

THE CONSTITUTION (EIGHTY-SEVENTH AMENDMENT) ACT, 2003

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[22nd June, 2003]

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

1. Short title. - This Act may be called the Constitution (Eighty-seventh Amendment) Act, 2003.
2. Amendment of article 81. - In article 81 of the Constitution, in clause (3), in the proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.
3. Amendment of article 82. - In article 82 of the Constitution, in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.
4. Amendment of article 170. - In article 170 of the Constitution,-
 - (i) in clause (2), in the Explanation, in the proviso, for the figures "1991", the figures "2001" shall be substituted;
 - (ii) in clause (3), in the Explanation, in the third proviso, for the figures "1991", the figures "2001" shall be substituted;
5. Amendment of article 330. - In article 330 of the Constitution, in the Explanation, in the proviso, for the figures "1991", the figures "2001" shall be substituted;

SUBHASH C. JAIN

Secy. to the Govt. of India.

6. CORRIGENDUM - In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003) as published in the Gazette of India, Extraordinary, Part II, Section I, dated the 19th May, 2003 (Issue No.37), at page 10, in line 2, for "[See section 2(p)]", read "[See section 3(p)]".

STATEMENT OF OBJECTS AND REASONS

Pursuant to enactment of the Constitution (Eighty-fourth Amendment) Act, 2001, the Delimitation Act, 2002 was enacted to constitute the Delimitation Commission for giving effect to the purposes of the aforesaid constitutional amendment. The Delimitation Commission has accordingly been constituted on 12.7.2002 with Shri Justice Kuldeep Singh, a retired Judge of the Supreme Court as its Chairperson and Shri B.B. Tandon, Election Commissioner in the Election Commission of India, and the concerned State Election Commissioners as its ex officio members. The main task of the Commission is to readjust the territorial constituencies

in the House of the People with regard to the seats allocated to each State and the readjustment of territorial constituencies of the Legislative Assembly of each State. The rationalisation of the constituencies as now provided is on the basis of the 1991, census figures. The Commission is entrusted with the function of also re-fixing the number of seats reserved for the Scheduled Castes and the Scheduled Tribes on the basis of census of 1991. The Commission has started functioning with the secretarial assistance from the Election Commission of India and is expected to complete its work within two years.

2 The Delimitation Commission in its letter to the Government had stated that in the light of views expressed by various intellectuals including lawyers, political thinkers and other experts, the delimitation, which was being done after a gap of thirty years should not be done on the basis of the out-dated figures of 1991 census .

3. An all-party meeting was held on 13.3.2003 on the functioning of the Delimitation Commission in which many political parties expressed the view that the delimitation of Parliamentary and Assembly constituencies should be done on the basis of 2001 census. It was, therefore, decided in the said meeting that if any political party had any suggestion with regard to alteration of the applicable census from 1991 to the year 2001, it might send the same in writing to the Minister of Law and Justice. Some major political parties which have responded are in favour of 2001 census being the basis of delimitation.

4. Accordingly., it has been decided to provide for readjustment of electoral constituencies, including those reserved for the Scheduled Castes and the Scheduled Tribes, based on the population census for the year 2001, without affecting the number of seats allocated to States in the legislative bodies.

5. The Bill seeks to achieve the objects mentioned above.

ARUN JAITLEY.

NEW DELHI;

The 25th April. 2003.