

DELIMITATION COMMISSION OF INDIA

ORDER

No. 282/UTA/2006

Dated 03.01.2006

Sub :- Delimitation of Parliamentary and Assembly Constituencies in the State of Uttaranchal – allocation of Assembly seats seats to various Districts in Uttaranchal.

The State Legislative Assembly of Uttaranchal has 70 seats under the Uttaranchal Reorganisation Act, 2000. The total population of the State, as per the 2001 census figures published by the Registrar General of India, is 84,89,346. The average population per Assembly Constituency thus comes to 1,21,276 ($84,89,346/70=1,21,276$).

There are 13 districts in the State of Uttaranchal and taking the average population of 1,21,276 per Assembly Constituency, the Delimitation Commission had worked out the entitlement of assembly seats for each of the districts in a Working Paper. The Working Paper so prepared was discussed by the Commission with the Associate Members from the State of Uttaranchal on 21.06.05 & 02.09.05 and during the deliberations almost all the Associate Members expressed the view that the existing number of seats allocated to various districts on the basis of the 1971 census figures which was done in 2001 by the Election Commission of India should not be altered. The main reason for such a demand was that the revised allocation of seats on the basis of 2001 census would adversely affect the interest of the hilly and rural districts, namely, Uttarkashi, Chamoli, Tehri Garhwal, Garhwal, Pithoragarh, Bageshwar, and Almora, in as much as many of these districts would lose seats, whereas the districts in the predominantly plain areas, like, Hardwar, Udham Singh Nagar,

Dehradun, would gain considerable number of seats. They pointed out that in the hilly regions, the density of population was less, distances were far and the terrain also difficult, and that the population in urban areas had grown disproportionately high as compared to hilly areas because of migration from hilly areas to the plains for economic reasons. They felt that any reduction of seats in the hilly regions, predominately rural, would give rise to resentment and may lead to serious disturbance of peace and tranquility in the strategic hilly State.

The Commission also received a representation on similar lines from the All India Congress Committee and a delegation of that party also called upon the Commission for a personal meeting with the Chairman.

The Commission has examined the matter in terms of the relevant provisions of the Constitution and the Delimitation Act, 2002.

The basic provisions for allocating assembly seats to various districts in a State for the purposes of delimitation are contained in Article 170(2) of the Constitution, which are reproduced below for ready reference:-

“170(1).....

(2) For the purposed of clause (1), each State shall be divided into territorial constituencies in such manner that the ration between the population of each constituency and the number of seats allotted to it shall, **so far as practicable**, be the same throughout the State.”

The population here means that population as ascertained at the 2001 census, as per the Explanation to Article 170(2).

Interpreting the provisions of 170(2), the Supreme Court has observed in *R.C. Poudyal Vs. Union of India* (Air 1993 SC 1804 at 1846) that :

“This provision incorporates the rule of ‘fair and effective representation’. Through the rule ‘one person one vote’ is a broad principle of democracy, **it is more a declaration of a political ideal than a mandate for enforcement with arithmetical accuracy.** These are usual problems that arise in the delimitation of constituencies. In what is called ‘First-past the post’ system of elections, the variations in the size and in the voting populations of different constituencies, detract from a strict achievement of this ideal. The system has the merit of preponderance of ‘decisiveness’ over ‘representativeness’.

In the same case, the Supreme Court further observed at pages 1850-51 as follows:-

“80. An examination of the constitutional scheme would indicate that the concept of one person one vote is in its very nature **considerably tolerant of imbalances and departures from a very strict application and enforcement.** The provision in the Constitution indicating proportionality of representation **is necessarily a broad, general and logical principle but not intended to be expressed with arithmetical precision. Articles 332(3A) and 333 are illustrative instances.** The principle of mathematical proportionality of representation is not a declared basic requirement in each and every part of the territory of India. Accommodations and adjustments, having regard to the political maturity, awareness and degree of political development in different parts of India, might supply the justification for even non-elected assemblies wholly or in part, in certain parts of the country. The differing degrees of political development and maturity of various parts of the country may not justify standards based on mathematical accuracy.”

Having regard to the above quoted provisions, the Commission has laid down in its guidelines that there may be deviation of 10% plus or 10% minus from the average population of the constituency. This deviation is, in practical terms, allowed on the average population in drawing the boundaries of the constituencies, in the district concerned. Apart from that guidelines given by Parliament in section 9(1) (a) of the Delimitation Act, 2002 are also given due

regard. These provisions provide that “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”.

Having due regard to the above-referred provisions of Article 170(2) of the Constitution, section 9(1)(a) of the Delimitation Act and the general guidelines laid down by the Commission and with a view to safeguard the interest of hilly regions of the State, the Commission has decided that the allocation of seats to various districts in Uttaranchal shall be worked out on the following basis.

(1) In so far as the hilly and rural districts, namely, Uttarakashi, Chamoli, Rudraprayag, Tehri Garhwal, Garhwal, Pithoragarh, Bageshwar, Almora and Champawat, are concerned, the allocation of seats shall be made by taking 10% minus population i.e., 1,09,148, from the State average population of 1,21,276.

(2) As regards the predominantly urban and plain districts, namely, Dehradun, Nainital, Udham Singh Nagar and Haridwar, the allocation of seats shall be made by taking 10% plus population i.e. 1,33,404 from the State average population of 1,21,276.

Accordingly, the allocation assembly seats made on the above basis of the thirteen districts of Uttaranchal shall be as in the statement annexed hereto as Annexure-I.

Sd/-
(Justice (Retd.) Kuldip Singh)
Chairman

Sd/-
(N. Gopaldaswami)
Election Commissioner and
Ex-officio Member

Sd/-
(R.K. Verma)
State Election Commissioner,
Uttaranchal, and
Ex-officio Member

Annexure – I

DELIMITATION COMMISSION

UTTARANCHAL STATE
POPULATION : 8489346

{Based on provisional Census figures of 2001}

Population per Assembly seat – 121276

Sl. No.	Name of the District	As per 01 Const. Popu.	2001 Census Population	Entitlement of Assembly		Existing Seats	Loss or Gain	Amen.
				Amen.	Amen.			
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Uttarkashi	109148	295013	2.70	3	3	0	98338
2.	Chamoli	109148	370359	3.39	3	4	-01	123453
3.	Rudraprayag	109148	227439	2.08	2	2	0	113720
4.	Tehri Garhwal	109148	604747	5.54	6	6	0	100791
5.	Dehradun	133404	1282143	9.61	10	9	1	128214
6.	Garhwal	109148	697078	6.39	6	8	-2	116180
7.	Pithoragarh	109148	462289	4.24	4	5	-1	115572
8.	Bageshwar	109148	247163	2.26	2	3	-1	123582
9.	Almora	109148	632863	5.80	6	7	-1	105477
10.	Champawat	109148	224542	2.06	2	2	0	112271
11.	Nainital	133404	762909	5.72	6	5	1	127152
12.	Udhan S. Nagar	133404	1235614	9.26	9	7	2	137290
13.	Haridwar	133404	1447187	10.85	11	9	2	131562
	Total		8489346	69.90	70	70	0	