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# Delimitation in J&K: A Constitutional Exercise Towards Political Ends

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This paper examines the delimitation exercise in Jammu and Kashmir following the abrogation of Article 370, analyzing how the constitutional process of redrawing electoral boundaries has political implications. The study traces the history of delimitation in J&K from 1966 to 2022, examining demographic changes, seat reapportionment, and the introduction of ST reservations, concluding that while delimitation is inherently political, the 2022 exercise was conducted within constitutional bounds despite controversies.

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## 1 Introduction

The Census of 17 February 1881 by W.C. Plowden, Census Commissioner of India, was the first modern synchronous census after several localised or regional attempts. Since then, censuses have been undertaken uninterruptedly once every ten years till 2011<sup>1</sup>. The Census Act 1948 provides for the conduct of a census in India. Through a gazette notification, the central government can conduct a census of the complete area or parts of it whenever it considers it necessary or desirable<sup>2</sup>. The last (15th) census was held in 2011, after which, due to the COVID-19 pandemic, the census of 2020-21 was not carried out and is yet to be notified. It is, however, speculated to take place in 2025-26<sup>3</sup>.

Delimitation, at its core, is an exercise which upholds ‘democracy’s commitment to one person, one vote, and one value’<sup>4</sup>. Article 81 of the constitution, subject to the provisions of Article 33, provides that the Lok Sabha shall not consist of more than 530 members and 20 members nominated from UTs, as decided by the parliament, plus two appointed by the President to represent the Anglo Indian community. It also provides that the ratio of seats allotted to each state and population of the states, the ratio of the population of each Assembly constituency and number of seats allotted to each Assembly constituency within states, so far as practicable, is maintained. At present, the Lok Sabha has 545 seats. Article 82 provides for readjustments in the allocation of seats in the Lok Sabha and Assembly constituencies following a census. Due to the political pertinence of delimitation, different constitutional documents across the globe have made provisions for it.

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Prime Ministers Vision (2002)In our search for a lasting solution to the Kashmir problem, both in its external and internal dimensions, we shall not traverse solely on the beaten track of the past. Mindsets will have to be altered, and historical baggage jettisoned. - Shri Atal Behari Vajpayee, PM, 2002

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Figure 1: Delimitation Process Flow

**Has the delimitation of UT of J&K been a constitutional exercise towards political ends?**

## 2 History of Delimitation in J&K

Jammu and Kashmir, a Hindu-ruled, Muslim-majority princely state, acceded to the Union of India on 26 October 1947 as per the Government of India Act 1935<sup>5</sup>, as adopted by section 9 of the Indian Independence Act 1947<sup>6</sup>. The Act provided for an Indian state under British rule to accede to the Dominion of India through an instrument of accession signed by the ruler.

The state of J&K includes only 50 per cent of the area of 84,471 square miles under the erstwhile princely state of J&K. Post accession, J&K was divided by geography into three regions, Jammu, Kashmir and Ladakh, with associated demographic peculiarities. Jammu has a Hindu majority population, Kashmir has a Muslim (predominantly Sunni) majority population, and Ladakh has a relatively

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Delimitation Process Overview  
 The process flows from National Census  
 Delimitation Act Enacted by Parliament  
 Delimitation Commission Set up by President  
 Seats Constituted into territorial constituencies  
 Delimitation Order

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balanced demography consisting of Muslims (mostly Shias) concentrated in the Kargil district & Buddhists concentrated in the Leh district.

In J&K, the Assembly seats were delimited on three earlier occasions, i.e. 1966, 1976 and 1995 (based on the 1981 census). The delimitation of 1995 formed the basis of the 1996 elections. “The erstwhile state of J&K, before reorganisation, was the only state of India that missed the census twice after 1947, first in 1951 and then again in 1991”<sup>7</sup>, due to political instability and apprehensions cast by the separatists on the fairness of the process as well as to undermine the legitimacy of the Indian state to conduct such an exercise. In 2002, the state assembly of J&K had put a freeze on any delimitation till the census of 2026 through an amendment to the Constitution of J&K and the J&K Representation of People Act 1957<sup>8</sup>.

Delimitation in J&K before the abrogation of Art 370 was unique as compared to other states since the Lok Sabha constituencies were apportioned under the provisions of the Constitution of India and the Legislative Assembly seats decided by the Constitution of J&K and J&K Representation of People Act 1957.

## 2.1 Comparative Analysis with Previous Delimitation

Successive delimitations in J&K, based on population considerations, have led to Lok Sabha and Legislative Assembly constituencies being apportioned as follows<sup>9</sup>:

Delimitation Order	Year	Census	Allocation of Seats in House of People	Allocation of Seats in Legislative Assembly
			Total	SC

Delimitation Order Year	Census	Allocation of Seats in House of People	Allocation of Seats in Legislative Assembly
1957	No census in J&K	No Delimitation in J&K	
1966	1961	6/490	
1976 <sup>10</sup>	1971	6/522	-
1995	1981	6/543	-
2008	2001	No Delimitation	
2022	2011	5/543	-
<b>Ladakh</b>		1/543	-

Pre-Reorganisation Context Before reorganisation of the state of J&K into UT of J&K with Legislative Assembly and UT of Ladakh without a Legislative Assembly: Under the Constitution of Jammu and Kashmir, the Legislative Assembly had 87 seats (excluding 24 seats earmarked for Pakistan occupied territory), with 6 seats reserved for Scheduled Castes Six Parliamentary constituencies: Baramulla, Srinagar, Anantnag, Ladakh, Udhampur, and Jammu

### 3 Evolving Demographics

Based on figures from the 2011 census, the population (12,541,302) of the erstwhile state of J&K was only 0.93% of the country's population, with a decadal growth rate of 29.98%, the highest in the country. The country's decadal growth rate was 17.64%, with some larger states being UP-

20.10%, MP-20.23%, Rajasthan- 21.40%, and Maharashtra-15.99%. Essential demographic figures of the divisions are tabulated below<sup>11</sup>:

Division	Area (Km <sup>2</sup> )	Population (2011 Census)	Number of Districts	% of Pop- ulation				
				Hindu	Muslim	Sikh	Buddhist	Others
<b>Total for State of J&amp;K (Pre- reorganisation)</b>	2,222,36 { (PoK- 78,114, China- 37,555)}	1,25,41,302	22	28.44	68.32	1.87	0.90	0.29
<b>Jammu</b>	25.9%	5,378,538 (42.88%)	10	62.5	33.5	2.0	Not Known	2.0
<b>Kashmir Val- ley</b>	15.7%	6,888,475 (54.92%)	10	2.45	96.4	0.81	Not Known	0.34
<b>Ladakh</b>	58.4%	274,289 (2.18%)	02	12.1	46.6	0.82	39.7	0.78

Justice GD Sharma (retd) raised some valid concerns regarding the demographic changes in Jammu and Kashmir while commenting on the 1995 delimitation. Based on a comparison between the population of Jammu and Kashmir regions between 1981 to 2011, he states: “The difference between the population of Kashmir Region and Jammu Region in 1981 census was 416,791 and now in the recent census of 2011 such difference has swelled up to 15,56,812. This un-phenomenal rise in Kashmir



Region despite widespread migration of 1990 raises a reasonable doubt about the authenticity of the census and requires correction.”<sup>12</sup> This aspect, however, has not been highlighted in the report of the delimitation commission and may give fresh insights during the next census.

Population	Kashmir	Jammu	Ladakh	Total
<b>Census 1941</b>	17,28,686	20,00,157	3,11,915 (not included in total)	40,40,758
<b>Census 1981</b>	31,34,904 (52.35%)	27,18,113 (45.39%)	1,34,372	59,87,389
<b>Census 2001</b>	54,76,970	44,30,191		
<b>Census 2011</b>	69,07,623 (55.04%) (56.34% of UT)	53,50,811 (42.64%) (43.64% of UT)	2,90,492	1,25,48,926 (UT of J+K=12,258,534)

## 4 Delimitation of UT of J&K 2022

The latest delimitation exercise in the UT of J&K was held after the abrogation of Art 370 and the Reorganisation of J&K Act, 2019, which led to the creation of the Union Territories (UT) of J&K and Ladakh<sup>13</sup>.

As per the Delimitation Commission document titled ‘Delimited Landscape of Union Territory of Jammu & Kashmir’<sup>14</sup>, the Delimitation Commission was set up under provisions of Part-V of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) and the Delimitation Act, 2002 (33 of 2002). The Delimitation Commission was headed by:

- **Justice Ranjana Prakash Desai** (Chairperson)
- **Shree Sushil Chandra**, Election Commissioner
- **Shree KK Sharma**, State Election Commissioner of UT
- **Five members of Lok Sabha** representing the UT of J&K appointed by the Speaker of Lok Sabha:
  - Dr. Farooq Abdullah (NC)
  - Shri Mohammad Akbar Lone (NC)
  - Shri Hasnain Masoodi (NC)
  - Shri Jugal Kishore Sharma (BJP)
  - Dr. Jitendra Singh (BJP)

This composition procedurally addresses partisan concerns.

#### 4.1 Commission's Methodology

The Commission decided that constituencies shall be delimited while retaining the administrative units, i.e. Districts, Tehsils, Patwar Circles, etc, as in existence on 15 June 2020. As a departure from previous delimitations, the commission considered, apart from the average population, the geographical features, means of communication, public convenience and contiguity of areas as various factors enumerated in Section 9(1) of the Delimitation Act, 2002.

Given the rugged terrain, the commission was also forced to consider constituencies with populations below the categorisation norms, such as in the case of Gurez (population 37,992), aspects of stark variation in population densities ranging from 3,436/sq. km in districts in the plains to 29/sq. km in the predominantly hilly districts; the existence of sub-regions within certain districts with extremely difficult intra-district connectivity prone to disruptions during winters and uncertainty of life and public conveniences in villages along the Line of Control.

Accordingly, the Commission categorised all 20 districts into three categories:

Category	Description	Population Norm
A	Hill Area (-10% of Average)	122,674
B	Hill & Flat Area (Average)	136,304
C	Flat Area (+10% of Average)	149,934

## 4.2 Reappropriation of Seats post Delimitation

Jammu & Kashmir was considered as a single entity for the purpose of delimitation<sup>15</sup>. However, the distribution of seats between the Jammu and Kashmir regions by the delimitation order of the commission was as follows<sup>16</sup>:

Region	Population %	Number of Districts	Parliamentary Constituencies	Assembly Constituencies (AC)	Reserved (AC)	
					SC	ST
<b>Jammu</b>	43.64%	10	02	43 (47%) (+6)	7	6 (+6)
<b>Kashmir</b>	56.34%	10	03	47 (52%) (+1)	-	3 (+3)
<b>Total</b>	99.98%	20	05	90 (+7)	7	9 (+9)

### Key Changes:

The total number of seats was increased from 107 (as per 1995 delimitation excluding four seats of Ladakh) to 114 (increase from 83 to 90 for J&K and 24 for POJK (pre-existing seats not considered for delimitation)). The seven additional seats were distributed, with six going to the Jammu region (from 37 to 43 seats) and one to Kashmir (from 46 to 47 seats).

Seven seats were reserved for Scheduled Castes (SC) in constituencies having SC populations ranging between 30.48% and 42.55%, all concentrated in the Jammu region.

For the first time, a provision was included for the reservation of nine seats for Scheduled Tribes (ST) in constituencies having ST populations ranging between 34.17% to 81.84%, six in the Jammu region and three in the Kashmir region, including one of Anantnag which got merged in the Parliamentary constituency of Anantnag-Rajauri<sup>17</sup>.



ASSEMBLY CONSTITUENCY											
1	Karnah	17	Kangan (ST)	34	Pulwama	49	Kishtwar	64	Bilawan	80	Muth (SC)
2	Trehgam	18	Ganderbal	35	Rajpora	50	Padder - Nagrota	65	Basohli	81	Akhnoor (SC)
3	Wagona	19	Hazratbal	36	Zainiganga		Nagrota	66	Jammu	82	Chhamb
4	Lolab	20	Mithamur	37	Shopian	51	Mithamur	67	Kathua (SC)	83	Kathua - Sunderbani
5	Handwara	21	Habbakadal	38	D.H. Pora	52	Doda	68	Harnagalla	84	Shankar
6	Langate	22	Lal Chowk	39	Kulgam	53	Doda West	69	Ramgarh (SC)	85	Rajouri (ST)
7	Sopore	23	Chanspora	40	Deras	54	Ramban	70	Samba	86	Budhal (ST)
8	Rullabad	24	Zaidiwal	41	Doori	55	Banhal	71	Muyyap	87	Thana (ST)
9	Uri	25	Eidgah	42	Koternag (ST)	56	Gullabgarh (ST)	72	Bishnah (SC)	88	Saranbote (ST)
10	Baramulla	26	Central Shalimar	43	Anantnag West	57	Pezai	73	Suchigarh (SC)	89	Poonch (Havel)
11	Gairnag	27	Badgam	44	Anantnag	58	Shri Mata	74	R.S. Pora - Jammu	90	Moodhah (ST)
12	Wagona - Rerri	28	Baramulla	45	Srinagar - Baramulla		Valdiana Devi		South		
13	Pottan	29	Mithamur	46	Bijbehara	59	Udhampur West	35	Bahia		
14	Sonawari	30	Chote-I-Sharif	47	Shopian	60	Udhampur East	36	Jammu East		
15	Bandigora	31	Chadoora	48	Anantnag East	61	Chenari	37	Wagla		
16		32	Pampore	49	Pulwama	62	Ramgarh (SC)	38	Jammu West		
		33							South		

Map not to Scale

LEGEND	
	Parliamentary Boundary
	District Boundary
	Assembly Boundary

Scheduled Tribes in J&K It was only in 1989 that eight communities were notified as Scheduled Tribes via the Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989, and four communities (Gujjar, Bakkarwal, Gaddi and Sippi) were added via the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991. The Scheduled Tribes accounted for 11.9% of J&K States population as per Census 2011. Before the Assembly elections in 2024, Parliament passed the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2024 to include the Pahari Ethnic Group, Paddari Tribe, Koli and Gadda Brahmin communities in the list of STs.

Five Lok Sabha seats were earmarked for UT of J&K: Two in Jammu region and three in Kashmir region including Anantnag-Rajouri constituency, carved out by merging Anantnag (01/07 seats reserved for ST) in Kashmir Valley and areas of Poonch (02/03 seats reserved for ST) & Rajouri (03/05 seats reserved for ST) in Jammu region. 90 Assembly seats were distributed so that each of the five parliamentary constituencies has 18 assembly constituencies.

In view of its mandate being limited to delimitation, the commission also made two recommendations based on consultations with interest groups representing Kashmiri migrants (Kashmiri Pandits) and Displaced persons from Pakistan-Occupied J&K (POJK) for consideration of the government. The commission relied on “Article 239-A, Creation of local Legislatures or Council of Ministers or both for certain Union Territories”<sup>18</sup>:

- **Provision of at least two members** (one of them must be a female) from the community of Kashmiri Migrants in the Legislative Assembly
- Such members may be given power at par with the power of nominated members of the Legislative Assembly of Union Territory of Puducherry
- **Giving ‘Displaced persons from (POJK)’** some representation in the Jammu and Kashmir Legislative Assembly by way of nomination of representatives

## 5 Meaningful Inferences from the Delimitation

**Regional Representation Imbalance:** Jammu region, with a population of 42.64%, got 47% of the Assembly seats and Kashmir region, with 55.04% of the population, got only 52% of the seats, thereby undercutting the relative value of the Kashmiri electorate.

**Precedent Setting:** A first-time consideration of the geographical features, means of communication, public convenience and contiguity of areas over and above the average population of constituencies in J&K was earlier resorted to in the delimitation of Assam, published in August 2023. This is a precedence which can be applied to the delimitation of other Indian states afflicted by similar peculiarities, such as Arunachal Pradesh, Sikkim, Manipur, Nagaland, and other states affected by Left Wing Extremism.

**ST Reservation Impact:** It has been controversially alleged that the distribution of ST seats was made to benefit the BJP; however, the assembly elections in 2024 resulted in not even a single ST reserved seat being bagged by the BJP. Therefore, the reservation for STs in the legislative assembly of J&K is a welcome step to afford representation to these nomadic tribes, which have suffered immensely throughout the region's tumultuous history.

## 6 Recommendations

Specific recommendations which can be considered for the delimitation consequent to census 2026 are:

**Standardised Methodology:** A standard methodology scientifically arrived at to approach the formation of constituencies based on the geographical features, means of communication, public convenience and contiguity of areas as various factors enumerated in Section 9(1) of the Delimitation Act, 2002, be formulated by an appropriate forum constituted by the Parliament to decide the same for similarly placed constituencies in the country.

**Displaced Populations:** Provisions for nominating representatives of the Kashmiri Migrants and

Displaced persons from POJK be taken up for consideration by the Parliament as recommended by the commission as a step towards facilitating the resettlement of these displaced populations.

## **7 Conclusion**

Delimitation is a constitutional provision which cannot be bereft of political considerations in a parliamentary democracy. Ensuring a fair, transparent, and politically neutral delimitation process, although challenging, is imperative and a collective responsibility of the legislature's commitment to the electorate. While the process in the UT of J&K has had its share of controversy, a healthy turnout of 63.88% was recorded at polling stations during the J&K Assembly Elections 2024, as against 58.58% in the last Lok Sabha polls, which reinforces the hopes and faith of the population in the democratic process.



## Endnotes

### Notes

<sup>1</sup>C Chakravorty. 'History of Census in India', n.d. PrimoPDF <http://www.primopdf.com>.

<sup>2</sup>'The Census Act 1948', n.d. [https://www.indiacode.nic.in/bitstream/123456789/8304/1/act\\_%26\\_rules\\_corrected\\_29-5-08%281%29\\_doc.pdf](https://www.indiacode.nic.in/bitstream/123456789/8304/1/act_%26_rules_corrected_29-5-08%281%29_doc.pdf).

<sup>3</sup>Bharti Jain, 'Census 2021 to Resume in 2025: Digital Implementation and Major Changes'. TOI e Paper, 29 October 2024. <https://timesofindia.indiatimes.com/india/census-2021-to-resume-in-2025-digital-implementations-and-major-changes/articleshow/114712233.cms#>.

<sup>4</sup>Professor Ashwani Kumar and Dr. Khushboo Srivastava. 'Boundary Lines and Ballots: Exploring Delimitation, Electoral Dynamics, and Reservation in India'. Centre of Electoral Management Studies School of Development Studies Tata Institute of Social Sciences, Mumbai, n.d. <https://casi.sas.upenn.edu/sites/default/files/upiasi/Motwane%20grant%202023-24%2C%20Ashwani%20Kumar-Khushboo%20Srivastava%20paper%2C%20Delimitation.pdf>.

<sup>5</sup>'Instrument of Accession of Jammu and Kashmir'. South Asia Terrorism Portal (SATP), n.d. <https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordi>

<sup>6</sup>Anand, Adarsh Sein. "KASHMIR'S ACCESSION TO INDIA." Journal of the Indian Law Institute 6, no. 1 (1964): 69–86. <http://www.jstor.org/stable/43949788>.

<sup>7</sup>VIKAS KUMAR. 'The Politics of Numbers in Kashmir: From Plebiscite to Census (1991-2011)'. IIT, Center for the Advanced Study of India (CASI) of the University of Pennsylvania, 20 November 2023. <https://casi.sas.upenn.edu/iit/vikaskumar#:~:text=In%202001%20and%202011%2C%20the,Jam>

<sup>8</sup>Indianexpress.com. 'SC Upholds Freeze on Delimitation in J-K till 2026'. 9 November 2010. <https://indianexpress.com/article/india/latest-news/sc-upholds-freeze-on-delimitation-in-jk-till-2026/>.

<sup>9</sup>Data extracted from Delimitation orders 1966, 1976, 1995 and 2022.

<sup>10</sup>'Delimitation Of Parliamentary And Assembly Constituencies Order, 2008'. Election Commission of India, n.d. [https://upload.indiacode.nic.in/showfile?actid=AC\\_CEN\\_3\\_20\\_00030\\_200233\\_1517807324510&type=order&filename=Delimitation%20Order,2008.pdf](https://upload.indiacode.nic.in/showfile?actid=AC_CEN_3_20_00030_200233_1517807324510&type=order&filename=Delimitation%20Order,2008.pdf).

<sup>11</sup>Data aggregated from <https://www.census2011.co.in/census/state/jammu+and+kashmir.html> and sources quoting Census of India.

<sup>12</sup>G D Sharma. 'J&K Delimitation Commission of 1995 Is Void Abnitio'. Daily Excelsior, 28 June 2019. <https://www.dailyexcelsior.com/jk->

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<sup>13</sup>Delimitation Commission. 'DELIMITED LANDSCAPE OF UNION TERRITORY OF JAMMU & KASHMIR'. Delimitation Commission, n.d.

<sup>14</sup>Delimitation Commission. 'DELIMITED LANDSCAPE OF UNION TERRITORY OF JAMMU & KASHMIR'. Delimitation Commission, n.d.

<sup>15</sup>PIB. 'Press Release -DELIMITATION COMMISSION FINALISES THE DELIMITATION ORDER TODAY'. PIB Release ID: 1822939, n.d. <https://pib.gov.in/PressReleasePage.aspx?PRID=1822939>.

<sup>16</sup>Delimitation Commission. 'DELIMITED LANDSCAPE OF UNION TERRITORY OF JAMMU & KASHMIR'. Delimitation Commission, n.d.

<sup>17</sup>Ashwani Kumar and Dr. Khushboo Srivastava. 'Boundary Lines and Ballots: Exploring Delimitation, Electoral Dynamics, and Reservation in India'. Centre of Electoral Management Studies School of Development Studies Tata Institute of Social Sciences, Mumbai, n.d. <https://casi.sas.upenn.edu/sites/default/files/upiasi/Motwane%20grant%202023-24%2C%20Ashwani%20Kumar-Khushboo%20Srivastava%20paper%2C%20Delimitation.pdf>.

<sup>18</sup>Delimitation Commission. 'DELIMITED LANDSCAPE OF UNION TERRITORY OF JAMMU & KASHMIR'. Delimitation Commission, n.d.



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