

सत्यमेव जयते

The Delimitation Act, 2002

(ACT NO. 33 OF 2002)

[*As on the* 14*th September,* 2026]

LIST OF AMENDING ACTS

1. The Delimitation (Amendment) Act, 2003 (3 of 2004).
2. The Delimitation (Amendment) Act, 2008 (9 of 2008).
3. The Election Laws (Amendment) Act, 2016 (10 of 2016).
4. The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE DELIMITATION ACT, 2002

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Definitions.
3. Constitution of Delimitation Commission.
4. Duties of the Commission.
5. Associate members.
6. Casual vacancies.
7. Procedure and powers of the Commission.
8. Readjustment of number of seats.
9. Delimitation of constituencies.
10. Publication of orders and their date of operation.

10A. Deferment of delimitation in certain cases.

10B. Delimitation Commission's order with respect to the State of Jharkhand not to have any legal effect.

11. Power to maintain delimitation orders up-to-date.
12. Repeal.

IndiaCode

THE DELIMITATION ACT, 2002

ACT NO. 33 OF 2002

[3*rd June*, 2002.]

An Act to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union territory having a Legislative Assembly into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union territories and for matters connected therewith.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Delimitation Act, 2002.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution;

(*b*) "associate member" means a member nominated under section 5;

(*c*) "Commission" means the Delimitation Commission constituted under section 3;

(*d*) "Election Commission" means the Election Commission referred to in article 324;

(*e*) "member" means a member of the Commission and includes the Chairperson; and

(*f*) "State" includes a Union territory having a Legislative Assembly [1]***.

3. Constitution of Delimitation Commission.—As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(*a*) one member, who shall be a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government who shall be the Chairperson of the Commission;

(*b*) the Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner, *ex officio*:

Provided that after the nomination of an Election Commissioner as a member under this clause, no further nomination under this clause shall be made except to fill the casual vacancy of such member under section 6; and

(*c*) the State Election Commissioner of concerned State, *ex officio*.

[2][*Explanation.*—For the purposes of clause (*c*), the State Election Commissioner of concerned State,—

(*i*) in respect of the duties of the Commission relating to a State (other than the States of Meghalaya, Mizoram and Nagaland), means the State Election Commissioner appointed by the Governor of that State under clause (*1*) of article 243K; and

(*ii*) in respect of the duties of the Commission relating to the State of Meghalaya or the State of Mizoram or the State of Nagaland, as the case may be, means a person nominated by the Governor of that State for such purposes.]

4. Duties of the Commission.—(*1*) The readjustment made, on the basis of the census figures as ascertained at the census held in the year 1971 by the Delimitation Commission constituted under section 3 of the Delimitation Act, 1972 (76 of 1972), of the allocation of seats in the House of the People to the several States and the total number of seats in the Legislative Assembly of each State shall be deemed to be the readjustment made by the Commission for the purposes of this Act.

(*2*) Subject to the provisions of sub-section (*1*) and any other law for the time being in force, the Commission shall readjust the division of each State into territorial constituencies for the purpose of

1. The words "but does not include the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 62 (w.e.f. 31-10-2019).
2. Subs. by Act 3 of 2004, s. 2, for the *Explanation* (w.e.f. 31-10-2003).

elections to the House of the People and to the State Legislative Assembly on the basis of the census figures as ascertained at the census held in the year [1][2001]:

Provided that where on such readjustment only one seat is allocated in the House of the People to a State, the whole of that State shall form one territorial constituency for the purpose of elections to the House of the People from that State.

5. Associate members.—(*1*) The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, ten persons five of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State:

Provided that where the number of members of the House of the People representing any State is five or less, then, all such members shall be the associate members for that State and in the latter case the total number of associate members shall be less than ten by such number as by which the total number of members of the House of the People representing that State is less than five.

(*2*) The persons to be so associated from each State shall be nominated, in the case of the members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House or, as the case may be, of the Assembly.

(*3*) The first nominations to be made under sub-section (*2*)—

(*a*) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act; and

(*b*) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(*4*) None of the associate members shall have a right to vote or to sign any decision of the Commission.

(*5*) The Commission shall have power to call upon—

(*a*) the Registrar-General and Census Commissioner, India or his nominee; or

(*b*) the Surveyor General of India or his nominee; or

(*c*) any other officer of the Central Government or State Government; or

(*d*) any expert in geographical information system; or

(*e*) any other person,

whose expertise and knowledge are considered necessary by the Commission to provide assistance to it in addition to the assistance provided by the persons referred to in sub-section (*1*) and the officers and persons so called upon shall be duty bound to assist the Commission.

(*6*) The Secretary to the Election Commission shall be the *ex officio* Secretary of the Commission and shall discharge his functions with the assistance of the employees of the Election Commission under the supervision of the Chairperson of the Commission.

6. Casual vacancies.—If the office of the Chairperson or of a member or of an associate member falls vacant owing to his death or resignation, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3 or, as the case may be, of section 5.

7. Procedure and powers of the Commission.—(*1*) The Commission shall determine its own procedure and shall, in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document; and

(*c*) requisitioning any public record from any court or office.

1. Subs. by Act 3 of 2004, s. 3, for "1991" (w.e.f. 31-10-2003).

(*2*) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(*3*) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (*a*) to (*c*) of sub-section (*1*) and sub-section (*2*), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(*4*) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(*5*) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(*6*) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

8. Readjustment of number of seats.—The Commission shall, having regard to the provisions of articles 81, 170, 330 and 332, and also, in relation to the Union territories, except National Capital Territory of Delhi, sections 3 and 39 of the Government of Union Territories Act, 1963 (20 of 1963) and in relation to the National Capital Territory of Delhi sub-clause (*b*) of clause (*2*) of article 239AA, by order, determine,—

(*a*) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the number of seats in the House of the People to be allocated to each State and determine on the basis of the census figures as ascertained at the *[census held in the year [1][2001]] the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(*b*) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the total number of seats to be assigned to the Legislative Assembly of each State and determine on the basis of the census figures as ascertained at the *[census held in the year [1][2001]] the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State:

Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (*b*) shall be an integral multiple of the number of seats in the House of the People allocated to that State under clause (*a*).

9. Delimitation of constituencies.—(*1*) The Commission shall, in the manner herein provided, then, distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State as readjusted on the basis of 1971 census to single-member territorial constituencies and delimit them on the basis of the census figures as ascertained, at the *[census held in the year [2][2001]], having regard to the provisions of the Constitution, the provisions of the Act specified in section 8 and the following provisions, namely:—

(*a*) 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;

(*b*) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

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* For the purposes of delimitation of Assembly and Parliamentary Constituencies, the words and figures "census held in the year 2001" wherever occurring, shall be construed as words and figures "census held in the year 2011" *vide* Act No. 34 of 2019, s. 62(*1*)(*b*) (w.e.f. 31-10-2019).

1. Subs. by Act 3 of 2004, s. 4, for "1991" (w.e.f. 31-10-2003).

2. Subs. by s. 5, *ibid*., for "1991" (w.e.f. 31-10-2003).

(*c*) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(*d*) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(*2*) The Commission shall—

(*a*) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(*b*) specify a date on or after which the proposals shall be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places in each State as it thinks fit; and

(*d*) thereafter by one or more orders determine—

(*i*) the delimitation of parliamentary constituencies; and

(*ii*) the delimitation of assembly constituencies,

of each State.

10. Publication of orders and their date of operation.—(*1*) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned and simultaneously cause such orders to be published at least in two vernacular newspapers and publicise on radio, television and other possible media available to the public and after such publication in the Official Gazettes of the States concerned, every District Election Officer shall cause to be affixed, the Gazette version of such orders relating to the area under his jurisdiction, on a conspicuous part of his office for public notice.

(*2*) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(*3*) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

(*4*) Subject to the provisions of sub-section (*5*), the readjustment of representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in any other law for the time being in force or any order or notification issued under such law in so far as such representation and delimitation are inconsistent with the provisions of this Act:

[1][Provided that nothing in this sub-section shall apply to the delimitation orders published in relation to the state of Jharkhand.]

(*5*) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of the assembly constituencies of that State and any bye-election to fill any vacancy in such House or in any such Assembly shall be held on the basis of the provisions of the laws and orders superseded by sub-section (*4*) as if the said provisions had not been superseded.

(*6*) The Commission shall endeavour to complete and publish each of its orders referred to in sub-section (*1*) in the manner provided in that sub-section, [2][within a period not later than 31st day of July, 2008] under section 3.

1. Ins. by Act 9 of 2008, s. 2 (w.e.f. 14-1-2008).
2. Subs. by s. 2, *ibid.*, for "within two years of the constitution of the Commission" (w.e.f. 14-1-2008).

[1][**10A. Deferment of delimitation in certain cases.**—(*1*) Notwithstanding anything contained in sections 4, 8 and 9, if the President is satisfied that a situation has arisen whereby the unity and integrity of India is threatened or there is a serious threat to the peace and public order, he may, by order, defer the delimitation exercise in a State.

(*2*) Every order made under this section shall be laid before each House of Parliament.

10B. Delimitation Commission's order with respect to the State of Jharkhand not to have any legal effect.—Notwithstanding anything contained in sub-section (*2*) of section 10, the final orders relating to readjustment of number of seats and delimitation of constituencies in respect of the State of Jharkhand published under the said section *vide* Order O.N. 63(E), dated 30th April, 2007 and O.N. 110(E), dated 17th August, 2007 shall have no legal effect and the delimitation of the constituencies as it stood before the publication of the said Orders shall continue to be in force until the year 2026 in relation to every election to the House of the People or to the Legislative Assembly, as the case may be, held after the commencement of the Delimitation (Amendment) Act, 2008 (9 of 2008).]

11. Power to maintain delimitation orders up-to-date.—(*1*) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

(*a*) correct any printing mistake in any of the orders made by the Commission under section 9 or any error arising therein from an inadvertent slip or omission; and

(*b*) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders up-to-date, so, however, that the boundaries or areas or extent of any constituency shall not be changed by any such notification.

[2][Provided that the Election Commission may make such amendments, as appear to it to be necessary or expedient, for bringing the said orders up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.]

(*2*) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

12. Repeal.—The Delimitation Act, 1972 (76 of 1972), is hereby repealed.

1. Ins. by Act 9 of 2008, s. 3, (w.e.f. 14-1-2008).
2. The proviso ins. by Act 10 of 2016, s. 3 (w.e.f. 4-3-2016).

STATEMENT OF OBJECTS AND REASONS

Articles 82 and 170 of the Constitution, as amended by the Constitution (Eighty-fourth Amendment) Act, 2001 provide for readjustment and the division of each State into territorial constituencies (Parliamentary constituencies and Assembly constituencies) on the basis of the census figures for the year 1991 by such authority and in such manner as Parliament may, by law, determine. Further, articles 330 and 332 of the Constitution, as amended by the said Act provide for refixing the number of seats reserved for the Scheduled Castes and the Scheduled Tribes in the House of the People and Legislative Assemblies of the States on the basis of the population ascertained at the census for the year 1991.

2. The present delimitation of Parliamentary and Assembly constituencies is based on the population figures for the 1971 census. The uneven growth of population in different constituencies in different parts of the country as well as within the same State as also continuous migration of people/electorate from one place to other especially from rural areas to urban areas have resulted in strikingly differing sizes of electoral constituencies even within the same State. The object of the Bill is to set up a Delimitation Commission for the purpose of effecting delimitation on the basis of the population as ascertained at the census of 1991 so as to correct the aforesaid distortion in the sizes of electoral constituencies. The proposed Delimitation Commission would also refix the number of seats for the Scheduled Castes and the Scheduled Tribes on the basis of the 1991 census, without affecting total number of seats based on the census of 1971.

3. The Bill seeks to lay down certain guidelines as to the manner in which such delimitation will be undertaken. In the Bill, the new Delimitation Commission has been given the task of carrying out delimitation of Parliamentary and Assembly constituencies. It has been specifically provided that the Delimitation Commission shall endeavour to complete the work within a period of two years. The proposed delimitation will apply to every general election to the House of the People or to a State Legislative Assembly held after the final orders of the Commission are published and to every bye-election arising from such general election. The other provisions of the Bill are generally on the pattern of the provisions contained in the Delimitation Act, 1972.

4. The Bill seeks to achieve the above objects.

NEW DELHI; ARUN JAITLEY.

The 23*rd* April, 2002.

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