

## Opinion – Looking Behind the Delimitation Exercise in Jammu and Kashmir

Written by Maqsood Hussain

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MAQSOOD HUSSAIN, DEC 31 2021

Tension has been rife since the Indian government passed 'The Jammu and Kashmir Reorganisation Act 2019', which downgraded the prior semi-autonomous status of Jammu and Kashmir, and Ladakh into two centrally governed Union Territories. The move stemmed from the long-standing ideological position of the proponents of Hindutva (a nationalist ideology of turning India into Hindu nation) of which the BJP is a political face. Jammu and Kashmir being the only Muslim-majority region in otherwise Hindu dominated India was considered a roadblock in the Hindutva project. Before 2019, Article 370 of India's constitution had given Jammu and Kashmir its semi-autonomous character. The Hindu Right wing held that Article 370 was a provision to break Kashmir from India and viewed Muslim-dominated politics in Jammu and Kashmir as detrimental to national interests. Hence, a reading down of Articles 370 and 35A opened the doors for subsequent stages of political engineering.

Now with the report of the Delimitation Commission giving more seats to Jammu than Kashmir, despite the latter being more populous, there appears a clear-headed attempt towards the progressive accomplishment of the right-wing project of marginalising the majority. Following the Reorganization Act, the central grip on Jammu and Kashmir has cemented with the extension of numerous legislative and executive measures. However, these measures may prove transitory once statehood is restored, as has been promised by federal Home Minister on the floor of central legislature. To circumvent the anticipated situation, the central government constituted the 'Delimitation Commission' under provisions of Part V of The Jammu and Kashmir Reorganization Act, 2019, tasked with the redrawing of electoral constituencies, for Jammu And Kashmir only, contrary to the norm of constituting the commission for the whole of country or group of its constituents. The debates surrounding the delimitation process assumed significance in the context of current demographic composition and distribution of electoral constituencies in Jammu And Kashmir.

The UT of Jammu and Kashmir, as it exists today, consists of two distinct regions: Jammu (a Hindu dominated) and Kashmir (Muslim dominated) with 37 electoral constituencies for the former and 46 for the latter giving Kashmir-based political parties edge over the formation of government in first-past-the-post system. The fact that in the post-partition history of Jammu and Kashmir all Prime and Chief Ministers have been Muslim, mainly from Kashmir region attests to the above statement. This has generated resentment and perception of discrimination in the Hindu dominated Jammu region.

The present delimitation exercise was widely seen as an attempt to disturb the existing balance of the distribution of electoral seats, thereby, undercutting the Kashmir's influence over the politics of Jammu and Kashmir. The People's Democratic Party (PDP), a Kashmir-based party who last time formed government in Jammu and Kashmir in alliance with the BJP has boycotted the commission for its partisan character and predictable outcome. The last delimitation exercise held in 1994–95 after the 1981 census added 11 seats with Jammu getting one seat more (from 32 to 37) than Kashmir (from 42 to 46). The Hindu nationalists decry the previous delimitation commissions for being biased against Jammu and their Kashmir-centric approach.

The Reorganization Act stipulates the creation of seven more electoral seats in Jammu and Kashmir and delimitation commission is holding consultations and negotiations with relevant stakeholders in the UT for the purpose. The BJP

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who has its bastion located in Jammu found this an ideal window of opportunity to get a better deal for Jammu – an important step in the realization of dream of getting a Hindu Chief Minister for Jammu and Kashmir. The modus operandi, in popular opinion, would be to bestow more seats to BJP-dominated Jammu and tie up with any Kashmir based political party in government formation where BJP would be a major partner. This seemed realistic after Delimitation Commission said that their final report will take into account the factors such as topography, difficult terrain, means of communication and convenience available while delimiting seven additional seats for the 83-member Assembly, besides granting reservation to Schedule Tribe (ST) and Schedule Caste (SC) communities.

While granting reservation to SC's and ST's is a norm and provided for in the constitution of India, the newly focus on above mentioned factors, not worthy of consideration in previous Commissions, seemed to give credence to allegations of Commission's objective being disempowering of Kashmiris and Kashmir-based political parties. The fundamental criterion, according to articles 81 and 170 of constitution of India, for redrawing the boundaries of electoral constituencies has to be a 'population' as ascertained in the last preceding census.

Topographically, Jammu is more complex than Kashmir. Furthermore, the principle of constituting a Delimitation Commission after every census held after every decade itself is reflective of the significance of population as the fundamental criterion in redrawing electoral constituencies. The Delimitation Commission's weight on some of the hitherto secondary factors was understood to intentionally liquidate the importance of the population factor, the only criterion where Kashmir might have got an advantage.

Relatedly, one of the objectives of getting a Hindu Chief Minister, which the present exercise was allegedly geared towards, was to obtain a stamp of popular legitimacy on all central legislative and executive measures taken so far in Jammu and Kashmir. This assumes significance given that there are petitions in the Supreme Court of India challenging the Centre's unilateral decision of stripping Jammu and Kashmir of its semi-autonomous character. Moreover, increasing Jammu's electoral heft would ensure a shift of centre in political gravity from Kashmir to Jammu which is widely viewed in federal corridors of power as more conducive to Indian interests than Kashmir-based politics.

The apprehensions harboured by the people of Jammu and Kashmir regarding the Delimitation Commission came true when the commission made the report public on December 20 2021, which proposed six more seats for Jammu and only one for Kashmir. The Kashmir-based parties have rejected the report as divisive. Their argument is in line with Articles 81 and 170 which make population the defining criterion for delimiting new constituencies. The new arrangement, if implemented, will take Jammu's tally of seats to 43 and that of Kashmir's to 47 – giving an edge to Jammu-based parties, among which the BJP is currently in a dominant position, in any future government formation. This will enable BJP to form a government in the state with the support of any convenient party.

The two commonly used practices for gerrymandering are 'cracking' and 'packing'. Cracking splits the opposition party's vote base among several constituencies while packing does the opposite – concentrating opposing party's vote base in one district to enable the governing party to win surrounding districts. With sixteen seats reserved for Schedule Tribe (ST) and Schedule Caste (SC) communities in the proposed draft, it leaves little wiggle room to figure out how new constituencies will be carved out following the logic of packing and cracking. However, if history is anything to go by, it warns us that in any democratic set-up, crafting policy which serves to generate the perception of exclusion in a majority may, at best, yield transitory dividends – but turn out to be counter-productive in the long-run. The political history of Kashmir, in particular, offers insights in this direction.

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### About the author:

**Maqsood Hussain** is a PhD Student at Jamia Milia Islamia, New Delhi, India.

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