

Union Territory of Jammu and Kashmir: Delimitation Commission makes its Recommendations

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Summary

The Jammu and Kashmir Delimitation Commission delivered its recommendations on 5 May 2022, introducing seven new constituencies in the Union Territory.

The Union Territory (UT) of Jammu and Kashmir (J&K) was carved out from the erstwhile J&K state through the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), passed by the Indian parliament. The delimitation of the assembly constituencies in the J&K state was governed by the Constitution of the State of J&K and Jammu and Kashmir Representation of People Act 1957 (RoP Act). The assembly seats in the former state of J&K were last delimited in 1995 based on the 1981 Census.

The Indian government constituted a Delimitation Commission in March 2020 in the exercise of powers conferred under Section 3 of the Delimitation Act, 2002, for the delimitation of assembly and Parliamentary Constituencies in the UT of J&K. Delimitation had become essential as the J&K Reorganisation Act, 2019 increased the number of seats in the assembly. The J&K state had 111 seats, of which 46 were in Kashmir, 37 in Jammu and four in Ladakh. Twenty-four seats had been reserved for Pakistan occupied Kashmir (PoK). Subsequent to Ladakh being constituted into a separate UT, J&K was left with 107 seats. The Reorganisation Act had increased the seats to 114, with 90 for J&K and 24 for PoK. In the J&K state, the delimitation of parliamentary constituencies was governed by the Indian constitution and assembly seats by the state government under the J&K RoP Act. After the abrogation of the state in 2019, the delimitation of the assembly and parliamentary constituencies is now governed by the Indian constitution.

A great deal of controversy surrounded the announcement of the Commission since delimitation in the constituencies for the rest of the country was frozen until 2026. Only J&K has been selected for redrawing. The last delimitation in the state was done in 1995. However, in 2002, the government, headed by Farooq Abdullah, amended the J&K Reorganisation Act and froze the delimitation exercise till 2026 to coincide with the rest of the country. Though challenged in the J&K High Court and the Supreme Court, this amendment was upheld in both courts.

The Delimitation Commission was entrusted with delimiting the assembly and parliamentary constituencies in the UT of J&K based on the 2011 Census, in accordance with Part-V of the J&K Reorganisation Act, 2019 and provisions of the Delimitation Act.

The Commission has made several decisions. Out of the 90 assembly constituencies in the region, 43 will be part of Jammu and 47 of the Kashmir region. Thus, a total of seven seats have been increased, out of which six will be in Jammu (Kathua, Samba, Rajouri, Doda

Udhampur and Kishtwar districts) and one in Kashmir (Trehgain in Kupwara district). Mata Vaishno Devi, comprising areas of Katra and parts of Reasi, has been proposed as one constituency. The Commission has removed the regional distinction between J&K and treated the entire region as one. It has very significantly redrawn the boundaries of the Jammu and Anantnag constituencies. In particular, the Pir Panjal region of Jammu, comprising Poonch and Rajouri districts, which were part of the erstwhile Jammu parliamentary constituency, has been made a part of the Anantnag constituency in Kashmir. Thus, combining Anantnag and Rajouri to comprise one parliamentary constituency.

There are five parliamentary constituencies in the region. By this reorganisation, each parliamentary constituency will have equal number of 18 assembly constituencies. Nine assembly constituencies have been reserved for the Scheduled Tribes, out of which six are in the Jammu region and three in the Valley. It has also recommended the provision of two seats in the assembly for Kashmiri pandits.

Reactions to the proposed recommendations have predictably been along party lines. The People's Democratic Party (PDP) has alleged that the Commission, supposedly a statutory body, seems to have become an instrument to disempower the people of J&K. The Congress declared that the people of J&K will never accept the Commission's recommendations. It has maintained that adding six assembly seats to the Jammu region and only one seat to Kashmir smacks the Commission's predetermined erroneous assessment of the situation. The Bharatiya Janata Party (BJP) state unit hailed the recommendations, calling the Commission's report judicious and striving for equitable empowerment of all J&K residents irrespective of caste, creed, religion and region. It believes that the Commission has opened equal opportunities for all in the political and decision-making process. The Gupkar Alliance, a conglomerate of the National Conference and PDP, among five regional political parties based in Kashmir, led by Farooq Abdullah, criticised the exercise, alleging that the Commission has worked beyond its mandate to propose sweeping changes that will alter the demography of J&K. The alliance believes that by extending the voting rights for the J&K assembly to non-state subjects after the abrogation of the state, the Commission is disempowering the people of J&K.

Road Ahead

The state or UT has been without an elected government after the PDP-BJP coalition collapsed in June 2018. President's rule was imposed in December 2018. Now that the delimitation process has been completed, it is expected that the process of elections will commence soon. However, considering the difficulty of conducting elections in the winter months and organising security, the possibility of the UT going to polls does not appear feasible until 2023. There is also talk of the UT being reconverted into a state. If this process is undertaken, it will take longer still; hence, timelines remain uncertain.

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