District Council area to form the two Constituencies of 1 - Tuipang and 2 - Saiha, 4 - Lawngtlai Constitutes the new additional Constituency in the District.

In the out-going Union Territory Assembly, Lunglei District had 5 Constituencies which was then increased to 7 in the 40 members States Assembly. To make way for the new Constituencies, Lunglei Town Constituency was bi-furcated into 8 - Lunglei South and 9 - Lunglei North Constituencies. Another Constituency with Vanva as the centre was made by bringing together villages from the Lunglei, Tawipui and Hnahthial Constituencies.

From the 21 Assembly Constituencies during the Union Territory era, there were now 28 State Assembly Constituencies in the Aizawl District. In doing so, several existing Constituencies and its centre were re-shuffled and some of its Constituent villages shifted to other Constituencies. The new Constituencies thus created comprised of 24 - Bilkhawthlir, 25 - Lokicherra, 27 - Mamit, 18 - Khawzawl and the four Urban Constituencies within the Aizawl Town whereby the existing Aizawl East, Aizawl
West, Aizawl North and Aizawl South Constituencies were classified into I & II respectively and bi-furcated accordingly.

The boundaries of the existing Constituencies underwent several changes. Excluding Aizawl Town Constituencies and Lunglei Town Constituencies, altogether 2 Constituencies lost between 70 - 80 percent of their previous areas;\(^{37}\) 3 lost 50 - 60 percent;\(^{38}\) 4 lost 30 - 50 percent;\(^{39}\) 3 lost 20 - 25 percent;\(^{40}\) and 4,5, to 10 percent;\(^{41}\) There were altogether 8 Constituencies which remain untouched thus retaining their full identity with existing Constituencies.\(^{42}\) In the case of Lungpho Constituency, apart from the existing villages, another 3 villages were added to it. The Constituency centre of 5 - Demagiri was shifted to Tlabung. As already mentioned the previous Lunglei Town Constituency was bifurcated into two Constituencies, in the process 8 wards from Lunglei Town, 2 villages from 6 - Buarpui Constituency formed the Lunglei North Constituency, while 3 wards within Lunglei Town, 3 villages from 8 - Tawipui Constituency and 2 from 6 - Buarpui Constituency formed the 8 - Lunglei South Constituency. The division of wards or localities in the Aizawl Town Constituencies was carried out proportionately according to the size of the wards and the electorate comprising them. In all only one Constituency, Sairang went into oblivion completely losing its identity.

37 70 - 80 percent : 3 Saiha and 9 - Hnahthial Constituencies.
38 50 - 60 percent : 14 - Saitual, 19 - Kolasib and 20 - Kawrthah constituencies.
39 30 - 50 percent : 1 - Tuipang, 4 - Chawngte, 16 - Suangphulawn and 26 - Thungvel constituencies.
40 10 - 25 percent : 2 - Sangau, 6 - Buarpui and 8 - Tawipui Constituencies.
41 5 - 10 percent : 12 - Champhai, 23 - Khawhai, 18 - Kawnpui and 23 - Sateek constituencies.
At the beginning of the Chapter, mention was made with regard to the difficulties of creating Constituencies precisely equal in the size of their population or electorates as it had to incorporate various significant factors like topography, facilities of transport communication, public and administrative convenience in the delimitation processes. In the delimitation of the 40 member State Legislative Assembly Constituencies of Mizoram, the difference in the size of the constituencies and electorates were so large that in some Constituencies, the number far exceeding twice the minimum of smaller Constituencies.

In Chhimtuipui District alone the difference between the biggest Constituency Lawngtlai and the smallest Constituency of Sangau in terms of voters was a huge 5713, with Sangau having a total of 6624 electorates. Though such wide difference was absent within the Constituencies of Lunglei District, Champhai and Bilkhawthlir Constituencies in Aizawl District, had a difference of 5965 electorate each having 11202 and 5237 electorates respectively. In the over all calculations, of the ten urban constituencies 8 of which come from the Aizawl Town Constituencies and 2 from Lunglei Town, the disparity was not so large. Whereas amongst the 30 rural constituencies, there was no uniformity in the size of the Constituencies electorates. Lawngtlai and Bilkhawthlir Constituencies each with 12337 and 5237 electorates had a difference of 6100 between them. Also Constituencies like Tlunghvel, Saitual, Venva, Bilkhawthlir, Kawrthah and Khawhai had hardly half the number of electors of Lawngtlai, Champhai, Aizawl East I, Aizawl West I and Aizawl South II Constituencies, the average population per seat being 8310.
The importance of the Associate members in the Delimitation of Constituencies are all the more increased when the ruling party have a larger composition of the associate members or when members of the Commission are not fully conversant with the topography of the region. This was what happened at the time of delimitation for the new 40 member State Legislative Assembly Constituencies. The opposition parties complained that "Prima facie the composition of the associate member as made by the Speaker was unfair. There are 19 elected MLA's from congress, 8 from P.C., 2 from M.N.F. and 1 from M.N.U. Hence all the political parties must be equally represented". The Speaker contended that the number of party representatives as Associate Member was made in keeping up with the proportion of the number of MLA's that each political party had in the existing Assembly.

The Congress MLA's nominated as Associate Members were four with another two from MNF and P.C. respectively altogether making a total of 6 such members. While interviewing the associate members both from the two groups, the Congress member openly did not deny the role played by them in furthering their party interests as their suggestions and objections were more effective than those of the two opposition members. The very fact that the Congress Party at the crucial period of time were power both in the State and at the Central gave immense advantage to the party, and the members of the Commission's ignorance of the geographical layout of the region further gave ample opportunity for the Congress Associate members to influence the course of the Commission's decisions. In contrast, the other two Associate Members from the Regional Parties were not united in their effort to further their cause. As such,
it was left upon the congress members to swing the course of the Delimitation proceedings.

Out of the many cases of political manipulation in the fray, one example from 31 - Lungpho and 32 - Tlungvel Constituency may be mentioned. As in the case, the former Constituency had always been the strong hold of the people Conference (P.C) for two successive terms while the latter in the like manner was that of the Congress. In all the previous elections, Khumtung and Baktawng villages within Tlungvel constituency had never voted in favour of the Congress candidates even though the Constituency always returned the Congress Candidates. In the fresh delimitation thus carried out, the two said villages were shifted to Lungpho Constituency inspite of the fact that when all the principles and provisions of the Commission fully conformed with the existing demarcation of the two Constituencies.

There were altogether 42 representationists who submitted their suggestions and objections to the Election Commission. Those included 3 from the General category; 21 from Chhimtuipui District; 4 from Lunglei District and 25 from Aizawl District excluding those of the Associate members. The number of the representationists was comparatively low when compared to the importance and the far-reaching effect that could have been worked out in matter such as delimiting the constituencies for a fresh State Legislative Assembly. As remarked by R.P. Bhalla "The entire pattern of politics is, by and large, determined and conditioned by the principles underlying the

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43 Election Commission of India: op cit; (File Records) Deputy Chief Electoral Officer, Mizoram (office)
delimitation of Constituencies. Delimitation of constituencies determined the primary units of area and population to be represented. It not only fashions the general character of an Assembly but also determine the relative influence and effectiveness of Political parties.

In the questionnaire that was prepared with regard to the delimitation of Constituencies in Mizoram, the utmost care was taken to life so as to have a broader view on the subject in order to make a comprehensive conclusion. We have selected such eight categories of people which comprised of the Primary School Teachers from all the three Districts numbering 100; Collage and High School Teachers 100; Government Gazetted Officers 50; Manual labourers 100; Political Parties workers 50; General Public 100; and the Journalists 10. In all 35.68 percent of our respondents agreed that the Election Commission Notification Order for the proposed Delimitation of Constituencies had never been widely publicised well for the public to be aware of and thereby to enable more participation, this was so as the matter was always confined within the political circles only. 10.78 percent were of the opinion that in delimitation of constituencies the political parties participation was more than enough, as they represent the entire population and as the matter concerned them most. While another 55.49 percent believed otherwise that, in the delimitation process all sections of people cutting across their respective interests should take the lead and not just place the responsibilities upon the political parties.

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44 R.P.BhalIa, op cit; p. 43.
45 W J.M. Machenzie: op cit; 107.
The presence of foul play and political manipulations in every delimitation was accepted by 52.54 percent, while 47.46 percent on the other hand denied the existence of such foul play. The need for the re-delimitation of constituencies as per 1986 was voiced by 52.35 percent, whereas 47.65 percent agreed that the present delimitation was the best possible given the prevailing political situation.

To sum up our analysis on the delimitation of Constituencies in Mizoram at different period of time, we have discussed and observe the various political strategies the have been deployed in the process of delimitation. As the Congress Party was in a way fortunate to be in the seat of the Government, everytime that the constituencies were delimited, the charges and accusations that were levelled against the decisions of the Commission in-directly hinted towards the role played by the Party in the given context. As stated earlier, even the Congress members themselves did not deny the relevance of all such charges and accusations made against them, though they contended that at no period of time was there any large scale manipulations done by them wherein the boundaries of the constituencies were drastically altered or reshaped.

We have as a result of the extensive studies made over the subject been able to draw a conclusion that, although there was no doubt evidence of political manipulations, on the whole as claimed by the congress Party themselves, we have not been able to identify any piece of evidence to prove the presence of large scale gerrymanderring. Apart from shifting one or two villages from one constituency to another or changing the constituencies centres, no where was there an occasion in which the existing boundaries of constituencies were either radically altered or replaced.
by entirely new ones. This was partly supported by the fact that in all the elections held after every delimitations of constituencies were undertaken, the Congress Party which was then in power at the time were never returned back to power.

To conclude it is always desirable that boundaries of constituencies except for compelling reasons such as Territorial Migration of Population, the rapid growth of urban areas, or when administrative boundaries of the federating units are in the process of adjustment as in the case of developing Nation or State, should not be altered. The co-inciiding of boundaries of constituencies with administrative boundaries is yet and again desirable for easy manageability. Nevertheless, as in ideal democratic alignments, near parity in size of population should pre-dominate over the factor of administrative convenience.