

DELIMITATION COMMISSION OF INDIA

The word ‘delimitation’ literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a Province having a legislative body. The job of delimitation is assigned to a high-powered body. Such a body is known as Delimitation Commission or a Boundary Commission.

Commissions Established So Far

The Delimitation Commission of India is a statutory (and not a constitutional) body. It is established by the Central Government under the provisions of a law enacted by the Parliament. Its function is to demarcate the boundaries of the Parliamentary and Assembly Constituencies in the country.

The Commission is a powerful body. Its orders have the force of law and cannot be challenged in any court. They (orders) come into force on a date specified by the President of India. They are laid before the Lok Sabha and the State Legislative Assembly concerned. But, modifications are not permissible therein by them.

So far, four such Commissions have been constituted. The names of these Commissions, the year in which they were established and the name of the Act under which they were established are mentioned below in [Table 14.1](#).

Table 14.1 Delimitation Commissions Constituted So Far

<i>Delimitation Commission</i>	<i>Established in</i>	<i>Established under the Act</i>
First	1952	Delimitation Commission Act, 1952
Second	1963	Delimitation Commission Act, 1962
Third	1973	Delimitation Act, 1972
Fourth	2002	Delimitation Act, 2002

Constitutional Provisions

Articles 81, 82, 170, 330 and 332 of the Constitution of India deal with the delimitation of the Parliamentary and Assembly Constituencies. These Articles were amended by the 84th Constitutional Amendment Act of 2001 and the 87th Constitutional Amendment Act of 2003. The cumulative effect

of these two amendments to the Constitution is as follows:

- (i) the total number of existing seats as allocated to various states in the Lok Sabha on the basis of 1971 census shall remain unaltered till the first census to be taken after the year 2026
- (ii) the total number of existing seats in the Legislative Assemblies of all states as fixed on the basis of 1971 census shall also remain unaltered till the first census to be taken after the year 2026
- (iii) the number of seats to be reserved for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies shall be re-worked out on the basis of 2001 census
- (iv) each state shall be redelimited into territorial parliamentary and assembly constituencies on the basis of 2001 census and the extent of such constituencies as delimited now shall remain frozen till the first census to be taken after the year 2026 and
- (v) the constituencies shall be so re-delimited that population (on the basis of 2001 census) of each parliamentary and assembly constituency in a state shall, so far as practicable, be the same throughout the state.

Fourth Delimitation Commission

In pursuance of the above mentioned provisions of the Constitution, the Parliament enacted the Delimitation Act, 2002 and provided for the establishment of a Delimitation Commission. The Commission's task under the Constitution and the Delimitation Act of 2002 was to readjust the Parliamentary and Assembly constituencies in all the states of India (except the state of Jammu and Kashmir) on the basis of 2001 census.

The Fourth Delimitation Commission of 2002 was a three-member body. It consisted of the following:

- (i) The Chairperson who was to be either a serving or a retired judge of the Supreme Court
- (ii) The Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner was an ex-officio member and
- (iii) The State Election Commissioner of concerned State or Union Territory was the other ex-officio member.

Additionally, the Commission had ten associate members in respect of each state. Out of them, five were members of the Lok Sabha elected from that state and another five were members of the State Legislative Assembly. Where the number of members of the Lok Sabha in a state was less than five, all such members were the associate members for that state. These associated members were nominated by the Speakers of the Lok Sabha and State Legislative Assemblies concerned. However, these associated members did not have the right to vote or to sign any order of the Commission.

Justice Kuldip Singh, a retired judge of the Supreme Court, was appointed as the Chairperson of the Commission.

Implementation of the Recommendations

The Commission submitted its recommendations to the Government in 2007. The President of India signed the notification for implementing the recommendations of the Commission in 2008, thereby

redefining Parliamentary and Assembly Constituencies.

The recommendations of the Commission are not applicable to five states i.e., Assam, Arunachal Pradesh, Manipur, Nagaland and Jharkhand. The Government of India deferred the delimitation exercise in the four north-eastern states and nullified the final order of the Commission for the state of Jharkhand.

The 2009 General Elections to the Lok Sabha for 499 out of 543 Parliamentary constituencies in all the states, National Capital Territory of Delhi and Union Territory of Puducherry (except Assam, Arunachal Pradesh, Manipur, Nagaland, Jharkhand and Jammu & Kashmir) were held on the basis of the newly delimited constituencies.

LAW COMMISSION OF INDIA

The Law Commission of India is a non-statutory advisory body. It is established by an order of the Central Government from time to time for a fixed tenure. Its function is to recommend the legislative measures for the purpose of consolidation and codification of laws. However, its recommendations are not binding on the government.

Historical Background

During the British regime, four Law Commissions were established in the 19th century. They made a significant contribution towards the enrichment of the Indian Statute Book. They recommended a variety of legislations on the pattern of the then prevailing English laws adopted to Indian conditions. The Indian Penal Code, the Criminal Procedure Code, the Civil Procedure Code, the Indian Contract Act, the Indian Evidence Act, the Transfer of Property Act and some other laws are the products of these four Commissions.

The names of these Commissions, the years in which they were constituted and the names of their Chairmen are mentioned in [Table 14.2](#).

Table 14.2 Pre-independence Law Commissions		
Name	Established in	Chairman
First Law Commission	1834	Lord Macaulay
Second Law Commission	1853	Sir John Romilly
Third Law Commission	1861	Sir John Romilly
Fourth Law Commission	1879	Dr. Whitney Stokes

Commissions Constituted So Far

After Independence, the Constitution of India with separate chapters on Fundamental Rights and Directive Principles of State Policy gave a new direction to law reform in the country. Article 372 of the Constitution provides that the pre-Constitution laws shall remain in force until they are amended or repealed. However, there had been demands in Parliament and outside for the establishment of a new Law Commission to recommend the revision and updation of the outmoded and outdated laws to

serve the changing needs of the nation. The Government reacted favourably to this demand and established the First Law Commission of independent India in 1955. The term of this Commission was three years and it was headed by MC Setalvad, the then Attorney General of India.

Since then (1955), eighteen more Law Commissions have been constituted, each with a three-year term and with different terms of reference. The name of these Commissions, their duration and the name of their Chairmen are given in [Table 14.3](#).

Table 14.3 Law Commissions Appointed So Far

<i>Law Commission</i>	<i>Duration</i>	<i>Chairman</i>
First	1955–1958	M.C. Setalvad, Attorney-General
Second	1958–1961	Justice T V Venkatarama Aiyar
Third	1961–1964	Justice J L Kapur
Fourth	1964–1968	Justice J L Kapur
Fifth	1968–1971	K.V.K. Sundaram, I.C.S.
Sixth	1971–1974	Justice P B Gajendragadkar
Seventh	1974–1977	Justice P B Gajendragadkar
Eighth	1977–1979	Justice H R Khanna
Ninth	1979–1980	Justice P V Dixit
Tenth	1981–1985	Justice K K Mathew
Eleventh	1985–1988	Justice D A Desai
Twelfth	1988–1991	Justice M P Thakkar
Thirteenth	1991–1994	Justice K N Singh
Fourteenth	1995–1997	Justice K Jayachandra Reddy
Fifteenth	1997–2000	Justice B P Jeevan Reddy
Sixteenth	2000–2003	Justice B P Jeevan Reddy (2000–2001), Justice M Jagannadha Rao (2002–2003)
Seventeenth	2003–2006	Justice M Jagannadha Rao
Eighteenth	2006–2009	Justice M Jagannadha Rao (2006–2007), Justice A R Lakshmanan (2007–2009)
Nineteenth	2009–2012	Justice P Venkatarama Reddy
Twentieth	2012–2015	Justice D.K. Jain (2013–2013), Justice A.P. Shah (2013 – till date)

Composition of the Commission

The composition of the Commission is not fixed. It varies from one Commission to another. Generally, it consists of a Chairman, some full-time members, a member-secretary and some part-time members depending upon the nature of topics referred to it for consideration.

The Chairman and full-time members are either serving or retired judges of the Supreme Court or

High Courts, or legal experts, jurists or professors of law in any university of India.

The member-secretary belongs to the Indian Legal Service and holds the rank of either Additional Secretary or Secretary to the Government of India.

The part-time members are appointed from among the eminent members of the bar or eminent scholars in the academic field or persons having specialised knowledge in a particular branch of law.

The Commission's regular staff consists of about a dozen research personnel of different ranks and varied experiences. A small group of secretarial staff looks after the administration side of the Commission's operations.

Working of the Commission

The working of the Commission consists of the following stages:

- (1) The projects undertaken by the Commission are initiated in its meetings.
- (2) Priorities are discussed, topics are identified and preparatory work is assigned to the members.
- (3) Different methodologies for collection of data and research are adopted keeping in view the scope of the proposed reform.
- (4) A working paper, outlining the problem and suggesting matters deserving reform, emerges as the outcome.
- (5) This paper is sent out for circulation in the public and concerned interest groups with a view to eliciting reactions and suggestions.
- (6) Responses are evaluated and the information is organised for proper incorporation in the report.
- (7) The report is subjected to close scrutiny by the full Commission in prolonged meetings for its finalisation.
- (8) The final report is forwarded to the Government (Ministry of Law and Justice).

The reports of the Commission are considered by the Ministry of Law and Justice in consultation with the concerned administrative ministries and are submitted to Parliament from time to time.

Till April 2014, the Commission submitted 244 reports on different subjects.

NORTH EASTERN COUNCIL

Establishment of the Council

The North Eastern Council is a statutory (and not a constitutional) advisory body. It was established in the year 1972 through an Act of Parliament, namely, the North Eastern Council Act, 1971. This Act was amended in 2002.

The Council consists of eight member states of the North Eastern Region, viz., Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. In 2002, Sikkim became the eighth member state of the Council. The Secretariat (Headquarters) of the Council is located at Shillong, Meghalaya.

The Council was set-up for securing balanced development of the North Eastern Region, for effecting better inter-state coordination, and for maintaining security and public order in the region.

By virtue of the 2002 Amendment, the Council has been made the Regional Planning Body for the north eastern region.

The Council operates under the administrative control of the Union Ministry of Development of the North Eastern Region (DONER).

Composition of the Council

The Council consists of the following members:

- (1) The Governors of the eight member states
- (2) The Chief Ministers of the eight member states; however, if there is no Council of Ministers in any of these eight states, then the President may nominate one person to represent that state in the Council for so long as there is no Council of Ministers in that state
- (3) Three members are to be nominated by the President of India to the Council
- (4) The President of India may, if deemed necessary, nominate a Union Minister to be a member of the Council
- (5) The President of India nominates the Chairman of the Council
- (6) The President of India may, if deemed necessary, nominate another member of the Council to act as Vice Chairman of the Council.

Functions of the Council

The functions of the Council are as follows:

1. The Council shall function as a regional planning body for the north-eastern area.
2. While formulating the regional plans for the north-eastern area, the Council shall give priority to schemes and projects which will benefit two or more states. However, in case of Sikkim, the Council shall formulate specific projects and schemes for that state including the review of implementation of such projects and schemes.
3. The Council shall review, from time to time, the implementation of the projects and schemes included in the regional plan and recommend measures for effecting co-ordination among the Governments of the states concerned in the matter of implementation of such projects and schemes.
4. Where a project or scheme is intended to benefit two or more states, the Council shall recommend the manner in which
 - (i) such project or scheme may be executed or implemented and managed or maintained or
 - (ii) the benefits therefrom may be shared or
 - (iii) the expenditure thereon may be incurred.
5. The Council shall review, from time to time, the measures taken by the member states for the maintenance of security and public order in the region and recommend to the governments of the states concerned further measures necessary in this regard.
6. The Council shall have such power as may be delegated to it by the Central Government.

Revitalisation of the Council

In 2003, the Ministry of DONER had, as a follow-up to the 2002 Amendment, constituted the North

Eastern Council Revitalisation Committee to suggest measures to operationalise the revised mandate of NEC as a Regional Planning Body and to revitalise it. The Committee submitted its report to the Government in 2004.

The recommendations of the Committee related to the following matters:

1. Composition of the NEC
2. Strengthening/restructuring of organisational set up of the NEC Secretariat
3. Setting up of sectoral empowered committees
4. Measures for regional planning for sustainable growth and development
5. Financing of the regional plan from GBS (Gross Budgetary Support) in place of the NLCPR (Non Lapsable Central Pool of Resources)
6. Measures for implementation of the regional plan
7. Monitoring and evaluation of development projects
8. Role of NEC in border trade
9. Operationalising NEC's mandate relating to security and public order.

The Government of India accepted most of the recommendations of the Committee. Accordingly, Minister of DONER has been nominated the Chairman of the NEC. Similarly, three members have been nominated to the NEC. The Member (North-East), Planning Commission, has been nominated one of the members of NEC. The nomination of the remaining two members would be based on their experience of north-eastern region and expertise in socio-economic planning. The nominated members are given the same status, terms and emoluments as that of the members of the Planning Commission.

For the implementation of the other accepted recommendations, the Secretary of NEC has been requested to take necessary follow up action.

STAFF SELECTION COMMISSION

The Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC) are the two main recruitment agencies of the Central Government. The UPSC recruits to higher services, while the SSC to middle and lower services. Further, the UPSC is a constitutional body, while the SSC is a non-constitutional body.

Establishment of the Commission

Under the Constitution, the examinations for recruitment to all posts and services of the Central Government are required to be conducted by the UPSC. However, the Estimates Committee of Parliament in 1968 recommended the establishment of a Service Selection Commission for taking over recruitment to lower category of posts from the UPSC. Pursuant to this, and as an interim measure, an Examination Wing was created in the Institute of Secretariat Training and Management (ISTM), New Delhi.

Subsequently, the Administrative Reforms Commission of India (ARC) in 1969 observed that the bulk of the staff of the Central Government belonged to Class III (Group C) and Class IV (Group D) categories. It also recognised the identical nature of qualifications stipulated for entry into such posts in various offices. Hence, it advocated the pooling of requirements of non-technical posts by different