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## Current Affairs - 01 November 2024

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### DELIMITATION

- Delimitation helps in redrawing the boundaries (based on the data of the last Census) in such a way that the population of all the constituencies, as far as practicable, remain equal throughout the State/UT.
- It ensures a fair division of geographical areas so that all political parties or candidates contesting elections have a level playing field in terms of a number of voters.
- **Constitutional provisions**
  - **Article 82 and Article 170** of the Constitution empowers the Parliament to readjust the allocation of seats in the Lok Sabha and the Legislative Assemblies of States respectively, after every census.
  - Accordingly, Parliament establishes a **Delimitation Commission** through specific Acts to oversee this process.
    - The Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002 for this purpose.
      - There was no Delimitation Commission Act after the 1981 and 1991 census.
- **Last delimitation was done in 2002**
  - The present delimitation of constituencies has been done on the **basis of 2001 census data** under the provisions of Delimitation Commission Act, 2002.
    - The next Delimitation Commission will be set up after 2026.
  - It adjusted constituency boundaries based on population but did not increase the number of seats, which have remained fixed since **1976**.
    - Constitutional amendments in **1976 and 2001** froze seat allocations until after the **first Census following 2026**.
    - Currently, there are **543 Lok Sabha seats** and **4,123 seats in state Assemblies**.

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- These figures are based on the **1971 Census for Lok Sabha** and the **2001 Census for state Assemblies**, reflecting a population of **81 crore** and **102.87 crore**, respectively.
- **Challenge for the next delimitation commission**
  - **Questions on the Use of 2021 Census Data**
    - Debate exists on whether the 2021 Census (likely conducted in 2025 and published in 2026) can be used for readjustment per Article 82.
  - **Need for Constitutional Amendments**
    - To enable delimitation before next Lok Sabha elections, amendments will be needed in Article 82, 81, 170, and 55, which govern Lok Sabha composition, state Assemblies, and the President's election, respectively.
  - **Regional Disparities in Population Control**
    - The issues that delayed delimitation in 1976 and 2001 persist.
    - Southern states, which have effectively controlled their populations, could lose representation if seat increases are based solely on population growth, which is higher in the North.

### Delimitation Commission:

- The Delimitation Commission is a high-powered committee entrusted with the task of drawing and redrawing of boundaries of different constituencies for state assembly and Lok Sabha election.
  - It is appointed by the President and works in collaboration with the Election Commission.
  - **The Commission consists of –**
    - A retired or working Supreme Court Judge (chairperson)
    - Election Commissioner
    - Concerned State Election Commissioners
  - The Commission's orders have the force of law and **cannot be called in question before any court**. The Commission's orders are laid before the Lok Sabha and the legislative assemblies concerned, but they cannot effect any modifications in the orders.
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### WOMEN'S RESERVATION

- **Constitutional Amendment for Women's Reservation**
    - In September 2023, the **128th Constitutional Amendment** established a 33% reservation for women in the Lok Sabha and state Assemblies.
    - The implementation depends on the next delimitation exercise, which will occur after the 2021 Census results are published, likely in 2026.
    - The reservation is set to last 15 years.
  - **Challenges of Seat Reservation for Men and Women**
    - For over 35 years, concerns over losing seats hindered the passage of women's reservation.
    - A 33% reservation would allocate 182 seats to women in a 545-member Lok Sabha, reducing available seats for men to 363 (from the current 467).
    - With delimitation potentially raising Lok Sabha seats to 770, around 257 seats could be reserved for women, while 513 seats would remain open for men, easing concerns for political parties and reducing disruptions for male politicians.
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### THE U.S. ELECTORAL COLLEGE SYSTEM

On November 5, Americans will cast their ballots for their 47th president in the 60th quadrennial elections, primarily between Republican candidate and former President Donald Trump and Vice-President and Democrat Kamala Harris.

Rather than winning the popular vote, the U.S. Constitution stipulates that the winner is the candidate who clinches the most electoral college votes.

#### **What is the Electoral College?**

- **The Electoral College is a process** through which the **President and Vice President** of the United States are **indirectly**
- **The system involves three stages:**

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- Selection of electors by the popular vote.
- Voting by these electors for President and Vice President.
- Counting of electoral votes by Congress to determine the election outcome.

### Structure of the Electoral College:

- **Total electors:** The Electoral College consists of 538 electors, and a candidate needs 270 electoral votes to win the presidency.
- **Elector distribution:**
  - Each state's number of electors is equal to its congressional delegation (House members + two Senators).
  - **California**, the largest state, has 54 electors, while small states like **Alaska** and **Vermont** have only three.
- **Elector selection:** Each political party nominates electors prior to the election, typically party members or affiliates.
- **Electing the electors:**
  - On Election Day, voters in each state choose electors indirectly by voting for a presidential candidate.
  - Most states have a "**winner-takes-all**" system, awarding all electoral votes to the candidate with the most popular votes.
  - However, **Maine and Nebraska use a proportional system**, splitting electoral votes based on congressional district wins.
- **Duties and voting by electors:**
  - Electors meet in December to formally vote for the President and Vice President.
  - While electors traditionally vote in line with their party's candidate, there is **no federal law binding them to do so**.
  - However, **many states have laws** enforcing elector loyalty, and faithless electors are rare, as seen in the 2016 election.

### Arguments For and Against the Electoral College:

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- **For:**
    - **Founders' intent:** The Electoral College would ensure only highly qualified individuals would become President.
    - **National cohesiveness:** Advocates argue it requires distribution of support across the country, preventing large states or cities from dominating.
  - **Criticisms:**
    - **Vote disparity:** Large states have disproportionate representation, as individual votes are less influential than in smaller states.
    - **Swing state focus:** Candidates prioritise swing states, neglecting those where one party traditionally dominates.
    - **Faithless electors:** The Electoral College often binds electors to party lines, counteracting its initial purpose of screening candidates.
  - **Conclusion:**
    - The Electoral College remains a contentious aspect of U.S. democracy.
    - The debate over its relevance continues in the modern era, as advocates for reform push for a shift to direct elections.
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### ELECTORAL COLLEGE FOR THE ELECTION OF THE PRESIDENT OF INDIA:

- **Constitutional basis:**
  - The Electoral College is established under **Article 54** of the Indian Constitution.
  - It provides a federal balance by **giving states representation proportional to their populations** while **maintaining parity between the Union and the states**.
- **Composition:** The Electoral College for the President's election includes:
  - **Elected members** of Parliament (MPs) from both the Lok Sabha (House of the People) and the Rajya Sabha (Council of States).
  - **Elected members** of the Legislative Assemblies (MLAs) of all states and Union Territories with Legislative Assemblies (such as Delhi, Puducherry and J&K).
- **Vote value:**



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$$1) \text{ Value of the vote of an MLA} = \frac{\text{Total population of State}}{\text{Total number of elected members of state legislative assembly}} \times \frac{1}{100}$$

$$2) \text{ Value of the vote of an MP} = \frac{\text{Total value of votes of all MLAs all states}}{\text{Total number of elected MPs}}$$

$$3) \text{ Electoral quota} = \frac{\text{Total number of valid votes polled}}{2+1} + 1$$

### • Voting method:

○ The Single Transferable Vote (STV) system is used, which

enables **proportional**

- **Secret ballot** is employed to maintain the confidentiality of the vote.
- Each elector casts a vote by **ranking** candidates in **order of preference**.
- **Election process:**
  - A candidate must secure more than 50% of the total votes to win, which is referred to as an absolute majority.
  - If no candidate achieves this majority in the first count, the candidate with the fewest votes is eliminated, and their votes are transferred based on subsequent preferences.
  - This process continues until one candidate attains the required majority.
- **Significance:** This carefully designed system ensures that the President of India is chosen through a representative process that respects both the federal and democratic principles of the Constitution.

### INDIAN FEDERALISM IS A DIALOGUE

#### An Analysis of India's Unique Approach to Federalism

- **Federalism as a Constitution Choice**
  - **India's decision to adopt a federal structure**, influenced by the Partition and the secessionist threats at the dawn of independence, is **fundamental to the Constitution**.
  - Unlike some countries, **India avoided explicitly stating federalism in its Constitution; Instead, Dr. B.R. Ambedkar deliberately used union to signify the indestructible unity of the Indian state.**



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- **A Balanced Approach**

- The **Seventh Schedule of the Indian Constitution**, which demarcates subjects into **three lists**, the Union List, State List, and Concurrent List, **illustrates a balanced approach**.
- This structure ensures that both the Centre and states can legislate on certain **subjects**, while fundamental rights are universally safeguarded.

### The Role of Indian Judiciary in the Transformation of Indian Federalism

- **The Kesavananda Bharati Case and the Basic Structure Doctrine**

- In the 1973 landmark case **Kesavananda Bharati v. State of Kerala**, the **Supreme Court established the basic structure doctrine**.
- This holds that **certain elements of the Constitution are so fundamental that they cannot be altered**, even by a parliamentary majority.
- Among these elements, **federalism was enshrined as an integral and enduring part of the Constitution**.
- This ruling marked a decisive shift, reinforcing the principle that **federalism is not merely an administrative arrangement but an essential feature** that underpins India's democratic and constitutional identity.
- **By including federalism as a basic feature, the judiciary recognised it as a crucial check on central authority**, protecting states' rights and powers within the Union and preventing an erosion of their autonomy.
- This case, therefore, laid the groundwork for the judiciary's role in **safeguarding the federal balance** and promoting decentralized governance.

### Conclusion

- **Federalism in India is an embodiment of constitutional resilience and adaptability**, evolving from a mechanism of political balance into a framework for tackling current challenges.



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- The Indian Constitution has proved capable of transforming federalism to meet the needs of a diverse, complex society.
- Moving forward, Indian federalism must be tested against its ability to foster democracy, equity, and innovation, making it not only a structure of governance but also a vehicle for societal progress.

### SUPREME COURT'S LANDMARK JUDGMENT ON CHILD MARRIAGES IN INDIA

#### Child Marriages in India:

- According to the National Family Health Survey (NFHS), the percentage of women aged 20-24 who were married before 18 has declined significantly from 47.4% in 2005 to 23.3% in 2021.
- Despite this progress, India is far from achieving the United Nations' Sustainable Development Goal (SDG) of completely eradicating child marriage by 2030.

#### Legal Framework for Child Marriage in India:

- **Prohibition of Child Marriage Act, 2006 (PCMA):**
  - Defines child marriage as a marriage where either the husband is under 21 or the wife under 18.
  - Such marriages are “voidable,” meaning they remain valid until one party (who was a minor at the time) seeks to annul it.
  - In states like **Karnataka** and **Haryana**, child marriages are void from the start.
- **Annulment vs. Divorce:**
  - **Annulment** treats the marriage as though it never existed, restoring the individuals to an unmarried status.
  - **Divorce** acknowledges a valid marriage that existed before dissolution, requiring grounds like cruelty or adultery.
  - For annulment under PCMA, the petitioner needs only to prove that a child marriage occurred, without needing additional grounds.



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- **Other Civil Remedies under PCMA:**

- The Act also provides support measures like maintenance, residence orders, and the return of wedding gifts to ensure some security for those exiting child marriages.

### Challenges of Criminalizing Child Marriage:

- While child marriages can be voided, the PCMA, along with other laws like POCSO (Protection of Children from Sexual Offences Act) and the Bharatiya Nyaya Sanhita (BNS), criminalizes several activities related to child marriage. These include:
    - **Performing or promoting child marriage.**
    - **Adult men marrying minors.**
    - **Sexual activity within a child marriage.**
  - **Impact of Criminalization:**
    - These criminal provisions may inadvertently penalize the families of the married minors, potentially isolating the young girl involved.
    - It could restrict her access to healthcare and reproductive services due to the fear of legal repercussions for her family.
    - Studies have shown that criminal laws often disproportionately target self-initiated marriages where young couples elope, as opposed to arranged marriages.
    - A 2024 study conducted by **Enfold Proactive Health Trust** and **Civic Data Lab** revealed that nearly half of the 174 PCMA cases examined were self-initiated marriages, pointing towards a nuanced scenario where adolescents exercise agency in patriarchal setups by eloping.
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