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JAGAT GURU NANAK DEV

PUNJAB STATE OPEN UNIVERSITY, PATIALA

(Established by Act No. 19 of 2019 of the Legislature of State of Punjab)

BACHELOR OF ARTS

POLITICAL SCIENCE

SEMESTER IV

BAB32404: INDIAN POLITICAL SYSTEM – II

Head Quarter: C/28, The Lower Mall, Patiala-147001

WEBSITE: www.psou.ac.in

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COURSE COORDINATOR AND EDITOR:
DR. SUKHPAL KAUR
ASSISTANT PROFESSOR IN POLITICAL SCIENCE
JGND PSOU, PATIALA

LIST OF CONSULTANTS/ CONTRIBUTORS

1. Dr. Shveta Dhaliwal
2. Dr. Sukhdeep Kaur
3. Dr. Kiranjeet Kaur
4. Dr. Amandeep Kaur
5. Prof. Navneet Kaur



**JAGAT GURU NANAK DEV PUNJAB STATE OPEN UNIVERSITY,
PATIALA**

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PREFACE

Jagat Guru Nanak Dev Punjab State Open University, Patiala was established in December 2019 by Act 19 of the Legislature of State of Punjab. It is the first and only Open University of the State, entrusted with the responsibility of making higher education accessible to all, especially to those sections of society who do not have the means, time or opportunity to pursue regular education.

In keeping with the nature of an Open University, this University provides a flexible education system to suit every need. The time given to complete a programme is double the duration of a regular mode programme. Well-designed study material has been prepared in consultation with experts in their respective fields.

The University offers programmes which have been designed to provide relevant, skill-based and employability-enhancing education. The study material provided in this booklet is self-instructional, with self-assessment exercises, and recommendations for further readings. The syllabus has been divided in sections, and provided as units for simplification.

The University has a network of 99 Learner Support Centres/Study Centres, to enable students to make use of reading facilities, and for curriculum-based counseling and practicals. We, at the University, welcome you to be a part of this institution of knowledge.

Prof. G.S. Batra
Dean Academic Affairs



BACHELOR OF ARTS
POLITICAL SCIENCE
SEMESTER – IV
BAB32404T: INDIAN POLITICAL SYSTEM II

MAX. MARKS: 100
INTERNAL MAR: 30
PASS: 40%
EXTERNAL: 70
Credits: 6

Objective:

This course aims to introduce the students to the basic concepts and themes of the discipline of political science. It will provide an overview about political science and theory and State and its sovereignty.

INSTRUCTIONS FOR THE CANDIDATES:

Candidates are required to attempt any two questions each from the sections A, and B of the question paper, and any ten short answer questions from Section C. They have to attempt questions only at one place and only once. Second or subsequent attempts, unless the earlier ones have been crossed out, shall not be evaluated.

SECTION – A

1. Governor: Appointment, Powers, Position and its Changing Role.
2. State Legislature: Composition, Powers and its Changing Role.
3. Chief Minister and State Council of Ministers: Appointment, Powers, Position and Changing Role
4. State Judiciary: Composition, Powers and Functions of the High Court.
5. The Election Commission: Composition, Powers, Evaluation and Electoral Reforms in India.

SECTION – B

1. Party System in India: Its Features; Organization and Ideology of Indian National Congress, BJP, BSP, SAD, DMK and TMC.
2. Panchayati Raj Institutions: Composition, Powers, Functions with special reference to 73rd Amendment
3. Role of Religion and Caste in Indian Politics.
4. Role of Gender and Regionalism in Indian Politics.
5. Emerging Trends in Indian Politics.

Recommended Readings:

1. G. Austin: The Indian Constitution: Corner Stone of a Nation, Oxford, Oxford University Press, 1966
2. G. Austin: Working of a Democratic Constitution: The Indian Experience, Delhi, Oxford University Press, 2000
3. D.D. Basu: An Introduction to the Constitution of India, New Delhi, Prentice Hall, 1994
4. C.P. Bhambari: The Indian State fifty years, New Delhi, Sipra, 1997
5. P. Brass: Politics of India since Independence, Cambridge University Press, 2003
6. P. Brass: Ethnic Groups and the State, London, Croom Helm, 1995
7. P. Brass: Language, Religion and Politics in North India, London, Cambridge University Press, 1974
8. B.L. Fadia: State Politics in India, Vol. II, New Delhi, Radint Publisher, 1984
9. R. Kothari: State against Democracy: In Search of Human Governance, Delhi, Ajantha, 1988
10. R. Kothari: Politics in India, New Delhi, Orient Longman, 1970

11. R. Kothari: Party System and Election Studies, Bombay, Asia Publishing House, 1967
12. R. Kothari (ed.): Caste in Indian Politics, New Delhi, Orient Longman, Reprint, 2004
13. M.V. Pylee: Constitutional Government in India, Bombay, Asia Publishing House, 1977
14. M.V. Pylee: An Introduction to the Constitution of India, New Delhi, Vikas 1998
15. S.P. Verma and C.P. Bhambari (eds): Election and Political Consciousness in India, Meerut, Meenakshi Parkashan, 1967
16. S.S. Nanda: Indian Political System (English, Hindi and Punjabi)
17. N.K. Jha: India's Foreign Policy in Emerging World, Sonic Asian Publications, New Delhi, 2000.
18. M.S. Rajan: Non-Alignment and Non-Alignment Movement in the present World, Order, Konark, Delhi, 1994.
19. Iqbal Narain (ed): State Politics in India, Meerut, Meenakshi Parkashan, 1967.
20. Nirja Gopal Jayal: Politics in India, New Delhi, OUP, 2010.
21. Laxmikant: Indian Polity, McGraw Hill India, 2016.



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BAB32404T: INDIAN POLITICAL SYSTEM II

SEMESTER – IV

COURSE COORDINATOR- DR. SUKHPAL KAUR

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SECTION B

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SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

**UNIT 1 GOVERNOR: APPOINTMENT, POWERS, POSITION AND ITS
CHANGING ROLE**

STRUCTURE

1.0: Learning Objectives

Key Words

Introduction

Appointment of the Governor

Qualifications

Conditions of the Governor's Office

Official residence, emoluments and allowances

Oath

Tenure and Removal

Powers of the Governor

Legislative Powers

Executive Powers

Financial Powers

Pardoning Power

Ordinance making Power

Judicial review of Ordinance Making Powers

Check Your Progress I

Position of the Governor and its changing role

1.5.1 Check Your Progress II

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES

After the completion of this unit, you will be able to:

- Learn about the appointment and removal process of the Governor
- Understand the powers of the Governor
- Learn about the constantly evolving position of the Governor

KEY WORDS: Governor, power, Constitution, Executive

INTRODUCTION

The Government in a state functions in quite a similar way to that of the Central Government. The executive head is also the constitutional head, which acts on aid and advice of Council of Ministers. As this Council of Ministers is headed by the Chief Minister on the state level, similarly, the constitutional head of the state government is the Governor. Article 153 of the Constitution of India has created the office of the Governor, where each state shall have one. The proviso to Article 153 states that one person can be the governor of two or more states. Such person shall exercise the executive power either directly or through an office subordinate to him, according to Article 154.

APPOINTMENT OF A GOVERNOR

According to Article 155, the President of India appoints the Governor of a state. He is elected by neither a direct nor an indirect vote, but by a special electoral college as is done in case of election of the President. Therefore, he is a nominee of the Central Government.

In the case of *Hargovind v. Raghukul*¹, it has been held that the office of the Governor of a State is not an employment under the Government of India and it does not come within the prohibition of clause (d) of Article 319 and therefore, a member of the State Public Service Commission can be appointed as the Governor. The office of Governor is an independent office and is not under the control or subordinate to the Government of India.

QUALIFICATIONS: As per Article 157 of the Indian Constitution, a person to be eligible to be appointed as a Governor must be (a) a citizen of India, and (b) must have completed the age of 35 years.

CONDITIONS OF THE GOVERNOR'S OFFICE:

The Governor cannot be a member of either house of the Parliament or of a house of Legislature of any state. If a member of either house of the Parliament or of a house of Legislature is appointed as the Governor, such person shall be deemed to have

¹AIR 1979 SC 1109

vacated his seat in the concerned house on the date on which he enters upon his office as Governor, according to Article 158(1). Article 158(2) states that the Governor cannot hold any other office of profit.

OFFICIAL RESIDENCE, EMOLUMENTS AND ALLOWANCES:

The Governor is entitled to rent-free use to his official residence. He shall also be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and until provision in that regard is made, such emoluments and privileges are specified in the second schedule, according to Article 158(3). As per the Governors (Emoluments, Allowances and Privileges) Act, 1982 which was amended by the Finance Act, 2018, the emolument to be paid to every governor shall be fixed at Rs. 3,50,000 per month w.e.f. 1st January, 2016. Where the same person is appointed as the Governor of two or more states, the emoluments and allowances payable to the Governor shall be allocated among the states in such proportion as the President may by order determine and the same is stated in Article 158 (3- A). According to Article 158(4), the emoluments and allowances of the Governor cannot be reduced during his term of the office.

OATH:

The Governor, before entering upon his office, is required to take an oath affirmation in the presence of the Chief Justice of the High Court or if he is not present, in the presence of the senior most Judge of the High Court, according to Article 159.

TENURE AND REMOVAL:

Article 156 of the Constitution says that the Governor shall hold office during the pleasure of the President. Subject to this rule, the tenure of the office of the governor is fixed for five years from the date on which he enters upon his office. He may be removed from his office at any time by the President. The Governor may, however, resign from his office by writing to the President. The five-year term provided for the Governor under Art. 156(3) is subject to exercise of pleasure by the President of India under Article 156(1).

POWERS OF THE GOVERNOR

LEGISLATIVE POWERS: -

The Governor can summon both the houses and either house of the legislature of the State to meet at such time and place as he thinks fit. However, six months must not lapse between the last sitting in one session and the first in the next session. According to Article 174 (1) & (2), he may prorogue both houses and either house or dissolve the Legislative Assembly. He also has the right to address the State Legislature. He has the right to reserve certain bills for the assent of the President, as

per Art. 200. Article 171 states that he can nominate up to 1/6th of the members of the Legislative Council.

EXECUTIVE POWERS:

The Governor may exercise the executive power vested in him directly or through officers subordinate to him, as per Article 154 of the Constitution of India. All executive actions of the Government of a state shall be expressed to be taken in the name of the Governor. Orders and instruments, made and executed in the name of the governor, shall be authenticated in the manner specified in the rules made by the Governor. Such authenticated order or instrument cannot be questioned on the basis that it was not made or executed by the Governor. These provisions have been stipulated in Article 166(1) & (2). Under Article 166(3), the Governor is authorised to create rules for convenient transaction of the business of the Government of the State and for its allocation among Ministers.

In *Ram Jawaya Kapur v. State of Punjab*², it was held by the Supreme Court that the President and the Governors are only constitutional heads and the real executive powers are vested in the Council of Ministers. In *Shamsher Singh v. State of Punjab*³, the Apex Court held that the President and the Governors are only constitutional heads and they exercise their powers and functions with the aid and advice of the Council of Ministers and not personally save in cases where the Governor is required by the Constitution to exercise his functions in his discretion. This point was reiterated in *State of Gujarat v. Mr. Justice R.A. Mehta*⁴ as well.

FINANCIAL POWERS: -

According to Article 207(1), a Money Bill cannot be introduced in the Legislative Assembly of the State without the recommendation of the Governor. Art. 203(3) states that no demand of grants can be made except on the recommendation of the Governor. As per Article 202, the Governor is required to cause the annual financial statement (or ‘Budget’) to be laid before the house(s).

PARDONING POWER-

According to Article 161, the Governor shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to matter to which the executive power of the state extends, which is defined in Art. 162.

However, there are some differences in the Pardoning powers granted to the President and to the Governors. The President can not only pardon the convicts whom the

²AIR 1955 SC 549.

³AIR 1974 SC 2193.

⁴AIR 2013 SC 693

Governor can, but he can pardon two more classes of convicts: (a) where the sentence is a death sentence and (b) where the sentences have been inflicted by a Court Martial. The Governor does not have the power to pardon the above mentioned types of convicts, like the President does.

In *K.M. Nanavati v. State of Bombay*⁵, the petitioner was convicted of murder and was sentenced to for life by the Bombay High Court. The petitioner at that point of time was in naval custody, and soon after the judgment by the High Court, the petitioner made an application for leave to appeal to Supreme Court. On the same day the Governor issued an Order under Article 161 suspending the sentence subject to this that the accused shall remain in the Naval Jail till the disposal of his appeal by the Supreme Court. The warrant issued for the arrest of the accused was returned unserved. The question involved was: Should the accused surrender to his sentence as required by the rules of the Supreme Court under Order XXI, Rule 5 or should remain in naval custody pursuant to the order made by the Governor under Art. 161. The Court held that the power to suspend a sentence by the Governor under Art.161 was subject to the rules of the Supreme Court with respect to cases which were pending before it in appeal. The power of the Governor to suspend the sentence of a convict was bad in so much as it came in conflict with the rule of the Supreme Court which required the petitioner to surrender himself to his sentence.

It is open to the Governor to grant a full pardon at any time even during the pendency of the case in the Supreme Court in exercise of what is ordinarily called mercy jurisdiction. But the Governor cannot exercise his power of suspension of sentence for the period when the Supreme Court is seized of the case. The order of the Governor could only operate until the matter became *sub judice* in the Supreme Court and it did become so on filing of the petition for special leave to appeal. After the filing of such a petition and till the judicial process is over the power of the Governor cannot be exercised.

ORDINANCE MAKING POWER: -

Article 213 of the Constitution enables the Governor of a state to promulgate an ordinance if either House of state (or the legislative assembly, if a state only has one house) is not in session and –circumstances exist, which render it necessary for him to take immediate action. Every ordinance has to be laid before the legislative assembly, and ceases to exist six weeks from the end of the next sitting of the assembly. Ordinance-making power is not a new feature added to the Indian Constitution. Articles 42 and 43 of the Government of India Act, 1935, gave the same power to the Governor General. Members of the Constituent Assembly, having experience of abuse of such power, were understandably wary of including the same in the Constitution. Both Hriday Nath Kunzru and Professor K.T. Shah called for restricting the executive’s power to promulgate ordinances through greater oversight by legislatures. They were, however, overruled by Dr B.R. Ambedkar, who stated that

⁵AIR 1961 SC 112

ordinance-making powers were necessary since existing law might be deficient to deal with a situation –which may suddenly and immediately arise. According to him, the only solution was to –...confer upon the President the power to promulgate a law which will enable the executive to deal with that particular situation because it cannot resort to the ordinary process of law... when the legislature was not in session.

It is clear that the framers of the Constitution envisaged ordinance-making powers only for unforeseen, sudden situations and where the executive required additional legal sanction to address the situation. The executive, however, decided to completely disregard this requirement of necessity for immediate action. According to data furnished in the Statistical Handbook of the Ministry of Parliamentary Affairs, more than 41 ordinances were promulgated during the term of the first Lok Sabha itself. Indeed, in the pre-Indira Gandhi period, that is, before 1966, more than 75 ordinances were passed by the Central government. The necessity of taking immediate action by promulgating ordinances has remained debatable at best through the years.

JUDICIAL REVIEW OF ORDINANCE MAKING POWERS

Courts have uniformly held, in varying formulations, that the power of the President and the Governors to issue ordinances is in the nature of an emergency power. In *A.K. Roy v. Union of India*⁶ and *R.C. Cooper v. Union of India*⁷ (*Bank nationalisation case*), the Supreme Court said that ordinance-making power was a legislative power given to the President and was not similar to the exercise of his executive powers. As such, ordinances are also –law under Article 13. Using the same reasoning, the Supreme Court reached damaging conclusions in *Venkata Reddy v. State of Andhra Pradesh*⁸ and *K. Nagaraj and Ors. v. State of Andhra Pradesh*⁹. In *Venkata Reddy*, the constitutional validity of the Andhra Pradesh Abolition of Posts of Part-time Village Officers Ordinance, 1984, was challenged. One of the grounds of challenge was that the ordinance was void on account of the lack of application of mind by the Governor. The court asked itself the question whether –the validity of an ordinance can be tested on grounds similar to those on which an executive or judicial action is tested. In answering the question it cited its earlier judgment in *K. Nagaraj* and held that since promulgating an ordinance was a legislative action, the grounds on which it could be challenged were the same as those on which laws made by Parliament could be challenged. The –motives of the legislature in passing a statute is beyond the scrutiny of courts.

That the motives of the legislature are not gone into when the validity of a law is considered is a settled principle in law. It is a settled principle because it is difficult to ascribe a single, clear motive for the enactment of a law to the entire legislative body. Members of the same legislature may support (or oppose) the enactment of a

⁶AIR 1982 SC 710.

⁷AIR 1970 SC 564.

⁸1985 AIR 724.

⁹(1985) 1 SCC 524.

law for different reasons. Therefore, courts refrain from scrutinising the motives of legislatures.

Ordinances are, however, framed by the executive, which is a single, unified entity. The President or the Governor (in the States) is the head of the executive who acts on the advice of the Council of Ministers when promulgating ordinances. Under our constitutional scheme the Council of Ministers shares collective responsibility. In addition, ordinances are only to be promulgated when it is –necessary to take immediate action. There is then no great difficulty in ascertaining the motives of the President or the Governor when an ordinance is promulgated to meet an immediate situation.

The Supreme Court has slowly been compelled to move in this direction as well. *D.C. Wadhwa v. State of Bihar*¹⁰ relates to the State of Bihar promulgating and re-promulgating ordinances on a –massive scale. Between 1967 and 1981, as many as 256 ordinances were promulgated and re-promulgated, and some of them continued in existence this way for up to 14 years. In pronouncing its judgment the Supreme Court departed from the above-mentioned precedent and went into the relevant governmental information preceding the promulgation and re-promulgation of these ordinances.

The power of review over ordinances was implicitly taken one step further in 1998 in the case of *Krishna Kumar Singh v. State of Bihar*¹¹, where the court struck down a number of ordinances, stating that no basis for the exercise of ordinance-making power had been shown. It stated explicitly: –There is also no explanation offered for promulgating one ordinance after another.

Though the sheer profligacy in ordinance-making compelled the Supreme Court to start performing some sort of judicial review, there is as of now no clarity on the nature and extent of judicial review over ordinance-making.

CHECK YOUR PROGRESS I

1. Are Governors allowed to promulgate ordinances? If yes, which provision of the Constitution empowers them to do so?

.....
.....

2. What are the qualifications required to be a Governor?

.....
.....

POSITION OF THE GOVERNOR AND ITS CHANGING ROLE

As per Article 155 and Article 156 of the Constitution, a Governor of a state is an appointee of the President, and he or she holds office –during the pleasure of the President. If a Governor continues to enjoy the –pleasure of the President, he or she

¹⁰AIR 1987 SC 579.

¹¹ 2017 (2) SCJ 136.

can be in office for a term of five years. Because the President is bound to act on the aid and advice of the Council of Ministers under Article 74 of the Constitution, in effect it is the central government that appoints and removes the Governors. –Pleasure of the President merely refers to this will and wish of the central government.

In 2010, a constitutional bench of the Supreme Court interpreted these provisions and laid down some binding principles (*B.P. Singhal v. Union of India*¹²). In this case, the newly elected central government had removed the Governors of Uttar Pradesh, Gujarat, Haryana and Goa in July, 2004 after the 14th Lok Sabha election. When these removals were challenged, the Supreme Court held:

- The President, in effect the central government, has the power to remove a Governor at any time without giving him or her any reason, and without granting an opportunity to be heard.
- However, this power cannot be exercised in an arbitrary, capricious or unreasonable manner. The power of removing Governors should only be exercised in rare and exceptional circumstances for valid and compelling reasons.
- The mere reason that a Governor is at variance with the policies and ideologies of the central government, or that the central government has lost confidence in him or her, is not sufficient to remove a Governor. Thus, a change in central government cannot be a ground for removal of Governors, or to appoint more favourable persons to this post.
- A decision to remove a Governor can be challenged in a court of law. In such cases, first the petitioner will have to make a prima facie case of arbitrariness or bad faith on part of the central government. If a prima facie case is established, the court can require the central government to produce the materials on the basis of which the decision was made in order to verify the presence of compelling reasons.

In summary, this means that the central government enjoys the power to remove Governors of the different states, as long as it does not act arbitrarily, without reason, or in bad faith.

RECOMMENDATIONS OF VARIOUS COMMISSIONS:

- **The Sarkaria Commission (1988)** recommended that Governors must not be removed before completion of their five year tenure, except in rare and compelling circumstances. This was meant to provide Governors with a measure of security of tenure, so that they could carry out their duties without fear or favour. If such rare and compelling circumstances did exist, the Commission said that the procedure of removal must allow the Governors an opportunity to explain their conduct, and the central government must give fair consideration to such explanation. It was further recommended that Governors should be informed of the grounds of their removal.

¹²(2010) 6 SCC 331.

- **The Venkatachaliah Commission (2002)** similarly recommended that ordinarily Governors should be allowed to complete their five year term. If they have to be removed before completion of their term, the central government should do so only after consultation with the Chief Minister.
- **The Punchhi Commission (2010)** suggested that the phrase –during the pleasure of the President should be deleted from the Constitution, because a Governor should not be removed at the will of the central government; instead he or she should be removed only by a resolution of the state legislature.

CHECK YOUR PROGRESS II

1. What were the recommendations of the Sarkaria Commission?

.....

2. Can a Governor serve his/her/their full term without the pleasure of the President?

.....

SUMMARY

In conclusion, the Governor’s role in the state machinery has been continuously evolving. His powers, responsibilities and privileges continue to be redefined with the change in times. There is still a lot of work required to be done to improve the standards of the position, but the amendments already made indicate that checks and balances are being kept, so that the Governor’s power does not step outside the bounds created by the Constitution of India.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Elaborate on the process for appointing and removing a Governor. Also explain his emoluments, tenure and qualifications.
2. What powers does a Governor have? Explain in detail.
3. How is the case of *K.M. Nanavati v. State of Bombay* relevant even today? Explain in brief.

SHORT ANSWER QUESTIONS

1. Elucidate the financial powers of the Governor.

2. Can Governor act on his own behest or is it unconstitutional to do so?
3. What is the procedure for removal of a Governor?
4. Is Pardoning power of the Governor subject to judicial review?

SUGGESTED READINGS

- J.N. Pandey, *Constitutional Law of India*, Central Law Agency, Allahabad, 2018.
- Constituent Assembly debates.
- M.P. Jain, *Indian Constitutional Law*, LexisNexis, 2018.

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

UNIT 2: STATE LEGISLATURE: COMPOSITION, POWERS AND ITS CHANGING ROLE

STRUCTURE

Learning Objectives:

Key Words

Introduction

Legislative Assembly (Vidhan Sabha)

Membership of the State Legislature

Composition

2.3.3. Presiding Officer (The Speaker)

Legislative Council (Vidhan Parishad)

Composition

Chairman of the Legislative Council (Presiding Officer)

Check Your Progress I

2.5 Sessions of the State Legislature

Powers and Functions of the State Legislature

Position or Changing Role of State Legislature

Comparison of the two Houses of the State Legislature

Check Your Progress II

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES:

After the completion of this unit, you will be able to:

- Understand the composition of the State Legislature in India.
- Critically evaluate the Powers and Functions of State Legislature.

- Examine the mutual relations between Legislative Assembly and Legislative Council.
- Explain the position and changing role of state legislature.

2.1. KEY WORDS

Legislative assembly, Legislative Council, Legislative Procedure, Composition, Powers, Position

INTRODUCTION

The Constitution of India provides for a legislature in each State and entrusts it with the responsibility to make laws for the state. However, the composition of a state Legislature can be different in different states. It can be either bicameral or unicameral. Presently, only six states (Andhra Pradesh, Bihar, Telangana, Karnataka Maharashtra and UP) have bicameral legislatures. Twenty-two States and Two Union Territories (Delhi and Puducherry) have uni -cameral Legislatures.

It is provided in Article-168(2), -Where there are two Houses of the Legislature of State, one shall be known as the legislative council (Vidhan Parishad) and other as Legislative Assembly (Vidhan Sabha) and where there is only one House of the State Legislature, it shall be known as the State Legislative Assembly.¶

LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

There is a Legislative Assembly (Vidhan Sabha) in every State. It represents the people of State. The members of Vidhan Sabha are directly elected by people on the basis of universal adult franchise. They are directly elected by all adult citizens registered as voters in the State. All men and women who are 18 years of age and above are eligible to be included in the voters' List. They vote to elect the members of State Assembly. Members are elected from territorial constituencies. Every State is divided into as many (single member) constituencies as the number of members to be elected. As in case of Lok Sabha, certain number of seats is reserved for Scheduled Castes and in some States for Scheduled Tribes also. This depends on population of these weaker sections in the State.

MEMBERSHIP OF THE STATE

LEGISLATURE Qualification

In order to become a Member of Vidhan Sabha a person must:

Be a citizen of India;

Have attained the age of 25 years;

His/her name must be in voters' list;

Must not hold any office of profit i.e.;

Should not be a government servant.

COMPOSITION

The number of Vidhan Sabha members cannot be more than 500 and not less than 60. However, very small States have been allowed to have lesser number of members. Thus, Goa has only 40 members in its Assembly. Uttar Pradesh (is a big state even after creation of Uttaranchal from this state in 2002) has 403 seats in the Assembly. The Governor of the State has the power to nominate one member of Anglo-Indian community if this community is not adequately represented in the House. As in case of the Lok Sabha, some seats are reserved for the members of Scheduled Castes and Schedule Tribes. The tenure of Vidhan Sabha is five years, but the Governor can dissolve it before the completion of its term on the advice of Chief Minister. It may be dissolved by the President in case of constitutional emergency proclaimed under Article 356 of the Constitution. In case of proclamation of national emergency (under Article 352) the Parliament can extend the term of the Legislative Assemblies for a period not exceeding one year at a time.

2.3.3. PRESIDING OFFICER (THE SPEAKER)

The members of Vidhan Sabha elect their presiding officer. The Presiding officer is known as the Speaker. The Speaker presides over the meetings of the House and conducts its proceedings. He maintains order in the House, allows the member to ask questions and speak on the issues of public. He puts bills and other measures to vote and announces the result of voting. The Speaker does not ordinarily vote at the time of voting. However, he may exercise casting vote in case of a tie. The Deputy Speaker presides over the meeting during the absence of the Speaker. He is also elected by the Assembly from amongst its members. A tie means that equal numbers of members have voted in favour and against a bill or resolution. To break the tie, casting vote is exercised by the presiding officer of the Legislative Assembly.

LEGISLATIVE COUNCIL (VIDHAN PARISHAD)

Vidhan Parishad is the upper House of the State Legislature. It is not in existence in very State. Very few States have bicameral Legislature that means having two Houses. At present six states viz. Uttar Pradesh, Bihar, Karnataka, Maharashtra, Telangana and Andhra Pradesh have Vidhan Parishad while, remaining 22 States have one House, i.e. Vidhan Sabha. Legislative Councils are legacy of the British period. The Parliament can create Vidhan Parishad in a State where it does not exist, if the Legislative Assembly of the State passes a resolution to this effect by a majority of the total membership of the Assembly and by a majority of not less than two thirds of the members of the Assembly present and voting, and sends the resolution to the Parliament. Similarly, if a State has a Council and the Assembly wants it to be abolished, it may adopt a resolution by similar majority and send it to Parliament. In this situation Parliament resolves to abolish the concerned Legislative Council. Accordingly, Councils of Punjab, Tamil Nadu and West Bengal were abolished.

According to the Constitution, the total number of members in the Vidhan Parishad of a State should not exceed one-third of the total number of members of Vidhan Sabha but this number should not be less than 40.

QUALIFICATIONS

In order to be a member of the Legislative Council the person concerned should –

Be a citizen of India:

- Have attained the age of 30 years;
- Be a registered voter in the State;
- Not hold any office of profit.

COMPOSITION

The Vidhan Parishad is partly elected and partly nominated. Most of the members are indirectly elected in accordance with the principle of proportional representation by means of single transferable vote system. Different categories of members represent different interests.

The composition of the Legislative Council is as follows:

- i. One-third members of the Council are elected by the members of the Vidhan Sabha.
- ii. One-third of the members of the Vidhan Parishad are elected by the electorates consisting of members of Municipalities, District Boards and other local bodies in the State;
- iii. One-twelfth members are elected by the electorate consisting of graduates in the State with a standing of three years;
- iv. One-twelfth members are elected by the electorate consisting of teachers of educational institutions within the State not lower in standard than a secondary school who have teaching experience of at least three years;
- v. The remaining, i.e. about one-sixth members are nominated by the Governor from amongst the persons having special knowledge in the sphere of literature, science, arts, co-operative movement and social service.

The Vidhan Parishad, like Rajya Sabha is a permanent House. It is never dissolved. The tenure of its members is six years. One-third of its members retire after every two years. The retiring members are eligible for re-election. In case of vacancy arising out of resignation or death by-election is held for the remaining period of such members' tenure.

CHAIRMAN OF THE LEGISLATIVE COUNCIL (PRESIDING OFFICER)

The presiding officer of the Vidhan Parishad (Legislative Council) is known as the Chairman, who is elected by its members. The business of Vidhan Parishad is conducted by the Chairman. He presides over the meetings and maintains discipline and order in the House. In addition to his vote as a member, he can exercise his casting vote in case of a tie. In his absence, Deputy Chairman presides over the House. He is also elected by the members of the Parishad from amongst themselves.

CHECK YOUR PROGRESS I

1. Who is eligible to be a member of Legislative Assembly?

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2. How many Indian States have Bi- Cameral Legislature?

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SESSIONS OF THE STATE LEGISLATURE

The State Legislature meets at least twice a year and the interval between two sessions cannot be more than six months. The Governor summons and prorogues the sessions of State Legislature. He addresses the Vidhan Sabha or both Houses (if there is bi-cameral Legislature) at the commencement of the first session after each general election and at the commencement of the first session of the year. This address reflects the policy statement of the government which is to be discussed in the Legislature, and the privileges and immunities of the members of the State Legislature are similar to that of members of Parliament.

POWERS AND FUNCTIONS OF THE STATE LEGISLATURE

1. LEGISLATIVE POWERS

The primary function of the State Legislature, like the Union Parliament, is law-making. The State Legislature is empowered to make laws on State List and Concurrent List. The Parliament and the Legislative Assemblies have the right to make the laws on the subjects mentioned in the Concurrent List. But in case of contradiction between the Union and State law on the subject the law made by the Parliament shall prevail. Bills are of two types-Ordinary bills and Money bills. Ordinary bills can be introduced in either of the Houses (if the State Legislature is bicameral), but Money bill is first introduced in the Vidhan Sabha. After the bill is passed by both Houses, it is sent to the Governor for his assent. The Governor can

send back the bill for reconsideration. When this bill is passed again by the Legislature, the Governor has to give his assent. You have read when the Parliament is not in session and if there is a necessity of certain law, the President issues Ordinance. Similarly, the Governor can issue an Ordinance on the State subjects when legislature is not in session. The Ordinances have the force of law. The Ordinances issued are laid before the State Legislature when it reassembles. It ceases to be in operation after the expiry of six weeks, unless rejected by the Legislature earlier. The Legislature passes a regular bill, to become a law, to replace the ordinance. This is usually done within six weeks after reassembly of Legislature.

2. FINANCIAL POWERS

The State Legislature keeps control over the finances of the State. A money bill is introduced first only in the Vidhan Sabha. The money bill includes authorisation of the expenditure to be incurred by the government, imposition or abolition of taxes, borrowing, etc. The bill is introduced by a Minister on the recommendations of the Governor. The money bill cannot be introduced by a private member. The Speaker of the Vidhan Sabha certifies that a particular bill is a money bill. After a money bill is passed by the Vidhan Sabha, it is sent to the Vidhan Parishad. It has to return this bill within 14 days with, or without, its recommendations. The Vidhan Sabha may either accept or reject its recommendations. The bill is deemed to have been passed by both Houses. After this stage, the bill is sent to the Governor for his assent. The Governor cannot withhold his assent, as money bills are introduced with his prior approval.

3. CONTROL OVER THE EXECUTIVE

Like the Union Legislature, the State Legislature keeps control over the executive. The Council of Ministers is responsible to Vidhan Sabha collectively and remains in the office so long as it enjoys the confidence of the Vidhan Sabha. The Council is removed if the Vidhan Sabha adopts a vote of no-confidence, or when it rejects a government bill. In addition to the no-confidence motion, the Legislature keeps checks on the government by asking questions and supplementary questions, moving adjournment motions and calling attention notices.

4. ELECTORAL POWERS

The elected members of the Vidhan Sabha are members of the Electoral College for the election of the President of India. Thus, they have said in the election of the President of the Republic. The members of the Vidhan Sabha also elect members of the Rajya Sabha from their respective States. One-third members of the Vidhan Parishad (if it is in existence in the State) are also elected by the members of the Vidhan Sabha. In all these elections, members of the Vidhan Sabha (Assembly) cast their votes in accordance with single transferable vote system.

5. CONSTITUTIONAL POWERS

An Amendment requires special majority of each House of the Parliament and ratification by not less than half of the States relating to Federal subjects. The resolution for the ratification is passed by State Legislatures with simple majority. However, a constitutional amendment cannot be initiated in the State Legislature.

6. OTHER POWERS

The state legislature considers the reports of the State Public Service Commission, State Auditor General, and others. It also acts as a forum for ventilation of the grievances of the people. The State Legislative Assembly has the right of adopting a resolution for the creation or abolition of the State Legislative Council.

COMPARISON OF THE TWO HOUSES OF THE STATE LEGISLATURE

Legislative Assembly (Vidhan Sabha) like the Lok Sabha occupies a dominant position. Legislative Council (Vidhan Parishad) enjoys much less powers as compared to the powers of Vidhan Sabha even in relation to ordinary bills. The Rajya Sabha at the Centre enjoys equal powers in consideration of bills other than money bills; but Vidhan Parishad enjoys much lesser powers as compared to the Rajya Sabha.

The relative position of the Vidhan Sabha and Vidhan Parishad is as under:

• IN RELATION TO ORDINARY BILLS

In case of the Parliament, if there is disagreement between the two Houses over an ordinary bill, the President summons a joint sitting of both the Houses and if the bill is passed there by the majority of votes, the bill is taken as passed by both Houses of the Parliament. But this provision of the joint sitting does not exist in the States. Although an ordinary bill can originate in either House of the State Legislature, yet both Houses have unequal powers. If a bill is passed in the Vidhan Sabha, it is transmitted to the Vidhan Parishad for consideration. When it is passed by Vidhan Parishad without any amendment, the bill is sent to the Governor for his assent. In case, the bill is (a) rejected by the Parishad or (b) more than three months elapsed without the bill being passed by the Parishad, or (c) bill is passed with amendment to which the Vidhan Sabha does not agree, the Vidhan Sabha may pass the bill again in the same or in the subsequent session. After that the bill is again sent to the Vidhan Parishad. If the Vidhan Parishad does not return the bill within a period of one month, the bill is deemed to have been passed by both Houses of the State Legislature and is sent to Governor for his assent. Thus, the Vidhan Parishad can delay the bill for a maximum period of four months. On the other hand, if the bill is first passed by the Vidhan Parishad and rejected by the Vidhan Sabha, the bill is rejected and cannot become a law.

- **IN RELATION TO MONEY BILLS**

Like in the Lok Sabha, money bill is introduced first in Vidhan Sabha. It cannot be initiated in the Vidhan Parishad. The Speaker of the Vidhan Sabha certifies whether a particular bill is a money bill. After the bill is passed in the Vidhan Sabha, it is sent to the Vidhan Parishad. The Vidhan Parishad gets 14 days time to consider the bill. If the Parishad passes the bill, it is sent to the Governor for his assent. If the bill is not returned by the Vidhan Parishad within 14 days, it is deemed to have been passed by the Vidhan Parishad. If it suggests certain changes in the bill and sends to Vidhan Sabha, the Vidhan Sabha may accept or reject the changes suggested by the Parishad. The bill is then sent to the Governor for his assent who is bound to give his assent.

- **CONTROL OVER THE EXECUTIVE**

The Council of Ministers of the State is responsible to the Vidhan Sabha only and remains in the office so long as it enjoys the confidence of the Assembly (Vidhan Sabha). Although members in the Vidhan Parishad can ask questions, introduce adjournment motions, calling attention notices, etc. yet the Vidhan Parishad cannot remove the government.

- **ELECTORAL FUNCTIONS**

Only the elected members of the Vidhan Sabha are entitled to participate in the election of the President of India. The members of the Vidhan Sabha do so in their capacity as the members of the Electoral College. But the members of the Vidhan Parishad are not entitled to vote in the election of the President. Members of the Rajya Sabha from each State are elected only by the members of Assembly and not of the Council.

The above discussion makes it clear that the Vidhan Parishad is powerless and non-influential House. Keeping in view its weak, powerless and insignificant position and role of Legislative Council, the critics have described the council as ‘secondary chamber’, ‘costly ornamental luxury’, ‘white elephant’, etc. Thus, many States prefer to have unicameral Legislature. But the Vidhan Parishad is not superfluous. It serves as a check on hasty Legislation made by Vidhan Sabha by highlighting the short bills comings or defects of the bill. It lessens the burden of the Vidhan Sabha, as some bills are initiated in the Vidhan Parishad

POSITION OR CHANGING ROLE OF STATE LEGISLATURE

The State Legislature occupies the same position in a state as is the position of the Parliament in the Union. There is, however, a difference of degree in their relative powers. Indian Unitarian Federalism makes the Union Parliament more powerful than each state legislature. Further, there are several specific limitations on the powers of a state legislature.

(1) Prior consent of the President of India for introduction of some Bills: There are certain bills which can be introduced in a state legislature only with the prior consent of the President of India.

(2) Reservation of bills by the Governor for President's Assent: There are certain bills, which after having been passed by the state legislature, can be reserved by the Governor for the consent of the President. Such bills become laws only after the President has given his assent. **(3) Limitation that can be imposed by the Rajya Sabha:** The Union Parliament gets the power to pass laws on the State List, (for one year) if the Rajya Sabha adopts a resolution (supported by 2/3rd majority of the members present and voting) and declares a state subject mentioned in the resolution as a subject of national importance.

(4) Limitations during national Emergency: When a national emergency (Under Art. 352) is in operation, the Parliament is empowered to pass a law on any subject of the State List. The law so passed operates during the period of emergency and for six months after the end of the emergency.

(5) Limitations during a Constitutional Emergency: During the operation of constitutional emergency in a state under Art 356, the Union Parliament gets the authority of making laws for that state. The State Legislature stands either dissolved or suspended.

(6) Discretionary Powers of the Governor: Discretionary powers of the Governor of a state also constitute a limitation on the State Legislature. Whenever he acts in his discretion, he is beyond the jurisdiction of the State Legislature. Acting in his discretion, the Governor can even dissolve the State Legislative Assembly.

(7) Precedence of Union Laws on the Concurrent Subject: The State Legislature and the Union Parliament, both have the concurrent power to make laws on the subjects of the Concurrent List. If both the Union Parliament and a State Legislature pass a law on the same subject of the Concurrent List and there is inconsistency between the two, the law passed by the Union Parliament gets precedence over the corresponding state law.

Thus, each state legislature in India exercises law-making powers over the subjects given to it by the Constitution. However, even in respect of these, it exercises law-making powers under the above constitutional limitations. Nevertheless, in general the State Legislatures act as important and powerful legislatures in all the 28 States and 2 Union Territories of India.

CHECK YOUR PROGRESS II

1. How many times state legislature meets in a year?

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2. Can Governor reserve a bill for President Assent?

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SUMMARY

The state legislature occupies a pre-eminent and central position in the Political system of a state. The constitution provides for a bi-cameral legislature in the state and two houses of the state legislature are- Legislative assembly and Legislative Council. The Legislative assembly is undoubtedly more powerful than the Legislative Council. Its members are directly elected by the people of the state and they represent the interests of the people. It has more powers than those of Legislative Council in legislative, executive and financial field.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Discuss the composition of Legislative Assembly and Legislative Council.
2. Explain the powers and functions of State legislature.
3. Discuss the relations between Legislative Council and legislative Assembly. Which of the two is more powerful?
4. Describe the changing role and limitations on the powers of state legislature.

SHORT ANSWER QUESTION

1. Write down the composition of the state legislature.
2. How the state legislative assembly is constituted?
3. Write Down necessary qualifications to become the member of Legislative Assembly.
4. Who is Chairman of the Legislative Assembly?
5. What is the composition of Legislative Council?
6. Write down any four legislative functions of State Legislature.

7. Write down the names of the states having two houses of the state Legislature.
8. For how much time the Legislative council can delay an Ordinary bill?

SUGGESTED READINGS

- J.C. Johri, *Indian Government and Politics (Basic Framework, State Structure and Political Dynamics)*, Vol. II, Shoban Lal & Co.; India, 2012.
- Peu Ghosh, *Indian Government and Politics (2nd Edition)*, PHI Learning, New Delhi, 2017
- Dr. Suhas R. Morale & Dr. Dilip S. Pawar, *Indian Political System (14th Edition)*, Chandralok Prakashan, Kanpur, 2012
- Dr. B. L. Fadia & Dr. Kuldeep Fadia, *Indian Government and Politics*, Sahitya Bhawan, Agra, 2017
- Dr. S. S. Awasthy, *Indian Government and Politics (3rd Edition)*, Har - Anand Publications Pvt. Ltd., New Delhi, 2013
- M. Laxmikanth, *Indian Polity*, McGraw Hill Education, New Delhi, 2016
- Bidyut Chakrabarty & Rajendra Kumar Pandey, *Indian Government and Politics*, SAGE Publications Pvt. Ltd., New Delhi, 2008
- J.S. Badayal, *Indian Government and Politics (Revised Edition)*, Raj Publishers, Jalandher, 2021

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

**UNIT 3 CHIEF MINISTER AND STATE COUNCIL OF MINISTERS:
APPOINTMENT, POWERS, POSITION AND CHANGING ROLE**

STRUCTURE

Learning Objectives

Key Words

Introduction

The Chief Minister

Eligibility

Oath

Term

Powers and functions of chief minister

Check Your Progress I

Council of Ministers

3.4.1 Term

Oath and Salary of Ministers

Powers of Council of Ministers

Position of the Chief Minister

Changing Role of chief Minister

3.6.1 Check Your Progress II

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES:

After the completion of this unit, you will be able to:

- Understand the constitutional provisions regarding the functioning of office of chief minister.
- Explain the powers and functions of chief minister.
- Explain the role of council of ministers in state administration.
- Explain the changing role and position of chief minister in recent political system

KEY WORDS: Chief Minister, Council of Ministers, legislature, Governor

INTRODUCTION

The constitution of India, as it establishes a parliamentary form of government both in the union and states, makes provision for a council of ministers at both levels with a prime minister or a chief minister at its head irrespectively. There is a president as a nominal executive and the real executive being the prime minister, similarly, at the state level, there is the governor in legislature as a nominal executive and the real executive is the chief minister and his council of ministers. The leader of the party who commands absolute majority in the legislature assembly or the Vidhan Sabha is appointed by the governor as the chief minister. When no party secures the required majority, the governor uses his discretion in appointing the chief minister.

THE CHIEF MINISTER:

Article 164 merely reads that the chief minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advice of chief minister and the ministers shall hold office during the pleasure of the Governor. The council of ministers shall be collectively responsible in the legislative assembly of the state. Before a minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the third schedule. Administer who for any period of six consecutive months is not a member of the legislature of the state shall at the expiration of that period cease to be a minister. The salaries and allowances of ministers shall be such as the legislature of state may vary from time to time by law determine and until the legislature of state so determines, shall be specified in the second schedule.

In the appointment of the chief minister unbridled powers have been given to the governor by the constitution itself. The constitution does not specify as to who should be appointed the chief minister, but usually the governor appoints the leader of the majority party in the legislative assembly to this office. In reality, the governor has no choice except to invite the leader of the party or a combination of parties that has

clear majority in the legislative assembly, to form the government. When a political party or combination of political parties secures a stable majority in the assembly, the role of the governor in appointing the chief minister is only formal and non-controversial. However, if no single political party enjoys a clear cut majority, his role assumes much importance. The governor can exercise same discretion in the matter of appointing the chief minister. Under such circumstances the governor is not bound to appoint the leader of single largest party in the legislative assembly. In such a situation he may invite the leader of the largest single party in legislature to form the government, irrespective of the fact whether such a party commands a stable majority on the floor of the house. He may appoint a person about whose capacity he is satisfied that he commands a stable majority in the legislature. No single formula prevails with the governor and the governor took different stand in different states under similar circumstances. In case the governor finds out that no party secures a majority and there are also no chances of post electoral coalitions, then the governor may recommend for the imposition of half state emergency, but this action is controversial. This happened when the U.P governor, in 1970, advised the president to invoke article 356 when he dismissed the Charan Singh ministry on the plea that the congress had withdrawn their support from BKD led ministry. Then he invited T.N Singh to form another coalition ministry soon after. Even a full-fledged emergency can be imposed if the governor is sure that no stable government is possible.

ELIGIBILITY

The constitution of India sets the Qualifications one must meet to be eligible to the office of chief minister. To become a chief minister a person must be:

1. A citizen of India
2. Should be a member of the legislature. If a person is elected chief minister who is not a member of the legislature then he must become a member within six months.
3. Should be of or above 25 years of age.

OATH

The chief minister is appointed by the governor and thus the swearing in is done before the governor of the state. Before the chief minister enters his office, the governor administers to him the oath of office and secrecy. In his oath of office, the chief minister swears:

1. To bear true faith and allegiance to the constitution of India
2. To uphold the sovereignty and integrity of India.
3. To faithfully and conscientiously discharge the duties of his office, and
4. To do right to all manner of people in accordance with the constitution and the law, without fear or favour, affection or ill- will.

In his oath of secrecy the chief minister swears that he will not directly or indirectly communicate or reveal to any person any matter that is brought under his

consideration or becomes known to him as a state minister except as may be required for the due discharge of his duties as such minister.

TERM

The term of the chief minister is not fixed and he holds office during the pleasure of the governor. However, this does not mean that the governor can dismiss him at any time. He cannot be dismissed by the governor as long as he enjoys the majority support in legislature assembly. If he loses the confidence of the assembly, he must resign or the governor can dismiss him.

The salary and allowances of the chief minister are determined by state legislature. In addition to the salary and allowances, which are payable to a member of the state legislature, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities etc.

POWERS AND FUNCTIONS OF CHIEF MINISTER

The powers and functions of the chief minister are similar to those of the prime minister at the Centre. The only difference lies in the jurisdiction over which they exercise their powers. The chief minister who is also the leader of the ruling party chooses the member of his council and allots portfolio to them, presides over all meetings and is the prime spokesman of the government. The chief minister holds a pivotal position in the state administration. He enjoys numerous, extensive powers and vast responsibilities which may be conveniently studied under the following heads:

1. In Relation to the Council of Ministers:-

It is the chief minister who heads the council of ministers in the state. As head of the council of ministers, he presides over the meeting of the cabinet. As a presiding officer, he greatly influences its deliberations and decisions. He controls the agenda of the cabinet meetings. It is he who seems to it that decisions are taken unanimously, because there the principle of collective responsibility is involved in it which means that mistake on the part of one minister can lead to the fall of the whole cabinet. The collective responsibility presupposes the existence of one leading member in the cabinet who can enforce the collective responsibility.

2. In Relation to the Governor:-

He is the connecting link between his council of ministers and the Governor. According to the Article 167, he is to communicate to the Governor the decisions of the ministers. He also provides the Governor with such information of the state affairs and proposal of legislation as the Governor may call for. If the governor so requires, the chief minister may place before the cabinet any matter where a decision has been taken by a minister without consulting his colleagues in the cabinet. It may be noted

that the chief minister alone has the prerogative of having direct communication with governor.

3. The chief minister is the leader of the house:-

The chief minister is the leader of the majority party in the state legislative assembly. He has also great influence over the business in the state legislature. All principal announcements of policy are made by him. He intervenes in debates of general importance. He can appease an angry house by promising immediate relief or concessions when needed. He is in a position to get any legislation passed which is within the competence of the state legislature. He is authorized to advise the governor to dissolve the legislative assembly. The Governor being a constitutional ruler generally acts upon the advice of the chief minister. He is more than a *primus inter pares*.

4. Coordinates the working of various departments:-

The chief minister is the sole channel of communication between his ministers and the legislature. It is the chief minister who pilots all the bills and also directs as to what should be the position of ministers in the assembly regarding any of their policy. He also coordinates the working of his ministers in case of deadlocks and conflicts his decisions are final.

5. Removal of Ministers:-

No doubt, constitutionally the ministers hold office during the pleasure of the governor. This however does not mean that the Governor can dismiss his ministers at his will. The Government is in fact dependent on the chief minister. The members of the council of ministers hold office as long as they enjoy the confidence of the chief minister. In case the member of council of ministers loses the confidence of the Chief Minister he has to resign. In case the member refuses to submit his resignation, the chief minister can advise the governor to dismiss such a minister.

6. Relations with legislature:-

The chief minister is also an important channel of communication between the council of ministers and the state legislature. He plays an important role in the deliberations and discussions of the house and defends his government's policies on the floor of the house. The major onslaughts of the opposition in legislature are also faced by him. In relation to the state legislature the chief minister has considerable influence over the laws that are to be passed by the legislature.

7. Power of Appointment:-

As the head of the state government, the chief minister of a state enjoys extensive powers of patronage. Though technically all such powers of patronage belongs to the state governor, yet in reality these are exercised by the governor on the advice of the chief minister. He has a hand in appointment of the chairman and members of the state public service commission, advocate –general of the state, Vice-Chancellor of a university in state and in the appointment of other such dignitaries who after being appointed may work according to the wishes of the chief minister. This all the important appointments in the state are made by the governor on the recommendation of the chief minister.

8. Other Powers And Functions:

In addition, the chief Minister also performs various Functions as given below:

1. He is the Chairperson of State Planning Board.
2. He acts as a Vice- Chairman of the concerned zonal council by rotation, holding office for a period of one year at a time.
3. He is a member of the Inter-State Council and the Governing Council of NITI Aayog, both headed by the Prime Minister.
4. He is the Chief spokesman of the State Government.
5. He is the crisis manager – in – chief at the political level during emergencies.
6. He is the Political head of the services.

Thus, he plays a very significant role in the state administration. However, the discretionary powers enjoyed by the governor reduce to some extent the power, authority, influence, prestige and role of the chief minister.

CHECK YOUR PROGRESS

1. Who appoints the chief minister?
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2. Who administers the oath of secrecy to chief minister?
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COUNCIL OF MINISTERS

As the constitution of India provides for a parliamentary system of government in the states on the union pattern, the council of ministers headed by the chief minister is the real executive authority in the politics administrative system of a state. The council of ministers in the states is constituted and function in the same way as the council of ministers at the Centre. According to Article163 of the constitution provides that there shall be a council of ministers with chief minister as the head to aid and advice the

Governor in the exercise of his functions except in the cases where Governor acts in his own discretions. The Governor appoints the chief minister and other ministers on the advice of the chief minister. The minister holds office during the pleasure of the Governor. The number of ministers is not fixed. It is for the chief minister to determine the size of his council of ministers and the number of minister he wants in his cabinet. The council of ministers is collectively responsible to legislative assembly of the state. There are different categories of ministers like cabinet ministers who are in charge of important portfolios like finance, commerce, health, home and other departments, ministers of state who are attached to the departments under the cabinet ministers and do not participate in the cabinet meetings and Deputy ministers who assist the ministers in the discharge of their functions.

Term:

The usual tenure for the council of ministers is also five years but their existence largely depends on the pleasure of the governor. However, it is largely on the pleasure of the chief minister, because if the chief minister is dissatisfied with a certain minister he can advise the governor to dismiss such a minister if that particular person refuses to resign. The chief minister reshuffles his ministers and add new person of ministers. Further, council of ministers is collectively responsible for the legislative assembly.

OATH AND SALARY OF MINISTERS:

Before a minister enters upon his office, the governor administers to him the oath of office and secrecy. According to Article 1959 the salaries and allowances of the state legislature including that of the speaker and deputy speaker and chairman and deputy chairman are fixed by the legislature of the state by law. The salaries and allowances are charged from the consolidated fund of the state and differ from state to state.

POWERS OF COUNCIL OF MINISTERS:

The council of ministers is the most powerful body in the state administration. The Governor is the nominal executive and the real executive in practice is the chief minister and his cabinet and obviously the other ministers too. The powers and functions of council of ministers are quite wide ranging from formulation of state policies to running the administration, these are discussed as follows:

1. The first and foremost duty of the council of ministers is related to the legislative process of the state. Article 164 clearly states that council of ministers is collectively responsible to the legislative assembly of the state. This means all the ministers joint responsibility for all their acts of omission and commission. They work as a team and swim or sink together,
2. Administration of affairs of the state is done by the cabinet ministers holding different departments helped by ministers of state and Deputy Ministers. Each

minister is individually responsible for his errors of omission and commission which might create problems for the survival of the government.

3. The council of minister actually is headed by the chief minister and he recommends the names of his ministers to the governor for this appointment. The chief minister with his council of ministers is an advisory body to the governor in the appointment of Vice- chancellors of different universities, Advocate- General, Chairman and members of the state public service commission, Chairman of various corporations and various boards.
4. It deals with all major financial matters. The annual financial statement i.e., budget is prepared by the ministry concerned and passed by the state legislature. Money bills are also drafted by the council of ministers and piloted by the ministers in the legislature.
5. Under the article 163, the council of ministers and the chief minister is there to aid and advice the governor in the exercise of his functions, except in so far as he is by or under this constitution required to exercise his functions or any of them in discretion.

POSITION OF THE CHIEF MINISTER:

A look at the power of the chief minister shows that he has been vested with very extensive powers in the administration of the state. But in actual practice the chief minister of a state depends upon the following factors:

1. Firstly, the position of the chief minister depends primarily upon his personality. If he is a person of integrity and has a dominating personality then he can be command great influence over state administration. It is rightly maintained that office is what the holder chooses to make it.
2. Secondly, the position of the chief minister is partly determined by his relationship with the party in power in the Centre. If a chief minister has much influence in the Centre he can make the position of the state more influential in New Delhi, thereby enhancing his authority and power in the state. As democracy is meant government by parties, the chief minister of a state should have to please his central party organization. If the central organization of the party does not encourage him, his position in the state would be pre carious.
3. Thirdly, the position of the chief minister considerably depends upon the support of the members of his party. If there are a number of dissidents in the party, they make his position _a bed of thorns'. As long as he enjoys the confidence of the state legislature he is powerful. Once that confidence is withdrawn, no longer he continues to be the chief minister.

Thus the position of chief minister is pre-eminent in the state government system. In, practice, his position will be imposing only when his party commands a clear majority in the state legislature. When it is a coalition government, it becomes difficult to safeguard the principle of collective responsibility also. Much of time and energy of the chief minister will, in that case, be wasted on keeping his team united and sufficiently disciplined.

CHANGING ROLE OF CHIEF MINISTER:

The emergence of the role and position of the chief minister had been explained in the context of a number of factors such as: Procedure of appointment, relation with the governor, relationship with political party in the state and at the Centre, relations with colleagues, programs and policies being pursued and the like.

1. The procedure of appointment is clearly mentioned in the constitution, that is, the leader of the majority party in legislative assembly will be appointed as the chief minister in practice, and however, this procedure had not been strictly followed. There had been examples when the chief ministers had been nominated by the center or the party high command instructed the legislators to elect a particular person for the post of chief minister. For example in Punjab, Partap Singh Kairon had the support of Jawaharlal Nehru and Manohar Lal Khattar is the one of the favorite of Prime Minister Narendra Modi.
2. Another grave issue that has been noticed is the involvement of the central government, not only in the appointment of the chief minister but also extended to the formation, reshuffle and dismissal of the ministers and allocation of portfolios. Generally, the chief minister has to prepare the list of the council of minister consultation with the high command. He has to accommodate such persons who are not of his liking and these people become a headache for him thus ultimately chief minister's style of working is determined on the basis of his interaction with these ministers. They become dissidents and often create hurdles in the smooth functioning of the state administration. Sometime their differences are exposed publically. But for the survival, the chief minister has to please the high command and yield before their pressure. Presently Captain Amrinder Singh's Government faced this problem and due to some issues he have to resign and High Command appoints the new Chief Minister and reshuffles the cabinet and new President of Punjab Congress.
3. The Governor of the state appoints the members of the council of minister on the advice of the chief minister. In this regard, regional and local pressures also affect the chief minister's choice. Besides, same representation in the council of ministers has to be provided to women, members of scheduled castes, Minorities, and Backward classes. Above all, the wishes of the high command of the ruling party whose approval in the formation of state ministry has become an accepted practice. Therefore, the chief minister is not totally free to choose his team purely on considerations of the political and administrative ability of his colleagues in state legislature.
4. The politics of coalition had heralded a number of notable changes in the institutional functioning of the office of chief minister. The nature of the role of governor, the position of the chief minister, the mode of functioning of chief minister and the outlook and working style of the bureaucracy, during

the period of coalition era did not by and large appeared to be the same as it was in the one party dominant rule.

CHECK YOUR PROGRESS II

1. Write Composition of Council of Ministers.

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2. Article 163 of Indian Constitution Deals with?

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SUMMARY:

In the end we can say that constitutionally the position of the chief minister is merely of an advisor to the Governor in his executive functions. But the position that grows out the constitutional precedents and conventions is altogether different so much so the chief minister has become the real executive functionary today. Actually all policies and decisions of the state government are implemented by the chief minister. The Governor is merely figure head acting on the advice of the chief minister. The advice is more or less binding on him. Thus the executive power inherent in governor's hand is just transferred in the hands of the chief minister who, in turn becomes the custodian of absolute power, leaving nothing with the governor. In practice, the Governor becomes an advisor that too just spectatorial adviser. He is head of his council, policy maker and leader of the party all combined together and thus he is all in all executive, administrative and legislative matter.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS:

1. Discuss the appointment, powers and function of the chief minister.
2. Discuss the changing role of the chief minister.
3. Discuss the composition, powers and functions of the council of ministers.
4. Examine the relationship between chief minister and council of ministers.

SHORT ANSWER QUESTIONS:

1. State briefly the procedure of appointment of the chief minister of a state.
2. Examine briefly the constitutional provisions regarding the powers of chief minister.
3. Write on the council of ministers.
4. What is meant by collective responsibility?

SUGGESTED READINGS:

- J.R. Siwach, „*Dynamics of Indian government and politics*“, sterling publishers, Delhi, 1985
- K.V Rao, „*Parliamentary Democracy of India: A critical commentary*“, the world press, Calcutta, 1961
- Durga Das Basu, „*Introduction to the constitution of India*“, Prentice-Hall of India, New Delhi, 1992.
- S.S Awasthi, „*Indian Government and politics*“, Har Anand publications Revised Edition, New Delhi, 2006
- Sarla Rajput, „*Role of chief minister in state administration*“, Radha Publications, New Delhi, 1994
- P.D Sharma and Ramesh Kumar, „*Legislature in an Indian state. A study in social characteristics*“, Asian Survey, 1992
- M. Laxmikanth Indian Polity, Mc Grow Hill Education, New Delhi, 2013

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

**UNIT 4 STATE JUDICIARY: COMPOSITION, POWERS AND FUNCTIONS
OF THE HIGH COURT**

STRUCTURE

4.0. Learning Objectives

Key Words

Introduction

Composition of the High Court

Appointment of Judges

Qualifications

Tenure, Resignation and Removal of Judges

5.3.4. Transfer of Judges

4.3.5. Check Your Progress I

Powers and Functions of High Court

Court of Record

Power of Judicial Review

Constitutional Question

Power of Superintendence

Jurisdiction

Check Your Progress II

Summary

Questions for Practice

4.6. 1 Long Answer Questions

2 Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES:

After the completion of this unit, you will be able to:

- Know about the intricacies involved in every step from composition of High Courts to Powers of High Courts.
- Realise that how every provision of the Constitution is drafted.
- Know the minute details of the Articles and the interpretations of the judiciary.
- Understand the Composition, Powers and Functions of High Court.

KEY WORDS: High Courts, Constitution, Judiciary, Law, Jurisdiction,

4.2 INTRODUCTION

A notable feature of the constitution is that it accords a dignified and crucial position to the judiciary.¹³ In every country, judiciary plays the most significant role of interpreting and applying law in cases of controversies. The primary duty of the judiciary is to uphold the supreme law of land, i.e. The Indian Constitution. By safeguarding the constitution we mean, courts function without any fear or favour, without being biased by political ideology or economic theory.¹⁴ It has to dispense justice not only between the citizens of the country but also between states, states and individuals, states and centre and individuals and centre. The judiciary has been given very wide powers as it acts as a guardian by keeping legislature, executive, quasi judicial bodies in bounds. The judiciary scrutinizes and assesses that every authority needs to conform to Constitutional principles and the valid laws made there under.

A well ordered and well regulated judiciary exists in India, with Supreme Court at the top of hierarchy, followed by High Courts and then the subordinate courts. Where the Supreme Court occupies the top position in judicial administration of the country, the High Courts occupy the top position in judicial administration of the state. Both the courts have power to protect the Fundamental Rights (the most sacrosanct part of the Constitution) from any undue encroachment by any government organization.

The jurisdiction of Supreme Court is very broad. It has original jurisdiction and hears appeals from any court or tribunal in the country and can issue writs for enforcing the Fundamental Rights.¹⁵ The high Courts play a very significant role in administration of justice. This enormity of task can be adjudged from the varied jurisdiction assigned to these Courts. The institution of high court originated in India in 1862 when High courts were set up at Calcutta, Madras and Bombay.¹⁶ In 1866, a

¹³ Jain, M. P. (1962) Indian constitutional law, Bombay: N.M. Tripathi

¹⁴ M. Lakshmikanth, Indian Polity 5th ed, McGraw Hills Education

¹⁵ Supra, note 1

¹⁶ AIR 1982 SC 149.

fourth high court was established at Allahabad. With course of time, each province in the British India had its own separate High Court. The constitution provides for a high court for each state but the Seventh Amendment Act of 1956 authorized the parliament that it can establish a common High Court for two or more states or union territories. The Guhati High Court is a common High Court for four (originally seven) North eastern states namely, Mizoram, Assam, Nagaland and Arunachal Pradesh , The States of Punjab and Haryana also have a common High court which is also the High Court for Union Territory of Chandigarh.

Articles 214 to 231 in Part VI of the Constitution, deals with the organization, independence, jurisdiction and powers and procedures of High Courts.

COMPOSITION OF HIGH COURTS

Every High Court consists of a Chief Justice and other judges appointed by the President of the country. The constitution does not specify any limit for the number of judges in High court and leaves it to the discretion of the president. The inadequacy of judicial strength leading to overburdening of judges and increasing pending cases is the embarrassing situation faced by each and every High Court. Thus the SC overruled its prior ruling in *SP Gupta v. UOI*¹⁷ (also called *First Judges Case*) that the question of the strength of Judges in a High Court was not justiciable i.e. It is not for the Court to fix the number of judges itself but president is under the obligation to review the strength of each high court.

In Supreme Court *Advocates on-Record Association v. Union of India*¹⁸ it held that Chief Justice of India and Chief Justice of concerned High Court must undertake periodical review and send the recommendations to the President. If the president fails to act on such recommendation then the courts may order him to do so. The Court has emphasized that it is necessary to make a periodical review of the Judge strength of every High Court with reference to the felt need for disposal of cases, taking into consideration the backlog of cases and the expected future filing. Accordingly, the Court has ruled that fixation of Judge Strength in a High Court is a justiciable matter.

APPOINTMENT OF JUDGES

According to Article 217(1) of the Constitution, every High Court judge is appointed by the President of India in consultation with Chief Justice of India, Chief Justice of concerned state and Governor of the state. Since the executive is involved in the appointment process, it has always been thought provoking as to how we should ensure no favoritism i.e. judges are selected on non political considerations. The controversy was referred to various Commissions and finally came for determination before the court in Judges' case.¹⁹

¹⁷ AIR 1982 SC 149

¹⁸ AIR 1994 SC 268

¹⁹: AIR 1982 SC 149

S. P. Gupta v Union of India²⁰ is also known as First Judges case, the question before the SC was among the various functionaries participating in the appointment process, who should have the primacy? The majority²¹ gave literal meaning to the word ‘consultative’ and held that the opinions of the Chief Justice of India and the Chief Justice of the High Court were merely consultative and that –the power of appointment resides solely and exclusively in the Central Government and that the Central Government could override the opinions given by the constitutional functionaries. Thus, there was no primacy of the Chief justice. According to them, any other interpretation will be distortion of constitutional scheme and wholly impermissible.

This decision came under heavy criticism and amendments were proposed to the constitution to curb this primacy of executive. Finally the case was referred to larger bench in Supreme Court Advocates-on-Record Association v Union of India²² (‘The Second Judges’ Case) overruled The First Judges’ Case and evolved a collegiums system for the purpose of judicial appointments. The Court has sought to interpret the constitutional provisions concerning the High Courts so as to strengthen the –foundational features and the basic structure of the Constitution. Thus, it needs to give wider interpretation to the term ‘consultation’. Accordingly the court ruled that the opinion of the Chief Justice of India's opinion should be given the most weightage because he is best qualified to assess the appointee's worth; the selection should be made as a result of a participatory consultative process in which the Executive has the power to act as a check on the Chief Justice of India's exercise of power in order to achieve the constitutional purpose. Thus, reducing the executive element in the appointment process to the minimum

In Re: Presidential Reference²³ or the Third Judges Case, the Supreme Court elaborated and articulated the process in which it was said that the CJI should consult with a plurality of two senior-most Supreme Court judges to form his opinion on judicial appointments and transfers. The two judges case clarified that advice of Chief Justice of India would be supreme but this case laid down that it is not solely the opinion of Chief Justice of India but opinion of plurality of Judges.

On October 16, 2015 the Constitution Bench of Supreme Court in Supreme Court Advocates-on-Record-Association v Union of India, in a majority of 4:1 declared the NJAC Act and the Constitutional Amendment unconstitutional as violating judicial independence. This is because wisdom of appointment of judges cannot be shared with the political-executive. –In India, the organic development of

²⁰ AIR 1982 SC 149.

²¹ BHAGWATI, FAZAL ALI, DESAI AND VENKATARAMIAH, JJ The Bench consisted of five Judges

²² AIR 1994 SC 268

²³ AIR 1999 SC 1.

civil society has not as yet sufficiently evolved. The expectation from the judiciary to safeguard the rights of the citizens of this country can only be ensured by keeping it absolutely insulated and independent, from the other organs of governance.²⁴

QUALIFICATIONS

A person to be appointed as High Court judge should be a citizen of India and should have held judicial office in territory of India for period of ten years or he should be advocate of high court for at least ten years. Thus, there is no minimum age for appointment as High Court Judge and unlike in case of SC judge, there is no provision for appointment of a distinguished jurist (a person who is neither a judge nor an advocate but highly qualified law professor) as a High Court judge.

The term judicial office means office within the judicial service of state as defined under Article 236(b) of the Constitution, A person who exercises only judicial functions and renders decisions in a judicial capacity and is free from executive control.

4.3.3 TENURE, RESIGNATION AND REMOVAL OF JUDGES.

The age of retirement of High court judge (whether permanent, acting or additional) is 62 years.

The high court judge can also resign the office at any point of time by writing his resignation to the President. In *Union of India v. Gopal Chandra Misra*²⁵ the SC held that an intimation to resign on future date by a HC judge can be withdrawn by him before it becomes effective.

A High Court judge can also be removed by the president for proved misbehaviour or incapacity by the both houses of Parliament (initiation of impeachment motion). He cannot hold the office after he attains the age of 62 years.²⁶

A person who has held office as a permanent Judge of a High Court is debarred from acting and pleading in any Court or before any authority in India except the Supreme Court and other High Courts.

TRANSFER OF JUDGES

Transfer of judges has always been a contentious issue. This question has raised a lot of controversies since the era of independence. During the emergency in 1975, 16 High Court Judges were transferred from one high court to another and it was alleged

²⁴ IN THE SUPREME COURT OF INDIA, CIVIL ORIGINAL JURISDICTION, WRIT PETITION (CIVIL) NO. 13 OF 2015, <http://supremecourtindia.nic.in/FileServer/2015-10-16_1444997560.pdf>

²⁵ AIR 1978 SC 694

²⁶ Chandra Prakash Agarwal v. Chaturbhuj Das Parikh AIR 1970 SC 1061

that the government did so as a punitive measure to punish the judges who dared to give judgments against them.

The president may after consultation with the Chief Justice of India transfer a judge from one high court to any other High Court. In *Union of India v. Sankalchand Himatlal Sheth*²⁷ it was held that independence of judiciary is the vital ingredient of our legal system and the threat of transfer at the whims and caprices of the executive constitutes a major inroad in that independence i.e. When judge is under a constant fear of being transferred, he will never be able to do full and complete justice. Thus it was held that a judge can be transferred only in interest of public. Any transfer not in Public Interest, can be challenged in courts as ultra vires. The minority view in this judgment opined that no transfer could be made without consent of the judge concerned. But the majority held that no such consent was required.

The judgment was followed in case of *SP Gupta v. UOI*²⁸ which reiterated that consultation with CJI is necessary and transfer should be made in public interest. It cannot be used as threat or punishment to judges. Several more clarifications were made by the SC in *Second judges*²⁹ case and *Third judges*³⁰ case. It was laid down that CJI shall form his opinion in consultation with Chief Justice of that High Court and Chief Justice of High Court where judge is to be transferred. The proposition has been reiterated that there is no requirement of prior consent of the Judge before his transfer. A transfer is subject to judicial review but only the transferred judge has *locus standi* to question his transfer and no one else.³¹

CHECK YOUR PROGRESS I

1. How can a High Court Judge be removed?

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2. Does transfer of judges involve political interests? What role has judiciary played in curbing this menace?

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²⁷ AIR 1977 SC 2382

²⁸ AIR 1982 SC 149

²⁹ AIR 1994 SC 268

³⁰ AIR 1999 SC 1.

³¹ *Dalpatray Bhandari v. Union of India* (1995) Supp (1) SCC 682.

3. Do you think declaring NJAC unconstitutional was a good step to ensure the independence of Judiciary?

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4. The question of strength of Judges in a High Court should be made justiciable, how far do you agree with the statement?

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POWERS AND FUNCTIONS OF HIGH COURTS

COURT OF RECORD

A High Court is a Court of record and has all the powers of such a Court including the powers to punish for its contempt. Contempt has been defined in Contempt of Courts Act 1971. Under this the contempt may be criminal or civil. Willful disobedience to any judgment, order, writ, or other legal process is known as civil contempt. The publication of any matter or the performance of any conduct that a) scandalizes or lowers the authority of the court, b) prejudices or obstructs the due course of judicial proceedings, or c) interferes or obstructs the administration of justice in any other way constitutes criminal contempt.³²

The high court as a court of Record has a duty to itself to keep all its records correctly and in accordance with law and such records have evidentiary value and cannot be questioned when produced in subordinate courts.

The Supreme Court refused to transfer contempt proceedings brought against the petitioner in the Pepsu High Court to another High Court in Sukhdev v. Teja Singh³³. Because the Constitution gives the High Court the authority to deal with its own contempt, and therefore, transferring contempt proceedings from the Pepsu to another High Court would deprive the High Court of its jurisdiction. The Supreme Court further declared in Sukhdev's case³⁴ that a High Court can deal with a contempt case summarily and use its own procedure that is consistent with fair play and natural justice, rather than following the procedure outlined in the CRPC or the Contempt of Courts Act 1971.

As a court of record a High Court has the power to review and correct its own judgments, orders or decisions even though there is no explicit provision in the constitution which states that High Court has power to review its own decision. But the Supreme Court has ruled that high courts being a Superior Court have the inherent power to review their judgment. In order to prevent miscarriage of justice and to

³² S.2 Contempt of Courts Act, 1971

³³ AIR 1954 SC 186 : 1954 SCR 454

³⁴ Ibid

correct grave and palpable errors committed by the court, The High Court has not only the power but the duty to review its decision.

POWER OF JUDICIAL REVIEW

Judicial activism depends upon the power of the review courts in a country. India is a democratic country which keeps the right of the people supreme. Hence, to save the act of Legislature and Executive which infringes the Fundamental Rights is subject to the Judicial Scrutiny. For the same purpose, Article 13 provides that all the post and pre constitutional law must adhere to the basic scheme of the constitution which includes the rights of the persons. Judicial review is a tool in hands of judiciary to keep legislature in its bounds. The legislature can make no law which is ultra vires the basic constitutional principles and rule of law.

Therefore, Judicial Review is inherently implied in our Constitution. Supreme Court has held in *L Chandra Kumar v. Union of India*³⁵ that Judicial Review is the basic structure of Indian Constitution. Thus, there is no doubt regarding the legitimacy of Judicial Review in Indian Constitution.

The Supreme Court and High Courts of India have been given the authority to review any legislative, executive, or administrative decision taken by the government. No special court or tribunal can have the same powers as that of the High Courts and the Supreme Court. The Supreme Court has ruled that such tribunals cannot take the place of the High Court and Supreme Court's judicial review powers.³⁶ Therefore, it is the constitutional mandate which empowers the Supreme Court and High Courts to protect the rule of law in India. Article 13 and 226 of the Constitution explicitly provides for power of judicial review of High Court.

CONSTITUTIONAL QUESTION

Article 228 provides that if the High Court is satisfied that a case pending in a subordinate Court involves a substantial question of law regarding the interpretation of the Constitution, which it is necessary to determine to dispose of the case, the High Court shall withdraw the case to itself. It may then dispose of the whole case itself, or may determine only the constitutional law point and return the case to the subordinate Court for disposal in conformity with the High Court's judgment on the constitutional point. The High Court will take action under Art. 228 only if the case cannot be disposed of without determining the constitutional question involved. This provision enables the High Court to determine the constitutional question at the earliest opportunity. The language of Article 228 is such that once the conditions mentioned therein are satisfied; the High Court has no option but to withdraw the case to itself for disposal.

³⁵ (1995) SCC 1 400

³⁶ *ibid.*

POWER OF SUPERINTENDENCE

High Court has the power of Superintendence over the courts and tribunals in the state within its jurisdiction. The power of Superintendence conferred by Article 227 is in addition to the power conferred under Article 226. It is in some ways wider than the power and jurisdiction under Article 226.³⁷ The aim of supervisory jurisdiction is to keep the subordinate courts and tribunals within the limits of their authority and ensuring that they obey law.³⁸ The grounds of interference could be want or excess of jurisdiction,³⁹ failure to exercise jurisdiction,⁴⁰ violation of principles of natural justice⁴¹ or an error Apparent on the face of record.⁴²

Whenever the high court exercises this power it does not act as an appellate Court but it has a supervisory jurisdiction. The power of superintendence under article 227 is of administrative as well as judicial nature⁴³. It may also be exercised suo motu but it cannot be exercised to influence the subordinate Judiciary to pass any order or judgment in a particular manner.⁴⁴ The supervisory jurisdiction cannot be exercised in the case if any other remedy is available to the aggrieved party even though the pursuing of that remedy involves inconvenience or delay.⁴⁵ This power can be exercised in those cases in which no appeal or revision lie to the High Court.

JURISDICTION

A high court has a very wide jurisdiction, namely, original, appellate, supervisory and writ jurisdiction. Original jurisdiction means the power of high court to hear disputes in the first instance, not by way of appeal. It extends to some matters like: Matters of admiralty, conflict between state and the citizen, enforcement of fundamental rights of citizens, questions involving interpretation of constitution, revenue matters etc. A high court also exercises appellate jurisdiction. By this we mean it hears appeals against the judgments of subordinate courts. It hears appeals in both civil and criminal matters.

A very significant aspect of the Indian Constitution is the jurisdiction it confers on the High Courts to issue writs. Article 226 of the Constitution empowers HC to issue certain writs which are Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo Warranto.

Article 226 operates –notwithstanding anything in article 32.∥ Thus, Article 32 and Article 226 exist in their own right. Article 226 has a wider scope than Article 32. The Supreme Court can only issue writs for the enforcement of Fundamental

³⁷ Jai Singh v. MCD (2010) 9 SCC 385

³⁸ State of Gujrat v. Vakhatsinghji Vajesinghji Vaghela AIR 1968 SC 1481

³⁹ Gulab Singh v. Collector of Farukhabad AIR 1953 All 585

⁴⁰ Waryam Singh v. Amarnath AIR 1954 SC 215

⁴¹ Narayan Deju Ruthrani v. Labour Appellate Tribunal AIR 1975 Bom 142

⁴² Surya Dev Rai v. Ram Chander Rai (2003) 6 SCC 675

⁴³ Ram Roop v. Bishwa Nath, AIR 1947 Lah 313

⁴⁴ Jasbir Singh v. State of Punjab (2006) 8 SCC 294

⁴⁵ Nagendra Nath Bora v. Commr. of Hills Division AIR 1958 SC 398

Rights under Art. 32; however, a High Court can issue writs for the enforcement of any legal right under Article 226, including Fundamental Rights.

In *L. Chandra Kumar*⁴⁶ case, the court held that writ jurisdiction is the basic structure of the Constitution and hence cannot be ousted by way of constitutional amendment. The Supreme Court has time and again reiterated that the High Court's power under Article 226 is supervisory in nature and not appellate in nature. The main purpose of this power is to enable the High Court to keep the various authorities within the bounds of their powers, but not to sit as an appellate body over these authorities.

A petitioner should have 'legal standing' to file a writ petition.⁴⁷ As the Supreme Court has observed, 'The requirement of *locus standi* of a party to litigation is mandatory'⁴⁸ but to maintain a petition for *mandamus* or *certiorari*, it is not necessary that petitioner's personal right must be infringed.

It is concerned with illegality, irrationality and procedural impropriety of an order passed by the State or a statutory authority.⁴⁹ No period of limitation is prescribed for a High Court to exercise its power under Art. 226. Nevertheless, a writ petition under Art. 226 may be dismissed by a High Court on the ground of petitioner's laches because courts do not like stale claims being agitated and unsettle settled matters. Therefore, writ petitions filed after inordinate delay are usually dismissed.⁵⁰

CHECK YOUR PROGRESS II

1. How is the doctrine laid down in *Keshavnanda Bharti* strengthened by declaring that Judicial Review forms the basic structure of the Constitution?

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2. Justify the Statement that High Court has a very wide jurisdiction.

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⁴⁶ (1995) SCC 1 400

⁴⁷ *Prasar Bharati Broadcasting Corpn. of India v. Debyajoti Bose*, AIR 2000 Cal 43.

⁴⁸ *Janta Dal v. H.S. Chowdhary*, AIR 1993 SC 892 : (1992) 4 SCC 305.

⁴⁹ *Dwarka Prasad Agarwal v. B. D. Agarwal*, (2003) 6 SCC 230 : AIR 2003 SC 2686.

⁵⁰ *Durga Pd v. Chief Controller*, AIR 1970 SC 769 : (1969) 1 SCC 185; *Krishnaswamy v. Union of India*, AIR 1973 SC 1168; *Amrit Lal v. Collector, C.E.G.*, AIR 1975 SC 538 : (1975) 4 SCC 714; *Gian Singh Mann v. High Court of Punjab & Haryana*, AIR 1980 SC 1894 : 1980 Supp SCC 449; *Roshan Lal v. International Airport Authority*, AIR 1981 SC 597 : 1980 Supp SCC 449; *R.S. Makashi v. I.M. Menon*, AIR 1982 SC 101; *Rattan Chandra Sammanta v. Union of India*, AIR 1993 SC 2276; *B.S. Bajwa v. State of Punjab*, AIR 1999 SC 1510; *Municipal Corp. of Greater Bombay v. Industrial Development Investment Co. Ltd.*, AIR 1997 SC 482; *Municipal Council, Ahmednagar v. Shah Hyder Baig*, AIR 2000 SC 671 : (2000) 2 SCC 48; See also *Printers (Mysore) Ltd. v. M. A. Rasheed*, (2004) 4 SCC 460 : (2004) 4 JT 158 delay of 3 years in challenging allotment of land. See also *State of U.P. v. Ved Pal Singh*, (2003) 9 SCC 212 : (2000) 8 SLT 706.

3. What is the power of Superintdence of High Court?

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SUMMARY

It is in the public interest for courts to exercise their constitutional duties impartially and efficiently. The public needs to be assured that judges act fairly, and are not under any kind of influence while deciding the cases. In *K. Veeraswami v Union of India & Ors.*,⁵¹ Justice Sharma said, -The society's demand for a judge's honesty is high and unwavering. Judicial conduct, both on and off the bench, is usually held to exceedingly high standards. Deviating from such high standards of honesty and impartiality by a judge is a betrayal of the public's faith in him. No excuse or no legal relativity can condone such betrayal.¶

Public criticism and public scrutiny of the judgments are also significant measures to check judiciary and make the judges accountable. If the fair criticism is not allowed then it would also violate an individual's right to speak fairly and freely. It is very important that the courts should recognize the right of the public to criticize the judgments as a fundamental freedom of speech. In *D.C. Saxena v. Hon''ble the Chief Justice of India*,⁵² the Supreme Court recognized that administration of justice and judges are open to public scrutiny. The Court said, -Judges have their accountability to the society and their accountability must be judged by the conscience and oath to their office, i.e. to defend and uphold the Constitution and the laws without fear and favour.¶⁵³

Thus, -To keep the stream of justice clean and pure, the Judge must be endowed with sterling character, impeccable integrity and upright behaviour. Erosion thereof would undermine the efficacy of the rule of law and the working of the Constitution itself. In short, the behaviour of the Judge is the bastion for the people to reap the fruits of the democracy, liberty and justice and the antithesis rocks the bottom of the rule of law.¶⁵⁴

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Why has transfer of judges always a contentious issue? Is this power misused? Mention the guidelines, if any, to prevent misuse of this power.

⁵¹ (1991) 3 SCC 655

⁵² AIR 1996 SC 2481

⁵³ ibid

⁵⁴ C. Ravichandran Iyer v Justice A.M. Bhattacharjee & Ors., (1995) 5 SCC 457, para 23, per K. Ramaswamy, J.

2. How does High Courts exercise control over subordinate courts?
3. What is Power of Judicial Review exercised by High Court? Have we taken the idea of Judicial Review from USA?
4. Discuss the importance of independence of judiciary to do full and complete justice.
5. Do you agree with the procedure of appointment of HC judges? Explain with the help of the timeline from First Judges Case to present day.

SHORT ANSWER QUESTIONS

1. Describe the Jurisdiction of High Courts?
2. Discuss the qualifications for being a High Court judge?
3. How can High Court judges be removed?
4. Explain how HC is a Court of record.
5. What do you understand from the power exercised by HC under Art.228?

SUGGESTED READINGS:

- Laxmikant: Indian Polity, McGraw Hill Education, New Delhi, 2013
- M.P. Jain: Indian Constitutional Law, LexisNexis, 2018
- D.D. Basu: An Introduction to the Constitution of India, New Delhi, Prentice Hall, 1994
- G. Austin: The Indian Constitution: Corner Stone of a Nation, Oxford University Press, 1966

SEMESTER- IV

INDIAN POLITICAL SYSTEM II

**UNIT 5 ELECTION COMMISSION: COMPOSITION, POWERS,
EVALUATION AND ELECTORAL REFORMS IN INDIA**

STRUCTURE

5.0: Learning Objectives

Key Words

Introduction

Composition of Election Commission

Functions of Election Commission

Administrative Functions

Advisory Functions

Supervisory Functions

Check Your Progress I

Electoral Reforms

Timeline of Judgments which brought Electoral Reforms

Check Your Progress II

Summary

Questions for Practice

Short Answer Questions

Long Answer Questions

Suggested Readings

LEARNING OBJECTIVES

After the completion of this unit, you will be able to:

- Understand about the provisions given in the Constitution relating to Composition, Powers and Functions of Election Commission.
- Understand the judicial trends and statutory guidelines for maintaining the impartiality in the process of conducting elections.
- Evaluate the working of Election Commission.

KEY WORDS: Elections, Election Commission, Constitutional Bodies, Legislature, Executive, Vote

INTRODUCTION

Election commission is a permanent constitutional body which aims at conducting free and fair elections. It is one of few constitutional bodies which have power to function autonomously. The election commission controls and manages the elections to Parliament, State legislature office of president of India and Vice President. Furthermore, that election commission is not at all concerned with the elections to Panchayats and municipalities in the states. For this the constitution of India provides for separate state election commission.⁵⁵

The commission has laid down for itself some guiding principles of good governance, some of them are: –To ensure participation of all eligible citizens in the electoral process in an exclusive voter centric and voter friendly environment, to hold the values enshrined in constitution viz. equality, equity, impartiality, independence and rule of law in superintendence, direction and control over electoral governance, to conduct elections with highest standards of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism, to promote awareness about Electoral process and electoral governance among stakeholders namely voters, political parties, candidates and people at large to strengthen and enhance the confidence and trust in the electoral system of the country.⁵⁶

COMPOSITION OF ELECTION COMMISSION

Article 324 of the Constitution provides that Election Commission shall consist of Chief Election Commissioner and other Election Commissioners as fixed by President from time to time. Election Commission was established on 25th January 1950 and since its inception till 1989 it functioned as single member body consisting only of Chief Election Commissioner. However, in 1989, 61st constitutional amendment was made which reduced the voting age from 21 to 18 years. So to cope with the increased work of Election Commission on account of lowering the age, the president appointed

⁵⁵ Vide 73rd and 74th Constitutional Amendment Acts of 1992

⁵⁶ M. Lakshminanth, Indian Polity 5th ed., McGraw Hills Education

two more Election Commissioners.⁵⁷ The chief election commissioner and the other two election commissioners enjoy the equal powers and will receive equal salary, allowances and other perquisites which are similar to those of a judge of a Supreme Court. They shall hold the office for a term of 6 years or until they attain the age of 65 years whichever is earlier. However, they are removed from the office in the same way as a Supreme Court judge is removed i.e. impeachment motion set out on the grounds of proved misbehavior or incapacity. While dealing with the removal of members of the Election Commission in *TN Seshan, Chief Election Commissioner v. Union of India*,⁵⁸ the Supreme Court held that Election Commissioners and Regional Commissioners have been assured independence of function by providing that they cannot be removed except on the recommendation of the CEC. The court went on to say that the recommendation should be based on -intelligible and cogent grounds that relate to the Election Commission's efficient functioning.⁵⁹

FUNCTIONS OF ELECTION COMMISSION

The EC has supervisory control over India's election process and deals with election-related issues. It has the authority to give orders and issue directions in this regard. It has administrative, advisory and quasi judicial functions.

ADMINISTRATIVE FUNCTIONS:

The commission has been given the authority to set the territorial boundaries of electoral constituencies for various elections in accordance with the Delimitation Commission Act. It has the power to give recognition to political parties and allot them the symbols. It is the responsibility of the EC to make and update the electoral rolls everytime ie. On the basis of Indian citizenship, names are included or excluded from election rolls. No Indian citizen over the age of 18 should be excluded from the electoral rolls or placed on a separate electoral roll based on race, caste, religion, or sex. It has the authority to enact and enforce the 'Model Code of Conduct' for election campaigns. It has the authority to keep track of political parties' election spending. This ensures a level playing field for all the political parties irrespective of their size and thus the capacity to spend. It can employ various officers as election observers and expenditure monitors to ensure that elections are conducted smoothly. Some other functions involve: To hold elections for the President, Vice-President, members of both Houses of Parliament, members of Legislative Assemblies, and members of Legislative Councils in several states is another very significant function of EC, to cancel polls in specific circumstances like rigging, booth capturing, violence etc.

⁵⁷ Ibid

⁵⁸ 1995 (4) SCC 611

⁵⁹ Ibid

ADVISORY FUNCTIONS:

The Commission has the authority to advise the President of India on the disqualification of members of Parliament and the circumstances under which they may be disqualified. In addition, the Commission advises Governors on the disqualification of members of state legislatures. In instances involving post-election disputes between candidates and political parties, it advises the High Courts and Supreme Court. However, The Supreme Court hears post-election disputes involving the election of the President and Vice President. The High Courts hear disputes involving the Parliament and the State Legislatures.

SUPERVISORY FUNCTIONS:

The Election Commission is empowered to settle disputes regarding recognition granted to political parties and candidates. It has the powers to act as a court for matters related to disputes arising out of the allotment of election symbols to political parties and candidates. No two election symbols are the same, even in different regions. It must be noted that the elections with respect to the election of Panchayats and Municipalities are carried out under the supervision of the State Election Commission. The State Election Commissions are in turn advised by the ECI and are answerable to it.

CHECK YOUR PROGRESS I

- 1. Differentiate between Supervisory and administrative functions of Election Commission.

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- 2. How has T.N Sheshan’s case brought a new jurisprudence with respect to removal of election commissioners?

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ELECTORAL REFORMS

Several Committees and Commissions were formed in the country on electoral reforms:

Tarkunde Committee Report of 1975: The Tarkunde Committee’s Report (1975) said, –As in the case of Judiciary, the Election Commission must not only be independent in theory but also manifestly appear to be so in the exercise of its powers of organizing and conducting elections. In the recent years, an impression is gaining

ground that the Election Commission is becoming less and less independent of the Executive than in the earlier years of Independence, because the choice of the Chief Election Commissioner has not always been based on criteria, which would command the confidence of all sections of public opinion. The practice of making it a berth for retiring Government officials has, perhaps, been responsible for the feeling that the incumbent so benefitted will be beholden to the Government for his office.⁶⁰

Some of the limitations of the office of Election Commission are: The Constitution has not debarred the retiring election commissioners from any further appointment by the government and The Election Commission members' qualifications (legal, educational, administrative, or judicial) are not specified in the Constitution. The **Vohra Committee report** (Government of India, 'Vohra Committee Report on Criminalization of Politics, Ministry of Home Affairs' (1993) pointed to the rapid growth of criminal networks that had in turn developed an elaborate system of contact with bureaucrats, politicians and media persons.

244th Law Commission of India Report: The Law Commission of India submitted its report on February 24, 2014, Electoral Disqualifications to the Ministry of Law and Justice. The study comes in response to a Supreme Court order made in December 2013 in the Public Interest Litigation filed by the NGO Public Interest Foundation, which sought to decriminalize politics. The report examined issues related to: (i) disqualification of candidates with criminal background, and (ii) consequences of filing false affidavits.

Key recommendations include: Stage at which disqualification is to be triggered. The Commission examined the different stages at which disqualification may be triggered, and decided upon the stage of framing of charges.

Conviction: Due to significant delays in trials and few convictions, the current approach of disqualification upon conviction has failed to prevent the criminalization of politics. To be an effective deterrent, the law must develop.

Filing of police report: There is no application of judicial mind during the filing of the police report. As a result, this is not the appropriate time to impose disqualification.

Framing of charges: The stage of framing of charges is based on adequate levels of judicial scrutiny. By effecting disqualification at this stage, with adequate safeguards, the spread of criminalization of politics may be curbed.

⁶⁰ Quoted in Era Sezhiyan, —Appointment of Election Commissioners,| The Hindu, May 21, 2001, available at < <http://www.thehindu.com/2001/05/21/stories/05211349.htm>> accessed on August 12, 2016, at 4:50 p.m. IST.

Safeguards at the stage of framing of charges certain safeguards must be included to prevent misuse of this provision and to address the concern of lack of remedy for the accused. These include: Only offences that attract a maximum punishment of five years or above should be included within the ambit of this provision. Charges filed within one year before the date of scrutiny of nominations for an election will not lead to disqualification. The disqualification will operate until acquittal by a trial court, or a period of six years, whichever is earlier. The trial of accusations brought against sitting MPs or MLAs must be expedited. It must be carried out on a daily basis and completed in a year. If the trial is not completed within a year, the MP/MLA may be disqualified when that time period expires. Alternatively, the MP/right MLA's to vote in the House as a member, as well as his compensation and other benefits, should be suspended after one year.

Disqualification at the stage of framing of charges must apply retroactively as well. Persons with charges pending (punishable by five years or more) at the time of this law coming into effect must be disqualified from contesting future elections. The safeguards for charges filed within one year of the date of scrutiny of nomination papers would apply. The Representation of the People Act, 1951, must be amended to reflect the following on the problem of filing a false affidavit: Disqualification must be imposed if a person is convicted of filing a fraudulent affidavit. The penalty should be increased from a maximum of six months to a minimum of two years in prison. Falsely filing an affidavit should be considered a "corrupt practice" under the Act. As a result, trials in cases involving fraudulent affidavits must be held on a daily basis. Furthermore, there should be a one-week interval between the deadline for filing nominations and the date of examination. This would allow enough time for an objection to be filed on nomination papers.

255th Law Commission Report 2015 noted that –the current system tolerates, or at least does not prevent, lobbying and capture, where a sort of quid pro quo transpires between big donors and political parties/candidates|. The report recommended that political parties should disclose all amounts over Rs. 20,000 received by them, even if from a single donor. It has recommended that the disqualification term for candidates who do not submit proper details of expenditure within the prescribed time be extended, so that they are unable to contest the next election. It has also recommended that candidates should be compelled under some law to disclose all contributions received by them from any person or company, and from the political party.

While working on the subject, the Supreme Court of India, in the matter of Public Interest Foundation & Others v. Union of India & Anr⁶¹, directed the Law Commission of India to make its suggestions on two specific issues, viz., (i) curbing criminalization of politics and needed law reforms‘; and (ii) impact and consequences of candidates filing false affidavits and needed law reforms to check such practice‘.

⁶¹Writ Petition (Civil) No. 536 of 2011

-The Law Commission has proposed wide ranging reforms on the issue of candidate expenditure limits; disclosure obligations of individual candidates and political parties; and penalties imposable on political parties; as well as examining the issue of state funding of elections. Section 77 of the RPA, regulating the election expenses incurred or authorized by candidates or their election agents, currently extends from the date of nomination to the date of declaration of results. This period should be extended by amending section 77(1) to apply from the date of notification of the elections to the date of declaration of results. The existing disclosure obligations of individual candidates are limited to maintaining an account of electoral expenses under sections 77 and 78, RPA. This is sought to be amended by inserting a new section 77A to require candidates or their election agents to maintain an account and disclose the particulars (names, addresses and PAN card numbers of donors and amounts contributed) of (i) any individual contribution received by them from any person or company, not being a Government company and (ii) any contribution by the political party from the date of notification of elections, which have to be made by the party by a crossed account payee cheque or draft or bank transfer.¶

Every financial year, political parties shall be required to keep and submit annual accounts to the ECI, which should be audited by a qualified and practicing chartered accountant from a panel of such accountants maintained for that purpose by the Comptroller and Auditor General. These accounts will detail all of the funds received by the party as well as the expenses it has incurred. On payment of a fee, the ECI will upload these accounts online or keep them on file for public inspection. Disclosure provisions governing political parties have been substantially recast. The existing section 29C has been deleted and replaced by a new section 29D that requires all political parties to : (I) disclose all contribution in excess of Rs of 20,000; (II) include aggregate contributions from a single donor in excess of Rs. 20,000 within its scope; and

(III) Disclose the names, addresses and PAN card numbers of all donors. Consequential changes will be made (IV) Disclose such particulars even for contributions less than Rs. 20,000 if such contributions exceed Rs. 20 crore or 20 % of the party's total contributions, whichever is less. Consequential amendments will need to be made to the Election Rules and the IT Act.

TIMELINE OF JUDGEMENTS WHICH BROUGHT ELECTORAL REFORMS

In 2002, the Supreme Court, in Association for Democratic Reforms (ADR) v. Union of India,⁶² while dealing with the question of criminalization of politics held that under the Indian Constitution, electors had a fundamental right to know the antecedents of candidates contesting elections to hold public office. The court read in 'right to be informed' as a right flowing from freedom of speech and expression. It mandated the

⁶²(2002) 5 SCC 294

disclosure of information relating to criminal antecedents, educational qualification, and personal assets of a candidate contesting elections.

In *PUCL v. UOI*⁶³ where The Peoples Union for Civil Liberties approached the Supreme Court challenging Section 33B of the Representation of People (Third Amendment) Act which nullified the decision in *Association for Democratic Reforms* by providing that candidates contesting elections need not file affidavit of criminal antecedents and particulars as directed by the Court.

This provision was held unconstitutional and void as it infringed the –right of electors' to know, a constituent of the fundamental right to free speech and expression and hindered free and fair elections, which is part of the basic structure of the Constitution. Subsequently, all criminal records and antecedents of candidates contesting elections are now mandated to be matters of public record.

Further the court in *K. Prabhakarn vs. P. Jayarajan*⁶⁴ the Court elucidated upon the scope and purport of Section 8(3) of the Representation of Peoples Act, 1951 which provides criteria for disqualification. It was observed that the purpose of enacting disqualification under Section 8(3) of RPA is to prevent criminalization of politics. Those who break the law should not make the law. Generally speaking, the purpose sought to be achieved by enacting disqualification on conviction for certain offences is to prevent persons with criminal background from entering into politics and governance. Persons with criminal background pollute the process of election, as they have no reservation from indulging in criminality to win an election. Thus, Section 8 seeks to promote freedom and fairness at elections. The provision has to be so meaningfully construed as to effectively prevent the mischief sought to be prevented.

Going a step further, A 2 Judge bench of the Supreme Court in 2013 in *Lily Thomas vs. UOI*⁶⁵ ruled that Members of Parliament, Legislative Councils and Legislative Assemblies convicted of crimes where they had been awarded a minimum sentence of 2 years imprisonment would cease to be members of the house to which they were elected from the date of sentencing. It further struck down the provision, which allowed convicted members a 3 month time period for appeal against the conviction and sentencing and held that those convicted would suffer immediate disqualification.

In *Manoj Narula v. Union of India*,⁶⁶ the Supreme Court said that criminalization of politics is an anathema to the sacredness of democracy. It has been noted in the *N.N. Vohra Committee* that the nexus between politicians, bureaucrats and criminal elements is on rise.⁶⁷ In 2017, the Hon'ble Supreme Court of India in *Abhiram Singh v C.D. Commachen (Dead) By Lrs. & Ors.*,⁶⁸ ruled that the political

⁶³(2003) 4 SCC 399

⁶⁴ Appeal (civil) 8213 of 2001

⁶⁵AIR 2013 SC 2662: (2013) 7 SCC 653

⁶⁶ (2014) 9 SCC 1

⁶⁷ *Dinesh Trivedi, M.P. and others v. Union of India and others*, (1997) 4 SCC 306

⁶⁸ In *The Supreme Court Of India, Civil Appellate Jurisdiction, Civil Appeal No. 37 OF 1992*, decided on January 02, 2017, available at <<http://judis.nic.in/supremecourt/imgs1.aspx?filename=44451>> accessed on January 6, 2017, at 2:10 p.m. IST.

parties cannot use religion or caste to seek votes. The court said that it amounts to corrupt practices. It was said that the relationship between the God and an individual is personal one and the State has no power to intervene in such personal autonomy.

Further down the lane, 25th September 2018, the Court delivered its judgment in the Electoral Disqualification case i.e. in Public Interest Foundation vs. UOI.⁶⁹ The Court had to decide if persons ought to be disqualified from membership in legislative bodies when criminal charges are framed against them. Currently Section 8 of the Representation of Peoples Act only disqualifies persons when they are convicted of criminal charges.

The five-judge Bench unanimously decided that it cannot disqualify candidates, against whom criminal charges have been framed, from contesting elections. The Bench cited respect for the separation of powers. It recognized that it cannot introduce new rules regarding the disqualification of electoral candidates. The Bench concluded that informed choice is a cornerstone of a 'strong and pure' democracy.

Additionally, the Court issued the following directions:

1. Candidates must fill up forms containing all particulars
2. In said forms, criminal antecedents to be stated in bold
- 3 Candidates must inform the concerned political party of pending criminal cases against them
4. Concerned political party, to put up such criminal antecedents of candidates on party website
5. Wide publicity by both candidates and parties in press and media of the criminal antecedents

In *Raj Bala v. State of Haryana and others*,⁷⁰ the Supreme Court upheld a Haryana State law mandating that only those having minimum educational qualifications will be eligible to contest Panchayat elections in the State.

Very recently in *Ram Babu Singh Thakur v. Sunil Arora*⁷¹ the SC has held that –it is mandatory for political parties to upload on their websites detailed information regarding candidates with pending criminal cases, along with the reasons for their selection and non-selection of others without criminal antecedents. –These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing nominations, whichever is earlier. –The political party concerned shall also then submit a report of compliance with these directions with the EC within 72 hours of the selection of the said candidate.⁷²

Also the SC held no criminal case against MPs or MLAs can be withdrawn without an approval of the high court of the concerned state.⁷³

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⁷⁰ 2015(9) SCALE 25

⁷¹ W.P. (C) No. 536 OF 201

⁷² Ibid

⁷³ *Ashwini Kumar Upadhyay & Ors. vs. UOI & Ors.* 2021

5.6.1. CHECK YOUR PROGRESS II

1. Discuss the provisions of Representation of People's Act 1951 to tackle the problem of Criminalization in Politics.

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SUMMARY

The SC has given remarkable judgments to improve the process of elections and emphasized on the importance of free and fair elections. *Kihoto Hollohon v. Zachillhu and Others*,⁷⁴ the Supreme Court considered free and fair election as basic structure of Indian Constitution. In *Union of India v. Association for Democratic Reforms and Another*,⁷⁵ the Court held that the Election Commission has power to issue directions or orders on the related subject matter in the absence of any legislation. The court further declared that citizens' freedom of speech and expression includes the right to know about the backgrounds of candidates for public office. It would be helpful for the voter to choose the right candidate. Each candidate must submit an affidavit regarding the information of his/her criminal antecedents; assets (both movable and immovable) of self and those of spouses and dependents as well; and qualifications at the time of filing his/her nomination papers for election to the Lok Sabha, the Rajya Sabha and the State Legislative Assemblies. The Apex Court again in *PUCL v. Union of India*⁷⁶ guarded the citizen's right to know the antecedents about his or her candidate in election.

The Election Commission holds that non-furnishing of the affidavit by any candidate shall be considered a violation of the Hon'ble Supreme Court's order, and the nomination of the candidate concerned shall be subject to rejection by the returning officer at the time of nominations scrutiny for such non-furnishing of the affidavit. It was further decreed that providing false or incomplete information will result in the rejection of nomination papers, as well as disciplinary action under the Indian Penal Code.⁷⁷

As a watchdog of democracy, the Supreme Court has had several successes in reforming the India's electoral process. The insertion of NOTA (None of the Above) in Electronic Voting Machines has brought an increase in public participation. It has recognized that Right to vote also includes a right not to vote i.e. right to reject. Thus

⁷⁴ 1992 Supp (2) SCC 651

⁷⁵ AIR 2002 SC 2112

⁷⁶ AIR 2003 SC 2363

⁷⁷ -Supreme Court's order dated 2nd May, 2002 relating to right to information of electors regarding criminal antecedents, assets and liabilities and educational qualifications of candidates-implementation of the order. Available at < http://eci.nic.in/archive/press/current/PN_28062002.htm > accessed on August 12, 2016, at 4:50 p.m. IST.

the progressive judgments and interpretations have enlarged the scope of elections and have proved to be fundamental in ensuring impartiality and autonomy.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Discuss the powers and Functions of Election Commission.
2. Discuss the provisions of Representation of People's Act, 1951 which aim at tackling the criminalization in politics.
3. Discuss the role of judiciary in bringing about electoral reforms.
4. Explain the recommendations of 244th Law Commission Report to curb criminalization in politics in detail.

SHORT ANSWER QUESTIONS

1. Explain the composition of Election Commission
2. What are the guiding principles and aim of Election Commission?
3. Is it allowed for political parties to use religion or caste to seek votes?
4. How has insertion of NOTA increased the public participation?

SUGGESTED READINGS:

- Laxmikant: Indian Polity, McGraw Hill Education, New Delhi, 2013
- M.P. Jain: Indian Constitutional Law, LexisNexis, 2018
- D.D. Basu: An Introduction to the Constitution of India, New Delhi, Prentice Hall, 1994
- G. Austin: The Indian Constitution: Corner Stone of a Nation, Oxford University Press, 1966

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

UNIT 6 PARTY SYSTEM IN INDIA: ITS FEATURES, ORGANIZATION AND IDEOLOGY OF INDIAN NATIONAL CONGRESS, BJP, BSP, SAD, DMK AND TMC

STRUCTURE

Learning Objective

Key Words

Introduction

Main features of Party System in India

Indian National Congress

Brief History of the Party

Ideology of Congress (I)

Check Your Progress I

Bhartita Janta Party (BJP)

Ideology of BJP

Check Your Progress II

Bahujan Samaj Party

Shiromani Akali Dal

Ideology of the Party

Check Your Progress III

Dravida Munnetra Kazhagam (DMK)

Ideology of the DMK

All India Trinmoot Congress: AITC or Trimool Congress TMC

Ideology of TMC

0.9.2. Check Your Progress IV

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES:

After the completion of this unit, you will be able to:

- Understand the Party System of India.
- Examine the features of Indian Party System.
- Analyse the ideologies and base of National and Regional Parties.
- Evaluate the role of political parties in Indian political system.

KEY WORDS: Political Parties, Election Commission, Ideology, Organisation,

INTRODUCTION

India is a democratic state in which Parliamentary system of government has been set up. Political Parties have a special significance in a democratic state. In a democratic state, the power of administration is in the hands of the people, but the people are not organised and there is a difference of opinion among them. The political parties organise the people and form public opinion. They formulate policies and programme fight elections, control the government and act as a link between the government and the people. Lord Bryce has rightly written, "Political parties are inevitable. No free country has been without them. No one has shown how representative governments could work without them. They bring order out of chaos of multitude of voters."

Meaning and Definition of Political Parties

In the Indian constitution, political parties have not been described in a direct way. According to Gilchrist, "A Political party may thus be defined as an organized group of citizens who profess to share the same political views and who by acting as a political unity try to control the government.

It is clear that a political party is a group of persons who organize themselves on the basis of the fixed programme and try to capture the power of the government through constitutional means in order to give practical shape to their programme.

MAIN FEATURES OF PARTY SYSTEM IN INDIA:

The nature of Party system in India becomes known from the following features:

1. ABSENCE OF SPECIFIC CONSTITUTIONAL PROVISIONS:

In India there is no specific provision in the constitution regarding its party system. Under Article 19 of the Constitution, the Indian citizens have been given the right of freedom to constitute, community or Union and the Political parties have been

constituted on the basis of this right. In 1985 under the 52nd constitutional amendment, there was constitutional provision of regarding prohibition of party change and under it, the word 'Political Party' has been described in the 19th Schedule. Apart from it, there is no other Article or provision in Constitution, where political parties have been mentioned.

2. REGISTRATION OF POLITICAL PARTIES:

Under an amendment made in the Representation of the People's Act, 1951 in December 1988, provision has been made for the registration of every political party. For this purpose the old political parties within 60 days and new political parties within 30 days will give an application for registration to the Election Commission.

3. TYPES OF PARTIES ON THE BASIS OF RECOGNITION:

On the basis of the recognition of the Election Commission, the political parties can be divided into three categories such as –

(i) Recognized National Political Parties :

A party is recognised as a national party if any of the following conditions is fulfilled;

- If it secures six per cent of valid voters polled in any four or more states at general election to the Lok Sabha or to the legislative assembly; and, in addition, it wins four seats in the Lok Sabha from any state or states; or
- If it wins 2% of seats in the Lok Sabha at a general election; and these candidates are elected from three states; or
- If it is recognised as a state party in four states.

(ii) Recognized state Political Parties : A party is recognised as a state party in a state if any of the following conditions is fulfilled:

- A political party which gets 6% of the valid votes polled in the state in a general elections either to Lok Sabha or to the Legislative Assembly of the State concerned and in addition it wins at least 2 seats in Legislative Assembly of the State Concerned;
- It wins at least 3% of the total seats of the Legislature Assembly of the state;
- Atleast 3 seats in the Assembly, whichever more;
- At the general election to Lok Sabha; the party wins at least one seat for every 25 seats of Lok Sabha
- The party polls at least 6% of the valid votes polled in all the Parliamentary areas of the state in the Lok Sabha elections in the concerned as well as it gets one seat in the Lok Sabha.

4. UNRECOGNISED POLITICAL PARTIES:

In India, there are unrecognised political parties also. Such political parties have the right to contest elections and to take part in all types of political activities, but these don't have reserved election symbols rather these are allotted to them at the time of election.

5. MULTI-PARTY SYSTEM:

In India, there is not one party system, as is in China, nor two party system like Britain and America. In our country, there is a multi-party system. On the eve of Seventeenth Lok Sabha general elections (2019), there were 7 national parties, 52 state parties and 2354 registered-unrecognised parties in the country.

6. ONE-DOMINANT PARTY SYSTEM:

In spite of the multi party system, the political scene in India was dominated for a long period by the congress. The dominant position enjoyed by the Congress has been declining since 1967 with the rise of regional parties and other national parties like Janata (1977). Janta Dal (1989) and the BJP (1991) leading to the development of a competitive multi-party system.

7. REBEGINING OF THE PERIOD OF ONE PARTY RULE IN CENTRE AND STATES:

Since independence upto 1977 and again from 1980 to 1989, there have been the governments of the Congress Party in the Centre and in most of the states which continued upto 2014. But in 2014 and 2019 with the advent of NDA government led by BJP, the period of the emergence of the party rule had started which continues even today. As a result of this, again in India, the period of one party rule has begun.

8. ABSENCE OF STRONG AND WELL ORGANISED OPPOSITION:

One peculiar feature of India party system is absence of strong and well organised opposition. At present, both at the national and state level there are so many national and regional political parties playing the role of opposition but they are not united on various political issues not they have any common programme. Different political parties do criticize the government inside and outside the Parliament, but they also indulge in the politics of competition which is harmful to democracy. In the 16th Lok Sabha no political party was able to get the number of seats required to get the status of recognised opposition party.

9. LACK OF IDEOLOGICAL COMMITMENT:

Another significant feature of the Indian Party system is the lack of ideological and principle commitment. Ideological commitment means firm faith in a particular political, social and economic ideology and collective efforts to achieve it. But in India, most of the political parties are opportunist and they sacrifice their principles for the fulfilment of their narrow interests. In India, coalition governments are the product of this opportunism. For the lack of ideological commitment, this party could not preserve its unity and stability and was soon divided into 4 parts. The government of National Democratic Alliance, which was formed under leadership of Sh. Atal Bihari Vajpayee on 13th October 1999, was based on the co-operation of 23 political parties. There was a lot of difference in the political ideology of these parties.

10. EMERGENCE OF REGIONAL PARTIES:

Another significant feature of the Indian Party System is the emergence of a large number of regional parties and their growing role. Among the regional political parties Shiromani Akali Dal in Punjab, DMK, ADMK and Tamila Manila Congress in Tamil Nadu, Telgu Desam in Andhra Pradesh, Assam Gana Parishad in Assam, Kerala Congress and Muslim League in Kerala, Trinamool congress in West Bengal, Rashtriya Janta Dal in Bihar, Samajwadi Party in Uttar Pradesh & Mizo National Front in Mizoram are worth mentioning. These regional political parties have played an important role at the national level.

11. PERSONALITY CULT:

Before independence our social, political and economic set-up was based on feudal values but this set up did not witness any specific change after the attainment of independence. Even today, aristocrats and elites exercise their control over politics and political parties. People have a strong feeling of personality worship. They have more faith in the leader of the party than ideology of the party. At the time of elections, votes are asked let in the name of the party but in the name of the leader of the party and people are requested to strengthen in the hands of a leader.

12. LACK OF PROPER ORGANISATION:

Organisation is the life and soul of Political Parties. In our country, the organisation of Political parties is not based democratic principles. The low level cadres of all political parties are not independent in their decision making. They have to work seeking instruction from the High command of the parties. Most of the Political parties follow this rule.

13. LACK OF CONTINUOUS CONTACT WITH MASSES:

Another feature of Indian Political Party system is that Political parties do not keep a continuous contact with masses. Almost, all political parties become active only during elections and after elections are over, they also disappear. These parties do not continuously propagate their policies and programmes among the people. As a result, public grows indifferent to political problems and stops taking interest in political affairs. As a result, they do not get proper political training.

14. FACTIONALISM IN POLITICAL PARTIES:

There is factionalism in almost all the political parties of India. Factionalism harms the unity of the party for the fulfilment of personal interests. Factionalism, defections, splits, mergers, fragmentation, polarisation and so on have been an important aspect of the functioning of political parties in India. Lust for power and material considerations have made the politicians to leave their party and join another party or start a new party. This phenomenon caused political instability both at the centre and in the states and led to disintegration of the parties.

15. ELECTORAL ALLIANCES AND COALETION GOVERNMENTS:

Because of Multi-party system and lack of ideological committment, many political parties strike electoral alliances. Such alliances have been formed by different parties at local and national levels. In 1977, five national parties made an alliance to fight against the Congress and won victory in the elections and afterwards formed Janta Party. Similarly during the state legislative assembly elections, different political parties formed alliances, politics. Today, there are two main alliances in the centre. United Progressive Alliance-UPA is being led by the Congress party and National Democratic Alliance-NDA is being led by BJP and both these alliances have formed governments in the centre from time to time.

16. COMMUNAL AND CASTE CHARACTER OF POLITICAL PARTIES:

In India, many political parties are organised a caste and communal basis. These parties try to win the political support of the people on religion and caste basis. The names worth mentioning in this regard are those of Hindu Mahasabha, Muslim League, Akali Dal, Muslim United Front, Shiv Sena, Bahujana Samaj Party, D.M.K., and AIDMK, Republican Party and Jharkhand party. The parties organised on caste and communal basis arouse religious and caste feelings and emmity among people belonging to different religions and castes and many times cause communal riots in the name of religion and caste. Such riots harm the national unity.

17. POPULIST NATURE OF INDIAN POLITICAL PARTIES:

During the last few years, almost all political parties and leaders are resorting to the politics of populism in order to capture power. In the politics of populism the political parties and leaders try to enlist the support of the people by catchy slogans and symbols.

After going through the features of the Indian Party system, we can conclude that it has no stable and clear form. The nature of the Indian Party system is in itself Indian, because some of its features are found in India only. The changing Indian situation has profound impact on the Indian Party System.

INDIAN NATIONAL CONGRESS (I) or INC (I)

BRIEF HISTORY OF THE PARTY:

Indian National Congress is the oldest, organised and very powerful party of India. In a way, this party was founded in 1885 at Bombay with the efforts of a retired English Civil Servant Mr. A.O. Hume, in and is a continuous form of the Indian National Congress. From 1885 to 1947, the main objective of the party was to win freedom for India from foreign rule. After Independence, this party took over the reigns of the government of India and the governments of the Congress party continued both at the centre and in states upto 1967. From 1947 to 1964, the party was under the complete dominance of Pt. Nehru and he was the Prime Minister of India during this period. During this period the country made progress in every field and there was no other party to challenge its supremacy.

FIRST SPLIT IN THE CONGRESS:

The Indian National Congress got divided into two parts on the question of election of the President in 1969. One group under the leadership of Mrs. Indira Gandhi began to be called 'Ruling Congress' while the other under the chairmanship of Sh. Nijalingappa began to be called 'Congress Organisation. In the Lok Sabha Elections of 1971 the group led by Smt. Indira Gandhi had won 350 seats out of 518 seats and this group remained in power both, in the centre and most of the states till March 1977.

SECOND SPLIT IN THE CONGRESS AND BIRTH OF CONGRESS (I):

In March 1977 elections to the 6th Lok Sabha, the ruling party of Smt. Indira was defeated and it was replaced by the Janta Party. As a result of the Smt. Indira Gandhi resigned from the congress working committee on December 19, 1977 and convened the meeting of her supporters in New Delhi on January 2, 1978 in which Smt. Indira Gandhi was elected the President of the Congress Party. As a result of this the party again got divided into two groups. The group led by Smt. Indira Gandhi was named Congress (I) and the other group was named Congress (S). The Congress (I) won 351

seats of Lok Sabha in the elections held in 1980 and formed government in the centre and also in most of the States.

THIRD SPLIT IN THE CONGRESS:

The Congress got split third time, when on May 19, 1995 in New Delhi, a convention of the congress dissidents under the leadership. Shri Arjun Singh and N.D. Tiwari was held and declared themselves as the real congress. Sh. N.D. Tiwari was elected its President. On December 3, 1995 the congress faction headed by Sh. N.D. Tiwari announced its name as All India Congress. On March 25, 1996 the Supreme Court of India asked All India Indira Congress to affix the word 'Tiwari' with it so that a distinction could be made between both the factions of congress party. Thus there came a third split in the Congress Party.

DROPPING OF WORD (I) FROM THE ELECTION MANIFEST OF THE CONGRESS:

In the election Manifest issued by congress in January 1996; the word 'I' which was symbol of Smt. Indira Gandhi was dropped and it became Indian National Congress. New President of Congress – On March 14, 1998, the congress working committee elected Mrs. Sonia Gandhi as the new President of Congress in place of Shri Sita Ram Kesari. On March 16, 1998, Mrs. Sonia Gandhi was elected as chairperson of the Congress Parliamentary Party.

ISSUE OF THE FOREIGN ORIGIN OF SMT. SONIA GANDHI AND FOURTH SPLIT IN THE CONGRESS:

The 4th split in congress took place in May 1999. On 15th May 1999, there senior leader of the congress-Sarvshri Sharad Pawar, P.A. Sangma and Tariq Anwar wrote a letter to the Congress President Smt. Sonia Gandhi and demanded that because Smt. Sonia Gandhi is of foreign origin, she should not be projected as future Prime Minister of India. The Congress working Committee expelled Sarvshri Sharad Pawar, P.A. Sangma and Tariq Anwar from the Congress for a period of six years. On May 1999, Sarvshri Sharad Pawar, P.A. Sangma and Tariq Anwar announced in Delhi, the formation of new political party, named 'Nationalist Congress Party', Shri Sharad Pawar was elected as the President of the new party.

PARTY PRESIDENT AND ELECTION SYMBOL:

Mrs. Sonia Gandhi is the President of the Congress Party and the election Symbol of Indian National Congress is Hand.

IDEOLOGY OF CONGRESS (I)

Democracy, Secularism, Socialism and Non-alignment are the main elements of Congress (I) ideology. The brief description is as follows:

1. DEMOCRACY:

The Congress (I) was deep faith in democracy. Democracy is the foundation of Indian Constitution. It is embedded in Indian Institutions and has an indelible imprint on the heart of mind of the Indian People. Liberty, Equality and justice are the basic elements of democracy. The Congress has strengthened these elements by its policies and programmes.

2. FAITH IN SECULARISM:

Secularism is an important element of Congress (I) ideology. According to the election manifesto of Congress (I), Secularism is the basis of the Indian Nationalism. In India secularism does not mean opposition to religion or irreligiousness. In secularism man has the freedom to worship and reach but the state has no religion of its own. It prohibits discrimination and partiality of any kind against any citizen on the basis of religion.

3. SOCIALISM:

The third important element in ideology of Congress (I) is socialism. The Congress (I) is firm on socialism. The objective of Congress (I) is to establish socialistic society. Pt. Nehru was of the firm view that except for socialism there is no other way to do away the poverty and wide spread unemployment of the Indian people. Under Mrs. Indira Gandhi's leadership, the word 'socialist' was incorporated in the Preamble to Indian Constitution by the 42nd Constitutional amendment. By passing National Rural Employment Guarantee Act, 2005, the UPA Government being lead by the Congress Party has provided to provide 100 days work in a year to every unemployment person living in villages.

4. ECONOMIC LIBERALISM:

During the last few years, Congress has left behind the objective of socials and adopted the policy of 'Economic Liberalism' or 'Open Market'. After coming into power in June 19, 1991 the Narsimaha Rao Government of Congress declared open and liberal economic policies. Most of the controls and restrictions imposed on industry and trade were withdrawn. Leaving some industries, license system has been finished on other industries. Instead of Public sector, private sector has been given priority and privalization of industries is being encouraged. Full freedom has been given to import foreign capital and technology. Multi National Companies have been given many types of facilities and have been invited to invest capital in India. The

purpose of all this is to make the Indian economy Competitive and to link it with world economy.

5. NON ALIGNMENT:

Non alignment is another important element of Congress's ideology. The Congress believes in the policy of non-alignment in international sphere and wants to keep India away from the military alliances of all types and power conflicts of the world. Non alignment means deliberately to remain aloof from the competitive power blocks of the world, not to enter into military alliance with any other states, to decide international issues on the basis of merit and to take independent action on those decisions. Non-alignment is today the basic principle of foreign policy of two-third countries of the world. The Congress party had always tried to stick to the policy of non-alignment.

6. OPPOSITION TO RACIALISM, COLONIALISM AND IMPERIALISM:

The Congress Party is bitter critic of racialism, colonialism and imperialism and the party has opposed these evils at every national and international platform. The party has always supported the struggles against these evils being fought in the different parts of the world.

7. SUPPORTED OF NATIONAL UNITY AND INTEGRITY:

The party is committed to maintain unity and integrity of the nation and for this purpose, the party is the supporter of strong centre in India. The party is determined to fight against the forces which are all out weakens the unity and integrity of India.

8. USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSE:

The Congress Party is committed to disarmament and the use of nuclear energy for peaceful purposes. The party made clear that the nuclear energy will be used for developmental and peaceful purpose.

9. SUPPORTER OF HUMAN RIGHTS:

The Congress Party is the supporter of human rights and is fully committed for the protection of these. Party is of the view that no distinction should be made on the basis of basic of caste, colour, creed, religion and race etc and every individual has the right to live a dignified life. At the instance of Congress Party provisions were made to constitute National Human Rights Commission and State Human Rights Commissions.

The Elections of the 17th Lok Sabha held in April/May 2019 were fought by the Party under the leadership of Party President Sh. Rahul Gandhi. In the Election Manifesto

the party declared NAYA Yojana by which the party had promised to create more employment opportunities, to end corruption, to spend more money on health and education etc. During election campaign party President held 145 rallies and covered distance of 1.20 Lakh km throughout the country. With the purpose to strengthen election campaign he made his sister Prinka Gandhi Vadra the General Secretary of the party. But inspite of the best efforts put in by both brother and sister, the party was able to win only 52 seats of Lok Sabha. The Congress Party suffered debacle in the elections of the 17th Lok Sabha continuously for second time. The party needs to do deep self introspection to come out of the president scenario. The party failed to win seats even in the states which had its governments. There is need to do vast organisational changes from top to bottom in the party.

CHECK YOUR PROGRESS I

1. What is the Symbol of INC (I)?

2. What type of party system in India?

3. Briefly explains the types of parties in India and who give the recognition?

BHARTIYA JANTA PARTY (BJP)

Bhatiya Janta Party (BJP) was born with the third division in Janta Party on 6th April, 1980. On April 4, 1980 the National Executive of the Janta Party passed a resolution and imposed a ban on the members of the party for having any type of relation with R.S.S. But the members of the Jan Sangh Group of party did not accept this decision. The leaders of ex-Jan Sangh group decided to form a separate new party. The former information Minister of the Janta Government, Mr. Lal Krishan Advani called a national convention of ex. Janojh Group in Delhi on 5th-6th April 1980. About 4383 representatives drawn from 21 states took part in this convention. On 6th April 1980 a new party named Bhartiya Janta Party came into being in this conference and Sh. Atal Bihari Vajpayee was unanimously elected the president of the Party. It was also decided in the convention that that party flag will consist of Green Saffron in vertical sections.

PARTY SYMBOL AND PRESIDENT:

The Party Symbol is lotus and Sh. Jagat Prakash Nadda is the president of BJP.

IDEOLOGY OF BJP

In the National Conference of the party held in Dec. 1980, the party announced to make five ideological principles the basis of its policies.

These are called the five commitments of the party: 1. National Integration 2. Democracy 3. Positive Secularism 4. Gandhian Socialism 5. Value based politics. A brief description of the principles of the party is given below:

1) NATIONAL INTEGRATION (UNITY):

BJP is a national party and it has committed to the unity and integrity of the country. The Party is of the view that right from Kashmir to Kanya Kumari, India is one country, one nation. It is in favour of the development of the spirit of nationalism by rising above the casteism, religion, language and regionalism. The party is strongly opposed to the policy of 'Divide and Rule' of the congress.

2) DEMOCRACY:

BJP has firm faith in democracy. It is in favour of giving equal rights and opportunities to all the Indian citizen without any sense of discrimination. It is strongly opposed to family rule.

3) POSITIVE SECULARISM:

The BJP criticises the policy of secularism of the congress by calling it 'minorityism'. Positive secularism means 'Sarva Dharma Saman Bav' i.e. all religions are equal. It does not mean state without religion. The policy of positive secularism does not mean regard for all religions but it is the adoption of good points and moral values from different religions. The policy of party is justice for all and appeasement of none.

4) GANDHIAN SOCIALISM:

The BJP accepts the Gandhian nature of Socialism. The party believes that the solution of the economic and social problems of India lies in Gandhian Socialism. The party has a belief in the decentralization of property as well as in the trusteeship theory of property of Mahatma Gandhi.

5) VALUE BASED POLITICS:

The BJP believes in value or principle based Politics. BJP is of the opinion that at present the policies of the politics of opportunism is at its peak in India due to which corruption and anarchy are found all around at all levels. The politicians do not care for values and principles. The BJP wants to develop value based and disciplined politics. It has framed a code of conduct for its legislators and ministers.

6) DECENTRALIZATION OF ECONOMIC AND POLITICAL POLOUR:

The BJP has faith in the decentralization of economic and political power. The party supports the renewal of centre-state relations and giving of more autonomy to states, especially in the context of their developmental activities.

7) SWADESHI AND SELF-RELIANCE:

The party has faith in Swadeshi and self-reliance and it is in favour of making India a strong dependent nation. The party is of the opinion that the areas in which India can become self-reliant the foreign investment in that sector should not be allowed. So the party wants to encourage swadeshi industry.

7) OPPOSITION TO COLONIALISM AND IMPERIALISM:

Like other political parties BJP is also opposed to colonialism and imperialism and is supporter of the fight being fought for right to self determination. The party is of the view that every country has the right to lead an independent life therefore outside power should not be allowed to have dominance over the other country.

8) NON-ALIGNMENT:

In International field, the party is in favour of adopting the policy of non-assignment. It is against becoming the member of any power group. The policy of non-alignment is most suitable for the all rounded development of India. The party is also in favour of developing friendly relations with the neighbouring countries.

CHECK YOUR PROGRESS II

1. What are the Five Commitments of BJP?

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2. Who was the first President of BJP?

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BAHUKAN SAMAJ PARTY

Bahujan Samaj Party originated from BAMCEF – Back ward and Minority Communities Employees Federation and Dalit Shashit Samaj Sangrash Samiti (DS-4), two pressure groups formed by Sh. Kanshi Ram for the protection of the interests of the government’s employees belonging to scheduled castes and backward classes. The

party was born on April 14, 1984 in Uttar Pradesh. This party was founded by Sh. Kanshi Ram who was born in Ropar district of Punjab and he is till now the Supreme of the party. After Punjab, branches of Bahujan Samaj Party were established in Uttar Pradesh, Haryana, Bihar, Madhya Pradesh, Maharashtra and other states.

Bahujan Samaj Party criticizes Manuism in Society and is committed to abolish social economic inequalities and exploitation. This party wants to further the struggle launched by the father of Indian Constitution Dr. B.R. Ambedkar and want to abolish social, economic and political inequalities in the country.

WHAT IS BAHUJAN SAMAJ?

Bahujan Samaj is a Samaj of many castes and classes, but these castes and classes are backward. It includes Scheduled Castes, scheduled tribes, educationally and socially backward classes and all kinds of oppressed people who have been exploited by the capitalists and other influential people. According to Late Sh. Kanshi Ram, in this country there are thirty five crore people who belong to lower and backward classes they all are my constituency. BSP's aim is to reach the top to power ladder and make one of them as Prime Minister.

RECOGNITION TO BAHUJAN SAMAJ PARTY AS NATIONAL POLITICAL PARTY:

The Election Commission recognised Bahujan Samaj Party as a National Party on 25 November, 1997.

ELECTION SYMBOL AND FLAG OF THE PARTY:

Election commission provided 'Elephant' as election Symbol to the party. Flag of the party is made of Blue cloth with the symbol of Elephant embossed over it.

Ideology of Bahujan Samaj Party (BSP) claims to be the only National Political Party which evaluates the practical work and does not believe in hypothesis building.

- 1) To continue the struggle initiated by B.R. Ambedkar for abolishing the economic, social and political inequalities from the country.
- 2) To encourage the Dalits to have self-confidence and enlighten them for their rights.
- 3) To achieve political power is main objective of the party because without political power the condition of Bahujan Samaj can not be improved.
- 4) To abolish social order based on Manism and Brahmish.
- 5) To provide security to depressed and exploited people, to provide more opportunities develop their skill and to provide employment to all.
- 6) The party has faith in the present democratic system and is in the favour of bringing about a change through democratic means.
- 7) This party supports the non-alignment policy of India. Party wants that India should be given a permanent seat in the Security Council in U.N. This party wants to establish good relations with neighbouring countries.

- 8) The Party wants to provide more autonomy to local institutions in urban and rural areas so that these institutions become the important basis of Indian democracy.

During the assembly elections of UP, Uttrakhand, Punjab and Manipur held in February, 2002, the party made a change in its strategy. The party raised the slogan of the protection of the interests of 'Sarav Samaj' and not only of 'Dalit Samaj' and to achieve its objectives, the party put up candidates in the assembly elections belonging to higher castes and it proved quite useful to the party. On June 9, 2005, in a bid to form Dalit-Brahmin alliance, party supremo Mayawati Convened Brahmin Samaj Mahasemmelan at Ambedkar Maidan in Lucknow in which she made it very clear that the war was not against Brahmins but against the Brahmin mindset. She has opened the doors of her party for the people belonging to upper castes.

The Shiromani Akali Dal (Religion Party of Punjab) and the BSP formed an alliance for the 2022 Punjab Assembly election. Bahujan Samaj Party Chief Mayawati said that the alliance between the SAD and BSP as a "new political and social initiative" which will very good in progress and prosperity in Punjab.

Former CM of Punjab S. Parkash Singh Badal described the formation of the SAD-BSP alliance as "the beginning of a secular, federal democratic revolution in the State and the country for a total socio-economic and political revamp of polity."

SHIROMANI AKALI DAL

HISTORY OF SHIROMANY AKALI DAL:

Shiromani Akali is an important regional party of Punjab. This party came into being on December 14, 1920 due to the efforts of Master Tara Singh and Baba Kharak Singh. In the beginning, the aim of this party was to get the release of holy Gurdwaras from the possession of Mahants and maintain their sanctity. A forceful movement was launched from 1920 to 1925 to achieve this aim. At last, the government had to yield and Shiromani Gurudwara Prabandhak Committee (S.G.P.C.) was established in 1926 for the administration of the Gurudwaras. Thus, the Akali Dal which was purely religious in nature got recognition as a political Party.

After independence, to promote the Sik interest, the Akali Dal raised their demand their demand of 'Punjabi Suba'. Master Tara Singh launched powerful agitation in 1955 and 1960 for getting this demand conceded. In 1961 he undertook fast unto death in support of this demand, but because of the Prime Minister, Mr. Nehru's intervention and the Punjab Chief Minister, S. Partap Singh Kairon's iron determination he had to give up his fast.

In 1962, the Akali Dal suffered a rift and was divided into two factions. One faction came to be known as the Master Akali Dal, while the other as the Sant Fateh Singh Akali Dal. Sant Fateh Singh was a great supporter of Hindu-Sikh Unity. He refused the demand for 'Sikh Homeland' has been raised by Master Tara Singh and demanded the creation of a Punjabi Speaking State. But at last the government accepted the demand of the Akali Dal for Punjabi Suba and Punjab was recognised

as state on the basis of language on November 1, 1966. But the Akali Dal was not satisfied with this reorganisation because most of the Punjabi-speaking areas were not included into Punjab. Chandigarh was made a Union Territory, the management of Bhakra Nangal was not entrusted to Punjab and injustice was done to Punjab regarding the distribution of river waters. The Akali Dal started a 'Dharam Yudh Morcha' against the Central Government on August 4, 1982 which came to an end with the signing of 'Rajiv-Longowal Agreement'. On August 24, 1985, Shriomani Akali Dal has been generally accepted as the party of the Sikhs because alongwith the demands of the Punjabis, the party has been raising the demands of Sikh Community. Because of this, some critics labeled Akali Dal as a communal party. But the Shromani Akali Dal headed by S. Prakash Singh Badal has opened its doors for other communities to make the organisation an all inclusive outfit. While restricting the party, S. Badal made wide ranging changes to give representation to Dalits, women and the youth as a result which it has got the look of a Punjabi Party.

PARTY PRESIDENT OF THE PARTY:

S. Sukhbir Singh Badal is the President who was unanimously re-elected president of the party for the third time during a delegate session held at the The Teje Singh Samundari Hall on the Party's 99th foundation day on 14 Dec. 2019. Scale is the Symbol of the party.

IDEOLOGY OF THE PARTY:

According to the Party Constitution the main ideology/ aims or objective of the SAD are as follows.

- 1) To work to propagate gurmat and Sikh way of life, renunciation of atheism and multi belief, management, improvement and service of the Gurudwaras.
- 2) To develop the feeling of separate Panthak existence and build up an atmosphere in which the national feeling and nationalism among the whole Sikh Community may find full expression.
- 3) To remove poverty, hunger and to add to wealth with the object of establishing just economics system and to remove the system of unfair distribution and exploitation.
- 4) To abolish illiteracy, untouchability and casteism according to the Sikh way life.
- 5) To take measure to remove ill health and disease, prohibit the use of intoxicants and promote health so that the community is encouraged and is every-ready for self-defence.
- 6) The Akali Dal Pledges for greater economic, fiscal and administrative powers to the states. Anandpur Sahib Resolution clearly points out the political objective of true federalism and more autonomy for the States.

- 7) The Party holds that water of Punjab Rivers is needed in Punjab and Punjab has full right over it. There is no question of giving this water to other states. So all illegal decisions accords, allocation of water will be cancelled.

The Akali Dal is an important political organisation leads the Sikhs. The Politics of the Akali Dal is intimately connected with the Sikh religion. Its aim to preach gurnat and values of Sikhism in life, in its political strategy, the Akali Dal has been adopted both agilational and constitutional methods. The Akali Dal has a number of short comings also. The party lacks inner discipline and unity is quite alien to Akali is psyche. There have always been conflicts between each others. In centre the party was an ally of NDA Government. But, the party left the NDA 2020 over the newly framed Agricultural bills on 26 September 2020. The president of the SAD, Sukhbir Singh Badal and the General Secretary of BSP, Satish Mishra announced that they would fight the Punjab vidhan subha assembly Election 2022 together. The alliance does net appeal to be motivated by shared values, but by political opportunism. The Akali Dal and BSP Share one ideology – both will continue work for the betterment of farmers, Dalites and Farm Labourers.

CHECK YOUR PROGRESS III

1. What is meant by Bahujan Samaj?

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2. When was the Dharma Youdh Moorcha started by Shiromani Akali Dal and why?

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DRAVIDA MUNNETRA KAZHAGAM (DMK)

Dravida Munnetra Kazhagam - DMK is an important regional party which has enjoyed an influential position in Tamil Nadu and Union Territory of Pondicherry.

In 1925 Sh. Rama Saami Naicker left Congress party and launched movement against Brahamnism and to abolish untouchability and casteism which has also known as self-respect movement. This party was established in 1949 in Madras by a non-Brahmin named C.N. Annadurai. Mr. Annadurai appeared on the stage of Justice Party in 1942. He was extremely radical, practical and nationalist in his views. In the selam Conference of the justice pary held under the chairmanship of Sh. E.V. Ramaswami Naicker. He moved a resolution that the titles conferred by the English should be surrendered and the justice party should be renamed 'Dravida Association'. On this resolution the party was divided into two parts. Annadarai and his support formeda new political organisation of the name of Dravida Kazagam, under the leadership of Sh. E.V. Rama Swami Naicker who in Tamil language was called 'periyar' or 'Mahatama' this organisation continued to become popular. The aim of this

party was to protect their Dravida people from the dominance of Brahmins and north Indians. This party wants to form a separate Tamil Speaking State Dravides- They celebrated August 15, 1947 as a day of mourning. The leaders of the Dravida Kazagam were divided. The president of the party Sh. E.V. Ramaswamy Naicker began to behave in an authoritarian manner. He married a woman 40 years younger than he and made her the treasurer of the party. Sh. Anna Durai, a senior leader could not tolerate it.... He along with his followers left Dravida Kazhagam and formed a new party in 1949 of the Name and Dravida Munetra Kazhagam.

Dravida Munnetra Kazhagam means 'Dravida Progressive Associations'. In the beginning its members were non-Brahmins only but soon after its doors were thrown open to the Brahmins also. The aim of the party is to establish a class less, caste less socialist society in Tamil Nadu. The party wants to develop Dravida people in political, economic, social and cultural fields. It solved the state problems and the DMK began to grow as a powerful regional party.

PARTY PRESIDENT AND ELECTION SYMBOL: -

M.K. Slalin is the president (and Chief Minister) of the Party and Durai Murugan appointed the General Secretary of the Party. Rising sun is the election symbol of the Party.

6.8.1. IDEOLOGY OF THE DMK: The main points of Ideology of DMK are as follows:-

1. STATE AUTONOMY:

In the beginning the DMK wanted to establish an independent state of the name of Tamil Nadu, but after the 16th constitutional amendment in 1963, the DMK abandoned this Demand. Nor this party is a supporter of state autonomy. It wants more and more powers for the states of Indian Union. The party is in favour of granting more economic resources to the states. The party is of the view that the State Governments are closer to the Public and when the State Governments get more powers from the centre they shall be able to serve the people according to their expectations. The party also stresses that Article 356 of the Constitution should also be abolished because it is used to dismiss the State Governments.

2. SUPPORTER OF DEMOCRACY:

The Party believes in the principle of sovereignty of the people and regards all people as ruler. The DMK has always been supporter of Public rights and freedoms.

3. FAITH IN SOCIALISM:

The DMK is a socialist party. Its aim is to set up socialist society. Through democratic means the party believes in putting an end to the inequalities prevalent in the society and the following measures have been taken for the realisation of this goal:

- (i) Small scale industries, especially Khadi industry have been encouraged.
- (ii) The ceiling on land has been reduced from 30 acres to 15 acres.
- (iii) Proper arrangements have been made for the supply of drinking water and electricity in the villages.
- (iv) The distribution of production has been done in such a way that the needs of everybody are met.
- (v) A separate ministry has been set up for the promotion of backward classes.
- (vi) Provision has been made of mid-day meals in the school for the poor students etc.

4. FAITH IN SECULARISM:

The DMK ideology is one of Secularism. It is not prepared to accept religion as a base of any politics or of any government or law. It equally respects all religions. It is worth remembering that DMK is opposed to blind worship of old customs, history and scriptures.

5. SOCIAL REFORMS:

The party wants to establish a healthy society by putting an end to the prevailing social evils. The aim of the party is not only to get rid the society from the dominance of Brahmin Caste but also to improve the inner structure of the society and free it from the tendencies of blind faith and fatalism. The present feudal society is full of caste discriminations, which is one of the great obstructions in the way of India's progress. The most powerful means to remove social and economic inequalities is education. In the constitution of the DMK it has been written 'Based on reason and Science, our party shall destroy the unnatural differences based on birth, caste, principle and religions between men and man '.

6. DEVELOPMENT OF TAMIL LANGUAGE AND CULTURE:

DMK has full faith in the Development of Tamil language and culture. Soon after assuming power DMK changed the name of Madras State into Tamil Nadu. Sh. Anna Durai had said clearly that he wanted to develop Tamil language and culture after coming into power. D.M.K. opposes Hindi language and is not prepared to accept it as a national language. Tamil is the State language and English has been accepted as the Second language.

7. SUPPORT FOR THE STRUGGLE OF TAMILS IN SRI LANKA:

The Party is in favour of supporting the Tamils struggling in Sri Lanka and party is of the view that the Government of India should take a head stand and put pressure on

Sri Lanka for the early solution of Tamil Problem. It wants to send safely back lakhs of Tamil refugees who left Sri Lanka to seek shelter in India.

8. WELFARE OF FAMERS:

In the election manifesto of 1991, the party has promised that it shall set up *taluk samities* to find immediate solution of famers' problems concerning irrigation, loan, fertiliser, remunerative prices for crops and extension schemes of the government.

The party did not take part in the first general elections held in 1952. In 1956, after the reorganisation of the state on the basis of language, the influence of the party got limited only upto the state of Tamil Nadu. The DMK is a cadre based party which has definite ideology. As compared with the AIDMK, this party has strong organisation and comprehensive support base. The DMK Leader Mr. Karunanidhi, himself was a mature and intelligent politician. The party is socialistic, democratic and secular in its outlook. After the death of Party Supremo Sh. M. Karunanidhi on August 7, 2018, the command of the party came into the hands of his son Sh. M.K. Stalin and inspite of the opposition of his brother Sh. Alagiri, Sh. M.K. Stalin was able to establish his control on the party and his command was accepted by people of Tamil Nadu. In the Centre, the Party is part of UPA headed by the congress party.

ALL INDIA TRINMOOT CONGRESS: AITC OR TRIMOOL CONGRESS TMC

All India Trimool Congress, which is popularly known as Trinmool Congress or TMC is a National political party. It was launched on 01 January, 1998 by Ms. Manta Benerjee who is the Chief Minister of West Bengal at present. TMC came into existence as a break-away group of Congress. Earlier, TMC was a part of BJP led National Democratic Alliance (NDA), but later on it joined United Progressive Alliance (UPA). At present, it was decided to maintain equal distance from both NDA and UPA, so, that it may keep distinct identity of its own.

ELECTION SYMBOL AND SLOGAN:

The Election Symbol of TMC is 'Jora Ghas Phul' which means 'twin flowers in grass'. It has the colours of the national flag of India which signify the spirit of nationalism. The Political Slogan of TMC is 'Maa Maati, Maanush' (Mother, Motherland, People) which signifies the importance given by the party to the spirit of nationalism and common people. At present Ms. Mamta Banarjee is president of this party.

6.9.1. IDEOLOGY OF TMC

The ideology of TMC is focused on the ideals of regionalism, nationalism, socialism and secularism. Ideology of the Party as given below:-

POLICIES AND PROGRAMMES OF TRINMOOL CONGRESS

1. TMC believes in such a secular India, federalism enshrined in Indian constitution and such a democratic system which give equal importance to all the people, religions, culture and castes of India.
2. This party is committed to protect the interests and to provide special facilities to the scheduled castes, scheduled tribes, other backward classes and minorities. This party also promises to protect and promote the interests of lingual minorities.
3. Women, particularly girls, will be given a special place in all the policies concerning nation building.
4. E-governance will be adopted in the administrative system so that all the projects get completed in time and with transparency. Lokpal and Lokyukta will be appointed to check corruption.
5. Panchayati Raj system will be strengthened with the co-operation from the states.
6. Under electoral reforms, an appropriate model will be developed to make available public funds for elections.
7. Independence of judiciary will be protected. Such a judicial system will be developed which will make specific efforts to protect the interests of women and backward classes, and will make efforts to resolve the long pending cases.
8. 100% road connectivity will be ensured in the entire nation and 100% population will be supplied clean drinking water.
9. Special efforts will be made to fulfill the needs of and for the development of economically weaker sections of society in general category.
10. Specific efforts will be made for the development of agriculture. More credit will be advanced to the formers. Economic interests of marginal and small farmers, landless agricultural labourers etc. will be protected. Growth of food processing sector will also be promoted to encourage the growth of agricultural sector.
11. A specific policy will be formulated for the development of micro, small and medium enterprises. A new industrial policy will be formulated at the national level. Export will also be promoted to encourage industrial development.
12. Special efforts will be made to develop the sectors of information technology which enabled public services.
13. Special plans will be formulated for the development of backward districts, tribal areas and hilly areas of the country.
14. Laws in the country will be reformed as per the contemporary needs.
15. A new foreign trade policy will be formulated in which specific importance will be given to small industries and labour intensive sectors.
16. Planning Commission will be re-established.
17. The recommendations of the state governments for the creation of new states will be evaluated.

18. Under the foreign policy, peaceful co-operation with all the countries of the world will be promoted so that the interests of the Indians may be protected. All the regional and international issues will be resolved through dialogue and peaceful co-operation.
19. At present, TMC has considerable influence in several states such as Tripura, Assam, Manipur, Tamilnadu Kerala, Sikkim and Haryana etc. and it is making efforts regularly for its growth throughout the whole of the country. Presently, there is a TMC government in West Bengal headed by the founder President of the party Ms. Mamta Banarjee.

6.9.1. CHECK YOUR PROGRESS IV

1. Who was C.N. Annadurai?

.....

2. What is the Political Slogan of TMC?

.....

SUMMARY:

In the end, it can be said that Indian party system is a multiparty system. There are different types of parties like National parties, regional parties and state parties which are recognised by Election Commission of India when they get eligible on the basis of their vote share and other conditions fixed by Election commission time to time. The changing Indian situation has profound impact on the Indian Party System.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Discuss the nature of Indian Party System.
2. Examine the main features of Party System in India.
3. Describe the organisation and ideology of Indian National Congress.
4. What do you know about the birth and ideology of Bhartiya Janta Party?
5. Describe the origin and Policies (ideology) of Bahujan Samaj Party?
6. Write a note on the history and policies of Shiromani Akali Dal in Punjab?
7. Trace the organisation of DMK. Discuss its Ideology.
8. Write down the history and ideology of All India Trinmool Congress (AITC) or TMC.

SHORT ANSWER QUESTIONS

1. Briefly explain the types of party on the basis of recontingtion.
2. How many parties are reconised as National Parties?
3. Write a note on Election Commission.
4. What is the criterion to be a regional party?
5. What do you understand by One Party Domoinance?
6. What is Personality Cult in Party System?
7. When the First Split in the Congress was held?
8. What is the Party Symbol of BJP and who is the President?
9. Who demanded Sikh Homeland?
10. Which is the ruling party of TamilNadu?
11. Who is the CM of West Bengal?

SUGGESTED READINGS

- J.R. Siwach, „*Dynamics of Indian government and politics*“, sterling publishers, Delhi, 1985
- K.V Rao, „*Parliamentary Democracy of India: A critical commentary*“, the world press, Calcutta,1961
- Durga Das Basu, „*Introduction to the constitution of India*“, Prentice-Hall of India, New Delhi, 1992.
- S.S Awasthi, „*Indian Government and politics*“, Har Anand publications Revised Edition, New Delhi, 2006
- P.D Sharma and Ramesh Kumar, „*Legislature in an Indian state. A study in social characteristics*“, Asian Survey, 1992

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

UNIT 7: PANCHAYATI RAJ INSTITUTIONS: COMPOSITION, POWERS, FUNCTIONS WITH SPECIAL REFERENCE TO 73rd AMENDMENT

STRUCTURE

7.0. Learning Objectives

Key Words

Introduction

Concept of Panchayati Raj

Beginning of Panchayati Raj

Objectives of Panchayati Raj

Panchayati Raj Act, 1994

Composition and Functions of Panchayats

Gram Sabha

Gram Panchayat

Block Samiti

Zila Parishad

Check Your Progress I

Powers and Responsibilities of Panchayats

Committees Related with Panchayati Raj

Articles Related with Panchayati Raj

73rd Amendment of Panchayati Raj System

Importance

Problems and Remedies

Remedies to Remove the Defects of Panchayati Raj

Check Your Progress II

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES

After the completion of this unit, you will be able to

- understand the meaning of Panchayati Raj institutions
- understand the composition and constitutional status of Panchayati Raj institutions
- Analyze the significance of 73rd constitutional Amendment
- Evaluate the problems and contribution of rural local government

7.1 KEY WORDS: Three Tier Structure, Local self Government, Article 243, Gram Sabha, Gram Panchayat,

INTRODUCTION

All these problems related to human life are not central or national level but many issues and problems are related to local level. It is necessary that local matters and problems should be managed by local people for the success of democracy, because such problems can be understood and solved by local people. Such management is called as Local Self Government. Local self Government means that management which local needs of a village; town, city or settlement etc. should be managed by the elected representative bodies of the people living there. There are two forms of local self government in our country. One type of local government has been implemented in the urban areas and the other in rural areas. Municipal Government is called Government or urban government. Local Government in rural areas has been collectively termed as Panchayati Raj. Panchayati Raj is an important feature of the Indian political system which ensures direct participation of people at the grass roots level.

CONCEPT OF PANCHAYATI RAJ: -

Panchayati Raj is another name for local self Government established in rural India. The establishment of Panchayati Raj is not a new system. The main goal of Panchayati Raj System is to implement ‘Decentralization of Power’. It is a form of ‘Local Self Government’ in rural areas. It is to implement democracy at the grass root level. Panchayat has always existed in the Indian society since ancient times. Gandhi ji always supported the idea of Gram Swarajya. In other words, we can say that Panchayati Raj System is that system through which people participating in their own government.

BEGINNING OF PANCHAYATI RAJ SYSTEM: -

‘The Panchayati Raj system was first adopted by the state of Bihar by the Bihar Panchayat Raj Act of 1947. Later it was implemented by Rajasthan in Nagaur on 2 October 1959. Rajasthan was the first state to introduce the Panchayat in India after independence. During the 1950s and 60s, other state Governments adopted this system as laws were passed to establish Panchayats in various states. Among the Britishers ‘Lord Ripon’ suggested Local Self Government. Hence he was called ‘father of local self Government’ in India. Panchayati Raj refers to the system of local self government in India.

OBJECTIVES OF PANCHAYATI RAJ

- To enable the people of the rural areas to solve their local problems on their own.
- Involve rural people in the functioning of local level democratic institutions.
- To train the rural people to operate the democratic system.
- Ensuring collective development of rural areas.
- Decentralization of powers so that the people of the rural areas have the privilege of participating in the running of the government.

NEW SYSTEM OF PANCHAYATI RAJ AS PROVIDED UNDER THE PUNJAB PANCHAYATI RAJ ACT, 1992

The 73rd Amendment to the Constitution was passed by the parliament of India in December 1992. This Amendment made important provisions in the Constitution regarding the establishment of Panchayats for the rural areas of the states of the Union of India. The 73rd Amendment implemented in 24 April, 1993. This Amendment provided that every State Government is required to enact new laws relating to Panchayati Raj in accordance with the provisions of this Amendment. In accordance with this Constitutional provision that the Punjab Vidhan Sabha passed the Punjab Panchayati Raj Act, 1994 which came into force on April 21, 1994. Rural areas of Punjab are coming under this Act which passed by the Punjab Vidhan Sabha. A new structure of Panchayati Raj has been arranged for Punjab. According to this new structure, the following four institutions of Panchayati Raj have been established in Punjab:

1. Gram Sabha
2. Gram Panchayat
3. Panchayat Samiti
4. Zila Parishad

A brief description of the Provisions made in the Panchayati Raj Act, 1994 regarding these institutions of Panchayati Raj.

COMPOSITION OF PANCHAYATS:-

The Panchayati Raj System as established in Accordance with the 73th Amendment is a three tier structure based on direct elections at all the three tiers– Village, Intermediate and District.

GRAM SABHA-

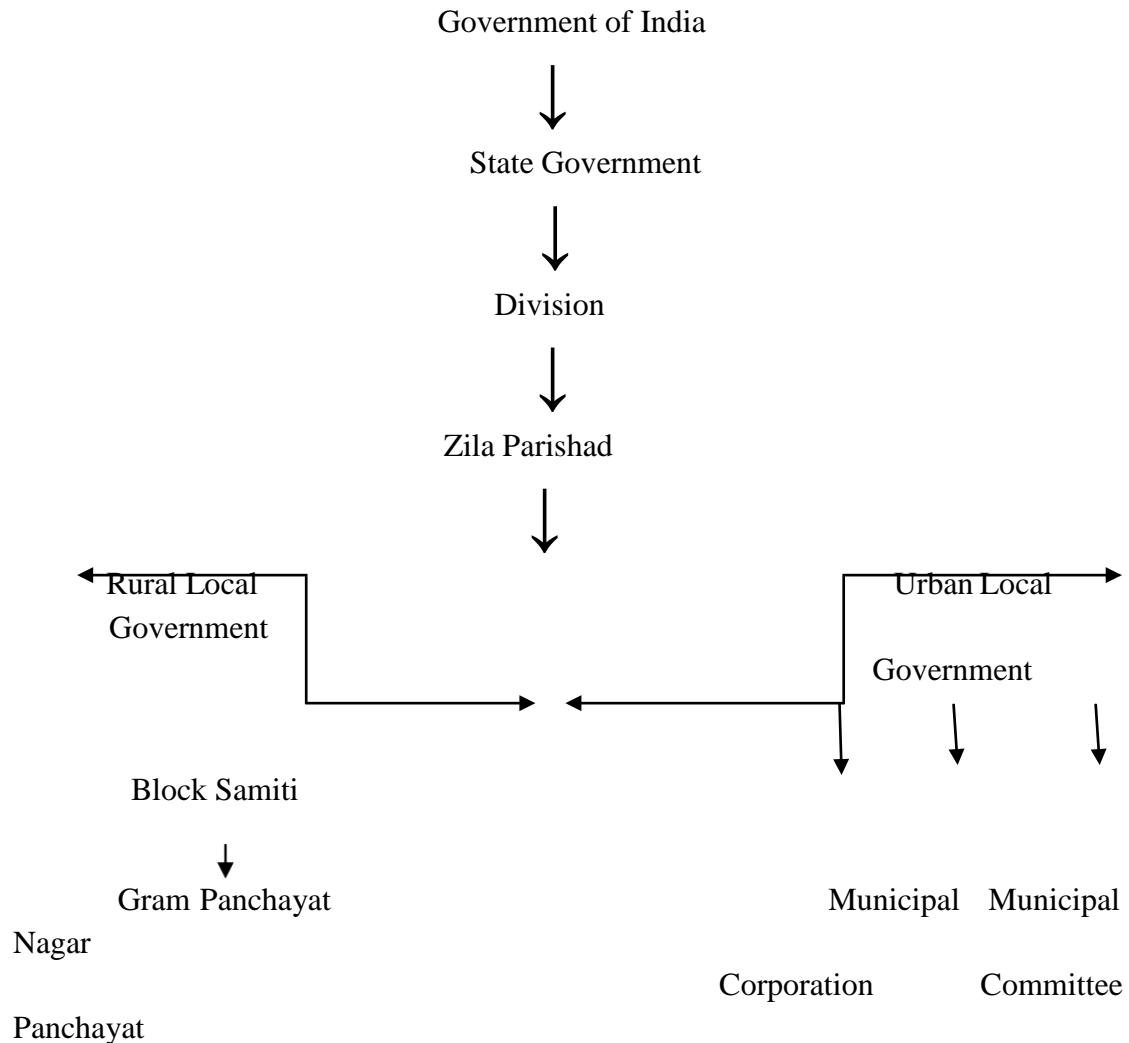
Under the Punjab Panchayati Raj Act, 1994 provision has been made that the Punjab Government should have at least 200 population may be collectively declared a Gram Sabha area by the Punjab Government cannot have a population of less than 200. The Punjab Government may establish a Gram Sabha for such area by a special declaration. The Provision of State Election Commission made under the Panchayati Raj Act, 1994. This Commission prepared the list of voters which lives in Gram Sabha areas.

Each Gram Sabha is required to hold two general meetings in a year. According to the 1994 law, one meeting must be held in December and the other in June. Gram sabha elects Gram Panchayat voting age 18 or 18 plus years of age (for member).Sarpanch is the presiding officer of Gram Sabha. One-fifth of the total members of the house have been fixed for the meeting as Quorum of Gram Sabha. Balwant Rai Committee- headed by Balwant Rai Mehta. Appointed by- government of India (Jan 1957) recommended the establishment of the scheme of democratic decentralization later known as Panchayati Raj. This led to the establishment of a three (3) tier Panchayati Raj System.

FUNCTIONS OF GRAM SABHA: - It elects the members of Gram Panchayat.

- It supervises the work of Gram Panchayat.
- It approves the Annual Budget of the Panchayat.
- To help the implementation of Development plannings belonging to the villages;
- To prepare a list of persons belonging to the village who are benefit as a result of implementation of development Schemes related to the village.
- Promoting Adult education programs and family welfare schemes within the village;
- To develop unity and harmony among all sections of the people living in the village;
- To seek clarification from Sarpanch (Head of Panchayat) and Panchs (Member Panchayat) regarding any particular activity, Plan, Income and expenditure;

Administrative Structure



VILLAGE LEVEL- GRAM PANCHAYAT

Gram Panchayat is the collection of villages, it may have one or even 5 to 7 village depending upon the population of villages as criteria is fixed by different state govt. For example- Jharkhand- Panchayati Raj Institution Act further each village will be represented by one or more ward members who will represent at Gram Panchayat level.

- Chairman of Gram Panchayat is popularly known as Mukhiya or Pradhan in most of the states.
- And the chairman may be elected directly by the people. Gram Panchayat or indirectly elected among the ward members. This depends upon the state legislature.
- For ex- Jharkhand and Bihar which few states and still have the post of Sarpanch.

FUNCTIONS OF GRAM PANCHAYATS –

Under the Punjab Panchayati Raj Act 1994, following the functions of Gram Panchayats:

- Construction ,Repair and Maintenance of community Assets;
- Agriculture, Animal husbandry, Dairying and Poultry in rural areas;
- Development of Social and Farm Forestry;
- Rural Housing, Poverty Alleviation Programme and To encourage Cultural Activities;
- Development of Education system in Rural Areas;
- Welfare of weaker Sections ;
- Implementation of Public Health and Family Welfare Programme;
- Supply of drinking water to the villages;

DIFFERENCE BETWEEN GRAM SABHA AND GRAM PANCHAYAT

Gram Sabha is the legislative body that operates at the village level, but Gram Panchayats in the lower tier of the Panchayati Raj functions at the village level.

Gram Sabha is a permanent body but Gram Panchayat is a temporary body. The Gram Sabha consists of every person whose name is registered in the voter list of the respective village but the Gram Panchayat consists of ward members and Sarpanch. The members of Gram Sabha are not elected but the members of Gram Panchayat are directly elected by the members of Gram Sabha.

INTERMEDIATE LEVEL (BLOCK SAMITI) KNOWN AS JANPAD PANCHAYAT OR PANCHAYAT SAMITI.

According to our Constitution, the state which has population less than 20 lakhs may not have this level. Therefore, SIKKIM only has 2 levels of Panchayati Raj systems. Block Samiti - Collection of Gram Panchayats. So, the members of Block Samiti are directly elected by the people of Gram Panchayats at the block level. And similar to district level, the chairman of Block Samiti (popularly known as Pramukh in most of the states) is indirectly elected among the members of Block Samiti. Provision of Reservation of seats is also made in Panchayat Samiti for the Schedule Castes, Backward classes.

FUNCTIONS OF PANCHAYAT SAMITI-

- Land improvement and irrigation, Roads, Buildings, Bridges, Ferries, Water ways and other means of communication.
- To encourage primary and secondary education
- To encourage the functions related with women and children development, Health and Family care.

- Development of cottage and small scale industries and opening of cooperative societies
- Establishment of youth organizations
- Source of Income- The main sources of income of the Panchayat Samiti are grants-in –aid and loans from the State Govt.

DISTRICT LEVEL- ZILA PARISHAD

Zila Parishad is the Panchayati Raj body at district level and it is the collection of blocks (Block Samiti) member of this body is called Zila Parishad. Zila Parishad is established by the Government in a district. Zila Parishad actually makes developmental plans at the district level. The members of Zila Parishad are directly elected by the people, however the chairman of Zila Parishad is indirectly elected among the members of the Zila Parishad, similar to the speaker of Lok Sabha and chairman is known as Zila Parishad Adhakh. Generally, the Zila Parishad consists of representatives of the Panchayat Samiti; all the members of the state legislature and the Parliament representing a part or whole of the district level officers of the Medical, Public Health, Public Works, Agriculture, Veterinary, Education and other development departments. There is also provision for special representation of women, members of Schedule Castes and Schedule Tribes provided they are not adequately represented in the normal course. The Collector is also a member of the Zila Parishad.

As per the composition of Zila Parishad Act, 1994- each Zila Parishad has the following types of members- The area of Zila Parishad is divided into as many constituencies as its members are directly elected by people. One member is elected from each constituency.

The chairpersons of all the Panchayat Samitis in a district are members of its Zila Parishad. Many provisions have been made in each Zila Parishad to reserve seats for the Schedule Castes, Backward Classes and women.

FUNCTIONS OF ZILA PARISHAD-

- It advises the State Government on all matters relating to the Gram Panchayats and Panchayat Samitis under its supervision and the needs of the rural population living therein.
- It also supervises the work of the Panchayats.
- It functions mostly through various Standing Committees which oversee and coordinate the common programmes of the villages under its jurisdiction.
- The Zila Parishad is an official body that coordinates the activities of the Panchayats in all its developmental activities such as minor irrigation works, vocational and industrial schools, village industries, sanitation, social welfare and welfare of weaker sections and social reforms activities.
- Link between Panchayat Samiti and state government.

7.6.5. CHECK YOUR PROGRESS I

1. In which year the 73rd Constitutional Amendment was implemented?

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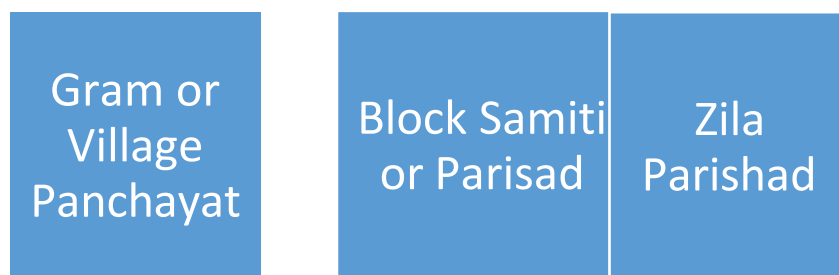
2. Write a note on Janpad Panchayat or Panchayat Samiti.

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.....

POWERS AND RESPONSIBILITIES OF PANCHAYATS –

State legislature may endow Panchayats with such powers and authority as may be necessary to enable the Panchayats to become institutions of self Government at grassroots level. Responsibility may be given to them to prepare plans for economic development and social justice. Schemes of economic development and social justice with regard to 29 important matters such as agriculture, primary and secondary education, Health & sanitation, drinking water, rural housing, welfare of weaker sections, social forestry and so forth may be made by them.

Gram Panchayat are working at the village level, the Panchayat Samiti at the Block level and the Zila Parishad at the district level. The Gram Panchayat is at the bottom of the Panchayati Raj System and the Zila Parishad is at the apex. The Panchayat Samiti (Block Samiti) constitutes the middle tier of this three-tier new set up of rural administration.



Panchayati Raj formulated in 1992 by 73rd Amendment to Indian Constitution. It is implemented in 24 April 1993.

COMMITTEES RELATED TO PANCHAYATI RAJ

1. BALWANT RAI MEHTA COMMITTEE: -

In January 1957, the Government of India appointed a committee to examine the working of the Community Development Programme (1952) and National Extension Service (1953) and to suggest measures for their better working. The Chairman of the Committee was Balwant Rai Mehta. The Committee was submitted its report in November 1957 and recommended the establishment of the scheme of 'democratic decentralization', which ultimately came to known as Panchayati Raj. Panchayat Raj divided into three tier system. Gram Panchayat, Block Samiti, Zila Parishad appointed by government of India (Jan 1957) recommended the establishment of the scheme of democratic later known as Panchayati Raj. This led to the establishment of a three tier Panchayati Raj system. Panchayati Raj System implement Nagaur district of Rajasthan 02, Oct. 1959.

2. ASHOK MEHTA SAMITI 1977

In December 1977, the Janata Government appointed the committee on Panchayati Raj Institutions under the chairmanship of Ashok Mehta. It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the PRIs. This committee recommended mainly two tiers Panchayati Raj System

- Mandal Level – Mandal Panchayat
- District Level - District Parishad

3. G V K ROY COMMITTEE 1985

This Committee to review the existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes under the Chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985. The committee came to the conclusion that the development process was gradually bureaucratized and separated from the Panchayati Raj and against the democratization of PRIs. Committee made some recommendations:

- The District is the proper unit for planning and development and Zila Parishad should become the principal body for all development programmes which can be handled at that level.
- The PRIs at the district and lower levels should be assigned to planning, monitoring and implementation of Rural Development Programmes.
- A post of District Development Commissioner should be created.

4. L M SINGVI COMMITTEE 1986 –

In 1986, Rajiv Gandhi government appointed a committee to prepare a concept paper on ‘Revitalisation of Panchayati Raj Institutions for Democracy and Development’ under the chairmanship of L.M. Singhvi.

- It recommended that PRIs should be constitutionally recognised, protected and preserved.
- Nayaya Panchayat should be established for a cluster of villages. The Village Panchayat should have more financial authority.

5. THUNGAN COMMITTEE 1988-

In 1988, a sub-committee of the Consultative Committee of Parliament was constituted under the chairmanship of P.K. Thungan to examine the political and administrative structure in the district for the purpose of district planning. This committee suggested for the strengthening of the Panchayati Raj System.

-
- PRIs should be constitutionally recognised.
- Three Tier System
- Fixed five year Term
- Zila Parishad should act as the planning and development agency in the district.
- For super session, the maximum period should be 6 months.
- A planning and co-ordination committee should be set up under the chairmanship of the minister for planning.
- detailed list of subjects for Panchayati Raj should be incorporated in the Constitution
- State finance Commission should be set up in each state.
- Reservation of seats in all the three tiers should be on the basis of population and it also extends to women.
- The district collector should be the chief executive officer of the Zila Parishad.

GADGIL COMMITTEE 1988-

The Committee on Policy and Programmes was constituted in 1988 by the Congress party under the chairmanship of V. N. Gadgill. Recommendations of this committee are

- Constitutional Status should be bestowed on the PRIs.
- Three Tier System.
- Term should be fixed for five years.
- Members of all three levels should be directly elected.

- Reservation for SCs, STs and Women.
- PRIs should have the responsibility of socio-economic development. All the related subjects should be specified in Constitution.
- PRIs should be empowered to levy, collect and appropriate taxes and duties.
- establishment of State Finance Commission
- Establishment of State Election Commission.

7.9 ARTICLES RELATED TO PANCHAYATI RAJ-

The provision for Panchayati Raj was mentioned in Article 40 of Indian Constitution in DPSP. In 1957 Balwant Rai Mehta Committee was set up to suggest provision of Panchayati Raj System. He suggested a three tier system for Panchayati Raj System. The 1st Panchayati Raj was set up in Rajasthan followed by Andhra Pradesh in 1959. After that many committees formed which made changes to the set up of local government and various articles and ne part has been added in the Indian Constitution.

Article 243- related with the Definitions of Panchayati Raj

Article 243(A):– Gram Sabha

Article 243(B):- Constitution of Panchayats

Article 243(C):- Composition of Panchayat

Article 243(D):- Reservation of seats

Article 243(E):- Duration of Panchayat and so on

Article 243(F):- Disqualification for membership

Article 243(G):- Power, authority and responsibility of Panchayat

Article 243(H):- Power to impose taxes by and funds of, the Panchayat

Article 243(I):-Constitution of finance Commission to review financial position

Article 243(J):- Audit of accounts of Panchayat

Article 243(K):-Elections of Panchayats

Article 243(L):- Application to Union Territories

Article 243(M):- Part not to apply to certain areas

Article 243(N):– Continuance of existing laws and Panchayat

Article 243(O):-Bar to interference by courts in electoral matters.

7.10. 73rd AND 74TH AMENDMENTS

In 1989, the Central Government introduced the constitutional amendments related to the local government or grass root democracy. These Amendments aimed at strengthening Local government and ensuring uniformity in their structures and functioning across the country. In 1992, under the leadership P.V. Narsimha Rao, the process of 73rd and 74th amendments of Indian constitution has been started. The 73rd Amendments is about Rural Local governments (which are also known as Panchayati Raj Institutions or PRI). The 74th Amendment made the provisions relating to the Urban Local government as a Nagar Palika. The 73rd and 74th Amendments came into force in 1993.

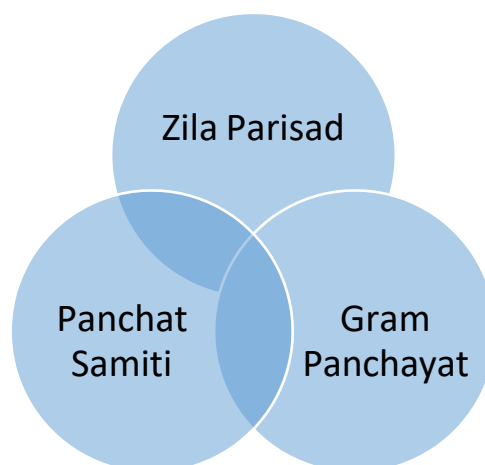
73 Amendment – In Panchayat institution three tier structure

Zila Panchayat – at the apex is the Zila Panchayat coming in the entire rural area of the districts.

The intermediary level Mandal/block-the intermediary level body needs not to be constituted in smaller states.

Gram Panchayat- a gram Panchayat covers a village or group of villages.

1. 73 RD AMENDMENT IN PANCHAYATI RAJ SYSTEM- THREE TIER STRUCTURE



- The Amendment 243(a) also made a provision for the mandatory creation of the Gram Sabha.
- The gram Sabha would comprise all the audit members registered as votes in Panchayat area.
- Its role and functions are decided by state legislature
- Elections- All the three level of Panchayati Raj Institutions are elected directly of the people
- The term of each Panchayat body is five years.

- If the state government dissolves the panchayat before the end of its five year term, fresh elections must be held within six months of such dissolution.
- Before the 73rd amendment, In many states, there used to be indirect elections to be district bodies and to be indirect elections to the district bodies and there was no provision for immediate elections after dissolution.

Reservations- One third of the positions in all Panchayati Institutions are reserved for women. For example- In 100 member leader –(35 women leader). If the state finds it necessary, they can also provide for reservations for the other backward classes (OBCs).

It is important to note that these reservations apply not nearly to ordinary members in Panchayats but also to the positions of chairperson or Adhyakshas all the three level.

Reservations of one third of the seats for women is not merely in the general category of seats but also within the seats reserved for Schedule Castes, Schedule Tribes and Backward Castes.

Importance of Panchayati Raj

According to Pandit Jawahar Lal Nehru,|| Local self government must be the basis of any system of democracy. We have got rather into the habit of thinking of democracy at the top and so much below. Democracy at the top will not be successful unless it is built on the foundation from below.||

Since 1959 to present time, the Importance of Panchayati Raj System divided given below:

- Development of Rural areas.
- Centres of democratic training.
- Proper solution of Local problems.
- Helpful to remove casetism.
- Development of new consciousness.
- Development of the feeling of self respect and prestige.
- The Burden of work of State Government is lessened.
- Cheap and Speedy Justice.
- Urbanisation of Rural Areas.

PROBLEMS OF PANCHAYATI RAJ –

The implementation of Panchayati Raj in Rural India has not been a great success. The main reason for this is that the system has faced some problems.

1. **Backwardness of the Rural People-** India is a rural country. About 80% of its population lives in villages. But compared to urban areas, the rural people are full of illiteracy, ignorance, blind word and useless rituals. The social,

economic, mental or intellectual backwardness of the rural people is a serious problem.

2. **Casteism-** The settlements of the lower castes in the villages are located separately. These upper castes rarely tolerate the lower castes as members or members of Panchayati raj Institutions.
3. **Lack of Autonomy-** Panchayati Raj Institutions are not independent in their fixed area. The state government has a lot of control over the Panchayati Raj system. The Deputy Commissioner of the district has a lot of control over these institutions. Even some of the decisions of these institutions can be rejected by him. When Panchayati Raj Institutions depend on the Government for financial assistance, then it may not be possible for these institutions to become independent.
4. **Bad Economic Condition of the people-** The economic condition of the people in the rural areas is far behind that of the people in the urban areas. Not all the people in the rural areas have their own land, but a lot of people make a living by privatizing. If the people are financially satisfied then they are more profitable in the institutions of local self government.
5. **Continuous Decline of the Standard of politics-** People of Rural areas are unable to understand the game of smart politics. The extent to which the moral and political values of our country's politics are declining has affected the functioning of Panchayati Raj institutions in the rural areas.

For the success of Panchayati Raj, it is necessary to take steps to overcome the problems. Every effort must be made to keep the Panchayati Raj Institutions away from opportunistic politics.

REMEDIES TO REMOVE THE DEFECTS OF PANCHAYATI RAJ: –

The following steps need to be taken more effectively of Panchayati Raj System

Spread of Education - Generally which people lives in rural areas, they are illiterate. Due to illiteracy, their mental development is not complete. They do not aware of their Rights and Duties. So, In order to remove all these allegations, it is necessary to expanding education in rural areas.

Training of Officers and Officials connected with Panchayati Raj:- In Panchayati Raj Institutions, Such people appointed which related to the rural areas only. People belonging to rural areas can easily understand the rural problems and such persons can also be personally helpful in solving the problems.

Less Intervention of Government:-Panchayati Raj Institutions should be given maximum autonomy. At present the government has so much control over the institutions of Panchayati Raj that it is not possible to carry out these tasks independently.

More Financial Resources- At present Panchayati Raj Institutions has minimum financial resources. That's why these institutions depend upon government grants. Unless the Panchayati Raj Institutions are given more financial resources, they will not be able to achieve their objectives of multi-faceted development of the rural areas.

About Participation of Political Parties- Political Parties should not be allowed to participate in the functioning of Panchayati Raj Institutions.

Proper Implementation of the Provisions of Seventy Third Constitutional Amendment- 73rd Amendment has been passed by Indian Parliament in December, 1992 to remove the defects of Panchayati Raj. This Amendment has made important Constitutional Provisions regarding Panchayati Raj. Those Provisions are to be implemented by the State Governments. If those arrangements are properly implemented then the Panchayati Raj system in our country will definitely become effective.

To Raise the Moral Standard of the people- It is very important to raise the moral level of the people in order to deal with the newly developed problems in the institutions. There should be no hatred on the part of women or the people of Schedule Castes, but a concerted effort must be made to rebuild the society of the rural area.

CHECK YOUR PROGRESS II

1. In Indian Constitution how many Articles related to Panchayati Raj System?

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2. Write the recommendation of Ashok Mehta Committee.

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7.13. SUMMARY

Hence Panchayati Raj Institutions is not a new term in political structure, it existence long time in all phases wherever the culture of administration developed. But with passage of development many new reforms and development slowly take place in context of management and its functions of Panchayati Raj Institutions as political structures. The Panchayati Raj bodies were expected to awaken political consciousness on the countryside and to enlarge the democratic process in rural India. Many steps have been taken to make Panchayati Raj Institutions active at local level. We have no hesitation in saying that Panchayati Raj has made a significant contribution in the rural areas. The Provisions made by the 73rd Amendment to the

system of Government will ultimately increase the importance of Panchayati Raj. Prior to the enactment of this Act, there was no detailed provision in the Constitution regarding Panchayats. Under the New Act, to fix the tenure of Panchayats have been made to make the Panchayati Raj system effective.

QUESTIONS FOR PRACTICE:-

LONG ANSWER QUESTIONS:-

3. What is Panchayati Raj System? Explain its Composition and special reference with the 73rd Amendment?
4. Define Panchayati Raj system and its powers and functions?
5. Describe Three Tier System of Panchayati Raj and its Function?
6. Illustrate the Composition and Objectives of Panchayati Raj? Explain its Remedies and suggestions.

SHORT ANSWER QUESTIONS:-

1. Who is Sarpanch?
2. Write a note on three tier system.
3. Explain Balwant Rai Mehta Committee.
4. What is Gram Sabha? What are the functions of Gram Sabha?
5. What is the difference between Gram Sabha and Gram Panchayat?
6. Write a note on 73rd amendment.
7. Which state in India is the first to implement Panchayati Raj?

SUGGESTED READINGS:

- Kuldeep Mathur, *Panchayati Raj*, Oxford University Press, India, 2013.
- S.L.Goel, Shalinli Rajneesh, *Panchayati Raj in India: Theory and Practice*, Deep & Deep Publications, New Delhi, 2009.
- G.S. Narwani, R.P.Joshi, *Panchayati Raji in India: Emerging Trends across the States*, Rawat Publications, New Delhi, 2002.
- Mridula Sharda, *Evolution of Panchayati Raj in India*, Kanishka Publications, New Delhi, 2010.
- M. Laxmikanth, *Indian Polity*, McGraw Hill Education, New Delhi, 2016.

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

UNIT 8: ROLE OF RELIGION AND CASTE IN INDIAN POLITICS

STRUCTURE

: Learning Objectives

Key Words

Introduction

Influence of caste and religion in Indian politics

Origin of Caste

Impact of British on Caste System of India

Impact on Politics

Check Your Progress I

Political Representation and Political Rights

8.4.1 Check Your Progress II

Summary

Questions for Practice

Long Answer Questions

Short Answer Questions

Suggested Readings

LEARNING OBJECTIVES

After the completion of this unit, you will be able to:

- Understand the problem of Communalism has shattered communal harmony by dividing Hindus and Muslims along religious lines.
- Analyse the communalism which detrimental to democratic and economic progress.
- Know about how the caste was formed and what the caste system was during British rule.
- Examine how caste and religion play a vital role in Indian politics.

- Identify the root cause and also to give valuable suggestions to curb the situation.

KEY WORDS: Caste, Religion, Discrimination, communalism, Dalit, Secularism

INTRODUCTION

Caste and Religion is the most ancient feature of the Indian societal system. The caste system that exists in Indian civilization is well-known around the world. The system, on the other hand, has degenerated in modern times. It was thought that after independence, the system would gradually disintegrate and have very little consequence because it was not mentioned in the constitution. Discrimination based on caste or creed is, in fact, illegal and penalized. However, over time, it has become clear that caste continues to play an important role. It continues to play an important part in all aspects of political life. Its impact is felt on all levels whether it is national, state, or local. However, caste often exerts a significant impact on the political system, with those influenced by caste refusing to vote for the most qualified candidate who does not belong to their caste.

Caste and Religion only come into play when the candidate or the political party wants to win the election at any cost without considering the interests of the people of the democratic nation. Politics has been dominated by promoting communalism and casteism. The existence of many groups tied to a caste or religion is viewed as a source of social diversity and inequities in our country. The constitution was established with the sole purpose to bring unity and integrity among all the people of the nation so that they can live with peace and harmony. Many provisions were laid down for the upliftment of the lower caste so that they should also get equal opportunities and can get rid of all the atrocities and can get equal status as everyone. According to some of the surveys that were conducted by NGOs, there exist several political parties that solely win on the existence of the caste and religion system. Amongst all these the poor population of the country is the most vulnerable among all and they can be influenced by even the smallest of the promises doesn't matter they are fake or not. Because Indian society is largely fragmented along caste, religion, class, and other categories, the real functioning of Parliamentary democracy is hampered. The basic objective of this chapter is to analyze the role of caste and religion in Indian politics and how it is the cause of worries in a democratic nation like India and what are the main reasons behind these that they are promoted by the political parties.

INFLUENCE OF CASTE AND RELIGION IN INDIAN POLITICS

According to Human Rights Watch, -India's caste system is the world's largest surviving social hierarchy.⁷⁸ We all know that India is a diverse country with 8 religions, 3,000 castes, and 25,000 sub-castes. Among the 8 religions that are

⁷⁸available at, <https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm>

followed in India, there are 1.2 billion people in the whole world who practice Hinduism and 95% of its population resides in India. Islam is the second most popular religion in India followed by 14.2% of the total population and it is the third country after Indonesia and Pakistan where Islam is prevalent in large numbers. Christianity is the third most popular religion in India with 2.3% of the population following it. Sikhism is the fourth popular religion with 1.7% of the population following it. Other religions including Buddhism, Jainism, Zoroastrianism, and other unidentified religions that comprise the remaining 2.1% of the population.

The Indian Constitution provides us the liberty to choose and practice any religion we want. The secularist ideas that preserve and undergird many of our liberties like Separation of religious and governmental institutions, as well as a public realm in which religion can participate but not control, freedom to practice one's faith or believe without causing harm to others, or to modify or abandon it as one sees fit and equality so that our religious views, whether we have them or not, do not place us at a disadvantage. Secularism is founded on religious liberty. In the United Kingdom, for example, the Church of England and the Presbyterian Church of Scotland are both officially recognized Christian denominations. In Northern Ireland and Wales, there is no established church. The 26 unelected bishops of the Church of England who sit in the House of Lords, however, have a significant impact on policies that affect the entire United Kingdom.⁷⁹

Secularism aims to maintain the absolute freedom of religion and other beliefs, as well as the right to express religious beliefs as long as it does not infringe on other people's rights and freedoms. Religious or political affiliation confers no benefits or disadvantages, and religious believers are citizens with the same rights and responsibilities as everyone else. Caste is a defining element of Hinduism, and it refers to a complex system of social groupings based on ceremonial purity. A person is regarded as a member of the caste into which he or she is born and stays a member of that caste until death, although the status of that caste may change through time and across locations. The social hierarchy of the caste is said to be originated from the Hindu religion and is divided into different hierarchical groups based on their karma i.e. work and dharma i.e. usually it means religion, here it is duty.

ORIGIN OF CASTE

The word 'caste' originates from the Spanish word "casta" which means -breed or race, so the word caste means people belonging to the same breed. A.L. Kroeber, who defined caste as -an endogamous and hereditary subdivision of an ethnic unit occupying a position of superior or inferior rank or social esteem in comparison with other such subdivisions.⁸⁰ According to Andre Beteille, Caste may be defined -as a small and named group of persons characterized by endogamy, hereditary

⁷⁹ Department of Economic and Social Affairs, -Social Justice in an Open World, *The International Forum for Special Development*, New York, 2006.

⁸⁰ A.L. Kroeber, -Caste, *Encyclopedia of the Social Sciences*, New York, Vol. 3, 1930, pp. 254-257.

membership, and a specific style of life which sometimes includes the pursuit by the tradition of a particular occupation and usually associated with a more or less distinct ritual status in a hierarchical system.⁸¹

Prof. M.N. Srinivas says, “A sociologist would define caste as a hereditary endogamous, usually localized group, having a traditional association with an occupation, and a particular position in the local hierarchy of castes. Relations between castes are governed among other things, by the concepts of pollution and purity, and generally, maximum commonality occurs within the caste.”⁸² These are the modern definitions of the caste, to completely understand the caste we have to go deep into the history where we can find out the origin of the caste.

Manuscript is widely considered as the most influential and authoritative treatise on Hindu law, "recognizes and supports the caste system as the basis of order and regularity of society" and dates back at least 1,000 years before Christ was born. The caste system divides Hindus into four main categories - *Brahmins*, *Kshatriyas*, *Vaishyas*, and the *Shudras*. Many believe that the groups originated from Brahma, the Hindu God of creation. Following is the detailed information about the four prominent castes:

1. **BRAHMIN:** It is believed that the Brahmin caste originates from the head of Brahma and that is why they are superior to other castes. This caste includes priests and teachers. In ancient times, it was believed that to be the priest was the most prestigious place one can occupy, and also the priests were the ones that were directly related to the god.
2. **KSHATRIYAS:** It was believed that this caste originates from the arms of Brahma and that is why it is second in the hierarchy, below the Brahmins. This caste includes warriors and rulers. The arms were considered to be the strongest as one fight all the wars with the arms only.
3. **VAISHYA:** It was believed that this caste was originated from the thighs of the Brahma and comes third in the hierarchy. It includes farmers, traders, and merchants. They were the backbone of the economy as a large part of the income of the constituency was generated from them only.
4. **SHUDRAS:** It was believed that this caste was originated from the feet of the Brahma and comes fourth in the hierarchy. It includes laborers of all kinds. The people of this caste did all the menial jobs that were left behind.

Apart from the main caste there existed „*DALITS*“, they were laid outside the Hindu caste system, they were regarded as ‘untouchables’ or ‘*Achoots*’. It includes street sweepers and latrine cleaners.⁸³ Almost every element of Hindu religious and

⁸¹ Andre Beteille, -Caste, Class and Power: Changing Patterns of Stratification in Tanjore Villagell, *University of California Press*, California, 1965.

⁸² M.N. Srinivas, -Caste in Modern India, *The Journal of Asian Studies*, Vol. 16, No. 4, 1957, pp. 529-548, www.jstor.org/stable/2941637

⁸³ M. N. Srinivas, -Caste: It's Twentieth Century Avatar, *Viking*, New Delhi, 1996.

social life has been governed by caste for generations, with each group maintaining a specific position in this complicated hierarchy. Rural communities have long been divided along caste lines; top and lower castes almost always resided in separate colonies, water wells were not shared, and Brahmins refused to eat or drink from *Shudras*. The system granted various privileges to the upper castes while legalizing favoured group's repression of the lower castes.⁸⁴ Several *Dalits* and other low-caste Indians have progressed to high positions in the country, including BR Ambedkar, the author of the Indian constitution, and KR Narayanan, the country's first *Dalit* president.

According to historians, official caste divisions were of little relevance to Indians until the 18th century, social identities were considerably more flexible, and people could readily transfer from one caste to another. If we desire a secular society, however, we must cease identifying ourselves primarily by religion, caste, or language and begin to see ourselves as equal citizens of one nation, both in principle and in reality. This entails mutual obligations between the state and citizens, as well as between citizens, not only in principle but also in practice. Other identities, such as religion, caste, language, and geography, will gradually fade into the background. These must be changed to ensure that citizenship rights and the responsibilities that come with them remain paramount.

8. 3.2. IMPACT OF BRITISH RULE ON CASTE SYSTEM OF INDIA

The Indian caste system is thousands of years old and is mandated by Hinduism's sacred scriptures. *Dalit* students were usually confined to the back of the classroom. Entire villages in many Indian districts remain separated by caste in what has been labelled India's "hidden apartheid."⁸⁵ The state's provision of resources and amenities reinforces "untouchability," with different facilities provided for caste-based areas. The state authority builds power, sanitation facilities, and water pumps in upper-caste areas of numerous communities and they deliberately neglect the lower caste.⁸⁶ This was done in the early nineteenth century by bringing specific and handy Brahman-Sanskrit literature, such as the *Manusmriti*, to authoritative status; the Rig Veda's alleged origin of caste was most likely inserted retroactively after it was translated to English decades later. The census helped to establish these divisions in the mid-to late-nineteenth century. Through reading what they said were India's authoritative books, the colonizers created the accepted list of indigenous religions in India - Hinduism, Sikhism, and Jainism - as well as their boundaries and rules.

What is now commonly referred to as Hinduism was a textual ideology known as "*Brahmanism*," which formulated the concerns of a small, Sanskrit-educated social

⁸⁴ available at, <https://www.bbc.com/news/world-asia-india-35650616>

⁸⁵ available at, Broken People: Caste Violence Against India's "Untouchables", *Human Rights watch*, New York, 1999.

⁸⁶ *supra* note 1.

group.⁸⁷ The goal was to categorize the entire "*Hindu*" population into these four groups. However, the population's wide range of caste identity made it impossible to neatly fit colonial or Brahman doctrine. During the mid-nineteenth century, colonizers developed or manufactured Indian social identities based on categories of convenience. This was done to fulfil the aims of the British Indian administration, which included the creation of a single society with a common law that could be readily ruled.

A vast and complicated diverse system of faiths and social identities was consolidated to a degree that has likely never been seen before in world history, entirely new classes and caste systems were created, inconsistent or distorted parts were stuffed together, new limits were formed, and adjustable boundaries were compressed. In British India, religion-based electorates and caste-based reservations made ambiguous groups solid, whereas, in independent India, caste-based reservations made ambiguous categories comprehensive. There were actual and tangible repercussions to belonging to one category rather than the other.

IMPACT CASTE ON POLITICS

India is the world's largest democracy, with a population of over a billion people and an electorate of a little over 671 million people in the last election in 2004. 'Indian democracy' carries on working despite poverty, illiteracy, corruption, religious nationalism, casteism, political violence, and disregard for law and order.⁸⁸ Two sorts of politics may be identified in any emerging political system: the politics of thought and the politics of action. One can gain valuable insight into the nature and direction of political change in such a system.

A person's socialization is influenced by the beliefs and interests of his/her caste. There are states like Haryana, Tamil Nadu, Bihar, and Andhra Pradesh that are extremely caste concerned when they are recruiting the people in their political parties. There are numerous caste-based political parties in India, each attempting to promote and safeguard the interests of a specific caste. The caste issue, in particular, has a strong influence on regional political groups.⁸⁹ DMK and AIADMK are non-Brahmin political parties from Tamil Nadu. All political parties in India use caste as a means for securing votes in elections. BSP banks upon the support of Scheduled Castes while the BJP largely banks upon its popularity among caste Hindu and the trading community.⁹⁰

Numerous caste-based pressure groups in India work to promote and protect the interests of a specific caste by exerting pressure on governments. Pressure groups

⁸⁷ available at, <https://www.bbc.com/news/world-asia-india-48619734>

⁸⁸ Lucia Michelutti, -The Vernacularisation of Democracy: Politics, Caste and Religion in India, *Exploring the political in South Asia*, 2008, New Delhi, pp. 27.

⁸⁹ Hardeep Kaur, -Role of Caste in Indian Politics, *International Journal of Current Engineering and Scientific Research*, Vol. 5, Issue 1, 2018.

⁹⁰ *ibid.*

such as the Scheduled Caste Federation, Arya Samaj Sabha, Sanatan Dharam Sabha, and others work to protect the interests of a specific community. In India, caste is a significant driver of political politics. When candidates are nominating from various constituencies, political parties consider the candidate's caste as well as the voter's caste in that constituency. As a result, this candidate will almost certainly receive votes from voters from his caste. Muslim candidates are deployed in Muslim-dominated electoral districts, while *Jatt* candidates are deployed in *Jatt*-dominated districts. Even secular parties like the Congress, Janata Dal, CPI, and CPM take caste into account when choosing candidates.

The caste system and caste identities are influenced by politics because they are brought into the political arena. As a result, rather than politics becoming caste-ridden, caste becomes politicized. This can take several forms: for example, various caste groups are required to form coalitions with other castes or communities and thus engage in dialogue and negotiation, and new types of caste groups have emerged in the political arena, such as "backward" a caste group. In this way, caste politics has aided *Dalits* and OBCs in gaining greater access to decision-making. In a democracy, politics focused only on caste identity, is unhealthy. It has the potential to draw attention away from more urgent issues such as poverty, development, and corruption. Caste division can lead to tensions, conflict, and even violence in some circumstances.

CHECK YOUR PROGRESS I

1. How Britishers changed the caste system in the 19th century?

2. What was the need to reform the caste system?

3. Mention some of the Political Parties that are based on the caste system and how they work?

POLITICAL REPRESENTATION AND POLITICAL RIGHTS

The national government of India's policy of "reservations," or caste-based quotas, is an attempt to correct past injustices associated with low-caste status. The constitution reserves 22.5 percent of federal government positions, seats in state legislatures, the lower house of parliament, and educational institutions for scheduled castes and scheduled tribes to provide for proportional representation in a specific state and

federal institutions. According to the National Commission for Scheduled Castes and Scheduled Tribes (1996-1997 and 1997-1998) reports, 54 percent of the Central Government's scheduled caste reservation quota remains unfulfilled. In the public sector, more than 88 percent of open positions are empty, while 45 percent of open positions in state banks are unoccupied.⁹¹ Brahmins made up 70% of the Class I officers in government services in 1989, although accounting for only 5% of the population. In universities, upper-castes hold 90 percent of social science teaching positions and 94 percent of science teaching positions, respectively, whereas *Dalit* representation is only 1.2 and 0.5 percent.

De facto marginalization affects *Dalits* across India in several ways. While India is the world's largest democracy, democracy has been a charade for many of its *Dalit* residents. Many people are often harassed and beaten by political party strongmen during elections to force them to vote for specific candidates. *Dalit* peasants who refuse to cooperate have already been harassed, beaten, and murdered by local landlords and police authorities. *Dalit* voters have also been punished by the police and upper-caste militias acting on the orders of influential political leaders in India's states. Police stormed a *Dalit* community in Tamil Nadu in February 1998 after it boycotted the national parliamentary elections. Women were assaulted and beaten, and cops pushed sticks and iron pipes into their mouths.

Political candidates in Bihar rely on *Senas*, citizen militias whose members threaten and kill to secure a majority vote. During Bihar's 1995 state election campaign, the Ranvir Sena, a private militia of upper-caste landlords, was responsible for the deaths of more than fifty individuals. During the national parliamentary elections in February 1998, the *Sena* was used to frighten voters in Ara district, Bihar.⁹² *Dalits* who ran for political office in village councils and municipalities through seats that were constitutionally "reserved" for them have been threatened with physical assault and even death in an attempt to get them to drop out of the race. Following the election of a *Dalit* to the village council presidency in Melavalavu, Tamil Nadu's Madurai district, members of a higher-caste group murdered six *Dalits* in June 1997, including the elected council president, who was beheaded.⁹³

Casteism is rooted in the belief of an individual to which he/she belongs by birth. Candidates are sometimes picked based on their caste. Political parties consider the caste composition of their voters when selecting candidates. Voters in many places vote based on caste and fail to select suitable candidates. When a government is formed following elections, political parties ensure that members of various castes are represented. During elections, political parties raise caste-based issues to obtain support. Until now, the castes considered lower have been marginalized. In the

⁹¹ National Campaign for Dalit Human Rights, *Black Papers: Broken Promises and Dalits Betrayed*, New Delhi, 1999.

⁹² Human Rights Watch, *Broken People*, p. 4, at https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P378_76748

⁹³ *ibid*, p. 5.

country, no single caste has a clear majority in any parliamentary constituency. To win elections, every candidate and party must gain the support of more than one caste and group. No political party ever receives the votes of all members of a caste or group. Candidates from the same caste may be fielded by multiple political parties. Many voters have no candidates from their caste, while others have multiple candidates from their community.

Unlike India, Nepal does not have any reservations or quotas in political entities, civil service jobs, or higher education institutions. Lower castes are significantly underrepresented in government, although accounting for more than 20% of the population. Since 1958, just fourteen *Dalits* have been elected to Nepal's parliament (upper house) through a nomination procedure, all of whom are men. In the House of Representatives, only one *Dalit* has been elected.⁹⁴ In addition, *Dalits* are underrepresented in Nepal's administrative and judicial systems, and discrimination still exists in the Nepal Royal Army.⁹⁵ According to an NGO research on prejudice against *Dalits* in Nepal, Brahmins make up 57 percent of parliament and 89 percent of the judiciary, although accounting for only 16 percent of the population. As a result, one-fifth of Nepal's population is effectively marginalized.⁹⁶

Tamils of Indian ancestry have lived in Sri Lanka since the eighteenth century can only become citizens by registering. They are denied the right to citizenship by descent.⁹⁷ The reservation issue provided a fertile ground for castes to play an active role in politics.

CHECK YOUR PROGRESS II

1. How do reservations work based on the caste system in politics?

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2. What are the backlashes that are faced by lower caste people in politics?

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⁹⁴Bishwakarma, "Caste Discrimination and Untouchability Against Dalits in Nepal", *Human Rights Watch*, 2001.

⁹⁵Hira Vishwakarma, "Reservations for Nepal's Dalits", *Kathmandu Post*, 1997

⁹⁶ Dalit NGO Federation, -Nepal Alternative Country Report 2001, *United Nations Committee for the Elimination of Racial Discrimination for Asian Regional Preparatory Meetings on the Occasion of the World Conference against Racial Discrimination*, Iran, 2001.

⁹⁷ Sivapragasam, "Indian Origin Tamils in Sri Lanka: An Oppressed People", Human Rights Watch, 1997.

SUMMARY

The Indian Constitution expressly declares that there is no official religion in India. We live in a "secular state." In India, people of all faiths enjoy the freedom to practice any religion they want. And these rights cannot be used as a basis for discrimination. It all begins with the concept of communalism. The concept of communalism is that one religion or ethnic group believes itself to be superior to another. And, rather than considering the larger community, believers of this religion will always align with their party. This communalism has been exploited to acquire political dominance in our country since the inception of political parties. For them, it is a means of obtaining votes based on religious beliefs. To stoke the fires of communalism, they frequently bring up issues of majority/minority religions. Instead of creating a spirit of unity, this causes division among the people. Surprisingly, it is not illegal in India to form a political party based on religion or caste. They have the right to form such organizations and parties since they are free to practice any faith, however in the pretext of preserving their member's interests. Nowhere else on the planet is caste and casteism so thoroughly ingrained in a country's society and politics.

Our caste system, which has existed since ancient times, was rigid and extensive, making its ultimate abolition impossible. We have made progress as a result of urbanization and modernity, but we have not been able to entirely eradicate it. The caste system still exists in villages and towns, even though it is nearly non-existent in major cities. Political parties make use of the fact that members of the same caste tend to vote in the same way. They pick a candidate based on his caste, not his qualifications. People from the so-called lower caste or suppressed caste now have a voice at the policy level, which is a good thing. They have spokespeople from their ranks who are familiar with their hardships and issues. Politics and caste have the opposite effect. In our country, politics has an impact on caste. Many lesser castes and sub-castes have banded together for political reasons, which is a significant move. They see that there is strength in numbers, and they build internal alliances. There is also further division taking place based on the group's political influence.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Analysis of politicizing of religion and on the need for the secular state.
2. How can caste take different forms in politics? Use an example to demonstrate your point.
3. Examine the issues that communalism poses to democracy and how secularism can help to overcome these obstacles.

SHORT ANSWER QUESTIONS

1. -Secularism is not a mainstream movement or individual's philosophy; it is one of our country's foundations. Examine the assertion.

2. Briefly examine the impact of politics on the caste system.
3. Briefly describe the elements that have contributed to India's caste system's weakening.

SUGGESTED READINGS

- A.R. Dutta, Politics in India: Issues, Institutions, Processes, Arun Prakashan, Guwahati, 2013
- Rajni Kothari, -Politics in India, Little Brown, Boston, 1970.
- W.H. Jones, -The Government and Politics of India, Hutchinson University Library, New York, 1967.
- Paul R. Brass, -The Politics of India since Independence, Cambridge University Press, 1994.
- Horst Hartmann, Political Parties in India, Meenakshi Prakashan, Meerut, 1971.
- J. Derrett & M. Duncan, Religion, Law and the State in India, Faber and Faber, London, 1966.

SEMESTER- IV

INDIAN POLITICAL SYSTEM II

UNIT- 9 ROLE OF GENDER AND REGIONALISM IN INDIAN POLITICS

STRUCTURE

Learning Objectives

Key Words

Role of Gender- Introduction

Status of Women in Indian Politics

Constitutional provisions to ensure Gender Equality

Reservation for Women in Elected Bodies

Check your Progress I

Regionalism- introduction

Meaning

Regionalism in Indian Politics

Regionalism: Causes and Remedies

Check Your Progress II

Summary

Questions for Practice

Long answer questions

Short answer questions

Suggested Readings

LEARNING OBJECTIVES:

After the completion of this unit, you will be able to:

- Understand the importance of Gender in Politics
- Examine the role and significance of Gender in Indian Politics
- Know the meaning of regionalism
- Analyze the role of regionalism in Indian Politics

KEY WORDS: Gender, Regionalism, Politics, Democracy,

9.2 ROLE OF GENDER : INTRODUCTION

Women's participation in politics of any country gives a strong message globally not only in terms of equality and freedom of liberty but also in the space provided for women in the democratic framework of electoral politics. India has one of the strongest laws that provide women a life with full honor and dignity. But the customs, patriarchal set ups and societal norms have always treated them as subordinate to men. They are always taught to be submissive. Because of unequal distribution of resources, women do not have adequate resources, be it economic, material or human. Women are expected to work in private sphere only and are generally barred from working outside their homes. Their financial dependence over men also keeps them away from strong political affiliations.

Politics as a real-world phenomenon and political science as an academic discipline are gendered. People all over the world find that the basic conditions of their lives—their safety, health, education, work, as well as access to markets, public space, and free expression—are fundamentally shaped by their identification as belonging to particular sex or gender groups. Individual bodies may be typed as male or female, masculine or feminine, heterosexual or homosexual, transgendered or non-gendered in a dizzying variety of ways across cultures and over time.

A new dimension of women in politics emerged in recent years all over the world. More and more women have now been entering into politics. Conventional politics reflected male concerns and hence women were notably absent in politics. But on the other side it is heartening to note that Indian women were among the earliest to get their political rights like right to vote without any political movement like in the United States and many Western countries.

The term 'political participation' has a very wide meaning. It is not only related to 'Right to Vote', but to participation in decision-making process, political activism, political consciousness, etc. In India, participation in voting, place in public offices and political parties has lower than men. Political activism and voting are the strongest areas of women's political participation. To combat gender inequality in politics, Indian Government gave 33% reservation in Rural Local and Urban Local Bodies.

In India, reform movements before and after independence has helped women to gain some power in politics also. After independence they have achieved an unprecedented political breakthrough with the reservation of seats for them in Panchayats and other public bodies. Women have held the posts of president and prime minister in India, as well as chief ministers of various states. Indian voters have elected women to numerous state legislative assemblies and national parliament for many decades. Welfare policies had been constructed and reinforced women's traditional position as wives and mothers. Women have struggled over issues

affecting them, especially their rights to property and vote in the 19th century and to abortion, equal pay and nursery provision in the 20th century.

The status of women in India has seen many ups and downs since ancient times from at par status in ancient history to be in veils (*Parda System*) during the medieval period. In the post independent India the status of women regained its strength and has been on a rise ever since. Women in post independent India have been participating in almost all types of economic activities, day-to-day household responsibilities, voting for better governance and also in active politics. India has elected a women Prime Minister, Indira Gandhi, and a women President, Pratibha Patil. In the present Central Government, women comprise roughly quarter of the Indian Cabinet with portfolios like external affairs, commerce and human resource development. At the ground level, India has a significant proportion of women in local level politics which have been achieved by reserving seat for women.

“It is very difficult for a woman to make up her mind to enter in the politics. Once she prepares herself, then she has to prepare her husband, and her children, and her family. Once she has overcome all these obstacles and applies for the ticket, then the male aspirants against whom she is applying make up all sorts of stories about her. And after all this, when her name goes to the party bosses, they do not select her name because they fear losing that seat.” The above quote of Sushma Swaraj (Union External Affairs Minister) gives a glimpse of reality that how women have to face so many problems and criticisms while entering the politics. India, being the largest democratic country in the world has very low representation of women in politics.

Gender in politics in the case of India plays an important role, from participation in politics to politics of participation. A double-edged sword has been seen affecting women’s involvement in Indian politics. By becoming Pradhan or a ward member in a Gram Panchayat or any other civic body, or a member of State Assembly or Parliament, it augments respect within the family as well as in the community at large besides increasing their self-esteem, confidence and decision-making ability.

The Constitution of India attempts to remove gender inequalities by enshrining fundamental rights for all citizens, but still women are unable to access these rights. India is ranked 87 out of 144 countries in the Global Gender Gap 2016, by the World Economic Forum which measures how women fare in economic participation, health, education and political representation. But recently, India ranks 140 of 156 countries in the World Economic Forum’s Global Gender Gap Report 2021. The country has fallen 28 places, making it one of the worst performers in South Asia, behind Bangladesh, Nepal, Bhutan, Sri Lanka and Myanmar. South Asia, in itself, is one of the worst-performing regions, followed only by the Middle East and northern Africa.

STATUS OF WOMEN IN INDIAN POLITICS:

Voting percentage for women have increased in assembly polls besides their participation as candidates and the possibilities of their victory are substantially low. From Sharmila and Najima in Manipur, in the absence of funds, they are campaigning for elections on bicycles. Most of the 'winnable' women candidates come from political families. Many women who are made to file nominations from certain constituencies cannot even retain their deposits. India ranks 103rd in the Women in Parliament study. In the Lok Sabha, out of the 543 members, only 79 are women. In the Rajya Sabha, there are only 29 female MPs among 243 members.

List of elected Women in Lok Sabha

Lok Sabha	Year	Total strength	Women representation	Percentage
1 st	1952	489	22	4.4%
2 nd	1957	499	27	4.05%
3 rd	1962	499	34	6.7%
4 th	1967	520	31	5.8%
5 th	1971	518	22	4.9%
6 th	1977	542	19	3.8%
7 th	1980	525	28	5.7%
8 th	1984	529	44	7.9%
9 th	1989	525	27	5.2%
10 th	1991	511	39	7.6%
11 th	1996	543	39	7.4%
12 th	1998	543	43	8.1%
13 th	1999	543	49	9.2%
14 th	2004	543	45	8.7%
15 th	2009	543	58	10.7%
16 th	2014	543	62	12.2%
17 th	2019	543	78	14%

The above given table shows the progress in participation of women in Indian parliament's lower house.

CONSTITUTIONAL PROVISIONS TO ENSURE GENDER EQUALITY

There is not only to provide food, shelter, cloths and safety for women, but also for emancipation and empowerment of through better education and similar employment opportunities. Women are more important for the existence and keep the society going. So, women's welfare and development have been a matter of great concern. The Constitution of India has made certain provisions to protect the interest of female population.

The preamble promises to security for all its citizens, political, economic and social justice and liberty of thought, expression, belief, faith and worship, equality of status and opportunity and to provide fraternity assuring the dignity of individual. Fundamental rights and directive principles of state policy are providing equality and liberty to all its citizens. The state shall not discriminate against any citizen on ground of sex, religion, among other things. Besides, Government of India adopts the policy of positive discrimination to uplift the weaker sections of society for development of nation. So, there is a provision in Indian Constitution to permitting positive discrimination in favors of women through reservation in various fields, if such discrimination found requisite.

- **RIGHT TO EQUALITY:**

Article 14 to 18 of the constitution guarantees the right to equality to every citizen of India. Article embodies the general principals of equality before law and prohibits unreasonable discrimination between persons. This article declares that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

- **PROHIBITION OF DISCRIMINATION –**

Article 15 (3) is one of the two exceptions to the general rule laid down in clause (1) and (2) of Article 15. It says that nothing in Article 15 shall prevent the State from making any special provision for women and children. Women and children require special treatment on account of their nature .Article 15(3) empowers the state to make special provisions for them. The reason is that –women's physical structure and performance of maternal functions place her at disadvantage in the struggle for subsistence and her physical well being becomes an object of public interest land care in order to preserve the strength and vigor of the race.

- **EQUALITY OF OPPORTUNITY IN PUBLIC EMPLOYMENT:**

Article 16(1) guarantees equality of opportunity for all citizens in matter of Employment or Appointment to any post under the state. Clause (2) says that no citizen shall, on grounds only on 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.

- **RIGHT TO LIFE AND LIBERTY**

A bare reading of Article 21 of the constitution of India provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. In *Gopalan vs State of Madras* (1950) SCR 88, it was held that the object of Article 21 is to prevent encroachment upon personal liberty by the Executive to save in accordance with law and in conformity with the provisions thereof. The protection of this article is available to citizens as well as non citizen.

- **DIRECTIVE PRINCIPLES OF STATE POLICY**

Apart from fundamental rights enshrined in part III of the Indian Constitution which provide rights to women as the men rather pay special attention, Part IV of the constitution has some special provisions for the welfare of women and to improve their social and economic status. These Directive Principles of State Policy lay down certain obligations on the state.

Article 38 clause (2) promote the welfare of the people by securing a social order permeated by justice- social, economic and political and to minimize inequalities in income, status, facilities and opportunities. To secure the rights of women there is a provision of equal pay for equal work for men and women.

- **EQUAL PAY FOR EQUAL WORK**

The phrase Equal pay for Equal Work means that every individual who has been employed for the work which is allotted to him should be given sufficient pay as that of others. There should not be any discrimination while payment of wage. It is most commonly in the context of sexual discrimination, in relation to the gender pay gap. The equal pay is governed under the Equality Act of 2010 which gives a right to equal pay between women and men for equal work. This covers individuals in the same employment and includes equality in pay and all other contractual terms.

RESERVATION FOR WOMEN IN ELECTED BODIES

The original idea for The Women Reservation bill was originated from a constitutional amendment which was passed back in 1993. In 1994, the 73rd and the 74th constitutional amendments act were ratified to the Indian Constitution, granting women 1/3 reservation in rural and urban democratic bodies. The Women's Reservation Bill was initially introduced in the parliament on September 12, 1996. The bill was introduced in Lok Sabha by the United Front government of HD Deve Gowda. The main aim of this bill is to reserve 33 percent seats in Lok Sabha and all state legislative assemblies for women. Reservation Criteria- As per the bill, the seats will be reserved on a rotational basis. The seats would be determined by a draw of lots

in such a way that a seat would only be reserved once in every three consecutive general elections. Again in 1998, NDA-I introduced the bill without any success. Thereafter, the Bill lapsed and was reintroduced – in 1999, in 2002 and 2003. UPA-I government, led by Congress, again introduced the bill to reserve seats for women in Lok Sabha and legislative assemblies in May 2008. After its reintroduction, the bill was passed by Rajya Sabha on March 9, 2010, but was still left pending in Lok Sabha. A few regional parties like and RJD Samajwadi Party (SP) has been one of the vocal opponents for the Women’s Reservation Bill.

Indian Government initiates various programmes and schemes for women’s upliftment through different departments. The government in different plan document enunciated the policies advocating women’s issues. The government also tried to create an environment in which women’s issues can be reflected and articulated.

There is a need for Women's participation in Indian Politics. The Constitution of India guarantees equality for both men and women and the participation of women is crucial in the policy formulation and regulation as they represent nearly half of total population. They could act as role model for women empowerment and could bring behavioural change in the society towards the women. More policies relating to women’s safety, education, child care, MMR, child marriage, domestic violence etc can be framed if women are involved in decision making owing to their emotional quotient towards these issues.

Various studies on Panchayat Raj Institutions have shown the positive effect of reservation on women empowerment. In the absence of gender equality and women empowerment, human rights remain in an inaccessible realm. Patriarchal society confines women to the four walls of domestic life and prohibiting them from process of decision making. Representation in parliament and state legislative assemblies is low. Women’s representation in the Lok Sabha is merely 14%. Normally Women candidates who generally win elections are used as proxy by male members in their family. In many villages of Uttar Pradesh, where women are chiefs of village Panchayat, their husbands introduce themselves as *pradhan pati* (husband of the Panchayat chief). It is common all over India.

CHECK YOUR PROGRESS I

1. How many women were elected in 7th Lok Sabha elections?

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2. When the Women’s Reservation Bill was initially introduced in the parliament?

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REGIONALISM: INTRODUCTION

Regionalism is a major factor in Indian politics like communalism, casteism, religion, linguism etc. Regionalism has been traditionally present Indian Politics and the federal structure was governed by this factor. However its emergence as a negative factor of Indian Politics has been a post 1947 phenomenon. Constitution makers were very much aware about this and to keep under control the forces of regionalism, they preferred to adopt the unitary spirit with federal structure which called Quasi Federal System. Not unitary like China and Britain neither federal like United States of America. The mixed system was considered a desirable means for channelizing regional forces into the national main stream. Unfortunately, however, the system has not been successful in producing desired results. The emergence and increase of demands for separate independent states out of India, full statehoods has also been demanded for different areas, as well as demands for regional autonomy, and advocacy of regional interests over and above the national interests. All these interests reflect the presence of strong and even dirty and narrow regionalism.

MEANING

To understand regionalism, it is necessary to understand various dimensions of the region. Region as a geographical unit, is delimited form each other. Region as a social system, reflects the relation between different human beings and groups. Regions are an organized cooperation in cultural, economic, political or military fields. Region acts as a subject with distinct identity, language, culture and tradition. Regionalism in its positive sense, It means someone's love for an area where he is living or a particular region which one belongs. It is something natural. To protect and promote the interest of their state is very much natural phenomenon like Punjabi people love and adore their culture, religion, food and their attire. To secure the interest of their state and identity is a natural objective before all inhabitants. If they want to explore these things, nothing is wrong in it. This type of regionalism has to be accepted as a natural feature of Indian Federalism.

In the negative sense, which is prevalent in the present scenario, Regionalism means love for one's own region over and above the interests of other regions or nation as a whole. In this point of view, region is taken to mean a particular territorial area whose inhabitants have close cultural, Socio-economic, linguistic, Historical, Religious and various other links among them and who considered themselves distinct, different from other areas. When people raised narrow and parochial issues which are against the national interest and also opposed the interest of peoples of other regions, it is equivalent to negative and aggressive regionalism. It poses a big threat to the unity and integrity of the nation and weakens the strength of nation as well.

REGIONALISM IN INDIAN POLITICS

Regionalism plays major role in Indian Politics. It is a big hurdle in the process of national integration and nation building. It continues to plague Indian political system in various forms. Roots of regionalism is in India's multiple variety of languages, cultures, ethnic groups, communities, religions and so on, and encouraged by the regional concentration of those identity markers, and fueled by a sense of regional deprivation. For many centuries, India remained the land of many lands, regions, cultures and traditions. Regionalism has remained the most convincing power in Indian politics ever since independence. It has remained the main basis of many regional political parties which have governed many states since the late 1960s.

1. DEMAND FOR REGIONAL AUTONOMY WITHIN A STATE:

Some states of India demands autonomy and their people are agitating continuously for the cause. India has variety of cultures, languages, and religions which make the people different from each other. Their distinctiveness makes them aware about their identity and they want to end all types of injustice which they feel due to their uniqueness. The genesis of such demands lies in the regional imbalances resulting from an uneven development of some part of some states. In West Bengal, the Gorkhaland demand was based on this principle.

2. DEMANDS FOR SEPARATE STATEHOOD WITHIN THE INDIAN TERRITORY:

After the reorganization of states in 1956, there still continues to be demand for separate statehood in various parts of the country. The rising number of states from 16 in 1956 to 28 states at present tends to confirm this statement. In 1966, Punjab was reorganized into Punjabi speaking Punjab, Hindi speaking Haryana and Hilly areas into Himachal Pradesh. Like Punjab many other states get their statehood.

3. INTER- STATE DISPUTES AS A MANIFESTATION OF REGIONALISM:

The forces of regionalism in India are also visible in the inter-state disputes. For example, the State of Punjab and Haryana still involved in dispute over the issue of transfer of Chandigarh to Punjab and certain areas like Abohar and Fazlika to Haryana. The boundary disputes between Karnataka and Kerala on Kasargod, Rangma reserved forests in Rangapani Area is the matter of dispute between Assam and Nagaland, Hakumari and Jingiran river areas of Garo hills is an issue of clash between Assam and Meghalaya and so on. Dispute over River water between different states reflects regionalism. The states which are parties to these disputes act under the influence of regionalism and each wants to gain over and above the other.

4. SONS OF SOIL PRINCIPLE AS A MANIFESTATION OF REGIONALISM

Principle of Sons of Soil is another popular form of regionalism in India. Different regional political parties strongly support and favor the sons of soil principle. Under this, the states impose residential and domicile restrictions for the state level appointments. This principle has constitutional base and state governments make rules and regulations regarding employments. Special provisions regarding Jammu and Kashmir, Nagaland, Sikkim, Himachal Pradesh and some others have been based upon this principle. This principle reflects narrow regionalism. Many states like Assam, Odisha, Maharashtra, Manipur etc. always demand that ‘outsiders’ and ‘foreigners’ should quit their state.

5. AGGRESSIVE REGIONALISM:

In India, the presence of militants, violent and aggressive regionalism in various states like Shiv Sena in Maharashtra, Tamils in Tamil Nadu, Hindu Sena in some Northern Indian States etc, is another example of aggressive regionalism. These Senas came into existence due to regional imbalance which encouraged skilled people to move to other regions. As a result, people belongs to some regions adopt a hostile attitude towards these people and seek protection of their own group interests. They start looking towards the migrants as enemies of their sons of soil. For instance, in 1960, violent anti Bengali riots took place in Assam.

6. LINGUISTIC REGIONALISM

Language is still a formidable basis of regionalism. Language based reorganization of states has been the responsible for development. This policy has been instrumental in setting the stage for the emergence of small states in the Indian Union. In bilingual states, linguistic riots fallout this policy. It also result the violence against linguistic minorities within the state.

REGIONALISM: CAUSES AND REMEDIES

Regionalism in India is a big threat to the Unity and Integrity to the Nation. It is a big hurdle in the process of development. The presence of narrow regionalism has various reasons. Whereas, in federal system presence of some regionalism is natural but on the other hand aggressive and narrow regionalism slow down the growth of country. The following reasons and solutions can be considered:

Discrimination or Cultural Dominance:

Regionalism could have grown in India, if any state/region had felt that it was being culturally dominated or discriminated against.

Regional Economic Inequality:

Regional economic inequality is a potent time bomb directed against national unity and political stability. But, this potential cause did not take shape of regionalism, because of government steps, which focused on the balanced regional development and fulfilled the aspiration of states.

Regional Imbalance:

Inter- states disparities in income have been become a big reason of regional imbalance. The gap has been widening day by day.

Centre tried to act as big brother of sates:

The centre always acts as big brother in the regional issues. In present time powers have been shrinking in the hands of union and federal structure face severe challenges.

States are being treated unequally due to dirty politics:

Sometimes centre partially distributes the funds and aids of same party ruling states. Due to this reason states feel discriminated and this fact fueled the feeling of regionalism.

Indian History of regionalism:

Regionalization of history, education and culture has been a source of regionalism. The practice of projecting heroes of national movement as Punjabis, Bengalese or Marathees boosts regionalism among the people.

Cultural and Linguistic diversities:

India is a country with various diversities on the basis of language, culture and religion which develops feeling of regionalism because same culture, language and religion have the feeling of belongingness and others are treated as outsiders. On the basis of these differences, political parties provoked them against each other to seek political benefits and instill them with the feeling of regionalism.

REMEDIES:

Bridging of Regional Imbalance:

Inter-Sate differences in income have been a bitter truth of Indian Politics and it is a sad fact that the gap has been widening. Regional imbalance should be corrected through special remedies and development plans.

Disciplined role of Political Parties:

Almost all the political parties have been guilty of using the regional, sub-regional communal issues for their electoral gains. I must be stopped by them voluntarily since

it strengthens regionalism and add to the problems that these parties inherit at the national level.

Securing of Socio-Economic Justice:

Feeling of Socio-economic injustice among states is the big reason of regionalism it must be checked by the union government. Bihar, Odisha, Madhya Pradesh are some examples of where socio-economic injustice becomes a reason of regionalism. Effective steps should be taken to eliminate the injustice.

Centre should never try to act as a Big Brother of States:

The centre must never be act as big brother rather gives them full authority in their respective jurisdiction and always ready to play a role of arbitrator in their clashes. It should refrain from building up centralism in the name of national unity.

Democratic Federal Constitutionalism: Erosion of democratic institutions has been definitely been a factor of regionalism. The need is for a fair dealing with every state.

Development of a national language:

Linguistic reorganization of states has been a mistake because it strengthens the parochial form of linguistic regionalism. By developing a common national language and through reforms in the educational system, this type of regionalism can be checked from acting as an anti- national force.

Development of a spirit of Cooperative- Competitive Federalism:

To handle the problem of narrow regionalism, we should adopt a Cooperative-Competitive Federalism. Some regional parties operating at the state level definitely act as agents of regionalism. Efforts should be made to develop a spirit of oneness among all and cooperative competitive federalism should be realized.

End the policy of Appeasement: The policy of Appeasement of the minorities by political parties for securing electoral benefits always supports negative regionalism. They must be stopping this practice. They should ignore short term electoral gains in favour of long term national interests.

CHECK YOUR PROGRESS II

1. What do you understand by Sons of Soil?

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2. What was the base of reorganization of Indian State?

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SUMMARY:

Women are seen as "home makers and care takers" and any deviance from this role is not acceptable in Indian society. Way forward providing quality education to women in the country and awareness about their rights and privileges as mentioned in the Constitution can only be ensured. Once women are appropriately educated, many problems eradicated automatically. Gender-based violence should be addressed on a priority basis to promote gender equality in the social and political arenas. It is imperative to strengthen National Mission of Empowerment of Women functioning and implementation. A critical mass of women in power can bring about transformation in leadership. Just like the recent success of women's movement to enter the sanctum sanctorum of *Dargahs* (religious places belong to Muslim Saints) and Temples, a similar movement needs to begin to increase women's participation in electoral politics.

In the end it can be said that regionalism may be good or bad for a country. Constitution of India under Article-19, gives every citizen a fundamental right to move around and settle down peacefully any part of the country being a citizen of India everyone should respect this fundamental right of every person. This is the need of the hour is to develop all regions of India without any discrimination, through devolution of power to local governments and empowering people for their participation in decision-making. The governments at state level required to find out the substitute resources of energy, source of employment for local people.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS

1. Discuss the role of Gender in Indian Politics.
2. Critically examine the impact of Gender on Indian Politics.
3. Describe the Regionalism.
4. What is regionalism? Discuss its causes and effects on Indian Politics.
5. Critically evaluates the concept of regionalism.

SHORT ANSWER QUESTIONS

1. What do mean by gender politics?
2. How many Women got elected in 14th Lok Sabha elections?

3. How many seats are reserved in local bodies?
4. What is regionalism?
5. What is state Autonomy?
6. What is the policy of Appeasement?

SUGGESSTED READINGS

- A.R. Dutta, Politics in India: Issues, Institutions, Processes, Arun Prakashan, Guwahati, 2013
- Rajni Kothari, -Politics in Indiall, Little Brown, Boston, 1970.
- W.H. Jones, -The Government and Politics of Indiall, Hutchinson University Library, New York, 1967.
- Laxmikant: Indian Polity, McGraw Hill Education, New Delhi, 2013
- D.D. Basu: An Introduction to the Constitution of India, New Delhi, Prentice Hall, 1994
- K. K. Ghai, Indian Government and Politics, Kalyanai Publishers, Jalandhar, 2018

SEMESTER –IV

INDIAN POLITICAL SYSTEM -II

UNIT 10 EMERGING TRENDS IN INDIAN POLITICS

STRUCTURE

Learning Objectives

Key Words

Introduction

Meaning of trends in politics

Check Your Progress

Summary

Questions for Practice

Long Answer Questions

Short Answer Question

Suggested Readings

LEARNING OBJECTIVE

After the completion of this unit you will be able to:

- Understand the meaning of Democracy in its different aspects.
- Identify major problems and challenges being faced by Indian Politics.
- Recognize the corrective measures for improving the Indian Politics.
- Evaluate the strengths and weaknesses of Indian politics.

KEY WORDS: Trends, politics, political parties, political leaders, Caste, religion

INTRODUCTION:

Change is the law of nature. No human society can be static rather dynamism is to be universal characteristic. The Indian political arena has witnessed some new characteristics in the 21st century that are not to be truly democratic. The chief characteristic of politics is that its nature keeps on changing with passage of time and situation and this is position of Indian politics. Before and after independence the

nature of Indian politics was different. Since independence numerous trends in Indian politics have emerged from time to time.

MEANING OF TRENDS IN POLITICS

Politics is a struggle for power. It is a struggle for power and it concerns with what, when and how as political power in society. Whenever, in the game of politics, the means and methods of gaining and maintaining power developed, these are termed as trends of politics of a country. With the passage of time, new situations are emerges in politics .The new trends do not get well established very soon rather they take sufficient time to penetrate in to psyche of the people. The developing trends in politics are known as emerging trends in politics. Some of the emerging trends of Indian politics may be summarized as follow:

1. POSSIBILITY OF RE-EMERGENCE OF SINGLE DOMINANT MULTI- PARTY SYSTEM:-

For a long time, the monopoly of congress remained both at the centre and in the states and this era is known as the era of one party dominance. But, this trend suffered a serious set -back and for some years it was not in practice in our country. From 1989 to 26th may 2014 there remained coalition governments in power. Two alliances that is N.D.A and U.P.A held the sway during this period. But results of 16th Lok Sabha elections announced on 16th May 2014 once again witnessed the re-emergence of one dominate party in multi- party system of India and many regional parties were completely washed out in hunting and three national parties also suffered electoral set back to this extent that they were likely to lose the status of being national parties of the country. They were communist party of India, Bahujan Samaj party and nationalist congress party. All this is an indication of re- emergence of one dominant party in India.

2. INCREASING NUMBER OF REGIONAL POLITICAL PARTIES:-

The number of regional political parties in Indian politics is increasing day by day. Right from the beginning in 1952 the number of state parties was alarming. At the time of 16th Lok Sabha elections the number of state parties was 3000, which were registered with the election commission. Out of them only 56 were given recognition by the election commission. So, there is an urgent need to check the growth of reasons which give rise to the state parties.

3. INCREASING IMPORTANCE OF REGIONAL PARTIES:-

The importance of regional parties has been increasing to the extent that government of more political parties is in power in states than these of national parties. Regional

political parties have started playing an important role in forming the government at the centre since 1989. The regional political parties have been participating in the union government continuously since 1996. Nearly 24 regional political parties joined the government of national democratic alliance led by sh. Atal Behari Vajpayee leader of the Bharatiya Janata party on May 2004 and again in May 2009, 12 regional parties joined the U.P.A formed under the leadership of Dr. Manmohan Singh. The government formed by sh. Narendra Modi on 26 May, 2014 was also a coalition government and some of the regional parties representatives participated in the government.

4. PERSONALITY CULT IN INDIAN POLITICS:

Before independence there were few individuals like Mahatma Gandhi, Pandit Moti Lal Nehru, Pandit Jawaharlal Nehru, Subhas Chandra Bose etc. who were dominating the Indian politics. After the Independence Pandit Jawaharlal Nehru, his daughter Mrs. Indira Gandhi, his grandson Rajiv Gandhi and his wife Sonia Gandhi, her son Rahul Gandhi and her daughter Priyanka Vadhera dominated the Indian politics for a sufficient long time. Leaders like Atal Behari Vajpayee, L.K Advani and other leaders of leftist ideology dominated the electoral politics in India. For the past so many years the factor of personality cult had been dividing, but all of sudden a single individual of Bharatiya Janata Party came to be symbolized with the factor of personality cult. He was none else but sh. Narendra Modi, the present prime minister of the country. The elections to the 16th Lok Sabha revolved around the personality of sh. Narendra Modi. Such a political scenario was created that Modi was everywhere. The people of India could see crowds after crowds crying for Modi and Modi. All this made the elections of the 16th Lok Sabha concentrating on one personality.

5. CHANGING CHARACTER OF MULTI PARTY OPPOSITION:-

Because of too many political parties, votes of people get divided. Under such conditions these candidates who do not have a clear majority come out victorious. In this situation some political parties form the government and other political parties act as an opposition. The opposition possesses a multi-party character in the parliament of India. Though only one political party is recognized officially as an opposition party in the Lok Sabha, but in the reality many political parties act as an opposition. This type of situation weakens the Indian democracy. Because political parties have mutual differences on one point, these parties spend their times less in making constructive criticism of the government and more in pushing one another behind.

6. INCREASING THE ROLE OF CASTE IN POLITICS:-

Casteism has been dominating Indian politics for the last few years. In spite of many laws against casteism, India has experienced a great number of bad effects of

casteism. Politicians use caste feelings to get maximum votes in the general elections. There are many caste-based political parties. The policy of reservation of seats for scheduled castes in legislatures and services also has increased the importance of caste factor in politics. Though in the 16th Lok Sabha elections parties based on caste has suffered heavy loss. But a political party being in favor of Hindus got thumping majority in the Lok Sabha.

7. ROLE OF RELIGION IN POLITICS:-

Religion is also a dominating factor in the Indian politics. There are many political parties which use the religious feelings of the people in elections. Religion based parties cannot lose their political shine with a single stroke. Religion is deeply inscribed in the minds of Indian people and the parties based on these factors shall lose their hold in politics very gradually, if the Indian people work seriously towards that direction.

8. CRIMINALIZATION OF POLITICS:-

Criminalization of the Indian politics is the only major responsible for bad condition of law and order in the country. Such persons are holding offices in political parties against whom there are several cases of criminal scams and rape etc pending in courts. The election commission suggested that person against whom there are criminal cases should not be permitted to contest elections. In spite of this no legal actions could be taken in this regard, because political parties are not unanimous on depriving criminals.

9. ALLIANCE POLITICS:-

Elections in 1989 led to the new trend in Indian politics and era of coalition government started with the elections of 1989, a long phase of coalition politics began in India. Since then, there have been many governments at the centre, all of which have been coalition governments.

10. POLITICAL FALLOUTS:-

1980 onwards the caste based politics dominated Indian politics. In 1989 and 1991, this was the first time in independent India that a political party (BSP) supported by *Dalit* workers had achieved a landmark political success. In many parts of India, Dalit politics and OBC politics have developed independently and often in competition with each other.

11. EMERGENCE OF A NEW CONSENSUS:-

Analysis shows that since 1989 election, the votes polled by the two parties, congress and BJP were not more than 50 percent. The political competition during these days is divided between the coalition led by BJP and the coalition led by congress.

12. ISSUES OF DEVELOPMENT AND GOVERNANCE:-

A major change in Indian politics after 2014 is the shift from caste and religion based politics to development and governance oriented politics with its pre-intended goal *Sabka sath, Sabka Vikas*, the NDA III government started several socio-economic welfare schemes to make development and governance accessible to the masses such as Pradhan Mantri *Ujjwala Yojana, Swachh Bharat Abhiyan, Jan-Dhan Yojna, Deendyal Upadhayaya Gram Jyoti Yojna, Kisaan Fasal Bima Yojna, Beti Padhao, Desh – Badhao* etc. All these schemes intended to take administration to the door step of the common mass by making the rural households, particularly the women, real beneficiaries of the centre government schemes.

13. INCREASING ROLE OF MONEY POWER:-

Money power plays an important role in Indian politics. The opposition accuses the ruling party of political corruption. They opine that ruling party, under its political patronage, collects huge sums from business enterprises and industrialists. The ruling parties to accuse the opposition of such allegations. All political parties have spent crores of rupees in last general elections. The increasing powers of money in Indian politics have made the elections a contest for notes than a contest for votes.

14. DECLINE OF LEFTIST PARTIES:-

Today the leftist parties like the communist party of India, Parja socialist, Sayukta samajvadi party, forwarded party and Republican parties are not only declining rather they are becoming irrelevant in Indian politics. They have supported congress led central governments from time to time but they have never joined the government at all. In the states of Kerala and west Bengal they had been ruling parties but in other states of India they had very nominal influence. With the adoption of new economic policies by the government of India the leftist parties have almost lost their relevance. In the 16th general elections the performance of leftist parties was drab.

15. VALUES LESS POLITICS :-

Many critics comment on the nature of Indian politics that the nature of Indian politics is very unnatural and made its point that Indian politics has neither moved on any principles nor ideological direction, rather it is continuously moving where ever its political leaders wanted to move it. They only fulfill their political motives. The

Indian politics has thrown its black face to the present generation that is a politics of scams and scandals.

16. DECLINE OF CONGRESS:-

During late sixties, the dominance of the congress party was challenged, but the congress under the leadership of Indira Gandhi, managed to re-establish its predominant position. After elections of 1989 political development in India initiated. In the era of coalition government at the centre, regional parties played a crucial role in forming ruling alliances.

17. POLITICAL PARTIES BEING NATIONAL ONLY IN THE LEGAL SENSE, BUT NOT REALLY NATIONAL IN THE TECHNICAL SENSE OF THE TERM.

While analysing the political parties of India we, according to the law of the Election Commission, accept those parties as national parties which fulfill the requisite conditions laid down by the Election Commission. Presently in the record of the Election Commission there are six national political parties. They are national because of the fact that the Election Commission had extended its recognition to them as national political parties since they fulfill the criteria laid down by the Election Commission. But in actual practice except Congress no other recognized National Political Party has the wide spread national support base. Congress too do not enjoy mass-support base throughout the country but still it goes in its favour that it makes its existence realized, may be nominal, in almost all parts of the country. The trends of Indian politics establish the fundamental trend concerning political parties is that our politics is in dire need of really and actually national political parties.

18. TENDENCY OF THE POLITICS OF VOTES.

It has been a common trend in the Indian politics that political parties determine their programme to get maximum votes of people. It is necessary for every political party to strive for votes, but when the whole of politics begins to encircle round the votes of people, several matters of national importance are also sacrificed for politics. For the last few years, the Indian politics has been becoming the politics of votes. The nation is facing several important and serious matters. But different political parties, before expressing their view-point regarding those matters, make an estimate what effect their view-point will cast on people. Political parties think that their views should not harm their vote-banks. So they do not express openly and frankly their views and policies on important national matters. We can take the example of Punjab problem. Almost every political party hesitated to express its views openly because it suspected bad effect on its vote-bank. Such a situation was created because our politicians viewed political matters on the basis of their narrow political interests instead of

settling them on the basis of merit. That is why in the present times, Indian politics has become mostly the politics of votes.

19. HUNG PARLIAMENT

It looks as if the factor of Hung Parliament has become an outstanding characteristics of our National Politics. When after the results of general elections to the Lok Sabha no party gets an absolute majority in it, then the Parliament is known as Hung Parliament. In our country from 1989 to 2009 about seven general elections have been arranged, but the result of every general election was a Hung Parliament. It was for the First time after 1989 that the practice of Hung Parliament was discontinued by the results of the elections to the 16th Lok Sabha. Bharatiya Janata Party emerged as a single largest Party in the Lok Sabha and thus the practice of Hung Parliament was discontinued.

20. POLITICS OF APPEASEMENT OF RELIGIONS MINORITIES

The Parliamentary Democracy exists in India. In this system the party enjoying majority in the Lok Sabha forms the government so every political party desires to win majority in the Lok Sabha. In order to fulfill their desire, political parties try to appease some important religious minorities so that they can get the maximum votes. This policy of appeasement of religious minorities influences the Indian politics on two sides. Firstly, it increases religious fanaticism of religious minorities because they feel that a particular political party shows a particular interest in them because they have special importance in the constituency as a religious minority. This feeling colours their attitude in communalism, Secondly, when majority opposes the policy of appeasement of minorities, the opposition gives power to a minority or minorities to be united on one hand and motivate majority people to be united in the name of religion on the other hand. All this is responsible for communalisation of the Indian politics.

21. COMMUNAL POLITICS OF MINORITIES

Because of their sense of insecurity India is a multi-religious country and here reside several religious minorities. Every religious minority has a great attachment with its religion and culture. Every religious minority has an ardent desire to have a separate identity. Such a desire of religious minorities inspires their members to be united so that they can pressurize the government collectively for the development of interests of people of their respective religions. Such organisations of religious minorities become responsible for communalisation of politics. When different religious based political organisations enter politics, communalisation of politics is quite natural. Clever leaders of religious minorities, for their vested interests, exploit emotionally the religious sentiments of people of their religion. They often propagate that their religion is in danger and religious majority of the country is trying openly or secretly

to eliminate their separate religious and cultural identity. Such a slogan raised by political parties becomes more responsible for communalisation of politics. Religious minorities in India generally take support of religion also to get political benefits for the people.

22. COMMUNAL POLITICS OF MAJORITY COMMUNITY

Indian politics is being communalised to a great extent. The Muslim community is the largest religious community in India and the Congress supports this community so that people of the Muslim community can become a vote-bank of the Congress. Several Hindu organisations treat this policy of the Congress as a policy of appeasement of minorities. The Samajvadi Party in Uttar Pradesh, the Rashtriya Janata Dal in Bihar and several other political parties often make political efforts to appease the Muslims so that they are able to get the maximum votes of this community. On the other hand, there is the Sangha Parivar that tries to excite Hindu communalism and oppose Muslim communalism. The then President of the Bharatiya Janata Party, Sh. Lal Krishna Advani visited Pakistan in June, 2005). In the elections of the 16th Lok Sabha, held in April-May, 2014 the factor of Hindutav played a great role in bringing together all shades of Hindus.

23. DECLINE OF LEFTIST PARTIES

Sometimes before independence there arose a group of socialists within the Congress. After independence the socialists separated themselves from Congress and organized various Leftist Parties. The Communist Party of India (CPI) which came into existence in 1924 and the CPI (Marxist) came into being as a result of split of Communist Party of India. Other leftist parties were Parja Socialist, Sayyukta Samajvadi Party, Forwarded Party and Republican but in the current scenario of Indian politics the leftist parties are not only declining rather they are becoming 'irrelevant in Indian politics. In a poor and backward country like India, the communist parties could not extend their support base throughout India, rather they were mainly confined to the States of Kerala and West Bengal. They had a little influence in Tripura, Assam and some other small eastern states. But at present the leftist parties do not find enough support from the people at large. They have supported Congress-led Central governments from time to time but they have never joined the government at all. In the States of Kerala and West Bengal they had been ruling-parties but in other states of India they had very nominal influence. With the adoption of new economic policies by the government of India the leftist parties have almost lost their relevance. In the elections of the 16th Lok Sabha the performance of the Leftist Parties was uninspiring.

24. THEORY OF "SONS OF THE SOIL" IS GAINING GROUND

India is a federal country having 28 federating states along with the central government. Though our Constitution does not adhere to the theory of "Sons of the soil" but despite it some states have openly adopted it and are adhering to it. The theory of the "sons of the soil" means that a state gives preferential treatment to the natives of that state and sometimes government jobs are reserved only for the born people of those states. Indian politics has been listening to the slogans like "Maharashtra for Maharashtrains, Assam for Assamees, Tamil Nadu for Tamilians etc. Though such slogans have not been fully implemented by the states but in the minds of some people the seeds of regionalism have been sowed very deeply. It may explode at any time when the regional patriotism will overtake the national patriotism. It is a dangerous trend for the unity of India and it is most desirable that this evil should be ripped before it takes a serious term.

25. DISAPPOINTMENT OF THE YOUNGER GENERATION WITH THE POLITICAL LEADERSHIP OF OLDER GENERATION

With the passage of time a very encouraging trend is developing that the younger generation is getting disappointed with the performance of old generation in politics. The results of elections are indicating that the time is not very far when the young leaders will overtake the old leadership and the old political culture may give the place to newly developed integrated political culture. Sometimes it was a dream but now the emergence of youth leadership in every political party is an indication that the time is not very far when young leadership will come in and the old leadership will have to go out. In the elections, held recently in the various Legislative Assemblies of the states, a new indication has come to the forth that the old leadership is leaving the political power in favour of their sons and daughters.

26. AS USUAL, POLITICS IS DEVOID OF IDEOLOGY

Whenever we come across with a sentence expressing that there is an end of ideology in India, it looks somewhat surprising and painful also. There would have been end of ideology in India if at all the ideology of any kind has ever been an outstanding characteristic of Indian Politics. Since the commencement of our Constitution some of the political parties like Congress, Communist Parties and some Socialist Parties use to clamor for their loyalty and adherence to some ideological principles. But these were merely theoretical principles which were often claimed by these parties as the basis of their formation. Whenever the opportunities came to them they sacrificed their declared ideology and practicing the opportunistic politics they captured political power. We mean to say that in India ideology has practically never been followed by the actors and players of the game of politics. Therefore, there does not see any logic to say that the end of ideology is an emerging trend of Indian politics. The fact of the matters is that Indian politics, as usual, has been and is devoid of ideological leanings

and the leaders of the Indian politics have become experts in playing the game of opportunistic politics.

27. DEVELOPMENT OF A POLITICAL ALTERNATIVE

It is interesting to note that it was for the first time in the history of Independent India that a Political alternative to the congress has emerged in the Indian Political scene. No doubt Janata Dal once in the seventies posed a challenge to the Congress but that was not a real challenge because Janata Dal was a party of old Congressmen and the party was not united to give an ideological fight to the dominance of congress. Janata Dal could not prove itself as an effective political alternative to the Congress. Soon Janata Dal fell astray into several parts and it could not maintain itself as a political alternative to Congress. Till the 16th Lok Sabha elections, Bharatiya Janata Party was not seriously considered by the Political observers an effective alternative to the Congress, but in the 16th Lok Sabha election Bharatiya Janata Party secured a sweeping victory and proved itself to be an effective political alternative to the congress it was a great Leap of Bharatiya Janata Party, because a party with two members in Lok Sabha in 1984 rose to the position of a ruling party with 282 members in May 2014. Thus in the coming times also this party will prove a serious challenge to the disintegrated Congress growing weaker day by day. This is our presumption and it is the future which shall tell the true story of the issue.

10.3.1. CHECK YOUR PROGRESS 1

1. What do you mean by trends in Indian politics? Why they do arise in every society?
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2. Write down the any two emerging trends of Indian politics
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3. Mention some trends of Indian politics which have been emerging since long.
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SUMMARY

In the end we conclude that the emerging trends of Indian politics cannot be existed. The Indian politics has entered into a new era where the BJP in prominence for last about 130 years failed to get even so many seats as might had enabled it to be officially recognized as the opposition party. Leader of the congress was not given the

status of the leader of opposition because of party fell short of 10 members of 54. Leftist parties also losing their importance and became a thing of past. The emerging trends are a dynamic phenomenon and may be replaced with the compulsions of the time.

QUESTIONS FOR PRACTICE

LONG ANSWER QUESTIONS:

1. Evaluate the changing nature of Indian political system.
2. Discuss the emerging trends of Indian political system
3. Mention some trends of Indian political which have been emerging since long
4. What do you mean by trends in politics? Why they do happen in every society?

SHORT ANSWER QUESTIONS:

1. What do you mean by criminalization of politics?
2. Write three emerging trends of Indian politics.
3. What is Value less politics?
4. What is meant by political Fallouts?
5. Write down the important emerging trends in Indian politics.
6. Define the personality cult in Indian politics.

SUGGESTED READINGS:-

- Peu Ghosh, *Indian Government and Politics*, Raj Press, New Delhi, 2018.
- M. Laxmikant, *Indian polity*, McGraw hill India,2016
- Nirja Gopal Jayal, *politics in India*, _New Delhi‘ OUP 2010.
- R. Kothari (ed), *Caste in Indian Politics in North India*, London, Cambridge University Press,1974
- S.S Nanda, „*Indian political System*“, Bright Printers, Jalandhar