

SYNOPSIS

This writ petition challenges the order dated 28.2.2020 issued by respondent No. 1 under S. 10A of the Delimitation Act, 2002, whereby the delimitation exercise in the State of Nagaland has been resumed based on 2001 census. The impugned order rescinds the earlier order dated 8.2.2008 [hereinafter 'the deferment order'] by which the delimitation exercise in the State of Nagaland was deferred.

The petitioner respectfully contends that the impugned order is arbitrary considering that *the reasons* which formed the basis for 'deferment order' namely, law and order; disturbance to tribal equilibrium; ongoing peace talks etc. continue to exist and there is no change in circumstances. As an illustration, vide notification dated 30.6.2020, the Central Government has once again invoked its powers under S. 3 of the AFSPA, 1958 and has declared the entire State of Nagaland as 'disturbed area' for a period of six months starting from 30.6.2020.

The impugned order which seeks to resume the delimitation exercise in the State of Nagaland based on 2001 census figures is violative the principle of 'last census rule' as enshrined in Article 82

as well as Article 170 of the Constitution of India. Further, even S. 11 (4) of the State of Nagaland Act, 1962 stipulated that the delimitation exercise would be based on the latest census. The object of delimitation would best be served in case the last census i.e. 2011 census figures are made the basis for the delimitation exercise or the census of 2021 which is currently underway.

The State of Nagaland has a unique history of insurgency and is comprised of several tribes having their distinctive language, cultural and customs. It is because of these circumstances that the State of Nagaland enjoys special constitutional guarantee under Article 371A of the Constitution of India. The impugned order seeking resumption of delimitation exercise based on 2001 census would certainly disturb the tribal equilibrium/demarcations and lead to abrogating their constitutional rights. Thus, the impugned order is also ultra-vires Article 371A of the Constitution of India.

It is respectfully submitted that the grievance with the 2001 census figures for the State of Nagaland is marred by several fallacies and abnormalities which have not been corrected even after 14 years of protracted litigation. Some of the anomalies are as under,

- i. Exponential growth of population from 12,09,548 in the census of 1991 to 7,79,088 in the census of 2001, a

growth rate of 64.41%. The said figure is significantly higher as compared to the national decadal growth rate.

- ii. District such as Wokha, Dimapur, Mon and Tuensang having low birth rate recorded highest population from between 1991 to 2001 whereas district such as Phek with highest population growth rate recorded lesser population growth.
- iii. Largescale fraudulent enrolment of illegal migrants, foreigners, temporary labourers and non-tribal.
- iv. Some districts resorted to providing exaggerated population record with a sole intention to snatch more constituencies from the other districts. Studies have also indicated that tribes engaged into exaggerated reporting of their numbers with a fear of losing their identity or representation to more dominant tribes.
- v. Even while the process of Urbanisation has almost been stagnant in most district. One district had reported decadal urban population of 162.20% and another district at 98.61%.
- vi. Census work in Phek district was done in great haste without proper information to the public.

- vii. Multiple entries of the same person.
- viii. Inadequate supervision of Census officials in verifying the figures and their accuracy.

With the 2001 census as the basis, the earlier Delimitation Commission had already prepared a Working Paper-I which indicated the readjustment of assembly constituencies. The proposed readjustment was severely disturbing for the following reasons,

- i. The assembly constituencies in the District of Dimapur was to increase from 5 seats to 9 seats. Dimapur is a valley district and has large number of illegal migrants from Nepal/Bangladesh and even otherwise, the population of Dimapur in the 2001 census is exponentially high.
- ii. The proposed delimitation of the assembly seats was snatching away assembly seats from the tribal and hilly areas to the advantage of the valley district. The tribal districts/hilly districts are the biggest losers of the proposed delimitation exercise then.

- iii. Many tribal districts consisting of Mon, Mokokchung, Zunhebolo, Kohima and Phek were scheduled to lose their assembly constituencies.
- iv. Not just the tribal demarcations but even the valley-hill balance would be irreparably damaged if the delimitation exercise is pursued with defective figures of 2001 census.

Despite repeated representations, communications and even after assembly of State of Nagaland passing a resolution against it, no exercise was undertaken to correct the discrepancies in respect of census figures for the State of Nagaland. Notwithstanding the same, the impugned order has been issued resuming the delimitation exercise on 2001 census figures which is nothing short of a a legal somersault.

LIST OF DATES

1962: The present State of Nagaland was created under the State of Nagaland Act, 1962 comprising of the Naga Hills-Tuensang area. The State was formed initially with three Districts i.e. Kohima, Mokokchung and Tuensang. Considering the unique history of the Naga tribes, the Parliament exercising its Constituent

powers introduced the 13th Constitutional Amendment by which Article 371A was added to confer special rights to the State of Nagaland.

The first elections to the assembly in the State of Nagaland was conducted in respect of 46 seats; out of which 40 seats were to be filled by way of direct elections and the remaining 6 were to be filled by persons chosen by the Regional Council of Tuensang. The Regional Council was to function as an independent unit within the State of Nagaland for a period of 10 years under the supervision of the Governor. This unique arrangement has its origin in the 16-point agreement entered between the Government of India and Naga organizations which formed the broad legal basis both for the enactment of the State of Nagaland Act as well as Article 371A.

March, 1973: With the completion of 10-year period, an emergency session of the Assembly was held wherein the Regional Council of Tuensang was dissolved. Tuensang was now like any other District in the State of Nagaland and 20 assembly seats were allocated to the

said District. With that the total tally of the assembly seats reached 60 and continues to be so till today.

2002: The Delimitation Commission constituted under the Delimitation Act, 2002 sought for readjustment of constituencies in state of Nagaland apart from several other states. The Delimitation Commission was mandated to conduct the readjustment based on the figures as obtained in the 2001 census relying upon the third proviso to Article 82 of the Constitution, whereas the spirit of the said article demands that the latest census has to be considered.

The Census figures of the year 2001 were marred by several inconsistencies and fallacies etc. which is an admitted fact by the state as well as Centre Government and was also the actual cause of deferment of the delimitation process earlier.

In comparison with the Census figures of 1991, the State of Nagaland showed exponential growth in population in the 2001 census. Though on a reasoned estimate, the population of Nagaland in 2001 could not have been more than 16 lakhs, the census figures

of 2001 showed close to 20 lakh population. On a conservative estimate, there was an inexplicable increase of 25% population.

2003-2005: The Order to conduct the delimitation exercise in the state of Nagaland resulted in widespread protests across the State. Several representations were made by the petitioner and other organisations to the Central Government as well as the Delimitation Commission to resume the delimitation only after the census figures are rectified.

18.8.2005: The State of Nagaland also evaluated and assessed the figures as given in the 2001 census and came to the conclusion that the said figures are far from reality and that the same could not be the basis for any delimitation exercise. The Nagaland Legislative Assembly in its 8th session of the 10th assembly on 18.5.2005 passed the resolution calling for fresh census in the areas which recorded higher growth rate and also to impose a moratorium on the delimitation exercise until a solution is found to the Naga political problem.

22.8.2005: The decision of the Naga Legislative Assembly was duly communicated by the Principal Secretary, Government of Nagaland to Registrar General and Census Commissioner of India on 22.8.2005. A clear stand was communicated by the State of Nagaland to the Registrar General and Census Commissioner of India that relying upon the 2001 census figures would have serious repercussions on the delimitation exercise.

Even while the entire state of Nagaland was against a process of delimitation based on 2001 census, the Delimitation Commission was on the verge of finalizing the report in respect of State of Nagaland. The working paper-I prepared by the delimitation commission had already indicated entitlement of seats to various districts in the state of Nagaland. Inter alia,

- a. The assembly constituencies in the District of Dimapur was to increase from 5 seats to 9 seats. Dimapur is a valley district and has large number of illegal migrants from Nepal/Bangladesh and even otherwise, the population of Dimapur in the 2001 census is exponentially high.

- b. The proposed delimitation of the assembly seats was snatching away assembly seats from the tribal and hilly areas to the advantage of the valley district. The tribal districts/hilly districts are the biggest losers of the proposed delimitation exercise then.
- c. Many tribal districts consisting of Mon, Mokokchung, Zunhebolo, Kohima and Phek were scheduled to lose their assembly constituencies.

19.1.2007: Apart from Nagaland, the Census figures of 2001 was a bone of contention even in the State of Manipur. PIL No. 53/2003 and PIL No.16/2005 were two other petitions filed before the Gauhati High Court at Guwahati pertaining to the delimitation exercise in the State of Manipur. The Hon'ble High Court had ordered status quo and had restrained the Delimitation Commission from issuing its final order in the petitions filed in respect of State of Manipur. Eventually, the Hon'ble High Court in PIL No. 16/2005 allowed the Writ Petition vide its order dated 19.1.2007 directing fresh census in respect of 9 hill sub-divisions of the hill

districts of Senapati, Ukhrul and Chandel of State of Manipur.

19.7.2007: In respect of Nagaland, the petitioner organisation had filed PIL No. 67/2006 before the Gauhati High Court at Guwahati. Vide its order dated 19.7.2007 in PIL No. 67 of 2006 as an interim measure directed the Delimitation Commission not to publish the final notification under S. 10 (2) of the Delimitation Act, 2002 for the period of four weeks.

On the same date, vide notification bearing S.O. 1177(E) dated 19.7.2007, the whole of the State of Nagaland was declared as a disturbed area under S. 4 of the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972. The unrest resulting from the delimitation exercise based on defective census figures of 2001 was the imminent reason for this notification.

16.8.2007: The Gauhati High Court considering the far-reaching implications of the delimitation process and the various important questions of law raised in the

petitioner's PIL, the petition was taken up by 5 judge bench of the Hon'ble High Court.

2.11.2007: Challenging the above-mentioned orders, the Delimitation Commission filed an SLP before this Hon'ble Court. Vide order dated 2.11.2007, this Hon'ble Court was pleased to issue notice in the SLP. As an interim measure, the Delimitation Commission was directed to carry on its work but at the same the directions of the Hon'ble High Court were required to be complied. SLP's were also filed against the interim orders passed by the High Court of Gauhati in the PILs filed in respect of Delimitation process in Manipur.

14.1.2008: Vide Gazette notification dated 14.1.2008, the Delimitation (Amendment) Ordinance, 2008 was brought into force by which S. 10A and S. 10B were introduced to the Delimitation Act, 2002. These amendments conferred power upon the President to defer the delimitation exercise in respect of any State if a situation has arisen whereby unity and integrity of India would be affected or there is a serious threat to peace and public order.

- 8.2.2008: The President exercising powers under S. 10A of the Delimitation Act, 2002 vide order bearing S.O. 285 (E) dated 8.2.2008 ['deferment order'], deferred the delimitation exercise in respect of State of Nagaland. The order clearly acknowledges that the State of Nagaland is inhabited by various tribes each having its own distinct traditional boundaries on basis of the which the existing district and assembly boundaries are largely demarcated and that fresh delimitation exercise would entail transfer of assembly seats from one tribal/linguistic zone to another.
- Further, the above-mentioned order also recorded that cease fire, peace talks, delicate law and order situation and the tribal equilibrium would be jeopardized in case the delimitation exercise is carried based on 2001 census.
- 28.3.2008: Subsequently, the Delimitation (Amendment) Act, 2008 was notified vide gazette notification dated 28.3.2008 and the same was made effective from the date of notification of the Delimitation (Amendment) Ordinance, 2008 i.e. 14.1.2008.

- 21.7.2008: At this stage, Joint Action Committee on Delimitation, one of the Naga organizations, filed Writ Petition (W.P. No. 296/2008) challenging the order 8.2.2008 deferring the delimitation exercise in the State of Nagaland as well as the Delimitation (Amendment) Act, 2008 itself on the grounds of being violative of Article 82 and 170 of the Constitution of India. Vide order dated 21.7.2008, this Hon'ble Court was pleased to issue notice in the said challenge. Later petitioner had also sought to implead itself in the said challenge.
- 4.5.2009: Vide order dated 4.5.2009, the Delimitation Commission withdrew its SLPs filed challenging the interim orders granted in the petitioner's PIL.
- 21.8.2014: Subsequently, vide order dated 21.8.2014, the petitioner in W.P. No. 296/2008 also sought to withdraw the challenge to the order dated 8.2.2008 and Delimitation (Amendment) Act, 2008 with liberty to make adequate representation with the Central Government. Even the petitioner's PIL before the High Court of Gauhati was disposed of as having become infructuous vide order dated 30.8.2017.

Therefore, the Central Government acknowledged that pursuing the delimitation exercise in the State of Nagaland based on 2001 census would have serious ramifications on its various tribes, each having distinct culture, tradition, language etc. and that the tribal equilibrium would be severely jeopardized in case assembly seats are transferred from one tribal/linguistic zone to another. Needless to state, the defective census of year 2001 was the fulcrum of the opposition to the delimitation exercise in the State of Nagaland and not the delimitation exercise per se.

As things stand today, the 2011 census is available and interestingly, there has been a reduction of population in the State of Nagaland. The very fact that for the first time in the history of Census India, the census enumeration of 2011 registering negative decadal growth has proved beyond doubt that census 2001 is erroneous. Further, the 2021 census work is also underway. It would only be an exercise in futility to insist upon the resumption of the delimitation

exercise based on the defective census figures of 2001.

28.2.2020: Notwithstanding the above, vide impugned order [ANNEXURE P/1], the respondent No. 1 has rescinded earlier order dated 8.2.2008, and has once again resumed the delimitation exercise in the State of Nagaland based on 2001 census. Based on the impugned order, a new Delimitation Commission is constituted and necessary instructions to commence with the Delimitation work has already been issued.

6.3.2020: After the notification of the impugned order, the new Delimitation Commission has been constituted under the Delimitation Act, 2002 with Justice (Retd.) Ranjana Prakash Desai as its Chairperson on 6.3.2020.

29.5.2020: The Commission vide its letter dated 29.5.2020 has issued requisite communication to the Chief Electoral Officers for preparation of statistical data and maps.

15.07.2020: Hence this Writ Petition.

- ii. W.P. (Civil) No. 454/2020 titled as 'Brelithamarak and Anr. v. Union of India & Ors.' has been filed before this Hon'ble Court pertaining to the delimitation exercise in the State of

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Assam. Vide order dated 27.5.2020 this Hon'ble Court was pleased to issue notice in the said challenge. The present petition could be tagged with the said petition also.

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION
WRIT PETITION (Civil) No. _____ of 2020
[PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
AND S.C.R, Order XXXVIII Rule 1, 12(1) (d) and (2)]

IN THE MATTER OF:

1. Chakhesang Public
Organisation (CPO),
Through its authorised person/convenor,
Mr. Theja Therieh,
S/o: Kedukha Therieh.
Head Quarters: Phek.

2. Mikha Kenye
S/o Zhietshunyi Kenye,
President, CPO

3. Veduvo Rakho
General Secretary, CPO

....Petitioners

AND

1. The Union of India,
Represented by the Secretary,
Ministry of Home Affairs, Govt. of India,
North Block, Central Secretariat,
New Delhi-110 001

2. The Registrar General and Census
Commissioner,

Ministry of Home Affairs,
Govt. of India,
2/A, Mansingh Road,
New Delhi 110 011.

3. The Director of Census.
Operations and Chief Principal Census Officer,
Nagaland, Ministry of Home Affairs,
Govt. of India,
Bayavu Hill,
High School Road,
Kohima – 797001
Nagaland.
4. The Delimitation Commission of India
Through its Secretary,
Delimitation Commission,
6th Floor, Nirvachan Sadan,
New Delhi-110001
5. State of Nagaland,
Represented by the Chief Secretary,
Government of Nagaland,
Nagaland Civil Secretariat,
Kohima -797004,
Nagaland.
6. The Commissioner and Secretary
to the Government of Nagaland,
Home Department, Kohima,
Nagaland Civil Secretariat,
Kohima -797004,
Nagaland.
7. The Election Commissioner of India,
Represented by the Secretary,

Election Commission of India,
Nirvachan Sadan,
New Delhi-110 001

...Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA CHALLENGING THE ORDER
DATED 28.2.2020 IN S.O. 906 (E) ISSUED UNDER S. 10A OF
THE DELIMITATION ACT, 2002 SEEKING RESUMPTION OF
DELIMITATION EXERCISE IN THE STATE OF NAGALAND AS
BEING ARBITRARY AND VIOLATIVE OF ARTICLE 14 AND
S. 8A OF THE REPRESENTATION OF THE PEOPLE ACT, 1950.
FURTHER, THE SAID ORDER BEING ULTRA-VIRES THE
PROVISIONS OF ARTICLE 82, 170, 371A OF THE
CONSTITUTION OF INDIA**

TO,

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUSTICES OF
THIS HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. This Writ Petition challenges the order dated 28.2.2020 issued by respondent No. 1 under S. 10A of the Delimitation Act, 2002, whereby the delimitation exercise in the State of Nagaland has been resumed based on 2001 census, as being arbitrary and violative of Article 14 of the Constitution of India and S. 8A of the Representation of the People Act, 1950. Further, the

impugned order is ultra-vires the provisions of Article 82, 170, 371A of the Constitution of India. The impugned order rescinds the earlier order dated 8.2.2008 by which the delimitation exercise in the State of Nagaland was deferred.

A true copy of the order bearing S.O.906 (E) dated 28.2.2020 issued by the respondent No. 1 from **ANNEXURE P/1** pages 69 to 77.

2. DETAILS OF THE PETITIONER

Chakhesang Public Organisation,

Address:

Head Quarters: Phek.

District: Phek, Nagaland-797108

Phone No. 9436000381

Email ID.: cpo.chakhesang20@gmail.com

Proof of Identification: AADHAR of the authorised representative.

Annual Income: NA

PAN:

National Unique Identity Card No. (if any) NA

3. The petitioner No. 1 is the apex organisation of the Chakhesang (Naga) tribe which is a recognised scheduled tribe under the Constitution of India. The said tribe members are the sole indigenous inhabitants of Phek district. Since its inception, the petitioner has been in the forefront of pursuing several legal remedies intended to protect the rights of its tribesmen. The

petitioner had diligently fought the previous round of litigation challenging the delimitation exercise which had eventually reached this Hon'ble Court. The petitioner No. 2 and 3 are the office bearers of the petitioner No. 1.

A true copy of the rules of the petitioner organisation is marked herewith as **ANNEXURE P/2** from pages 78 to 95.

FACTS CONSTITUTING THE CAUSE OF ACTION:

4. The present State of Nagaland was created under the State of Nagaland Act, 1962 comprising of the Naga Hills-Tuensang area. The State was formed initially with three Districts i.e. Kohima, Mokokchung and Tuensang. Considering the unique history of the Naga tribes, the Parliament exercising its Constituent powers introduced the 13th Constitutional Amendment by which Article 371A was added to confer special rights to the State of Nagaland.
5. The 13th Constitutional Amendment is a constitutional guarantee to the Naga people that their distinct religious, social practices, customary law, ownership of the land and its resources would be protected and only the State Assembly would have final word in any of the said subject matter.

6. The first elections to the assembly in the State of Nagaland was conducted in respect of 46 seats; out of which 40 seats were to be filled by way of direct elections and the remaining 6 were to be filled by persons chosen by the Regional Council of Tuensang. The Regional Council was to function as an independent unit within the State of Nagaland for a period of 10 years under the supervision of the Governor. This unique arrangement had its origin in the 16-point agreement entered between the Government of India and Naga organizations which formed the broad legal basis both for the enactment of the State of Nagaland Act as well as Article 371A.
7. In March 1973 with the completion of 10-year period, an emergency session of the Assembly was held wherein the Regional Council of Tuensang was dissolved. Tuensang was now like any other District in the State of Nagaland and 20 assembly seats were allocated to the said District. With that the total tally of the assembly seats reached 60 and continues to be so till today.
8. Article 82 of the Constitution of India provides for readjustment of seats allocated in the house of people to the States and the division of each State into territorial constituencies after

completion of each census. This exercise of readjustment is sought to be made by an authority i.e. the Delimitation Commission under the Delimitation Act.

9. Previously, the Delimitation Commission was constituted under the 1952 Act, 1962 Act, 1972 Act and the 2002 Act. On completion of the delimitation exercise by each of the Commissions, the delimitation orders were published by the Government by way of Gazette notifications.
10. The Delimitation Commission constituted under the Delimitation Act, 2002 sought for readjustment of constituencies in state of Nagaland apart from several other states. The Delimitation Commission is mandated to conduct the readjustment based on the figures as obtained in the 2001 census relying upon the third proviso to Article 82 of the Constitution, whereas the spirit of the said article demands that the latest census has to be considered.
11. The Census figures of the year 2001 were marred by several inconsistencies and fallacies etc. which is an admitted fact by the state as well as Centre Government and was also the actual cause of deferment of the delimitation process earlier.

12. In comparison with the Census figures of 1991, the State of Nagaland showed exponential growth in population in the 2001 census. Though on a reasoned estimate, the population of Nagaland in 2001 could not have been more than 16 lakhs, the census figures of 2001 showed close to 20 lakh population. On a conservative estimate, there was an inexplicable increase of 25% population. The comparative charts highlighting different facets of the abnormality in the 2001 census are as under,

	1991	2001	2011
Total Population	121000	1990036	19,78,502
Mon	150000	260652	2,50,260
Mokokchung	158000	232085	1,94,622
Zunheboto	96000	153955	1,40,757
Wokha	83000	161223	1,66,343
Dimapur		309024	3,78,811
Phek	102000	148195	1,63,418
Tuensang	233000	414818	1,96,596
Longleng		63509	50,484
Kiphire		18094	74,004
Kohima	388000	310084	2,67,988

Peren		8861	95,219
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Table 1. Total Variation: Census 1991 & Census 2001

Sl. No.	District	Census 1991	Census 2001 H.11	Decadal increase of H.H.
1.	Wokha	15684	25899	10215
2.	Phek	19950	28874	8924
3.	Mon	22722	34922	12200
4.	Tuengsang	39024	60780	21756
5.	Mokokchung	29093	37330	8237
6.	Zunheboto	18343	26010	8267
7.	Dimapur	35700	58077	22377
8.	Kohima	37466	55565	18099
	Nagaland	216982	328057	111075

Table 2. Total Household variation Census 2001 Household and State Health and Family Welfare Department Household.

Sl. No.	District	Census 2001 H.H.	H. & H.H.	Difference
1.	Wokha	25.899	22.289	3.610
2.	Phek	28.784	24.570	4.304
3.	Mon	34.922	27.987	6.935
4.	Tuengsang	60.780	51.334	9.446
5.	Mokokchung	37.330	32.265	5.065
6.	Zunheboto	26.610	26.824	214
7.	Dimapur	58.077	52.735	5.342
8.	Kohima	55.552	41.277	14.275
	Nagaland	3.28.057	2.79.281	48.776

Table 3. Rural Household variation: Census 2001 Household and State Rural Development Department Household.

Sl. No.	District	Census 2001	R.D.Rural H.H.	Difference
1.	Wokha	20.719	14.312	6407
2.	Phek	26.258	20.935	5323
3.	Mon	31.939	26.120	5819
4.	Tuengsang	55.597	46.735	8852
5.	Mokokchung	30.948	23.126	7822
6.	Zunheboto	23245	18.533	4412
7.	Dimapur	34.881	28.762	6119
8.	Kohima	39.552	35.635	3917
	Nagaland	2.63.129	2.14.458	48.671

Table 4. Decadal growth rate of Urban Population: Census 1991 and Census 2001

Sl. No.	District	Census 1991	Census 2001
1.	Wokha	76%	162%
2.	Phek	N/A	54%
3.	Mon	56%	54%
4.	Tuengsang	72%	42%
5.	Mokokchung	37%	26%
6.	Zunheboto	49%	100%
7.	Dimapur	74%	53%
8.	Kohima	67%	63%
	Nagaland	73%	71%

Table 5. Decadal growth of Rural Population: Census 1991 and Census 2001.

Sl. No.	District	Census 1991	Census 2001	% increase
1.	Wokha	68235	123587	81%

2.	Phek	93790	135331	44%
3.	Mon	138909	244062	75%
4.	Tuengsang	211888	385046	82%
5.	Mokokchung	133571	200871	50%
6.	Zunheboto	84745	130874	54%
7.	Dimapur	111973	194424	73%
8.	Kohima	158212	233054	47%
	Nagaland	1001323	1647249	65%

Table 6a. Family size(Person/HH) Variation in the State for the last 3 decades 1981-2001

Census	Total Population	Total H.H.	Person per HH
1981	774930	149480	5.18
1991	1209546	216982	5.57
2001	1990036	3,28.057	6.07

Table 6b. Family size(Person/HH) Variation in the State for the last 3 decades 1981-2001

District	Census	Total Population	Total H.H.	Person per HH
Kohima	1981 (including Dimapur)	250105	49718	5.03
	1991 (Excluding Dimapur)	153124	37466	4.10
	2001	310084	55565	5.58
Dimapur	1981 (included in Kohima)	N/A	N/A	N/A
	1991	177952	35700	4.98
	2001	309024	58077	5.32

			5.32	
Phek	1981	70618	13543	5.21
			5.21	
	1991	102156	19950	5.12
	2001	148195	28874	5.13
	1981	57583	10700	5.38
			5.38	

Wokha	1991	82612	15684	5.26
	2001	161223	25899	6.22
Zunheboto	1981	61161	11517	5.31
	1991	96218	18343	5.24
	2001	153955	26610	5.78
Mokokchung	1981	104193	21301	4.81
	1991	158374	28093	5.63
	2001	232085	37330	6.21
Tuengsang	1981	152332	29021	5.24
	1991	232906	39024	5.97
	2001	414818	60780	6.82
Mon	1981	78938	13680	5.77
	1991	149699	22722	6.58
	2001	260652	34922	7.46

Table 7. Glaring Instances of Anomalies in the Census
2001 Family size in the District:

District	Village	Total HH	Total Population	Average Person / HH
				Lowest person / HH
Pbek	Gidemi (Gozuto)	64	217	3.39
	Tehephu	108	418	3.87

District	Village	Total HH	Total Population	Average Person / HH
	Mesulumi	383	1485	3.88
	Kizare	106	425	4.01
				Highest Person / HH
	Avankhu	21	169	8.05
Phek	Phokhungri Vill.	114	824	7.23
	Phek Village	437	3091	7.07
	Phek Old Town	178	1252'	7.03
				Lowest person / HH
	Chanqpang HQ	2	5	2.50
Wokha	Akahuto	45	142	3.16
	Doyang Hydro North wing	256	864	3.38
	Azuhoto	44	100	2.27

				Highest Person / HH
	Wokha (TC)- Ward No.5	394	3407	8.65
Wokha	Wokha (TC)- Ward No.4	315	2715	8.62
	Yikhum	346	2916	8.43
	Sankiton	173	1847	10.68
				Lowest person / HH

Mon	Tiru (Lower)	103	441	4.28
	Namthai	76	344	4.53
	Lapalam pong	691	3301	4.78
	Totokchi ngha	278	1345	4.84
				Highest Person / HH
Mon	Longshe n	2345	25710	10.96
	Shiangha chingnyu	497	5397	10.86
	Shiangha wamsa	290	3631	12.52
	Tang	575	8037	13.98
				Lowest person / HH
Tuensang	Tsungak camp	11	11	1.00
	Dikhu Vill	16	53	3.31
	Tsurungt o HQ	72	266	3.69
	Fakim	105	391	3.72
				Highest Person / HH
Tuensang	Changch or	183	1888	10.32
	Anatong	1	10	10.00 j

	er GREF Camp			
	Chipur	174	1921	11.04
	Tsulote GREF Camp	25	250	10.00
				Lowest person / HH
Mokokchu ng	Aosungk um	33	116	3.52
	Mokokch ung No.4 (TC) - Ward	297	1200	4.04
	Kinunger	105	443	4.22
	Mokokch ung Vill.	793	3870	4.88
				Highest Person / HH
Mokokchu ng	Merakon g	53	498	9.40
	Changki	739	7718	10.44
	Chuchuyi mlang Vill.	831	7846	9.44
	Merangk ong	448	4052	9.04
				Lowest person / HH

Zunheboto	Khugutomi	154	611	3.97
	Phishumi	139	536	3.86
	Ajiqami	72	297	4.13
	Shichimi	32	135	4.22
				Highest Person / HH
	Kawoto 'A'	72	782	10.86

Zunheboto	Ghukiye	131	1306	9.97
	Zungti	83	742	8.94
	Zunheboto (TC) - Ward No.1	217	1894	8.73
				Lowest person / HH
Kohima	Hydro Project Station	10	21	2.10
	Jalukie (Old)	14	31	2.21
	Peren Old	223	701	3.14
	Tseminyu South	173	671	3.88
				Highest Person / HH
Kohima	Kandinu	483	5062	10.48
	Kezocha Hq	38	416	10.95
	Nchan	71	616	8.68

	(Mechangbum)			
	Chunlikha	163	1426	8.75
				Lowest person / HH
Diniapur	Pherima Village	121	460	3.80
	7 th Mile Village	168	597	3.55
	Phuwoto	84	271	3.23
	Badi	127	450	3.54
				Highest Person / HH
Dimapur	Rangapahar	733	6888	9.40
	Dhansiripar Hq	48	546	11.38
	Zuikhu 'A'	152	1398	9.20
	Molvom	159	1352	8.50

Table 8. Family size in District Headquarters (Average Family size (Person /HH) in Nagaland = 6.07)

District Headquarters	HouseHold	Total Population	Person/HH
Mokokchung (TC) - Ward No.1	342	1645	4.81
Mokokchung (TC) - Ward No 2	527	2622	4.98
Mokokchung (TC) - Ward No.3	359	1746	4.86
Mokokchung (TC) - Ward No.4	297	1200	4.04
Mokokchung (TC) - Ward No 5	389	1712	4.40
Mokokchung (TC) - Ward No.6	554	2721	4.91

Mokokchung (TC) - Ward No 7	419	2157	5.15
Mokokchung (TC) - Ward No.8	415	2118	5.10
Mokokchung (TC) - Ward No.9	496	2160	4.35
Mokokchung (TC) - Ward No.10	235	1160	4.94
Mokokchung (TC) - Ward No. 11	487	2246	4.61
Mokokchung (TC) - Ward No.12	299	1361	4.55
Mokokchung (TC) - Ward No.13	804	3804	4.73
Mokokchung (TC) - Ward No.14	506	3392	6.70
Mokokchung (TC) - Ward No. 15	253	1170	4.62
Mon Town (TC) - Ward No.1	546	3003	5.50
Mon Town (TC) - Ward No.2	517	3131	6.06
Mon Town (TC) - Ward No.3	208	1168	5.62
Mon Town (TC) - Ward No.4	477	2376	4.98
Mon Town (TC) - Ward No.5	693	3655	5.27
Mon Town (TC) -	542	3257	6.01

Ward No.6			
Tuensang (TC) - Ward No.1	441	2537	5.75
Tuensang (TC) - Ward No.2	353	2038	5.77
Tuensang (TC) - Ward No.3	480	2893	6.03
Tuensang (TC) - Ward No.4	461	2565	5.56
Tuensang (TC) - Ward No.5	299	1559	5.21
Tuensang (TC) - Ward No.6	178	840	4.72
Tuensang (TC) - Ward No.7	404	2034	5.03
Tuensang (TC) - Ward No.8	465	2587	5.56
Tuensang (TC) - Ward No.9	450	2438	5.42
I Tuensang (TC) - Ward No.10	706	4023	5.70
Tuensang (TC) - Ward No.11	214	1931	9.02
Tuensang (TC) - Ward No.12	126	718	5.70
Tuensang (TC) - Ward No.13	616	3609	5.86
Zunheboto (TC) -	217	1894	8.73

Ward No.1			
Zunheboto (TC) - Ward No.2	240	1741	7.25
Zunheboto (TC) - Ward No.3	149	1042	6.99
Zunheboto (TC) - Ward No.4	421	3111	7.39
Zunheboto (TC) - Ward No.5	382	2632	6.89
Zunheboto (TC) - Ward No.6	293	2093	7.14
Zunheboto (TC) - Ward No.7	425	2928	6.89
Zunheboto (TC) - Ward No.8	523	3297	6.30
Zunheboto (TC) - Ward No.9	518	3153	6.09
Zunheboto (TC) - Ward No.10	197	1190	6.04
Wokha (TC) - Ward No.1	1005	6844	6.81
Wokha (TC) - Ward No.2	494	3214	6.51
Wokha (TC) - Ward No.3	663	4397	6.63
Wokha (TC) - Ward No.4	315	2715	8.62
Wokha (TC) - Ward No.5	394	3407	8.65
Wokha (TC) -	838	6472	7.72

Ward No.6			
Wokha (TC) - Ward No.7	482	3401	7.06
Wokha (TC) - Ward No.8	989	7186	7.27

Dimapur (TC) - Ward No.1	803	3972	4.95
Dimapur (TC) - Ward No.2	376	2074	5.52
Dimapur (TC) - Ward No.3	1046	5200	4.97
Dimapur (TC) - Ward No.4	1593	7343	4.61
Dimapur (TC) - Ward No.5	860	4214	4.90
Dimapur (TC) - Ward No.6	788	3637	4.62
Dimapur (TC) - Ward No.7	1267	5808	4.58
Dimapur (TC) - Ward No.8	1247	5996	4.81
Dimapur (TC) - Ward No.9	1000	4829	4.83
Dimapur (TC) - Ward No. 10	625	3438	5.50
Dimapur (TC) - Ward No.11	697	3518	5.05
Dimapur (TC) - Ward No.12	771	3803	4.93

Dimapur (TC) - Ward No.13	1001	5242	5.24
Dimapur (TC) - Ward No.14	1132	5261	4.65
Dimapur (TC) - Ward No.15	1680	8517	5.07
Dimapur (TC) - Ward No.16	890	4234	4.76
Dimapur (TC) - Ward No.17	41?	2402	5.83
Dimapur (TC) - Ward No.18	953	3942	4.14
Dimapur (TC) - Ward No.19	302	1632	5.40
Dimapur (TC) - Ward No.20	1145	5212	4.55
Dimapur (TC) - Ward No.21	1511	7822	5.18
Kohima (TC) - Ward No.1	2066	10851	5.25
Kohima (TC) - Ward No.2	1066	5129	4.81
Kohima (TC) - Ward No.3	624	2865	4.59
Kohima (TC) - Ward No.4	525	2828	5.39
Kohima (TC) - Ward No.5	962	4534	4.71
Kohima (TC) -	555	2274	4.10

Ward No.6			
Kohima (TC) - Ward No.7	579	2613	4.51
Kohima (TC) - Ward No.8	1048	4462	4.26
Kohima (TC) - Ward No.9	698	3485	4.99
Kohima (TC) - Ward No. 10	610	2693	4.41
Kohima (TC) - Ward No.11	1837	8316	4.53
Kohima (TC) - Ward No. 12	902	4485	4.97
Kohima (TC) - Ward No. 13	2362	11852	5.02
Kohima (TC) - Ward No. 14	720	3364	4.67
Kohima (TC) - Ward No.15	1459	7279	4.99
Phek (TC) - Ward No.1	407	2214	5.44
Phek (TC) - Ward No.2	297	1358	4.57
Phek (TC) - Ward No.3	267	1322	4.95
Phek (TC) - Ward No.4	235	1027	4.37
Phek (TC) - Ward No.5	282	1374	4.87

Phek (TC) - Ward No.6	259	1261	4.87
Phek (TC) - Ward No.7	158	667	4.22
Phek (TC)-Ward No.8	256	1226	4.79
Phek (TC) - Ward No.9	231	1199	5.19
Phek (TC) - Ward No.10	224	1216	5.43

Table 9. Percentage of ST population in Nagaland

Name	Total R/U	'Total Populati on'	'Total SC Popula tion	'Total ST Popula tion'	Total Non ST	Non ST	% or ST
Mon	Total	260652	0	244821	15831	6.07	93.93
	Rural	244062	0	230821	13241	5.43	94.57
	Urban	16590	0	14000	2590	15.61	84.39
Tuensang	Total	414818	0	398350	16468	3.97	90.03
	Rural	385046	0	375077	9969	2.59	97.41
	Urban	29772	0	23273	6499	21.83	78.17
Mokokch ung	Total	232085	0	217653	14432	6.22	93.78
	Rural	200871	0	192406	8465	4.21	95.79
	Urban	31214	0	25247	5967	19.12	80.88
Zunhebot o	Total	153955	0	147915	6040	3.92	96.08
	Rural	130874	0	127662	3212	2.45	97.55
	Urban	23081	0	20253	2828	12.25	87.75
Wokha	Total	161223	0	153983	7240	14.49	95.51
	Rural	123587	0	119727	3860	3.12	96.08

	Urban	37636	0	34256	3380	8.98	91.02
Dimapur	Total	309024	0	187574	121450	39.30	60.0
	Rural	194424	0	144356	50068	25.75	74.25
	Urban	114600	0	43218	71382	62.29	37.71
Kohima	Total	310084	0	280753	29331	9.46	90.54
	Rural	233054	0	221395	11656	5.00	95.00
	Urban	77030	0	59355	17675	22.95	77.05
Phek	Total	148195	0	142977	5218	3.52	96.48
	Rural	135331	0	132575	2756	2.04	97.96
	Urban	12864	0	10402	2462	19.14	80.86
Nagaland		1990036	1774026		216010	10.85	89.15

Table 10. Ratio of Population and Electorate

SI. No.	District	Census 2001	Electoral Roll - 1999	Percentage
1.	Wokha	161223	78711	49%
2.	Phek	148195	75490	51%
3.	Mon	260652	111312	43%
4.	Tuengsang	414818	177569	43%
5.	Mokokchung	232085	117919	51%
6.	Zunheboto	153955	73907	48%
7.	Dimapur	309024	165328	54%
8.	Kohima	310084	155914	48%
	Nagaland	1990036	955914	48%

Family size in District Headquarters

(Average Family size (Person /HH) in Nagaland = 6.07)

District Headquarters	HouseHold	Total Population	Person/ HH
1 Mokokchung (TC) - Ward No.1	342	1645	4.81

Mokokchung (TC) - Ward No.2	527	2622	4.98
Mokokchung (TC) - Ward No.3	359	1746	4.86
Mokokchung (TC) - Ward No.4	297	1200	4.04
Mokokchung (TC) - Ward No.5	389	1712	4.40
Mokokchung (TC) - Ward No.6	554	2721	4.91
Mokokchung (TC) - Ward No.7	419	2157	5.15
Mokokchung (TC) - Ward No.8	415	2118	5.10
Mokokchung (TC) - Ward No.9	496	2160	4.35
Mokokchung (TC) - Ward No. 10	235	1160	4.94
Mokokchung (TC) - Ward No. 11	487	2246	4.61
Mokokchung (TC) - Ward No.12	299	1361	4.55
Mokokchung (TC)-Ward No. 13	804	3804	4.73
Mokokchung (TC) - Ward No.14	506	3392	6.70
Mokokchung (TC) - Ward No. 15	253	1170	4.62
2 Mon Town (TC) - Ward No.1	546	3003	5.50
Mon Town (TC) - Ward	517	3131	6.06

No.2			
Mon Town (TC) - Ward No.3	208	1168	5.62
Mon Town (TC) - Ward No.4	477	2376	4.98
Mon Town (TC) - Ward No.5	693	3655	5.27
Mon Town (TC) - Ward No.6	542	3257	6.01
3 Tuensang (TC) - Ward No. 1	441	2537	5.75
Tuensang (TC) - Ward No.2	353	2038	5.77
Tuensang (TC) - Ward No.3	480	2893	6.03
Tuensang (TC) - Ward No.4	461	2565	5.56
Tuensang (TC) - Ward No.5	299	1559	5.21
Tuensang (TC) - Ward No.6	178	840	4.72
Tuensang (TC) - Ward No.7	404	2034	5.03
Tuensang (TC) - Ward No.8	465	2587	5.56
Tuensang (TC) - Ward No.9	450	2438	5.42
Tuensang (TC) - Ward No.10	706	4023	5.70
Tuensang (TC) - Ward No.11	214	1931	9.02

Tuensang (TC) - Ward No. 12	126	718	5.70
Tuensang (TC) - Ward No.13	616	3609	5.86
4 Zunheboto (TC) - Ward No. 1	217	1894	8.73
Zunheboto (TC) - Ward No.2	240	1741	7.25
Zunheboto (TC) - Ward No.3	149	1042	6.99
Zunheboto (TC) - Ward No.4	421	3111	7.39
Zunheboto (TC) - Ward No.5	382	2632	6.89
Zunheboto (TC) - Ward No.6	293	2093	7.14
Zunheboto (TC) - Ward No.7	425	2928	6.89
Zunheboto (TC) - Ward N0.8	523	3297	6.30
Zunheboto (TC) - Ward No.9	518	3153	6.09
Zunheboto (TC) - Ward No. 10	197	1190	6.04
5 Wokha (TC) - Ward No.1	1005	6844	6.81
Wokha (TC) - Ward No.2	494	3214	6.51
Wokha (TC) - Ward No.3	663	4397	6.63
Wokha (TC) - Ward No.4	315	2715	8.62
Wokha (TC) - Ward No.5	394	3407	8.65
Wokha (TC) - Ward No.6	838	6472	7.72

Wokha (TC) - Ward No.7	482	3401	7.06
Wokha (TC) - Ward No.8	989	7186	7.27
6 Dimapur (TC) - Ward No.1	803	3972	4.95
Dimapur (TC) - Ward No.2	376	2074	5.52
Dimapur (TC) - Ward No.3	1046	5200	4.97
Dimapur (TC)-Ward No.4	1593	7343	4.61
Dimapur (TC)-Ward No.5	860	4214	4.90
Dimapur (TC) - Ward No.6	788	3637	4.62
Dimapur (TC) - Ward No.7	1267	5808	4.58
Dimapur (TC) - Ward No.8	1247	5996	4.81
Dimapur (TC) - Ward No.9	1000	4829	4.83
Dimapur (TC) - Ward No.10	625	3438	5.50
Dimapur (TC) - Ward No.11	697	3518	5.05
Dimapur (TC) - Ward No.12	771	3803	4.93
Dimapur (TC) - Ward No.13	1001	5242	5.24
Dimapur (TC) - Ward No.14	1132	5261	4.65
Dimapur (TC) - Ward No.15	1680	8517	5.07
Dimapur (TC) - Ward No.16	890	4234	4.76
Dimapur (TC) - Ward No.17	412	2402	5.83
Dimapur (TC)-Ward No.18	953	3942	4.14

Dimapur (TC) - Ward No.19	302	1632	5.40
Dimapur (TC) - Ward No.20	1145	5212	4.55
Dimapur (TC)-Ward No.21	1511	7822	5.18
7 Kohima (TC) - Ward No.1	2066	10851	5.25
Kohima (TC) - Ward No.2	1066	5129	4.81
Kohima (TC) - Ward No.3	624	2865	4.59
Kohima (TC) - Ward No.4	525	2828	5.39
Kohima (TC) - Ward No.5	962	4534	4.71
Kohima (TC) - Ward No.6	555	2274	4.10
Kohima (TC) - Ward No.7	579	2613	4.51
Kohima (TC) - Ward No.8	1048	4462	4.26
Kohima (TC) - Ward No.9	698	3485	4.99
Kohima JJ_C} - Ward No 10	610	2693	4.41
Kohima (TC) - Ward No 11	1837	8316	4.53
Kohima (TC) - Ward No. 12	902	4485	4.97
Kohima (TC) - Ward No.13	2362	11852	5.02
Kohima (TC)-Ward No.14	720	3364	4.67
Kohima (TC) - Ward No. 15	1459	7279	4.99
8 Phek (TC)-Ward No.1	407	2214	5.44
Phek (TC)-Ward No.2	297	1358	4.57
Phek (TC) - Ward No.3	267	1322	4.95
Phek (TC)-Ward No.4	235	1027	4.37

Phek (TC)-Ward No.5	282	1374	4.87
Phek (TC)-Ward No.6	259	1261	4.87
Phek (TC) - Ward No.7	158	667	4.22
Phek (TC) - Ward No.8	256	1226	4.79
Phek (TC) - Ward No.9	231	1199	5.19
Phek (TC) - Ward No. 10	224	1216	5.43

Variation of Urban Household: Census 1991 & 2001

	District	Census 1991	Census 2001	Increased HH
1	Mokokchung District	5008	6382	1374
2	Mon District	1990	2983	993
3	Tuensang District	4014	5193	1179
4	Zunheboto District	2044	3365	1321
5	Wokha District	2480	5180	2700
6	Dimapur District	14359	23196	8837
7	Kohima District	10540	16013	5473
8	Phek District	1852	2616	764
	Nagaland	42287	64928	22641

13. According to reasoned estimates, the population of Nagaland could not have been more than 16 lakhs but the 2001 census recorded closed to 20 lakh population. This difference of 4 lakhs translates to an abnormal increase of 25% of the overall population. In comparison to the 1991 population of 12 lakhs, the census of 2001 showed a decadal growth of 64.41%. The

abnormal and baseless increase in the population creates a serious impact on the proportionate representation in the democratic setup and disturbs the existing balance of power. It is part of several studies now that the abnormal increase reported in few districts was primarily with an intention to grab more assembly seats at the cost of the other districts. The defects in the 2001 have the consequence of creating serious disparity in the representation of various tribes in the State of Nagaland.

14. The Order to conduct the delimitation exercise in the state of Nagaland resulted in widespread protests across the State. Several representations were made to the Central Government as well as the Delimitation Commission. The details of the representations are as under,
 - a. Representation dated 25.09.03 made by the Ministers of the Nagaland Government to the Chief Minister. As an example, the figures of Phek and Dimapur districts were provided to show that despite higher population and higher birth rate in Phek, the population in Dimpur was higher as compared to Phek.

- b. Representation dated 27.9.2003 made to Registrar General of India.
 - c. Letter dated 5.12.2003 issued by Additional Chief Secretary, Department of Home, Government of Nagaland to the Registrar General and the Census Commissioner of India to rectify the anomalies in the Census. It was specifically requested to conduct fresh census in the State of Nagaland.
 - d. Representation of the petitioner dated 27.8.2004 to the Delimitation Commission.
 - e. Representation of the petitioner dated 27.9.2005 to the Delimitation Commission.
 - f. Representation of the petitioner dated June, 2020 made to the Delimitation Commission after the impugned notification is marked herewith as **ANNEXURE P/3** from pages 96 to 103.
15. The State of Nagaland also evaluated and assessed the figures as given in the 2001 census and came to the conclusion that the said figures are far from reality and that the same could not be the basis for any delimitation exercise. The Nagaland Legislative Assembly in its 8th session of the 10th assembly on

18.5.2005 passed the resolution calling for fresh census in the areas which recorded higher growth rate and also to impose a moratorium on the delimitation exercise until a solution is found to the Naga political problem.

A true copy of the list of business dated 18.8.2005 of the Nagaland Legislative Assembly is marked as **ANNEXURE P/4** from pages 104 to 111.

16. The decision of the Naga Legislative Assembly was duly communicated by the Principal Secretary, Government of Nagaland to Registrar General and Census Commissioner of India on 22.8.2005. A clear stand was communicated by the State of Nagaland to the Registrar General and Census Commissioner of India that relying upon the 2001 census figures would have serious repercussions on the delimitation exercise.

A true copy of the letter date 22.8.2005 issued by the Principal Secretary, Government of Nagaland is marked herewith as **ANNEXURE P/5** from pages 112 to 113.

17. On 25.8.2005, the Secretary of the Delimitation Commission addressed a letter the Secretary, Ministry of Law and Justice, New Delhi informing about those peculiar circumstances that

had adorned the delimitation exercise in the State of Nagaland. However, the said letter also stated that the Commission is continuing with the delimitation exercise in Nagaland.

A true copy of the letter dated 25.8.2005 issued by the Secretary, Delimitation Committee is marked herewith as **ANNEXURE P/6** from pages 114 to 117.

18. Later, the Chairman of the Delimitation Commission also addressed a letter dated 25.08.2005 to the Principal Secretary, Prime Minister enclosing the letter of the Secretary, Delimitation Commission to the Secretary, Ministry of Law and Justice.
19. Even while the entire state of Nagaland was against a process of delimitation based on 2001 census, the Delimitation Commission was on the verge of finalizing the report in respect of State of Nagaland. The working paper-I prepared by the delimitation commission had already indicated entitlement of seats to various districts in the state of Nagaland. Inter alia,
 - a. The assembly constituencies in the District of Dimapur was to increase from 5 seats to 9 seats. Dimapur is a valley district and has large number of illegal migrants from Nepal/Bangladesh and even otherwise, the population of Dimapur in the 2001 census is exponentially high.

- b. The proposed delimitation of the assembly seats was snatching away assembly seats from the tribal and hilly areas to the advantage of the valley district. The tribal districts/hilly districts are the biggest losers of the proposed delimitation exercise then.
- c. Many tribal districts consisting of Mon, Mokokchung, Zunhebolo, Kohima and Phek were scheduled to lose their assembly constituencies.

A true copy of the Working Paper-I dated NIL prepared by the Delimitation Commission is marked herewith as **ANNEXURE P/7** at page 118.

20. Apart from Nagaland, the Census figures of 2001 was a bone of contention even in the State of Manipur. PIL No. 53/2003 and PIL No.16/2005 were two other petitions filed before the Gauhati High Court at Guwahati pertaining to the delimitation exercise in the State of Manipur. The Hon'ble High Court had ordered status quo and had restrained the Delimitation Commission from issuing its final order in the petitions filed in respect of State of Manipur. Eventually, the Hon'ble High Court in PIL No. 16/2005 allowed the Writ Petition vide its order dated 19.1.2007 directing fresh census in respect of 9 hill

sub-divisions of the hill districts of Senapati, Ukhrul and Chandel of State of Manipur.

A true copy of the order dated 19.1.2007 passed by the High Court of Gauhati, Imphal Bench in PIL No. 16/2005 is marked as **ANNEXURE P/8** from pages 119 to 151.

21. In respect of Nagaland, the petitioner organisation had filed PIL No. 67/2006 before the Gauhati High Court at Guwahati. Vide order dated 10.4.2007, the Hon'ble High Court at Guwahati admitted petitioner's PIL and was pleased to pass the following order,

" ...

Heard the learned counsel for the parties on the prayer for interim order.

Upon hearing and on consideration of the pleadings of the parties as reflected in the affidavits filed and also taking into account the fact that the process under Section 9 (2) of the Delimitation Act, 2002 is yet to start, we are not inclined to grant the interim order as prayed for. However, we make it clear that any process initiated under Section 9 (2) of the Delimitation Act shall be subject to final outcome of the writ petition. The petitioner is also given liberty to approach this Court seeking necessary order, in the event of taking any final decision by the Delimitation Commission under the provisions of the said Act.

... "

A true copy of the order dated 10.4.2007 passed in PIL No. 67/2006 is marked herewith as **ANNEXURE P/9** from pages 152 to 154.

22. The Gauhati High Court vide its order dated 19.7.2007 in PIL No. 67 of 2006 as an interim measure directed the Delimitation Commission not to publish the final notification under S. 10 (2) of the Delimitation Act, 2002 for the period of four weeks.

A true copy of the order dated 19.7.2007 in PIL No. 67/2006 is marked herewith as **ANNEXURE P/10** from pages 155 to 157.

23. On the same date, vide notification bearing S.O. 1177(E) dated 19.7.2007, the whole of the State of Nagaland was declared as a disturbed area under S. 4 of the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972. The unrest resulting from the delimitation exercise based on defective census figures of 2001 was the imminent reason for this notification.

24. The Gauhati High Court considering the far-reaching implications of the delimitation process and the various important questions of law raised in the petitioner's PIL, the petition was taken up by 5 judge bench of the Hon'ble High

Court. Vide order dated 16.8.2007, the Hon'ble High Court was pleased to pass the following order,

“

....

Insofar as the State of Nagaland is concerned, judicial notice can be taken by us of the unique process that the State has undergone on account of long spell of insurgency. The peculiarities that can be attached to the State of Nagaland on account of its historical evolution leads us to reach a satisfaction that the offer of the Central Government to look into the grievances of the State is befitting and timely. So far as the State of Nagaland is concerned, the legislative Assembly of Nagaland has passed an unanimous resolution objecting to the data published by the Census Commission where irrational patterns of demographic shift were recorded in the Census Report of 2001. It is, therefore, contended that proceeding on the basis of such data would have constitutionally undesirable fall out on the electoral process. Reconsideration of the abovementioned issues by the Central Government particularly in the context of the provisions of the Census Act, which does not provide any machinery of review of such exercise, is desirable. We are also aware of the fact that the legislative assembly of the State of Nagaland has taken an unanimous resolution opposing the process of de-limitation in its present form which has not been answered by the Central Government till date. In that view of the matter we find force in the suggestion and offer made by the learned Advocate General of the State that in addition to the issues identified by the Court, as recorded above, the State Legislature should be allowed to express its views in the matter. For the aforesaid purpose the learned Advocate General has suggested that a Committee/ Sub-Committee consisting of representatives of all political parties in the State will be formed specifically to identify any other issues apart from what has been noticed by us and present the same for due consideration of the Central Government. Having found the aforesaid suggestion to be in consonance with public interest, we order accordingly. The Central Government will now examine the issues identified in the present order in accordance with the spirit indicated by us and the result of such consideration shall be placed before the Court on or before the next date fixed.

We have also considered the oral prayer made by the learned counsel appearing for the De-limitation Commission for vacation/ alteration/ modification of our earlier interim order. Learned counsel appearing for the De-limitation Commission has, however, been fair enough to submit that the modification that is being sought for is limited and only to enable the Commission to perform its ancillary task of preparation and publication of final report under Section 10(2) of the De-limitation Act. It has been brought to our notice that the aforesaid modification prayed for may require us to pass orders which would enable public hearing contemplated by the Act to go on insofar as the State of Assam is concerned. It is on record that communications has been exchanged by and between the De-limitation Commission and the State Government regarding feasibility of holding of such public hearing on account of the possible adverse effect on the law and order situation.

In so far as the State of Nagaland is concerned, the Commission has already brought on record taking stand that district-wise allocation of seats will not be disturbed due to the de-limitation exercise. Insofar as the State of Arunachal Pradesh is concerned, we are informed that nothing further needs to be done at this moment.

In the aforesaid circumstances, we are of the view that it would be appropriate for us to decline the oral prayer for modification and instead to direct the continuance of the earlier interim order. List these matters on 15.10.2007.

..."

A true copy of the order dated 16.8.2007 passed by the Gauhati High Court in PIL No. 67/2006 is marked herewith as **ANNEXURE P/11** from pages 158 to 163.

25. Challenging the above-mentioned orders, the Delimitation Commission filed an SLP before this Hon'ble Court. Vide order dated 2.11.2007, this Hon'ble Court was pleased to issue notice

in the SLP. As an interim measure, the Delimitation Commission was directed to carry on its work but at the same the directions of the Hon'ble High Court were required to be complied. SLP's were also filed against the interim orders passed by the High Court of Gauhati in the PILs filed in respect of Delimitation process in Manipur.

An order dated 2.11.2007 passed by this Hon'ble Court in SLP (Civil) No. 22662/2007 is marked herewith as **ANNEXURE P/12** at page 164.

26. Vide Gazette notification dated 14.1.2008, the Delimitation (Amendment) Ordinance, 2008 was brought into force by which S. 10A and S. 10B were introduced to the Delimitation Act, 2002. These amendments conferred power upon the President to defer the delimitation exercise in respect of any State if a situation has arisen whereby unity and integrity of India would be affected or there is a serious threat to peace and public order.

A true copy of the Gazette Notification dated 14.1.2008 notifying the Delimitation (Amendment) Ordinance, 2008 is marked herewith as **ANNEXURE P/13** from pages 165 to 168.

27. The President exercising powers under S. 10A of the Delimitation Act, 2002 vide order bearing S.O. 285 (E) dated 8.2.2008 [‘deferment order’], deferred the delimitation exercise in respect of State of Nagaland. The order clearly acknowledges that the State of Nagaland is inhabited by various tribes each having its own distinct traditional boundaries on basis of the which the existing district and assembly boundaries are largely demarcated and that fresh delimitation exercise would entail transfer of assembly seats from one tribal/linguistic zone to another.

28. Further, the above-mentioned order also recorded that cease fire, peace talks, delicate law and order situation and the tribal equilibrium would be jeopardized in case the delimitation exercise is carried based on 2001 census.

A true copy of the order dated 8.2.2008 bearing S.O. 285 (E) issued by the Ministry of Law and Justice (Legislative Department) is marked herewith as **ANNEXURE P/14** from pages 169 to 187.

29. Subsequently, the Delimitation (Amendment) Act, 2008 was notified vide gazette notification dated 28.3.2008 and the same

was made effective from the date of notification of the Delimitation (Amendment) Ordinance, 2008 i.e. 14.1.2008.

A true copy of the Gazette Notification dated 28.3.2008 notifying the Delimitation (Amendment) Act, 2008 is marked herewith as **ANNEXURE P/15** from pages 188 to 189.

30. At this stage, Joint Action Committee on Delimitation, one of the Naga organizations, filed Writ Petition (W.P. No. 296/2008) challenging the order 8.2.2008 deferring the delimitation exercise in the State of Nagaland as well as the Delimitation (Amendment) Act, 2008 itself on the grounds of being violative of Article 82 and 170 of the Constitution of India. Vide order dated 2.11.2007, this Hon'ble Court was pleased to issue notice in the said challenge. Later petitioner had also sought to implead itself in the said challenge.

A true copy of the order dated 21.7.2008 passed by this Hon'ble Court in W.P. No. 296/2008 is marked as **ANNEXURE P/16** from pages 190 to 191.

31. Vide order dated 4.5.2009, the Delimitation Commission withdrew its SLPs filed challenging the interim orders granted in the petitioner's PIL. Subsequently, vide order dated 21.8.2014, the petitioner in W.P. No. 296/2008 also sought to withdraw

the challenge to the order dated 8.2.2008 and Delimitation (Amendment) Act, 2008 with liberty to make adequate representation with the Central Government. Even the petitioner's PIL before the High Court of Gauhati was disposed of as having become infructuous vide order dated 30.8.2017.

A true copy of the order dated 21.8.2014 passed by this Hon'ble Court in W.P. Civil No. 296/2008 is marked herewith as **ANNEXURE P/17** at page 192.

32. Therefore, the Central Government acknowledged that pursuing the delimitation exercise in the State of Nagaland based on 2001 census would have serious ramifications on its various tribes, each having distinct culture, tradition, language etc. and that the tribal equilibrium would be severely jeopardized in case assembly seats are transferred from one tribal/linguistic zone to another. Needless to state, the defective census of year 2001 was the fulcrum of the opposition to the delimitation exercise in the State of Nagaland and not the delimitation exercise per se.
33. As things stand today, the 2011 census is available and interestingly, there has been a reduction of population in the State of Nagaland. The very fact that for the first time in the history of Census India, the census enumeration of 2011

registering negative decadal growth has proved beyond doubt that census 2001 is erroneous. Further, the 2021 census work is also underway. It would only be an exercise in futility to insist upon the resumption of the delimitation exercise based on the defective census figures of 2001.

34. Notwithstanding the above, vide impugned order [ANNEXURE P/1], the respondent No. 1 has rescinded earlier order dated 8.2.2008, and has once again resumed the delimitation exercise in the State of Nagaland based on 2001 census. Based on the impugned order, a new Delimitation Commission is constituted and necessary instructions to commence with the Delimitation work has already been issued.
35. This Hon'ble Court's jurisdiction under Article 32 of the Constitution is invoked for the following, inter alia, reasons: -
 - i. Even though the present petition is related to the delimitation process in the State of Nagaland, vide identical orders of the same date i.e. 28.2.2020, the delimitation process has also been initiated in the States of Arunachal Pradesh, Assam and Manipur based on census of 2001, which basis is the subject matter of challenge in present petition also.

- ii. W.P. (Civil) No. 454/2020 titled as 'Brelithamarak and Anr. v. Union of India & Ors.' has been filed before this Hon'ble Court pertaining to the delimitation exercise in the State of Assam. Vide order dated 27.5.2020 this Hon'ble Court was pleased to issue notice in the said challenge. The present petition could be tagged with the said petition also. Similarly, this Hon'ble Court has issued notice in another matter relating to Assam in W.P. Civil No. 524/2020 on 10.7.2020.

A true copy of the order dated 27.5.2020 passed by this Hon'ble Court in W.P. (Civil) No. 454/2020 is marked herewith as **ANNEXURE P/18** from pages 193 to 194.

- iii. Contempt No. 54/2020 has been filed before the High Court of Manipur at Imphal in respect of the order dated 19.1.2007 by which the Hon'ble High Court had directed fresh 9 subdivisions in the Districts of Manipur. Several PILs are independently filed in the same High Court challenging the resumption of the delimitation exercise based on 2001 census.
- iv. Since the fundamental challenge in this petition is that census of 2001 could not be taken into consideration for

delimitation exercise, there are strong possibilities that identical litigation may come up in Arunachal Pradesh, Assam, and Manipur on the same issue. The present petition before this Hon'ble Court and a determination by this Hon'ble Court would avoid such multiple litigations.

- v. In any case, it is only in the fitness of things that this Hon'ble Court decides the questions raised in the present petition relating to the interpretation of Article 82, 170 of the Constitution of India.

36. This Writ Petition raises the following important questions of law relating to the interpretation of the Constitution,

- a. Whether the impugned order is arbitrary and therefore, violative of Article 14 of the Constitution of India, considering that *the reasons* which formed the basis for deferring the delimitation exercise based on 2001 census, continues to exist and there is no change in circumstances at present?
- b. Whether the impugned order, seeking to resume delimitation exercise based on 2001 census, is violative of the 'last census rule' prescribed under Article 82 of the Constitution of India as the last census i.e. 2011 census is

already in place and the 2021 census is currently underway?

- c. Whether the impugned order is ultra-vires Article 371A of the Constitution of India as it is admitted in the deferment Order dated 8.2.2008 that the delimitation exercise based on 2001 is bound to upset/disturb the tribal equilibrium?
- d. Whether the clause (ii) of the third proviso to Article 82 stipulating the census of 2001 for carrying out readjustment of constituencies, has been rendered otiose in view of 2011 census being now available?

37. Thus, being aggrieved and/or dissatisfied by the impugned order, the petitioner begs to move this petition under Article 32 of the Constitution of India before this Hon'ble Court, inter alia, on the following grounds amongst other:

38. GROUNDS

A. CONSTITUTIONAL VALIDITY OF THE IMPUGNED ORDER

- a. Because the impugned order resuming the delimitation exercise in the State of Nagaland based on 2001 census is arbitrary and violative of Article 14 of the Constitution of India considering that the reasons which were the basis for

the earlier order dated 8.2.2008, deferring the delimitation exercise, continues to exist.

- b. Because the impugned order which seeks to resume the delimitation exercise in the State of Nagaland based on 2001 census figures is violative the principle of 'last census rule' as enshrined in Article 82 as well as Article 170 of the Constitution of India. Further, even S. 11 (4) of the State of Nagaland Act, 1962 stipulated that the delimitation exercise would be based on the latest census. The object of delimitation would best be served in case the last census i.e. 2011 census figures are made the basis for the delimitation exercise or the census of 2021 which is currently underway.
- c. Because the clause (ii) of the third proviso to Article 82 stipulating the census of 2001 for carrying out readjustment of constituencies, has been rendered otiose in view of 2011 census being now available can form basis for the resumed delimitation exercise. In any event, the said stipulation in Article 82 was introduced by way of the 84th Constitutional Amendment only to facilitate the work

of Delimitation Commission formed under the Delimitation Act, 2002.

- d. Because the earlier delimitation exercise based on 2001 census was deferred vide order dated 8.2.2008 acknowledging that the said exercise possesses a potential threat to the tribal equilibrium in the State of Nagaland. The impugned order by seeking resumption of the delimitation exercise yet again takes the situation back to 2008.
- e. Because the State of Nagaland has a unique history of insurgency and is comprised of several tribes having their distinctive language, cultural and customs. It is because of these circumstances that the State of Nagaland enjoys special constitutional guarantee under Article 371A of the Constitution of India. The impugned order seeking resumption of delimitation exercise based on 2001 census would certainly disturb the tribal equilibrium/demarcations and lead to abrogating their constitutional rights. Thus, the impugned order is also ultra-vires Article 371A of the Constitution of India.

- f. Because with the 2001 census as the basis, the earlier Delimitation Commission had already prepared a Working Paper-I which indicated the readjustment of assembly constituencies. The proposed readjustment was severely disturbing for the following reasons,
- i. The assembly constituencies in the District of Dimapur was to increase from 5 seats to 9 seats. Dimapur is a valley district and has large number of illegal migrants from Nepal/Bangladesh and even otherwise, the population of Dimapur in the 2001 census is exponentially high.
 - ii. The proposed delimitation of the assembly seats was snatching away assembly seats from the tribal and hilly areas to the advantage of the valley district. The tribal districts/hilly districts are the biggest losers of the proposed delimitation exercise then.
 - iii. Many tribal districts consisting of Mon, Mokokchung, Zunhebolo, Kohima and Phek were scheduled to lose their assembly constituencies.
 - iv. Not just the tribal demarcations but even the valley-hill balance would be irreparably damaged if the

delimitation exercise is pursued with defective figures of 2001 census.

- g. Because the petitioner's PIL before the Hon'ble High Court at Gauhati in PIL No. 67/2006 was disposed as infructuous in the light of the deferment order dated 8.2.2008 and the same was duly placed before the Hon'ble High Court by the Ld. ASG. The interim stay granted by the Hon'ble High Court was still subsisting as on the date of disposal of the petitioner's PIL. By resuming the delimitation exercise on 2001 census figures, the respondents have committed a legal somersault.

B. CENSUS OF 2001:

- h. Because 2001 census figures for the State of Nagaland is marred by several fallacies and abnormalities which have not been corrected even after 14 years of protracted litigation. Some of the anomalies are as under,
 - i. Exponential growth of population from 12,09,548 in the census of 1991 to 7,79,088 in the census of 2001, a growth rate of 64.41%. The said figure is significantly higher as compared to the national decadal growth rate.

- ii. District such as Wokha, Dimapur, Mon and Tuensang having low birth rate recorded highest population from between 1991 to 2001 whereas district such as Phek with highest population growth rate recorded lesser population growth.
- iii. Largescale fraudulent enrolment of illegal migrants, foreigners, temporary labourers and non-tribal.
- iv. Some districts resorted to providing exaggerated population record with a sole intention to snatch more constituencies from the other districts. Studies have also indicated that tribes engaged into exaggerated reporting of their numbers with a fear of losing their identity or representation to more dominant tribes.
- v. Even while the process of Urbanisation has almost been stagnant in most district. One district had reported decadal urban population of 162.20% and another district at 98.61%.
- vi. Census work in Phek district was done in great haste without proper information to the public.
- vii. Multiple entries of the same person.

- viii. Inadequate supervision of Census officials in verifying the figures and their accuracy.
- i. Because despite repeated representations, communications and even after assembly of State of Nagaland passing a resolution against it, no exercise was undertaken to correct the discrepancies in respect of census figures for the State of Nagaland.
- j. Because the Census figures of the year 2001 were marred by several inconsistencies and fallacies etc. which is an admitted fact by the state as well as Centre Government and was also the actual cause of deferment of the delimitation process.
- k. Because the present delimitation exercise in Nagaland based on 2001 census is arbitrary also because the Jammu and Kashmir reorganization Act, 2019 requires delimitation to be carried out based on 2011 census. In a situation where the Hon'ble High Court of Gauwahati had prima facie found anomalies in the 2001 census, there was no reason to renew the delimitation exercise with 2001 census.

B. LAW AND ORDER SITUATION/BASIS OF RESUMPTION

- l. Because vide notification bearing S.O. 1177(E) dated 19.7.2007, the whole of the state of Nagaland was declared as a disturbed area under S. 4 of the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972. Thereafter, the said notification was extended from time to time. Vide notification dated 30.6.2020, the Central Government has once again invoked its powers under S. 3 of the AFSPA, 1958 and has declared the entire State of Nagaland as 'disturbed area' for a period of six months starting from 30.6.2020. There is no basis whatsoever to conclude that that there has been significant improvement in the security situation in the State of Nagaland. A true copy of the notification dated 30.6.2020 issued by the Ministry of Home is annexed herewith as **ANNEXURE P/19** at page 195.
- m. Because the law and order situation which had arise earlier and was basis for deferring the delimitation exercise vide order dated 8.2.0008, was solely because the 2001 figures were made basis for the delimitation exercise. With the impugned order yet again making the 2001 census figures as the basis for delimitation, there is no change in the

earlier circumstances which had led to the deferment in 2008.

- n. Because the present situation, in comparison to 2008, is even more fragile considering that the Naga Peace Talks which had commenced with the execution of framework agreement with NSCN (IM) in 2015 and agreed position with NNPGs in 2017 was scheduled to conclude with the execution of Naga peace accord by 31.10.2019. Not only has the peace talks failed to meet the deadline but also it has been reported that there has been a deadlock on several issues. Resumption on the delimitation exercise would only mean a further possibility of a stalemate.
- o. Because the impugned order is on the face of it perverse because basing the 2001 census for the delimitation exercise was the *raison d'etre* for the law and order situation. Law and order problem was not an independent issue for the deferment of the delimitation exercise. Thus, without rectifying the basis of the deferment, there was no occasion for issuing the impugned order.
- p. Because the law and order situation currently is even worse than the situation as obtaining in 2008. Reference

may be made to the recent letter dated 16.6.2020 sent by the Governor of Nagaland to the Chief Minister for the State of Nagaland informing about the breakdown of law and order situation in State of Nagaland.

C. TRIBAL EQUILIBRIUM:

- q. Because the deferment order dated 8.2.2008 also acknowledged that the State of Nagaland is inhabited by various tribes each having its own distinct traditional boundaries on basis of the which the existing district and assembly boundaries are largely demarcated and that fresh delimitation exercise would entail transfer of assembly seats from one tribal/linguistic zone to another. Consequently, tribal equilibrium would be jeopardized in case the delimitation exercise is carried based on 2001 census.
- r. Because the impugned order does not spell out even remotely as to how the tribal equilibrium would remain unaffected by resuming the delimitation exercise on basis of 2001 census figures.

D. DELIMITATION COMMISSION DOES NOT HAVE ANY AUTHORITY TO CONDUCT THE DELIMITATION

**EXERCISE IN VIEW OF S. 8A OF THE REPRESENTATION
OF PEOPLE ACT, 1950**

- s. S. 8A of the RP Act, 1950 which was inserted w.e.f. 16.4.2008 clearly specifies that in case of the deferment order being rescinded, the delimitation exercise in respect of the Assam, Nagaland, Manipur and Arunachal Pradesh shall be conducted by the Election Commission. The power of the Delimitation Commission has been impliedly taken away by the amendment.
- t. The amendment to S. 8 as well as S. 7 of the R.P. Act, 1950 provides a complete code in so far as the delimitation of Assam, Nagaland, Manipur and Arunachal Pradesh are concerned. Thus, the constitution of the new Delimitation Commission under the Delimitation Act and assigning it with the task of delimitation is without any authority in law.
39. There is no civil, criminal or revenue litigation involving the petitioner which has or could have any legal nexus with the issues involved in this petition. The petitioner has no personal interest whatsoever with the cause raised in this petition.
40. The petitioner does not have any other statutory and other effective legal remedy other than to file this petition.

41. The petitioner and other organisations had made several representations in the earlier round before the deferment order in 2008. Thereafter, the petitioner had made a representation in June, 2020 as mentioned in para 14 of the petition. No response has been received so far in respect of the same.
42. That the issue raised in this petition was earlier dealt by this Hon'ble Court in SLP (Civil) No. 22662/2007, W.P. (Civil) No. 296/2008 and other batch of petitions. The details of the same have been mentioned and the important orders are also annexed. No other petition on the same cause of action has been filed by petitioner before this Hon'ble Court or any other High Court.

43. GROUNDS FOR INTERIM RELIEF:

- a. After the notification of the impugned order, the new Delimitation Commission has been constituted under the Delimitation Act, 2002 with Justice (Retd.) Ranjana Prakash Desai as its Chairperson on 6.3.2020.
- b. The Commission vide its letter dated 29.5.2020 has issued requisite communication to the Chief Electoral Officers for preparation of statistical data and maps.
- c. The petitioner has a prima facie case in as much as the Gauhati High Court at Guwahati in PIL No. 67/2006 had granted interim orders in favour of the petitioner. Further, the earlier order

dated 8.2.2008 was issued under S. 10A of the Delimitation Act, 2002 acknowledging the fact that there are critical fallacies with the census figures of 2001.

- d. Since the impugned order has only been issued on 28.2.2020 and the Delimitation Commission has been constituted amidst Covid on 6.3.2020, the whole exercise is at a very preliminary stage and thus, balance of convenience lies in favour of the petitioner.
- e. Not only the petitioner, the entire peace and tranquillity in the State of Nagaland stands to suffer in case the impugned order is not stayed.

44. MAIN PRAYER

In the above facts and circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to pass the following orders:

- a. Issue Writ of Certiorari quashing the impugned order dated 28.2.2020 issued by respondent No. 1 under S. 10A of the Delimitation Act, 2002 being arbitrary and violative of Article 14 of the Constitution of India and S. 8A of the Representation of the People Act, 1950. Further, the impugned order is ultra-vires the provisions of Article 82, 170, 371A of the Constitution of India.

- b. Alternatively, issue a writ of mandamus directing the delimitation exercise to be conducted based on the 2021 census figures.
- c. Pass such other and further orders as may be deemed just and proper by this Hon'ble Court, in the facts and circumstances of this case.

45. PRAYER FOR INTERIM RELIEF

In the above facts and circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to pass the following orders:

- a. Pass an ad-interim ex-parte order staying the operation of the impugned order dated 28.2.2020 issued by respondent No. 1 under S. 10A of the Delimitation Act, 2002 during the pendency of the present Writ Petition.
- b. Pass such other and further orders as may be deemed just and proper by this Hon'ble Court, in the facts and circumstances of this case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS INDUTY BOUND, EVER PRAY.

Filed By

Drawn by,
Adv. Angshuman Sarma

DHARMAPRABHAS LAW ASSOCIATES
Advocates on Record for Petitioners

Drawn on: 15.07.2020
Filed on: 16.07.2020