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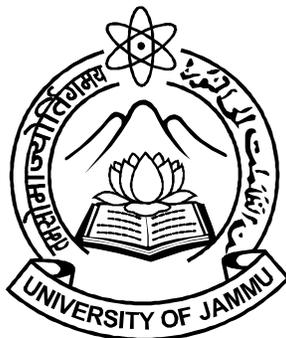
SELF LEARNING MATERIAL

B.A. SEMESTER - II

Subject : POLITICAL SCIENCE   **UNIT–I to IV**
Course No. : PS-201

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POLITICAL SCIENCE

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SYLLABUS

POLITICAL SCIENCE

Course No. : **PS-201**   *Title :* **Indian Government and Politics**
Duration of Exam. : **3 Hrs**   *Total Marks* : **100**
                                                Theory Examination : **80**
                                                Internal Assessment : **20**

Unit-I   :   Introduction to Indian Constitution

  1.1   Indian Constitution : Evolution, Ideological Basic and Features

  1.2   Fundamental Rights, Directive Principles of State Policy and Fundamental Duties

  1.3   Federalism : Structure, Nature and Emerging Trends

  1.4   Procedure for Amendment

Unit-II   :   Government : Structure and Functions

  2.1   Indian Parliament : Composition and Law Making Procedure

  2.2   The President of India : Formal Powers and Position.

  2.3   The Prime Minister and Council of Ministers : Formal Powers and Position.

  2.4   The Supreme Court of India : Jurisdiction, Judicial Review and Judicial Activism

Unit-III   :   Political Process

  3.1   Party System in India : Evolution from One Party Dominant System to Multiparty System

  3.2   Coalition Politics : Nature and Trends

  3.3   Ideology and Social Base of National Parties : Congress, Bhartiya Janta Party and Communist Parties

  3.4   Nature and Evolution of Regional Parties : Akali Dal, AIDMR and TDP

Unit-IV   :   Major Political Issues

  4.1   Ethnicity and Identity Politics in India

  4.2   Role of Caste in Indian Politics

  4.3   Communication in Indian Politics

  4.4   Regionalism in Indian Politics

Note for Paper Setter

The Question paper shall be divided into two Sections.

Section-I It will carry 20 marks. There will be total 8 questions in this section. Students will attempt any four questions. Each question will be of 4 marks.

Section-II It will consist of 08 questions of which students will have to attempt four questions on the basis of Within Unit Choice. The upper limit of each question will be 750 words. Each question will carry 15 marks.

INTERNAL ASSESSMENT (TOTAL MARKS : 20)

20 marks for theory paper in a subject reserved for internal assessment shall be distributed as under :-

(i)	Class Test	:	10 marks
(ii)	Two Written Assignments/ project reports	:	10 marks (05 marks each)

SUGGESTED READINGS

Basu, D.D.	*Introduction to Constitution of India,* Wadhwa Publishers, New Delhi, 2001
Brass, Paul	*Ethnicity and Nationalism: Theory and Comparison,* Sage, New Delhi, 1991
Chandra, Bipin	*India After Independence,* Penguin, New Delhi, 2000
Chandra, Bipin	*Nationalism and Colonialism in Modern India,* Orient Longman, New Delhi, 1979
Chatterjee, Partha	**State** *and Politics in India,* OUP New Delhi, 1999
Chauhan & Vasudeva	*Coalition Government in India-Problems and Prospects,* Deep and Deep, New Delhi, 2013
Fadia, B. L.	*Government and Politics,* Sahitya Bhawan, Agra, 2008
Hasan, Zoya	*Politics and the State in India,* Sage, New Delhi, 2000
Kaviraj, Sudipta	*Politics in India,* OUP, New Delhi, 1991
Kothari, Rajni	*Politics in India,* Orient Longman, Delhi, 1979
Mahajan, Gurpreet	*Democracy, Differences and Social Justice,* Oxford, New Delhi, 1998
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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – I : **Introduction to Indian Constitution**

1.1 INDIAN CONSTITUTION : EVOLUTION, IDEOLOGICAL BASIS AND FEATURES

– Pankaj Kumar Sharma

STRUCTURE

1.1.0   Objectives

1.1.1   Introduction

1.1.2   Evolution of Indian Constitution

1.1.2.1 Demand for the Constitutional Assembly

1.1.2.2 Acceptance of the Demand for the Constitutional Assembly

1.1.2.3 Legacy of the 1935 Act

1.1.3   The Constitution Assembly

1.1.3.1 Working of the Constitution Assembly

1.1.3.2 Making of the Indian Constitution

1.1.3.3 Drafting Committee and Adoption of the Constitution

1.1.4   Ideological Basis of the Constitution

1.1.4.1 The Preamble

1.1.5   Main Features of the Indian Constitution

1.1.6   Let Us Sum Up

1.1.7   Exercise

1.1.0 OBJECTIVES

After going through this lesson you will be able to:

- know the importance of 1935 Act in the evolution of Indian Constitution;

- understand the role of Constituent Assembly in making of Constitution of India;

- acquainted with the Philosophy and ideology of the Indian Constitution;

- comprehend the main features of the Indian Constitution.

1.1.1 INTRODUCTION

A written constitution is essentially a basic expression of the ideas and organization of a government that is formally presented in one document. Written Constitution is contained in one document, such as Soviet Union or Constitution of India or Swiss Constitution. Some constitutions are found in several documents, such as Canadian Constitution which include a "Constitution Act", as well as several pieces of the legislation and historical documents. There are governments without constitutions, which are yet constitutional governments because they have limited governments, which can be called constitutional regimes.

Constitution is a legal document having a special legal sanctity which sets out the framework and principal functions of the organs of the government of a state, and declares the principles governing the operation of those organs. Like every other Constitution, the Indian Constitution also seeks to establish the fundamental organs of government and administration, lays down their structure, composition, powers and principal function, defines the interrelationship of one organ with another, and regulates the relationship between the citizen and the stat, more particularly the political relationship. The states have reasserted certain principles of law through written Constitutions.

As a democratic Constitution, the Indian masterpiece also reflects the fundamental political values in substantive ways by guaranteeing Fundamental Rights to the citizens, and in procedural ways by providing remedies. It mirrors basic values about who shall govern, and in what direction.

1.1.2 EVOLUTION OF INDIAN CONSTITUTION

The major portion of the Indian subcontinent was under British rule from 1857 to 1947. When the Constitution of India came into force on 26 January 1950, it repealed the Indian Independence Act. India ceased to be a dominion of the British Crown and became a sovereign democratic republic. The date of 26 January was chosen to commemorate the Purna Swaraj declaration of independence of 1930. The Indian people elected a Constitutional Assembly to frame the Constitution to guide India's polity into a new era. However, the Constitution that has been finally passed is not a document that has been prepared in three years of the existence of Constitutional Assembly, but has a long history. In the following section, you will study this historical background to the evolution of Indian Constitution.

1.1.2.1 Demand for the Constituent Assembly of India

The dawn of the 20th century came with a new hope for India, and this was the hope for Swaraj or independence. As the representative of Indian public opinion, the Congress passed the Swaraj resolution of 1905, and from this time onwards, the people of India marched ahead in the national mainstream for securing self rule through securing the right to make a constitution for themselves. However, till August 1917, the British rulers did not agree them to exercise the right to self-government. It was only in the Montague Declaration of August 1917, that the establishment of responsible government was accepted as the final goal of British policy in India. It was considered due to the pressure resulting from the World War I and moreover, the environment generated by unity between the Indian National Congress and Muslim League (Lucknow Pact) and between the moderates and extremists in 1916.

However, even after accepting the objectives of responsible government for India as a goal, the Britishers continued to ignore and reject the demand for the establishment of a constituent assembly for framing a constitution.

1.1.2.2 Advocacy and Acceptance of the Demand for the Constituent Assembly

In 1922, Mahatma Gandhi put forward this demand while declaring, "Swaraj will not be a free gift of the British parliament, it will be a declaration of India's full

self-expression, That it will be expressed through an Act of parliament is true but it will be merely a courteous ratification of the declared wish of the people of Indian even as it was in the case of the union of South Africa." Again in 1922, the moderate members of central Legislature advocated the need to call a national convention for securing swaraj in respect of internal administration of India. In 1924 the Swarajists demanded the need for calling a Round Table conference for preparing a plan for the Constitution. They repeated this demand in 1925 and the British ignored it.

A resolution for complete independence was passed in the Lahore Session of the All India Congress Committee. In December 1929, the formation of the constituent Assembly became one of the major demands.

In its Faizpur session (1936), the Congress declared that it stands for a genuine democratic state in India where political power would be in the hands of people as a whole and the government would be under their effective control. Such a state could only come into existence through a Constituent Assembly elected by adult suffrage and having the power to determine finally the Constitution of the country.

The provincial governments constituted under Act of 1935 passed a resolution supporting the demand for a Constituent Assembly in India. In 1938 Pt Nehru declared, "The Indian National Congress stand for independence and a democratic state. It has proposed that the Constitution of free India must be framed without outside interference by a Constituent Assembly elected on the basis of Universal Adult franchise."

During the World War II the British government demanded co-operation from the Indians in 1939. The Congress Working Committee firmly declared through a resolution, "…That recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential in order to remove the tint of imperialism from Britain's policy and to enable the Congress to consider further co-operation. They hold that the Constituent Assembly is the only democratic method of determining the Constitution of a free country and no one who believes in democracy and freedom can possibly take exception to it. The Working Committee believes that the Constituent Assembly is the only adequate instrument for solving communal and other difficulties."

On 8th August, 1940, Viceroy Lord Linlithgo declared (August offer) among other things that, "after the war, a constituent Assembly shall be established in India". It was after the end of World war II that the British government through its Cabinet Mission accepted the demand for the establishment of a Constituent Assembly for India.

1.1.2.3 Legacy of 1935 Act

The Government of India Act of 1935 was quite a detailed and comprehensive piece of legislation, consisting of 321 sections and 10 schedules. The document is significant in the sense that it brought about two important structural changes – federalism and provincial autonomy. The Act sought to establish in India a federation which was to consist of 11 Governor's Provinces and 6 Chief Commissioner's Provinces and those acceding Princely States. Since the rulers of Indian States never gave their consent, the Federation envisaged by the Act of 1935 never came into being.

Though the part relating to the Federation never came into effect, yet the part relating to Provincial Autonomy was given effect in April 1937. The Act divided legislative powers between the Provincial and Central Legislatures, and within its defined sphere, the Provinces were no longer delegates of the Central Government, but were autonomous units of administration. To this extent, The Government of India assumed the role of a federal Government vis-à-vis the Provincial Government, though the Indian States did not come into the fold to complete the scheme of federation.

In spite of the criticisms levelled against the Act, it became the source of the new constitution of India. With minor differences, the distribution of legislative authority between the Union and the States under the 1950 constitution is identically the same as in the Act of 1935. The democratic institutions introduced by the British (though partial and limited) have gone a long way in establishing democratic traditions in India, Eminent constitutional experts like Dr. B. R. Ambedkar, Alladi Krishnaswami Ayyar and K. K. Munshi had not only highlighted the role and importance of democratic institutions in the Constituent Assembly but were also quite emphatic in their defence of parliamentary democracy.

1.1.3 THE CONSTITUENT ASSEMBLY

The election for the Constituent Assembly held in July 1946, just before India attaining its independence. Out of 210 General Seats, the Congress captured 199, and out of 78 Muslim seats, the Muslim League got 73. Many other seats were captured by the Congress backed candidate and as such it enjoyed the support of 211 members.

1.1.3.1 Working of the Constituent Assembly

The first meeting of the Constituent Assembly held on 9th December 1946 under the temporary chairmanship of the oldest member, Dr. Sachidanand Sinha. On 11th December, 1946 it elected Dr Rajendra Prasad as its permanent President. Its membership included all eminent Indian leaders.

Muslim League boycotted the Constituent Assembly because the Congress secured big majority and demanded for direct action for achieving Pakistan.

After getting independence on 15th August 1947, the Constituent Assembly became a fully sovereign body and remained so till the inauguration of the Constitution of India. It acted in a dual capacity during this period, as the Constituent Assembly engaged in the making of the Indian Constitution and, secondly, as the President of India. It started undertaking the legislative work.

1.1.3.2 Making of Indian Constitution as a Major Task of the Constituent Assembly

The major task before the Constituent Assembly was indeed the making of a Constitution of India. Jawahar Lal Nehru introduced the Objectives Resolution which made specific objectives that were to guide the framing of the Constitution. It included the principles of popular sovereignty, justice, liberty, equality, special protection to minorities, unity and integrity of the country and world peace. This resolution was adopted by the Constituent Assembly on 22nd January 1947. It provided the ideological framework within which the Constituent Assembly was to formulate the Constitution of India.

For conducting its work in a systematic manner, the Constituent Assembly constituted several committees which were to report on the subjects assigned to

them. Some of these committees were committees on procedural matters, while others were committees on substantive matters. The reports of these committees provided the bricks and mortar for the formulation of the Constitution of India.

1.1.3.3 Drafting Committee and Adoption of the Constitution

The Drafting Committee played a very valuable role in the making of the Constitution. This committee was constituted on 29th August, 1947 with Dr. B R Ambedkar as its Chairman. The members of this committee included such legal luminaries as R L Mitter, N Gopalaswami Ayyangar, Alladi Krishanswami Ayyar, K M Munshi, Saiyid Mohd. Saadulla, N Madhav Rao and D P Khaitan. After the death of Mr D P Khaitan, T T Krishnmachari was made its member. Dr B N Rau worked as the Chief Constitutional Advisor attached to this Committee.

The Drafting Committee submitted its report to the Constituent Assembly on 21st February 1948 and the Constituent Assembly held debates on it. On the basis of these discussions, many drafts were prepared. On 26th November, 1949, the constitution was finally adopted and enacted when the constitution was signed by the Constituent Assembly.

The final session of the Constituent Assembly was held on 24th January, 1950. It unanimously elected Dr Rajendra Prasad as the first President of the Republic of India, under the Constitution of India. The Constitution of India was adopted on 26th January, 1950.

1.1.4 IDEOLOGICAL BASIS OF THE CONSTITUTION

A Constitution at the same time has to be a living thing, living not for one or two generations but for succeeding generations of men and women. The Indian Constitution is based on the philosophy of evolving an egalitarian society free from fear and bias based on promoting individual freedom in shaping the government of their choice. The whole foundation of constitutional democracy is building a system of governance in systematic machinery functioning automatically on the wheels of norms and regulations but not on individual whims and fancies.

The Indian Constitution is a marathon effort to translate philosophical rule of law

into practical set up divided into three significant estates checking each other exercising parallel sovereignty and non-egoistic supremacy in their own way.

1.1.4.1 The Preamble

The first Prime Minister of Independent India categorically presented the objective of the constitution in a lucid statement: "The first task of this Assembly (Constituent Assembly) is to free India through a new Constitution, to feed the starving people and clothe the naked masses and to give each Indian the fullest opportunity to develop himself according to his capability". This resolve reflected in Resolution passed on the 22nd January 1947 is the inner theme of the Preamble, which contains, in a nutshell, its ideals and its aspirations, To understand the philosophy and ideals of the Indian Constitution, we must know the Preamble in the first place.

The philosophical base of the Constitution consists of the ideals for which the Constitution stands and the policies which the Constitution enjoins upon the rulers of the community to follow. The Preamble, the preface to the constitution, describes the source nature, ideology, goals and objectives of the constitution. It describes India as a sovereign, socialist, secular, democratic, republic and underlines the national objective of socialistic pattern of society. In the words of Pandit Nehru, the aforesaid resolution was "something more than a resolution. It is a declaration, a firm resolve, a pledge, an undertaking and for all of us a dedication".

The Constitution of India starts with a Preamble. It is the most precious part of the Constitution. It is the soul of the Constitution. Preamble is an introductory statement, stating the aims and objectives of the Constitution. Accordingly, the preamble to the Indian constitution spells out the basic philosophy contained in the body of the Indian Constitution. The preamble is as follows:

"We the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic, republic and to secure to all its citizens

JUSTICE : social, economic and political,

LIBERTY : of thought, expression, belief, faith and worship,

EQUALITY : of status and of opportunity and to promote among all its citizens,

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FRATERNITY : assuring the dignity of the individual and the unity and integrity of the nation

In our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution."

Reading through the preamble, one can see the purposes that it serves. They are the declaration of (i) the source of the constitution (2) types of Government (3) objectives of the political system and (4) the date of its adoption.

Source of Constitution: The opening words "We the people of India" and the closing words "adopt enact and give to ourselves this constitution" convey that the constitution emanated from the 'people' and the sovereignty under the constitution is vested in the people.

Types of Government: The polity (type of Government) enacted adopted and assumed in the preamble by the people of India themselves, is "Sovereign Socialist, Secular Democratic Republic". The words 'socialist' and 'secular' were added in the preamble by 42nd amendment of the constitution.

The expression '**sovereign**' signifies that the Republic is externally sovereign. On 26th January 1950, India became 'a Sovereign Republic'. However, India is till a member of Commonwealth of Nations. This voluntary membership of India in he Commonwealth indicates a free association with no legal obligation.

The concept of **socialism** was implicit in the constitution in a number of provisions in Part IV dealing with Directive Principles of State Policy. As Granville Austin notes "The core of the commitment to the social revolution lies in parts III and IV, in the Fundamental Rights and in the Directive Principles of State Policy. These are the conscience of the Constitution". While Fundamental Rights are justiciable and Directive Principles are not, the latter are no less important for the reason. The reason for the distinction between the two is very simply that while the state could straightway guarantee political and civil liberties contained under 'Fundamental Rights', it could only secure economic and social justice over a period of time as the economy developed and social change took place. The

latter set of rights could not therefore be made justiciable, that is a citizen could not go to a court of law in case of denial. But nonetheless, the state was enjoined upon to do its utmost to apply these precepts when making laws.

The decision to have written rights, a list of rights, a declaration of rights in the constitution marked a sharp break with British constitutional tradition and practice. The British had consistently rejected Indian demands for a list of rights. Indians, on the other hand, because of their colonial experience, had developed a healthy suspicion of government and preferred rights to be written down.

The term **Democratic** is comprehensive. In a narrow political sense, it refers only to the form of government, a representative and responsible system. The administrators of the affairs of the state are chosen by the electorate and accountable to them. But in the broadest sense, it embraces social and economic democracy.

The term **Republic** implies and elected head of the state. A democratic state may have an elected or hereditary head. Britain has a hereditary head. Under a republican form, the head of the state is always elected for a prescribed period. In USA, the President, is the head and elected for a term of four years. India has chosen the system of electing one of its citizens as its president for a term of five years.

Objectives of the Indian Republic

The preamble proceeds further to define the objectives of the Republic. These Objectives are four: Justice, Liberty, Equality and Fraternity.

Justice implies a "harmonious reconcilement of individual conducts with the general welfare of the society". The essence of justice is the attainment of the common good. It embraces the entire social, economic and political spheres of human activity.

The term **Liberty** is used in the Preamble not merely in a negative but also in a positive sense. It signifies not only the absence of any arbitrary restraint on the freedom of the individual action, but also the creation of conditions for the fullest development of the personality of the individual. Since society is constituted of individuals, social progress depends on the progress of the individual.

Equality is complementary to Liberty. Equality does not mean that all human

beings are equal mentally and physically. It really signifies the equality of status, the status of free individuals and equality of opportunity. Equality of opportunity implies the availability of opportunity to everyone to develop his or her potential capacities. The concept of 'equality' envisaged in the Preamble as it embraces both equality of status and of opportunity.

Finally, the Preamble signifies the objective of **Fraternity**. The concept of fraternity ensures both the dignity fo the individual and the unit and integrity of the nation. The spirit of brotherhood among citizens was first emphasized by the French Revolution and ever since, it has become a slogan of universal application. In the declaration of Human Rights, the UNO proclaims "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". The spirit of brotherhood is emphasized by the use of term "fraternity" in the Preamble.

1.1.5 MAIN FEATURES OF INDIAN CONSTITUTION

The Constitution of India is a unique constitution. It is the largest written liberal democratic constitution of the world. It provides for a mixture of federalism and Unitarianism, and flexibility and with rigidity. As Dr. B.R. Ambedkar, the Chairman of the Drafting Committee puts it, the framers had tried to accumulate and accommodate the best features of other constitutions, keeping in view the peculiar problems and needs of our country. The following are the salient features of the Constitution of India.

1.1.5.1 Longest Written Constitution

The first feature of Indian constitution is the most voluminous constitution ever created in human history. In its original shape the constitution had 395 articles and several schedules. Our constitution has been amended from time to time. There 101 odd amendments (as on September 2016) since 1950 only add to the bulk of the constitution. When contrasted with the six effective articles and 27 ratified amendments of the U. S. constitution, one appreciates how bulky our constitution is. One major factor was that the framers of the constitution borrowed provisions from several sources and several other constitutions of the world.

1.1.5.2 Partly Rigid and Partly Flexible Constitution

The Indian Constitution is a unique example of combination of rigidity and flexibility. A constitution may be called rigid or flexible on the basis of its amending procedure. In a rigid constitution, amendment of the constitution is not easy. On the other hand, the amendment procedures are easy and simple in flexible constitutions. The Constitution of India provides for three categories of amendments. In the first category, amendment can be done by the two houses of Parliament simple majority of the members present and voting of before sending it for the President's assent. In the second category amendments require a special majority. Such an amendment can be passed by each House of Parliament by a majority of the total members of that House as well as by the $2/3^{rd}$ majority of the members present and voting in each house of Parliament and send to the President for his assent which cannot be denied. In the third category besides the special majority mentioned in the second category, the same has to be approved also by at least 50% of the State legislatures. Thus, you see that the Indian Constitution provides for the type of amendments ranging from simple to most difficult procedure depending on the nature of the amendment.

1.1.5.3 Federal Polity

The third main feature of the Indian constitution is that it is a federal constitution. The term federal has not been used in the constitution. Instead India has been described as a "Union of States." However, all the characteristics of a federation viz. two sets of government—national government and a number of governments of the component units, and the division of powers between the national government and the governments of the units. The constitution is the supreme and both the centre and the state government derive its power from it. There is a federal judiciary to act as the guardian of the constitution and to settle disputes between the centre and the units—are all present in the Indian constitution. However, the nature of the Indian federation is different from the nature of older federations like the U.S.A.

1.1.5.4 A Democratic Republic

India is a democratic republic. It means that sovereignty rests with the people of India. They govern themselves through their representatives elected on the basis of universal

adult franchise. The President of India, the highest official of the state is elected for a fixed term.

1.1.5.5 Parliamentary Government

Other important feature of the Indian constitution it that it provides for parliamentary form of government both at the centre and in the states. This is borrowed from the Westminster model. The adoption of this model is partly due to India's long familiarity with it during the British rule. In this system, the executive is responsible to the legislature, and remains in power only as long and it enjoys the confidence of the legislature. The Union Council of Ministers with the Prime Minister as its head is drawn from the legislature. It is collectively responsible to the House of People (Lok Sabha), and has to resign as soon as it loses the confidence of that house.

1.1.5.6 Guarantees Fundamental Rights

The Indian Constitution guarantees fundamental rights of the citizens. Rights to equality, freedom, religion and constitutional remedies are the enumerated fundamental rights of Indian citizens. Originally right to property was also a fundamental right. Subsequently right to property was removed from the list of fundamental rights. Hence right to property is now a legal rather than constitutional right. The status property has been altered to give substance to India's socialist aspirations.

1.1.5.7 Directive Principles of State Policy

A novel feature of the Constitution is that it contains a chapter in the Directive Principles of State Policy. These principles are in the nature of directives to the government to implement them for establishing social and economic democracy in the country. It embodies important principles like adequate means to livelihood, equal pay for both men and women, free and compulsory primary education, right to work, public assistance in case of old age, unemployment, sickness and disablement, the organisation of village Panchayats, special care to the economically back ward sections of the people etc. These principles are "fundamental in the governance of the country".

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1.1.5.8 Secular State

A secular state is neither religious nor irreligious, or anti-religious. Rather it is quite neutral in matters of religion. India being a land of many religions, the founding fathers of the Constitution thought it proper to make it a secular state. India is a secular state, because it makes no discrimination between individuals on the basis of religion. Neither it neither encourages nor discourages any religion. On the contrary, right to freedom of religion is ensured in the Constitution and people belonging to any religious group have the right to profess, practice or propagate any religion they like.

1.1.5.9 Independent Judiciary

In India, the Constitution has provided for a Supreme Court and every effort has been made to see that the judiciary in India is independent and supreme. The Supreme Court of India can declare a law as unconstitutional or ultra Vires, if it contravenes any provisions of the Constitution. In order to ensure the impartiality of the judiciary, our judges are not removable by the Executive and their salaries cannot be curtailed by Parliament.

1.1.6   LET US SUM UP

Indian Constitutions is not the product of any revolution but of the research and deliberations of a body of eminent representatives of the people who sought to improve upon the existing systems of administration, makes a retrospect of the constitutional development indispensable for a proper understanding of this Constitution. The elections for the first Constituent Assembly were held in July 1946. The Preamble contains aims and objectives of our Constitution. Preamble is a key to the interpretation of the Constitution. It is a part of the basic structure of the constitution in so far as it states the philosophy, the ideals and the objectives of the Constitution. It is through its Preamble that the Constitution of India commits itself to a social revolution. It contains the basic objectives of the Constitution. The main features of the Constitution such as parliamentary democratic government, federalism, secularism, independent judiciary, fundamental rights and directive principles, etc. are governing the polity of India for a long time.

1.1.7 EXERCISE

1. Historically trace the evolution of Indian Constitution.

2. Write a note on Constitution Assembly.

3. The "Preamble" reflects the ideological basis of Indian Constitution. Comment.

4. Elaborate the main features of Indian Constitution.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – I : **Introduction to Indian Constitution**

1.2 FUNDAMENTAL RIGTHTS, DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

– Diwakar Singh Jamwal

STRUCTURE

1.2.0   Objectives

1.2.1   Introduction

1.2.2   Features of the Fundamental Rights

1.2.3   Fundamental Rights of the Citizens

1.2.3.1 Right to Equality

1.2.3.2 Right to Freedom

1.2.3.3 Right against Exploitation

1.2.3.4 Right to Freedom of Religion

1.2.3.5 Cultural and Economic Rights

1.2.3.6 Right to Constitutional Remedies

1.2.4   Fundamental Duties

1.2.5   Directive Principles of State Policy

1.2.5.1 DPSP are Not Enforceable by Courts

1.2.5.2 DPSP are Conscience of the Constitution

1.2.5.3 Scope of DPSP

1.2.6 Let us Sum Up

1.2.7 Exercise

1.2.0 OBJECTIVES

This lesson explains the core part of Constitution that contains Fundamental Rights and Directive Principles of the State Policy. After going through this unit, you should be able to discuss as to:

- what are the core fundamental rights enshrined in Indian Constitution

- the fundamental duties the Indian citizen fulfil to enrich the nation;

- the importance of Directive Principles of State Policy.

1.2.1 INTRODUCTION

The Constitution of India, like the constitutions of the U.S.A, France, Japan and other liberal democratic countries, contains a detailed Bill of Rights which grants and guarantees the fundamental rights and freedoms to the people of India. The decision to include a written Bill of Rights in the Constitution was governed by the desire to provide adequate opportunities for self-development to the people of free India. Dr. Ambedkar clarified that because of the less developed nature of Indian democracy it was considered undesirable to leave the rights to the will of the legislatures or the government.

The Bill of Rights (Part III) of the Constitution enumerates the Fundamental Rights of the Indian Citizens. It has been described by the Supreme Court as a part of the Basic Structure of the Constitution. The scholars highlight its importance as the Indian Magna Carta of rights and freedoms. Pt. Nehru described it as the 'conscience of the constitution'. In the words of M.V. Pylee, "It is charter of deliverance to one sixth of world population from perpetual subjugation and despair from perpetual humiliation and disgrace". By placing the basic rights and freedoms in the category of supreme law of the land, the constitution makers made these rights fundamental, amendable not by ordinary laws but the constitutional amendments.

1.2.2 FEATURES OF THE FUNDAMENTAL RIGHTS

The following are the main features of the Fundamental Rights:-

1. **An Elaborate and Comprehensive Bill of Rights:** The Indian Bill of Rights is an elaborately detailed and comprehensive charter of rights and freedoms. Part III containing 24 articles, from 12 to 35, enumerates the fundamental rights of the Indians. Initially, there had been laid down seven fundamental rights but with the deletion of the right to property (44th Amendment) from this part, the number came down to six. Each right covers several rights. For example, Right to Equality has 5 parts and Art. 19 (1) now enumerates the six fundamental freedoms of the people. While Articles 14 to 32 describe the rights and freedoms, Articles 12, 13, 33, 24 and 35 are governing cum explanatory Articles.

2. **No Natural or Unenumerated Rights:** The constitution of India does not give any recognition to the natural or unenumerated rights. Ninth amendment of the US Constitution provided that "enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people". However, the Indians have not been granted rights which do not find mention in the Constitution.

3. **Special Rights and Protections for the Minorities:** Articles 29 and 30 guarantee the cultural and educational rights of the minorities. The constitution abolishes untouchability and grants special protections to women and children.

4. **Negative and Positive Rights:** The Indian Bill of Rights contains both negative and positive rights. Some rights are negative in the sense that these impose restrictions on the state and thereby protect the rights and freedoms of the people. The positive rights are one which permit the citizens to enjoy certain freedoms. For example Art. 19(1) enumerates the six fundamental freedoms enjoyed by the people. Hence the Constitution provides for both negative and positive rights.

5. **Lack of Social and Economic Rights:** The constitution does not include social and economic rights in the list of fundamental rights. Social and economic rights like Rights to Work, Right to Leisure, Right to Social

Security etc., have not been incorporated in Part III of the constitution.

6. **Difference between the Citizens and Aliens:** In the grant of rights, the Constitution makes a distinction between the citizen and aliens. While all the rights stand granted and guaranteed to all the citizens, only some rights are available to the aliens. Such rights as equality before law, religious freedom, etc. are available to the citizens and aliens alike, other rights as freedom of speech, assembly and organisation are available to the citizens only. These are not available to the aliens.

7. **Rights are not Absolute:** The fundamental rights enumerated in Part III of the Constitution are not absolute. These have not been concluded in absolute terms. Many restrictions have been placed on their enjoyment. While describing the nature and content of each right, constitution also describes its limitations. The Parliament has also been empowered to impose by law reasonable restrictions on the rights. The Supreme Court has the power to examine the validity of the restrictions imposed on fundamental rights by the Parliament. It has power to judge the reasonable of the restrictions imposed by the laws of the Parliament or by the amendments. Thus the constitution strikes a balance between individual liberty and social control by making the fundamental rights subject to reasonable restrictions.

8. **Rights are binding equally upon the Union, the States and other state authorities:** The Constitution makes the rights binding upon all authorities. It stands clearly stated in Article 12 of the Constitution which explains the meaning of the term state, as used in the context of Part III, and affirms that this term covers the Union, the states, the parliament and all state authorities. Dr. Ambedkar explained in the Constituent Assembly: "The object of Fundamental Rights is two-fold; First, that every citizen must be in a position to claim those rights; Secondly, they must be binding upon every authority which was get either the power to make laws or the power to have discretion vested in it".

9. **Enforcement of Rights:** The Constitution not only grants but also guarantees

the fundamental rights. The Constitution, in fact the Part III, itself, contains a special constitutional provision, a fundamental right under Art. 32, which provides legal and constitutional protection to the rights. The citizens have been given the right to seek the protection of the Supreme Court for getting their right enforced.

10. **Parliament has the power to amend Fundamental Rights:** The fundamental rights contained in the constitution can be amended by the Parliament in accordance with the power and procedure laid down in Article 368 of the Constitution. The Parliament has, in practice, exercises this power on several occasions. In 1967, in the Golak Nath case judgement, the Supreme Court declared the Parliament has no power to amend fundamental rights as these were sacrosanct. The Supreme Court in its judgement in the Keshvananda Bharti case, ruled that Parliament has the power to amend the constitution, including Part III, which contained the fundamental rights and freedoms of the people, but that it cannot amend the basic structure of the Constitution. This ruling continues to hold till today. Hence the Parliament has the power to amend the fundamental rights but it cannot change the basic structure. The Constitution states that fundamental rights can be amended by the Parliament in accordance with the procedure laid down in Article 368.

11. **Provision for the Suspension of Rights:** The Constitution provides for the suspension of fundamental rights under certain circumstances. For example, Article 358 provides that when a proclamation of emergency is made by the President under Article 352, the fundamental freedoms guaranteed under Article 19(1) get suspended. However, such a suspension gets automatically vacated when the proclamation of emergency ceases to operate. During the period of Emergency, the President can also suspend the right of the citizens to move any court for the enforcement of rights conferred by Part III of the Constitution. The 44th Amendment to the Constitution (1978) has laid down several safeguards for preventing the possible misuse of the emergency powers by the President who always acts upon the advice of the Prime Minister and the Council of Ministers.

12. **Constitutional Superiority of Fundamental Rights:** The fundamental rights incorporated in the Constitution stand at a higher pedestal than ordinary laws and the Directive Principles of State Policy. The laws in existence before the promulgation of the Constitution, and those enacted after the promulgation of the constitution, are considered avoid if they come into conflict with fundamental rights enshrined in the Constitution (Articles 13). The Supreme Court in several judgements has affirmed that the Fundamental Rights enjoy a constitutional superiority over ordinary laws and the Directive Principles contained in Part IV of the Constitution.

1.2.3 FUNDAMENTAL RIGHTS OF THE CITIZENS:

Part III of the Constitution enumerates the fundamental rights of the Indian Citizens. Originally, it described seven fundamental rights but after the 44th Amendment to the Constitution their number has come down to six. Right to Property (Art. 31) has been deleted from the list of fundamental rights and it has been made a legal right under Article 300A. The six fundamental rights of an Indian citizen are:

1. The Rights of Equality (Article 14 to 18)
2. The Right to Freedom (Article 19 to 22)
3. The Right against Exploitation (Article 23 to 24)
4. The Right to Freedom of Religion (Article 25 to 28)
5. Cultural and Educational Rights (Article 29 to 30)
6. Right to Constitutional Remedies (Article 32)

1.2.3.1. Right to Equality

The right to equality is the most important fundamental rights guaranteed by the Indian Constitution. It contains several dimensions:

(a) Equality before Law

Article 14 guarantees to all citizens and others equality before law. All citizens enjoy equal protection to law. "The State shall not deny to any person equality before law or equal protection of the laws within its territory". "Equal subjection of all the people to the laws of the land", and "Equal legal protection to all the

persons", are the two fundamental rights enshrined in this right.

 (b) Prohibition of Discrimination (Art. 15)

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex or place of birth. No person can on any of these grounds be denied access to shops, hotels, public restaurants and places of public entertainment or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly by the state funds or dedicated to the use of general public.

(c) Equality of Opportunity (Art. 16)

The Constitution provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. Art. 16 further states that no citizen shall on grounds of religion, race, caste, sex, descent, place of birth, residence or any of them be ineligible for or discriminated against in respect of any employment or office under the state.

(d) Abolition of Untouchability (Art. 17)

For eradicating the evil practice of untouchability in India, the Constitution, under Article 17, abolishes untouchability and makes its practice in any form an offence punishable under the law. The constitutional provisions have been the basis of two important legislative enactments. Untoucbaility (offences) Act 1955 and the Protection of Civil Rights Act. of 1977.

(e) Abolition of Titles (Act. 18)

Under this Article, the Constitution prohibits the state from conferring any titles except honour for military or academic distinctions. It also lays down that: No citizen of India shall accept any title from any foreign state. No person who is not a citizen of India shall, while he holds any office of profit or trust under the state, accept any title from any foreign state except with the consent of the President of India, and that no person holding any office of profit or trust, can accept any present, emoluments or office of any kind from or under any foreign state except with the consent of the President.

This article does not prevent the grant of military decorations such as Param Vir Chakra, Mahavir Chakra, Vir Chakra, Ashok Chakra. In 1954, the government

also accepted that titles like Bharat Ratna, Padam Vibhushan, Padma Bhushna and Padam Shri could also be conferred on citizens in recognition of their meritorious services to the state.

1.2.3.2 Right to Freedom (Articles 19-22)

(a) Six Fundamental Freedoms (Art.19): Article 19 of the Constitution guarantees six (originally seven) fundamental freedoms of the citizens. It states: All citizens shall have the right to:

(i)   Freedom of speech and expression.

(ii) Freedom of assembly

(iii) Freedom to form associations

(iv) Freedom of movement

(v)   Freedom to reside and settle

(vi) Freedom of profession, occupation, trade or business.

These six fundamental freedoms are not without exceptions/limitations. The Constitution under Articles 19(2), (3), (4), (5) and (6) provides for several limitations upon the exercise of these freedoms. The right to freedom, like the right to equality is also not absolute. It is also subject to reasonable restrictions.

Freedom of speech and expression is subject to reasonable restraints in the interest of "the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency and morality, contempt of court, defamation, or incitement to an offence." The right to assemble is limited in two ways the assembly has to be peaceful, and without arms. State can place reasonable restrictions on this right in the interest of sovereignty and integrity of India and public order. Similar limitations exist on the right to form associations. The state can make any law regarding the freedom of movement and residence for protecting the interests of any Scheduled Tribe (Act. 9(5)). Further, in respect of freedom of profession, trade and business, the state can prescribe professional or technical qualifications. The state can also nationalise a particular industry or business by

creating a monopoly in its favour.

(b) *Protection Against Arbitrary Conviction (Article 20*): Under Article 20, the constitution provides protection against arbitrary conviction in respect of offences committed by the people. It lays down that:

(i)   No person can be convicted of an offence for the violation of a law in force at the time of the commission of the act charged as an offence.

(ii)   No person can be subjected to a penalty greater than the one which might have been inflicted under the law in force at the time of commission of offence.

(iii) No person can be arrested and punished for the same offence more than once.

(iv)   No person accused of any offence can be forced to be a witness against himself.

(c) *Protection of Life and Liberty (Article 21*): Article 21 provides protection to the life and liberty of citizens as well as non-citizens. It states, "No persons shall be deprived of his life and liberty except according to procedure established by law". It provides the right not to be subjected to imprisonment, arrest or physical coercion in any manner without legal justification. The term has been the basis for the conduct of judicial review by the Supreme Court over legislative enactments.

(d) *Protection against Arrest and Detention (Art. 22):* This Article of the Constitution provides for protection against arbitrary arrest and detention. It lay down that a person who is arrested and detained shall be:

(i)   informed of the ground of his arrest and shall have the right to consult and be defended by a legal practitioner of his choice (22) (1);

(ii)   produced before the nearest magistrate within a period of 24 hours of his arrest excluding the time taken in journey from the place of his arrest to the court of the magistrate. He cannot be detained in custody beyond 24 hours without the authority of the Magistrate. (Act. 22) (2).

However, the above two safeguards do not apply: a) to any person who for the time being is an enemy alien; or b) to any person who is arrested or detained under P.D.A (preventive detention Act.), TADA (Terrorist Act Disruptive Activities) and MISA (Maintenance Internal Security Act).

1.2.3.3 Right Against Exploitation

The Right against Exploitation provides safeguards for protection to various weaker sections and people of disadvantage.

(a) Prohibition of Traffic in Human Being and Forced Labour

Under Article 23, the constitution prohibits traffic in human beings and forms of forced labour. Any contravention of this provision is punishable in accordance with law. In other words, this article makes the selling and buying of men and women and exploitation of people by forcing them to work as bonded labourers or work without remuneration, an offence. For protecting women against selling and buying for immoral purposes, the Suppression of Immoral Traffic Women and Girls Act (SITA) has been in operation since 1956.

This provisions, however, does not prevent the state from imposing compulsory service for public purposes.

(b) Prohibition of Employment of children (Article 24)

Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. This provision provides protection to children from exploitation which can adversely affect their health.

1.2.3.4 Right to Freedom of Religion (Act 25-28)

Right to freedom of religion ensures the positive aspect of secularism as it gives to the people the right to freely adopt and propagate any religion. This right has been described under 4 articles.

(a) Freedom of Conscience and Free Profession, Practice and Propagation of Religion (Article 25)

The Article guarantees to all persons, the freedom of conscience and the right to profess, practice and propagate religion. All religions are equal. There is no state religion in India. People enjoy religious freedom and they can adopt or refrain from adopting any religion.

(b) Freedom to Manage Religious Affairs (Act 26)

Article 26 of the constitution lays down that every religious denomination of any section has the right:

   (i)   to establish and maintain institutions for religious and charitable purposes.

  (ii)   to manage its own affairs in matters of religion.

 (iii)   to own and acquire movable and unmovable property; and

  (iv)   to administer such property in accordance with law.

(c) Freedom From Paying Taxes For The Promotion of Any Religion (Article 27)

Under Article 27, the Constitution lays down that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religious denomination.

(d) Freedom As To Attendance In Religious Function (Article 28)

Article 28 prohibits the imparting of religious instructions in any educational institution which is wholly maintained out of state funds ore receiving aid from the state.

1.2.3.5 Cultural and Educational Rights (Article 29-30)

The Constitution provides special protection to the minorities. Articles 29 and 30 of the Part III of the Constitution guarantee to the minorities' cultural and educational rights.

(a) Right to Maintain Language, Script and Culture (Article 29)

The Constitution lays down that any section of the citizens residing in the territory of India or any part there of having a distinct language, script or culture of its own shall have the right to conserve the same. This right is absolute as the Constitution does not lay down that state can impose reasonable restrictions on it. The objective of this right is to protect the minorities in maintaining their language and culture.

(b) Right to Establish and Administer Educational Institutions (Article 30)

Under Article 30, the Constitution admits that all minorities, whether based on religion or language, shall have the right to establish and administer educational institution of their choice. They have the right to admit students to their institutions, to have their own governing bodies and to adopt their respective of instructions.

1.2.3.6 Right to Constitutional Remedies (Article 32)

The right to move to the court for securing the fundamental rights is enshrined in the Constitution. Article 32 guarantees the right to move to the Supreme Court by appropriate proceedings for the enforcement of the rights. It empowers the Supreme Court to issue directions or orders or writs for this purpose. The writs include:

 (i)   The Habeas Corpus.
 (ii) The Mandamus.
 (iii) The Prohibition
 (iv) The *Quo Waranto*
 (v)   The Certiorari

Any citizen can move to the Supreme Court for getting his fundamental right/rights protected through any one of these writs. Besides the Supreme Court, the High Courts can also issue these writs (Article 226) for enforcing the fundamental rights of the people. However, during an emergency (Under Article 352 or 356) the President can by a specific orders suspend the right to move to the court for the enforcement of the fundamental rights, except the rights available under Articles 20 and 21.

To sum up, the part III of the Constitution of India grants and guarantees six fundamental rights to the people. Together these constitute the Manga Carta of essential rights and freedoms of the people of India. Justice Bhagwanti, in the case of Maneka Gandhi Vs.

Union of India 1978, observed: "These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent. They weave a pattern of guarantees on the basis structure of human rights and impose a negative obligation on the state not to encroach on the individual liberty in various dimensions".

1.2.4 FUNDAMENTAL DUTIES

"Rights and Duties are inter-related and these represent the two sides of the same coin". The Constitution makers were fully aware of this axiomatic principle of political theory. While providing for a chapter on fundamental Rights they chose to ignore the inclusion of a separate chapter on fundamental duties because of a faith in the above principle. They felt that fundamental duties constituted the implied part of the chapter on fundamental rights. They had a firm faith in the democratic values cherished by the people of India and hence did not feel the necessity of providing a separate list of duties.

As H.R. Gokhale, who was once a Law Minister, observed that "a section of the people showed greater zeal in emphasising the fundamental rights and showed no anxiety to fulfil their fundamental obligations of respecting the establish order".

Accepting the recommendation of the committee constituted for framing the fundamental duties, the Parliament passed the 42nd Amendment (1976) and introduced a new part, Part IV A, in the Constitution. In this Part Article 51 A was added and it enumerated 10 Fundamental Duties of the people of India. These are:

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

2. To cherish and follow the noble ideals which inspired our national struggle for freedom. In our struggle for attaining freedom from the yoke of British imperialism, we were guided by the lofty ideals of liberty, equality, unity, justice, fraternity, brotherhood, peace and non-violence. It is the constitutional duty of all citizens to respect and follow these and other such values of our freedom struggle.

3. To uphold and protect the Sovereignty, Unity and Integrity of India. State

protects and enforces the rights and freedoms of the people. Consequently, it becomes the supreme duty of the people to preserve, protect and defend the sovereignty, unity and integrity of the people.

4. To defend the country and render national service when called upon to do so. Who lives if India dies and who dies if India lives. To defend ones mother land and to do national service is a sacred and constitutional duty of every citizen of India.

5. To promote the harmony and the spirit of common brotherhood, amongst all the people of India transcending religious linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women.

6. To value and preserve the rich heritage of our composite culture. India has a very rich cultural heritage. However, in the era of European imperialism, the people got drawn towards the materialistic glamour of the Western culture. In order to make the new generation of Indians conscious of India's past glory and rich heritage the Constitution lays down the fundamental duty of all citizens to value, preserve and protect our composite culture.

7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Realising fully the need to protect our natural environment from pollution and undesirable exploitation, the Constitution makes it a fundamental duty of the citizens to protect and improve the natural environment. The interdependence of the natural environment and the social environment is an axiomatic truth.

8. To develop scientific temper, humanism and the spirit of inquiry and reform. For eradicating the prevailing evil practices, customs and traditions it is essential that people should develop a scientific temper. They must develop a rational attitude, a love for learning, and use their talents and resources for reforming and developing the society. To realise, respect and follows human values is the supreme human duty.

9. To safeguard public property and to abjure violence. The increasing recourse to violence involving the destruction of public property in the post-

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independence era, has made it essential for us to realise the futility and harm that befell on our society from such antisocial means and activities. The Constitution lays down the duty of every citizen to shun violence and to protect public property.

10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. No society, no country and no state can progress without the willing, dedicated and devoted efforts of the people. The people must be motivated to develop their faculties and achieve excellence in all spheres of human activity. The Constitution makes it a fundamental duty of the people to work for attaining all-round excellence.

While incorporating these duties by the 42nd Amendment, several leaders, mostly belonging to the ruling Congress Party, defended and praised the step. They felt that the objective was to make the people increasingly conscious of their duties towards the nation. Justifying the decision, Mrs. Indira Gandhi observed that the purpose was not to smother rights but to establish a democratic balance between rights and duties, and that it was being done to cover a gap left by the makers of the Constitution.

However, several other scholars, statemen, leaders, lawyers and judges strongly criticised the incorporation of fundamental duties in the Constitution. C.K. Daphtry, a former Attorney-General of India, observed that more than 99% of the people were law-abiding. There was no need to tell them to obey laws and abide by their duties. Justice Mukherji also questioned the rationale of including the Fundamental Duties by clause 11 of the 42nd Constitutional Amendment Act.

Jurists like Palkiwala and several others criticised not only the inclusion of Fundamental Duties but also the hollow and confusing terms which were used to describe the 10 Fundamental Duties. The main points on which the critics criticised the Fundamental Duties were:

1. Lack of clarity in the enumeration of the 10 Fundamental Duties.

2. Superfluousness of the incorporation of non-enforceable moral duties in

the text of the Constitution.

3. Lack of practical implementation of several duties.

4. Fundamental Duties were mere pious declarations platitudes without substance.

5. The non-inclusion of such duties as compulsory exercise of franchise, faithful payment of taxes, compulsory military training, compulsory family planning etc.

Despite criticism, the Part IV has come to remain a feature of the Constitution ever since its incorporation in 1977. Its existence stands accepted as a part of constitutional morality, which is not booked by legal power but which is based on moral and conscience of humans.

1.2.5 DIRECTIVE PRINCIPLES OF STATE POLICY

The Constitution of India in its Part IV (Articles 36 to 51) describes "The Directive Principles of State Policy". This part, introduced under the influence of the Irish Constitution, lists a set of principles which are to guide the policies of the state. Further it is designed as a supplementary part containing a list of socio-economic rights and freedoms which the state should secure for the people through suitable enactments. The Directive Principles constitute a manifesto for securing the socio-economic foundations of Indian democracy.

The aim of Part IV is to provide for a welfare polity characterized by social, economic and political justice. Article 38 explains the objective of Part IV and declares: "The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political, shall inform all the institutions of the national life". The state is to secure justice by securing these principles through effective legislation. The DPSP aim, as B.K. Gokhle observes, "at the establishment of welfare state in which justice, liberty and equality prevails and people are happily and prosperous". The Directive Principles constitute a charter of socio-economic democracy and in this respect supplements the Fundamental Rights which lay down the foundations of civil liberty and political democracy in India.

1.2.5.1 Directive Principles of State Policy are not enforceable by Courts

Directive principles are not enforceable. The people cannot move the Court to get these enforced. Nevertheless, the Constitution calls upon the state to give these due importance and base its policies on them. Article 37 declares: "The provisions contained in this Part IV shall not be enforceable by any court, but the principles laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws". L.M. Singhvi describes these Directives as the life-giving provisions of the Constitution.

1.2.5.2 Directive Principles of State Policy as the Compass of the Constitution

Part IV is a manifesto of the aims and objectives of the Constitution. It details the objectives contained in the Preamble to the Constitution. These are the national objectives which every government is supposed to secure. These ensure a continuity of direction to socio-economic reforms and welfarism in the policies of government irrespective of the fact whether the government is run by one party or the other. Further, these constitute the yardstick for measuring the worth of the government. The enumeration of Directive Principles as unenforceable principles in the Constitution is fully justified, as their objective is to give a proper direction to a developing polity like India.

1.2.5.3 Scope of Part IV

Part IV lists several Directive Principles from Articles 36 to 51. These have, however, neither been classified nor systematically arranged. For the sake of convenience the scholars usually classify these into four main categories: (1) Socialistic Principles, (2) Gandhian Principles, (3) Liberal Principles and (4) General Principles.

I) Socialistic Principles:

The following are the socialistic Principles:

1. The state shall try to secure the welfare of the people by securing a social order characterised by Justice – social economic and political.

2. The state shall provide adequate means of livelihood to all citizens, men as well

as women.

3. To secure equitable distribution of material resources of the community with a view to ensure common good.

4. To operate the economic system in such a way as to prevent the concentration of wealth and means of production.

5. To provide equal pay for equal work for both men and women.

6. To protect the health and strength of the workers, men and women, to protect the children from entering avocations unsuited to their age or strength.

7. To protect children and youth from exploitation and moral and material abandonment.

8. To secure right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.

9. To make provisions for securing just and humane conditions of work, and for maternity relief.

10. To secure to all workers, work, a living wage, condition of work ensuring a decent standard of life, and full enjoyment of leisure and social and cultural opportunities.

11. To secure participation of workers in the management of industries.

II. *Gandhian Principles*

1. To organize Village Panchayat

2. To Promote cottage industries

3. To promote the educational and economic interests of the weaker sections of the people and in particular of the scheduled caste and scheduled tribes.

4. Prohibition of the consumption of intoxicating drinks and drugs which are

injurious to health.

5. To organize agriculture and animal husbandry

III. *Liberal Principles*

1. To secure a uniform civil code for Indians

2. To provide for free and compulsory education to all children upto the age of fourteen years within ten years.

3. To secure the separation of judiciary from the executive.

4. To provide free legal aid to the poor so that justice is not denied to any citizen because of poverty.

IV. *General Principles*

1. To protect and improve the environment and to safeguard the forests and wild life of the country.

2. To protect every monument or place or object of artistic or historic interest from spoliation disfigurement, destruction, removal, disposal or export.

3. To promote international peace and security.

4. To maintain just and honourable relations between nations.

5. To foster respect for international law and treaty obligations.

6. To encourage a settlement of international disputes by arbitration

However, in subsequent, some more features were added to Part IV. The 42nd and 44th Amendments to the Constitution together added 5 new Directive Principles in the Pat V. By the 42nd Amendment Act (1976) four directive principles were added:

1. 39(f) which provided that "the State shall direct its policy towards securing for the children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and for protecting children and youth from exploitation and against material abandonment".

2. 39A which provided that the State should secure that the operation of the level

system promote justice.

3. 43A which laid down that the state shall secure the participation of workers in the management of undertakings.

4. 48A which states that the state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

By the 44th Amendment Act (1978) a new Directive Principle, Article 38 clause (2) was added to Part IV. It reads: "The State shall, in particular, strive to minimise the inequalities in income, and endeavour to claimant inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people, residing in different areas or engaged in different vocations".

Thus, Part IV of the Constitution enumerates the Directive Principles which the state is expected to realise through effective legislation. These are unenforceable directive through which the Constituent Assembly tried, as Dr. Ambedkar so ably put it, "to give certain directions to the future legislature and the future executive to show in what manner they are to exercise the power they will have". DPSP are not enforceable yet these are to be regarded as fundamental principles in the governance of the state". Dr. K.C. Markandan holds that "if chapter of fundamental rights is an essential part of a modern democratic state with a written constitution, a chapter on directive principles is necessity for a welfare state with a written constitution". The Constitution, while stating that these are not enforceable declares that these are "nevertheless fundamental in the governance of the country." The Directive Principles specify the aims and objectives of the Constitution of India which are to be secured by the state through future policy-making and legislation.

1.2.5.4 Critical Evaluation of DPSP

There are several critics do not attach any importance to the Directive Principles because of the following factors:-

1. Lack of legal force

2. The realization of Directive Principles depends upon the sweet will of the legislature

3. Unsystematic

4. Lack Clarity

5. Impracticability of some of the Principles

6. Borrowed obsolete Philosophical Foundations

7. Mere Promises

Some of the critics challenge the very concept of incorporating unenforceable and moral principles in the text of the constitution, several others point out the defective nature and content of the various Directive Principles of State Policy laid down in this part. Several other critics, while accepting the role and importance of Directive Principles as a whole, highlight the impracticability of several directives and the inadequate success in the task of securing these principles for the common man.

Despite the points of criticism raised by the critics, the majority view, rather the consensus view has all along been in favour of the Directive Principles. A large majority accepts the incorporation of Directive Principles in Part IV of the Constitution and in the governance of state. These place before the nation the specific goals which are to be secured by the state for securing the objectives of justice – social, economic and political. The DPSP represent the values and ideas of our freedom struggle, the collective wisdom of the founding fathers of the Indian Constitution and aims and aspirations of the people for securing a developed socio-economic policy.

Directive Principles are the positive directions to the state for securing and strengthening the socio-economic dimension of Indian democracy. These provide for those socio-economic rights which the constitution makers believed should have been granted to the people but which could not be granted due to the paucity of resources. As such, while making these unenforceable, they made it a responsibility of the government to secure these through future law making.

Yardstick for Measuring the worth of the Government : Directive Principles of State Policy constitute a yardstick with which the people can measures the worth of the government. A government which ignores the task of implementing the Directive Principles can be rejected by the people in favour of a government by another political party which is expected to give due importance to the task of

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securing the Directive Principles K.M. Munshi observes. "They serve to provide some basis of protest against arbitrary legislation. They are a body of doctrines to which public opinion can rally".

Implementation of Directive Principles of State Policy alone can complete our democracy: The Parliament, while recognizing the importance of fundamental rights of the people, has all along been guided by the view that it was the responsibility of the state to implement the Directive Principles. However, the Directive Principles cannot override the Fundamental Rights as the latter are enforceable by appropriate writs or orders or directions under Articles 32 and 226, whereas the former are not enforceable. Moreover, the Directive Principles of State Policy have to conform and run subsidiary to the chapter on Fundamental Rights.

1.2.6 LET US SUM UP

The Fundamental Rights and Directive Principles of the State Policy are important part of the Indian Constitution. While Fundamental Rights are enforceable, the Directive Principles are not.The consensus is that the state while implementing the Directive Principles should as far as possible, refrain from amending the Fundamental Rights. Neither the Directive Principles should be implemented at the cost of the Fundamental Rights, nor the latter be maintained as sacrosanct and unamendable part even when amendments are needed for implementing the former.

The Fundamental Rights and the Directive Principles together constitute the 'Conscience of the Constitution'. The former seeks to create an egalitarian society by freeing all citizens from coercion and restriction and by providing them due civil rights and freedoms. The latter seek to fix the goals of socio-economic reforms which are to be attained by the state for securing social, economic and political justice and welfare society. Hence, both should be respected and maintained. In the words of Justice Chandrachud "Our Constitution aims at bringing about a synthesis between 'Fundamental Rights' and 'Directive Principles of State Policy' by giving to the former a pride place and to the latter a place of permanence. Together, not individually, they constitute its true conscience". What are needed is a harmonious construction and not the determination of primacy of one over the other.

1.2.7 EXERCISE

1. Briefly define features of Fundamental Rights.

2. Describe the six Fundamental Rights of Indian citizens.

3. Critically evaluate the Fundamental Duties incorporated in Indian Constitution.

4. Right and Duties are two sides of same coin. Comment.

5. The Directive Principles reflect the normative and philosophical core of Indian Constitution. Elaborate.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – I : **Introduction to Indian Constitution**

1.3 FEDERALISM : STRUCTURE, NATURE AND EMERGING TRENDS

– Naresh K. Gupta

STRUCTURE

1.3.0 Objectives

1.3.1 Introduction

1.3.2 Federalism Defined

1.3.3 India as a Union of States

1.3.4 Structure and Nature of Indian Federalism

1.3.4.1 Federal Features of the Constitution

1.3.4.2 Unitary Features of the Constitution

1.3.4.3 Why Constitution is Biased in Favour of Strong Centre?

1.3.5 Trends in Centre-State Relations

1.3.5.1 Emerging Issues in Union and State Relations

1.3.6 Let us Sum Up

1.3.7 Exercise

1.3.0 OBJECTIVES

This unit concerns itself with the features of Indian Federation. After going through this unit, you should be able to discuss as to:

- what are the federal features of Indian constitution;

- what are the unitary features of Indian constitution;

- what are the major trends in Centre-State relations in India.

1.3.1 INTRODUCTION

Federalism implies the division of the strength of the state into a general government for the whole country and a number of regional governments. Its essence lies in a happy blending of the forces of union and separation. Its purpose is nothing but to avoid the two extreme positions of centralisation and decentralisation. As James Bryce in his book American Commonwealth has geographically expressed it, that the problem in every federation is for the federating units "to keep the centrifugal and centripetal forces in equilibrium, so that neither the planet states shall fly off into space nor the sun of the central government draw them into its consuming fire." The necessary condition for the formation and continuance of a federation is, therefore, that its component parts should have the desire and capacity as much to unite for common purposes as to separate for maintaining individual particularism. To quote Willoughby, "the strength of the federal movement in general depends upon the means that it affords for satisfying the demands of local or national particularism, and at the same time, for obtaining unity of political action between peoples allied by economic, historical or ethnic interests." A federal system, therefore, seeks to reconcile national unity with regional identity.

1.3.2 FEDERALISM DEFINED

The task of defining a federation, however, is not that easy as it seems to be. Several writers have taken different views about the definition of the true federation. Professor K.C. Wherare says that in a federation "there must be a division of powers between one general and several regional governments, each of which in

its own sphere is coordinate with others, each government must act directly on the people, each must be limited to its own sphere of action, and each must, with that sphere be independent of the others." The contemporary definition of federalism also takes into account the co-operative aspect of the federal government. In A. H. Birch's words "a federal system of government is one in which, there is a division of powers between one general and several regional authorities, each of which in its own sphere is co-ordinate with the others, and each of which acts directly on the people through its own administrative agencies." It is thus a process of federalising political community that is so say, a process by which a number of separate political communities enter into arrangements for working out solutions, adopting joint policies and making joint decisions on joint problems.

Broadly speaking in a federal system there is a government at the centre as well as one in each of the federating units. These governments derive their powers and authority from the constitution and, therefore, exist independent of each other. They exercise power over the people within their own jurisdiction directly the central government over the people in the country as a whole and the state governments over the people in their respective states. They collect taxes, enact laws and execute them in relation to these people. In this sense the two sets of governments are co-ordinate and independent. A government where this division of powers is absent cannot be called federal. At the most it could be unitary government with decentralisation of powers.

Though decentralisation is necessary to the working of a federal system, yet it should not be confused with federalism. Decentralisation thus does not necessarily make governments federal. And in fact to borrow Prof. Elazar's term, it is the non-centralisation that is the core of federalism. Here decentralisation simply means delegation of powers to some units the mercy of the central govt. for the enjoyments of powers and that the central govt. cannot centralise powers at its will.

1.3.3 INDIA A UNION OF STATES

Article 1 of the Constitution of India describes India as a union of states instead of federation despite of the fact that India adopted federal form of government.

While submitting the Draft Constitution on November 4, 1948, Dr. B. R. Ambedkar, the Chairman of Constitution Committee has used the term "Union" because of certain advantages. These advantages, he explained in the Constituent Assembly, were to indicate two things namely, (i) that the Indian federation is not the result of an agreement by the units; and (ii) that the federating units have no right to secede from it, unlike the Constitution of erstwhile Soviet union, which formally acknowledged the right of secession (Article 72) to each Republic, i.e., Unit of the Union.

1.3.4 STRUCTURE AND NATURE OF INDIAN FEDERALISM

The position of India is somewhat peculiar since it combines the features of unitary as well as a federal constitution. Prof. K. C. Wheare has termed this kind of a constitution 'quasi-federal'. "In the case of quasi-federal constitutions it is probably proper to include the Indian Constitution of 1950. He was led to observe that the Indian Constitution provides "a system of government which is quasi-federal… a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features." He maintains that Indian constitution does not limit the powers of the two governments and there is no rigid division powers between the two. If the situation warrants centre may at any time centralise the whole structure and turn it into a unitary system. However, to assign a new name 'quasi-federal' to this type of constitution, means nothing but to escape the problem of nomenclature. Watertight compartments and rigidity have already been rejected as the pre-requisites of a federal constitution and in the present times, no government can work in isolation. Co-operation has become necessary and this has led to co-operative federalism. No doubt, there is a very strong note of centralism in our constitution, but this is not peculiar to India. It is a feature of all the federations of the world. Even in the American federation there are evident signs of centralisation. The states are gradually surrendering more and more powers to the centre in the larger interest of the people and the nation. Further, needs of uniform planning and policy have added to the power of central governments. Economic and strategic considerations have also been responsible for the increased powers of the centre. The centralisation of the Indian federation has been justified by Professor Banerjee. He observed, "To my mind the strong

central government is indispensable to the maintenance of the unity, solidarity and integrity of India."

Thus to reject the federal character of a constitution simply because it does not limit the area of operation of the two governments is an absolute view of federalism. As S. P. Aiyar rightly points out "either a constitution is federal or not, it is not a correct perspective to speak of degrees of federation." Aiyar regards the federal constitution is the one which guarantees constitution autonomy of the states. A constitution which allows any of the two partners (union and units) to encroach upon each other's autonomy, is clearly unitary, however much it resembles outwardly a federal constitution. In the light of this definition, the Indian Constitution definitely does not show a federal character. But one should not adopt any rigid criterion and determinant and then try to measure federalism in that light. Considering some features of the U.S. Constitution or that of Australian Constitution as the real determinants of federalism and then applying them to Indian situation is unfair. This exercise as Prof. L. M. Singhvi puts it would be futile. Federal distribution, the existence of federating units, their respective legislatures and governments, and the exercise by them of distinct competence in geographically defined areas within constitutionally allotted spheres are basic and undoubtedly federal features of Indian Constitution. However, the federal nature of Indian Constitution as has been said, has always been a matter of controversy. The reasons behind this are nothing but the presence of unitary as well as federal characters in the same constitution.

1.3.4.1 Federal Features of the Constitution

The following are the federal features of Indian Constitution:

Written Constitution:

Federalism is a contract between two governments. This makes it necessary that the terms and conditions of the contract must be explicit and written. There should not be any confusion with regard to the jurisdictional spheres of the two governments. Thus a written constitution is inevitable in a federal system which can clearly define powers of the two governments in written clauses. Indian constitution, to this extent, fulfils the federal conditions and hence shows a federal character.

Rigid Constitution:

An important dimension of a federation is that it should possess a rigid constitution, amendable only either by the joint action of the federal and state legislatures. The Indian constitution is rigid to a large extent. Those parts of the Indian Constitution which directly define the constitutional relationship between the Union and State Governments can be amended only by the concerted action of Union and the State Legislatures. These provisions can be amended only after the amendment is passed by a two-third majority of the members present and voting, which must also constitute the absolute majority of the total membership of parliament and ratified by at least one-half of the state.

Constitutional Division of Powers:

Division of powers and constitutional autonomy of the two governments is considered to be the essence of a federal constitution. A constitution which does not define the powers of the union and the federating units cannot be called federal.

There seems to be a comprehensive attempt to define the limits of the Central and State Governments in the Indian Constitution. The Constitution of India divides the subjects between the Union and the States. There are three lists of subjects included in the Constitution. The Union List includes 97 subjects on which the Union Government has exclusive jurisdiction. The State List has 66 subjects which the state alone can make laws and administer. In addition to these there is Concurrent List with 47 subjects. These are common to both the Union and the States and they can make laws on them concurrently. If there is any conflict between the laws of a state and of the Union Government on these subjects, the latter prevails. In fact it was presumed that central co-ordination in certain fields would be desirable, in the national interest and therefore, these subjects of national and common interest were placed in the concurrent jurisdiction of the two governments. This exhaustive attempt to define the jurisdiction of the two partners, support the federal nature of the constitution.

Dual Government:

While in a unitary state, there is only one government at the centre, in a federal state, there are two governments the national or federal government and government of each federating units.

Though a unitary state may create local sub divisions, such local authorities enjoy autonomy of their own but exercise only such powers as are from time to time delegated to them by the national government and it is competent for the national government to revoke the delegated power or any of them at its will.

A federal state, on the other hand, is a fusion of several states into a single state in regard to matters affecting common interests, while each federating unit enjoys autonomy in regard to other matters. The federating units are not mere delegates or agents of the federal govrnment but both the federal and the federating units derive their authority from the same source, i.e., the constitution of the land. On the other hand, a federating unit or component state has no right to secede from the federation at its will.

Provisions for Independent Judiciary:

In a federal state neither of the two governments is sovereign or supreme. Both the partners are supreme and autonomous in their respective spheres of action and derive their authority from the constitution itself, which is the supreme law of the land. The division of power and allotment of different spheres of action to the two governments makes litigation inevitable and unavoidable. To resolve these legal problems arising out of the various interpretations of the constitution by the two governments necessitates the need of independent judicial machinery. Indian Constitution provides a system of judicial review of the governmental legislations, by an impartial judicial body the Supreme Court and the High Courts. Judiciary can set aside any act passed by any government if it goes against the provisions of the constitution or if in its opinion the legislature has not followed the procedure laid down by law. It is because of these federal features that the Supreme Court of India has described the constitution as 'federal.'

Supremacy of the Constitution:

Another important feature of a federation is the supremacy of the constitution. The Indian Constitution is the supreme law of the land. An amendment to the constitution can be brought about only with the co-operation of the centre and the states. Any act of a government of the centre or of a state, which violates the terms of the contract i.e., the constitution would be void or unconstitutional.

Bicameral Legislature:

All federal states must have a bicameral legislature – Lower House representing the populace and Upper House representing the equality of states. Likewise, the Constitution of India also establishes a bicameral legislature consisting of the Lok Sabha, which is elected by people of India and the Rajya Sabha, which is composed mainly of representatives of the states elected by the State Assemblies.

The above mentioned points bear testimony to the fact that the Indian Constitution is federal in form. But a federal government generally tends to be weak. The framers of the Indian Constitution, therefore, tried to do their best to strengthen the hands of the central government. They devised several methods by which the central government could intervene in the affairs of the states which gave the constitution a quasi-federal character. The centralisation of powers was essential in view of bitter lessons of history. Not only in the language of the constitution but also in its spirit, the main emphasis is on uniformity and on the strength of the centre. The strong unitary bias in the Indian Constitution is evident from the following features.

1.3.4.2 Unitary Features of the Constitution

The following are the unitary features of the Indian Constitution

Supremacy of the Union Government:

In a federation both the governments should be independent of each other and none should be allowed to encroach upon the autonomy of the other. If a strong centre can inroad into the state governments' sphere of action, then, of course, it ceases to be a contact between two equal partners. To this extent Indian Constitution

does not appear to be a federal one and it seems that distribution of powers is nothing but a farce. In fact mere 'distribution' is not the essence but is the constitutional guarantee of the state autonomy that makes the 'distribution of powers' the essence of federalism. In case of Indian Constitution, the powerful centre with a large sphere of action (97 items in List 1) can always shows its supremacy over the states.

i) The Centre can always override the legislative action of the states which have been taken in pursuance of the powers enumerated in the concurrent list (this does not apply in cases where the state law has already been given the assent of the President).

ii) Parliament also gets the power to act on any of the items, in the State List:

(a) If Rajya Sabha declares by a 2/3 majority of its members present and voting that it is necessary or expedient in the national interest that Parliament should makes laws with respect to any matter enumerated in the State List specified in the resolution (Article 249).

(b) While a Proclamation of Emergency is in operation, Parliament has power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in State List (Article 250).

(c) Parliament has also got the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body (Article 253).

(d) Parliament also gets the right to legislate on the subjects mentioned in the State List, in case of President's rule in a particular state. Parliament can lawfully exercise this authority if by a Proclamation issued under clause (I) of Article 256, it has been declared that powers of the legislature of the state shall be exercisable by or under the authority of the Parliament (Article 357).

iii) Another article which gives to the Parliament supremacy over the State Legislature is Article 3. By powers confer by this article the Union Government at any time change the boundaries of any existing state, merge it with some other state, create a new state out of an existing one or abolish a state altogether. This action of the Union Government might be even unilateral. Such a provision goes against the federal principle where the federating units should be guaranteed a perpetual and permanent life and should not be made dependent on the Union. As against this provision in the Indian Constitution, one reminded of the language of the American Constitution which declares the U.S. an 'indestructible Union of indestructible States'- union and States both being in destructible.

iv) The Concurrent List comprising 47 subjects over which the Union Government can exercise legislative and administrative jurisdiction if necessary, and, in doing so, enjoys on over-riding authority over the State Governments. Besides, the constitution vests residuary powers in the Union. Thus the division of power in the Indian Constitution is noticeably centripetal, that is unitary.

v) Apart from this, emergency provisions of the constitution (Articles 352, 356 and 360) make India virtually a unitary state. In that case the states can even be deprived of their autonomy leading to the concentration of powers in the Central Government. In times of emergency Union becomes too powerful to leave any trace of federalism.

Unequal Representation of the States in the Rajya Sabha:

The well accepted principle of a federal form of government is to make the upper chamber representative of the constituent states. Its composition is based on the principle of equality of representation without any consideration of their size or population. The Rajya Sabha, unlike the Senate of America does not have equality of representation. The upper house in the U.S.A (Senate) represents each state as one unit and does not discriminate on the basis of population. Every state in the U.S.A is represented by 2 Senators. In India, however, that federal principle has not been observed. The states are represented not uniformly but in proportion to their size and population.

Single Citizenship:

That there is a definite swing towards unitary system in the Indian Constitution is an established fact. In a typical federation like the United States of America, every citizen enjoys dual citizenship. Every American is a citizen of his state as well as that of America. The Indian Constitution makes a departure from this federal principle and recognises only single citizenship. States in India cannot claim parochial loyalty from their residents who represent only India and are the nationals of that. The framers of the Indian Constitution deliberately refrained from introducing the idea of dual citizenship to check the separatist tendencies and to ensure a strong feeling of nationalism.

Single Constitution for the Union and the States:

The federating units of the Indian federations have not been given the right to frame their own constitutions as has been done in the United States of America, Switzerland and in the former Soviet Union. The Constituent Assembly of India was the only Constituent authority for the Union as well as for the State. It has rightly been said that "The Constitution of the Union and the State is a single frame from which neither can get out and within which they must work."

Single Judiciary:

In the U.S.A there is a bifurcation of the Judiciary as between the Federal and the States Governments. Cases arising out of the federal constitution and federal laws are tried by the federal court while state courts deal with case arising out of state constitution and state laws. In India, on the contrary, there is one single integrated judiciary with the Supreme Court at the apex and the high Courts in every state. There are no two set of laws but single civil and criminal codes for the entire country. This, again, is clear violation of the federal principle and points towards the unitary character of the constitution.

Common All India Services:

Another important feature of the India Constitution which indicates towards a unitary rather that a federal form of government is the provision for the common All India Services. Important Services like the India Administrative Services, The Indian Police Services, The Indian Forest Service etc. are common All India Services. Members of these services are recruited by the Union Public Service Commission (U.P.S.C)

on all-India basis. The members of I.A.S are allotted to various states, but the service can be utilised by both Union Government and the States. Because these services are controlled by Union Government, this constitutes a constraint on the autonomy of the states to a considerable extent. The Constitution of the U.S.A which a typical federal constitution, does not envisage such a system of administrative services.

Appointment of Governors by the President:

Unlike the procedure followed in other federations the State Governors in India are nor elected but appointed by the President. The constitution lays down that the State Governors shall be appointed by the President and hold office during his pleasure (Article 155 and 156). It is expected of the Governor to keep the President duly informed of all the state affairs and also execute the directions issued by the President in emergency times. In this way the central authority covers the whole of administration of the federating units, which in the opinion of critics is contrary to the spirit of a true federation.

Centralised Electoral Machinery:

The Indian Constitution provides for an election commission (Article 324). It is a centralised electoral machinery which superintends, directs and controls the election of the members of Parliament. The members of the Election Commission are appointed by the President. This is the yet another characteristic feature of the unitary system.

The above discussed points clearly indicate that the Constitution of India gives extra-ordinary powers to the centre and in that way makes it a Leviathan. Component units have not been treated at par and if one looks at the constitution, one comes to the conclusion that the units have no real power or autonomy in any sphere and the centre is too strong to leave any real powers with the units.

1.3.4.3 Why Constitution is Biased in favour of a Strong Centre?

The long list of the unitary features of the Indian Constitution makes it necessary to examine the reasons and factors that might have compelled the constitution fathers to include so many unitary elements in the Indian Constitution which aimed at establishing a federal government. The existence of a strong centre was not inconsistent with the theory and practice of federalism. Each country evolves its own pattern of centre-state

relations in the light of historical experiences. The danger of communalism, lack of experience in the provincial administration, need to have a strong government to combat the forces of destruction so active in the post-independence era etc., were some of many other factors which convinced the framers of the constitution that pure and rigid federation would not work in India. To avoid the risk of being destroyed by the destructive and divisive forces, the Constituent Assembly decided to have federation which was not rigid but elastic and could easily be turned into a unitary system as and when it was so required. Justifying a strong centre, K. M Panikkar said, "The purpose which the founding fathers had in view was not only to hold in check the fissiparous tendencies which led to the disruption of former empire, and to maintain the unity which had been achieved after so much struggle, but to endow the Central Government with all power necessary in the political and economic field to enable India to undertake a policy of planned development which would raise her to the position of a modern nation, unhampered by the statutory rights of state governments."

Apart from the reasons mentioned above it is quite possible to argue that the ideas of modern welfare state, the growing centralisation in other parts of the world which has changed the working of the weak federations in many countries including the United States and the fact that the most of the subjects which were once considered to be of local importance only, have attained national importance, were some such factors which might have influenced the constitution framers. The need of keeping abreast with the latest developments made the framers of the constitution feel strong about the necessity of making the federation feasible and hence biased in favour of the centre.

The strong central bias has, however, been a boon to keep India together when one finds the separatist forces of communalism, linguism and scramble for power, playing havoc notwithstanding all the devices of central control, even after four decades of the working of the constitution. It is also to be admitted that the states are not working like the agents of centre as some critics have alleged. Had that been the case the Assam, Punjab and Kashmir problems would not have dragged for such a long item.

From the above discussion it is abundantly clear that the framers of the India Constitution were not guided by any other consideration, but the national interest. They

sacrificed rigid federal principles for the sake of expedence and thus avoided all types of theoretical principles, which they thought might come in way of the rapid development of the nascent Republic. As Dr. Rajendra Prasad once told, "Personally, I do not attach any importance to the label which may be attached to it whether you call it a federal constitution or a unitary constitution or by any other name. It makes no difference so long as the constitution serves our purpose." Similarly, Dr. B. R. Ambedkar observed in the Constitution was caught, and could be both unitary, as well as federal according to the requirements of time and circumstances".15 Indian federation, thus, a sure improvement on the other federations of the world. It incorporates what is best in both the federal and unitary forms.

1.3.5 TRENDS IN CENTRE-STATE RELATIONS

The last 60 years of the working of Centre-State relations has witnessed continuous expansion of the responsibilities of national government. The extension of the role of the Union in the State field has come about as a result of the legislative and executive action of the Union.

The Union has through the exercise of its dominant legislative power taken over functions which normally were left to the States. Acts passed by the Parliament by virtue of Entries 52 and 54 of the Union List are typical examples. The Constitution envisages that fiscal resources would be transferred to the States on the recommendation of the Finance Commission.

1.3.5.1 Emerging Issues in Union and State Relations

Federalism is a dynamic concept. More than the constitutional provisions, federalism is shaped by other factors like economic policy or the role of judiciary or the nature of party system etc. In Indian context, we see a major change in the functioning of Indian federal system since 1990's. The factors responsible for bringing these changes are the breakdown of Congress Party; the rise of regional parties; the rise of coalition politics at centre; judicial activism; presidential activism; new economic policy based on LPG; rise of new threats like terrorism or communal violence and passage of acts like RTI.

There has been a perception that the Union has occupied most of the concurrent

field leaving little to the states, and by indiscriminately making declarations of public interest or national importance, taken over excessive area of the linked entries in the State fields at the expense of the State legislative power. The institution of Governor has been alleged to have been made use of to destabilize the State Governments run by parties different from that in power in the Union, to facilitate imposition of the President's rule and reserve for President's consideration many Bills to thwart the State legislative process.

Over the years, legislative powers of centre have widened. State list has lost some items and union list as well as concurrent list has gained some items. Items shifted from state list to union and concurrent list. Since the emergencies of the coalition era, we don't see the shifting from state list to central list. This shows that states are becoming strong in Indian context.

It has been complained that the resources of the States have not grown at a rate commensurate with the growth in their responsibilities. Another issue raised is that the emergence of planned development has concentrated all power in the hands of the Union, with the Planning Commission, during its existence, acting as a limb of the Union Government. The system of controls, licenses and permits which had its origin darting the Second World War, has proliferated greatly to sub serve the requirements of a planned regime.

India's political reforms are an important factor in transforming federalism. This transformation in India's party system developed from a single-party dominant to a multiparty system of governance that includes State (or regional parties). The trend in this transformation began in 1989 with V.P. Singh's Janta Dal coalition government. This trend has been followed in 1996 (United Front Government), 1998 and 1999 (|BJP-led coalition) and Congress-led coalition in 2004 and then again in 2009, though India has witnessed again a strong single party dominance from 2014 Lok Sabha election, where BJP gained full majority and later winning most of State legislature elections.

Regarding institutional restructuring of Centre-State ties in the light of Sarkaria Commission recommendations, it is reported that the authorities have considered 190 recommendations out of 247 and accepted 155 with or without modifications.

Those groups that have advocated greater decentralization of India's federal system have paradoxically called for inter-governmental instruments of governance, whereas those who have advocated cooperative federalism have discounted the need for additional inter-governmental institutions. The viability of federal democracy in India may need to depend on the creation of a system of Centre-State relations that does not reinforce existing inter-governmental friction.

In the context of coalition politics and new economic policy, there is change in fiscal relationship between centre and states. The new economic policy guided by the principles of LPG has resulted into the federal restructuring in financial aspect. According to Rudolfh and Rudolfh, India has moved away from centralized command economy to federal market economy. One of the unforeseen consequences of economic liberalization has been its dramatic impact on Centre-State relations. As a result of the impact of economic reform, federal relations in India are gradually being transformed from inter-governmental cooperation between the Central government and the States towards inter-jurisdictional competition between the States.

In finance sphere, a new type of federalism is emerging known as "Sectoral federalism". It means power is shifting from the centre to regulatory authorities like SEBI, TRAI etc. This shows that the nature of control is changing.

Given the magnified leverage of regional parties in a multiparty system of governance, any Central government regulatory role will require the consent of the States. In a federal system that features growing inter-jurisdictional competition among the States, it is unlikely that States would acquiesce to regulations that may jeopardize a foreign investor's decision to invest in a given State.

1.3.6 LET US SUM UP

Federalism means a division of powers among the centre and the states. The basic objective of federalism is to avoid the two extreme positions of centralisation and decentralisation. Different writers have defined federalism and therefore put forward varied definitions.

Indian constitution also provides for a federal structure for India, but with

certain unitary features. However the term federation is not used directly in the constitution. Instead Article 1 of the Indian Constitution describes India as a union of States. At times, people like K. C. Wheare have termed Indian state as 'quasi federal.' According to him, Indian constitution provides "a system of government which is quasi federal… a unitary state with subsidiary federal features rather then a federal state with subsidiary unitary features.' As far as the federal features of Indian constitution are concerned, these include the characteristics like a written constitution, rigid constitution, constitutional division of powers, dual government, provisions for independent judiciary, supremacy of the constitution, Bicameral legislature etc. Similarly, unitary feature of the constitution provides for the supremacy of the Union Government, unequal representation of the state in Rajya Sabha, Single citizenship, Single constitution for the union and the states, single judiciary, common All India Services, Appointment of Governors by the President, Centralised Electoral Machinery.

1.3.7 EXERCISE

1. What are the different views taken of by different writers regarding federalism?

2. Is India a true federation? If not why and how?

3. What are the different federal features of the Indian constitution?

4. What are the different unitary features of the Indian constitution?

5. Under what condition does the Parliament has a power to make laws for the whole or any part of the country?

6. Critically analyse major trends in Indian Federalism.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – I : **Introduction to Indian Constitution**

1.4 PROCEDURE FOR AMENDMENT OF INDIAN CONSTITUTION

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STRUCTURE

1.4.0 Objectives

1.4.1 Introduction

1.4.2 Procedures and Methods of Constitutional Amendment

1.4.3 Methods of Amendment: Critical Evaluation

1.4.4 Important Constitutional Amendments

1.4.4.1 Twenty-Fifth Amendment

1.4.4.2 Forty-Second Amendment

1.4.4.3 Main Features of 42nd Amendment

1.4.4.4 44th Amendment

1.4.4.5 122nd Constitutional Amendment - GST

1.4.5 Let us Sum Up

1.4.6 Exercise

1.4.0 OBJECTIVES

After going through this unit, you should be able to:

- Know the importance of constitutional amendment;

- understand the procedures and methods of amendment to Indian Constitution;

- comprehend important amendments to India's Constitution

1.4.1 INTRODUCTION

To evolve and change with the changes in the socio-economic environment is the necessity of every constitution, more particularly so of a written constitution. Flexibility is an essential condition for the successful separation of a constitution. However, undue flexibility can be a source of constitutional instability. In particularly, in federal constitutions it can be a source of conflict between the centre and the states. As such some rigidity, in the form of a special procedure for the amendment of the constitution, is always essential for a constitution. Particularly for a federal constitution 'Rigidity' can be a means for securing constitutional stability and a guarantee against the misuse of the amending power by the persons who hold the political power at a particular time. The makers of the constitution of India were fully aware of these facts. They have provided a written constitution along with a method of amendment of the constitution. The Supreme Court's judgement that 'while the Parliament has the right to amend every part of the constitution, it cannot change the 'Basic structure' of the constitution, also reflects the decision to accept flexibility in general along with rigidity in respect of basic features of the constitution.

1.4.2 PROCEDURES AND METHODS OF AMENDMENT

The Constitution of India in its Part XX, which contains only one Article 368 deals with the power of the Parliament to amend the constitution and procedures required to follow for such an amendment. Therefore, it lays down two special methods for the amendment of various parts of the constitution. However, along with it, the union Parliament has been vested with the power to change some specified Articles

of the Constitution through the exercise of its law-making powers. Further, there are two articles of the Constitution (Art. 249 and 312) by virtue of which the Council of States can effect changes by passing resolutions supported by a 2/3rd majority of its members, present and voting. But the Constitution itself declares that changes thus made shall not be deemed as amendments of the constitution.

In respect of some specified provisions of the Constitution, a very rigid method of amendment has been prescribed. In respect of these the amendment-making involves two stages:

- First, the amendment bill is to be passed by both the Houses of the Union Parliament by a majority of total membership and a 2/3rd majority of members present and voting in each House.

- Secondly, after this the amendment bill has to secure ratification from at least half of the several State Legislatures (now at least 14 state legislatures).Only then it gets finally passed and incorporated as a part of the Constitution when the President puts his signatures on the bill.

  The following provisions of the constitution can be amended by this rigid method: (i) Election of the President; (ii) Scope of the executive power of the Union; (iii) Scope of the executive power of a State; iv) Provisions regarding High Courts in Union Territories; (v) Provisions regarding Supreme Court of India; (vi) Provisions regarding High Courts in States; (vii) Legislative Relations between the Union and States; (viii) Any of the Lists in the Seventh Schedule. (Division of Powers between the Union and States); (ix) Representation of States in the Parliament; (x) The Provisions of Article 368. (Method of Amendment).

- Thirdly, additional Amendment-making by A Simple Majority in the Two Houses of Parliament:

  In respect of some provisions of the Constitution the Parliament has been given the power to make necessary changes by passing as a law in the normal way i.e. by simple majority of members of both of its Houses. It is, indeed, an easy method of amendment. It applies to the following

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provisions of the Constitution: (i) A Admission/ formation of new States and alteration of areas, boundaries or names of existing States; (ii) Citizenship provision; (iii) Provision regarding delimitation of constituencies; (iv) Quorum of the two Houses of Parliament; (v) Privileges and Salaries and allowances of the MPs; (vi) Rules of procedure in each House of the Parliament; (vii) English as a language of the Parliament; (viii) Appointment of Judges and jurisdiction of Supreme Court; (ix) Creation or abolition of Upper Houses in any state; (x) Legislatures for Union Territories; (xi) Elections in the country; (xii) Official language of India; (xiii) Second, fifth and sixth Schedules of the Constitution; These methods of amendment reflect a mixture of rigidity and flexibility in the Indian Constitution.

1.4.3 METHOD OF AMENDMENT: CRITICAL EVALUATION

Many constitutional experts and scholars are critical of amendment method to Indian Constitutions. Some of them are outlined below.

1. *Undemocratic*: The critics hold that since the process of amendment does not provide for a system of getting consent or approval of the people of India, it is an undemocratic method.

2. *Very Flexible:* The Parliament alone can amend most of the constitutional provisions. The flexibility of the constitution is evident from the fact that during the past 60 years 94 constitutional amendments have been made.

3. *Very Rigid:* Some scholars feel that the Constitution of India is very rigid. It worked as a flexible constitution during 1950-1989 only because of the presence of single party dominance in Indian politics. In this era of coalition governments, it has become a very rigid constitution.

4. *Lack of Procedure for resolving deadlocks over Amendment Bills:* The Constitution does not provide for any method of resolving deadlocks between the two Houses of parliament over an amendment bill.

5. *Less Importance to States:* Except for the 'ten provisions' listed by Article 368, all parts of the Constitution can be amended by the Union Parliament alone without the consent of the State Legislatures. States do not have

even the right to propose amendments.

6. ***The provision for Judicial Review over Amendments:*** Some critics also object to the system of judicial review which permits the Supreme Court and every High Court to judge the constitutional validity of the amendments passed by the Parliament. This makes the Supreme Court of India a super legislature with the negative power of the rejecting duly passed amendments. On all these grounds, the critics strongly criticise the method of amendment of the Constitution of India.

However, many disagree with the above criticism in the following grounds: 1) it is the best possible method of amendment. It has both the quality of being rigid as well as flexible. It strikes a good balances.(2) In a developing country like India, the constitution is an instrument of social change and that is why it has undergone frequent amendments.(3) The detailed and lengthy size of the constitution and its character as a common constitution of both the Union and States, have also been responsible for the incorporation of several and frequent amendments.(4) The existing method of Amendment stands justified as a natural necessity of India's pluralist society and developing polity. The amendment method has helped the Constitution to change in response to the changes in Indian society and polity.

1.4.4 IMPORTANT CONSTITUTIONAL AMENDMENTS

As of September 2016, there have been 101 (latest by GST Bill) amendments to the Constitution of India ever since it was first enacted in 1950. Some of the important Amendments of these 101 are explained below.

1.4.4.1 Twenty-Fifth Amendment

The twenty-fifth Amendment (1972) placed additional restrictions upon the Right to property (Article 31). It provided that "no property shall be compulsorily acquired or requisitioned except for public purpose by authority of law which was also to determine the amount to be paid for the property. The amount so determined could not be called in question in any court on the ground that it is not adequate," This amendment also laid down that if any law was passed to give effect to the directive

principles of state policy, under Article 39 (b) or (c) it could not be declared void on the ground that it was inconsistent with the rights conferred by Article 14, 19 and 31 of the Constitution.

1.4.4.2 Forty-Second Amendment

On 18 December 1976 the Forty-second Amendment was incorporated in the Constitution. It involved a partial revision of the Constitution. It had 59 clauses. It added Part IV A and Part XIV A to the Constitution. It replaced fully four Articles, added nine new Articles, amended 36 Articles, the Preamble and Seventh Schedule of the Constitution. It made far reaching changes in the Constitution.

Several of the changes incorporated by this Amendment were repealed or amended by the 43rd and 44th Amendments. The 43rd Amendment restored the position of the judiciary to its pre-December 1976 position. It deleted Articles 31D, 32A, 131A, 144A and 228A of the Constitution which were added by the 42nd Amendment for limiting the role of judiciary in Indian political system. It restored to the judiciary its power of judicial review over union and state laws as well as over amendments.

1.4.4.3 Main Features Of 42nd Amendment

Forty-second Amendment Act added Articles 39-A, 43-A, 48-A, 131-A, 139-A, 144-A, 225-A, 228-A and 257-A to the Constitution. It replaced Articles 103, 150, 192 and 226 by completely new Articles the following Articles were amended by it: 31 C, 39, 55, 74, 77, 81, 83, 100, 102, 105, 118, 145, 166, 170, 172, 179, 191, 194, 208, 217, 227, 228, 310, 312, 330, 352, 356, 357, 358, 359, 366, 368 and 317K.

1. CHANGE IN THE PREAMBLE: The preamble of the constitution was amended by adding the word "socialists", "secular" and "integrity" in its text.

2. CHANGES IN THE RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES: The relationship between fundamental rights and the Directive Principles of the state policy was

changed by providing that notwithstanding anything contained in Article 13, no law giving effect to the policy of state towards securing "all or any of the principles laid down in Part-IV" shall be deemed to be void on the grounds that it is inconsistent with or takes away or abridges any of the rights conferred by Article 14, Article 19 or Article 31. Earlier the 25th Amendment had provided that for the implementation of the Directive Principles of the State Policy as contained in Article 39 (b) (c) the Fundamental Rights mentioned in Articles 14, 19 and 31 could be violated. This Amendment made a major change in the relationship between fundamental rights and directive principles of state policy.

3. ADDITIONS MADE IN PART IV: 42nd Amendment added four new Directive Principles to Part IV of the constitution which are as follows:-

   a) The children should be given opportunities to develop in a healthy manner so that they may live in conditions of freedom and dignity. Moreover, children as well as youth should be protected against moral and material exploitation.

   b) To provide justice on the basis of equality, free legal aid should be given to the citizens so that they may not be denied justice because of economic disabilities.

   c) Provision should be made by law to secure participation of workers in the management of undertakings, establishments and industry; and

   d) The state should protect environments and safeguard the forests and wild life of the country.

4. ADDITION OF PART IV A: A new Part IV-A dealing with Fundamental Duties was also added to the constitution. It laid down ten fundamental duties of a citizen. However, these were not made enforceable.

5. ADDITION OF PROVISION REGARDING PREVENTION OF ANTI-NATIONAL ACTIVITY: The 42nd Amendment defined anti-national activities provisions in a new Article (Art. 31D). For preventing anti-national activities these provisions provided that 'notwithstanding anything

contained in Art 13 no law, providing for:

(a)   The prevention of prohibition of anti-national activities; or

(b)   The prevention of formation or the prohibition of anti-national association;

(c)   Shall be deemed to be void on the grounds that it is inconsistent with or takes away or abridges any of the rights conferred by Art 14, Art 19 and Article 31.

The power to make laws for the prevention of anti-national activities or for the prevention of formation of anti-national associations was given to the Parliament and not to the state legislature.

6. PRESIDENT WAS TO BE BOUND BY THE ADVICE OF THE COUNCIL OF MINISTERS: It provides that President shall in the exercise of his function, act in accordance with the advice of the Council of Minister (Art. 74). Before this amendment the president's behaviour as a nominal head depend upon conventions.

It also provides that the satisfaction of the president for issuing an ordinance shall be final.

7. PROVISION REGARDING THE AMENDMENT OF THE CONSTITUTION: The 42nd Amendment ensured the power of parliament to amend any part of the Constitution. It declares that there shall be no limitation what so ever on the constituent power of Parliament to amend by way of addition; variation or repeal the provisions of this constitution under this Article. The implication of this amendment was that the Parliament has unlimited powers of amending the Constitution. Moreover, it placed the amendments of the Constitution beyond the purview of judicial review.

1.4.4.4 44th Amendment

The 44th Amendment of the Constitution (1978) introduced several changes not only involving the deletion of many changes made by 42nd Amendment but also for removing certain road-blocks in the way of the development of the Indian Constitution

as a constitution of a liberal democratic political system.

Main Features of 44ᵗʰ Amendment

1. DELETION OF RIGHT TO PROPERTY: The 44th Amendment deleted clause (f) of Article 19 and 31 of the Constitution dealing with the fundamental right to property. This was done to reduce the possibilities of a conflict between Part III and IV of the constitution - Right to Property had been a bone of contention because of its inherent conflict with Part IV of the constitution dealing with the Directive Principle of State Policy. Since the judiciary took the position that the fundamental rights are superior to the directive principles of state policy, it became an object of attack in parliament on the ground of being defender of privileged classes. Hence, keeping in view, this controversial Right to Property was deleted from the Chapter on fundamental rights and was made legal right under Art. 300 A with a position that if the property of an educational institution of a minority was to be acquired then the state would pay fair compensation (Article 301 A).

2. SPECIAL PROTECTION FOR FUNDAMENTAL RIGHTS GUARANTEED UNDER ARTICLES 20 AND 21: The 44ᵗʰ Amendment guaranteed additional protection in respect of conviction for offences (Article 20) and protection of life and personal liberty (Art. 21) by providing that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during any emergency.

3. ADDITION OF ONE MORE DIRECTIVE PRINCIPLE: For this purpose 44ᵗʰ Amendment added clause (2) to Article 38. It lay down that the state shall in particular, strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

4. DELETION OF PROVISIONS REGARDING ANTI-NATIONAL ACTIVITIES AND ANTI-NATIONAL ASSOCIATIONS AS MADE BY 42ND AMENDMENT: Realising that the provision regarding anti-national activities and associations can be misused by the party in power for silencing the voice of dissent, Article 310 A inserted by 42nd Amendment, dealing with the anti-national activities and association, was deleted.

5. CHANGES IN POWERS OF PRESIDENT: While accepting that the President was bound by the advice of the council of ministers, the 44th Amendment made a slight change in President's position by laying down that the president may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration. It also deleted Article 123 (4) which provided that the satisfaction of the President regarding the issuing of ordinance shall be final and conclusive and shall not be questioned in any court.

6. CHANGES REGARDING THE JUDICIARY: The 44th Amendment restored fully the judiciary review power of the Supreme Courts:

   (a) Repealing of Article 131 A which had provided that the Supreme Court had the power to judicially review only over the central laws. It was laid down that judicial review could be made over both central and state laws;

   (b) Repealing of Article 226 A which had provided that the High Court was not to consider the constitutional validity of central laws; and

   (c) Deleting the provision that a distinguished jurist can be appointed as a judge of the High Court [(Article 217 (2) (c)].

7. CHANGES IN RESPECT OF UNION-STATE RELATIONS: The 44th Amendment deleted the provision for the deployment of armed forces of the union in the state without the request of the government of the state concerned. It restored the form in which the accounts of the Union and the States were to be kept by providing that "the accounts of the union and of the states shall be kept in such form as the President may on the advice of the Comptroller and Auditor General of India prescribe."

1.4.4.5 122nd Constitutional Amendment - GST

The One Hundred and Twenty Second Amendment of the Constitution of India, officially known as The Constitution (One Hundred and Twenty Second

Amendment) Act, 2016, introduced a national Goods and Services Tax in India from 1 July 2017.

The GST is a Value added Tax (VAT) is proposed to be a comprehensive indirect tax levy on manufacture, sale and consumption of goods as well as services at the national level. It will replace all indirect taxes levied on goods and services by the Indian Central and state governments. It is aimed at being comprehensive for most goods and services.

GST is a single tax on the supply of goods and services, right from the manufacturer to the consumer. Credits of input taxes paid at each stage will be available in the subsequent stage of value addition, which makes GST essentially a tax only on value addition at each stage. The final consumer will thus bear only the GST charged by the last dealer in the supply chain, with set-off benefits at all the previous stages.

The introduction of GST would be a significant step in the reform of indirect taxation in India. Amalgamating several central and state taxes into a single tax will mitigate cascading or double taxation, facilitating a common national market. This would be hugely beneficial for consumers as the tax burden on inter-state logistics will be cheaper. A common tax would mean easy compliance and uniformity of tax rates and structures for industry and would thus contribute to ease of doing business by removing cascading costs. For central and state governments, GST is expected to lead to easier administration and enforcement. From the consumer point of view, the biggest advantage would be in terms of a reduction in the overall tax burden on goods.

1.4.5 LET US SUM UP

The Amendment to the Constitution of India is very essential as changes take place in the socio-economic environment over the period. Pt. Nehru has rightly observed." While we want this constitution to be solid and permanent as we can make it, there is no permanence in constitution, there should be a certain flexibility. If you make everything rigid and permanent you stop a nation's growth, the growth of a living, vital and organic people." Commenting upon the attempts of the makers to introduce both

flexibility and rigidity in the Constitution of India, Jennings observes. "It has been devised to safeguard the basic provisions of the constitution from hasty changes and at the same time to render any easy alternation of its less important aspects possible and thus to impart a degree of flexibility to it."

1.4.6 EXERCISE

1. What is the importance of Constitutional Amendment?

2. Explain various methods to amend Indian Constitution?

3. Discuss the twenty-fifth Amendment.

4. What are the changes taken place through 42nd Amendment to the Constitution of India?

5. Write a short note on the features of 42nd Amendment.

6. Discuss 44th Amendment.

7. What is the importance of GST?

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B.A. Political Science, Semester II

Course Title : **Indian Government and Politics**

Unit – II : **Government : Structure and Functions**

2.1 INDIAN PARLIAMENT : COMPOSITION AND LAW MAKING PROCEDURE

– Parminder Kour

STRUCTURE

2.1.0   Objectives

2.1.1   Introduction

2.1.2   Organization of Indian Parliament

2.1.3   Privilege of the Members of the Parliament

2.1.4   Sessions of the Parliament

2.1.5   Law Making Functions of the Indian Parliament

2.1.6   Let us Sum Up

2.1.7   Exercise

2.1.0   OBJECTIVES

After going through this lesson, you should be able to:

- know the composition of Indian parliament;

- understand the sessions of the Parliament;

- discuss the law making procedures and various functions of Indian parliament.

2.1.1   INTRODUCTION

The law-making powers of the Union have been vested by the Constitution of India, in the Union Parliament which is a bicameral legislature with the House of People (Lok Sabha) as the Lower House and the Council of States (Rajya Sabha) as the Upper House. Legally the law-making powers are exercised by the President in Parliament. However, the President is not a member of either house.

2.1.2 ORGANISTION OF INDIAN PARLIAMENT

Article 77 of the Constitution provides, "there shall be a Parliament for the Union which shall consist of the President and the two houses to be known respectively as the Council of States and the House of the People.

2.1.2.1 Composition of the Council of the State

The Council of States i.e. Rajya Sabha is the Upper House of the Parliament. It consists of a maximum 250 members out of which 238 are representatives of the States and Union Territories and 12 members are nominated by the President from amongst persons having special knowledge or practical experience in the sphere of literature, science, art and social services. The members of the Rajya Sabha are elected by the elected members of the Legislative Assembly of each state in accordance with the system of proportional representation by means of the single transferable vote system. The members hold a term of six years, while the Rajya Sabha as a whole is a quasi-permanent body. Its 1/3rd members retire after every two years. The Rajya Sabha is often referred to as House of Elders because citizens of the age of the 30 years or above alone can become its members. The quorum for its meetings is 1/10th of its membership. The Vice-President of India is the ex-office Chairman of the Rajya Sabha. He is not its member but presides over its meetings and can exercise a casting vote in case of a tie. In his absence, the Deputy Chairman of the Rajya Sabha, who is elected by the members of the Rajya Sabha from amongst themselves, presides over its meetings.

2.1.2.2 Composition of the House of the People (Lok Sabha)

The House of People, i.e. Lok Sabha is the lower house of the parliament. Its members are directly elected by the people of India on the basis of territorially

delimited constituencies. Hence, it is most powerful House of the Union Parliament. It has at present a strength of 545 members, out of which 525 are the elected representatives of the people living in the states of the Union and 20 are the elected representatives of the people living in the Union Territories. The President has the right to nominate to the Lok Sabha two members belonging to the Anglo-Indian Community in case he feels that this community has failed to get adequate representation in the Lok Sabha elections.

The Lok Sabha has a tenure of five years. However, it can be dissolved at any time by the President acting under the advice of the Prime Minister and the Council of Ministers. If no party is in a position to form the government or to maintain itself in power, the President can dissolve the Lok Sabha and order a fresh poll. In this case, the elections to the Lok Sabha are termed as a mid-term poll.

2.1.3 PRIVILEGE OF THE MEMBERS OF THE PARLIAMENT

With a view to enable the members of the Parliament to carry put their functions in a free and benefiting manner, several special privileges are made available to them by each House of the Parliament. They enjoy freedom of speech in their respective houses and freedom from arrest.

2.1.4 SESSIONS OF THE PARLIAMENT

The sessions of the Parliament are summoned and prorogued by the President, who in doing so acts upon the advice of the Prime Minister. However, the Constitution lays down that there cannot be a gap of more than six months between two sessions of the Parliament. This provision ensures the holding at least two sessions of the Parliament in a single year.

2.1.5 LAW MAKING FUNCTIONS OF INDIAN PARLIAMENT

The functions of Indian Parliament can be analysed under the following heads:-

2.1.5.1 Legislative Powers

The most important function of the Union Parliament is to make laws for the whole country. This power is limited by the Constitutional provisions. It can

legislate over the subjects of Union List. It has concurrent jurisdiction with state legislatures over the subjects of the Concurrent List. But the provision that in case of conflict between a Union law relating to a Concurrent subject and a State law on it, the Union law prevails favours the Union Parliament. It has also the power to legislate over the subjects (Residential subjects) which are not mentioned in the three lists. At a time when under Article 358 of the Constitution a national emergency stands proclaimed in India, the Union Parliament can legislate over the subjects of the State List also, but laws thus made remain operative only during emergency or up to six months after the end of emergency. Likewise when a Constitutional emergency under Article 356 stands proclaimed in any State List.

Further, under Article 249, the Rajya Sabha can pass a resolution supported by 2/3rd majority and declare that a particular state subject has become a subject of national importance. It such a case the Union Parliament gets the power to make laws on the said subject for a period of one year. The Rajya Sabha can however, annually extended this period by repeatedly passing resolutions under Art. 249.

In the sphere of ordinary law-making, i.e. non-fiscal legislation, the two houses of parliament enjoy coequal powers. Further, an ordinary bill passed by the two houses becomes an act only after the consent of the President. The President has the power to return the bill to the Parliament for reconsideration. In this case the Parliament has to re-pass it.

2.1.5.2 Financial Powers

The Parliament is the custodian of the national purse. The Executive cannot levy or collect a tax or make expenditure without the approval of the Parliament. No tax can be levied or collected or revised by the government without the approval of the Parliament. The fiscal policy of the government can be enforced only after it gets the approval of the Parliament.

The financial powers of the Parliament are really exercised by the Lok Sabha. The money bills can be introduced only in the Lok Sabha and in case of any dispute over the fact as to whether a bill is a money bill or not, the speaker

of the Lok Sabha gives the final ruling. After getting passed, a money bill goes to the Rajya Sabha which can at best delay its passage for only 14 days.

2.1.5.3 Control over the Executive

The Parliamentary system is in operation in India and under it there is a close relationship between the Parliament and the Ministry. The Council of Ministers is directly responsible to the Parliament (in really, to the Lok Sabha). For all its acts of omission and commission, the Members of the Parliament can put questions and supplementary questions to the Ministers for eliciting information regarding the working of administration. They can move adjournment motions, cut motions, call attention motions, censure motion and no-confidence (only by the members of the Lok Sabha) motion for keeping the executive under control and making it responsible and accountable. The defeat of a government bill in the Lok Sabha is taken as a loss of confidence by the Council of Ministers and it resigns. The Lok Sabha can cause the fall of the government by passing a vote of no confidence. Several committees of the Parliament perform the function of scrutinising on behalf of the Parliament and the work of the government. The government has to get its policies approved by the Parliament before these are implemented. Thus, the Parliament under the Indian Constitution has the power and responsibility to control the Council of Ministers. In this sphere too, the Lower House, i.e. the Lok Sabha enjoys a superior position vis-à-vis the Rajya Sabha.

2.1.5.4 Power to amend the Constitution

The Union Parliament enjoys the power to amend the constitution in accordance with the provisions of Article 368 or in accordance with other specified provisions. A bill for amending the Constitution can be introduced only in the Union Parliament. Most of the provisions of the Constitution can be amended by the Union Parliament unilaterally. This can be done by passing the amendment bill by a majority of the total membership and 2/3rd majority of members present and voting in each House.

2.1.5.5 Electoral Functions

The elected members of the Lok Sabha and the Rajya Sabha form one part of the Electoral College which elects the President. The other part is constituted by the

elected members of all the state Legislative Assemblies. Both Houses of Parliament together elect the Vice-President of India. The members of the Lok Sabha elect two of their members as the speaker and Deputy Speaker. The members of the Rajya Sabha elect their Deputy Chairman.

2.1.5.6 Impeachment Functions

The Parliament has the power to impeach the President in case it finds him guilty of violation of the Constitution. For this purpose 1/4th members of either house under their signature can move the impeachment resolution. For doing this, they have to give a prior notice of 14 days. If the house in which the impeachment resolution is moved passes it with 2/3 majority of its total membership, the resolution goes to the other House, which investigates the charges. The President is given the opportunity to defend himself. If this House also passes the impeachment resolution in identical terms and by 2/3 majority of its total membership, the President stands impeached. The judges of the Supreme Court and High Courts and several other high officials of the state can also be impeached by the Parliament in a similar way.

2.1.5.7 Miscellaneous Functions

Besides the above discussed functions, the Parliament also performs the following important functions:-

(1) To change the boundaries of the States

(2) To establish or abolish the second chamber (Legislative Council) in a state

(3) To approve or disapprove within two months the emergency proclamations issued by the President acting under Article 352 or 356 or 360 or all or any two of these.

(4) To provide for a common High Court for two or more states

(5) To enact the required laws for effecting the enforcement of international treaties and agreements.

(6) To act as a board of directors for the Public Sector Industries.

(7) To redress grievances of the people.

(8) To deliberate upon all matters of national and international importance.

(9) To act as the mirror of national public opinion and to ensure the formulation of desired policies and programmes from the government.

2.1.6 LET US SUM UP

India has a parliamentary form of government. The law-making powers of the Union have been vested by the Constitution of India, in the Union Parliament which is a bicameral legislature with the House of People (Lok Sabha) as the Lower House and the Council of States (Rajya Sabha) as the Upper House. The Union Parliament is non-sovereign Parliament. It enjoys legislative jurisdiction over the subjects listed in the Union List and the residuary subjects which do not fall in either of the three lists.

2.1.7 EXERCISE

1) Under which Article does the Constitution of India provide Union Parliament?

2) Write a short-note on the composition of Rajya Sabha.

3) Explain the composition of Lower House of Indian Parliament.

4) Discuss the important functions of Indian Parliament.

5) Write a short note on electoral functions of Indian Parliament.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – II : **Government : Structure and Functions**

2.2 THE PRESIDENT OF INDIA : FORMAL POWERS AND POSITION

– Parminder Kour

STRUCTURE

2.2.7   Let us Sum Up

2.2.8   Exercise

2.2.0 OBJECTIVES

After going through this unit, you should be able to:

- know the election, qualification and term of President of India;

- discuss the different powers of President of India;

- comprehend the actual position of President of India.

2.2.1 INTRODUCTION

India has a parliamentary form of Government. It has dual executives i.e head of state and head of Government. The President is the head of state who is nominal and, moreover, considers as a rubber stamp. On the other hand, the Prime Minister is the head of the Government who is real and powerful. All political powers reside in him.

2.2.2   ELECTION OF PRESIDENT OF INDIA

The president of India is elected by indirect election, i.e. by an Electoral College, in accordance with the system of proportional representation by means of the single transferable vote. According to Article 54 of the Constitution, the Electoral College consists of –

a) The elected members of both Houses of Parliament that is Rajya Sabha and Lok Sabha.

b) The elected members of the Legislatives of State that is Legislative Council and Legislative Assembly ; and

c) The elected members of the legislative assemblies of Union territories of Delhi and Pondicherry.

Article 55 states that there shall be uniformity of representation of the different States at the election, according to the population and the total number of elected members of the legislative assembly of each state, and parity shall also

be maintained between the states as a whole and the union. In this way, while practising this Article, the President represents the nation as well as the people in the different States.

2.2.3 QUALIFICATIONS FOR ELECTION OF PRESIDENT

Article 58 of the Indian Constitution provides the qualification for the office of the President. It states that a person must—

(a) be a citizen of India,

(b) have completed the age of 35 years;

(c) be qualified for election as a member of the House of the People;

(d) must not hold any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the state Government.

2.2.4 TERM OF OFFICE OF THE PRESIDENT

The President's term of office is five years from the date on which he enters upon his office, but he is eligible for re-election (Article 56- 57).

President may resign his office by writing under his hand addressed to the Vice-President. The President may be removed from his office by impeachment for violation of the Constitution in the manner provided in Article 61 of the Constitution.

2.2.5 FORMAL POWERS OF PRESIDENT OF INDIA

The Constitution says that "executive power of the Union shall be vested in the President" (Article 53). The President of India shall, thus, be the head of the 'executive power' of the Union. But, there are certain constitutional limitations under which he has to exercise his executive powers.

Firstly, he must exercise these powers according to the Constitution (Article 53(I)). Thus, Article 75(I) explicitly requires that ministers other than the Prime Minister can be appointed by the President only on the advice of the Prime Minister.

Secondly, the executive powers shall be exercised by the President of India in accordance with the advice of his Council of Ministers [Article 74 (I)].

Thirdly, prior to 1976, there was no express provision in the Constitution that the President was bound to act in accordance with the advice tendered by the Council of Ministers, though it was judicially established that the President of India was not a real executive, but a constitutional head who was bound to the advice of Ministers. The 42nd Amendment Act, 1976 amended Article74(I) to clarify this position. Article 74 (1) as so amended, reads:

> "There shall be a Council of Ministers with the Prime Minister as the head to aid and advise. The President who shall, in the exercise of his functions, act in accordance with such advice."

Fourthly, when the Janata government came in power, it retained the above text of Article 74(I) but added a proviso to Article 74(I) by 44th Amendment as follows:

> "Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration."

The President enjoys many formal powers. Some of them explained below.

2.2.5.1 Executive Powers

The President of India is the supreme commander of Indian Defence Forces. He appoints a number of officers and ministers. He has the power to appoint (i) The Prime Minister of India (ii) Other Ministers of the Union (iii) The Attorney-General for India (iv) The Comptroller and Audit-General of India (v) Chief Justice of India and the Judges of the Supreme Court (vi) The Judges of the High Courts of the States (vii) The Governor of the State (viii) A Commission to investigate interference with water-supplies (ix) The Finance Commission (x) The Union Public Service Commission and Joint Commission for a group of States (xi) The Chief Election Commissioner and other members of the Election Commission etc.

He also has the power to remove Minister, the Attorney-General for India, Governor of a State, Chairman or member of Union Public Service Commission etc.

While performing his powers and functions, the president is aided and advised by the Prime Minister and his Council of Ministers. The President may send back an advice to the Council of Ministers for reconsideration but he is duty bound to act on the advice tendered to him by the council of Ministers after such reconsideration.

2.2.5.2 Legislative Powers

President is one of the constituents of Parliament along with Lok Sabha and Rajya Sabha. He is vested with the following legislative powers:-

(a) The power to summon or prorogue the Houses of Parliament, power to dissolve the Lok-Sabha, power to summon a joint sitting of both houses of Parliament in case of a deadlock between the two houses (Article 85,108).

(b) The power to address either or both houses of parliament at any time and to require the attendance of MPs for this purpose, power to send messages to either houses of parliament, either in regard to any pending bill, or to any other matter, which the house must consider (Article 86)

(c) The power to address both houses of Parliament at the first session after each general election, and at the commencement of the first session of each year (Article 87)

(d) The power to nominate 12 members to the Rajya Sabha (Art. 331, 334).

(e) The power and duty to cause certain reports to be laid before the Parliament.

(f) The power to give previous sanctions recommendations for introducing legislations on certain matters e.g. a Bill for the formation of new states or the alteration of boundaries of existing states (Article3), as Money Bill (Article117).

(g) The power to give /withhold assent to Union legislation. In the case of Bills other than Money Bills, he can return the Bill for reconsideration in both Houses, with or without a message suggesting amendment etc.

2.2.5.3 Financial Powers

(a) The President presents the budget in both the Houses of the Parliament before the new financial year begins. In practice, this is done by the Finance Minister.

(b) The President may also present a supplementary Budget, if the need arises. In practice, this is also done by the Finance Minister.

(c) The Contingency Fund of India is at the disposal of the President. For this fund, the President may make unforeseen expenditure pending authorisation of such expenditure by the Parliament.

2.2.5.4 Judicial Powers

The President has the power to grant pardons. He may suspend, remit or commute the sentence of any person convicted of any offence. However, this is applicable: i) in all the cases where the punishment or sentence is by a court martial; ii) in all the cases where the offence is under a law and under Central jurisdiction; iii) in all the cases of sentence of death.

2.2.5.4 Emergency Powers

The abnormal functions and powers of the President are contained in Part XCIII of the Constitution entitled "Emergency Provisions". The Constitution provides three types of emergency powers to the President of India -

(a) National Emergency (Article 352)

(b) Constitutional Emergency (Article 356)

(c) Financial Emergency (Article 360)

A) National Emergency

Article 352 empowers the President to declare national emergency whenever he is satisfied that a serious situation has arisen, or likely to arise, threatening the security of the country by war, external aggression or armed rebellion in the country. The satisfaction of the President, for all practical purposes, depends upon the advice of the Council of Ministers (38th Constitutional Amendment). The following points are taken into consideration regarding national emergency: -

(a) The proclamation of emergency can be issued by the President only when the Union Cabinet advises the President to do so in writing.

(b) The Proclamation of emergency can be issued if there is actual occurrence

or a threat of external aggression; war or armed rebellion and if the President is satisfied that there is a danger.

(c) The proclamation of emergency shall remain in force for 30 days unless approved by both the Houses of the Parliament. The approval is done by a majority of I) the total membership of the House and ii) two-third members present and voting.

(d) In case the emergency is declared at a time when Lok Sabha is dissolved or the dissolution of Lok Sabha takes place within thirty days period, and the Rajya Sabha has approved the emergency, the proclamation shall cease to have effect after the reconstitution of the Lok Sabha within thirty days unless it approves it.

(e) The duration of emergency is six months.

The national emergency was proclaimed thrice in the country. The first emergency was declared on 26th October, 1962 due to external aggression i.e. India-China war. The second emergency was proclaimed on 3rd December, 1971 due to Indo-Pak war. The third and the last emergency was declared on 25th June, 1975 on the ground of "internal disturbance."

B) Constitutional Emergency or President's Rule

Article 356 states that it is the duty of the Centre to ensure that the government of every state is functioning according to the provisions of the Constitution. But if in any case, it is found that the state government is not carried on in accordance with the Constitution, it means that there is a breakdown of constitutional machinery in the state under Article 356. This Article, states that, "if the President, on receipt of report from the Governor of a state or otherwise, is satisfied that a situation has arisen in which the government of the state can not be carried on in accordance with the provisions of the Constitution", President's rule may be imposed. The President's rule may be imposed in the state on the following grounds:-

(a) When the State government cannot be carried on in accordance with the provisions of the Constitution.

(b) The President may reach to such conclusion by himself or on receipt of a report from the Governor.

(c) Such a President's Rule is to be approved by both the Houses of the Parliament. If not approved, it will cease to operate after two months. In case, the Lok Sabha is dissolved, the Rajya Sabha will approve it and the reconstituted Lok Sabha will have to approve it within thirty days of its first sitting.

(d) The duration of President's Rule is six months. It can be further extended to another term of six months.

President's rule has been imposed in Punjab, Pepsu, Cochin, Orissa, Kerala, Rajasthan, UP, West Bengal, Bihar, Andhra Pradesh, Jammu and Kashmir, Arunachal Pradesh, Uttarakhand, Haryana, etc. on political grounds. There is another important reason for the invocation of Article 356 is the deterioration of law and order. For example, in 1992, after the demolition of the disputed structure in Ayodhaya on 6th December, 1992, the Bharatiya Janta Party Governments in different states were dismissed and President's Rule was imposed due to riots, arson and killings.

C) Financial Emergency

The President is empowered to impose financial emergency under Article 360 which states, "if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or any part thereof is threatened, he may, by a proclamation make a declaration to that effect." The proclamation declaring financial emergency is to be approved by the both the Houses of the Parliament. If the Lok Sabha is dissolved, the reconstituted Lok Sabha has to approve it within thirty days. Without the approval of the two Houses, financial emergency can continue for two months.

2.2.6   POSITION OF PRESIDENT OF INDIA

India's Constituent Assembly brought out three points very clearly with regard to the role of President. Firstly, it was unmistakably the intention of the founding fathers to adopt the parliamentary form of Government in the country. In this form of Government, "powers resides in the ministry and Legislature and not in the President as such." Secondly, the President of India would be constitutional head like the British Monarch and would act on the advice of "Council of Ministers."

Thirdly, though the Constitution makers intended the President to function as a constitutional head, it was evidently not their intention to make him a figurehead. Pt. Nehru said, "the President of India would not be an automation like the President of France and that we did not give him any real powers but have made his position one of authority and integrity." It means that President will act on the advice of Council of Ministers. The Constitution says in Article 74, "there shall be a Council of Ministers with the Prime Ministers as the head to aid and advise the President who, shall, in the exercise of his functions, act in accordance with such advice."

Dr Rajendra Prasad, the President of the Constituent Assembly, declared that the President of republic was to occupy the same position as the British Monarch. But when he became the President of India, he sent a note to Prime Minister of India in which he expressed the desire to act solely on his own judgement independently of the Council of Ministers when giving assent to bills, when sending messages to Parliament and returning Bills to Parliament for reconsideration. He was not in favour of Pt Nehru policy regarding Hindu Code Bill. Dr Radha Krishnan also criticised government publicly for its failure on many fronts.

As we know, the President of India is indirectly elected by an Electoral College consists of elected members of State Legislative Assemblies and members of Parliament. The inclusion of elected members of State Legislative Assemblies is justified because President may not become the tool in the hands of majority party in the Parliament. But in practice, President V V Giri's election is an example of such a possibility who was described by J C Johri as "Prime Minister's President." He issued an ordinance for the Nationalisation of Banks on 24th February, 1970. He dissolved Lok Sabha on 27th December 1970, on the advice of Prime Minister before the expiry of five year term. On 3rd December, 1971 Pakistan invaded India. The President declared emergency on the very day after the Cabinet had advised him in this connection. Mr Giri did not become dictator during emergency. Mr Fakhruddin Ali Ahmed also acted on the advice of Prime Minister. He declared internal emergency on 25th June, 1975.

It was President Neelam Sanjeeva Reddy who took active interest in the political affairs of the country. He took immediate decisions to invite Ch Charan

Singh to form government in the critical circumstances. But when Ch Charan Singh failed to prove his majority, he dissolved the Lok Sabha.

Giani Zail Singh and R Venkatraman promised to act in accordance with the Constitution. But the role of President has become crucial during the coalition governments at centre. During 12th Lok Sabha election, President K R Narayana took a very cool and calm decision to invite Mr Atal Bihari Vajpayee to form the government. The successive Presidents also maintained decorum of the office, by confining to the rule of law and constitutional position.

2.2.7 LET US SUM UP

The President in parliamentary form of government is the nominal head as well as the head of the state. He is indirectly elected through an electorate college in India. He is the supreme commander of Indian Defence Forces. He appoints Prime Minister, Cabinet Ministers, Chief Justice of India.

2.2.8 EXERCISE

1. What is an Electoral College that elects the President of India?

2. What are the qualifications for the election of President of India?

3. How President of India can be removed from his office?

4. Discuss the executive powers of President of India.

5. Write a short note on legislative powers of President of India.

6. What are the financial powers of Indian President as given by the Constitution of India?

7. What are the judicial powers of President of India?

8. What is National Emergency?

9. Write a short note on State emergency or President's Rule.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – II : **Government : Structure and Functions**

2.3 THE PRIME MINISTER AND COUNCIL OF MINISTERS: FORMAL POWERS AND POSITION

– Parminder Kour

STRUCTURE

2.3.0 Objectives

2.3.1 Introduction

2.3.2 Selection and Appointment of Prime Minister

2.3.4 Formation and Function of Council of Ministers

2.3.5 Role of Prime Minister in the Cabinet

2.3.6 Relationship between Prime Minister and the Council of Ministers

2.3.7 Let Us Sum Up

2.3.8 Exercise

2.3.0 OBJECTIVES

After going through this lesson, you should be able to:

- know the role of Prime Minister in India;
- understand the relationship between Prime Minister and the Council of Ministers;
- know the conditions that make a Prime Minister stronger or weaker.

2.3.1 INTRODUCTION

The basic characteristics of a parliamentary democracy are continuous responsibility of the people through their representations. All executive actions are taken in the name of President of India but in actual practice, he is only nominal or constitutional head. The real or political executive is the Council of Ministers headed by the Prime Ministers. The Council of Ministers constitutes the government and the head of the government is Prime Minister. In this parliamentary form of government, the Prime Minister has become the main focus of power and responsibility. Pt. Nehru described him as the "Linchpin of the Government." Sir Ivan Jennings calls him, "a sun around which other ministers revolves like planets." The Prime Minister has rightly been described as "a pivot around which whole governmental machinery revolves."

2.3.2 SELECTION AND APPOINTMENT OF PRIME MINISTER

The Prime Minister in India is selected by the party commanding clear majority in the Lok Sabha and appointed by the President. Practically selection by the party comes first and appointment by the President afterwards. He is the leader of majority party in the Lok Sabha. The President of India invites the leader of the majority party in the Lok Sabha or lower chamber of the parliament to form the government at the centre.

The election to Lok Sabha is held at the interval of every five years. Mid-term polls can also take place without the expiry of term. The reason may be dissolution of House or death of Prime Minister.

Article 74 clause (1) of the Constitution of India provides that there shall be Council of Ministers with the Prime Minister at its head to aid and advise the President in the discharge of his duties. Further Article 75 (1) provides that the Prime Minister shall be appointed by the President and the other Ministers shall also be appointed by President on the advice of Prime Minister. In this way, the President of India does not have any discretionary power in relation to appoint any Minister. The Prime Minister has to select the name and distribute the portfolios to the Ministers. The number of ministers is not fixed by the Constitution. It depends upon the will of the Prime Minister. Prime Minister generally takes into

consideration the people from various regions, states, communities, caste etc. so that they get representation in the Council.

2.3.3 FORMATION AND FUNCTION OF COUNCIL OF MINISTERS

On the basis of functional purposes, there are three categories of ministers – Cabinet Ministers, Ministers of State and Deputy Ministers. The Cabinet consists of about 20 ministers and these are senior and important members of the party. It is these ministers who really exercise the power of Government. That is why Government is generally known by the Cabinet rather than Council of Ministers. The Council of Ministers is collectively responsible to the house of the people (Article 75). It means that every member of the Council accepts responsibility for every decision which is taken in the Cabinet. If a member refuses to accept it, he has to resign. If a minister who has not become the member of either House of Parliament within six months, ceases to be a minister at the expiry of that period.

According to Article 78, it is the important duty of Prime Minister:

(a) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the union and proposals for legislation;

(b) to furnish such information relating to administration of the affairs of the union and proposals for legislation as the President may call for; and

(c) if the President requires, to which a decisions has been taken by the Prime Minister which has not been considered by the Council.

A minister of State is usually attached to Cabinet Minister to assist and help him. Occasionally, a Minister of State may hold independent charge of a portfolio. Minister of State may sometimes be called to a Cabinet meeting when affairs of his department are to be considered. The third and last category of central Ministers is Deputy Ministers in-charge of the respective portfolio to which they attached. They perform such functions as the Minister in-charge may delegate to them.

2.3.4   ROLE OF PRIME MINISTER IN THE CABINET

The Prime Minister is the keystone of the cabinet arch. His voice carries weight. He prepares the list of ministers. He shuffles and reshuffles his Cabinet. The President functions as a rubber stamp. The Prime Minister can also dismiss his ministers. For the proper functioning of the Government, he may even include the leaders of opposition parties in the Council of Ministers as Nehru did in the national interest when he accepted S. Baldev Singh, Dr. Ambedkar, John Mathai and Dr. Shyama Prasad Mukherji in the Cabinet in 1947. If the Prime Minister chooses to resign, the whole Cabinet will have to resign.

The Prime Minister presides over the meetings of the Cabinet. He directs and co-ordinates the works of various departments. On the basis of Article 78, Prime Minister communicates to the President all important decisions taken by the Cabinet. In this way, he is the chief-spokesman of the ministry.

Prime Minister is the first among the equals, if he is a weak Prime Minister. It means that Prime Minister can not ignore the personalities in the cabinet who are as powerful as he is. In the initial years of Nehru and Indira Gandhi they were first among equals.

The role of Prime Minister changes if he is strong in the House. He acts as a shining moon among the less shining stars. He leads his party and acquires charisma and people vote to his party candidates. To cite an example, Nehru, Mrs. Indira Gandhi and Rajeev Gandhi and more recently Narender Modi are the examples of powerful Prime Ministers. In such a case, in fact, the entire system can be called as Prime Ministerial system.

Prime Minister in a coalition Government has week, ineffective and inactive role to play. He has no freedom in selecting the members of Council of Ministers. For example, in the United Front Governments led by the H D Deve Gowda and I. K. Gujral in 1996 and 1997, members of Council of Ministers were decided by the leaders of the 14 regional parties who constituted the United Front. Prime Minister H. D. Deve Gowda himself was selected by them. He did not have mass base. He was not the master of his Cabinet. He proved as a powerless and ineffective

Prime Minister. During his tenure, the Election Commission finalised and declared the Election Schedule without even informing the Prime Minister. Policy decisions, declarations of Prime Minister are not implemented. His announcement for the grant of statehood to Uttarakhand was not fulfilled. His Ministers also opposed introduction of Women's Reservation Bill.

2.3.5 RELATIONSHIP BETWEEN THE PRIME MINISTER AND COUNCIL OF MINISTERS

If a political party has two-third majority in the Lok Sabha and has a powerful leader who has complete control over the party, then he will have a free hand in the selection and distribution of important portfolios. But if there is someone in the party who can challenge him, then, the choice of Prime Minister will be limited. This was happened during Pt. Nehru's time when Patel was alive. It was again developed after Nehru's death when Lal Bhadur Shastri became Prime Minister. If there is a coalition ministry in the office, the choice of the Prime Minister in the selection of ministers will be severely limited because in that case coalition partners select their own ministers. There was such a situation in 1977 when Janta Party came in power and again Charan Singh formed his coalition in 1979. However, since 1980s trend has been towards absolute freedom of Prime Minister in regard to all.

During the first phase of Nehru's Prime Ministership August 1947 to December 1950, his authority and control over Cabinet was severely limited by the presence of several ministers like Ambedkar, Mukherjee, Mathai and Chetty. Later on, Nehru exercised discretionary powers in the selection of his ministers, allocation of portfolios among them and in their removal. He accepted the resignation of his Finance Minister T. T. Krishna Machari with great regret after the Mundra Scandal. He exercised his power of dropping inconvenient ministers from the Cabinet through the Kamraj Plan.

Mrs Indira Gandhi worked to consolidate the position of Prime Minister and ensure complete and full control over Cabinet. In order to keep ministers off-balance and prevent the consolidation of power of some of her senior colleagues, she resorted to the technique of frequent minor re-shuffling of ministers and

portfolios. She took vital decisions like the declaration of internal emergency, the call of a general election in January 1977 without prior consultation with even senior Cabinet ministers.

Under the Prime-Ministership of Morarji Desai, the Cabinet meetings were not one man's show. According to Charan Singh, "The situation in the Cabinet was so bad that the Ministers seldom opened their minds before the Prime Ministers list. They should be instantly, repudiated. The Prime Minister was too rigid and egoistic." However, when Charan Singh's forced resignation created a crisis in the party, then some of the Ministers along with the party President asserted and forced the Prime Minister to take Charan Singh back in the Cabinet on the conditions which were certainly not palatable to the Prime Minister.

During Rajiv Gandhi's tenure, the position became of complete subordination. He tried his best to maintain the tradition of his party to have a strong Prime Minister by shuffling his Council of Ministers and recruited a number of young businessmen and professionals with little or no political bases as ministers, thereby strengthening his personal position over that of party. His open rift with the President Giani Zail Singh regarding Article 78 and the consequently debate in the nation, his abolition of the post of working President of the Congress Party, shifting of Arjun Singh from the post in the party to an unimportant post in the Cabinet, easing out Arun Nehru from the Cabinet are a few examples that can be cited to show that even Rajeev Gandhi tried to combine the tradition of Nehru and Indira Gandhi.

V P Singh's Janta Dal , National Front Government critically supported by B J P and the Communist Party of India (Marxist) took some bold initiatives to tone up the general political climate. But in the absence of a majority support in Parliament, he had to rely on their goodwill of two extremely opposite parties – B J P and C P I (M). B J P's strategy of playing with the religious sentiments of people by organizing 'Rath Yatra' on the issue of construction of temple at the 'Ram Janam Bhumi' and to counter the move , V P Singh's announcement of partial implementation of Mandal Commission job reservation for OBCs were the important issues during his tenure. Meanwhile B J P's withdrawal of support reduced the V P Singh's government to minority and made him to resign. Even Chander Shekhar, the successor to V P Singh, could not prove to

be a strong Prime Minister due to party squabbles.

P V Narsimha Rao became the Prime Minister on June 20, 1991 during 10th Lok Sabha election. The Congress traditional superiority of Prime Minister in the Cabinet got re-establishment during this period.

After 1996 elections for the 11th Lok Sabha when no political party received majority in the House - first , BJP being the largest single party – formed the Government with Atal Bihari Vajpayee as Prime Minister. This Government could not muster the necessary support to remain in office and, therefore, had to resign in less than a fortnight's time. Thereafter, a 13 party coalition government under the Prime Ministership of H D Deve Gowda of Janta Dal assumed office with the support of CPI (M) and Congress (I) from outside. Deve Gowda had very little choice in choosing his ministers as the coalition parties took up upon themselves to nominate their representatives. He also has to accept the presence of coalition front's co-ordination committee as something ever the Cabinet. Thus, there emerged a situation where the Prime Minister has very little choice to act independently leave apart to be all-powerful in Cabinet, party and Parliament.

After 12th Lok Sabha elections, Mr Atal Bihari Vajpayee took over as Prime Minister. Though B J P was the largest party in the House, yet it required the support of the other parties to gain majority. Akali Dal, Samta Party and AIADMK were the main partners in the coalition government. Though Mr. Vajpayee had a very neat and clean political career he could not emerge as a strong Prime Minister. It was primarily due to ever increasing demands of Ms Jaya Lalita and threats of withdrawal of support. Dismissal of Karunanidhi Government, Kauveri Water dispute, M K Bezbaruah transfers are the main issues. In 1999, because of the internal conflicts, the Vajpayee's government had lost its power.

Again 13th Lok Sabha elections took place on September 11th , 1999. No single political party got clear cut majority in the House. B J P' s National Democratic Alliance (NDA) can not able to prove its efficiency at the centre because of the pressure of different regional parties which are the part of NDA. Moreover, the leaders joining the Government to promote the individual interests or with the intention of blackmailing the alliance just like Ms Jaya Lalita.

India's fourteenth Prime Minister, Dr. Manmohan Singh is rightly acclaimed as a thinker and a scholar. He elected as a Prime Minister first time in 2014 when Congress Party emerged as single largest party in the Parliament. He established a coalition government with regional parties. Though, the CPI (M) was also part of the United Progressive Alliance (UPA), it refuses to be part of the government.

Dr. Manmohan Singh is well regarded for his diligence and his academic approach to work, as well as his accessibility and his unassuming demeanour. However, he has been considered as weak prime minister, just as a face to too powerful Congress Party President Ms. Sonia Gandhi. Similarly, his government also considered weak due to demands of the other coalition partners. However, notwithstanding pulls and pressures from allies, especially the Left parties, Singh displayed considerable determination to go ahead with the Indo-US nuclear deal and to end the sanctions regime against India even unmindful of the threats to his government. Scams that surfaced during UPA II may have undone the good work of the 81-year-old leader, who had achieved the distinction of serving two tenures as Prime Minister, the longest after the first PM Jawaharlal Nehru's 17 years in office. UPA II could never come out of the rut, a point the corporates initially and the BJP PM candidate Narendra Modi exploited to the hilt to attack the government. Ironically, a man whose personal honesty has never been questioned came to preside over a government that was marked by a series of scams. The perceived dual power centre in the Congress in the form of power vesting with party chief Sonia Gandhi also came to haunt him with critics attacking him as the weakest PrimeMinister the country has had.

On 26th May 2014 Narendra Modi took oath as the Prime Minister of India, after his party, the BJP, won 2/3rd Parliamentary seats. He is the first ever PM to be born after India attained Independence. Dynamic, dedicated and determined, Narendra Modi reflects the aspiration and hope of over a billion Indians. Narendra Modi is all set to become the third "most successful" prime minister of India after Jawaharlal Nehru and Indira Gandhi, celebrated historian Ramachandra Guha has said, asserting that the 66-year-old leader's "charisma" and "appeal" transcend the boundaries of caste and language. Modi's "authority" and "pan-

Indian vision" put him on the same pedestal as that of Nehru and his daughter Indira. For some people, his legacy might as well leave him as the strongest Prime Minister that India has ever witnessed. Prime Minister Narendra Modi has been ranked among the top 10 most powerful people in the world by Forbes in a list that has been topped by Russian President Vladimir Putin for a fourth straight year and had US President-elect Donald Trump in the second place. It is not surprised, then, that Prime Minister Narindra Modi emerged as the most powerful man in the cabinet, he is exercising his authority freely, in choosing his ministers and in the allocation of the portfolios though notionally he is also running a coalition government (NDA).

2.3.6   LET US SUM UP

Prime Minister of India is the leader of the majority party in the Lok Sabha. He is the head of the government. The President appoints all the ministers on the recommendation of Prime Minister. It depends upon the will of the Prime Minister to decide about the size of the Council of Ministers. He shuffles and reshuffles his Cabinet. He can also dismiss his ministers.

Prime Minister acts effectively if his party has a clear cut majority in the house and also has a strong personality as Prime Minister. Pt Nehru, Mrs Indira Gandhi and Mr. Narendra Modi are some of the strong Prime Minister so far. They had both the advantages of strong personality as well as clear cut majority in the Lok Sabha. But in a coalition government, Prime Minister has a very weak position. He can not take decisions independently. He has to look after the interests of the supporting political parties.

2.3.7 EXERCISE

1. Prime Minister is the pivot while Council of Ministers are the planets revolve around him. Discuss.

2. How the Council of Ministers are appointed?

3. Who are the members of Council of Ministers?

4. For the smooth functioning of Government, collective responsibility of the Cabinet is important. Discuss it in the light of Indian constitution?

5. Discuss the role of Prime minister in general?

6. Prime Minister is first among equals. Comment.

7. In what conditions does the Prime Minister become powerful?

8. Prime Minister has a weak, ineffective and inactive position in coalition government. Discuss.

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B.A. Political Science, Semester II

Course Title : **Indian Government and Politics**

Unit – II : **Government: Structure and Functions**

2.4 THE SUPREME COURT OF INDIA : JURISDICTION, JUDICIAL REVIEW AND JUDICIAL ACTIVISM

<div align="right">

– Ajit Singh

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STRUCTURE

2.4.0   Objectives

2.4.1   Introduction

2.4.2   Composition of Supreme Court of India

2.4.3   Powers of the Supreme Court

2.4.4   Concept of Judicial Review

2.4.5   Interaction between Parliament and Supreme Court; Major amendments and Leading Court cases

2.4.6   Concept of Judicial Activism

2.4.7   Role of Lok Adalats, Public Interest Litigation

2.4.8   Let us sum up

2.4.9   Exercise

2.4.0   OBJECTIVES

After going through this unit, you should be able to:

- know the composition and powers of the Supreme Court;
- know the concept of Judicial Review in India with reference to major amendments and court cases;
- comprehend the idea of Judicial Activism;
- understand the role and functions of Lok Adalats and Public Interest Litigation.

2.4.1 INTRODUCTION

The Supreme Court of India is the highest court in India. All other courts like High Courts, Session's Courts or District Magistrate Courts are below it. Being an apex court, it has to play an important role. It acts as a guardian of the Constitution and protects the fundamental rights of the citizens. It is also in possession of Judicial Review power. But the framers of Indian Constitution have neither purely adopted the system of Parliamentary Supremacy of Britain nor the Judicial Supremacy of U.S.A. It has adopted an in-between position and that is why an interaction is going on in between the Supreme Court and Indian Parliament. The Supreme Court, being an apex court, is overburdened with work. It was realised that perhaps the court was beyond the reach of needy and poor people. In order to provide cheap justice to the masses, the court devised new strategies, forged new tools and broadly interpreted the law to ensure the protection of fundamental rights. This attempt of devising new strategies and finding new tools in order to provide speedy and cheap justice to the people of India is broadly known as Judicial Activism. Public Interest Litigation, new interpretation of laws and Lok Adalats are nothing but forms of Judicial Activism. In brief, the idea of this lesson is to acquaint the student about the composition, powers and actual role of Indian Supreme Court.

2.4.2 COMPOSITION OF INDIAN SUPREME COURT

The Supreme Court of India consists of a Chief Justice and 25 other judges. The number of judges can be increased or decreased by the Act of Indian Parliament.

Originally, the Constitution has provided the Supreme Court with a Chief Justice and seven other judges. In August 1985, the strength of Supreme Court was raised to 26. In addition, the President of India can appoint ad-hoc judges. The Chief Justice has also the power, of course, with the prior consent of the President, to request a retired Supreme Court judge to act as a judge of the Supreme Court for a temporary period.

A person to be qualified for appointment as a judge of Supreme Court must possess following qualifications:-

(a) He must be a citizen of India;

(b) He must have been a judge of a High Court or two more such courts in succession for a minimum period of five years;

(c) He must have been advocate of a High Court or two or more such courts in succession for at least ten years and

(d) He must be, in the opinion of the President of India, a distinguished jurist.

No minimum age is prescribed for appointment as a judge of the Supreme Court, nor any fixed period of office. Once appointed, a judge can hold office up to the age of 65 years. He can be removed from his office earlier on the grounds of "proved misbehaviour" or "incapacity". The President of India can issue the orders of impeachment when such a resolution is passed by a majority of total membership of each House and by a majority of not less than two-thirds of the members of each House present and voting.

2.4.3 POWERS OF THE SUPREME COURT

The Supreme Court of India is a powerful body. It has been armed with powers wider than those of the highest judicial authority in any other federations including the Supreme Court of USA. For example, the American Supreme Court's appellate jurisdiction is confined to cases arising out of the federal relationship or those relating to the Constitutional validity of laws and treaties. But our Supreme Court is not only a federal court and a guardian of the Constitution, but also the highest court of appeal in the land, relating to civil and criminal cases [Arts. 133-134] apart from the cases relating to the interpretation of the Constitution. In addition, Indian Supreme Court enjoys advisory jurisdiction [Art-143] and right to special

leave for appeal [Art. 136] and both these powers are not enjoyed by U.S. Supreme Court. It is a highest court of Appeal. It also acts as a guardian of the Constitution and Fundamental Rights. The main powers of the Indian Supreme Court are discussed below.

2.4.3.1 Original Jurisdiction

As specified in Art 131, the Supreme Court's exclusive original jurisdiction covers all disputes a) between the Government of India and one or more states; b) between the government of India and any state and other states on the other; and c) between two or more states and it involves a substantial question of law.

It should be noted that cases falling under original jurisdiction could only be referred to the Supreme Court. In its exclusive original jurisdiction, it cannot entertain suits brought by private individuals against the government of India. Such cases must go in the first instance to the state high courts and from there they may come to the Supreme Court provided an appeal lies. However, disputes arising out of the provisions of treaties with the former Indian states or to which such states are parties are excluded from the original jurisdiction of the Supreme Court. In addition to it, issues relating inter-state water supplies, matters referred to the finance commission, adjustment of certain expenses as between the union and the states etc are excluded from the original jurisdiction of the Supreme Court.

2.4 3.2 Appellate Jurisdiction

The Supreme Court of India is the highest appellate court in the country. It has the power to hear appeals from the decision of the High Courts of the states both in civil and criminal matters. It also hear appeals in constitutional matters. The appellate jurisdiction of the Supreme Court may be divided under three heads:-

(a) Constitutional Cases: In Constitutional maters, an appeal lies to the Supreme Court from the decision of a High Court, whether in civil or criminal proceedings, if the High Court certifies that the case involves a substantial point of law as to the interpretation. If the Constitution of the High Court of the state refuses to give such a certificate, the Supreme Court may give special leave to appeal if it is satisfied that the case involves a

substantial point of law [Art.132].

(b) Civil Cases: In civil cases, an appeal shall lie to the Supreme Court from the judgement, decree or final order of a High Court irrespective of the amount involved if the High Court certifies that the case involves a substantial question of law of general importance and that in the opinion of the High Court, the said question needs to be decided by the Supreme Court. Earlier, an appeal lay before the Supreme Court involving an amount not less than Rs. 20,000. But this limit was waived off by the (Thirtieth Amendment) Act of 1972.

(c) Criminal cases: In criminal cases, an appeal lies to the Supreme Court from the decision of a High Court, if the High Court:

i)   has reversed the order of the acquittal of an accused person and sentenced him to death;

ii)   has withdrawn for trail before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death;

iii)   certifies that the case is fit for appeal in the Supreme Court.

(d) Special leave for Appeal: The Supreme Court, under Article 136 of the Constitution, can give itself special leave to appeal from the judgement of any High Court or tribunal in the territory of India. Under this Article, the Supreme Court has granted in many cases special leave to appeal against decisions of Elections, Labour and Industrial Tribunals has presented the grave miscarriage of justice in cases where decisions turned entirely on facts.

2.4.3.3 Advisory Jurisdiction

Unlike the Supreme Court of USA, the Supreme Court of India has been vested with advisory jurisdiction. The President of India may, in terms of Article 143, refer to the Supreme Court any question of law or fact, which has considerable public importance. Under this Article, even those disputes which involve an interpretation of treaties and agreements of the former Indian states can be referred to it for its advisory opinion. It should be noted that under this Article, Supreme Court gives its 'advisory opinion' which is different from judgement. An advisory

opinion is never binding on the parties concerned but a judgement is binding. In other words, "the opinion given by the court under the provision" is not judicial pronouncement and is not binding on any party, it would be seen that the opinion is not binding upon the courts in India under Article 141, though it may have great pervasive force."

The President of India sought Supreme Court's opinion a number of times including one on the controversial Kerala Education Bill (1959), on the Indo-Pakistan Agreement regarding secession of Berubari and certain other territories to Pakistan and on the conflict between the U.P. Assembly and the Allahabad High Court in 1964.

2.4.3.4 Guardian of Fundamental Rights

The Supreme Court is the guardian of the liberties and Fundamental Rights of the citizens. The Court can declare any law passed by any legislature null and void if it encroaches upon the Fundamental Right guaranteed to the people by the Constitution. The Supreme Court can issue writs in the nature of Habeas Corpus, mandamus, certiorari, quo-warranto and prohibition for the enforcement of Fundamental Rights. This power is guaranteed to the Supreme Court under Article 32 of the Indian Constitution.

2.4.3.5 Custodian and final interpreter of the Constitution

The Supreme Court acts as a guardian of the Constitution. It has got the power of judicial review. The Supreme Court of India is empowered to review the laws passed by the legislature and declare them ultra-vires or unconstitutional, if they contravene any provision of the Constitution. Supreme Court is the final interpreter of the Constitution. In other words, the Supreme Court is the custodian of the Constitution and the highest forum of its interpretation.

2.4.3.6 A Court of Record

The Supreme Court is a 'Court of Record' and enjoys all the powers of such a court including the power to punish for its contempt. The records of the Supreme Court are admitted to be of evidentiary value and cannot be questioned when produced before the court. It also enjoys power to punish for contempt in both

civil and criminal cases. The contempt of court can be punished with simple imprisonment for a term extending up to six months or with fine up to Rs. 2000 or both.

2.4.3.7 Miscellaneous Powers

All disputes regarding the election of the President or Vice-President of India are investigated by the Supreme Court and its decision in this matter is final. Similarly, the chairman and other members of the UPSC can be removed by the President only if the Supreme Court on inquiry declared them guilty of misbehaviour. The President cannot take action on her/his own.

To sum up, Indian Supreme Court has vast powers. It is a guardian of the Constitution and protects the Fundamental Rights of the citizens. Being an apex Court, it maintains the balance of federal structure. It is a final interpreter of the constitution whose decision is binding on all lower courts. However, it has the power to review its judgements.

2.4.4   CONCEPTS OF JUDICIAL REVIEW

The concept of Judicial Review means the power of judiciary to examine the constitutional validity of all laws of the legislature or executive orders. In case such laws go against the spirit and content of the Constitution, they can be declared null and void to the extent of contravention. This power of judiciary is known as Judicial Review. This power, for the first time, was exercised by the American Supreme Court in a famous case of Marbury Vs Madison (1803). This case involved the interpretation of Judiciary Act of 1789. In the Courts decision, Chief Justice Marshall observed that if a Congressional law conflicted with the Constitution, the court was bound to uphold the Constitutional as the highest law of the land.

It is true that there is no express provision in our Constitution empowering the courts to invalidate laws; but the Constitution has imposed definite limitations upon each of the organs of the state, and any violation of those limitations would make the law void. It is of the courts to decide whether any of the Constitutional limitations has been transgressed or not, because the Constitution is the organic law subject to which ordinary laws are made by the legislature which itself is set up by the

Constitution.

Thus, Article 13 (2) that any law which contravenes any of the provisions of the part on Fundamental Rights shall be void. But, as our Supreme Court has observed in A.K. Gopalan case that 'even without the specific provision in Article 13, the court would have the powers to declare any enactment which transgresses a fundamental right as invalid'. Similarly, Article 254 says that in case of inconsistency between the Union and the state laws in certain cases, the state law shall be void.

The limitations imposed by our Constitution upon the powers of the legislature are (a) Fundamental Rights conferred by Part III (b) legislative competence and (c) Specific provisions of the Constitution imposing limitations relating to particular matters. It is in respect of these matters that Indian Supreme Court exercised its power of judicial review from time to time.

2.4.5 INTERACTION BETWEEN PARLIAMENT AND SUPREME COURT: MAJOR AMENDMENTS AND LEADING CASES

2.4.5.1 Nature of the Problem

The framers of the Indian Constitution had two models before them i.e the British model of Parliamentary supremacy and American model of judicial supremacy. Indian framers adopted neither of the above models exactly. They were, in fact, favour of adopting the mixture of both the systems. This remains the crux of the problem of this controversy. Indian Parliament is neither as supreme as that of the British Parliament nor our judiciary is as supreme as that of US Supreme Court. Within the same constitution, one can find the articles favouring both parliamentary supremacy and judicial supremacy.

2.4.5.2 Articles favouring Parliamentary Supremacy

Article 368 of the Constitution provides for the procedure of amendment. There are certain parts, which can be amended by simple majority of parliament. There is a good deal of provisions which need 2/3 majority of each House of parliament present and voting and this number should not be less than the total majority of each House. However, the most important provisions like distribution of powers, provisions relating to High Courts and Supreme Court etc require ½ states legislative approval in addition to second method.

In addition to amendment, parliament has power to make laws on all subjects contained in the centre list and the concurrent list. If Rajya Sabha passes a resolution by 2/3 majority that a state subject has assumed a national importance, it can be transferred to concurrent list. Similarly, Article 21 runs as "No person shall be deprived of his life and personal liberty except according to procedure established by law." The farmers of Indian Constitution deliberately avoided the word "without due process of law". "Due process" clause provides for judicial supremacy in USA but "procedure established by law" favours parliamentary supremacy in India.

2.4.5.3 Articles favouring Judicial Supremacy

Though there is no clear cut provision in this regard, yet some Articles are there to support the concept of Judicial Supremacy in India. Art. 13 (2), one of the most controversial Articles, runs as, "The state shall not make any law which takes away or abridges the rights conferred by Part III and any law made in contravention, be void." It means that any law that goes against the spirit and content of Fundamental Rights can be declared null and void by the Courts, to the extent of its contravention. Under Article 32, the Supreme Court has the power to issue the writs for the enforcement of Fundamental Rights. Besides this, Supreme Court acts as a guardian of the Constitution. It is the final interpreter of law and its decision is final in this respect.

2.4.5.4 Interaction between Supreme Court and Parliament

Due to these conflicting Articles, a tussle of supremacy is going on between the Indian Parliament and the Supreme Court right from the inception of the Constitution. It has given birth to a prolonged controversy. Actually, the Constitution incorporates a system of checks and balances, the judiciary acting as a check on Parliament and the latter, with its power, to amend the Constitution, acting as a check on the judiciary. The basic principle behind this arrangement is that India's Constitution makers wanted to ensure that there would be neither the supremacy of Parliament nor the hegemony of Judiciary. According to D.D. Basu, "the Indian Constitution adopts a via media between the American system of Judicial Supremacy and the English principle of parliamentary supremacy. The Constitution itself is supreme and all the branches of government have to function within the

ambit of its provisions."

While delivering judgement in A.K. Gopalan Case (1951), Justice Mukherji observed "Under the Constitution of India, the Parliament of India is both a sovereign and a non-sovereign law-making body. This may appear to be a curious position but our Constitution has made so. Under clause (2) of the Article 13 of the Constitution, read along with Article 12 thereof, our Parliament, functioning in its ordinary capacity, is a non-sovereign law making body. Under Article 13(2), it cannot make any law which takes away or abridges any right conferred on any person by Part III of the Constitution. If, however, it makes any law in contravention of this clause, the law in question shall, to the extent of contravention, be void.

But our Parliament is virtually, under what may be referred to as the first paragraph of Article 368 of the Constitution, also a sovereign law-making body like British parliament, for the purpose of effecting certain constitutional amendments, without some slight procedural changes. Under the proviso to Article 368 of the Constitution, however, our parliament is like the American Congress, again a non-sovereign law-making body as it cannot effect certain changes in our Constitution without the approval of the legislatures of not less than one half of the constituent states of the Indian Union.

Thus as noted before, our Parliament is both a sovereign and non-sovereign law making body – sovereign in some respects and non-sovereign in some others. It is, therefore, not strictly correct to state unqualifiedly, either that our Parliament is a sovereign law-making body like the British Parliament or that it is a non-sovereign or subordinate law making body like the American Congress. It is both, according to circumstances."

It is in this context that Parliament passed certain Zamindari Acts in 1950's, which involved the violation of property rights of the Zamindars. The courts tried to protect these rights as it involved violation of Fundamental Rights. In view of court judgements, Parliament passed I, I, V & XVII Amendments to the Constitution.

The Supreme Court had a problem in deciding whether such laws passed by

Parliament were in accordance with the Constitution of India or violated the provisions of the Fundamental Rights. In 1951, the Supreme Court decided in Shankri Prasad's case that the parliament has the power to amend Part III of the Constitution. Again in 1965, the validity of the VII Amendment of the Constitution was questioned. The majority decision of the Supreme Court rejected the contention that Article 368 did not confer power to Parliament to take away the Fundamental Rights.

The court held that the power conferred by Article 368 included the power to take away Fundamental Rights. The word 'Law' in Article 13(2) was interpreted as 'ordinary law' and not a constitutional law. It means that Parliament acting in its ordinary law making capacity cannot take away the Fundamental Rights. But while making amendments under Article 368 (i.e. constituent power), the Parliament can amend the Constitution including the Fundamental Rights. In this way, the court recognised the superiority of parliament particularly in respect of its constituent powers.

Golak Nath Case, February 27, 1967

Once again the question whether Parliament has the power to amend Fundamental Rights came up before the Supreme Court in Golak Nath case. In this historic case, the Supreme Court decided by a majority of 6 to 5 that the parliament has no power to amend any of the provisions of the Part III so as to take away or abridge the Fundamental Rights as provided by this part of the Constitution. It was held that even constitutional law under Article 368 falls within the purview of Article 13(2). The court in this case upheld that word 'law' in Article 13(2) includes both ordinary laws and amendments of the Constitution. This was one of the most radical judgements of the Supreme Court. In this way, Fundamental Rights went beyond the competence of the Parliament in the sense that these were beyond amendment.

As a result of Golak Nath case, Judiciary came in direct confrontation with the executive and the legislature. The government at the Centre felt extremely handicapped in implementing socio-economic reforms in the country which limited the operation of some of the Fundamental Rights especially the Right to Property. The ruling party was required to establish socialistic pattern of democracy if it was to survive. Consequently, three amendments were made in the Constitution.

These were:-

The Constitution (24th Amendment) Act 1971: This amendment inserted a new clause in Article 13 of the Constitution which provides that Article 13(2) shall not apply to any amendment passed under Article 368. In simple words, it means by virtue of this amendment, any amendment passed by Parliament under Article 368 cannot be declared void, if it is in conflict with Fundamental Rights. It re-empowered the parliament to make changes in the Fundamental Rights.

The Constitution (25th Amendment Act, 1972): This amendment empowered the Parliament to determine the amount to be paid for the private property acquired for the public purpose. The word 'compensation in Article 31 was replaced by word 'amount'. It placed Articles 39 (b) (c) on Fundamental Rights and they will not be challenged on the grounds that they violated the Fundamental Rights contained in Articles 14, 19 and 31 of the Indian Constitution.

The Constitution (29th Amendment Act, 1972): It incorporated the Kerala Land Reforms Act of 1969 and 1971 in 9th Schedule of the Constitution.

Keshwananda Bharati Vs. State of Kerala –1973

In this case, the validity of 24th, 25th and 29th Amendment Acts was challenged in the Supreme Court. The Supreme Court reversed its own decision given in the Golak Nath case and upheld the power of parliament to amend the Fundamental Rights. The court upheld the validity of 24th and 25th Amendments. The Apex Court agreed that parliament can amend Fundamental Rights under Article 368 but it cannot change the 'Basic structure of Indian Constitution". It was for the courts to decide whether the 'Basic Structure of the constitution stands violated or not.

42nd Amendment and its impact on the power of Judicial Review

The 42nd Amendment (1976) had made far-reaching impact upon the process of Judicial Review. The changes in respect of Judicial Review made by 42nd Amendment were:-

(a) No amendment passed by parliament can be subjected to Judicial Review

on any ground whatsoever.

(b) Any law made by any legislature with a view to implementing Directive Principles of State Policy cannot be declared null and void on the ground that it infringes any of the Fundamental Rights.

Minnerva Mills case-1980

Though Janta Party attempted to bring certain changes through 43rd and 44th Amendments, but it could not achieve much as the party was not having sufficient support in Rajya Sabha. It was, in the Minnerva Mills case that once again court restored its lost powers. In this case, court once again held that taking away the power of Judicial Review by 42nd Amendment from the courts amounted to the violation of 'Basic structure of Indian Constitution'. Therefore, it is null and void. It also struck down the provisions relating to the primary of Directive Principles on Fundamental Rights.

Therefore, a balance seems to have been maintained. Parliament can bring socio-economic changes and can go to the extent of amending Fundamental Rights. But under the garb of socio-economic changes, the parliament cannot change the basic structure of the constitution. The courts retain the right of examining whether the violation of basic structure of constitution has taken place or not. The final authority of interpretation still remains with the courts.

2.4.6 CONCEPT OF JUDICIAL ACTIVISM

The objective of the Constitution is that all the citizens of India should get justice in every sphere of life. In the Preamble, the idea of achieving social, economic and political justice for all citizens has been mentioned. But in India, justice is neither speedy nor cheap. In India, the main problems relating to speedy and inexpensive justice are as under:-

i) *Judiciary is overburdened with cases:* In India, Judiciary is overburdened with cases. Number of cases are increasing day by day. Thousands of cases are pending in the Supreme Court and in the High Courts which are not heard for the last ten years or so. Hence Justice is delayed. And it is a

common saying 'Justice delayed is Justice denied'.

ii) ***Complicated and lengthy procedures:*** Due to complicated judicial procedure, Justice is delayed. Sometimes judge is on leave and sometimes lawyer is absent. Complicated and lengthy procedure is a big problem in the way of speedy and cheap justice.

iii) ***Justice is expensive:*** In India, justice is very costly. It is very difficult for a poor man to get justice from the Court. Very high fee is demanded by a lawyer and there are various other expenses which a poor man cannot afford.

In order to overcome these practical difficulties, the apex court came out with some solutions. These solutions were in the nature of free legal aid to the needy, Public Interest Litigation and Lok Adalats. This concept in broad terms came to be known as judicial activism.

2.4.6.1 Judicial Activism

Judiciary is the custodian of the constitution. An independent judicial system is perhaps better than any other institution to maintain perfect equilibrium between the liberty of the individual and the power of the state. If while dealing with cases, the judiciary finds that a laws requires a change or a particular legislation is essential for fulfilling the objective of the Constitution or that it would serve better the rule of law if the executive adopts a particular line of action, there can be no objection, instead it becomes the duty of the court to point out the lacuna in the law or in its execution and implementation. Under Article 142(1) of the Indian Constitution, "The Supreme Court in the exercise of its jurisdiction may pass such a decree or make such order as is necessary for doing complete justice in any case or matter pending before it.. "The Supreme Court under Article 32 of the Constitution has the power to issue such orders, directions or writs, which ever may be appropriate for the enforcement of Fundamental Rights enshrined in the Constitution. The judiciary in India has exercised this power in the most creative manner. It has devised new strategies, forged new tools and broadly interpreted the letter of law to ensure the protection of Fundamental Rights of the people. This attempt of devising new strategies and finding new tools is broadly known as judicial activism. In one of the cases, Justice Bhagwati observed, "—— the court has to innovate new

methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights and to whom freedom and liberty have no meaning." This aim has been achieved by:

(a) giving new interpretation to law

(b) Public Interest Litigation and

(c) Lok Adalats.

2.4.7 ROLE AND FUNCTIONS OF LOK ADALATS AND PUBLIC INTEREST LITIGATION

2.4.7.1 Lok Adalat

The basic idea behind the scheme of Lok Adalats is to eliminate delay in imparting justice and to speed up clearance of pending cases as soon as possible. The Lok Adalats resolve cases which have not yet gone to the courts or are pending before the courts. Lakhs of cases are lying pending in the courts awaiting their turn to be heard or decided. For giving speedy justice and final settlement of disputes, provision has been made for Lok Adalats. These Lok Adalats have given a new dimension to the Indian judicial system and has not only made justice quick but also brought it at the door of a common man.

Lok Adalat means people's court. It is not a part of judiciary nor is parallel to it. A Lok Adalat consists of judges, some social workers, eminent persons of the area, educationists and legal experts. The government fixes the date and venue of holding of Lok Adalat. The cases to be taken up by the Lok Adalat are also fixed and notified to the public. These are those cases which are pending in the various courts of the Ilaqua. Publicity is also given for holding of the Lok Adalat through press and notices are pasted at the court doors. Parties involved in the cases are asked to appear before the Lok Adalat.

Lok Adalat tries to persuade the contesting parties to come to a settlement amicably. The parties bring their advocates, no doubt, but they do not make lengthy and legal arguments; and put their points of view in simple language and in short. The members of the Lok Adalat after hearing both the parties advise them

to have a compromise and close the issue forever. It gives no decision but persuades parties to the settlement. Parties who are already tired of lengthy and costly process of saw easily come to a compromise, which is generally based on give and take. It creates an amicable atmosphere for the settlement.

Lok Adalats have generally taken up cases of compensation arising out of accidents, family disputes like those of separation, divorce, custody of children, guardianship, debt, family partition, property given at the time of marriage, maintenance etc. Lok Adalats have also settled the cases like Landlord-tenants, enhancement of rent, ejectment, sub-letting, non-payment of rent etc.

Conception of Lok Adalat has been taken up recently and has worked successfully. It gives speedy justice. It is not expensive. It settles the dispute permanently and leaves no scope of appeals and further litigation. It has given a new dimension to the judicial system in India. It has brought justice at the doorstep of the villages since the Lok Adalats are held at a nearby place. It has given a sigh of relief to the poor litigants.

2.4.7.2 Public Interest Litigation (PIL)

Public Interest Litigation is concerned not with the rights of one individual but with the interest of a class or group of persons who are either victims of exploitation or oppression or are denied their constitutional or legal rights and who are not in a position to approach the Courts for the redress of their grievances. It seeks to help the victims of governmental lawlessness or repression.

According to traditional system, only one person who has suffered the legal wrong himself has the recourse to the Court of Law for relief. The new position is that if a legal wrong is done to a person or a class of persons, who by reasons of poverty or disability, cannot approach a court of law for justice, it is open to the public spirited individual or a social reformer to file a petition on his or their behalf . This is known as "Public Interest Litigation". This system was initiated sometimes in 1978. It is possible to register complaints in the Supreme Court merely on an application or a post card and necessary orders are possessed. The grievances of the weaker sections, bonded labourers, women and children, prisoners etc have been given due

importance under this scheme.

At present, Public Interest Litigation can be filed in the Supreme Court under Article 32 or in the High Courts under Article 226. Through Public Interest Litigation, the Supreme Court has emerged as a defender and champion of the rights and liberties of the poor masses. It is through this system that under trial persons, unorganised labourers, exploited women and victims of police torture etc. can have an access to the Supreme Court and High Courts for securing their human rights. It has awakened the consciousness of the public regarding the dignity of human life, the importance of liberty and the right to equal justice.

Public Interest Litigation has given a new dimension to the Indian judicial system and has removed the barriers of money and procedural technicalities in the disbursement of justice to the weaker sections of the society. It has given a big relief to a common man and has put a check on the expanding administrative expenditure.

In addition to Lok Adalats and Public Interest Litigations, the Apex Court helped the common people by giving new interpretations to the existing laws. The most prominent among them is Article 21, which runs as, "No person shall be deprived of his life or personal liberty except according to procedure established by law." In one of the cases, Justice Chandrachud held that the "procedure established by law must be 'fair, just and reasonable", not fanciful, oppressive or arbitrary." The procedure, which is unjust or unfair in the circumstance of case, attracts the vice of unreasonableness, thereby vitiating the law which prescribes that procedure and consequently action taken under it. Similarly, the writ of Habeas Corpus was previously available to help the release of the person. But now it can be evoked even to save the prisoner from prison torture. This was decided in Sunil Batra Vs Delhi Administration (1980) case. Similarly, the apex court has interpreted Article 21 and particularly right to life quite liberally. It means right to live with human dignity and free from all types of exploitation. In number of cases, the Supreme Court has shown its deep concern for people who are living the life which is below the human dignity. The court has pleaded the cause of bonded labourers, children, down-trodden classes, prisoners, under trials, women and all these cases speak of Judicial Activism.

2.4.8 LET US SUM UP

The Supreme Court of India being the highest Court acts as a guardian of the Constitution. It maintains proper balance between the Centre and the States. It protects the fundamental rights of citizens. It is the highest court of appeal in civil, criminal and constitutional cases. It also has got the power of Judicial Review. This power came in conflict with the amendment power of Parliament. A tussle was going on between judiciary and parliament. The present position is that Parliament can amend Fundamental Rights but not the 'basic structure of Indian Constitution' under Article 368.

In order to provide speedy and cheap justice to poor people, the court came out with the concept of judicial activism. It devised new strategies, forged new tools and broadly interpreted the law to ensure the protection of Fundamental Rights of the people. The most prominent among these tools were Lok Adalats and Public Interest Litigation.

2.4.9 EXERCISE

1. Briefly discuss the composition of Indian Supreme Court.

2. What are the major powers and functions of the Indian Supreme Court?

3. Explain the importance of the Supreme Court in a federation with special reference to the powers and functions of the Supreme Court of India.

4. Briefly explain the concept of the Judicial Review.

5. A Tussle of Supremacy is going on between Indian Supreme Court and Parliament. Explain briefly the nature of controversy with reference to Amendments and Court cases.

6. Explain the concept of Judicial Activism.

7. In what forms Judicial activism is traceable in India.

8. Write short notes on a) Lok Adalats and b) Public Interest Litigation.

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – III : **Political Process**

3.1 PARTY SYSTEM IN INDIA : EVOLUTION FROM ONE PARTY DOMINANT SYSTEM TO MULTI-PARTY SYSTEM

– Rekha Chowdhary

STRUCTURE

3.1.0 Objectives

3.1.1 Introduction

3.1.2 Party System During First Two decades after Independence

    3.1.2.1 Evolution from Political Centre

    3.1.2.2 Dominant Party System : Basic Characteristics

    3.1.2.3 One Party System: Centrality of Congress

3.1.3 Changed Socio-Economic Profile: Dislocation of Political Centre

3.1.4 Party System After 1967

3.1.5 Loss of Centrality of Congress

3.1.6 Contemporary Multiparty System

    3.1.6.1 Party System at the Central level

    3.1.6.2 Party System at the Level of States

3.1.7 Let us Sum Up

3.1.8 Exercise

3.1.0 OBJECTIVES

In this lesson we have analysed the evolution of the party system in India after independence. After going through this lesson, you should be able to:

- grasp the nature of the party system in India and understand its various characteristics;

- know how the party system changed along with the changes in the socio-economic conditions;

- discuss the major factors underlying the changing nature of party politics.

3.1.1 INTRODUCTION

The party system that has evolved in post-independent India has got its own peculiarity. Its growth and change can be attributed to the complex inter-play of socio-economic development and India's experiment with democracy. The universal adult franchise, which was guaranteed by the Constitution of Independent India, has practically increased the participation of people in the political process. Similarly, the socio-economic development and affirmative actions of the Indian State also played significant role in the evolution of party system. This inter-play of socio-economic development and democratic politics has brought many underprivileged sections of the society into active picture of political process. This political development completely changed the structure of the party system that was evolved immediately after the independence.

To grasp this dynamic process one must begin with the historical evolution of the party system and understand how the party system got influenced by the changing state-society relationship.

3.1.2   PARTY SYSTEM DURING THE FIRST TWO DECADES AFTER INDEPENDENCE

3.1.2.1 Evolution from Political Centre

In his *Politics in India* Rajni Kothari has argued that the party system evolved from an identifiable "Political Centre" which was carved during the nationalist

movement. This Political Centre was comprised of the political elite with a shared common socio-economic background i.e. educated, urban, upper-caste people belonging mainly to middle and upper classes. The common social background of the elite resulted in the **Homogeneity** that became a defining feature of the political centre as well of the party system. The ruling party and the opposition, both coming from the same social background, shared the social perceptions and converged on many issues. A **consensus**, therefore, existed within the system around the basic values.

The Indian National Congress was the institutional manifestation of this political centre. Not only was it an important expression of the nationalist movement but was also a dynamic political organisation that formed the indigenous base for the political system. Accommodating almost all-political groups of political importance, it provided a very crucial political space for political negotiations and bargaining.

3.1.2.2 Dominant Party System: Basic Characteristics

The Party system that evolved immediately after the independence had some unique characteristics. These are:

1. The party system during the first two decades after independence was termed as the "Single Dominant Party system". Although a number of other political parties existed and operated politically, yet the central space of politics was occupied by the Indian National Congress only. The dominance of the Congress was determined by its immense organisational strength as well as its capability to capture large number of seats both in the Union Parliament and the state legislatures.

2. Dominance of the Congress as the ruling party did not mean absence of competition. Many opposition parties competed with the Congress Party. But, such competition did not result in challenging the predominant position of the Congress Party. Morris-Jones aptly described this phenomenon as "dominance coexisting with competition but without a trace of alteration". In electoral terms, it implied that although a number of opposition parties entered the electoral arena but none of them singly or in combination

could secure substantial number of seats to replace the Congress as the ruling party.

3. Due to their inability to provide an alternative to the ruling party or even to challenge its position of dominance, the opposition parties did not play the traditional role of opposition. On the contrary, their role was limited to that of constantly pressurising, criticising and censuring the ruling party. The parties in opposition, therefore, operated as the parties of pressure.

4. One of the important features of the Congress party that helped it to sustain its position of dominance was its capacity to represent divergent social groups and interests. As it drew its support from different sections of society, it played the role of a great "umbrella party". During the nationalist movement it had accommodated diverse groups into its fold and had stressed on the need for their unity within the same organisational structure. It had therefore assumed the character of a "broad coalition". In the post-independence period, it continued to absorb the dominant social elements and balance different interests. That helped it to maintain its unchallenged position of power. Through its **accommodative** and **adaptive politics**, it could curb the role and relevance of opposition.

5. Being a plural party representing diverse interests and ideologies, the Congress had a number of "factions". Of these, some were relatively more **dominant** and played important role in the decision making of the party. Others were the **dissident factions**. Several of these factions of the Congress were also ideologically closer to some of the opposition parties. Reason for this being that almost each of the party in opposition had been a part of the Congress at one time or the other and while choosing to form an independent party outside it had left a faction of similar ideological orientation within it. Therefore, there always remained a continuity between the politics of the Congress and that of the opposition parties. This continuity made it possible for the opposition parties to put pressure on the Congress and influence its decision making.

6. The party system, therefore, worked on the basis of **a consensual model**. It was a politics of broad consensus around the political values shared by all the political actors whether operating from within the ruling group or from the opposition. Ideological divisions within the Congress or outside it were blurred.

3.1.2.3 Centrality of Congress

Due to the peculiar position of dominance of the Congress Party, it was known to be the "Central institution" of Indian politics. Centrality of Congress was reflected at various levels:

i) At one level, it occupied the most central space of electoral politics, thereby monopolising it and not allowing other parties to seriously challenge its position of power in the centre and the states.

ii) At another level, its centrality was outlined in its occupation of the pivotal space between the state and society. Representing diverse interests of society, it remained the most important formal mediating institution of the state. It, therefore, provided the most crucial space for political negotiations and bargaining.

iii) At the third level, the centrality of the Congress was reflected in its ideological standpoint. Being an umbrella party it had space for all kinds of ideological groups. Hence, it pursued a 'centrist' ideology even when it contained ideological viewpoints of the 'left' and 'right'.

3.1.3 CHANGED SOCIO-ECONOMIC PROFILE : DISLOCATION OF POLITCAL CENTRE

Change in the nature of the party system in the decades after 1960s, according to Rajni Kothari, was the consequence of the "changed socio-economic and demographic profile of the polity". Such a change in the profile of the polity was a consequence of the political mobilisation of the masses as well as the emergence of new political classes. The political mobilisation of the masses was a logical consequence of the electoral politics based upon the principle of universal adult franchise. Frequently held elections helped in increasing the

political consciousness of Indian people, especially those belonging to the backward and lower castes.

The emergence of the new political classes was directly related to the rise of the proprietary peasant class in rural India in the backdrop of the land reforms. By the beginning of the seventies, the land-owning socially dominant sections belonging mainly to the backward castes had attained sufficient assertion to demand a share in political power. The entry of these castes into the competitive power politics had far-reaching consequences for the Indian politics. Firstly, there was an increase in the number of those aspiring for share in power. The domination of the traditional political elite, therefore, was seriously challenged. Secondly, there was also greater manifestation of a variety of conflicting interests. These new entrants did not share the political values of the traditional elite. They had not only different demands and different expectations from the political system but they also used a different political language. This had the effect of posing a serious threat to the consensual politics of the traditional political elite in general and that of the Congress, in particular. Unable to integrate and balance varied interests, the Congress was dislocated from its position of centrality.

The changed context of politics was also the result of the assertion of the lower castes. In the politics of numbers, the lower castes and Dalits were brought into politics, initially, in the context of the patron-client relationship. As clients of the locally dominant castes, their numerical strength was used in the interest of their patrons. However, as the momentum to the participatory politics was created, the nature of lower caste politics was also changed. The lower castes and Dalits started acquiring more autonomous role in politics and their mobilisation now came to be related to their political interest. In terms of party politics, this led to the formation of parties reflecting the support and interest of these newly mobilised castes. Formation of the BSP, Samajwadi Party and Janata Dal are the examples of such political formations. These parties clearly reflected the interest of the Dalits and the Backward castes.

3.1.4   PARTY SYSTEM AFTER 1967

The nature of the Indian polity as well as the party system underwent a substantial change after 1967. This change has been described in varied terms. According to Kothari, this was the beginning of the decline of the model of the dominant party system. According to Morris-Jones, it was the emergence of "a market polity" in which a number of opposition parties were brought "fully into the market place, and competition that had previously occurred within the Congress was now brought into the realm of inter-party conflict". A number of new political forces and formations started emerging making the electoral politics more competitive. All this led gradually to the decline of Congress.

The change in the nature of party system, initially, was much more visible at the state level where the hegemony of the Congress party was challenged through the formation of a number of non-Congress governments. The Fourth General election led to beginning of politics of coalitions. This election resulted in the truncated majorities of the Congress party. Hence, coalitions were formed in many states with Jana Sangh, SSP, CPI, CPI (M), and a number of regional parties joining the government.

Meanwhile the Congress also started showing signs of its weakness at the central level. One of the initial indicators of the weakness of the Congress was the changing nature of factionalism and the sharpening of the dissidence within the party. Acute factionalism ultimately led to the split of the Congress in 1969. This split, though an internal affair of the party had far reaching consequences for the Party system of India. One of the major consequences of the split was the **decline of the consensual model of Indian politics** and of the party system. The old organisational structure of Congress that was relatively more democratic and had a greater linkages at the societal levels, was replaced by a more centralised organisational set-up. This new set up was pyramidal in nature. The decision making within the organisation was personalised and there was no space for democratic dissent. All this had the effect of rendering the Congress organisationally very weak.

The decline of the consensual model of Indian politics was not only a manifestation of the organisational problems of the Congress party but also of the changing nature of the state-society relationship. The homogeneity that earlier

characterised the nature of the elite was no more available after the mid-sixties. This was also the time when the new classes had started becoming more assertive, specifically claiming a share in political power. It was the impact of such a changed context of the elite politics that the Congress failed to maintain its electoral dominance in a number of states.

By the end of the decade of the seventies, the party system both at the central level as well as the level of the states was marked by flux. This was due to the fragmentation that was taking place in the political parties. It was a process that was to continue for quite some time. Yet, despite the flux, the competitiveness was a distinct feature of the party politics. The number of political parties that entered the electoral arena was also increased. All this meant that the period of the dominance of the single party was already over. A multi-party system, instead, was evolved.

At the central level of politics, the new context of politics was reflected in the emphasis on consolidation of the opposition parties against the Congress. With the split of the Congress a "Grand Alliance" was formed between the Congress (O), SSP, Jana Sangh and the Swatantra. The logic of the alliance was the unity of non-Congress parties with a view to challenge its position of power. This logic led to the formation of the Janata Party in 1977. This party was itself a coalition of five erstwhile parties, the Congress (O), the Jana Sangh, Socialist Party, the Bharatiya Lok Dal (BLD), CFD. This new party was successful in breaking the continuity of the Congress in power in the Centre for the first time, after the sixth general elections held in 1977. This had the effect of further bringing about substantial changes in the nature of the party system. The position of the Congress party further declined and its organisational structure was further weakened. It was no more capable of integrating varied social groups. Its organisational structure was fast decaying due to lack of inter-party democracy on the one hand and its insensitivity towards the changing context of civil society, on the other. Although it was still the only major institution of political bargaining (and the only party capable of capturing power and retaining it in the Centre, at least for another decade), yet its position of power was quite very precarious.

3.1.5 LOSS OF CENTRALITY OF CONGRESS AND EMERGING PARTY SYSTEM

It was in the period starting with the 1989 parliamentary elections that the Congress was displaced from its position of centrality. Such displacement of Congress from the position of the centre has various implications:

1. Firstly, Congress has ceased to be the dominant political party. A number of other political formations have also had their effective presence. For the last two decades, there has been an ascendance of non-Congress political formations. The major non-Congress formations that have been playing crucial role in Indian politics include the Bharatiya Janata Party (BJP), the Left Parties, and a number of other national and regional parties. The central political space, earlier dominated by the Congress party, is now being shared by a number of political parties.

2. The loss of centrality of the Congress, in another perspective implies a decline in its capacity to represent a consensus. It is no more capable of accommodating varying interests. As the nature of state-society relationship has changed and consequently emerging interests have been sharpened, the societal conflicts and contradictions have become more pronounced. The central space needed for defusing such conflict is not available with the Congress. The traditional methods of co-option or bargaining that helped it to deal with the conflicting interests do not work anymore.

3. Decline of Congress has not led to the emergence of an alternate national party that could occupy the central space. In other words, the single party dominant system has not been substituted by a two-party system. The rise of the BJP in the early eighties had led some analysts to hope that it might work as an alternate national party and that there might develop a bi-party system with a direct competition of power between the Congress and the BJP. Yet, it could not be possible. While the Congress continued to decline from its position of strength, the BJP could not attain the majority on its own.

4. Failure of the large national parties like the Congress and the BJP to get majority of seats in Parliament has brought numerous smaller parties to the central stage of Indian politics. The large parties have been depending upon these smaller parties for the formation of governments. Instead of single party majority governments, we have been having either minority governments or coalitions. In 1989, the government in the centre was formed by the minority

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coalition of the Janata Dal. In 1991, the minority government of Congress was installed [which attained majority subsequently]. The 1996 Parliamentary elections led to the formation of a minority coalition of thirteen parties of the United Front, supported by Congress and the Left Front. This coalition was replaced in 1998 by another coalition led by the Bharatiya Janata Party [BJP]. The 1999 Parliamentary elections again resulted in the coalition government of the National Democratic Alliance (NDA) with BJP as the largest member of the coalition.

3.1.6   CONTEMPORARY MULTI-PARTY SYSTEM

3.1.6.1 Party System at the Central Level

1. The party system as it is operating at present is based upon **multiplicity of political parties**. As already observed, since 1989, there has been a definite increase in the number of political parties entering the political arena. Numerous regional and small parties have filled in the vacuum created by the Congress. The strength of the major national parties has been decreasing and that of the smaller parties has been increasing. The composition of Parliament since 1989 is a reflection of the changed party scenario.

2. The kind of the party system that is available at present is not hegemonic but **competitive with sufficient scope for alteration**. However, due to the inability of any single party to attain majority, the alteration takes place not between the individual parties but between the groups of political parties.

3. The compulsion of the electoral mathematics and the requirement of coalition governments have resulted in the politics of **alliance**. Alliance takes place among a number of political parties that come together for contesting election and forming the government.

4. The politics of alliance has had a number of consequences for the nature of party politics. The **competitive political space has been widened** with greater number of political parties having a bearing on power politics. Rather than one party hegemonising power (as in case of pre-1967 level of politics), or even two or three parties making serious claims on political power, there are a number of political parties which enter the political arena. As part of the one or the other alliance structure, these numerous political parties have a serious stake

in the process of elections and in the formation of government. Politics of alliance, therefore, has its direct consequence on the nature of governance. Governance is based upon a **wider dispersal of power** among the alliance partners.

5. The nature of alliance to begin with, was simply on the basis of exigencies of power politics. Gradually, over the period a pattern seems to have evolved in this context. Rather than the alliances formed after the election, now there is almost the accepted practice of having pre-poll alliances. Initially, alliances were amorphous with members having come together without any common objectives, except the one related to power. But of late, there has been some kind of effort at drawing some **common minimum programme** acceptable to all partners of the alliance.

6. Acceptance of common programme among the alliance partners does not necessarily mean that the alliance partners share common ideology. Ideological cohesiveness, in fact, does not characterise the nature of alliance. Ideological position of the parties that come forward to join an alliance, at times, is quite paradoxical. What causes these ideologically dissimilar parties to form an alliance is the logic of political power. Otherwise, these are **non-ideological political fronts**.

7. The politics of alliance has led to the **polarisation of parties**. In the initial years, such polarisation took the shape of three alliance structures. Political parties, in the period after 1989 seemed to be organising themselves around three poles, the one led by the Congress, the second led by the BJP and the Third, which was termed as the Third Front/United Front. The third pole was later weakened. Comprising of the Janata Dal, the Telgu Desam, the Left Parties and many other regional and state parties, it had been successful in forming the government in 1989 but it could not sustain either its unity or its political strength for long time. It was very soon fragmented and its number in the Parliament was substantially reduced. Many of the parties representing the Third Front regrouped around the Congress or the BJP. The way alliances have been formed in last few Parliamentary elections, there has emerged a bi-polarity. The Congress and the BJP are the two parties around which varied political parties have been

grouped in more recent elections.

8. The **contemporary party system is a reflection of the complexity and the heterogeneity that prevails within the Indian society**. It is a representation of the diversity of political interests and opinions. It also reflects the wider reach of the participatory politics that has politicised diverse groups and articulated their political voice. This extensive nature of politicisation has resulted in an accommodative nature of party politics. The power politics is no more dominated by the big and hegemonic parties. On the contrary, there is sufficient importance of smaller parties. As partners in multiparty governance, these small parties have developed their bargaining power. That is the reason that these parties not only share power but also get a voice in the political decision making. As representatives of diverse groups including those who have been hitherto excluded from power politics and minorities, these smaller parties also help create more democratic political space.

9. Seen from this perspective, there is a greater federalised context of party system. This federalised context has been provided by the complex relation between the national and the regional party system and signifies assertion of the regional parties on the one hand and a greater dependence of the national parties on the regional parties, on the other. In last two decades, a number of regional parties with their focus on regional demands have emerged. These regional parties, besides occupying significant political space at the state level are also playing crucial role in the central politics. It is due to their active presence at the national level of politics, that party system is really acquiring a federal character. As the national parties are dependent upon the regional parties for the formation of government, the latter have increased their bargaining power. This resulted in mainstreaming of the regional parties. The distinction that existed earlier between the regional and the national party has also been blurred. The national parties have become regional in character and the regional parties are increasingly participating in national politics and thereby acquiring national stature.

10. What is more important, the regional demands are getting to be forcefully voiced in the national space of Indian politics. Earlier, this was not possible

because the regional demands were placed in opposition to the national demands and therefore were considered as a threat to the national unity. With the entry of the regional parties at the national level of politics, this is no more the case. The regional and the federal issues are important part of the political agenda at the national level of party politics. Region or the regional assertions are no more treated as dangerous for the nation.

11. This has important implications for the Indian federal structure. With the shift from the single-centred dominant party system to a multi-party system with lot of space for smaller parties located in the states, there is also a definite shift in the centre-state relations. The emerging party system has an essential component of partnership between the national, regional and the state level parties. There is, therefore, a basis for a more egalitarian relationship between the centre and the states. Party system itself is providing the institutional set up for the representation of the interest of the states. Many of the regional parties that are playing important role in party politics have been demanding a reorganisation of the centre-state relationship with greater autonomy for the states. With their ascendance, there has developed greater sensitivity towards the regional issues and there has emerged greater consensus on federalism. Even those national parties that have been traditionally favouring a strong centre have been forced to accept the logic of federalism.

12. However, the 2014 general election to the Parliament and subsequent elections to the legislative assemblies of various States are indicating changing trend of Indian Politics again towards one party dominant system, as BJP not only won 2/3 of seats in Indian Lok Sabha elections but also came to power in large number of states, particularly in North and West India. The recent elections in Uttar Pradesh (2017) also witnessed similar pattern as it has given a massive mandate to BJP. The elections after 2014 brought significant changes to India's political system in many ways: a) firstly they have reduced India's one of the largest national party to a level regional party; b) they have also significantly reduced the strength of other national parties, such as CPI (M) and BSP to a few states; c) they have also undermined the importance of regional parties in Indian politics as Shiv Sena in Maharashtra, Akalis in Punjab, SP and BSP in UP, conceded the ground to national parties.

3.1.6.2 Party System at the Level of the States

The federal context of the party system makes it imperative not only to emphasise the complexity underlying the relation between the national and the state level party system, but also to analyse the nature of party system at the state levels. Although some similarities can be perceived between the national and the state levels of party politics, yet it is important to note that each of the state may be having its own peculiarities.

At the level of the states, there has been, for quite some time, a keen competition for political power. Yet, there are variations in the way this competition operates. In many states, there is an alteration of power between at least two parties. The party politics, in these states may be described as the two-party politics. In many other states, politics is not neatly divided between the two parties. There is a multiplicity of parties with the parties bunching themselves in two groups/poles. The party politics of these states may be defined in terms of bi-polarity. There are other states also having a multi-party system but which cannot be neatly classified either as two-party systems or systems of bi-polarity.

There is, therefore, a lot of fluidity in party politics at the state level. This fluidity operates not only in the nature of party competition but also in the way the political parties are placed in the states. Regional parties are important political actors at the level of the states but that does not mean that national parties do not operate at the level of states. There are different patterns of competition between the regional and the national parties. In some of the states, regional parties are very crucial political actors, but in other states, regional parties do not play that important role. There are some states where national parties do not have significant presence. In some states, party competition takes place mainly among the national parties while there are states where the power alternates between a national and a regional party. In some of the states, the national parties have acquired a regional character and compete with the national or the regional parties. Tamil Nadu, West Bengal, Assam, Punjab, Kerala, Jammu and Kashmir, Andhra Pradesh, Telangana, are the states with a strong tradition for regional parties. While Himachal Pradesh, Karnataka, Madhya Pradesh, and Rajasthan have been the states where the competition has been taking place between the national parties.

3.1.7 LET US SUM UP

The party system in India has undergone major transformation in last five decades. As a legacy of the National Movement, the Party System in 1947 was characterised by an overwhelming dominance of the Congress Party. As the central political institution of India, the Congress completely controlled the power politics for the first two decades after independence. The strength of the Congress lay in its organisational structure and in its ability to accommodate diverse political interests. This peculiarity of the Congress was linked with the homogeneous nature of the political elite whether belonging to the Congress or the opposition.

The party system changed substantially after 1967 with the change in the nature of the socio-economic profile of Indian polity. With the politicisation of the masses as well with the assertion of the new socio-economic groups, mainly the middle peasantry, the Backward castes the Dalits, and religious groups, the party system also changed. The inability of the Congress to accommodate conflicting interests and the erosion of its organisational structure led to its decline. By the end of the 1980s, the Congress had lost its centrality. A multi-party system replaced the Congress System.

The contemporary party system is defined by its multiplicity. A number of national and regional parties have filled in the vacuum created by the withdrawal of Congress from its central position. The regional parties have become more assertive as they have joined the national politics as the allies of the national parties. This also has strengthened the federal structure of India. However, in recent times again the trend is shifting back to single dominant party system with rise of the BJP and decline of the Congress Party and weakening of some of the regional parties.

3.1.8 EXERCISE

1. What was the socio-economic background of the political elite at the time of India's independence?

2. What is meant by 'dominance coexisting with competition but without a trace of alternation'?

3. Why were the opposition parties known mainly to be the parties of pressure

before 1967?

4. Why was the Congress party called an umbrella party?

5. What is meant by 'Centrality of Congress' during the first two decades of independent India?

6. What was the impact of the electoral politics based on the principle of Universal Adult Franchise on the politics of India?

7. Why was the Congress party not so successful in integrating various interests after 1967?

8. What was the impact of Congress split on the Party politics of India?

9. What was the major change brought out by the 1977 parliamentary elections?

10. What is peculiar about the electoral outcome of parliamentary elections since 1989?

11. Why do we say that the centrality of the Congress party has declined since 1989?

12. What are implications for the rise of BJP to Indian Politics?

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – III : **Political Process**

3.2 COALITION POLITICS : NATURE AND TRENDS

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STRUCTURE

3.2.0 Objectives

3.2.1 Introduction

3.2.2 Coalition Politics-Meaning and Definitions

3.2.3 Characteristics of Coalition Politics

3.2.4 Coalition Politics in India

3.2.5 Coalition Politics : A Critical Evaluation

3.2.6 Let Us Sum Up

3.2.7 Exercise

3.2.0 OBJECTIVES

After going through this unit, you should be able to:-

- understand the meaning of coalition politics and coalition government;

- know the role of coalition politics in India: its merits and demerits;

- comprehend the basic characteristics of coalition government.

3.2.1   INTRODUCTION

The present era is the era of coalition politics or coalition governments. Coalition politics had its birth even before the coming of India's independence and even after the fourth Lok Sabha elections. There were established several coalition governments in some of the Indian states. However, in a real and effective way, the beginning of the politics of coalition took place after 1989 when the era of hung Lok Sabhas emerged in the Indian Political System. In fact, the presence of hung Lok Sabhas naturally gave rise to the politics of coalition governments at the central level.

3.2.2   COALITION POLITICS: MEANING AND DEFINITIONS

Coalition politics means a system of governance by a group of political parties or by several political parties. When several political parties collaborate to form a government and exercise the political power on the basis of a common agreed programme or agenda, we can describe such a system as coalition politics or government. Such a government is usually organised when no party is in a position to get a majority in the parliament, and some parties form a coalition group or alliance and thus form a government. It also happens, when before an election, several parties form an alliance or a coalition group, and which after getting a majority or after emerging as the single largest group in the legislature, forms a government which all coalition partners find a berth or berths in the Council of Ministers. A pre-poll coalition group always contests elections on the basis of a common manifesto or an agreed programme and policies behind which all the coalition partners are united through a consensus. When the coalition group as a whole secures a majority in elections, it gets the mandate to rule and implement its agreed programme and politics. As a result, it forms a government in which every coalition partner has a share and the coalition government exercises power for giving effect to the agreed policies and programme. In other words, a coalition government means the formation of a government by a group of political parties and coalition politics means the collective exercise of power by a group of political parties as coalition partners.

While defining coalition politics, Ogg observes, "A coalition politics or government is a collaborative or co-operative effort in which several political

parties or some political parties in association with some independent representatives form a government". The system of forming a collective government and running such a government is usually described as a coalition government or a system of coalition rule or more simply coalition politics.

3.2.3 CHARACTERISTICS OF COALITION POLITICS

The following are important characteristics of coalition politics:-

1. A coalition government is organised by two or more political parties.

2. At times, some political parties form a pre-poll alliance and contest the elections by making electoral adjustments and by collectively fielding their common candidates from different constituencies. After getting a majority in the elections, the coalition partners collectively form a government.

3. At times when no single party is in a position to get a majority in the elections, after the poll verdict some parties come together as a coalition and form a government.

4. Before or after the organisation of a coalition government, the coalition partners prepare a common programme which incorporates a set of mutually agreed politics and principles. The exercise of power is undertaken for implementing the agreed policies and programmes. In case, the coalition alliance or group is organised before the elections, a common election manifesto is prepared, adopted and released. In case, the coalition group is in a position to win a majority in elections, it forms the government and undertakes the implementation of the policies and programmes contained in the common election manifesto.

5. Sometimes some political parties organise a coalition group or an alliance or a united front for preventing a particular political party or group from getting the chance to form a government. They make electoral understandings and adjustments for securing the defeat of the candidates of the party which is to be opposed. After defeating this party, they become forward to organise a coalition government. Such a coalition can be described as a negative coalition because it is not based on a unity of

ideas, policies and programme, but upon the need to prevent a particular party or group from getting political power. Such a coalition group or united front can be formed even after the election results. In the elections these "coalition partners" might have opposed each other and yet after the elections they come together to form a coalition government. The two United Front governments in 1996-97 and 1997-98 were such coalition governments and these were primarily organised for preventing the BJP from forming a government. It was, indeed, a case of negative coalition. The attempts made by the Congress and some other parties to form a coalition government after the defeat of BJP-led coalition government on 17th April, 1999 were also aimed at forming a negative coalition. The Congress-NCP coalition government of Maharashtra is again a negative coalition.

6. The coalition group or alliance either elects or selects a coalition leader in advance or elect such a leader after the elections. The coalition government is organised under the leadership of such a person. Usually the leader of the largest coalition partner is elected as the leader of the coalition as a whole.

7. Coalition government is always based upon a compromise or agreement. In policy-making and decision-making all the coalition partners try to practice decision-making or policy-makings by consensus. Each coalition partner has to accommodate the wishes, desires and policies of other partners.

8. A coalition government has usually a large sized Council of Ministers because all the coalition partners have to be given a berth in the ministry. The NDA government had to induct 74 ministers in the council of Ministers.

9. In case a pre-poll alliance or coalition contests elections on the basis of a common election manifesto but in the elections one coalition partner is in a position to secure a majority in elections, the government is still formed jointly by all the coalition partners. In 1997 elections to Punjab Vidhan Sabha, the SAD-BJP coalition participated as a pre-poll coalition. In these

elections the SAD was independently in a position to form the government. Yet the SAD-BJP alliance formed a coalition government in Punjab. Likewise on the eve of elections to the 13th Lok Sabha, as well as 16th Lok Sabha elections (2014) the BJP had declared that even if it may secure a majority in the Lok Sabha, it will form a coalition government of all the partners of the pre-poll National Democratic Alliance. Accordingly, it formed coalition government along with NDA allies such as TDP and Akalis though it singularly secured 2/3 majority in 2014.

10. Normally a coalition group establishes a steering committee or a co-ordination committee for co-ordinating their activities as parts of the ruling combine.

3.2.4 COALITION POLITICS IN INDIA

1. FIRST COALITION GOVERNMENT AT THE CENTRE, 1977: In January 1977, four political parties, Bhartya Lok Dal, Congress (O), Jan Sang and some rebel Congressmen united to form the Janta Party. It was designed to bring at one platform all anti-Congress Parties and to work for the defeat of the Congress in the next elections. The Janata Party constituents contested these elections under one symbol and a common manifesto. In these elections, the Congress (I) suffered a defeat and Janta Party and its supporters won as many as 300 seats in the Lok Sabha. It formed the first non-Congress government at the Centre and it was a coalition government in the sense that its constituents had maintained their individualities even after forming the government. During its rule from 1977-79 political instability and inefficiency continued to characterise the India Political System.

2. NATIONAL FRONT GOVERNMENT 1989 AND COALITION POLITICS: In 1989, several Congressmen resigned their membership and formed a Jana Morcha to oppose the Congress and provide an alternative of it. The Jana Morcha leaders joined hands with some other parties like Janata Party and Lok Dal. A National Front was formed to contest 1989 elections; no party was in a position to win majority and yet National Front emerged as a potent political force. It formed the government at the Centre with

outside support from the BJP and the Left parties. The National Front government worked as a coalition government for about 18 months. Its rule was characterised by inefficiency and instability due to the presence of strong differences among its partners as well as due to its dependence on the BJP and the left. It was replaced by the Janta Dal (S) government which was supported by the Congress. However, this government could work only for six months. This experiment of coalition politics also was almost a failure.

In 1991 elections to Lok Sabha, 40 party coalition was in a position to secure a majority. The Congress got 225 seats and emerged as the single largest party. The BJP came second with 119 seats. In June 1991, a minority government of the Congress was installed in office and it was in a position to hold power up to 1996. The 1996 and 1998 elections produced hung Lok Sabhas and between 1996-98 four governments were formed and each one was a coalition government.

3. ESTABLISHMENT OF UNITED FRONT GOVERNMENTS (1996-98) AND COALITION POLITICS: In the 1996 elections, the BJP emerged as the single largest party with 161 Lok Sabha seats and the Congress came second with 140 seats. The President invited the BJP to form the government, which was done but this government could last only for 12 days. However, immediately after the installation of the BJP-led government, several political parties (JD, CPI, CPM, Congress I, DMK, TDP, TMC, etc.) had organised a united front and elected Sh. H.D. Deve Gowda at its leader. It also prepared a Common Minimum Programme (CMP). After the resignation of the BJP government on 28th May 1996, the United Front staked its claim to form the government the Congress decided to extend outside support to it. As a result, the United Front formed its government and it was a coalition government. The CPI joined this government while the CPM decided to give only outside support.

The United Front government of Prime Minister H.D. Deve Gowda could last for about a year and during this period, it tried to implement the policies and programmes contained in the CMP. However, dependence upon the Congress

support and due to some internal contradictions, it could not work very effectively. In April 1997, it had to be replaced by the second United Front government under the Prime Ministership of Sh. I K Gujral due to the pressure from Congress in favour of change of leadership. The second United Front Government was again a coalition government and dependent upon the Congress support. It could work smoothly for only six months and after the withdrawal of support by the Congress in November 1998, it became a caretaker government. During June 1996 to March 1998, coalition politics remained operational.

4. BJP-LED COALITION GOVERNMENT (MARCH 1998 TO APRIL 1999): The 1998 elections again produced a hung Lok Sabha with BJP as the single largest party with 182 seats and its alliance got a total of 253 seats. The Congress Party got 140 seats and came second. The BJP-led alliance formed a coalition government under the leadership of Sh.Atal Behari Vajpayee. The TDP, and Trinamool Congress extended their support from outside. On 19th March 1998, the BJP-led alliance formulated and adopted the National Agenda for Governance (NAG) listing the agreed policies, programmes and decisions of the alliance.

Right from the day one this coalition government found the going difficult both because of the problem of co-ordination among alliance partners in general as well as due to the pressure tactics and irresponsible attitude of its ally AIADMK. The government found it difficult to implement even the agreed National Agenda. It took the decision to make India a nuclear power as well as a missile power.

By April 1999, there had developed serious differences between it and AIADMK. The latter decided to leave the government and withdraw its support. The coalition government reduced to a minority. The President called upon the government to seek a confidence vote in the Lok Sabha. The BJP-led coalition government failed to secure the confidence vote on 19th April 1999, by a margin of just one vote; 269 for and 270 against. This led to the fall of the government.

5. NATIONAL DEMOCRATIC ALLIANCE GOVERNMENT (13 OCTOBER

1999 ONWARDS): The elections for the 13th Lok Sabha were held in September-October 1999. Prior to these the BJP formed an alliance – the National Democratic Alliance (NDA) – with 23 other parties and adopted a common election manifesto. Later on, the Janta Dal (United) also joined this alliance. The Congress made electoral arrangements in the some other political parties (CPI, BSP, RJD, RPI and AIADMK) in different states, but did not try to forge a full alliance. The Left Front, particularly the CPM tried to revive the Third Front, but with little success. The emerging Indian political scene reflected the possibility of the rise of three groups in the Indian party system. In these elections, the NDA was in a position to secure a simple majority –296 seats in the 13th Lok Sabha. Later on, the National Conference and other elected independent MPs decided to join it and its majority gone up to 304.

On 13th October, 1999, the NDA Government under the leadership of Prime Minister Atal Bahari Vajpayee came into power. Initially 70 ministers were inducted into Council of Ministers, but a few days later 4 more ministers were added. The jumbo size of the ministry reflected fully the large number of constituents of the NDA – a coalition of 24 parties. The coalition politics is at work and it is reflected the problem of governance by a large coalition alliance. The regional parties – TDP in Andhra, Trinamool Congress in West Bengal, DMK in Tamil Nadu and SAD in Punjab – are trying to get more and more advantages. Coalition politics shown its troubled nature once again when the BJP-led Coalition (the NDA) lost its earlier allies (DMK, MDMK, PMK, Lok Jana Shakti) dropped one (HVP) and spurned others (AGP) even before the dissolution of the 13th Lok Sabha.

The initial years of the Vajpayee government even strengthened the apprehension that it too would prove to be an unstable coalition. However, half way through the government's five year term, the ruling National Democratic Alliance (NDA) led by the BJP was looking extremely shaky and threatening to collapse under the weight of its internal contradictions. The contradictions

were not just between the BJP and its nearly two dozen allies in NDA, but also within the Sangh Parivar. Despite the pulls and pressure of coalition politics, it was for the first time ever that a coalition government, despite its diverse composition, had completed its tenure. It must be said to the credit of the Prime Minister Vajpayee that he managed the coalition well.

6. UNITED PROGRESSIVE ALLIANCE (UPA I and II) 2004-2009 and 2009 to 2014: The elections for the 14th Lok Sabha were held in May 2004. Before the elections, both the BJP and Congress were actively involved in forming alternative electoral alliances for the elections. Actually the Congress had been losing its grip over national political space since the Lok Sabha elections of 1989 and this trend had continued through 1991, 1996, 1998 and 1999. All the five Lok Sabha elections held in 1990s revealed a common trend: the Congress's decline. The realization by the Congress, that it had lost its grand national presence, promoted it to accept the logic of coalition politics and subsequently, the party at its Shimla and Srinagar meetings of 2003 came out with a clear preference for coalition alliances with likeminded secular parties. The results of Assembly elections of December 2003 in which Congress suffered badly in Rajasthan, Madhya Pradesh and Chhattisgarh had also changed the attitude of Congress towards coalition. As a result, Congress too along with its allies formed United Progressive Alliance (UPA) and contested elections under the leadership of Sonia Gandhi. The alliance consisted of DMK, AIMIM, PMK, JMM, RJD, TRS, PDP, MDMK, IUML, RPI (A), RPI(G), KC(J), LJP, NCP and Congress. The major change in Election 2004 over 1999 was that the Congress Party, which both resisted coalitions (the Panchmarhi declaration of 1998) and which was inherently less 'coalitionable' earlier, became a significant coalition builder in 2004. The rift developed towards the end of the UPA I government between Congress and Left parties on the issue of Indo-US nuclear deal, which ultimately led to the withdrawal of support by the Left parties. However, the government survived as some of the opposition parties MPs supported the UPA I.

In the General Election in 2009, the UPA won 262 seats, of which the Congress (I) accounted for 206, 61 seats more than the 2004 election tally and it needed just 10 more MPs to get the 272 figure needed for majority in the 543-member Lok Sabha. There was huge gap between it and its nearest rival, the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA). The NDA got only 157 seats, with the BJP's own score being 116. The non-Congress, non-BJP formation was reduced to 72. The Fourth Front, which sought to develop a separate political identity in order to enhance its bargaining power with the Congress and the UPA in a post-poll situation, was also brought down, to just 27 seats. Belying expectations of a fragmented verdict, the mandate of the 15th Lok Sabha elections has been decisive in favour of the Congress Party-led United Progressive Alliance (UPA). RJD, SP, BSP, JD (S) and other smaller parties and independents provided unconditional external support to the government without expecting any returns in form of cabinet berths. It successfully completed its term of five years in office though this period has witnessed lot many scams and corruption scandals.

7. During the 16th Lok Sabha elections, the BJP-led NDA won an historic victory by massively winning 336 seats of which BJP alone won 282 seats. Though BJP as a single party secured a simple majority to form the government on its own, however, it maintained the coalition dharma by including its allies also in the government. As of March 2017, the BJP holds a majority of Legislative Assembly in 10 states - Arunachal Pradesh, Assam, Chhattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh and Uttarakhand. In 3 states - Goa, Maharashtra and Manipur, BJP shares power as Senior Partner (Chief Ministers from BJP) with other politicial parties of NDA coalition. In 4 other states, Andhra Pradesh, Jammu and Kashmir, Nagaland and Sikkim it shares power as Junior Partner with other political parties of the NDA coalition. The coalition is promising a clean and corruption free government with development as focus.

3.2.5 COALITION POLITICS: A CRITICAL EVALUATION

Despite all the difficulties faced in running the coalition, it is evident that this

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experiment with coalition will continue for a long period in the Indian political system as India exhibits pluralism in different walks of life. Thus, coalition system is a natural political process depicting diversity in language, religion, culture etc. This coalition experiment despite many drawbacks has also shown that pursuance of inclusive politics has always paid rich dividends electorally. Thus, it is perceived that coalitions do not undermine democracy. Moreover, the mandates of Indian electorate have reaffirmed its support to coalition system. So, coalitions are not temporary phenomenon but permanent ones.

Since the coalitions have to be accepted as a reality in India, there is a need to have a relook into its continuation and plug the loopholes wherever possible to make it more effective and prevent the instability in government. Amendments need to be done in the Indian Constitution to plug the loopholes in the electoral system. Electoral reforms and party reforms require to be initiated to make coalitions more effective and stable. At present, there is a need to provide ground rules for its operation so that stability is maintained. Indian parliamentary system has to work effectively with the multi-party system and also the coalition government. Therefore, the parties which join together to form the government must have a common minimum programme and common manifesto prior to elections and all the members of the party should agree to abide by it. Major problems should be settled through consensus and agreement. Moreover, there should be ideological compatibility among the coalition partners. The absence of such compatibility will result in periodic frictions and conflicts among the partners thereby affecting the smooth functioning of the governments.

It is a fact that the coalitions in India are indicative of the pluralistic tendencies in India and Indian politics. The phenomenon of political parties of diverse ideologies and affirmations coming together to share power has become a prominent feature of Indian politics in the last few decades which integrates the party system and the nation. Therefore, coalition system needs to be strengthened to make democracy more effective and representative since coalitions are effective in enhancing democratic legitimacy, representativeness and national unity.

3.2.6   LET US SUM UP

Coalition politics is a system of governance by a group of political parties or by several

political parties. When several political parties collaborate to form a government and exercise the political power on the basis of a common agreed programmes and agenda, we can describe such a system as coalition politics or coalition government. The beginning of the coalition politics took place after 1989 when the era of hung Lok Sabha emerged in the Indian Political System. In fact, the presence of hung Lok Sabhas gave rise to the politics of coalition governments at the central level. However, the coalition politics in India are gaining maturity as dominant parties, such as BJP, preferring alliances and partners though it has secured majority on its own in 16th Lok Sabha, which is a positive sign for India's democracy.

3.2.7   EXERCISE

1. Define coalition politics or Government.

2. Define pre-poll coalition?

3. Explain the term post-poll alliance.

4. What do you mean by negative coalition? Give example also.

5. Critically analyse the role of coalition government in Indian Political System.

B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – III : **Political Process**

3.3 IDEOLOGY AND SOCIAL BASE OF NATIONAL PARTIES : CONGRESS, BHARATIYA JANTA PARTY AND COMMUNIST PARTIES

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STRUCTURE

3.3.0 Objective

3.3.1 Introduction

3.3.2 National Political Parties

3.3.3 Indian National Congress

3.3.3.1 Ideology of Congress Party

3.3.3.2 Social Basis of Congress

3.3.3.3 Decline of Congress Party

3.3.4 Bhartiya Janata Party (BJP)

3.3.4.1 Ideology of BJP

3.3.4.2 Social Base of BJP

3.3.5 Ideology of Communist Parties

3.3.6 Let Us Sum Up

3.3.7 Exercise

3.3.0 OBJECTIVES

After going through this unit, you should be able to:-

- understand the nature and functioning of national political parties in India;

- ideology and social base of Congress;

- know the social and ideological basis, performance of B.J.P.;

- comprehend the ideological and social base of Communist parties.

3.3.1 INTRODUCTION

Political parties and the party system in India have been greatly influenced by cultural diversity, social, ethnic, caste, community and religious pluralism, traditions of the nationalist movement, contrasting style of party leadership, and clashing with ideological perspectives. The two major categories of political parties in India are National and State, and are so recognized by the Election Commission of India on the basis of certain specified criteria.

3.3.2 NATIONAL POLITICAL PARTIES

On the basis of the performance of political parties in elections, the Election Commission recognizes each party either as a national party, or a regional party to a local party or registered and recognized party. A political party, which is active only in one state, gets recognition as a local party or a state party. At present state parties are required to have (a) at least 6 percent of the votes polled plus at least 2 members in the Legislative Assembly or (b) at least 3 percent of seats in the Assembly. The existing criteria for recognition as a national party are (a) at least 6 percent of votes polled in a parliamentary election in at least 4 members in the Lok Sabha OR (b) at least 2 percent of the membership of the Lok Sabha drawn from at least 3 states.

Going by the Election Commission Report on the 15th Lok Sabha election held in 2009, a total of 411 political parties entered the electoral fray. Seven of these parties were recognized or classified as 'National' parties, 41 as 'state' or regional parties, and the rest (N = 363) were merely registered parties.

National political parties participate in different elections all over India. The Election Commission of India presently recognizes six parties as National Level Parties. These are Indian National Congress (INC), Bhartiya Janata Party(BJP), Communist Party of India (CPI), Communist Party Marxist (CPM), National Congress Party (NCP), Bahujan Samaj Party (BSP). These enjoy support and popularity in all parts of India.

3.3.3 INDIAN NATIONAL CONGRESS (INC)

Indian National Congress (INC), which is now popularly known as Congress, was formed in 1885. Under the leadership of Indian National Congress, the people of India successfully struggled for independence from the yoke of British imperialism. After the independence, the Congress kept on dominating the Indian political system for 30 years i.e. up to 1977. It suffered two major splits in 1969 and 1979 and several mini break-offs from time to time. In 1999, another split developed in it when a group of Congressmen led by Mr. Sharad Pawar, P.A. Sangma and Tariq Anwar formed a new party, Nationalist Congress Party (NCP). The emergence of several other political parties in India resulted from these splits and splinterisations. The Janata Party, the Janata Dal, the Samajwadi Janata Party, the Lok Dal, and PSP, the SSP, the Bangla Congress, the Utkal Congress, TMC, NCP and some other political parties can be legitimately described as parties formed by dissident or rebel congressmen.

3.3.3.1 Ideology of Congress

Congress has all along been committed to the ideology of Democracy, Socialism and Secularism. Its policies are governed by the objectives of fundamental rights and freedom of the people, open and democratic struggle for power, full faith in peaceful and constitutional means and acceptance of the principles of decision-making by consensus. The Congress has always participated in the political process at all levels. It has always contested elections and has full faith in the complete superiority of the ballot. Faith in secularism has been a fundamental article of faith with the Congress. It has always opposed the forces of communalism and holds that secularism alone can be the principle of life in pluralist society like India.

Right from 1923 to the present day, Congress remains committed to follow the ideology of socialism, which means democratic socialism. It always expresses faith in favour of securing social, economic and political justice along with an equitable distribution of wealth, social equality, social justice and equality of opportunity for all through democratic means. It regards protection of interests of the weaker sections of the society as important and integral part of the objective of securing democratic socialism.

Presently, it has been championing the principles of liberalisation, decentralisation, democratisation, market economy and globalisation. Now, it advocates the securing of objectives of democratic socialism through the use of these principles and policies.

The Congress has always been committed to the ideology of internationalism. It advocates the need and possibility of developing friendly and co-operative relations with all the countries of the world. It has always opposed the forces of imperialism, colonialism, neo-colonialism and radicalism. It has been a staunch votary of non-alignment and Panchsheel and regards these as the fundamental principles for the conduct of international relations. To support the rights of the Third World and developing countries has been a cardinal principle of its ideology of internationalism.

3.3.3.2 Social Base of Congress

During the freedom struggle, the Indian National Congress enjoyed the support of all sections of society, particularly the middle class and the new intellectual elite. Under the leadership of Mahatma Gandhi, a big massification of this Party took place and it came to be identified as the Party of the Indian people of all castes, religions, creeds and colours. It got recognition as the mainstream party under their struggle for freedom.

After the dawn of freedom, the Congress leaders came in power and enjoyed a degree of credibility and legitimacy with the masses. The Congress party remained the single most dominant party till 1989 and it enjoyed a remarkable popular support among the masses. Its support base included the people of all sections of the society. It depends upon the support of following section of Indian society:–

1. RELIGIOUS AND ETHNIC MINORITIES: These minorities have blind faith in Congress because of its secular policy.

2. SCHEDULED CASTES, SCHEDULED TRIBES AND WEAKER SECTIONS OF SOCIETY: The Congress always identifies itself with the cause of the people belonging to Scheduled Castes, Scheduled Tribes and other weaker sections of the society. In the Constituent Assembly, it worked hard to secure reservations for them. After independence, Congress Party repeatedly got extended the period of reservations for them. It continues to support reservations till today and hence enjoys a support base among these classes. However, this support base has been getting weaker and weaker. The rise of BSP and the other regional parties and the support extended to these classes by almost all the parties have reduced the popularity of the Congress with these classes.

3. OTHER BACKWARD CLASSES (OBCs): A part of the people belonging to the category of OBCs also consider the Congress to be a party which can help them to secure better rights, interests and reservations.

4. POOR SECTIONS: The Congress has always tried to identify itself with the poor of India, Garibi Hatao has been its popular slogan. As such, it enjoys a good support base among the poor of India.

5. LABOUR: The Congress Party's trade union wing, the Indian National Trade Union Congress (INTUC) one of the labour organizations in India. As such a sizeable part of the labour force of India tends to support Congress in Indian Politics.

6. BIG INDUSTRIAL HOUSES AND WOMEN ORGANISATION: Some big industrial houses extend their support to Congress. They regard it as a well-organised party committed to pursue economic liberalisation and privatisation. Further a large number of women organisations also support Congress. In fact Congress has within its fold several popular women leaders who are a source of support for the party.

3.3.3.3 Decline of Congress

With the Janta Party coming into power in 1977, the dominance of Congress party was lost, though it continued to be in power for sometime in the Centre. Even at the

time of dominance of Congress Party, West Bengal, Kerala, Tamil Nadu and Punjab remain outside the congress system. Congress also faced some kind of opposition in states like Orissa, Rajasthan, M.P and Assam. The reasons for decline are:

1) changes that had taken place in the composition and character of electorate (young uncommitted voters);

2) depart of old charismatic leadership of the Independence movement;

3) politicization of middle and lower peasantry and caste groups;

4) loss of support from minorities and backward caste, since 1980, Sikhs, Muslims and SCs have tended to drift away from the party;

5) huge section of traditional Congress upper caste vote had gone over to BJP and backward classes to other regional parties such as SP, JD (U), etc.;

6) internal factionalism and finally split in the party (the division of Congress in 1969 into Congress (I) led by Indira Gandhi and Congress (O) led by Morarji Desai and later many other splinter groups such as NCP emerged);

7) proclamation of emergency in 1975;

8) spread of regional political parties; and

9) breakdown of consensus and sections of society and party about the development priorities.

The party's penchant for dynastic politics, its intolerance of dissent, empty slogans of an inclusive society and the excesses during the Emergency in the mid-1970s led to disillusionment among the people and its resounding defeat at the polls. About the same time, some States saw the emergence of regional parties, pushing local and regional agenda. The last three decades have seen the emergence of many regional, linguistic, religion and caste-based political formations across the country, fighting to represent the diversity of India's people and their distinctive interests. Presently, the BJP has replaced the Congress as a holder of elite sections of the society in its fold, which ultimately led to the erosion of the Congress Party. In reality, the Party which is instrumental in bringing independence to India reduced to a

level of regional party with just 45 Lok Sabha seats in 16th Lok Sabha and just in power in couple of states.

3.3.4 BHARTIYA JANTA PARTY (BJP)

The Bharatiya Janta Party (BJP) can be legitimately described as a successor to the old Jan Sangh which was founded way back in 1950s. It was in 1951 that several leaders of the RSS and Hindu Maha Sabha, acting under the leadership of Dr. Shyama Prasad Mukerjee, founded the Bhartiya Jan Sangh. Article 3 of its manifesto defined its aim as: "To make India a political, social and economic democracy on the basis of Bhartiya Sanskriti and Maryada. This democracy shall be oriented towards making India a prosperous, powerful, organised, progressive modern and alert nation which may successfully contain the aggressive tendency of other countries and play an effective role in international sphere in establishing world peace". At the time of its birth, Dr. S. P. Mukerjee declared that it was not a communal or sectoral party. He declared, "There was no communalism in India except the new policy of Muslim appeasement which has been started by Mr. Nehru and his friends for the purpose of winning votes in the forthcoming general elections".

3.3.4.1 Ideology of BJP

The following are the main ideologies of Bhartiya Janta Party:-

1. CLEAN ADMINISTRATION AND SOCIAL JUSTICE: The BJP holds out the promise to clear political justice.

2. VIBRANT SOCIAL ORDER AND INTERNATIONAL BROTHERHOOD: BJP is committed to strive for the establishment of "vibrant social order" at home and promote the concept of "world fraternity" in the international affairs.

3. RAM RAJYA AS THE IDEAL: Pledging to take the country towards 'Ram Rajya', the party assured the people that it believes in consensus and cooperation and not in confrontation and conflict. "It would uplift the poor and the down-trodden without pitting caste against caste and inciting class against class."

4. RAM MANDIR AND BABRI MASJID ISSUE: On the Ayodhya issue

BJP holds that "as the party of law and order and justice, it would ensure the security of life, limb and honour of all citizens. It seeks the restoration of Ram Janambhoomi in Ayodhya only by way of a symbolic righting of historic wrongs so that the old unhappy chapter of acrimony could be ended, and a grand national reconciliation affected Hindus and Muslims are blood brothers. But on account of historical reasons have not been harmonious, it shall be the endeavour of the BJP to make all Indians fraternal and friendly once again."

In December 1992, when the BJP was ruling the state of UP, a large number of kar-sevaks were in a position to demolish disputed structure at Ayodhya, and this led to the dismissal of the BJP government.

5. SECULARISM: Underlining that theocracy is alien to India's enthral heritage, the Party stresses that there is no room for discrimination against anybody on ground of caste, creed, language or region. "It is the duty of the state to ensure justice for all citizens and for all sections of the society."

6. SUPPORT FOR SARKARIA COMMISSION: Favouring restructuring of centre-state relations the party works to implement the Srkaria Committee report on the subject. Party Programmes states that, "The BJP is wedded to national unity and national integrity and a balanced development of all regions and all sections. To these ends we will have political not only a strong centre but also strong autonomous states."

7. TO PREVENT THE MISSUSE OF ARTICLE 356: The BJP promises to invoke Article 356, permitting dissolution of state government by the centre, only when the constitutional machinery has broken down and not to promote any partisan interests.

8. TO REMOVE REGIONAL IMBALANCES: To deal with the problem of regional imbalances, the party proposes to appoint a commission to report on formation of smaller states which are economically and democratically viable.

9. TO EXAMINE THE SUITABILITY OF A PRESIDENTIAL SYSTEM FOR INDIA: The BJP promises to set up a commission to study and report, whether the presidential system of government could give the country a more stable

government than the present parliamentary system.

10. DELETION OF ARTICLE 370: The BJP will delete the temporary Article 370 from the constitution which "more than anything else psychologically separates Jammu and Kashmir from the rest of the country." However since 1998, the BJP has not been advocating such a demand.

11. DEVELOPMENT OF SCIENCE AND TECHNOLOGY: Promising to modernise the country on the basis of science and technology, the BJP says "We want to do a thousand things to uplift the people and upgrade the country. And we have the first principles, the sound policies, the wise leadership and the dedicated cadres to do them well."

12. USE OF DOORDARSHAN AND AIR FOR PROPAGATION OF INDIAN CULTURAL VALUES: The party wants to lift the AIR and Doordarshan ban on the use of 'classical symbols' like OM, Swastika, Sri Chakra etc; as also to screen Ramayan, Mahabharat, Bhagwat and other epics and classic in various Indian languages and encourage the study of Sanskrit.

13. ECONOMIC POLICIES: BJP's economic agenda involves the desire to free the nation of dogmas and to follow unfettered liberalisation. It favours the privatisation of public sector and opening of Indian economy much further. It promises to raise the income tax exemption limit as well as for the abolition of Octroi duty. It also stands for effective uniformity in the sales tax rates throughout the country and successful in bringing GST once it came to power in 2014 with a thumping majoirty.

14. JOB RESERVATION: On the political front, the BJP admits the policy of reservation for the backward classes in adulation to the scheduled castes and scheduled tribes. It also fully supports the demand for reserving 33% seats for the women of India.

15. BJP'S FOREIGN POLICY: In the sphere of foreign relations, BJP is critical of both China and Pakistan as they are in possession of parts of Indian territory. But whereas it proposes to invite Pakistan or resolving the disputes

in terms of the Shimla agreement, it offers no such remedy to China. In the 1989, election manifesto of the party, the emphasis was on pursuing a policy of peace, friendship and cooperation with neighbouring countries.

16. NUCLEAR POLICY: BJP also supports fully the case of India developing her own nuclear weapons. In fact in May, 1998, the BJP led government of India decided to conduct nuclear tests and to make India a nuclear power. Five nuclear tests were conducted on 11 and 13 May 1998 and India declared herself to be a nuclear power. BJP opposes both the NPT and the CTBT in their existing forms.

3.3.4.2 Social Basis of BJP

The BJP like its predecessor, the Jan Sangh has a strong electoral support-base in the Hindu belt as also in Gujarat and Maharastra. Since 1989, it has been trying to extend its base in South India also, particularly in Kerala, Karantaka and Andhra Pradesh. The BJP is more successful in Karnataka where it has emerged as one of the two largest parties, even secured power once. In terms of social base, BJPs traditional votes have been coming from upper castes, the small and medium traders and shopkeepers in urban and rural areas, lately it has made dent in young and working class voters also. In recent period, the educated New Middle Class emerged as strongest and largest follower of the BJP.

However, the BJPs vote share among marginalised grounds like the Dalits, tribals and above all Muslims is significantly lower. As many as 96 percent of BJP voters are Hindus. Among the minorities, it got votes only from Sikhs, particularly outside Punjab. It has also made some entrance into OBC's votes. Although the BJP is not as dependent on the urban vote as it used to be it still does much better in urban-areas. In general BJP is a party of upper and middle castes, Hindu urban traders, shopkeepers and middle classes of Hindu belt.

The 2014 Parliamentary elections and successive State Assembly elections proved that the BJP is the only party that has Pan-Indian presence. It is the only Party which is in power in all parts of the India, East, West, and North. In South also, it was in secured power to Karnataka and as and when elections are held, it is going to come back to power once again in that state going by the political

trends. It is in alliance in Andhra Pradesh with ruling TDP. The Party is becoming stronger day-by-day as we can witness in the seats it is securing across India. The Lok Sabha strength of BJP has gone up from 117 in 15th Lok Sabha to 282 in 16th Lok Sabha.

3.3.5 IDEOLOGY OF COMMUNIST PARTIES

In the early 19th century a new philosophy in political world emerged and it was Marxism. Many people in India were impressed by Marxist ideas and many communists from around the world arrived in India to teach and preach the communist philosophy. After the communist revolution, which occurred in Russia in 1917, many in India wished to cause same kind of revolution in India against the British.

The Communist Party of India has officially stated that it was formed on 25 December 1925 at the first Party Conference in Kanpur. During the 1920s and the early 1930s the party was badly organised, and in practice there were several communist groups working with limited national coordination. The British colonial authorities had banned all communist activity, which made the task of building a united party very difficult. Between 1921 and 1924 there were three conspiracy trials against the communist movement; First Peshawar Conspiracy Case, Meerut Conspiracy Case and the Cawnpore Bolshevik Conspiracy Case. The party was reorganised in 1933, after the communist leaders from the Meerut trials were released. A central committee of the party was set up. In 1934 the party was accepted as the Indian section of the Communist International.

In July 1942, the CPI was legalised, as a result of Britain and the Soviet Union becoming allies against Nazi Germany. Communists strengthened their control over the All India Trade Union Congress. At the same time, communists were politically cornered for their opposition to the Quit India Movement.

Ideological differences lead to the split in the party in 1964 when two different party conferences were held, one of CPI and one of the Communist Party of India (Marxist). Of these two parties the CPM is the stronger party. Their main strength was in West Bengal in east India and in Keralla, south India. However,

later on the CPI (M) further splits out of which emerged many naxalite who are averse to parliamentary democracy. The splintered groups which believed in armed struggle were further split into several groups and later merged into one group named as CPI (Maoist) which is engaged today in guerrilla warfare against the established government.

The Communist parties demand social equality for women, suffrage for all adults, the nationalization of privately owned enterprises, land reforms, social justice for the lower castes (including those formerly called untouchables), and the right to protest through demonstrations and strikes. On economic front, communist parties maintain traditional socialist agenda of uplifting the deprived sections of society and improving their conditions of life. The communist parties have their base in West Bengal, Kerala and Tripura.

The 2004 Lok Sabha elections gave the country's Left Front parties a chance for some national political leverage. The CPI won 10 seats (compared with only four in the 1999 elections) and the CPI(M) 43 seats, and the front was able to provide important external support that allowed the Congress-led United Progressive Alliance (UPA) coalition to form a government. By 2008, however, the Left Front had withdrawn its backing, citing its opposition to the UPA's civil nuclear cooperation agreement with the United States. The front's decision initiated a series of political setbacks for the country's leftist parties. In the 2009 Lok Sabha elections, the CPI was again able to win only four seats, and the CPI(M) total was reduced to 16, its lowest since it first fielded candidates in 1967. The Left Front also suffered defeat in the 2011 West Bengal state assembly elections, the first time that the left had been out of power there since 1977. The slide in leftist support continued in the 2014 Lok Sabha polls, where the CPI could win only one seat, and the CPI(M) total dropped to nine.

3.3.6 LET US SUM UP

In this lesson you have studied three major political parties India: the Congress, the BJP and the Communist Parties. The Congress is considered to be centrist party, the BJP as the rightist party and the communists are considered as leftist

parties. Though the Congress was in power in most part of the post-independence India, however, its power is base is declining in recent period. The BJP on the other hand is gaining popularity in India politics across the states in India. It is presently in power not only at the Centre but also in many other states of India. However, the Communist parties are losing their popularity as their presence has been reduced to lowest in their history, just 10. They also lost the West Bengal to Trinamul Congress in previous Assembly elections.

3.3.7 EXERCISE

1. What is the base for Election Commission to recognize a party as a National Party?

2. Write a brief note on National Parties.

3. Explain the ideology and social base of Congress Party.

4. Critically analyse reasons for the decline of Congress Party.

5. What are ideology and social base of BJP?

4. Write a note on Communist parties in India.

B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – III : **Political Process**

3.4 NATURE AND EVOLUTION OF REGIONAL PARTIES : AKALI DAL, AIDMK, TDP

<div align="right">

– V. Nagendra Rao

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STRUCTURE

3.4.0 Objective

3.4.1 Introduction

3.4.2 Regional Parties in India

    3.4.2.1 Factors Influencing Regionalization of Party Politics

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    3.4.3.1 Origins and Ideology

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3.4.4 AIADMK

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3.4.5 Telugu Desam Party (TDP)

    3.4.5.1 Political Mobilization

3.4.0 OBJECTIVES

After going through this unit, you should be able to:-

- understand the reasons for regionalization of party politics in India;

- know ideology and demands of Akalis and their political strength in the state of Punjab;

- comprehend ideology and political mobilization of AIADMK;

- assess the political mobilization and politics of TDP in Andhra Pradesh.

3.4.1 INTRODUCTION

Regional parties are parties whose main holds are in one certain state and mostly they participate in the elections only within that state. Most of these regional parties have agenda fitting certain culture dominant within that state. Some of these regional parties also participate in neighboring states, which have constituencies with culture similar to the first state. Different state parties were established at different periods because of different reasons. Some even have origins prior to India's independence.

As explained in earlier lesson, on the basis of the performance of political parties in elections, the Election Commission recognizes each party either as a national party, or a regional party to a local party or registered and recognized party. A political party, which is active only in one state, gets recognition as a local party or a state party. At present state parties are required to have (a) at least 6 percent of the votes polled plus at least 2 members in the Legislative Assembly or (b) at least 3 percent of seats in the Assembly. There are around 40 regional parties in existence in contemporary Indian politics.

3.4.2 REGIONAL PARTIES IN INDIA

There is hardly a phenomenon in Indian politics today, which has been as widely debated in journalistic as well as academic writing on India in the last one and a half decades as that of the increasing importance and influence of regional parties and the salience of regional identity at both the state as well as national levels of politics. This fact has been viewed on the one hand as a positive sign potentially indicating a deepening of the democratic process through an increased pluralism of political forces and on the other as a potential sign of increasing fragmentation of the Indian electorate and as a harbinger of increasingly unstable and complex dynamics of electoral competition, i.e. the deinstitutionalization of party politics, and subsequent government formation.

From the second half of the 1990s and at the turn of the millennium the perception was that regional politicians and regional parties were becoming more important while national parties and politicians with a more all-Indian outlook were on the decline, though the trend has changed after 2014 elections in which the BJP secured majority on its own. A look at the distribution of the most visible and prestigious of political offices at the State level, the Chief Ministerships, may reveal how this perception came to be formed. While in 1970, 1980 and 1990, only between 25 and 30 percent of chief ministers in the Indian States had belonged to regional parties and 75 percent were affiliated with national parties (as classified by the Election Commission of India), the share of regional party affiliates holding that office soared to 43 percent by 2000. Moreover, regionally-based politicians such as Chandrababu Naidu (Telugu Desam Party), Balasaheb Thackeray (Shiv Sena) and M. Karunanidhi (Dravida Munnetra Kazhagam) had by that time become important constituent figures as power-brokers for the national-level coalition government, the National Democratic Alliance. It is undeniable and evident from this very crude indicator that parties which are active in only one or two States had by the 1990s come to play a much larger role overall in politics in India than they had thirty years earlier.

3.4.2.1 Factors Influencing Regionalisation of Party Politics

Many factors are influencing the regionalisation of the party politics. The

democratisation of politics, the rise of the backward castes, rise of dissent among the national parties, liberalisations of economy, etc. are some of the factors.

> ***Democratisation***: The rise of regional parties is seen by scholars as related to democratization in Indian politics. It has been argued that the politics in the nineties is characterized by a democratic upsurge involving greater participation by women, tribals, Dalits, lower castes and the rural voters. Regional parties are seen as carries of this democratic upsurge.

> ***Socio-Economic Factors***: Those who emphasise the importance of economic factors argue that as globalization deepens, the role of 'localities' as the sites of political agency and of domination will become more important. Further, it is noted that the shift in power and bargaining leverage from the centre to the states is advanced by the programme of economic liberalization. More specifically, the policy of liberalization has changed the competitive ability of states to attract fresh investments. Instead of credit flows in the direction of low income status (as in pre-reform period), the high income states have been receiving credit flows since 1990.

3.4.3 AKALIDAL

Akali Dal, also called as Shiromani Akali Dal (SAD), is a collection of Sikh political parties mainly based in Punjab founded / headed by different people. The modern day Akali Dal is made up of several break away factors that were once part of the same intellect, a proper unified Akali Dal, of times of Master Tara Singh and Sant Fateh Singh. Then for political / non political reasons, some chose to break away and establish their own Akali Dals and thus Akali Dal entered into factionalism.

3.4.3.1 Akalidal: Origins and Ideology

The Akali Dal traces its origins to the Sikh religious reform movement and the drive by the Sikhs to gain control of their gurdawaras in the early 1920s. During this period of agitation, the Akali Dal was established as an institutional political force under the leadership of Master Tara Singh. The Akali Dal moved

quickly from its religious reform activities to political action because the gurdawara movement involved a direct political confrontation with the British and the British-supported Hindu mahants.

Over the years, the Akali Dal's ideology came to be identified with the protection of the Sikh Panth, or more specifically, the protection of Sikh rights and ensuring the Sikhs' continued existence as an independent political entity. As the Akali ideology is based on Sikh tradition and ideals, it has exercised strong influence on the tradition-oriented Sikh masses, who have shown their support for the party at elections. The Akali Dal demanded a separate Punjabi-speaking state in which the Sikhs would be dominant.

3.4.3.2 Akali Demands and the Center's Response

To evaluate the success or failure of the Akali Dal as a regional party, it is necessary to examine its demands and the Center's response, operating within the framework of a democratic polity. The Akali Dal's demands were articulated best in the Anandpur Sahib Resolution of 1973. The first issue the Akalis wanted resolved was to extend the Sikh province of Punjab, to include the adjoining Punjabi-speaking areas, and to incorporate the city of Chandigarh as the state capital. The second was the demand for an amendment to the Indian constitution to ensure real federal principles, with equal representation at the Centre for all the states.

The centre refusal to such demands increased militancy in Punjab politics which generated spiral violence in the society. This violence somewhat subdued after the death of Bhindranwale though "operation blue star" severely hurt the religious sentiments of the Punjabis.

However, the Punjab crisis more or less resolved following the signing of the Rajiv-Longowal Accords in 1985. These accords aimed at beginning the negotiation process between the Centre and the Akali Dal. The accords conceded the basis of some of the demands which the Akali Dal considered essential prerequisites to discussion, and set the parameters within which other demands would be addressed. The agreement stipulated that the central government would pay compensation to the families that had incurred either personal or

material loss in the Delhi riots.

3.4.3.3 Electoral Politics

The Punjab party system has a dualistic structure as a result of the competition between the Congress Party and the Akali Dal. The Akali Dal's membership is confined to Sikhs; only on the rarest occasions has the party's symbol been given to non-Sikh candidates in an election. Hindus naturally are disinclined to vote for such a party. The main base of Akali Dal support in Punjab is among the Jat Sikh peasantry, the rural overlords of the lower castes. For this reason, the Scheduled Castes, both Hindu and Sikh, do not find the Akali Dal appealing.

Presently, the Akali Dal is in alliance with the BJP and was in power till 2017. However, the 2017 Assembly elections were a big jolt to the Party and its alliance partner the BJP who lost power to the Congress. The main reason attributed to the defeat of Akalis in Punjab politics was increased nepotism and corruption and spread of drugs among the youth.

3.4.4 AIADMK

The All India Anna Dravida Munnetra Kazhagam (AIADMK) emerged when a faction of the DMK under the leadership of MG Ramchandran split and established its own party. This factionalism intensified during the struggles to succeed Annadurai, after his death in 1969. Competition among factions eventually led to the formation of the All-India Anna DMK (AIADMK) by Ramachandaran in 1972, who is a popular Tamil film hero. The DMK remained under the leadership of Karunanidhi.

The reason for the split is personal rivalries rather than any ideological differences. Ideologically both committed to a centre-left political position and political ideologies of Social Democracy, Democratic Socialism and Populism. Both the parties have their mass base is in the states of Tamil Nadu and Puducherry in India.

3.4.4.1 Ideology of AIADMK

The AIDMK was based on an ideology which rejected Hinduism as inherently inegalitarian. It attacked the Brahmins and helped awaken the consciousness of the oppressed non-Brahmins. The Dravidian parties concentrated their efforts on mobilizing the backward classes, which had come to view as their major concern the advancement of their interests and the maintenance of their superiority over the Adi- Dravidas.

The Dravidian parties began to eulogize the Tamil language and culture. In various forms the party identified the symbols of North Indian domination, the glorious Tamil heritage, and the idea that the AIDMK was the saviour of Tamil culture. The AIDMK awakened feelings for Tamil autonomy, an end to North Indian domination and protection against Hindi as the official language.

3.4.4.2 Political Mobilization

The spread of the Dravidian parties through the 1950s was accompanied by the growing presence of party members in journalism, film and theatre. The ideals of social reform and myths regarding Tamil cultural history were propagated actively through these media. The general pattern of Dravidian parties' mobilization has also included their capacity to diminish the Congress vote, to mobilize new voters, and to form electoral alliances.

In trying to mobilize a mass following, the Dravidian parties forged an image of the party as the champion of the common man. It was this common man that the early DMK leader, Annadurai, claimed to represent in all his ruggedness. This appeal was directed at the rising urban lower-middle class; the educated, unemployed youth; the middle farmer; and particularly the backward classes. Annadurai modified the radical social reform aspects of the Dravidian ideology, he placed greater emphasis on the national language issue, the desirability of a Tamil literary and linguistic renaissance, and other aspects of Tamil cultural nationalism.

Ramachandaran's personal charisma proved to be appealing to the electorate and strengthened the AIADMK's support base. Ramachandaran had become the protector of the common man by the roles he had played in films. Thus,

the actor, the fan clubs, the masses, the cinema, and the AIDMK became one ideological and organizational whole. In due course, the AIADMK gained popularity, and later, in alliance with the Congress (I) Party, successfully won a majority in the state assembly elections.

Relations between the Congress and the AIADMK slowly became strained. In the mid-term parliamentary elections of January 1980, the Congress aligned with the DMK and the alliance won 37 out of the 39 parliamentary seats in the state; the AIADMK won just two seats. After returning to power, the new Prime Minister, Indira Gandhi, dismissed a number of state governments belonging to the opposition parties, including the AIADMK government. Elections to the state assembly were held in late May 1980 with the opposition DMK continuing the electoral alliance with the Congress. In a massive reverse of fortunes following its humbling in the Lok Sabha elections, the AIADMK won a comfortable majority in the state assembly by winning 129 seats out of 234 and MGR was sworn in as chief minister for the second time on 9 June 1980.

Ever since his death in 1987, the party was led by his protégé, Jayalalitha. The AIADMK allied with the Congress and swept to power in the assembly elections of 1991 under the leadership of Jayalalitha who became the second female chief minister and the 10th chief minister of the state. In the 1996 assembly election, AIADMK continued its alliance with the Congress but suffered a massive rout, winning only four out of the 234 assembly seats, with even Jayalalithaa losing from Bargur.

The AIADMK formed an alliance with the Bharatiya Janata Party (BJP) and Vaiko's Marumalarchi Dravida Munnetra Kazhagam (MDMK), another breakaway faction of the DMK, during the parliamentary elections in 1998. AIADMK shared power with the BJP in the Atal Bihari Vajpayee headed government between 1998 and 1999, but withdrew support a year later, leading to the fall of the BJP government at the centre. Following this, the AIADMK once again aligned with the Congress.

Jayalalitha took many popular decisions such as banning of lottery tickets, restricting the liquor and sand quarrying business to government agencies and banning

tobacco product sales near schools and colleges. She encouraged women to join the state police force by setting up all women-police stations and commissioning 150 women into the elite level police commandos in 2003, a first in India.

On 27 September 2014, Jayalalithaa was convicted in the Disproportionate Asset case by a Special Court and awarded four-year simple imprisonment and also fined ?100 crores. The case had political implications as it was the first case where a ruling chief minister had to step down on account of a court sentence. She was convicted for the third time overall and was forced to step down from the chief minister's office for the second time. However, the Supreme Court granted bail on 17 October 2014. On 11 May 2015, the high court of Karnataka said she was acquitted from that case, and she was subsequently sworn in again as Chief Minister.

Following the death of Jayalalithaa on December 5, 2016, V. K. Sasikala was chosen unanimously as the Party General Secretary of AIADMK on December 29, 2016. Ms. Sasikala attempted to be sworn in as CM without facing election. Mr O. Paneerselvam and his supporting MLAs and MPs started claiming party leadership. On 23 March 2017, the Election Commission of India gave separate party symbols to the two factions, consisting of O. Paneerselvam and V.K. Sasikala respectively, O. Paneerselvam's faction is AIADMK (PURATCHI THALAIVI AMMA), while V.K. Sasikala's faction is AIADMK (AMMA).

3.4.4.3 AIADMK: Critical Evaluation

The fact of the matter is that the politics in Tamil Nadu remains between the AIADMK and the DMK. The ideological spirit with which both the DMK and the AIDMK started their political life has almost evaporated from both party parties. Their politics is now more or less based on a sort of opportunism. Both the parties are having a history of associating with both Congress and the BJP. The parties that trace their origin to anti-Brahmanism are not having any problem to associate with a party that clearly profess its ideological belongingness to Hinduism.

The emergence of caste based parties seriously affected the political scenario

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in Tamil Nadu. Though the DMK and the AIADMK still strong political force in the present day, there is no guarantee that other political parties may gain more footholds in Tamil Nadu politics. The scams with which both the parties involved taken away the shine of the Tamil politics which are known for their radical progressivism.

3.4.5 TELUGU DESAM PARTY (TDP)

The Telugu Desam Party (TDP), roughly translated as 'Telugu Land and People's Party', is a regional political party, as approved by the Election Commission of India. Its mass base is primarily in the southern state of Andhra Pradesh in India. The Telugu Desam Party operates on the political ideologies of Populism, Regionalism and Social Liberalism. The basic appeal of the TDP is in its fight to build a welfare state for the Telugus, based on minority welfare schemes and social justice for one and all.

The Telugu Desam Party (TDP) was formed by N T Rama Rao (NTR), a famous Telugu cinema actor, in March 1982 and came to power in January 1983, all in a matter of nine months time, a record in the history of political parties in India and probably in the world too. At a time when the non-Congress opposition in the state presented a dismal picture of hopeless division and decay, the TDP rose like a tidal wave sweeping away the Congress out of power in the 1983 assembly elections. It went on to become the single largest opposition party in the Lok Sabha after the 1984 parliamentary elections, surpassing all other so-called national parties.

NTR's marriage to Lakshmi Parvathi (or Parvati) in 1993 and his attempts to groom her as his successor created dissension within the TDP, especially with Nara Chandrababu Naidu, his son-in-law. The party, nonetheless, won a large majority of assembly seats—216 out of 294 total—and NTR returned for another term as chief minister. His tenure was short, however, as Naidu engineered an intraparty coup in 1995 and then took over as leader of the party and as chief minister of the state. NTR died early in the following year, precipitating more dissension within the TDP as Parvathi attempted to form her own TDP faction.

Under Naidu the main TDP continued to rule Andhra Pradesh, as

Parvathi's group had minimal impact on the political climate. The government retained many of NTR's policies—notably never forming an alliance with the Congress Party in the state—but it also reversed others promoted by the former leader (e.g., it lifted a ban on liquor sales, which had cost the state considerable tax revenue). The TDP had another strong performance in the 1999 assembly elections, winning 180 seats; Naidu remained as chief minister. Though TDP was out of power for long time, 2004 to 2014, again it came to power in 2014 but in much smaller bifurcated Andhra Pradesh after Telangana was established as a new state.

3.4.5.1 Political Mobilization

When we think of the evolution of the party over these years, we find two distinct phases: one was when NTR headed the party during 1982-1995 and the other after Chandrababu Naidu, his younger son-in-law assumed leadership. During the first phase, the party relied mainly on the charisma of NTR. It had mobilised support based on the sentiment of Telugu nationalism, the demand for more autonomy to the state and populist welfare policies. In the second phase, Chandrababu made an attempt to bring about a shift in favour of good governance paradigm, in tune with the changing times.

The present TDP Chief and Chief Minister of Andhra Pradesh, Chandrababu Naidu is a realist. His theory and practice of democracy are different from that of NTR. He thinks that a leader has to keep his ideas and political practice in tune with the changing times and circumstances. Thus, he perceives himself as a dynamic leader. His decisions were not impulsive. Unlike NTR, Chandrababu gave more importance to civil servants though he keeps a rigorous control over bureaucracy. He also takes care to keep the social balance in the party and the government in such a way that no one can blame him of favouring any community.

Chandrababu had another advantage which NTR never had. NTR, throughout his tenure as the CM, had to face the hostile Congress government at the centre, while Chandrababu has always had the benefit of a favourable non-Congress government. He remained a key figure in the central government

both during the period of the United Front (UF) government and later the BJP-led government. He was the convenor of the UF. When the UF government was defeated, he supported the BJP in order to prevent the Congress from coming to power at the centre. His close association with the NDA government enabled him to get support of the central government, especially for securing funds to the state. Several large-scale schemes were implemented during his tenure, with funds and loans from international funding agencies or the central government. A class of neo-rich, who had benefited through government contracts and patronage, grew in support of the party making it financially sound.

3.4.5.2 Ideology and Policies

TDP did not have any well-worked out ideology in the beginning other than strong anti-Congressism. When NTR formed the party, he offered many policies that appealed to different classes and sections of society. Among other things, the TDP manifesto for 1983 elections promised to provide a clean, corrupt-free and efficient government and policies that were oriented to liberal industrial growth and pro-peasant agricultural development. It sought to "remove the meaningless and unrealistic restrictions on industrialists and thus attract capital from outside the state and encourage the enterprising industrialists within the state". The TDP called the Congress pro-merchant and anti-peasant for its failure to give remunerative prices to agricultural products and to supply electricity for the peasants at subsidised rates. It was a strange mixture of social democracy and pro-market philosophy. NTR borrowed heavily from the experience of neighbouring Tamil Nadu. His role model was M G Ramachandran (MGR). Like MGR, he too launched some populist schemes such as mid-day meals for schoolchildren. Other schemes, such as supply of rice, cloth, construction of pucca houses for the poor and backward communities, and supply of electricity to the farmers at subsidised rates were implemented on a large scale during 1983-89.

However, when Chandrababu Naidu came to power, he changed the direction of policies in favour of liberalisation and market-reforms. TDP government said that the huge expenditure on welfare programmes, subsidies, salaries and

losses in public sector undertakings had made the state finances precarious, diverted scarce public resources away from productive use in economic and social infrastructure and had consequently inhibited private investment and curtailed growth. Chandrababu wanted to transform the role of government from being primarily a controller of economy to that of a facilitator of private sector activity and investor-friendly environment; from that of a provider of welfare to that of an enabler. However, Chandrababu claimed that his attempt was to balance development and welfare.

Regarding centre-state relations also there was a difference between NTR and Chandrababu. NTR went to the extent of saying that the centre was a 'conceptual myth'. The relationship between the centre and the state were highly confrontationist during the time of NTR, and this could be largely due the fact that Congress was in power at the centre during his period. Chandrababu had always a friendly government at the centre. Chandrababu believed in bargaining federalism, where he could get maximum benefit from the central government by maintaining friendly relations with it.

3.4.5.3 Recent Developments

The TDP an alliance partner of BJP-led National Democratic Alliance won 2014 Assembly elections in close contest and formed the government. The party has promised to make residuary Andhra Pradesh a global manufacturing hub, by setting up growth corridors and enhancing port-based infrastructure and a highway network along the coastline, besides taking steps to grow the economy at 10-15 per cent every year. However, the single most agenda of the present Chief Minister is to construct a world-class capital city for residuary Andhra Pradesh, which lost Hyderabad as a capital when Telangana State was established. Amaravati, the People's capital of Andhra Pradesh, is envisioned to be a city of world-class standards with a vision of increasing Andhra Pradesh's prominence in the world.

3.4.6 LET US SUM UP

There is hardly a phenomenon in Indian politics today, which has been as widely debated in journalistic as well as academic writing on India in the last one and a half decades as that of the increasing importance and influence of regional parties

and the salience of regional identity at both the state as well as national levels of politics. This fact has been viewed on the one hand as a positive sign potentially indicating a deepening of the democratic process through an increased pluralism of political forces and on the other as a potential sign of increasing fragmentation of the Indian electorate and as a harbinger of increasingly unstable and complex dynamics of electoral competition, i.e. the deinstitutionalization of party politics, and subsequent government formation. However, the recent elections to Lok Sabah in 2014 and subsequent elections to the State Assemblies have reversed the trend of regionalisation of politics towards national political parties. BJP, not only secured majority in the Lok Sabha on its own, but also came to power in many states including Maharashtra and Uttar Pradesh.

3.4.7 EXERCISE

1. Critically analyse the reasons for the regionalization of party politics in India.

2. What are the politics of Akalis in Punjab?

3. How AIADMK represented the Dravidian politics in Tamil Nadu?

4. Chandrababu Naidu's focus is more of governance than welfare of the people compare with N.T.Rama Rao. Do you agree with this view in the context of Andhra Pradesh?

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – IV : **Major Political Issues**

4.1 ETHNICITY AND IDENTITY POLITICS IN INDIA

– V. Nagendra Rao

STRUCTURE

4.1.0   Objective

4.1.1   Introduction

4.1.2   Ethnicity in India

4.1.3   Formation of Identity

4.1.4   Ethnic Mobilization in India

4.1.5   Major Ethnic Movements in India

    4.1.5.1   Ethnicity in North-East

    4.1.5.2   Jammu and Kashmir

    4.1.5.3   Punjab

    4.1.5.4   Linguistic Reorganization of India

4.1.6   Challenges in Managing Ethnicity in India

    4.1.6.1   Need for Strengthening Federalism in India

4.1.7   Let Us Sum Up

4.1.8   Exercise

4.1.0 OBJECTIVES

After going through this unit, you should be able to:-

- know the term ethnic and ethnicity and how ethnic groups are constituted in India

- understand ethnic mobilization in India and major reasons for it;

- know about major ethnic movements in India;

- comprehend challenges in managing ethnicity in India.

4.1.1 INTRODUCTION

India is among the most diverse societies in the world. It has people from all the major religions in the world—Hindus, Muslims, Christians, Sikhs, Buddhists, Jains and Zoroastrians (Parsis). Religious diversity is coupled with enormous ethnic and cultural diversity. The 1991 census showed that 114 languages were spoken by 10,000 or more people in the country; of these, 22 were spoken by more than one million people. The state lists 630 communities as Scheduled Tribes, and some of the identified communities, such as Kukis, are themselves internally heterogeneous, comprising several different tribes. There is therefore religious and cultural diversity of enormous dimensions in the country.

Due to this cultural diversity, ethnicity and identity have become an important variable in the political dynamics of India. In such societies the process of national integration has proved to be quite complex and hazardous. The diversity and existence of multiple ethnic communities quite often leads to ethnic tensions and conflicts and prove to be a major source of instability and tensions within the political system. In this lesson, you will study some of these dimensions related to ethnicity and identity politics of India.

4.1.2 ETHNICITY IN INDIA

India's population is rich with diverse ethnic and cultural groups. Ethnic groups are those based on a sense of common ancestry, while cultural groups can be either made up of people of different ethnic origins who share a common language, or of ethnic groups

with some customs and beliefs in common, such as castes of a particular locality. The diverse ethnic and cultural origins of the people of India are shared by the other peoples of the Indian subcontinent, including the inhabitants of Pakistan, Bangladesh, Nepal, Bhutan, and Sri Lanka.

There are also groups of people in India that have been identified by the government as tribal, meaning they belong to one of the more than 300 officially designated "Scheduled Tribes." Most tribal groups live in a belt of communities that stretches across central India, from the eastern part of Gujarat (the westernmost state); eastward along the Madhya Pradesh-Maharashtra border; through Chhattisgarh, parts of northern Andhra Pradesh, most of interior Orissa, and Jharkhand; and to the western part of West Bengal. The western tribes speak a dialect of Hindi, the central tribes use a form of the Dravidian language, and the eastern tribes speak Austro-Asiatic languages.

The other major concentration of tribal people is in the northeastern hills. Tribe members make up the majority of the population in the states of Mizoram, Nagaland, Meghalaya, and Arunachal Pradesh. These people, many of them Christian, speak languages of the Sino-Tibetan family. Sino-Tibetan languages are also spoken by the Buddhists who live along the Himalayan ridge, including the states of Arunachal Pradesh, Sikkim, Uttaranchal, and Jammu and Kashmir (specifically, the region of Ladakh).

In formation of ethnic group, several cultural markers – language, race, tribe, caste, religion, and region – serve as "identity" axes for ethnic groups and their mobilization. In most of the ethnic groups, more than one of these cultural markers are pertinent for identification. In other words, India's ethno-communities have **multilayered and multidimensional identities** that impinge on each other in dynamic manner. The identity composition of ethno-communities has been further complicated by the imposition of class distinctions, not only between one and another ethno-community, but also within each.

4.1.3   FORMATION OF IDENTITY

As stated above, there has been a congruence of religion-language-race-region in the formation of ethnic identities in India. The political mobilisation of an ethnic group is a gradual process and takes place in gradual manner and it may also be a long term process. The process of mobilization of an ethnic group passes through a number of

stages such as:

1) **Ethnic awareness : Social mobilization** among ethnic groups leading to the rise of a consciousness among them regarding the deprivation and discriminatory policies being followed against them.

2) Level and process of **interest articulation and aggregation**.

3) Demand for equitable share in the resources and the political system.

4) Demand for autonomy.

5) Threat of Secession or actual secession.

Identity formation is a selective process, which involves the interplay of internal factors more than those from outside. Moreover, they emerge within the play of specific modalities of power and thus are more the product of marking of difference and exclusion, than they are the sign of an identical, naturally constituted unity –an identity in its traditional meaning that is all inclusive, sameness, seamless and without identity of differentiation.

In the context of India, identity formation can be seen in many ways of which five are most visible. These are:

1) identity grounded in religion

2) identities grounded in language;

3) tribal identities among *Adivasis* or Scheduled Tribes;

4) 'Tribal' identities among people in Himalayan or remote north-eastern;

5) 'Aryan' and 'Dravidian' identities.

4.1.4 ETHNIC MOBILIZATION IN INDIA

Any diversity and heterogeneity is "not" a conflict-producing situation, although it may carry a potential for conflict. India has witnessed ethnic mobilization and ethnic conflicts in the process of its historical evolution, and the leadership of independent India was conscious that while India presents the picture of 'unity and diversity', the possibility of conflict between the 'unity' and the 'diversity' could not be ruled out. Independent India's first Prime Minister, Jawaharlal Nehru, said: "While on the one hand, we the

people of India are bound together by strong bonds of culture, common objectives, friendship and affection, on the other hand, unfortunately, there are inherent in India, separatist and disruptive tendencies which made India suffer in the past. In preserving its unity, India needed to fight communalism, provincialism, separatism, statism and casteism".

Ethnicity on its own never leads to identity movements or politics mobilization. In the process of the 'passing' of ethnic identities and politicization of ethnic groups, **a number of 'secular' or 'non-ethnic' factors play a critical role. These include the state, pace, and pattern of economic development, political elites and forces, and outside subversion**. Without these factors and the process of transformations in the ethnic groups, diversity would not assume conflictual dimensions. Emphasizing the role of political vested interests in precipitating ethnic conflicts, known sociologist Dipankar Gupta observes: "The manifestation of ethnicity in Indian politics is not so much an outcome of popular grassroots passions as it is a creation of vested political interests"

Paul R. Brass, noted social scientist who has done respectable work on India, provides a useful understanding on ethnic mobilization in India's complex environment. In his view, social group who share one or more of the following things "language, territory, religion, colour, diet (or) dress" constitute as ethnic group. He regards the formation of an ethnic identity among any such group, and (to go one long step further) the transformation of that identity into ethnic nationalism, as by no means inevitable. When either or both of these things happen, it is the result of (i) actions taken by elites within the group to promote the change(s) and (2) favourable conditions which arise from the broader political and economic (and, we might add, social) environments rather than from the cultural values of the ethnic groups in question. In other words, he sees elite competition and urge for gaining political power as an important force in shaping ethnic identities, their mobilization and ethnic conflicts.

The various ethnic groups which are mobilized to seek proper concessions from the state usually move in a gradual process and their demands may vary in accordance with the extent of their mobilisation. It may be a mere assertion of ethnic identity for political influence and resources; demand for autonomy or a secessionist movement, by

claiming a separate national identity and demanding special rights over a territory which they claim to be theirs historically or culturally but which has been pre-empted by the state. The group assertion on the basis of distinct ethnic identities has taken place in Indian states.

Rajani Kothari has pointed out that the paradox of modernisation has been that instead of helping religious, linguistic and racial differences resolved, it provoked ethnic conflicts and communal violence. The deprived groups make use of their distinct cultural traits in order to assert for their rights.

4.1.5 MAJOR ETHNIC MOVEMENTS IN INDIA

From the very beginning, India has witnessed the emergence of ethnic movement as a challenge to the authority of Indian nation-state. One of the earliest movements were from the north-east region of India, which is hosting hundreds of different ethnic groups and tribes.

4.1.5.1 Ethnicity in North-East

The North-east region of India is severely affected by ethnic conflict compare with any other regions in India. The conflict in the Northeast region has been an all pervasive phenomena, and in its violent form, it has not only affected the territorial and political sovereignty of the Indian state, but also the life of the various people living in the region in incomprehensible and inexplicable terms. The Naga insurgence, which started in the 1950s, known as the mother of the Northeast insurgencies, is one of the oldest unresolved armed conflicts in the world. In total, Manipur, Assam, Nagaland and Tripura have witnessed scales of ethnic conflict that could, at least between 1990 and 2000, be characterised as low intensity conflicts.

There are many factors contributed to the rise of ethnic consciousness among the tribes of Northeastearn region. The primordial loyalties, socio-economic context, dominance of majority group, crossborder relations, etc. contributed to the growth and ethnic mobilisation of various groups and communities.

The problem of ethnicity is further aggregated by the regional consciousness aroused by elites, especially the middle class. In the northeast, the middle class can be

seen as the promoter of ethnic extremist movements. For instance, the Assam movement emerged as Assamese middle class movements whose interest was mostly affected by the migration of outsiders.

Another dimension of the elite formation in the tribal communities is that the dominant communities allied with state power exclude certain groups from accessing resources, institutions and opportunities, generating a feeling of exclusion of other groups. In such situation, smaller ethnic communities assert for resources and opportunities. The assertion of marginalized identities and its extremist posture are giving a new direction to state politics. In this context, democratic politics is overshadowed by ethnic politics. The elite within the ethnic communities mobilize people in ethnic lines to realize its goals. As Brass argues, "the cultural norms, values, and practices of ethnic groups become political resources for elites in competition for political power and economic advantage".

The ethnic demand for homeland created a number of smaller states in the northeast. For instance, the greater Assam was divided into Nagaland (1963), Meghalaya (1972), Arunachal Pradesh and Mizoram (1987) to meet the demands of these ethnic groups. However, mere making of territorial boundary did not solve the problem; on the contrary, it further aggregated it. It is argued that the creation of separate state further fanned the fire when various smaller and bigger communities started to demand establishment of more states.

As the above discussion shows, Northeast India has earned a dubious distinction of being home to Asia's longest running insurgency. The observers of North-east conflict emphasise three things as essential to meet the challenges posed by Northeastern conflicts: the restoration of governance at its most fundamental and basic level, the creation of confidence that indigenous groups will not be reduced to a minority, and bringing antagonistic groups together in the process of peace-building through strong civil society movements.

4.1.5.2 Jammu and Kashmir

Jammu and Kashmir is the only Indian state with Muslim majority. J&K is very important for the secular identity of India. It is one of the biggest challenges to Jinnah's two nation theory. The origin of the problem in Jammu and Kashmir goes back to 1947. Later on

the way Centre has dealt with the aspirations of the people of Kashmir has created problem. The central government interfered with the internal politics of the state. It never allowed the democratically elected government to function. Central governments also resorted to the coercive means to maintain order. The Pakistan factor further complicates the issue. Kashmir still remains one of the greatest challenge for maintaining national unity and integrity of India. In Kashmir, we see the transformation of a cultural movement into a religious movement.

4.1.5.3 Punjab

Punjab is one of the worst cases of ethnic violence in India. The Punjab problem began primarily in 1970s. Although even at the time of independence there was a demand for separate Punjabi Suba but later on that demand lost its widespread appeal. The ethnic problem in Punjab began in context of the federal structure; in 1973 Akali Dal issued Anand Sahib prastar/resolution. This prastar aimed at changing nature of Indian federalism. It was to give greater powers to the states including transfer of Chandigarh to Punjab; more favourable distribution of river water used for irrigation; recognition of Amritsar as a 'holy city' and all India Gurudwara act to place management of all gurudwaras under single administration. The Akali Dal entered into a heated competition with Congress in Punjab. The central government encouraged Bhindrawale to counter the rising power of Akalis. What thought as good for the party turned bad for the country. Ultimately the Sikh militancy increased. Bhindranwale had converted Golden Temple into a type of fort to fight. Ultimately central government had to take strong action in the form of 'Operation Blue star'. This had created resentment among Sikhs and led in the assassination of Indira Gandhi and wave of anti-Sikh riots in the country. After this Punjab saw years of Presidents Rule. Large number of people were killed in militant and police violence. Gradually Punjab returned to normalcy. According to some scholars, still the movement for setting up of Khalistan has not ended entirely.

4.1.5.4 Linguistic Reorganisation of India

For long, there was the demand for creation of states on linguistic basis. The logic was that the people should be administered in the language which is the language of most of the people in the region. Initially, Nehru feared that linguistic reorganisation would retard national integration. Later on, he succumbed to the political pressure. In 1956,

the Federal reorganisation of country began. It continued in 1960's, 1980's, 1990's. Still today, there are demands from certain sections like the demands for the creation of Gorkhaland or separate Bodoland.

The organisation of states on linguistic bases provides a framework for expanded political participation. At the same time, it has also strengthened forces of regionalism. It has led to the emergence of militant nationalist's movement or so called "sons of the soil" theory. The local or native parties in various states have utilized this theory and has directed verbal and physical attacks at outsiders coming from other states. Such attempts undermine personal freedom of movement and the project of India as a nation. The sons of soil theory at one place have inspired people from other regions as well. Assamese also took such native movements against influx of foreigners. Such type of movements challenges the national identity.

The other linguistic movements are the movements in southern states against the imposition of Hindi and the northern domination of south. The movement in Tamilnadu began as self respect movement. It advocated Dravidian nationalism. However, Dravidian movement was not so violent than the other ethnic movements. It has influenced the emergence of many regional parties like DMK, AIADMK, TDP and others.

4.1.6 CHALLENGES IN MANAGING ETHNICITY IN INDIA

The Indian state has opted for number of methods to manage the challenges posed by ethnic mobilization in India. Some of them were mentioned below.

Accommodation: Accommodationist management was one of the strategies used to prevent ethnic consciousness from becoming too intense and destructive to national unity and the democratic process. This is the way in which the term is most commonly used. The main device used by accommodationists like Jawaharlal Nehru, Lal Bahadur Shastri and P.V Narasimha Rao is political bargaining, which implies a substantial sharing of power and resources with people at regional and sub-regional levels.

Polarization: Polarizing management, to intensify ethnic consciousness to the point where 'ethnic transformation' occurs is another strategy. The main practitioners of this strategy are the forces of the Hindu right. They seek to

dilute the content of the diverse traditions within the Hindu population in order to fix the attentions of Hindus on a minimalist common set of symbols and issues which will unite them. They intend to govern in a more centralizing, homogenizing, commandist manner than the accommodationist.

Manipulation: Manipulative management to stimulate ethnic awareness for short-term political advantage. Indira and Rajiv Gandhi engaged in this type of 'management' (another form of commandist, centralizing rule), intermittently but with powerfully destructive effect. They used it in the hope of short-term gains within specific regions of the country, although when the ensuing strife mushroomed (as it usually did), it had deeply damaging results well beyond the region in question. For example, at one point Indira Gandhi secretly encouraged Sikh extremism in Punjab in order to split the Sikh opposition to her Congress Party there. But when the extremists became too strong, she risked a severe conflict (which duly followed) by sending the army into the Golden Temple, an act which was aimed at gaining support from Hindus across north India.

4.1.6.1 Managing Ethnicity: Need for Strengthening Federalism

Based on federal experience in India, it may not be out of place to assume that the structure of federalism and its inherent resilience can cope with the pressures of ethnicity and conflicts. It can even help resolve, or at least contain, some of these pressures, if the imperatives of federal devolution of power and obligations of mutual accommodation and adjustments are observed sincerely. The diffusion of Tamil militancy and separatism during the 1960s and instances of moderation of tribal insurgencies in the North-East and Assam during the 1980s may be recalled in this regard. Against this, politically motivated distortions and manipulation of federal powers and institutions can worsen ethnic conflicts.

4.1.7 LET US SUM UP

All conflicts, including ethnic conflicts, were easier to manage in 1950s and 60s than in recent years. Indian society was more self-regulating and less prone to conflict earlier than it has been since the late I970s. Two main political trends, which have unfolded gradually but have progressed quite considerably, changed this situation. The first was

a political awakening within all sections of Indian society. People, even in disadvantaged groups, became more aware of their rights and of the egalitarian implications of a political system in which each person had just one vote. This awakening made India both a more genuine democracy and a more difficult country to govern. The second was the decay of political institutions. This decay was mainly attributable to efforts by politicians to centralize power and weaken institutions in the interests of personal and dynastic rule. Its effect was to damage the instruments which politicians had once used to gather information, distribute goods and services, and mediate social conflict – at a time when the political awakening was making those instruments more, not less necessary. Hence, managing ethnic and other identities in India requires more sophisticated methods and honest and commitment of politicians towards problems faced by the people and groups.

4.1.8 EXERCISE

1. Briefly define what is ethnicity?

2. Explain ethnicity and ethnic mobilization in India.

3. What are the major ethnic movements in India?

4. Write a brief note on ethnicity in North-east India.

5. What are different strategies opted by various governments in India to manage ethnic mobilization and conflict?

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – IV : **Major Political Issues**

4.2 ROLE OF CASTE IN INDIAN POLITICS

– Karuna Thakur

STRUCTURE

4.2.0 Objective

4.2.1 Introduction

4.2.2 Caste in Tradition India – Not a Rigid Phenomena

4.2.3 Caste in India: Post-independence – Continuing Relevance

4.2.4 Sanskritization, Not Enough

4.2.5 Politisation of Caste

4.2.6 Politics of Reservations

4.2.7 Rise of Dalit Consciousness

4.2.8 Caste Violence

4.2.9 Caste – The New Middle Class

4.2.10 Changing Equation

4.2.11 Let Us Sum Up

4.2.12 Exercise

4.2.0 OBJECTIVES

After going through this chapter, the student will be able to understand:

- the nature of caste in traditional Indian society;

- changes in the caste;

- politicization of caste;

- how the mobilization of different groups has enhanced the legitimacy of Indian democracy.

4.2.1 INTRODUCTION

Caste is an important feature of the Indian society. It is rooted in the Varian system of social hierarchy, which places Brahmins at the top and Shudders at the bottom of the society. In the traditional Indian society, caste was a localized hereditary group with a particular association to an occupation. Pollution and purity were important in governing the relations amongst these caste groups. Ideas of purity and impurity expressed themselves in various ways in inter-caste relations. Higher castes were prohibited from accepting cooked food and drinking water from the lower castes. The lower castes were prohibited from coming into close physical contact with the higher caste or entering the inner portions of their house. The lower castes were also denied the use of the streets where the higher castes lived as well as the use of public wells and entry into high caste temples.

For purposes of definitions, therefore, the following features of caste system become evident:

1) Memberships in a caste was by birth.

2) Caste was an endogamous unit

3) Members of each caste traditionally had an occupation or trade to pursue

4) Castes were graded in a local hierarchy

5) Notions of pollution and purity governed the nature and extent of the relationships between castes.

A significant change in rural and urban India today is the growing dissociation between caste and hereditary occupation. Occupation is no longer a certificate of one's caste. The carpenter is no longer from the carpenter caste, nor is the blacksmith from the blacksmith caste necessarily. There are various factors responsible for the dissociation between caste and occupation. For example, the adoption of modern constitution and legal system after independence has rendered the 'Caste Panchayats' redundant, which traditionally regulated the caste, occupation relations in the society. The second factor responsible for caste- occupation dissociation is the decline of the Jajmani system, which not only enabled members of a caste to establish their claims to livelihood but also exclusive right to their hereditary occupation. The dissociation between caste and occupation has been further accelerated by other factors such as industrialization, urbanization, spread of education and the emergence of new occupations.

4.2.2 CASTE IN TRADITIONAL INDIA - NOT A RIGID PHENOMENA

The Portuguese were amongst the first Europeans to give a detailed account of the caste system which has existed for thousands of years in India. The original word for caste was 'Casta' which was used by them to denote the whole of Varna jati order as it existed in the Indian society. A Portuguese by the name of Duarte Barbs 'gave an authentic account of caste system, which is widely accepted even today. However Barbara's account of caste was based on empirical evidence, derived from day today happenings, interactions and conversations. It has no scriptural bases.

With the coming of the British, a new discovery of caste was made, the reality of caste was reconstructed this time with the help of religious scriptures. There were many non-religious; non-ritual elements which existed in the caste system and governed some aspects of inter-caste relations. The British while representing the caste order omitted these aspects and presented caste as a rigid, inflexible social order. Caste was made the defining principle for the totality of India's social and cultural life. Indian society was characterized as static and unchanging primarily because of the caste system.

However recent scholarship in India suggests that the traditional Indian society, including caste, was not so static and impervious to change; caste was not

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a totally rigid institution. It was possible for strategically located groups to move in the local hierarchy through the capture of political power, the acquisition of land, trade and through migration to other regions. Sudipta Kaviraj for instance says that the communities in pre-British India had fuzzy (flexible) boundaries; in British India they became solidified. The British used the technique of measurement to govern the country; the census was one of them. From 1901 onwards, colonial state began caste wise division of the entire Indian population. It gave them specific labels, names and rank. It induced the people to organize and represent their interest in politics through caste based identity.

4.2.3 CASTE IN INDIA : POST INDEPENDENCE – CONTINUING RELEVANCE

After independence India adopted modern democratic institutions. It was believed that under the impact of modern institutions, traditional structures like caste would disappear from the Indian society. Such an understanding was considered misleading by scholars like Rajni Kothari who believed that the political and developmental institutions did not anywhere function in a vacuum and that they had to have a base in the society. A democratic society that cared for legitimacy could proceed only through a conversation between old and new – a fusion between polity and society. In a modernizing society, transformation of the existing structures and attitudes and the newly introduced institutions and ideas does take place. Inevitably caste too has undergone a change. It can't simply disappear from the society. In the process of change, caste has been drawn out of its 'apolitical' context and given a new status – a new 'Avtar' – a politicized status.

After independence caste has been 'Deritualised'. It has been delinked from various rituals and rules of endogamy, occupation and status. It is no longer a unit of the rituals – status hierarchy. Though caste still serves as a kinship based cultural community, its ritualistic support structures have collapsed and it operates in a new system of social stratification. The socio-economic and political forces of change have disintegrated its traditional status and in the process overwhelmed it with a power system created by elections, political parties and above all by social policies such as affirmation action.

4.2.4 SANSKRITIZATION, NOT ENOUGH

Sanskritization was a term used by M N Srinivas to denote a process by which low caste, tribal or other groups emulated the customs, rituals, beliefs, ideology and style of life of high and in particular twice born castes. Sanskritization could operate at the individual level or at the collective level. Castes that Sanskritise give Sanskritic names to their children and also worship the same gods and goddess as do the higher castes. In Karnataka one can see the trend of the lower castes, keeping a separate room for puja in their homes which was traditionally a feature of the higher caste homes. While Sanskritisation is important at the socio-cultural level, it is not enough in itself. For jobs, political benefits, economic resources – participation at the political level is considered equally important today.

4.2.5 POLITICIZATION OF CASTE

The interaction between caste and politics is not to be seen as the coming together of two polar opposites or the replacement of one with the other. It has undergone change of context, the levels of political operations as well as a shift in social priorities in selecting different elements which have in some way or the other been present and functioning in the society.

The process of interactions between caste and politics has been essentially selective. The 'Power Structure' of the caste system was the first to be drawn into modernization stream. Distribution of economic benefits was the second followed by the third factor 'consciousness of caste'.

The leadership of the 'Entrenched Castes' was the first to enjoy access to power and benefits. These were people of higher caste, educated and united more by a common social bond than the consciousness of caste or organizational and political mobilization. Whenever this took place mainly on the basis of the higher caste, it soon gave rise to a feeling of deprivation and antagonism among other higher castes. The domination of an entrenched caste thus produced a new response in the form of an 'Ascendant Caste'. The process gradually gave rise not only to inter caste but even intra caste conflicts for resource, power and benefits.

Politicization of caste takes place when the elite of different segments of the society articulates the interests of their groups by forming associations and developing a vertical

network of factions among the various elite and the other groups.

According to Lyod and Suzanne Rudolph the relationship between caste and politics can best be understood in terms of three types of mobilizations that have taken place in India:

(a) Vertical mobilization occurs when the traditional notables marshal support in local societies which were organized by rank, mutual dependence of traditional authority.

(b) Differential mobilization occurs when direct or indirect political support is marshalled by political parties themselves rather than by the local notables or community associations. Such a mode of mobilization was increasing if used when as a result of agrarian reforms, the relations between the dominant and dependent castes were unsettled and inter and intra caste conflicts intensified.

(c) Horizontal mobilization involves the marshalling of popular political support by class or community leaders in their specialized organizations. By 1960s this mode of governing support had gained prominence when people situated at comparable levels within the local hierarchies came together in caste associations. Republican party, BSP, Lok Dal were the result of this kind of mobilization.

Presently, as a result of the increase in electoral politics, the vote banks that earlier functioned on the bases of vertical obligation have become rare, voters through factions and short-term alliance prefer to follow their own interests.

4.2.6 POLITICS OF RESERVATION

For the first three decades after independence, the lower castes of peasants, artisans, untouchables and tribals did not express their resentment about their condition as the Congress had effectively managed to establish the hegemony of the upper castes through electoral consent of the lower castes. It was a vertical system of exchange managed by the Congress between the two, but by 1970s reservation politics resulted in the emergence of a class of elite among the lower castes that had acquired modern education, entered the bureaucracy and other non traditional

occupations. These emerging groups began to challenge the hegemony of the upper castes in national politics. The process of politicization of castes reached a climax in 1980 with the extension of reservation to the other backward classes by the Mandal Commission. This created a confrontation between the traditionally higher and intermediate castes on the one hand and the lower castes on the other. But it led to the resurgence of lower castes in national politics. The politics of reservation gave a new impetus to the politicization of castes. Since, 1970's and 80's these lower castes have moved away from the Congress and formed their own alliances and national political parties have to now negotiate directly with these groups.

4.2.7 RISE OF DALIT CONCIOUSNESS

The overall impact of decades of competitive electoral politics has rendered all inherited relations of power contestable. As David Washbrook' observes, the merest sight or smell of privilege in any area of society instantly provokes antipathetic response among those who see or smell it. No privilege is inherently legitimate and no authority exists uncontested. The rise of Dalit movement in this context is particularly notable feature of the Indian politics since 1980's. It is not limited to Scheduled Castes only but symbolizes a much broader segment of the oppressed, excluded and underprivileged segments of the society. This upsurge has taken place on the one hand due to the re-traditionalization of society, emergence of older cultural values and identities, as well as increasing regional and class inequalities arising out of the failure of the state to fulfil its promises of distributive justice to the poor and underprivileged. This upsurge has taken the form of parities like BSP in UP, Dalit Panthers in Maharashtra and Tamil Nadu and assertion of the OBC's in the north against the upper and middle castes.   As a protest movement, the Dalits seek social justice and dignity and attempt to build electoral majorities. Their icons are people like Ambedkar, Phule, Periyar and a whole variety of regional heroes and sants who have till now been marginalised by mainstream Hinduism.

'Rajni Kothari' says that the consciousness of caste is no longer the preserve of the Brahmanical upper castes. The very sufferers of the system are today invoking its claims not as a matter of state policy but as a matter of right.

4.2.8 CASTE VIOLENCE

Politicization and increased consciousness of caste, results in caste violence also. It occurs at different levels. At one level it occurs because of a widespread feeling of discontent that the benefits of reservation have gone to the more influential and urban forward castes or an elite within the lower castes. The policies of protective discrimination, land reforms and other welfare measures have not significantly changed the status of the very low castes. Among the rural Scheduled Castes, it is seen that social mobility of the individuals takes place only after they have moved to urban areas, the social conditions of those left behind remain unchanged. Attempts by the lower castes to carry over their urban status, into their villages results in inter caste violence. The Scheduled Castes, in fact, have been the target of attacks time and again and they have tried to assert themselves.

But Dalits and the lower castes today are far less to vulnerable than they were in the past. This is possible, because democracy has empowered these groups, opened up spaces for them to offer resistance and mobilize their group interests.

4.2.9 CASTE –THE NEW MIDDLE CLASS

As a result of the changes that have occurred in the socio-political landscape, a new kind of stratification has emerged. It did not exist before. The emergent stratificatory system represents a kind of fusion between the old status system and the new power system. The members of the upper caste formation have the resource of their traditional higher status and those of the lower caste – that of affirmative action. This emergent stratificatory system can be characterized as the new middle class. It is new because it is direct result of the disintegration and diversification of the traditional caste system. Both rituality and Sanskritization in the present context have lost their relevance for purposes of entry into the middle class. The lower castes today have entered the middle class in sizeable numbers. This has changed the composition of the old, pre-independence middle class which was constituted almost entirety by a small English educated upper caste middle class.

Many of the new entrants to the middle class are drawn from the upwardly mobile peasant castes including the Kurni, Koeris and Yadavas of Bihar, Jats of Haryana and Jat Sikhs of Punjab, the Okkaligas and Lingayats of Karnataka, Patidars of Gujarat. They also include members of castes traditionally considered

lowly and polluted. The criteria of entry is not the high caste or sanskritized lifestyles but secular lifestyle, based on modern education and patterns of consumption, economic assets etc. In urban areas for example, it has become common to celebrate birthdays, wedding anniversaries and New Year 's Eve which have acquired entirely secular character.

4.2.10 CHANGING EQUATION

Under the impact of decades of electoral competition and legislation, new economic opportunities and political linkages of caste have developed. The use of caste as a form of identification is strategic today. Caste is used as a vehicle for promotion of self-domination. By utilizing castes, the Dalits together with the other marginalized and subaltern groups have enhanced the legitimacy and resilience of Indian democracy.

4.2.11 LET US SUM UP

Caste is a unique feature of the Indian society. It is hereditary, hierarchical and endogamous, maintaining strict rules of inter-caste relations. The British set up the modern state structures enumerating different caste groups. Caste identities assumed importance in this way. Adoption of modern democratic structures has transformed caste. It has been politicized. At the same time politics too is deeply influenced by caste considerations. Caste has emerged as the new middle class.

4.2.12 EXERCISE

1. What are the features of caste system?
2. How did caste become important during the colonial rule?
3. How does caste changed after independence?
4. How does caste get politicized?
5. What do you understand by Sanskritization?
6. How does reservation lead to caste tension?
7. Who are the Dalits? What do they demand?
8. How is caste emerging as the new middle class?

B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – IV : **Major Political Issues**

4.3 COMMUNALISM IN INDIAN POLITICS

–A S Rishi

STRUCTURE

4.3.0   Objective

4.3.1   Introduction

4.3.2   Meaning and Definition of Communalism

4.3.3   Causes of Communalism in India

4.3.4   Types of Communalism Existing in India

4.3.5   Role of Communalism in Indian Politics

4.3.6   Suggestions for Checking Communalism

4.3.7   Concept of Secularism

4.3.8   Constitutional Provisions Relating to Secularism

4.3.9   Theory and Practice of Secularism in India

4.3.10 Let Us Sum Up

4.3.11 Exercise

4.3.0 OBJECTIVES

After going through this unit, you should be able to know:

- the concept and causes of Communalism in India;

- the types of Communalism existing in India;

- the role of Communalism in Indian politics;

- the concept of secularism and some Constitutional provisions relating to it; and

- the operation of secularism in India both in theory and practice.

4.3.1 INTRODUCTION

Communalism may be defined as a person's attachment with the good of his community. It is this feeling for one's community or religious group that resulted in the partition of country in 1947. Mohd Ali Jinnah's Two Nation Theory was nothing but based on communal overtones. As against this, India favoured 'secularism' and still basis its polity on this. Secularism means that state does not give any priority to any religion. In fact, state has no religion of its own. It treats all religions on the basis of equality. The idea of this lesson is to acquaint students about the concept of communalism, its causes and adverse effects on Indian politics. It also aims at familiarising the students with the concept of secularism, related constitutional provisions and its practicability in India.

4.3.2 MEANING AND DEFINITION OF COMMUNALISM

India is a multi-religious, multi-linguistic and multi-cultural nation. The most prominent religious communities residing in India are Hindus, Muslims, Sikhs, Jains, Parses, Christians and Buddhists. All these communities lived with each other in perfect toleration. It was only at the turn of century that the British rulers in India followed policy of 'divide and rule' and with that the gulf between various religious communities very considerably increased. The device of giving separate representation to each major community in elected bodies and civil services widened the gap, particularly among two major Indian Communities, namely, the Hindus and the Muslims. With the Two Nation Theory of Mohd Ali Jinnah, the

gap between these two communities still more widened. The result of all this was that there was communal hatred. Communal riots took place at the time of partition of the country. Hundreds of people were butchered and property worth crores of rupees was burnt. Everything inhuman and unhuman was done in the name of religion. The country had to be partitioned as Mohd Ali Jinnah said, "Hindus and Muslims are Two separate nations." It was nothing but the result of Communalism.

4.3.2.1 Communalism Defined

Communalism may be defined as a person's attachment with the good of his community. In the words of D.E. Smith, "It is generally associated with a narrow, selfish, divisive and aggressive attitude on the part of a religious group." As Prof Rasheeduddin Khan suggests, "Communalism is basically an ideology of political allegiance to a religious community as a primarily and decisive group in the polity, and for political action."

According to Bipin Chandra, "The concept of communalism is based on the belief that religious distinction is the most important and fundamental distinction, and this distinction override all other distinctions. Since Hindus, Muslims and Sikhs are different religious entities, their social, economic, cultural, political interests are also dissimilar and divergent. As such the loss of one religious group is the gain of another group and vice-versa. If a particular community seeks to better its social and economic situation it is doing at the expense of other." It means that communalism is a divisive force in the society which creates and fosters alienation of one community from the other communities. The aims and objectives of communalism are to foster religious bigotry and present a particular religion against other religion or religions. It means aggrandisement of one religion at the expense of other religions. It means to regard one's religion as the best while the other religions are supposed to be lower. Naturally such an ideology spreads religious hatredness and hostility and therefore, regarded as inimical to the healthy development of society.

It is a sectarian, restrictive and negative response to the process of modernization and modern nation building. Communalism stands for the protection and promotion of the specific interests of a particular community; however its

manifestation has negative aspect in politics. It acts in the name of religion and opposes social change along constructive and progressive lines. For this reason, as Richard D. Lambert says, "It is an epithet implying anti-social greed and reactionary social outlook."

Communalism has a sense of blind loyalty towards the community that may go the extent of subordinating one's higher loyalty to his nation or society as a whole. Instead of spreading enlightenment, it leads to the inculcation of wrong orientation in the form of fanaticism or religious orthodoxy. The feelings of social unity and harmony are converted into hatred and enmity towards other religious and cultural orders. As per dictionary of Political Science, "Communalism is a trend of thought emphasizing too much on the rights of a particular religion as distinguished from those of the nation as a whole". In the opinion of Hanna Cruz, "Communalism refers to the attitude of the people and their groups when they "place their loyalty to the community above the loyalty to the body politic (Nation) to which they belong or else when they develop active hostility towards other communities living within the same body politic."

4.3.3 CAUSES OF COMMUNALISM IN INDIA

In 1947, India was partitioned and with that migration of population started. Conditions in the country were such that it was almost impossible for the Hindus to respectfully live in the areas which formed Pakistan and thus they had to migrate. From India, some of the Muslims migrated but a vast majority decided to remain in the country. When Constitution was being enacted, there was a demand that the Hindus should have full control over political life of India because the country had been partitioned on the basis of two nations theory and that the Muslims had got their homeland. They should migrate there and if they decided to live in India, they should remain second rate citizens. But leadership at that time firmly stood against this viewpoint. It was made clear that religion should have no part or role to play in Indian politics. It had already done sufficient harm and could not be allowed to do more harm to our polity. It was, therefore, decided that India will be a secular state and subsequently it was incorporated in the preamble itself. There are number of constitutional provisions that support the philosophy of secularism in free India.

But unfortunately much which was expected by Constitution fathers about the role of religion in Politics has not come true. In spite of all constitutional provisions and

precautions, there have been communal riots from time to time. In 1961, communal riots broke out in Aligarh Muslim University and this trouble spread in some parts of U.P., Bihar, West Bengal and Madhya Pradesh. Similarly, in 1963, communal riots broke out in J&K state. In December of that year, it was reported that sacred hair of Prophet Mohammad was missing from Hazarthbal Mosque in Srinagar. There were Hartals, demonstrations and violence as well as lawlessness in the state. The relic was recovered and certified as the original one. Communal riots again broke out in Maharashtra in 1966. It is said that some members of a religious community threw stones on the processionists of other community who were taking out procession in support of cow protection. This led to police firing and communal riots. In 1969, serious communal riots broke out in Ahmedabad in September of that year. In this case again cow became the cause of trouble. In May 1970, communal riots broke out at Bhiwandi near Bombay, when it is alleged that a procession being taken in honour of Shivaji was stoned by some miscreants. This infuriated the processionists and about 80 people were killed. Hindu-Sikh riots took place in November 1984, when Mrs. Indira Gandhi was killed. It spread throughout the India, whereever Sikh minorities were residing. In 1992, a disputed structure of Babri-Masjid-Ram Janambhoomi was destroyed by the frenzied mob which led to communal riots in almost entire India. Similarly in Bihar, Hindu-Budhist conflict has taken place. Hindu Christian conflicts have been concentrated in the state of Kerala.

The trend of communal riots seems to be on the increasing side. As per Union Home Ministry report, there were as many as 242 incidents of communal violence up to 1973. But in the year 1986 alone, the number of communal incidents was 180. It has caused loss of lives as well as property worth crores of rupees. The riots are always a matter of concern both for the society as well as the government but these are becoming of great serious concern because the countryside which used to be free from communal tension is now becoming the victim of communal disharmony. Let us now try to analyse the basic causes of communalism in India.

4.3.3.1 Historical Causes

The past of India haunts which is full of religious conflicts in the medieval times. The Muslim rulers in India destroyed the Hindu places of worship and imposed taxes like Jazzier on Hindus besides forcibly converting Hindus into Muslims. Temples were

desecrated and destroyed and in their place mosques were built. This has resulted in conflict over many mosques, which the Hindu fundamentalists want to destroy or shift. In 1992, the disputed structure of Babri Masjid Ram-Janambhoomi was destroyed by a frenzied mob which led to communal riots in almost entire India. Besides Ayodhaya, similar disputes are in Kanshi and Mathura and many other structures situated in different parts of the country where both the Hindus as well as Muslims claim to be their places of worship. Besides this, Britishers also contributed in a very big way in the growth and development of communalism as per their policy of Divide and rule. The introduction of communal electorates in India, the partition of Bengal in 1905 on communal lines, encouraging Muslim and other minorities of India for separate statehood were nothing but an attempt to encourage communalism in India. The net result of all these policies was creation of Pakistan in 1947, of course along religious lines.

4.3.3.2 Religious Revivalism

In India, the spread of modernisation could not show rationality, materialism but it shows religious revivalism along with modernisation and development. The Hindus, the Muslims, the Sikhs and all other communities are becoming more religious. Various religious occasions are celebrated with more fervour and open demonstration. Religious processions have become very common and all the Temples, Mosques, Gurudwaras use loudspeakers at high volumes to compel people listen to their recitations. Religious processions have led to communal tensions. In the year 1997, which was incidentally declared as communal riot free year, religious processions caused communal riots in Patna, Rookie Hyderabad and Jalgaon district of Maharashtra. The religious revivalism can also be seen in electronic media when it telecasts religious serials such as Ramayana, Mahabharata, Bible Ke Kahania, Jai Mata di, Chanakya, Jai Ganga Maiya, Jap Tap Urat etc.

4.3.3.3 Role of the Government

Even after 50 years of independence, Indian government has not been able to develop appropriate policy to thwart communalism and communal riots in India. No serious study of communal situation has been done by the government. Adhocism has been the rule. Whenever Communal riots have broken the government comes out of its slumber and various measures like deployment of army and paramilitary forces, imposition of

curfew etc are taken. Ministers approach the religious leaders for getting their blessings and request them to appeal to their followers not to indulge in communal violence. Moreover, they approach religious leaders to get more votes. All this encourages communalism. Not only this, but it is alleged that quite often law enforcing agencies fail to quickly control communal riots, thus, creating many apprehensions in the minds of worst affected religious community. For example, central government is still not in a position to penalise those involved in Anti-Sikh riots of 1984. It takes years together to settle the compensation cases of riot victims.

4.3.3.4 Economic Backwardness of Muslims

During the British regime, whole of India was economically backward, as compared to the Hindus. It was hoped that after independence, when equal opportunities would be provided to all, the Muslims of India would also take the fullest advantage of that. But even now the percentage of Muslims going to educational, technical, medical and other professional institutions is much less than their population. The result is that they are educationally backward and economically lag behind in business. The economic disparity between the two communities is creating wide gap and many misunderstandings. One community feeling that it is being constantly exploited by the other or that the richness of one is only at the cost of poverty of the other.

4.3.3.5 Role of Communal Parties

India has decided to be a secular state in which communal politics should play no role and there should be no communal parties. But even then, the communal parties as Jamait-I-Islam, Itahadul Mussalmeen, Vishwa-Hindu Parishad etc are formed which play with religious sentiments of the people belonging to their community. They try to develop narrow outlook among them. They do not hesitate to spread communal violence to maintain their existence and if need be spread even communal hatred. Their cadres know that their leadership is closely linked with creating communal disharmony among various religious communities living in India.

4.3.3.6 Vote Bank Background

Though India is a secular country, yet each political party tries to have religious communities as a vote bank. This means that community, as a whole should vote for it. BJP's victory

at the centre was nothing but careful planning of creating a Hindu vote bank. Similarly, Congress remained popular with minorities and scheduled castes and scheduled tribes up to 1990's. Bahujan Samaj Party is exploiting the feelings of Dalits. These parties, while trying to appease them, leave an impression that the interests of one religious community are not safe in the hands of other. For this the parties try to create communal ill feelings and many misunderstandings as well.

4.3.3.7 Role of Pakistan

Pakistan was created on the basis of Two Nation Theory of Mohd Ali Jinnah. It means that Hindus and Muslims are two different nations. Pakistan, right from the very beginning tried to play the role of guardian of Muslims in India. It tries to provoke the Muslims of India on petty issues. In every communal riot, it holds the Hindus of India responsible. It always tries to show the world that the Muslims of India are deliberately being kept backward in a state of slavery. Pakistan radio and press constantly propagates that Muslims of India are at the mercy of the Hindus and that all crimes against the Muslims of India are committed in planned way and with indirect approval of the government. Its propaganda has tremendously succeeded in Kashmir Valley. Therefore instead of bringing two major communities together, it widens the gap between the two. This policy of Pakistan has resulted in strained relations between the two countries.

4.3.3.8 Socio-economic Causes

There are socio-economic dimensions of communalism in India. At the societal level, Muslims and Christians have adopted a policy of converting Harijans and tribals into their respective fold. This is done to increase their number. On the other hand, RSS started reconverting the converted people back into the Hindu fold and this has further complicated the communal scenario.

There have been economic causes behind communal riots. To cite an example, in Moradabad, the Muslim artisans have been involved in the famous brass work which has a good international market but their marketing was done by Hindus traditionally. Now the Muslims have also come into exports of the brass work and consequently Hindu traders suffered. This has been the cause of communal riots in Moradabad. Similarly, the 1980-81 riots of Godhra were the results of clash of economic interests

between Sindi and Ganchi petty traders. In Bihar Sharief also, the reasons of communal riots were to be found in the acquisition of wealth of the Muslim and the consequently economic rivalry with the Hindus.

4.3.4 TYPES OF COMMUNALISM EXISTING IN INDIA

A study of communalism in Indian politics engages our attention in the direction of examining it on two main fronts- Hindu and Muslim. But a detail study concludes that the following main types of communalism is prevailing in India.

4.3.4.1 Hindu Communalism

The Hindu communalism has discovered its roots in the tradition of late 19th century when religious reformers like Swami Dayanand and literary figures like Bankim Chandra Chatterji offered their contribution that had a definite impact upon the process of national awakening. Arya Samaj movement was directed against both Islam and Chistianity. Bankim's Bande Matram was purely a Hindu way of idealising the nation. Tilak in Maharashtra and Lal Lajpat Rai in Punjab did much to awaken the consciousness of Hindus and even permitted them to adopt extremist methods. Its first concrete form took place in the creation of the Hindu Maha Sabha in 1907 as a counter to the Muslim League. Great leader of the Hindu Maha Sabha like Veer Domodar Savarkar sharpened the trend of Hindu Communalism. He defined Hindu as, "One who treats India as his Matrubhu (Motherland) as well as his Puhyabhu (holy land)." He gave a new concept of Hindu Nation by holding that the idea of Hindu Rashtra referred to a people united by a common country, blood, history, religion culture and language. For him, "The Hindus are a vastly more than a religious community, they are a nation."

Another communal organisation named Rashtriya Swayam Sewak Sangh (RSS) was found in 1925 under the leadership of Dr. K.B. Hadgewar with the objective of re-organising and militarising the Hindu Community. The main objective of this Sangh is to develop a tightly disciplined corps of well indoctrinated, physically fit, devoted volunteers of the Hindu youth who represent the Sagathan ideal of Hindu society in miniature.

Ram Rajya Parishad was founded by Swami Karpatriji in order to seek restoration of the sage of perfect Justice' called Ram Raja. This Parishad was mainly concentrated

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in Rajasthan. It rejects the idea of secularism and states that there should be a new fundamental law of the land based on the canon of Dharma. The aim of state must be 'spiritual salvation of citizens.

In short, the exponents of Hindu Communalism desire to establish a new form of social and political order in the country, which is distinctly based on the fundamental principles of Hinduism. According to KM Munshi, "India i.e Bharat or Aryavrat is one and indivisible and, for this reason any talk of its fragmentation is a crime, a sin and an act of infidelity."

4.3.4.2 Muslim Communalism

The second largest communal organisation in India is the Muslim League which was founded in 1906 and played a key role in the partition of the country. Another organisation Jamaat-I-Islami found by Maulana Masoodi in 1941 believed in establishing a separate Muslim state in accordance with the Holy Quran and Shariat and thereby demonstrating the futility of secular democratic government. Co-operation with any un-Islamic government in 'Haram' or prohibited by religion.

Tablighi Jamaat initiated by Maulana Ilyas advocates that Islam is a complete practical code of life and Muslims should take the responsibility of enforcing Islamic practices for the good of mankind. In brief, the orthodox school of the Muslim communalists rejected the ideas of nationalism, secularism and democracy as all are repugnant to Islam. It offers the only alternative is to accept the Divine guidance as promised in the Holy books.

However, there is another organisation of Muslims known as Majlis-I-Mushawarat, created in 1964, which is comparatively moderate and secular in nature. Its basic objectives are:-

(a) to enable the Muslims to live in accordance with the lofty ideals of Islam and make them participate in the national life;

(b) To forge unity among all the sections of Muslims;

(c) To make all out efforts to eradicate communal and other petty prejudices and to promote an atmosphere of mutual amity and understanding;

(d) To promote goodwill and integrity among different communities and groups in India;

(e) To lend support to all attempts at retaining and promoting the secular character of the state; and

(f) To encourage Muslims to contribute unhesitatingly to the solution of various national problems.

To conclude, the keynote of Muslim Communalism may be discovered in its bid to create a force as a counterblast to the force of Hindus. Any idea of secularism, nationalism and democracy and modernisation is not appreciated by the Muslim communalists. At the base is the fear psychosis that creates in their minds a sense of insecurity and loss of faith in the leadership of genuine secularist.

4.3.4.3 Sikh Communalism

Sikhs claim themselves as a separate entity and believe in the sense of separatism becomes evident from their opposition to the idea of their assimilation into or the integration with the Hindu community on the plea that it would amount to the loss of their identity. However, they have full faith in the tenants of nationalism.

In 1955, Master Tara Singh said that the Punjab Congress and the Legislative Assembly of the state was dominated by the Hindus who wished to finish the Sikhs. He found its solution in the creation of a state of the Sikhs so that the Sikhs could have effective power and be assured of the means necessary to protect the Gurudwaras. He declared, "The greatest the interference in our religion by the government with its political power, the greater is the need of the political power to protect our religion from this Satanic interference".

It is for this reason that the Sikh communalists have criticised laws relating to Gurudwara administration. Masterji and his group boldly charged that the then Congress government headed by Partap Singh Kairon aimed at setting up a Hindu Raj in the country and demanded immediate formation of the Panjabi Suba.

We also find Panjabi versus Hindi controversy in Panjab. Where the Sikh leaders insisted on the imposition of the Gurmukhi language on all living in the

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state of Panjab, on the other hand, the Arya Samajists fought for the status of Hindi language.

On March 21, 1966, the centre government accepted the demand of Panjabi Suba. A state of Haryana came into existence on November 1, 1966. With this, the Sikhs became in majority (52%) and Hindus were reduced to minority (48%) with the exclusion of Hindi areas.

In 1973, Shiromani Akali Dal passed Anandpur Sahib resolution, which demanded more powers from the centre. A section of Akali Dal under Sant Jarnail Singh Bhindrawala took recourse to serious violence demanding full implementation of Anandpur Sahib resolution. The violence not only created law and order problem but took many precious lives in a planned manner. This group ushered an era of terrorism in Panjab and the minorities started leaving the state. Communal tension was prevalent in all over Panjab.

In 1984, Hindu-Sikh riots took place after the death of Mrs. Indira Gandhi. Thousands of Sikhs were mercilessly killed and their property was rooted. Government is still not in a position to settle such cases even after the lapse of fifteen years. This gives minorities a sense of insecurity.

4.3.4.4 Conversion of Hindus into Christianity

In the recent years, it has been found that lot many people from down trodden classes are being converted into Christians. This has not been liked by the Hindu organizations. Hindu fundamentalist organisations want to reconvert such people back to Hinduism. This creates a communal tension. In recent years, number of bomb blasts have taken place in churches particularly in Andhra Pradesh and Kerala and this has resulted in communalising the atmosphere.

4.3.5 ROLE OF COMMUNALISM IN INDIAN POLITICS

The most ominous aspect of the political crisis in India today is that pernicious communal ideologies and organizations are allowed to grow freely, spreading hatred and inflaming passions in the name of religion as never before. Unable to control or contain these ugly

developments, the ruling parties are choosing to use this communal mobilisation to suit its own electoral strategy of appeasing one community now and then the other the opposition parties, weak and divided as they are, make some noise only when their own political calculations are upset. Otherwise they are content with copying the strategies of ruling party.

The post colonial Indian state did not adopt the stance of completely expelling religion from public affairs and making it a private matter of the individual citizens. India did not acquire a state religion but was equally disposed towards all religions. This gave an opportunity to leaders, particularly in the government to identify themselves with the people on the basis of their religious sentiments both in negative and positive terms – and ask votes from them. To cite, the Congress (I) sought to assure the Muslims of the security of their religious identity if they moved under its banner. On the other hand, even in the Nehruvian era, coconuts were broken before ships were launched, yajna's performed before laying the foundation stone of the temples of modern India, almanacs consulted, Sanskrit hymns sung and holy tilaks applied on the foreheads of political leaders of public functions.

The Congress has for the first time banked upon the support of Brahmins, the Muslims and the Scheduled Castes and Scheduled Tribes on an all India scale, though there have inevitably been regional variations. The BJP has constructed upper caste Hindu fears of both the lower castes and the Muslims, and mobilised tradition, history, state of the art technology and the ideology of nationalism in its search for power in a modern political system – parliamentary democracy.

The Muslim League in its new incarnation in independent India plays the old game of magnifying the insecurities of the Muslim community in India, though its support basis are region specific. The Janta Dal, the Bahujan Samaj Party, the Samajwadi party are based on the community and caste identities. The leftist parties are also putting up people born of Muslim parents and bearing Muslim names as candidates at the time of elections in predominantly Muslim constituencies.

The political parties are exploiting the emotional sentiments of the people. It is, in this context, Ashish Nandy is right when he says, "predictably riots organised in the name of religion have become some of the most secular events in Indian society. For

him, they organised the way a political rally are a strike is organised in our system which usually to bring down a regime or discredit a Chief Minister here or to help an election campaign or a fact there. Some political parties of India today, have professionals who specialise in riots and like true professionals, do an expert job to it".

The interference of religion and caste in politics has led towards communal violence. Temples, Mosques, Gurudwaras etc are being used not only for political motivation but also to stockpile arms and lethal weapons. The electoral politics such as nomination of candidates, campaigning communal representation etc. has encouraged the process of communalism in almost all the states.

Even today, bureaucracy and police forces are also under the impact of communalism. There are some examples such as in Mumbai, the reluctance of the police to deter frenzied mobs killing Muslims in January 1993, and from looting and burning their property led to the barbaric bomb blasts of March 1993. The killing of innocent Sikhs in Delhi and other parts of India after Mrs. Indira Gandhi's assassination was yet another example of police ineptitude.

While examining the nature of communal riots in India, Mohd Aslam said, "Communal riots these days have become more pre-planned. While earlier they were mostly confined to the streets and the loss of property was usually incidental, now the target of communal riots seems to be specific properties and places marked out before hand, which clearly suggests that the riots have become goal oriented……. Even earlier, the complicity of the police and the administration in communal riots had been established, but the implication in controlling of a riot, that is, harsh on the minority community and lenient with the majority community. Today the police is very often seen to be a direct participant in such riots." It further appears that political elite in the country failed to give positive direction to certain processes of secular nature.

The role of state, in such a multi-ethnic society like India, must be or at least appear to be, non-partisan. In fact, minorities must often be accorded special safeguards and protection. Theoretically, the constitution of India does this in ample measure, and the state in India by no means can be classified as communal even by an impartial observer. But the picture is rapidly changing. The minorities

are losing faith in the secular credentials of the state and are beginning to perceive the state as a representative of a particular community. This is increasingly pushing them into the sanctuary of their own religious community.

4.3.6 SUGGESTIONS FOR CHECKING COMMUNALISM

In order to curb the feeling of communalism in India, following steps can be taken:

(a) Banning of all such religious and political parties which propagate communal hatred and live on the exploitation of the religious sentiments of the people, both directly or indirectly.

(b) Rumours should not be allowed to play any role and immediate counter-rumours steps should be taken. Those who play important role in curbing communalism and communal riots should be publicly honoured.

(c) Need, importance and utility of communal harmony should be propagated vigorously. An eye should be kept on the activities of communal militant organisations and where necessary checks should be applied. It should be ensured that religious places are not used for preaching communal disharmony or hatred.

(d) Ministers both at the centre and states should not be allowed to make such statements which are based on appeasement of a religious community. Similarly, no minister should approach a religious leader for winning political favour from him. Vote bank psychology should be discouraged in so far religious communities are concerned.

(e) Law enforcing agencies and personnel who fail to take prompt action to control communal riots should be quickly punished to convince the people of the seriousness of the government. Bureaucracy should also play its neutral role.

(f) Electronic media and press should be extensively used for promoting communal harmony. Similarly, mixed community housing schemes should be introduced on a large scale.

If these and similar other measures are taken, it may be hoped that communalism in India will be checked.

4.3.7 CONCEPT OF SECULARISM

One of the major problems before the Constituent Assembly of India was whether India should be a secular or non-secular state. There was a powerful lobby which was convinced that after the partition of country, secularism had no meaning. What had been left of India was now a Hindu India in which about 90% of country's total population was Hindu population. The Muslims of India under Muslim League had expounded two nation theory. They had solidly stood behind the Muslim League. They had struggled for a homeland for the Muslims and after bloodshed by following hatred and violence policy, they had succeed in dividing India.

On the other hand, there were strong and powerful Congress leaders in the Assembly who firmly believed that India should be a secular state. According to them whole freedom struggle was fought on secular principles. The Muslims of India had all along been assured that in free India, they will have equal rights with the Hindu majority. Quite a vast majority of Muslims had fought along with the Hindus for winning freedom of India. Moreover, it was argued that India had the glorious tradition of being the land of religions toleration. To underestimate the importance of one religion and over-estimate the other is unknown to India. It was pointed out that the concept of theocracy was quite outdated. All persons in the society must be respected and valued on the basis of their ability rather than the faith which they practised.

4.3.7.1 Definition of Secularism

There is no precise definition to Secularism. It contains many layers and many people interpret it in many ways. Some the definitions are given below.

- The term secular means "non-spiritual, having no concern with religious or spiritual matters, anything which is distinct, opposed to or not connected with religion or ecclesiastical things, temporal as opposed to spiritual or ecclesiastical." – Encydopaedia Britannica.

- "Secularism is an ideology which provides a theory of life and conduct as against one provided by religion". – Eric S. Waterhouse.

- "Secularism signifies the separation of the state and the church".
  – See Leo Pfeffer.

- "Secularism is materialistic in tone and holds that human improvement can be sought through material means alone." – V.P. Lathera.

- "The secular state is a state which guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not constitutionally, connected to a particular religion, nor does it seek either to promote or interfere with religion. Upon closer examination, it will be seen that the conception of a secular state involves three distinct but inter-related sets of relationship concerning the state, religion and the individual." —D.E. Smith.

- "Secularity denotes the absence of connection with religion."
  —New English Dictionary.

- "But to my mind, a secular state is neither a Godless state nor an irreligious, nor an anti-religious state" —H.V. Kamath.

- "Secularism means refusal to accept the theory that different religions make different nations or that the state should belong to one religion more than another". —C. Rajagopalachari.

- "All that a secular state means is that this parliament shall not be competent to impose any particular religion upon the rest of the people."
  —Dr. B.R. Ambedkar.

- "Indian secularism tried to build up a fellowship of believers not by subordinating individual qualities to the group mind but by bringing them into harmony with each other". —Dr. S. Radhakrishan.

In simple words, the concept of secularism in the Indian context means that state has no religion of its own. It gives equal treatment to all religions. The state

cannot impose any tax on the name of religion. State cannot discriminate between an individual and another on the grounds of religion. In fact, the state is neither religious nor anti-religious but wholly detached in religious matters.

4.3.8 CONSTITUTIONAL PROVISIONS RELATING TO SECULARISM

The idea of secularism is traced out in the basic framework of Indian Constitution having its first indication in the preamble to the constitution of India and its elaborate manifestation in various fundamental Rights relating to equality, Freedom, religion, education and culture. The secular character of Indian Constitution is traceable in following articles/ provisions:-

1. Preamble: Preamble declares India a secular state. The words 'Socialist' and 'secular' were added by the forty-second Constitution Amendment Act, enacted in 1976. The preamble also envisages liberty of thought, expression, belief, faith and worship.

2. Fundamental Rights: Part II of Indian Constitution deals with the fundamental rights and following articles aim to establish secularism in India:-

   a) Article 14 deals with equality before law and equal protection of laws for all.

   b) Article 15 prohibits discrimination on grounds of religion, caste, race, sex or place of birth. It states that no citizen shall only on the ground of religion, race, sex or place of birth be subject to any disability or restriction with regard to access to public places like shops or the use of public facilities like wells.

   c) Article 16 says that state shall not make any discrimination on the grounds of religion, race, caste or sex in the maters of employment.

   d) Article 17 abolishes untouchability.

   e) Article 25 states that all persons are equally entitled to freedom of conscience and have the right to practice, profess or propagate any religion.

   f) Article 26 provides that every religious denomination or any section there

of shall have the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in the matters of religion, to own and acquire moveable and immovable property, and to administer such property in accordance with law.

g) Article 27 lays down that no person shall be compelled to pay any taxes the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religious denomination.

h) Article 28 provides that no religious instruction shall be provided compulsorily in any educational institution wholly or partly maintained by the state.

i) Article 29 (I) provides for conservation of citizen's distinct language, script or culture Article 29 (2) says, " No citizen shall be denied admission into any education institution maintained by the state or receiving and out of state funds on ground only of religion, race, caste, language or any of them. As per Article 30 (1), all minorities whether based on religion or language have been given right to establish and administer educational institution of their choice. Article 30 (2) declared that the state shall not discriminate against any educational institutions on the ground that it is under the management of a minority, whether based on religion or language.

Thus, the constitution makers provided for a secular state which especially mentioned the right of minorities to profess and propagate their religion in accordance with the law, without specifically declaring India as a secular state. The very foundation of Indian constitution was kept on the lofty ideals of secularism. Though formally this word 'secular' was added in our preamble in the year 1976.

4.3.9 THEORY AND PRACTICE OF SECULARISM IN INDIA

Secularism in India has three essential ingredients. Firstly, it is liberal, which means that the Constitution not only ensures religious equality and liberty to all Indian citizens but also it protects basic rights and privileges of all religious communities which reside in India. Then another principle of secularism in India is that it is not

absolute but qualified one which means that religious freedom is subject to certain conditions like public order, morality, health of the people. Moreover, the judiciary is to decide whether any restrictions imposed by the state on freedom of conscience as guaranteed to the people of India under article 25 of the constitution are consistent or not with the basic philosophy of secularism. The third principle is that it is dynamic and not a static ideology because while it disallows religion to interfere in politics, it allows state to take steps for promoting social welfare. The government can even change personal law of community, if necessary. Then, another feature in India secularism helps using religion to secure obedience of state laws.

4.3.9.1 Critical Assessment of secularism in India

It is true that some steps have already been taken to ensure that secularism in India takes a concrete shape. In 1955, unouchability offences Act was passed. Seats are reserved in educational institutions, jobs and legislative bodies. In the council of ministers both at the centre as well as in the states, due representations is given to the members of the minority communities. Dr. Zakir Hussain, Fakru Din Ali Ahmad, Giani Zail Singh and Dr.K.R. Narain, were the people who hailed from different communities and held the highest positions in the country. These positions they could get only due to India's policy of secularism. In the services, both in civil and military, all communities are given equal opportunities. Not only this, but in India, people belonging to different communities live side by side with each other and have cordial neighbourly relations. They participate in festivals of each other's communities.

But unfortunately the idea, philosophy and ideology of secularism which forms the basic structure of the constitution has not very deep roots in India. One reason for this is there is widespread feeling that Congress Party which is ruling the country since independence has used it to appease the minority communities at the cost of Hindu majority community instead of developing the ideology in its proper perspective. Even BJP, the present ruling party, played a Hindu card to come into power.

Political leadership in India is not required to use the name of religion for promoting political ends or promoting party cause. But in India each political

party fully exploits the name of religion for getting votes for their parties. Religious communities are given concessions and policy of appeasement is followed. Not only this but efforts are made to develop as vote bank by political parties. Thus, political parties instead of strengthening secularism, weaken it, though all this is done in the name of secularism.

Secularism and communalism cannot go hand in hand but in India feelings of communalism and love for one's own religion is far more stronger than the force of secularism. Structure of secularism, which is built with great difficulty over the years gets serious jolt with one communal riots, break out which because of active communal forces and leaders, is not infrequent in India.

In India, very many educational institutions are run, managed and controlled by religious bodies which from the very beginning provide religious rather-than secular education. This very much weakens secularism. Even those who are employed in government run institutions do not have strong secular feelings and thus do not enthusiastically provide secular ideas to the students.

The founding fathers of the constitution while framing the constitution tried their best to provide a strong basis for the separation of democracy and religion. But in actual practice of democracy, the practitioners of various religions have not internalised the constitutional framework. According to C.P. Bhambhri, there are two very important reasons from this. First, the absolute majority of Indians are extremely religious in personal life. A secular state in a highly religious society has to keep proving that it does not intend to hurt the religious sentiment of the citizens. Second, India is not only a multi-religious, but its followers are very proud of faith and conscious about maintaining their religious identity.

Though in the country secularism is getting some roots but with the passing of time, forces of communalism too are becoming strong. It will take a long enough to over-side those of communalism. It not only needs patience but political parties will also have to make sacrifices by not exploiting religion for meeting their political ends. These will have to give up religions vote bank concept and stop exploiting communal forces for meeting narrow political ends. The ideology of secularism will have to be propagated and the masses will have to be convinced

about its utility in the national interests on the one hand and for economic development of the country on the other.

4.3.10 LET US SUM UP

Communalism and secularism are two contradictory philosophies operating simultaneously in India. Communalism aims at promoting the cause of one community at the cost of other communities. But the basic foundation of this country was laid on the edifice of secularism. Pakistan was created as a result of Two-Nation theory but India came out with its philosophy of secularism. Communalism could not unite Pakistan for more than two decades and got another partition in 1971. But Indian philosophy of secularism still holds this nation as one nation. It is true that forces of communalism are quite strong in India and at times signals for its disintegration. Yet, if proper precautions are taken, this can emerge as a strong country. If political parties do not use religion as instrument of gaining power, it can play wonders. The need of the hour is to check the communal forces and strengthen secularism.

4.3.11 EXERCISE

1. What do you understand by the concept of Communalism? Give some important definitions of the concepts?

2. Highlight the major causes of communalism in India

3. What are the types of communalism existing in India?

4. Discuss the role of communalism in Indian politics. Give some suitable suggestions for checking the role of communalism in Indian politics.

5. What do your understand by the concept of the secularism? Give some important definition

6. Highlight the constitutional provisions that make India a secular state.

7. Critically evaluate the practice of secularism in India

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B.A. Political Science, Semester II
Course Title : **Indian Government and Politics**
Unit – IV : **Major Political Issues**

4.4 REGIONALISM IN INDIAN POLITICS

– Perminder Kour

STRUCTURE

4.4.0 Objective

4.4.1 Introduction

4.4.2 Factors Responsible for Regionalism

4.4.2.1 Cultural Factor

4.4.2.2 Economic Factor

4.4.2.3 Political Factor

4.4.3 Role of Regionalism in Indian Politics

4.4.4 Recommendations to Overcome Causes Responsible for Regionalism

4.4.5 Let Us Sum Up

4.4.6 Exercise

4.4.0 OBJECTIVES

After going through this lesson, you should be able to:

- know about the regionalism;
- discuss the various factors responsible for regionalism;
- comprehend the role of regionalism in Indian politics.

4.4.1 INTRODUCTION

In any multi-national, multi-ethnic and federal country, Regionalism is one of the dominant forces. People who live in a definite territory or region have specific passion or belongingness to that particular area, region, language, usages and customs common historical traditions and experiences, a common way of living and more than anything else, a widely prevalent sentiment of togetherness. In this sense, feeling of regional identities can coincide with state boundaries like that of Tamil Nadu, Karnataka, West Bengal etc.

In post-independence India regionalism has grown as a result of economic failures of Indian democratic process. While the urban areas have been developed, the fruits could not reach the grassroots levels in villages. Certain states like Punjab and Haryana developed while state like Bihar and Orissa remained backward. Within the state also this disparity can be witnessed. The eastern part of UP is very backward while western UP is prosperous. In the backward state of Bihar, the Jharkhand area is more backward then the other areas. This has resulted in regional movements. The successes of small states like Haryana, Himachal Pradesh and Goa has strengthened the idea that people living in small states can become prosperous rather than being a part of larger state. In general, regionalism can be understood through four different ways viz. demand of people of certain areas for secession from the Indian union, demand of people of certain areas for separate statehood, demand of people of certain union territories for full-fledged statehood, and the demand of certain people for favourable settlement in inter-state disputes, like exclusive utilisation or possession of certain areas or natural resources.

4.4.2 FACTORS RESPONSIBLE FOR REGIONALISM

Regionalism is a multi-dimensional phenomenon. The following factors are responsible for the growth and development of regionalism in India:-

4.4.2.1 Cultural Factor

India has continued to be a multi-ethnic, multi-religious and multi-lingual country. Right from the very beginning, the cultural minorities were dominated and exploited by the majorities. Hence, they needed effective protection. But with the passage

of time, now minorities seek protection for their cultural values not only in the field of education and language but also natural, economic and social developments. It becomes more important in India because in views of limited resources, minorities are vulnerable to discrimination, exploitation and suppression by those who control the state and its resources.

For example, before independence, in order to win the mass support and create confidence among the minority groups, the Congress committed itself to reorganization of the provinces on the linguistic basis with autonomy to federating units. But after independence, the Congress did not fulfil its promises. A number of commissions such as Dar Commission, SVP Committee and States Reorganization Commission were constituted. These bodies, as well as leading political spokesmen were inclined to look with a sceptical eye on the Congress's former position although the principle itself was not repudiated.

The tremendous pressure from linguistic groups for reorganisation of state continued on the Congress because these linguistic and cultural groups and religious minorities had continued fear that attempts were being made to assimilate them. Therefore, they wanted the regions of their concentration to be autonomous so that they might protect their cultural identities. To cite example, the demand for more autonomy come from states like West Bengal, Tamil Nadu, Andhra Pradesh, Kerala, Punjab and Jammu and Kashmir. All these states are concentrated on ethnic, religious, linguistic or cultural groups. As the result, various regional political movements took place which became vigorous enough to defeat Congress.

4.4.2.2 Economic Factor

Economic factor is the one of the most important factors responsible for regionalism in India. We can study the economic factor from three aspects—slow development, regional imbalances and paradoxes of adopted path of development.

During the freedom struggle, the freedom fighters told the masses that all their sufferings and miseries were due to the British rules and once the British left the country they would have an era of plenty and all their sufferings would come to an end. On the basis of this promise, the people gave their confidence to the nationalist leaders and the dominant party. But after getting independence, in spite

of many achievements, India remains economically underdeveloped. The resources are limited and due to the population explosion, the demands are more. There is strong and big competitions among individuals, groups and regions. In these circumstances, people have started feelings that benefits of development may be difficult to attain at national level and have started looking towards local and regional levels.

Regional economic imbalances have also contributed in no small measures also to breed regionalism. There were differences between one state and other in terms of rate of literacy, technology, industrialization, mode of communication etc. during British rule. These differences have still existed since independence. Here, political parties inform the people that the central government is playing more attention to the interest of some particular regions. As a result, there has been growing awareness among the people of backward areas and remote areas that they are being neglected in the matters of establishment of factories, construction of dams, allocation of funds etc by the union government. Therefore, they support those groups and leaders who plead for more resources to the states and comparative autonomy to use those resources according to their own needs.

4.4.2.3 Political Factor

After independence, India became a big democratic state in which power was deliberately dispersed and democratised. But they did not fill the gap between the modern leadership and the authoritative traditional groups who believed in traditional leadership patterns. Only the dominant land owning castes took the maximum advantages from the introducing of electoral process. They played the role of intermediators between the village and outside authorities in the administration and government. In this way, these dominant classes shared power in the Congress. But in spite of this fact, Congress did not have full command at the local levels. Prior to 1967 elections, the local dominant class, with a feeling that Congress policies were moving away from their interests, left the Congress to join some other parties or form their own regional parties.

The sudden arrival of the expanding activities of government, the dispersion of power and the democratisation of power have resulted in the growth of popular

participation in local, state and national politics. This has caused the emergence of two political cultures. According to Myron Wiener, these two political cultures are operating at different levels of Indian society. One culture is in the districts and the other culture is in New Delhi. The district culture includes local politics, both urban and rural; local party organization, local administration. It also includes state legislative assemblies, state governments and state administration. It has traditional elements along with modern components.

The second political culture i.e. New Delhi is personified by India's planners, many of national political leaders, and the senior administrative cadre. It is a defensive political culture. According to Myron Weiner, the first political culture can be characterised as an emerging mass political culture, whereas the second is as an elite political culture. The conflict between the two is reflected in regionalism.

It becomes clear that an aggressive regionalism may develop from varying apprehensions and threats, real or perceived. Moreover, there is possibility of fear of shrinking of job-market due to economic competitions which affect working class and the lower middle class e.g. Telengana's apprehension against the Andhra migrants. Then, there may be status-threats posed by the migrants to the social status of the middle classes as was the case of Maharashtrian fears against the South Indians in Mumbai. The Assamese apprehension against the Muslim-Bengalis is the example of political fears of some social classes to the threats of migrants to their long-term interests.

All these factors are responsible for the growth and development of regionalism in India. Moreover, these factors have helped a lot in the emergence of regional political parties. Some of the regional parties are Dravida Munnetra Kazhagam (DMK) in Tamil Nadu, Shiromani Akali Dal (SAD) in Punjab, the Shiv Sena in Maharashtra, the Jharkand party in Bihar, Telugu Desam in Andhra Pradesh, National Conference in Jammu and Kashmir etc. All these regional parties have classical, ethnical or cultural basis. On the other hand, there are various dissident Congress groups which came into being at specific time for specific purposes such as Bharatiya Kranti Dal in Uttar Pradesh, the Bangla Congress in West Bengal, the Kerala Congress in Kerala, the Utkal Congress in Orissa,

the Telengana Praja Samiti in Andhra Pradesh etc.

4.4.3 ROLE OF REGIONALISM IN INDIAN POLITICS

Regionalism is the result of political centralisation and mal-development in post-independent India. It is also a product of its diversity and historical process. The roots of ethnic loyalties in India go deep. According to Prof. Rasheeduddin Khan, in a country of more or less unbroken social history spanning about three thousand years of recorded annals, the continuity of traditions, customs, conventions, rituals, pre-dilections etc result in over-lapping the contemporary framework of society with survivals from the past. They still evoke strong loyalties around a wide-range of identities, sometimes even at the expense of modernised foci of allegiance like class, strata, unions, professional associations, ideologies, parties etc. The India today, hence, constitutes a mosaic in which primordial cleavages both interact and intermix with contemporary socio-economic segments. The regional loyalties have strong ties whereas all-India nationality is a compromise of these regional loyalties. It has been seems that whenever there is an external threat to the security of India, India as a whole stands united and faces the threat bravely. But whenever there is no such problem, the regional loyalties dominate the political scene. It means that the disability of India depends on the maintenance of the balance between these levels of loyalties. C.A Perumal rightly suggests that regional loyalties pay a great contribution for the betterment and developmental functioning of the country. The parochial loyalties operate mostly at the levels of the state governments whereas they leave the central government to function on the economic matters with a free will. In this way, national integration and socio-economic development become tangible.

It is important to note that no region is homogeneous in terms of its culture or religion. We can find diversities in almost all the regional social structures. There is interdependence of regions on economic matters. As Yogesh Atal points out, regionalism advances the cause of a particular political culture; it helps people to raise their demands and provides inputs into the political system. While elaborating his ideas, he points out that there are two types of people who reside in the regions. One is that type of people who use only one language (monolingual) are illiterate, immobile and have a very little knowledge. They are mostly narrow-minded

and orthodox. On the other hand, there are people who are aware about the region and nation, they may give rise to a sort of competitive regionalism. They may compare themselves with the people of other regions in various fields. Moreover, they can ask the central government to launch different plans and policies for the betterment and development purposes. Competitive regionalism is positive in character. The regions continue to orient themselves to the nation system.

It is very difficult to solve the problem of nation-building under the regionalism because if the central government wants to meet the challenges effectively and meet the demands for participation, it must have the will and the capacity to initiate, absorb and sustain continuous transformation. Neither the effective speeches nor the cheap gimmick creates national identity. Societies are characterised by cultural pluralism, which are conflicting in nature but are not necessarily probe to balkanisation (disintegration). As Iqbal Narain points out, balkanisation of country is not the result of cultural pluralism but it is the result of failures at the managerial level, both economic and political. The economic deprivations of the masses and their exploitation by the political elite lead towards conflict in culturally plural societies. These conflicts are basically the manifestation of bargaining and pressure politics, aiming at a reasonable, politico-economic deal rather than secessionism. Therefore, if the politico-economic system shows enough flexibility and accommodates the reasonable demands, it may succeed not only in containing the conflicts, that aims at unreasonable and extravagant bargaining, but also convert them into healthy partnership deals in the interest of national building. After all, political development is a process of meeting new goals and demands in a flexible manner.

4.4.4 RECOMMENDATIONS TO OVERCOME CAUSES RESPONSIBLE FOR REGIONALISM

1. The movements relating to the demands for succession must be controlled through the use of law and order machinery. It should be backed by clear cut policies of government and through well-designated direct socialisation of the masses enabling them to understand and participate in the national mainstream.

2. The spread of democratic institutions has definitely been a factor of

regionalism. In particular, the central interference in the working of state governments, especially when the state governments are controlled by regional political parties, have strengthened the forces of regionalism. Misuse of Article 356 of the Constitution, centralistic role of Governors, engineered political defections, unprincipled dissolution of state legislatures, discriminatory attitudes in giving grants-in-aid to the states ruled by regional parties or a party other than the one in power in the centre, transferring of state list subjects to the concurrent list, establishment of heavy industries in different regions under pressure or for appeasement of regional forces etc. have all combined to give rise to negative regionalism in the form of centre state conflicts and controversies. The need is to fair dealings with all the states. Implementation of the Sarkaria Commission recommendation and devolution of more financial resources to the state can be meaningful steps towards the limiting of the negative and harmful dimensions of regionalism.

3. The factor of socio-economic injustice has been behind regionalism in the states like Bihar, Orrissa, Madhya Pradesh, U P and North-Eastern states. This is behind the demands for Jharkhand, Bodoland, Gorkhaland and other such demands. Steps should be taken towards the elimination of socio-economic injustice against the tribals, the scheduled tribes, the scheduled castes and the hilly tribes.

4. All the national political parties have been guilty of using the regional, sub-regional, communal and parochial organisation for their electoral gains. It must be stopped by them voluntarily since it strengthens regionalism and adds to the problems that these parties inherit at the national level.

5. Inter-state disparities in income have been a hard fact of politics in India and the fact is that disparities have been indenting of inter-state disparities in per capita incomes. The index of disparity stood at 2.88 during the 6th Five Year Plan of 1980-85. It moved up marginally to 2.97 during the 7th Plan of 1985-90. In early 90s it moved up to 3.29. Punjab, continued to top the table. Its per-capita income showed a further rise. It may be added that

disparity index is measured as a ratio of the per-capita income of the most affluent state to that of the most poor.

6. Regional press has encouraged regionalism. The vernacular press has the ability to represent the articulate regional forces as against the national objectives and national goals. It should not be taken to mean even remotely that vernacular press is anti-national or has behaved only a regional mouth piece. But, it cannot be denied that, it has mostly, failed to reflect a balance between the regional aspirations and national goals.

4.4.5 LET US SUM UP

The growth of regionalism in India has been phenomenal. While nobody can deny or ignore the presence of regionalism in a federal polity, no one can appreciate and justify the type of aggressive anti-national and parochial regionalism that has been growing in the country particularly since 1967. Analyzing regionalism in India, Rajni Kothari writes, "Regional upsurges are, in fact, various responses to national crises, emanating both from the failure of the existing system and mass discontent against it."

4.4.6 EXERCISE

1. Regionalism is a multi-dimensional phenomenon. Comment.

2. Name the factors which are responsible for the growth of regionalism in India.

3. Write a note on economic factor.

4. "Roots of socio-cultural federation in India go deep" — Prof. Rasheeduddin Khaan. Comment.

5. What are the ideas of C.A. Perumal about the regional loyalties?

6. What are the views of Yogesh Atal about regionalism?

7. Write briefly about the role of regionalism in India.

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