CHAPTER IV

DELIMITATION OF CONSTITUENCIES

The authority to make provision for the delimitation of both the Parliamentary and Assembly Constituencies, is given to the Parliament by the Constitution. At the same time the general principles governing delimitations of the constituencies have also been laid down. Following the American and Canadian practice, population has been made the basis for the demarcation of territorial constituencies. As nearly as practicable, the population of a Parliamentary or Assembly Constituency should be equal to every other constituency of its kind. Thus the principle of parity has been maintained and through it's uniformity of representation to various constituencies has been ensured. Further the constitution provides for readjustment of constituencies after every decennial census operation to take care of demographic changes and to ensure that there is neither undue haste nor slackness.

1 Article 327, Constitution of India.
2 The Constitution of India, Art 81(2) and 170(2).
in the delimitation of constituencies.\footnote{Ibid, Art. 82.}

Accordingly the Parliament passed the Representation of the People Act 1950 making detailed provisions, among other things, for the delimitation of constituencies for the purpose of election to the House of the People and the State Legislative Assembly.

\textbf{DELIMITATION OF CONSTITUENCIES 1951:}

The First General Election to the Lok Sabha and State Assembly was held with regard to the constituencies which were delimited in 1951 by an order of the President issued under the Representation of the People Act 1950.\footnote{Sections 6 and 9, R. P. Act, 1950.} Under the Act, the President's order was to be issued on the advice of the Election Commission which in turn, consulted the Parliamentary Advisory Committee constituted by the Speaker of the Legislative Assembly of the State which the delimitation proposals were related. An Advisory Committee was to consist of not less than three and
not more than seven members representing the State to which the proposals were related. The Parliament was however authorised to modify the Presidential Order within twenty days from the date on which the order was to be laid on the table of the House.5

For the purpose of delimitation of constituencies the Election Commission distributed the seats district-wise in each of the states and directed the Chief Electoral Officers concerned to prepare proposals for the physical demarcation of the constituencies in pursuance of the criteria laid down by it. The Chief Electoral Officer's proposals for the demarcation of the constituencies were released to the press for eliciting public comments and suggestions. Simultaneously, the proposals were sent to the Advisory Committees for comments. The latter examined the proposals and returned them to the Commission with their comments. The Election Commission could modify these proposals, if it so desired, in the light of recommendations of the Advisory Committees and suggestions from the public and forward them for final presidential order.

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5Section 13(3) R.P. Act, 1950.
The final Delimitation Orders were issued by the President in May 1951. These orders were placed on the table of the House for confirmation in July, 1951. Many of the Delimitation orders issued by the President were "materially amended by Parliament". The then Union Minister of Law C. C. Biswas, while initiating the Delimitation Bill in the rajya shabha, frankly endorsed the Commission's view by stating "The President's orders which were laid before the Parliament were simply turned into pieces by Parliament, whose decisions seemed to have been actuated more by the convenience of individual members of the House rather than by consideration of general interest".

The procedure did not work smoothly and satisfactorily. The Parliament being a political institution cannot in fact be expected to function impartially where the fate of political parties is involved. Its decisions are very often likely to be political. The Commission added: "It cannot be reasonably expected that Parliament in the midst of its multifarious

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business and preoccupations would be able to find the time for giving full and fair consideration to such an intricate and contentious subject. Moreover, the delimitation of constituencies is hardly a matter which can be adequately and satisfactorily decided by majority of votes in a Legislature, where every member is likely, in some measure or other, to be personally interested in the question. 8

The Election Commission therefore recommended to the Union Government that in future the delimitation of constituencies should be entrusted to an Independent Commission more or less judicial in composition whose decision should be mandatory. 9

DELIMITATION 1953-1956:

In pursuance of the recommendation of the Election Commission Parliament enacted the Delimitation Commission Act 1952, creating an independent commission for allocating seats to the States in Lok Shabha for determining the strength of

9Ibid. p. 58.
Legislative Assemblies of States and for demarcating the
constituencies thereof.

The Delimitation Commission was to consist 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. The Chief Election Commissioner was to be an ex-officio
member. The Delimitation commission was to be assisted by 2-7
Associate members from each state, depending upon the popula-
ation of the state concerned, nominated by the Speaker of
the House "with due regard to the composition of the House".10

Thus the political element was not altogether eliminated
from the delimitation process. In place of the old Parliamentary
Advisory Committees, the new Act provided for the inclusion of
Associate members to be selected by the Speaker of the Lok
Shabha or of the State Legislature as the case might be. It
may be noted here that in U.K. and Sri Lanka members of
Parliament are not eligible for membership of the Electoral
Boundary Commission's constituted for the purpose of division
of constituencies.11

10 Section 5(1) and (2) Delimitation Commission Act 1952.
11 First Schedule to the House of Commons (Redistribution
of Seats) Act, 1949. See also Sec. 4(2), Ceylon (Constitution)
order in council, May 1946.
The Delimitation Commission was entrusted with the task of readjustment of the allocation of seats through revision of the boundaries of constituencies, wherever necessary on the basis of the census figures published in 1953. The statutory rules under which Commission was to function were few and simple. The constituencies were to be either single member or double member. Seats were to be reserved for Scheduled Caste and Scheduled Tribe in single member constituencies wherever practicable. Reserved constituencies should be located in areas where the concentration of Scheduled Castes and Scheduled Tribes was quite heavy. As far as possible, the demarcation of the constituencies should be based on the principles of geographical compactness, facilities of communication and public convenience.  

**ABOLITION OF DOUBLE MEMBER CONSTITUENCIES:**

Double member constituencies were quite unpopular both with the candidates and election administrative staff. The candidates had a serious disadvantage in that they had to

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12 Section 8(2), Delimitation Commission Act 1952.
cover double the areas, canvass twice the number of electors and consequently incur twice the expense, as compared to those candidates who stood for election from single member constituencies. Further a double member constituency usually extended over two districts, some times three and consisted nearly 8 lakhs of voters. Administratively therefore the counting of votes in double member constituencies was a difficult task as all cumulative votes had to be laboriously weeded out by thorough scrutiny of all the ballot papers found in every single box. The Government of India therefore decided to abolish double member constituencies.

The Parliament passed the two Members constituencies Abolition Act in 1961. This Act required the bifurcation of double member constituencies into single member constituencies. The work of bifurcation of the double member constituencies as also that of delimiting their extent and of deciding which of them was to be reserved for Scheduled Caste or as the case may be for Scheduled Tribes was entrusted to the Election Commission.

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The latter issued the revised Delimitation of Parliamentary and Assembly Constituencies Order in 1961.

DELIMITATION 1963 - 1966:

After the publication of decennial census figures for 1961, Parliament enacted the Delimitation Act, 1962 for the readjustment of the allocation of seats in the Lok Sabha to the several states and to determine the total number of seats in the Assembly of each state and division of each state into territorial constituencies. This Act was on the lines of the earlier Delimitation Act of 1952 as regards the composition of the Delimitation Commission and the principles and procedures to be followed by it excepting the following minor differences:

(a) the number of Associate Members of each state for the assistance of the Commission was increased to nine (four representing that state in the Lok Sabha and five from Legislative Assembly). Under the earlier law, the number of Associate Members ranged between two and seven, depending upon the population of the State;

(b) express provision was made that every Parliamentary constituency should comprise an integral number of Assembly
constituencies.

(c) Seats reserved for Scheduled Castes were to be scattered in different parts of the state and allotted as far as practicable in the areas with comparatively large concentration of their population and

(d) Seats for Scheduled Tribes were to be allocated in areas where the proportion of their population to the total population was the heaviest.

Under the new Act, the Delimitation Commission was constituted in Jan 1963 with Mr. J.L. Kapur, a former judge of the Supreme Court as Chairman. The Commission adhered to the principles and procedures laid down for the purpose in the constitution and the Delimitation Act, 1962 as far as practicable.

DELIMITATION WITH PARTICULAR REFERENCE TO ASSAM:

In 1952, the state of Assam was divided into 94 constituencies for electing 108 members. Of the 94 constituencies 80 were single member constituencies and the remaining 14 were double member constituencies. Of the 108 seats, 77
were general. Of the remaining 31 seats 5 were reserved for the Scheduled Castes. 9 for the Scheduled Tribes (Plains) and 17 for the Scheduled Tribes (Hills).

There was no change in the number of constituencies for the Second General Election held in 1957. The total number of seats allotted to the State Assembly remained as before that is 108.

The Third General Election held in 1962 was based exclusively on single member constituencies. In Assam the question of abolition of double member constituencies was taken up in the early part of 1961. A draft proposal which was prepared by the Election Commission in consultation with the State Government was published in March 1961 for the information of all concerned. All the suggestions for the modification of and objections to the draft proposals, received by the Commission up to April 10, 1961 were considered by the Commission at a public sitting held in the Circuit House, Gauhati on May 11, 1961. Thereafter, the proposals were finalised and the necessary amendment to the Delimitation of Parliamentary and Assembly Constituencies Order 1956 was published. 15

There were 14 double member constituencies in Assam. In 5 such constituencies one seat in each was reserved for the Scheduled Castes and in the remaining 9 constituencies one seat in each was reserved for Scheduled Tribes. The bifurcation of the double member constituencies was done as follows:

<table>
<thead>
<tr>
<th>Name of two Member Constituency</th>
<th>Name of the single Member Constituency</th>
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<tbody>
<tr>
<td>1. Patharkandi</td>
<td>1. Ratabari</td>
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<td>2. Patharkandi (SC)</td>
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<td>2. Goalpara</td>
<td>1. Goalpara</td>
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<td>2. Dudhani (ST)</td>
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<td>3. North Salmara</td>
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<td>2. North Salmara (SC)</td>
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<td>2. Sidli (ST)</td>
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<td>5. Barpeta</td>
<td>1. Barpeta</td>
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<td>2. Bhabanipur (SC)</td>
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<td>6. Pathacharkuchi</td>
<td>1. Pathacharkuchi</td>
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<td>2. Barma (ST)</td>
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<td>Name of two Member Constituency</td>
<td>Name of the Single member Constituency</td>
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<td>7. Rangiya</td>
<td>1. Rangiya</td>
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<td>2. Tamulpur (ST)</td>
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<td>8. Pansuri</td>
<td>1. Kalaigoan</td>
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<td>2. Paner (ST)</td>
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<td>9. Laharighat</td>
<td>1. Laharighat</td>
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<td>2. Morigoan (ST)</td>
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<td>10. Nowgoan</td>
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<td>2. Raha (SC)</td>
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<td>2. Majuli (ST)</td>
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<td>2. North Lakhimpur</td>
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<td>14. Moran</td>
<td>1. Moran</td>
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<td></td>
<td>2. Dhakuakhana (ST)</td>
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^Ibid., Page 3.
Among the 105 single member constituencies demarcated for the 1962 General Election to the State Assembly, 77 were earmarked as general and the remaining 28 as reserved. Of the 28 reserved constituencies, 5 were meant for Scheduled Castes and the remaining 23 Scheduled Tribes.

The Delimitation Commission which went into operation after the publication of 1961 census figures recommended an increase in the strength of the Assam Assembly from 105 to 126 seats. The Commission also proposed to increase the reserved constituencies from 28 to 34. Of these the Scheduled Tribes and the Scheduled Castes would have 26 and 8 seats respectively. This was finally approved by the Delimitation Order No. 4, 1966.

With the coming into force of the North Eastern Areas Reorganisation Act, the State of Meghalaya and the Union Territory of Mizoram were carved out of Assam. As a result the strength of the Assam Assembly was reduced from 126 to 114 for the purpose of the fifth General Election held in 1972. The seats reserved for Scheduled castes continued to be 8 as in 1967 but those reserved for Scheduled Tribes were reduced from 26 in 1967 to 14 in 1972.
In Assam, the process of delimitation of constituencies did not present any serious problem. There were no complaints either of Gerry-mandering or undue official interference. But the composite character of the State with heavy concentration of tribal population in certain areas called for a careful consideration of claims and counter claims for the reservation of seats in favour of diverse ethnic groups. Certain administrative difficulties were felt for want of detailed knowledge of the areas with tribal population. Hence it is suggested that the census authorities should maintain and supply the break-up of Scheduled Castes and Scheduled Tribe population for the entire State as well as for each district, sub-division, thana, mauza Anchalik Panchayat and village.

After the re-organisation of Assam in 1972, leading to the formation of Meghalaya and Mizoram, a fresh delimitation of constituencies for the Parliamentary as well as Assembly constituencies become imperative. Under the Delimitation Act (76 of 1972), a Delimitation Commission was appointed. The Commission made a thorough review of the existing constituencies and suggested the re-adjustment of the existing constituencies and demarcation of new constituencies. As already stated,
following the transfer of certain districts to Meghalaya and Mizoram, the number of Assembly Constituencies in Assam for the Fifth General Election held in 1972 was reduced from 126 to 114. By the suggested re-demarcation of constituencies, the number of Assembly constituencies in Assam was once again raised to the original figure of 126. The Election Commission of India notified the new arrangement under the Delimitation of Parliamentary and Assembly constituencies order 1976 on 1 Dec. 1976.

The constituencies which were either deleted or re-adjusted are as follows:

1. Lungleh
2. Aizwal East
3. Aizwal west
4. Jowai
5. Shillong
6. Nongpoh
7. Cherrapungi
8. Baghmora
9. Tura
10. Phulbari
11. Borbhog
12. Rongamati
13. Mizamari
14. Balipara
15. Bokani
16. Cheribari
17. Tingkong
18. Joypur
19. Bogdung
20. Saikhowa
21. Nalbori
22. Nongtoin
23. Donaduba

Total - 23
The constituencies which were either added fresh or re-organised after necessary adjustments are as follows:

- Algapur (8)
- Diphu (19)
- Bilasipara (East and West) (26-27)
- Abhayapuri (North and South) (34-35)
- Jalesworg (39)
- Dispur (52)
- Sarkethri (60)
- Dharmapur (61)
- Chapaguri (63)
- Sipajhar (66)
- Majbat (70)
- Barhalla (72)
- Rongapara (74)
- Behali (77)
- Jagiroad (79)
- Batadraba (84)
- Khumtai (96)
- Jonai (114)
- Dhuliajan (113)
- Naharkatia (121)
- Chabua (121)
Margherita (124)
Sadiya (126)

Total - 23

Thus after removing 23 constituencies and adding an equal number, the total number of Assembly constituencies for the Assam Legislative Assembly remains 126. The four General Elections from 1978 till 1991 had all taken place on the basis of the latest demarcation order 1976.

17 VI General Election, 1978.
VII General Election, 1983.