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## The Process of Delimitation :-

The high powered body called as Delimitation Commission completes the whole process of Delimitation in 3 sequential stages.

In the initial stage, the commission calculates the average population per constituency by dividing the total population of the State to the total no. of assembly seats.

In the next stage, the commission shall take District as a criteria for Delimitation & determines the no. of seats allocated to a particular District by dividing the total population of the District to the average population per constituency as per calculated in the previous stage.

In the last & the most important stage, the commission by taking the reference of new population census shall divide the total population of the district to the total no. of assembly seats within a District.

If there is any non-parity or dissatisfaction in the population base of legislative constituencies within a District, then the Commission shall take some areas of more populous constituencies & incorporate in other constituencies. This Intra-District readjustment of territorial constituencies of assemblies by taking the regard of its population base is referred as Delimitation. Once the Districts are readjusted, the states automatically get delimited & once the assembly seats are readjusted then automatically the delimitation of Lok Sabha Constituencies would take place.

## Issues & Considerations of Delimitation →

1. Delimitation Act of 2002, provides that seats shall be reserved in favour of SCs & STs based on the principle of proportionality i.e. based on the percentage population of SCs & STs to the total population in the state. The seats shall be reserved in their favour. By this principle of proportionality sometimes those seats also get reserved in which the percentage population of SCs & STs are not optimum.
2. This mode of reservation also provides an impetus to population growth since every community within a constituency know very well that they are very close to get reserved or dereserved.

3. It is practically very difficult for Delimitation Commission to demarcate those areas which can could be taken from one constituency with the purpose to incorporate in other constituency. There are several instances in which the readjustment or delimitation has taken place on political considerations.
4. There is no criteria based on which the chairman of Delimitation Commission is appointed. Basically, the appointment is being done on patronage & comes under the purview of governmental privilege.
5. The nomination of associated members is done by the speaker of respective houses normally on political considerations. It is because the speakers are not independent to political affiliations since they are elected on political grounds.
6. The formation & establishment of

Delimitation Commission could take place by a parliamentary law. Again it is a cumbersome process since the Bill for such institutions would be raised only by Govt. of India.

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### Provisions Related to the members of Parliament →

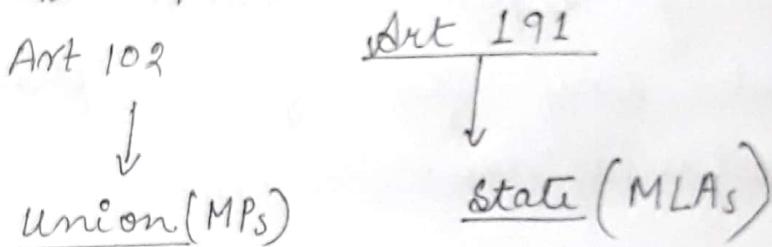
- ▷ Qualifications & Disqualification of members
- ii) Privileges enjoyed by the members
  - a) collective
  - b) Individual
- iii) Vacancy of Seats
- iv) Representation of People's Act

## ➤ Qualifications & Disqualifications of members :-

disqualifications on the grounds of

- a) office of profit  
b) affection.

## a) Office of Profit :-



Article 102 & 191 provides that a person shall be disqualified for being chosen as <sup>or</sup> A member of parliament or state legislature if he or she acquires/holds any office of profit under Govt of India or state Govt. other than an office declared by parliament by law not to disqualify its holder.

The objective is to eliminate the risk or conflict between the duty & self interest of the members of

Parliament & to ensure that

Parliament does not have members to receive any types of favour or benefits from Govt. of India or State Govt.

By this provision, it is also ascertained that a public representative while performing a public function should work without any fear, favour, pleasure or intimidation.

The expression "Office of Profit" is <sup>neither</sup> ~~not~~ defined by the Constitution nor by Representation of people Act, 1951. It is however, clear that before a person can be held to be disqualified 4 criterias should be fulfilled.

- i) He hold an office
- ii) It is an office of Profit
- iii) It is an office under Govt. of India or state govt.
- iv) the office should be other than declared by Parliament not to disqualify its holder.