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# TODAY'S ANALYSIS

## (25 March 2025)

### TOPICS TO BE COVERED

- DELIMITATION
- CJI FORMS THREE MEMBER COMMITTEE FOR DEEPER PROBE INTO JUSTICE VARMA
- MCQs



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## DELIMITATION

- **What is Delimitation?:**
  - **Delimitation** is the process of **redrawing constituency boundaries** based on population data, carried out after each **Census**.
  - This process ensures **equal representation** by adjusting the number of seats in **Parliament and state Assemblies** to reflect population changes.

### ROLE OF DELIMITATION COMMISSION

- i. The **Delimitation Commission** is a **three-member body** set up by an act of Parliament.
- ii. Its **orders** have the force of law and cannot be challenged in any court.
- iii. It includes two **Supreme Court or High Court judges** (one as chairman) and the **Chief Election Commissioner** as a member.

### POWERS OF DELIMITATION COMMISSION

- i. Its **orders** are presented to the **Lok Sabha** and **State Assemblies**, but they cannot be changed.

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- ii. The Commission has the **powers of a civil court**.
- iii. It has been set up four times: in **1952, 1963, 1973, and 2002**.
- **Rationale Behind Delimitation:**
  - i. States are divided into constituencies so that the **population to seat ratio** is the same throughout the state.
  - ii. This process ensures **uniform representation** in different states and constituencies within the same state.
- **Constitutional Provisions:**
  - i. **Article 82:** Provides for the **readjustment** of Lok Sabha seats based on population after each Census.
  - ii. **Article 170:** Covers the **composition of Legislative Assemblies**.
- **Related Amendments:**
  - i. **42nd Amendment (1976):** **Frozen** the allocation of Lok Sabha seats at the 1971 level until the **2000 Census**.
  - ii. **84th Amendment (2001):** Extended the freeze on seat readjustment for another **25 years** until **2026**.

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- iii. **87th Amendment (2003):** Allowed delimitation based on the **2001 Census** without changing the number of seats or constituencies.
- **Judicial Review:**
  - i. In the **Kishorchandra Chhaganlal Rathod Case (2024)**, the **Supreme Court** ruled that the **Delimitation Commission's orders** could be reviewed if found to be **arbitrary** or in violation of constitutional principles.
  - ii. **Article 329** prevents the courts from questioning laws related to **delimitation** or **seat allotment**.
- **31st Amendment (1973):**
  - i. States with populations under **six million** were **excluded** from the **population-based delimitation** exercise.

## DELIMITATION'S IMPACT ON SOUTHERN INDIA

- Kerala CM Pinarayi Vijayan warned that the Union Government's proposed **delimitation of parliamentary constituencies** could **reduce the representation** of southern states in Parliament.
- This reduction, according to Vijayan, punishes states like Kerala for **successfully controlling their population**.

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- **Concern Over Political Motives:**

- Pinarayi criticized the **BJP-led Union Government** for pushing delimitation **without proper discussions**, describing the process as driven by **political motives** instead of democratic values.
- He argued that delimitation based on population would **benefit northern states**, where the BJP has more support, while harming southern states, including Kerala.

- **Federalism and Democratic Framework:**

- The Kerala CM emphasized that **federalism is a right** of states under the Constitution and should not be weakened by centralization.
- He claimed that the Union Government's actions, from fiscal to language policies, are **disrupting India's federal system** and **democratic framework**.

- **Punishment for Population Control:**

- Kerala and other southern states, which have successfully controlled their populations since 1973, are being **punished** even though the government had earlier praised their efforts.

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- The **reduction in central tax revenue** (from 3.875% to 1.925%) is already hurting Kerala, with the state facing increased **public health spending**.

- **Financial and Political Consequences:**

- The reduction in parliamentary representation could lead to a **loss of political voice** and a further drop in the state's **share of national funds**.
- This would create an **unfair situation** where Kerala and other southern states lose both financial support and political representation.

- **United Opposition Against Delimitation:**

- Kerala, along with **Tamil Nadu, Andhra Pradesh, Telangana, Karnataka, Odisha, West Bengal, and Punjab**, has come together in protest against the proposed changes.
- The Kerala CPM said that this meeting marked the start of a **united resistance**.

- **Centralization of Power:**

- Pinarayi warned that the proposed delimitation could lead to **more power being controlled by the center**, hurting India's **federal structure**.
- States that focused on **education, healthcare, and gender equality** would be punished, making it harder to continue such progress in the future.

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- **Constitutional Precedents:**

- Pinarayi reminded the Union Government of Dr. **B.R. Ambedkar's warning** about the '**tyranny of the majority**' and the **Sarkaria Commission's** support for federalism as a key part of the Constitution.
- Ignoring these principles would be like **bringing back the old colonial system**, which has always been harmful to India's unity.

- **Cultural and Linguistic Diversity:**

- Pinarayi highlighted that India's strength lies in its **cultural and linguistic diversity**.
- He gave examples of successful state-led programs, like **Kerala's Kudumbashree** and **Tamil Nadu's mid-day meal scheme**, which became models for the whole country.
- Centralizing power would **limit such local solutions**.

- **Call for Consensus and Clarity:**

- The Kerala CM criticized the Union Government for failing to clarify whether the **distribution of seats** would be based on **current parliament numbers or population figures**.

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- He stressed the need for **agreement** before moving ahead with delimitation and insisted that southern states should keep their **fair share** of parliamentary seats.

- **Joint Action Committee's Role:**

- Pinarayi concluded by saying that the **Joint Action Committee** will lead the fight, ensuring that **democratic and federal values** are respected at the national level.

## CONCERNS ABOUT UPCOMING DELIMITATION

- **Fear of Losing Representation:**

- Southern states, with slower population growth compared to northern states, may **lose seats** in the **Lok Sabha** if delimitation is purely population-based.
- For example, **Kerala** may see **no increase** in seats, **Tamil Nadu** only a **26% increase**, while **UP** and **MP** could see **significant increases** (79%).

- **Concerns Over Gerrymandering:**

- Southern states fear **gerrymandering**, the manipulation of constituency boundaries to unfairly benefit one party or group, leading to **unfair representation**.

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- A similar case happened in **Nepal** (2015), where the **Terai region** with half the population received fewer seats than the **hill regions**, benefiting the hill elite.

- **Threat to Federalism:**

- Delimitation could **increase the fiscal burden** on southern states, as more seats for northern states may lead to **higher central allocations** per representative.
- This could lead to **less political representation** for southern states, making them more likely to accept policies they view as **unfair**.

- **Discouragement to Good Governance:**

- Southern states that have **successfully controlled their population** may face **fewer seats**, while states with **higher fertility rates** may benefit.
- This could discourage **good governance** and undermine policies that promote **population control**, potentially encouraging larger family incentives.

- **North-South Division:**

- Southern states may feel a growing **political and economic imbalance** due to fewer seats, potentially fueling calls for **greater autonomy** or special status.
- This could increase **North-South** tensions and strain **national unity**.

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- **Skewed Resource Allocation:**

- Northern states may gain more **central funds** and **welfare schemes** due to increased parliamentary influence, while southern states could receive **less** despite **better governance**.
- The **Finance Commission** allocates funds based on population, which could disadvantage southern states.

- **Weakening of Regional Parties:**

- Many believe that **delimitation** may favor parties with a **strong northern base**, potentially weakening **regional parties** in southern states.
- This could shift the **political dynamics**, undermining the influence of **southern regional parties**.

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# **CJI FORMS THREE MEMBER COMMITTEE FOR DEEPER PROBE INTO JUSTICE VARMA**

- **Chief Justice of India (CJI) Sanjiv Khanna** has formed a **three-member committee** to probe allegations against **Justice Yashwant Varma**, a senior judge of the **Delhi High Court**. The allegations involve a **huge amount of cash** being found at Justice Varma's official residence during a **blaze**.
- The committee members are:
  - **Sheel Nagu**, Chief Justice of Punjab and Haryana.
  - **G.S. Sandhawalia**, Chief Justice of Himachal Pradesh.
  - **Anu Sivaraman**, Judge of Karnataka High Court.

## **BACKGROUND OF THE PROBE**

- The committee was formed **24 hours** after the **Delhi Chief Justice, D.K. Upadhyaya**, submitted a report regarding the allegations.
- The **Delhi Chief Justice's enquiry** was aimed at checking the **truth** of the allegations and gathering evidence.

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- The **Supreme Court** has decided to upload the report and Justice Varma's response on its website for full **transparency**.

## ACTION AGAINST JUSTICE VARMA

- CJI Khanna has instructed **Justice Upadhyaya** not to assign **any judicial work** to **Justice Varma** while the inquiry is ongoing.
- The committee will give **Justice Varma** an opportunity to **defend himself** against the allegations before submitting their findings.

### Nature of the Inquiry:

- The inquiry is described as a **confidential enquiry** aimed at maintaining **institutional credibility** under the oversight of the CJI.
- The **Supreme Court** emphasized that the inquiry will be **fair**, ensuring **judicial integrity**. Judges must be **impartial** and free from **corrupt influences**.

## POSSIBLE OUTCOMES

- If the committee finds that the allegations are **substantial**, the **CJI** may advise **Justice Varma** to **resign** or take **voluntary retirement**.

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- If Justice Varma refuses to accept the advice, the **CJI** will inform the **President** and **Prime Minister**, which may lead to proceedings for his **removal**.
- Justice Varma could be transferred.

## THE OUTCOME

# SC Collegium recommends transfer of Justice Varma

The move to transfer the Delhi judge to Allahabad HC comes as inquiry into allegations of 'burnt currency' is set to commence; judge is likely to be excluded from judicial work in the new post

## JUSTICE VARMA'S CURRENT POSITION

- **Justice Varma** is the **second most senior judge** in the **Delhi High Court** and a member of its **Collegium**.
- The **Supreme Court** had earlier proposed transferring Justice Varma to the **Allahabad High Court**, where he would be lower in seniority and out of the **Collegium** there.
- This transfer proposal was met with objections from the **Allahabad High Court Bar Association**.

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## THE COLLEGIUM SYSTEM

- **What is the Collegium System?:**

- The **Collegium System** is a method for appointing and transferring judges to the **Supreme Court** and **High Courts**.
- It is not established by an **Act of Parliament**, but has evolved through Supreme Court judgments, especially in the **Judges Cases**.

- **Composition of the Collegium:**

- **For Supreme Court Appointments:** The Collegium consists of the **CJI** and the **four senior-most judges** of the Supreme Court.
- **For High Court Appointments:**
  - **High Court Collegium:** The **Chief Justice of the High Court** and **two senior-most judges** of the High Court.
  - **Supreme Court Collegium:** The **CJI** and the **two senior-most Supreme Court judges**.

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## MCQs

1. Consider the following dignitaries and choose which one is not part of Delimitation Commission?

- (A) High Court Judge
- (B) SC Judge
- (C) ECI Officials
- (D) All the above mentioned can be part of the commission.

**Ans. (D)**

2. How many times has the Delimitation Commission setup?

- (A) One Time
- (B) Two times
- (C) Three times
- (D) Four times

**Ans. (D)**

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3. Which of these are correct facts about Delimitation Commission?

1. It is mentioned in the Constitution.
2. The decisions are not justiciable in any case.

- (A) Only 1  
(B) Only 2  
(C) Both 1 & 2  
(D) Neither 1 nor 2

**Ans. (A)**

4. Consider the following statements wrt The Collegium System and mark the correct one:

1. The Collegium System is a method for appointing and transferring judges.
2. It has been mentioned in Constitution.

- (A) Only 1  
(B) Only 2  
(C) Both 1 & 2  
(D) Neither 1 nor 2

**Ans. (A)**

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