



M.A. (PART I)
Political Science Paper-II

Selected issues & Themes in
Indian Politics

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M. A. (Part - I) Political Science - Paper - II - Selected Issues & Themes in Indian Politics.

Published by : Professor Cum Director,
Institute of Distance And Open Learning
University of Mumbai,
Vidyanagri, Mumbai - 400 098.

DTP Composed by : Trupti Graphics
4, Radha Niwas, P.M. Road, Vile-Parle (E).
PRINTED BY :

SYLLABUS

M. A. (PART - I) POLITICAL SCIENCE - PAPER - II Selected Issues and Themes in Indian Politics

1. Indian Constitution : Its evolving Philosophy and Development Rights, Directive Principles and Fundamental Duties.
2. The Structure and Functioning of Institutions - Parliament, Executive, Judiciary and Election Commission.
3. The Functioning of the Federal Polity in India.
4. The Party System : Ideology and Social base of Parties, Fragmentation and Emergence of Regional Parties, Patterns of Coalition Politics.
5. The Problems of Nation building : Caste, Reforms on the Indian Polity.
6. Impact of Economic Development and Reforms on the Indian Polity.
7. Issues of National Security, Criminalisation of Politics and Terrorism.
8. Revitalising the Indian State - Problems and Prospects.

Suggested Readings

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4. Austin, G., *Working a Democracy Constitution - the Indian Experience*, Oxford. Oxford University Press, 2000.

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INDIAN CONSTITUTION ITS EVOLVING PHILOSOPHY AND DEVELOPMENT

Unit Structure.

- 1.0 Objectives
- 1.1 Introduction
- 1.2 India's Constitution
- 1.3 Unique and outstanding features of the Constitution of India.
- 1.4 The Philosophy of the constitution
- 1.5 Evolving philosophy and Development of the constitution of India
- 1.6 Summary Table
- 1.7 Questions

1.0 OBJECTIVES- TO STUDY ABOUT INDIAN

India's - Constitution : Its evolving philosophy and development.

As a citizen of India and student of political: Science every person should know about the Indian constitution and its evolving philosophy. It makes the learners enlightened citizen of this country.

1.1 INTRODUCTION

The basic rules for the behaviour of members of a state are called the Constitution of the state.

In India, Constitution is the highest law of the land. Constitution establishes the Rule of law and gives political stability to the state.

1.2 INDIA'S CONSTITUTION

The constitution of India is the product of discussions and debates in the Constituent Assembly.

According to the Cabinet Mission plan, the Legislative Assemblies of the provinces were to elect their representatives to the Constituent Assembly. The total members of the Constituent Assembly were 389. Dr. Rajendra Prasad was elected as the President of the Constituent Assembly. The Constituent Assembly completed the work in two years, eleven months and eighteen days. From 26th January 1950 the Constitution of India came in force. Hence 26th January is celebrated as the Republic day.

Dr. B. R. Ambedkar was the chairman of the Drafting Committee of the constitution. The original constitution had 395 Articles and 8 Schedules. Now it has 397 Articles and 12 Schedules.

1.3 UNIQUE AND OUTSTANDING FEATURES OF THE CONSTITUTION

1. Longhiest constitution in the world.
2. Sovereignty resides in the people.
3. Parliamentary form of Government.
4. Unique blend of rigidity and flexibility.
5. Fundamental Rights.
6. Directive principles of the state policy.
7. Quasi- federal in nature.
8. Independence of judiciary.
9. Judicial Review.
10. Fundamental duties.
11. Sovereign.
12. Democracy.
13. Republic.
14. Secular.
15. Single citizenship.
16. Adult suffrage.
17. Uniformity in Basic Administration.
18. Revolutionary.
19. Judicial Review and parliamentary sovereignty.

These are salient features of the Indian constitution. These features show that it is a confluence of East and the West. These unique and outstanding features of the constitution made the constitution of India as one of the most remarkable constitutions in the world.

1. Longhiest constitution in the world

Indian constitution is the lengthiest constitution in the world. The original constitution contains 395 Articles, divided into 22 parts and 9 schedules. It is described as 'elephant size' constitution. We have incorporated 93 amendments to the constitution till 2003. Now it has 397 Articles and 12 schedules.

It has been a model for many developing countries. The length of the constitution is because of several factors-

1. It incorporates the experience of all leading constitutions.
2. It prescribes constitution for the Union as well as for the States.
3. It incorporates detailed provisions regarding centre-state relations.
4. It incorporates special provisions of Jammu- Kashmir.
5. It includes justiciable and non-justiciable rights.
6. It contains special provisions to meet regional problems.

2. Sovereignty resides in the people

The introduction of the constitution declares that the Constitution of India was adopted and enacted by the people of India

and they are the custodians of the republic.

3. Parliamentary form of Government

The constitution of India establishes parliamentary form of Government. In a Parliamentary form of government, the Prime-Minister and council of Minister are responsible for all their actions to the parliament. Parliament keep control on executive by various means i.e. by asking questions, by no-confidence motion etc.

In Parliamentary system there are two types of head; one is nominal and one is real. In India the President is nominal and the Prime-Minister is the real head.

4. Unique blend of Rigidity and Flexibility

Though India has a written constitution; the Indian constitution is not as rigid as the American constitution. It has incorporated the flexible nature in the procedures for amendments. There are three methods by which the constitution is amended.

5. Fundamental Rights

The fundamental Rights are guaranteed by the constitution to all its citizens through Part III of the constitution. The fundamental Rights guarantees Right to Equality, Right to freedom, Freedom of religion, Right against. Exploitation, Educational and Cultural right and Right to constitutional Remedies. One can approach the Supreme Court directly in case of violation of Fundamental Rights. There are certain restrictions on fundamental rights in the interests of public order, the sovereignty and integrity of India, public decency, morality etc.

6. Directive Principles of the state policy

Part IV of the constitution deals with economic and cultural rights. However, they are not justiciable in the court of law. The idea of 'a welfare state' envisaged in our constitution can only be achieved if the States try to implement them with a high sense of moral duty.

7. Quasi- federal in nature

The nature of the Indian State is federal, in the sense that the powers are distributed between the Union and the States. But in times of emergency Government assumes a unitary character.

The Federal features of the Indian state are as follows-

- (1) It has two sets of government.
- (2) There is division of powers between the Centre and the States.
- (3) There is independence of judiciary.

The Unitary features of the Indian states are as follows-

- 1) It is described as 'Union of States'.
- 2) There is single citizenship.
- 3) There is a single integrated judicial and administrative system.

- 4) There is an integrated machinery for elections.
- 5) The State Governors are appointed and removed by the President.
- 6) The States depend upon the Union's grant-in-aid.
- 7) During emergency, it can be converted into unitary system.

8) Independence of Judiciary

The constitution has made judiciary independent from legislature and executive. Judges are free from the interference of other organs of the government, so that judges can give judgement without fear and favour. The Indian judiciary is independent as per the norms of separation of powers. The independence of judiciary is ensured by the direct appointment by the President, the salaries and perks, the judges cannot be removed simply by executive.

9) Judicial Review

It means the power of the courts to declare any law passed by the legislature and any act of executive as void, if it violates any provision of the constitution. It emphasises the supremacy of judiciary.

10) Fundamental Duties

The Fundamental Duties are incorporated in the constitution through the 42nd amendment. A set of ten duties are incorporated as Fundamental Duties under Article 51 A.

11) Sovereign

India is a free and independent country.

India is no more under the domination of any foreign country and any external force cannot influence its decisions.

India is a member of Commonwealth Nations. But its membership does not affect the sovereignty of India.

12) Democracy

India has the representative and responsible government. Democracy has been introduced with a view to realize the political, economic and social democracy.

13) Republic

It means that the head of the state, President, will be periodically elected by the people. Citizens partnership in the affairs of the state is ensured.

14) Secular

The Constitution of India has created a secular state. It means (a) The state gives equal protection to all religions. (b) The state does not uphold any particular religion as the state religion. (c) Freedom of Religion is guaranteed in the constitution. (d) Equal respect for all religions.

15) Single Citizenship

The constitution of India confers single Indian citizenship. This helps in creating feeling of oneness.

16) Adult Suffrage

All adult citizens above 18 are given the right to vote. There are no separate electorates for people belonging to different communities. Thus, in India there is an Universal Adult Franchise without communal representation.

17) Uniformity in Basic Administration-

There is uniformity in most important matters of administration. e.g. the single integrated judicial system, the uniformity in civil and criminal laws, the all India services.

18) Revolutionary

The constitution of India has abolished several unjust practices and at the same time has provided special opportunities for the upliftment of the weaker sections.

19) Judicial Review and Parliamentary Sovereignty compromised

The constitution of U. S. A. recognized judicial supremacy. The British system recognizes parliamentary sovereignty i.e. The court can not declare any law of parliament as cancelled on any ground.

The Constitution of India compromises between the two. It empowers the judiciary the power of declaring law as null and void if it violates the basic framework of the constitution. But the judiciary does not have the power of judicial review over the wisdom of any legislative policy i.e. the important questions of public policy are to be decided on the floor of the House. The Constitution gives the legislature the power to amend the constitution without destroying the basic structure.

Thus, the Constitution of India is one of the most remarkable constitutions in the world.

1.4 THE PHILOSOPHY OF THE CONSTITUTION

Every constitution has a philosophy of its own. For the philosophy underlying our constitution we must look back into the historic objectives. The Constituent Assembly adopted the Resolution of Pandit Jawaharlal Nehru on January 22, 1947. It inspired the shaping of the constitution through all its stages. The fundamental source of philosophy of the Indian constitution is the objective Resolution. It was as under.-

1.4.1 The Objective Resolution :-

- 1) Constituent Assembly declares India as an independent sovereign, republic, and draw up for her future governance a constitution.
- 2) India shall be Union of states.
- 3) All powers and authority of India and Government are derived from the people.
- 4) People will get guarantee about justice, equality and liberty.
- 5) Adequate safeguards shall be provided for minorities, backward and depressed classes.
- 6) Whereby shall be maintained the integrity of the territory of the Republic.
- 7) State will contribute to the promotion of world's peace and the welfare of mankind.

The ideal embodied in the above Resolution is reflected in the Preamble of the constitution.

1.4.2 Preamble of the Indian Constitution:-

The Preamble is an introduction of the constitution. It highlights the important principles and philosophy of the Indian constitution.

The Preamble reads as:-

" We, the people of India having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic, Republic and to secure to all its citizens. Justice, social, economic and political.

Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all:

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation; In our constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this constitution".

The importance and utility of the Preamble has been pointed out in several decisions of our Supreme Court. Preamble also shows the philosophy and important principles of the constitution. It contains following important points:-

- * a) It indicates the source from which the Constitution derives its authority. When we read the preamble, introductory words show that Indian people made Indian constitution and accepted for them. It means sovereignty resides with the people of India.
 - * b) Preamble shows the Nature of the Indian-state. It states the objects which the constitution seeks to establish and promote.
- (1) **Sovereign-** It means that India is no more under the domination of any foreign country. It is supreme over its internal and external matters.
 - (2) **Socialist-** This word was inserted in the preamble by the 42nd amendment. It envisages the goal of the Indian

polity i.e. establishment of welfare state.

- (3) **Secular-** The secular objective of the state has been specifically expressed by inserting the word 'secular' in the preamble by the 42nd amendment act in 1976. It means there is no official religion in India.

There is separation of state and religion. People enjoy right to freedom of religion. All religions will receive equal treatment.

- (4) **Democratic-** (A) Political equality and justice- India has a democratic form of government. It is a representative democracy. The people of India are to exercise their sovereignty through a parliament at the centre and a Legislature in each state, which is to be elected on adult franchise. The Council of Ministers is responsible to the Legislature. The constitution holds out equality to all the citizens in the matters of choice of their representatives. Thus there is equality before the law and in the political sphere. In order to ensure the 'political justice' held out by the preamble, it was essential that every person in the territory of India, irrespective of his proprietary or educational qualifications, should be allowed to participate in the political system. The Universal adult suffrage was adopted with this object in view.

(b) Social democracy

The Indian Constitution promises not only political but also social democracy. Dr. Ambedkar in his speech in the Constituent Assembly explained "Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean?"

"It means a way of life which recognizes liberty, equality and fraternity which are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity." Thus social democracy means absence of discrimination on the basis of caste, religion, race, gender etc.

Indian democratic Republic stands for the good of all the people which is embodied in the concept of 'a Welfare state'. It inspires the Directive Principles of state policy.

Thus, 'a democratic republic' which the Preamble envisages is not only a democratic form of government but also a democratic society, infused with the spirit of 'Justice, Liberty, Equality and Fraternity.

Liberty Democracy cannot be established unless some minimal rights, which are essential for existence, are assured to every member of the community.

The Preamble mentions these essential individual rights as

"freedom of thought, expression, belief, faith and worship. These rights are guaranteed in Part III of the constitution.

Equality- Guaranteeing of certain rights to each individual would be meaningless unless all inequality is banished from the social structure.

To secure social equality constitution made illegal all discriminations by the state between citizen and citizen, on the ground of religion, race, caste, sex or place of birth (Art 15).

It made public places open to all citizens Art 15 (2), abolished untouchability (Art 17), abolished titles of honour (Art 18), offered equality of opportunity in matters relating to employment under the state (Art 16). The Constitution gave guarantee of equality before the law and equal protection of laws.

Fraternity and Dignity of the individual

For maintaining the independence of the country unity amongst the inhabitants of this sub-continent is necessary. The ideal of unity has been buttressed by adding the words 'integrity' of the Nation, in the Preamble of the constitution by 42nd amendment Act in 1976. But neither the integration of the people nor a democratic political system could be ensured without infusing a spirit of brotherhood amongst the heterogeneous population.

The unity and fraternity of the people of India has achieved by inheriting the ideal of "secular state". It means the state protects all religions equally and does not itself uphold any religion as the state religion.

A fraternity cannot be installed unless the dignity is maintained. The Preamble, therefore, says that the state will assure the dignity of the Individual. The constitution seeks to achieve this object by guaranteeing equal fundamental rights to each individual, and a number of Directives have been included in Part IV of the constitution. Our supreme court has come to hold that right to dignity is a fundamental right.

To establish welfare state and to bring about a socio-economic revolution, the list of Directives was widened by the 42nd amendment Act of 1976.

Fundamental Duties- The list of fundamental Duties was inserted in the constitution to uphold the sovereignty, unity and integrity of the nation, to maintain secularism and the common brotherhood amongst all the people of India.

Thus, the philosophy of the Constitution is contained in the preamble.

1.5 EVOLVING PHILOSOPHY AND DEVELOPMENT OF THE CONSTITUTION OF INDIA.

The philosophy of the Constitution of India can be known and appreciated by a study of its preamble, the Fundamental Rights, the Directive Principles of state policy, the fundamental Duties, the institution of judicial Review and judicial Activism, and the judicial

judgments about the Indian polity, society, economy, and culture. These are the factors of the philosophy of the Constitution of India, which have been undergoing a change since the commencement of the constitution.

These factors are as follows:-

- 1) Relationship between the Fundamental Rights and the Directive Principles.
- 2) Abolition of Fundamental Right to Property.
- 3) Parliamentary supremacy and the basic structure of the constitution.
- 4) Parliamentary sovereignty, Judicial review and judicial activism.
- 5) Fundamental Duties.
- 6) Amendment in the text of the Preamble.

1) Relationship between the Fundamental Rights and the Directive Principles

From the legal point of view, Fundamental Rights are justiciable, the Directive Principles of state policy are non-justiciable. Hence they must run subsidiary to the Fundamental Rights.

Even then "the Directive Principles are fundamental in the governance of the country. It shall be the duty of the state to apply these principles in making laws and formulating the policies". (Art. 37)

However, in the past, on numerous occasions the constitution was amended to modify those Fundamental Rights, which came in the way of the state in bringing about socio-economic reforms e.g. the 25th amendment Act, amended the constitution in 1971 and subordinated the fundamental rights.

In 1976, the 42nd amendment act of the Constitution declared that no law giving effect to the policy of the state IV, shall be deemed to be void on the ground that it is inconsistent with any of the rights.

These two amendments brought a radical change in the philosophy of the constitution.

2) Abolition of Fundamental Right to property

In 1979; the 44th Amendment Act abolished the fundamental Right to Property by omitting Art 19 (f) and Art 31. It made Right to Property a legal right by inserting a new Art 300 A, in the constitution.

3) Parliamentary supremacy and the basic structure of the constitution

Parliament has the power to amend the constitution, by the procedure, which is given in Art 368.

In 1967, In *Golak Nath v. state of Punjab* case the supreme court gave the judgement that the Parliament was not competent to amend Part III of the constitution, which guarantees Fundamental Rights.

In 1971 the 24th amendment act of the constitution, sought to supersede the judgement of the Supreme Court in the *Golak Nath*

case, by amending Art 368 itself. Under the amended Art. 368, the Parliament was made competent to amend "any provision" of the constitution.

In 1973, the Supreme Court gave the judgement that the Parliament cannot alter the Basic Structure of the Constitution. In *Keshavanda Bharati V. State of Kerala* case the Supreme Court held that though the Parliament is competent to amend any provision of the Constitution, it cannot alter the basic structure of the constitution.

Some of the basic features of the structure of the constitution, as drawn up from the various decisions of the Supreme Court are as under:-

- 1) Sovereign, Democratic, Republican structure.
- 2) Parliamentary system of government.
- 3) Secular character of the state.
- 4) Federalism.
- 5) Independence of judiciary.
- 6) Judicial review.
- 7) Supremacy of the constitution.
- 8) Rule of law.
- 9) Objectives, specified in the Preamble to the constitution.
- 10) Freedom and dignity of the individual.
- 11) Unity and integrity of the nation.

4) Parliamentary Sovereignty, Judicial Review and Judicial Activism

Another dimension of the evolving philosophy of our constitution is the changing relationship between the Legislature and the Judiciary.

In 1971, the Twenty- fifth Amendment Act inserted a new Art 31- c. It says that "no law containing a declaration that it is for giving effect to Directive Principles of state policy shall be called in question in any court on the ground that it does not give effect to such policy." Thus it has established the sovereignty of Parliament over the Judiciary.

But the 44th Amendment Act, 1979 restored judicial review to its original position.

The Judicial review has encouraged the emergence of judicial activism. It has given birth to confrontation between the judiciary on the one hand, and the Legislature and the Executive on the other.

5) Fundamental Duties

A new chapter on Fundamental Duties is incorporated in the constitution by the 42nd amendment act in 1976. i.e. Art 51- A.

Thus, the Fundamental Rights and the Fundamental Duties reconcile the claims of the individual with those of the society as a whole.

6) Amendment in the text of the Preamble

Socialism- The goal of the Indian polity is socialism was

ensured by inserting the word 'socialist' in the Preamble by the 42nd Amendment Act in 1976. The principal aim was to eliminate inequality of income, status and standards of life.

The Indian constitution does not seek to abolish private property but seeks to put it under restraints so that it may be used in the interests of the nation, which includes the upliftment of the poor.

Instead of a total nationalisation of all property and industry, it envisages a 'mixed economy'.

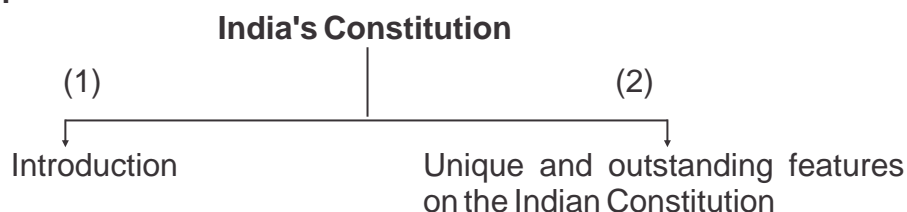
From 1992 onwards the trend is now away from socialism to privatisation. The Investment in many public enterprises has been divested in favour of private persons. Many industries and services which were reserved for the government sector have been thrown open for the private enterprise.

Secular- The 42nd amendment of the constitution inserted the word 'secular' in the Preamble of the constitution. It means the state protects all religions equally and does not uphold any religion as the state religion.

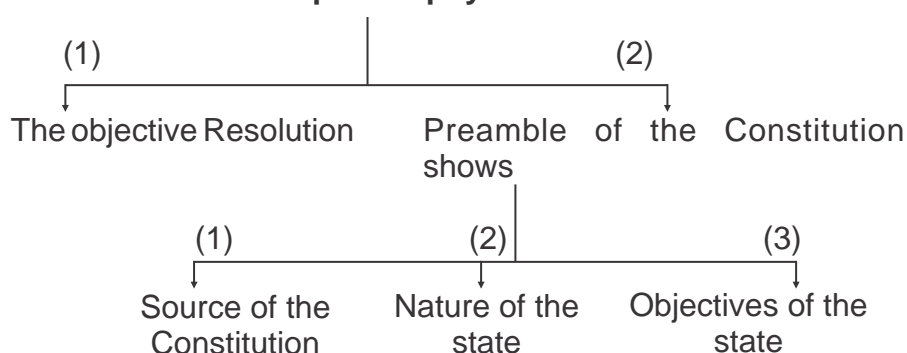
Secularism is a part of the basic structure of the constitution. Freedom of religion in Art 25-29, which guarantees to each individual freedom to profess, practise and propagate religion. It assures strict impartiality on the part of the state and its institutions towards all religions.

1.6 SUMMARY TABLE

1.6.1



1.6.2 Source of the philosophy of the Constitution



1.6.3 Evolving philosophy and Development of the Constitution

(1)	(2)	(3)	(4)	(5)	(6)
Relationship between Fundamental Rights and the Directive Principles	Abolition of Right to Property as a fundamental Right	Parliamentary Supremacy and basic structure	Judicial activism	Fundamental Duties	Amendments in the text of the Preamble

1.7 QUESTIONS

1. Examine the salient features of the Indian Constitution.
2. Explain in detail what is the objective resolution.
3. Discuss preamble as an expression of the philosophy of the Indian Constitution.
4. Write on the evolving philosophy and development of the Constitution of India.



FUNDAMENTAL RIGHTS

Unit Structure-

- 2.1 Objective
- 2.2 Introduction
- 2.3 Meaning of Fundamental Rights
- 2.4 Importance of Fundamental Rights
- 2.5 Classification of Fundamental Rights
- 2.6 Right to Equality (Arts 14 -18)
- 2.7 Right to Freedom (Art 19 - 22)
- 2.8 Rights against Exploitations (Arts 23 - 25)
- 2.9 Right to freedom of Religion (Art 25 - 28)
- 2.10 Cultural and educational rights (Arts 29 - 30)
- 2.11 Right to constitutional Remedies (Art 32 - 35)
- 2.12 Questions.

2.1 OBJECTIVE :-

A Study about Fundamental Rights is important for the citizen. Rights are indispensable for the development of human personality. In the absence of rights, no individual can attain progress. In a democracy great importance is given to an individual's growth and therefore the citizens rights get prominence. In India each individual has the fundamental Rights in part III of the Constitution to ensure his liberty of expression, faith and worship, equality of opportunity.

2.2 INTRODUCTION :-

The makers of our Constitution adopted Fundamental Rights to safeguard individual liberty and also for ensuring social, economic, and political justice for every member of the community. Fundamental Rights have created equality and have helped to preserve individual liberty.

2.3 MEANING OF FUNDAMENTAL RIGHTS :-

Basic civil and political rights of the citizens are called fundamental Rights. Part III of the Indian Constitution has made elaborate provisions in regard to the fundamental Rights.

2.4 IMPORTANCE OF FUNDAMENTAL RIGHTS :-

Fundamental rights have paramount importance in the constitution as it declares that all laws inconsistent with the fundamental rights shall be void. State shall not make any law which takes away or abridge the rights conferred in Part III of the Constitution

Fundamental Rights act as limitations upon the powers of the Executive and Legislature.

The fundamental rights are provided to protect the dignity of the individual and to create conditions in which every human being can develop his or her personality to the fullest extent possible. The constitutional remedies make the fundamental rights active, alive and functional. These rights create positive conditions for the civilized social, economic and political life.

2.5 CLASSIFICATION OF FUNDAMENTAL RIGHTS :-

The provisions of Part III of our Constitution which enumerate the Fundamental Rights are elaborate than those of any other existing written constitution relating to fundamental rights. The constitution itself classifies the Fundamental Rights under seven groups as follows:-

- 1) Right to equality.
- 2) Right to freedom.
- 3) Right against exploitation.
- 4) Right to freedom of religion.
- 5) Cultural and educational rights.
- 6) Right to property.
- 7) Right to constitutional remedies.

Of these the Right to Property has been eliminated by the 44th Amendment Act, so that only six freedoms now remain.

- (A) - Some of the fundamental rights are granted only to citizens-
 - (i) Protection from discrimination on grounds only of religion, race, caste, sex or place of birth (Art 15)
 - (ii) Equality of opportunity in matters of public employment (Art 16)
 - (iii) Freedoms of speech, assembly, association, movement residence and profession (Art 19)
 - (iv) Cultural and educational rights of minorities. (Art 30)
- (B)- Some of the fundamental Rights are available to any person on the soil of India- citizen or foreigner-
 - (i) Equality before the law and equal protection of laws (Art 14).
 - (ii) Protection of life and personal liberty against action without authority of law (Art 21).
 - (iii) Right against exploitation (Art 23).
 - (iv) Freedom of religion (Art 25).
- (C) Some of the Fundamental Rights are negatively worded, as prohibitions to the state, eg. Art 14 says. "The state shall not deny to any person equality before the law. There are other rights, which positively confer some benefits upon the individual, eg.

The right to religious freedom, The cultural and educational rights.

- (D) All Fundamental Rights are a guarantee against state action.

The state will include not only the Executive and Legislative organs but also local bodies.

Certain rights included in part III which are available not only against the state but also against private individuals eg. equality in regard to access to and use of public places, prohibition of untouchability, prohibition of acceptance of foreign title, prohibition of traffic in human beings, prohibition of employment of children in hazardous employment.

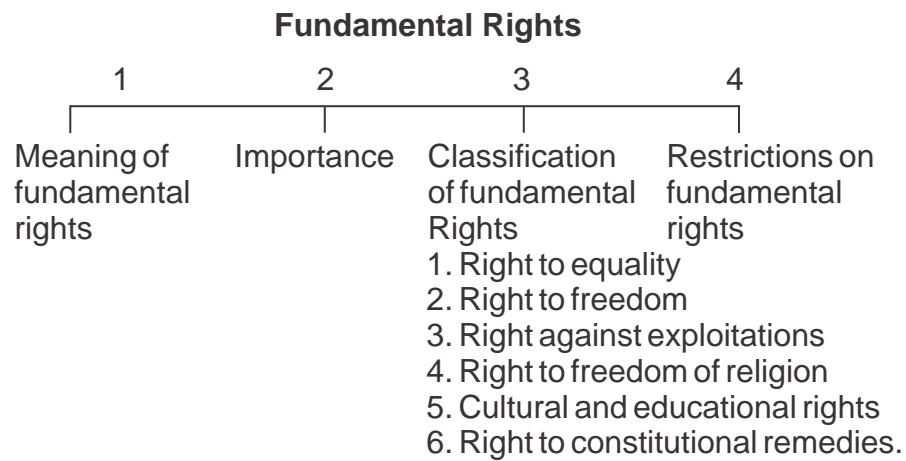


Table
Fundamental Rights

(1)	(2)	(3)	(4)	(5)	(6)
Right to Equality	Right to Particular Freedom	Right against Exploitation	Right to Freedom of Religion	Cultural and Educational Rights of Minorities	Right to Constitutional Remedies
1. Equality before law and Equal protection before law [Art. 14]	1. Freedom of speech and expression as a s e m b l y ; a s s o c i a t i o n m o v e m e n t ; r e s i d e n c e a n d s e t t l e m e n t ; p r o f e s s i o n [art.19]	1. Prohibition of traffic in human beings and forced labour [Art.23].	1. Freedom of conscience and free profession [Art.25.]	1. Protection of language, script or culture of minorities [Art.29]	1. Remedies for enforcement of the fundamental rights conferred by this Part, ---- writs of habeas corpus, m a n d a m u s , p r o h i b i t i o n , c e r t i o r a m u s a n d q u o w a r r a n t o [Art.32]
2. Prohibition of discrimination on ground of religion etc. [Art. 15].	2. Protection in respect of conviction for offences [Art.20]	2. Prohibition of employment of children in hazardous employment [Art. 24].	2. Freedom to manage religious affairs [Art.26].	2. Right of minorities to establish and administer educational institutions [Art. 30]	
3. Equality of opportunity reemployment [Art. 16]	3. Protection of life and personal liberty [Art.21]		3. Freedom as to payment of taxes for promotion of any particular religion [Art. 27].		
4. Abolition of untouchability [Art.17].	4. Protection against arrest and detention in certain cases [Art.22]		4. Freedom as to attendance at religious instruction in certain educational institutions [Art 28].		
5. Abolition of titles [Art.18]					

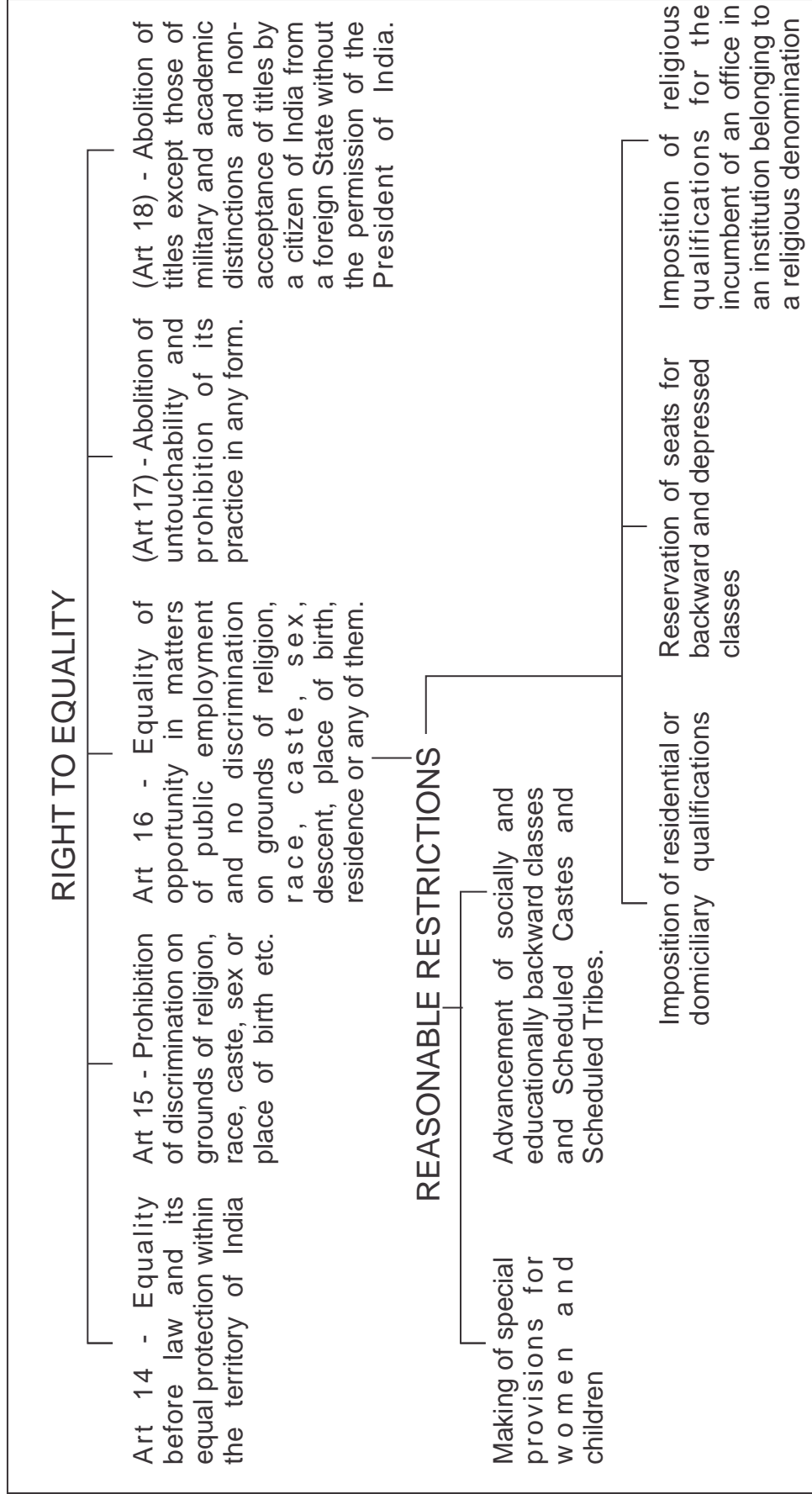
1. Right to property omitted from Part III of the Constitution, by the Constitution (44th Amendment) Act, 1978.

2.6 RIGHT TO EQUALITY (ARTS 14-18) :-

Right to equality has five aspects. These aspects are as follows.

- 1 **Article 14 :-** The state shall not deny any person 'equality before law' and 'equal protection of law' within the territory of India. Equality before law implies the absence of any special privilege in favour of an individual. Equal protection of law means that all people will get equal treatment in similar circumstances.
- 2 **Article 15 :-** It directs that the state shall not discriminate against a citizen on grounds of religion, race, caste, sex or place, birth or any of them. Art 15 also prohibits discrimination by the state and the citizens with regard to access to shops, hotels, public entertainment, wells, roads etc.

Limitation on this right are:- Recognizing need of special protection, it offers special protection for women and children. State can provide reservation for socially and educationally backward classes.
- 3 **Art 16 :-** It gives equal opportunity to all in public employment. No citizen shall be discriminated against or be ineligible for any employment under the state on grounds of religion, race, caste, sex, place of birth, descent or residence.
- 4 **Art 17 :-** It provides for abolition of Untouchability- in pursuance of this article the Parliament enacted Untouchability offences Act in 1955, It has been renamed as protection of Civil Rights Act 1995 Thus the untouchability has been abolished by law.
- 5 **Art 18 :-** The State has abolished all the titles to create equality among citizens. Military and Academic distinction are exempted from the provision for they are an incentive to further efforts for the perfection of the military power of the state. During British rule some titles were conferred on people along with certain privileges. This practice has been abolished.



Check your progress:

1) Explain meaning and nature of rights.

2) Describe the meaning of fundamental Rights.

3) Why fundamental Rights are important.

4) Give the list of fundamental Rights.

5) Write on various aspects of right to Equality.

2.7 RIGHT TO FREEDOM (ART 19-22)

Certain positive rights are conferred by the Constitution in order to promote the ideal of liberty held out by the Preamble.

This right includes six types of freedoms essentials for the all round development of human personality. They are -

- Art 19** (1) All citizens shall have the right
- a) Freedom of speech and expression.
 - b) Freedom to assemble peacefully without arms.
 - c) Freedom to form associations and unions.
 - d) Freedom to move in any part of Indian Territory.
 - e) To reside and settle in any part of the territory of India.
 - f) Freedom of occupation, trade and business.

Limitations upon the Freedoms

Freedom as fundamental rights has been explained under Article 19. All citizens shall have the right to freedom of speech and expression, peacefully assembly without arms, forming association, free movement and freedom to settle anywhere within country. Citizens have been granted freedom to express one's conviction and opinions freely by word, writing, printing, pictures. It includes the freedom of press. Therefore, pre-emption of newspapers is invalid. The rights have some reasonable restrictions :-

1. The grounds of restrictions for freedom of speech and expression are -
 - a. Security of the state
 - b. Friendly relations with foreign states.
 - c. Public order.
 - d. decency and morality
 - e. Contempt of court.
 - f. Defamation.
 - g. Maintenance of the Sovereignty and integrity of India.

2. The right of assembly includes the right to hold meeting and to take out processions. This right is subject to the restriction of being peaceful and without arms.

Absolute individual rights can not be guaranteed by any modern state. Therefore, the guarantee of each of the above rights is limited by our constitution itself by conferring upon the 'state' a power to impose by its laws, reasonable restrictions as may be necessary in the larger interests of the community.

The Indian Constitution attempts "to strike a balance between individual liberty and social control." The goal of our constitutional system is to establish a 'welfare state'. Hence Article 19 of the Constitution gives a list of individual liberties and prescribes in the various clauses the restraints that may be placed upon them by law so that they may not conflict with public welfare or general morality. The reasonable restrictions on Rights means a proper balance between the rights of the individual and those of the society. It is unreasonable if it is imposed in a manner which violates the principles of natural justice.

Article 19 (1) (f): It was related to Right to Property. Under this right citizens have rights to acquire, hold and dispose of property. This is dropped through the 44th amendment to the constitution in 1978. Hence the Right to Property is not a fundamental right but it is a legal right. All citizens shall have the right to practice any profession, occupation, trade or business, with reasonable restrictions, in the interest of general public.

Right to life and personal liberty:

The right to freedom guarantees the right to life and personal liberty. Accordingly, no person can be deprived of his life and personal liberty without the authority of law. No person can be arrested or detained without substantial reason.

Art 21- It deals with the Freedom of Person.

The protection of life and personal liberties means that "No person shall be deprived of his or her life and personal liberty except according to procedure established by law". This assures personal liberty of citizens against the arbitrary action on the part of the law enforcing authorities.

Protection against Arbitrary Arrest and Detention-

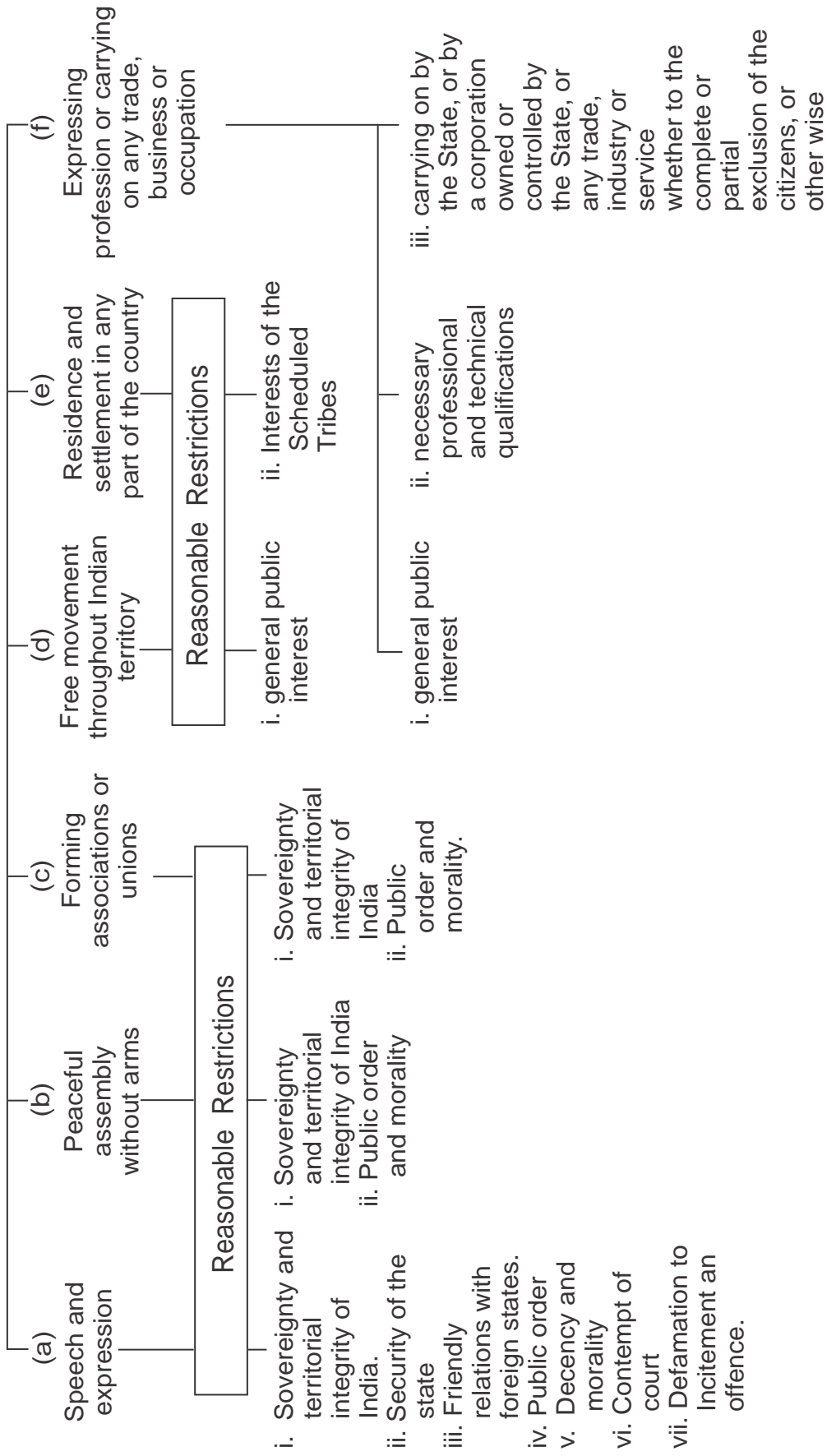
Accordingly, Article 22 guarantees four rights to the person who is arrested under an ordinary law (i) The right to be informed as soon as, may be the ground of one's own choice. (ii) The right to consult and to be represented by a lawyer of one's own choice. (iii) The right to be produced before a magistrate within 24 hours. (iv) The freedom from detention beyond the set period except by the order the magistrate.

Further the sub-clauses of Art 22 deals with the preventive detention. The Preventive detention is opposite to punitive detention. While the purpose of punitive detention is to punish a person for what he has already done.

The objective of preventive detention is not to punish a person for having done something but to intercept before one does it and to prevent him from doing it. The following are some of the preventive detention laws in operation.

1. MISA- Maintenance of Internal security Act 1971.
2. COFEPOSA- Conservation of Foreign Exchange and Prevention of smuggling Activities Act 1974.
3. TADA- Terrorist and Disruptive Activities Act 1985.
4. POTA- Prevention of Terrorist Activities Act. 2002.

Summary Table on RIGHT TO FREEDOM (Art 19)-



2.8 RIGHT AGAINST EXPLOITATION:- (ARTS 23-25)

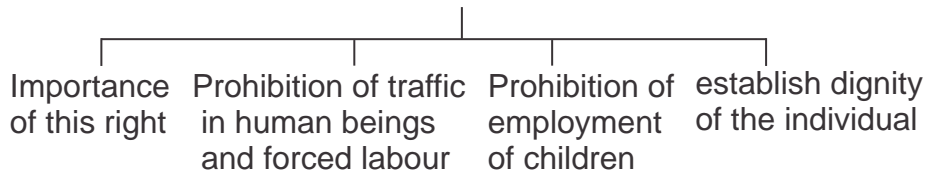
Our Constitution lays down certain provisions to prevent exploitation of the weaker sections of the society by unscrupulous individuals or even by the state. These provisions are as follows-

Art 23 prohibits trafficking in human beings, beggar, slavery and other similar forms of forced labour. Art 23- clause 2- permits the state to impose compulsory services for public purposes.

Trafficking in human being means selling and buying men, women and children like commodities. This has been prohibited by law. Art 24- Children below the age of fourteen can not be employed in hazardous places like factories and mines.

This provision is important as it enables people to live a life with dignity

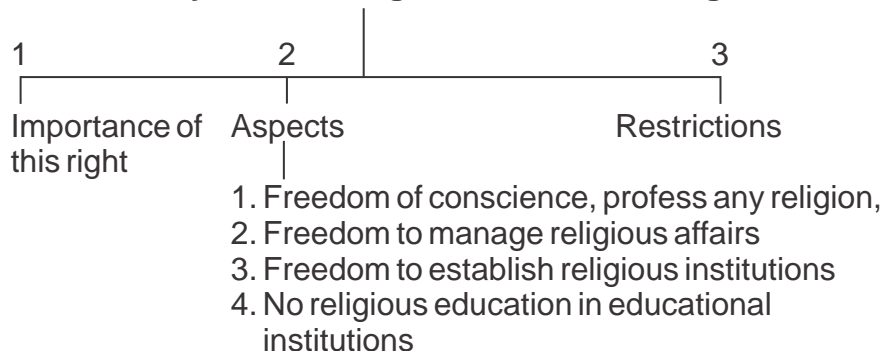
Summary Table on Right Against Exploitation



2.9 RIGHT TO FREEDOM OF RELIGION:- (ART 25- 28)

- **Importance-** It guarantees secularism as one of the ideals of the constitution. i.e. The state observes an attitude of neutrality and impartiality towards all religions.
It guarantees freedom of conscience, freedom to profess, practise and propagate any religion.
- **Restrictions-** The reasonable restrictions to this freedom are religious liberties subject to public order, morality and health. Every religious section can establish and maintain institutions for religious and charitable purposes.
But to ensure the secular character Art 27 provides 'no one shall be compelled to pay any tax for the promotion or maintenance of any particular religion.
There is prohibition of religious instruction in state aided institutions. This is to ensure the secular character of the state.

Summary Table on- Right to freedom of Religion



2.10 CULTURAL AND EDUCATIONAL RIGHTS :- (ART 29-30)

India is a multi-cultural, multi-linguistic, multi- religious country. There is a common desire to preserve and promote one's own language and culture. That is why cultural and educational rights are given to citizens. This enables them to maintain their distinct languages and culture and establish educational institutions for promotion of the same.

Art 29 confers on minorities right to establish and administer educational institutions and provides following four distinctive rights :

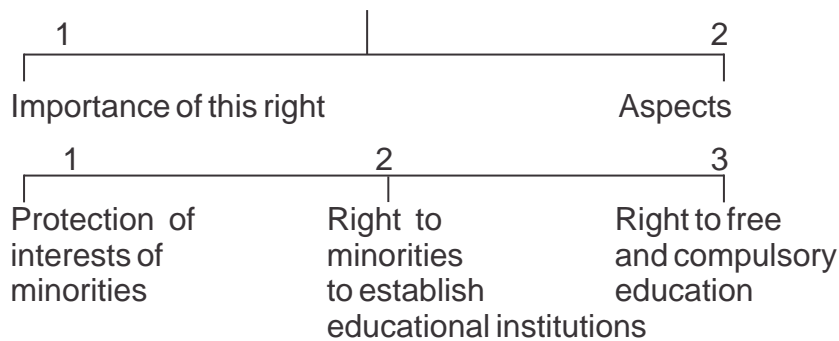
- a. Right of any section of citizens to conserve its own language script or culture. (Art 29(1).
- b. Right of the citizen not to be denied admission to any state maintained institutions on grounds of religion, caste, race and language (Art 29 (2)
- c. Right of all religions and linguistic minorities to establish and administer educational institutions of their choice (Art 30(1)
- d. Right of an educational institution not to be discriminated in matters of state aid on grounds that it is managed by a religious or linguistic minority (Art 30(2)

Importance of this right is, minorities shall be protected in respect of their language, script and culture.

Right to free and compulsory education :

Eighty-sixth (86th) amendment of the constitution in 2006 lays down that the state shall provide free and compulsory education to all children of the age of six to fourteen years.

Cultural and Educational Right



2.11 RIGHT TO CONSTITUTIONAL REMEDIES :- (ART 32-35)

Art 32 is the right for constitutional remedies for enforcement of Fundamental Rights. The right to constitutional remedies protects the citizens against encroachment on their fundamental rights. This right ensures that no person is deprived of his rights. It empowers the citizens to approach the court against any act of violation of fundamental rights.

Dr. Ambedkar called it "the very heart and soul of the constitution"

Art 32 guarantees to a person the right to move the Supreme Court directly for the enforcement of their fundamental rights. The sole object of Art.32 is the enforcement of the fundamental rights guaranteed by the constitution. The Supreme Court is constituted as the protector and guarantor of fundamental Rights. The Supreme Court can issue various kinds of writs for the enforcement of these rights. One can seek redressal through following petitions.

1) The writ of habeas corpus -

It is a powerful safeguard against arbitrary acts not only on private individuals but also of the executive. This writ can be filed by any one including the arrested person, his relatives, friends etc. This petition will force the arresting authorities to produce the person bodily in the court.

2) The writ of Mandamus -

This writ commends the person to whom it is addressed to perform public or quasi public legal duty which he has refused to perform and the performance of which can not be enforced by any other legal remedy.

3) The writ of Prohibition -

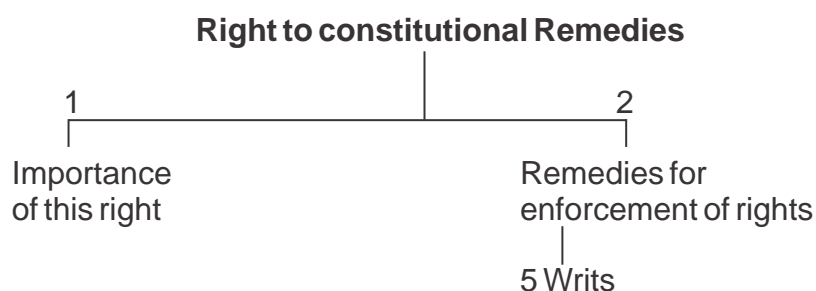
It simply means to stop. The Supreme Court or High Court issues directions to an inferior court forbidding the latter to continue proceeding in a case in excess of its jurisdiction or to encroach on jurisdiction with which it is not legally vested.

4) The writ of certiorari -

It is issued to a lower court after a case has been decided by it denouncing or abolishing that order. The objective is to secure that order. Jurisdiction of an inferior court does not encroach the jurisdiction which it does not possess.

5) The writ of quo warranto -

It is a very powerful instrument for safeguarding against usurpation of public offices. It is a proceeding by which the court inquires into the legality of the claim, which a party asserts to a public office and to remove from his or her employment if the claim is not found.



The limitations upon the enforcement of the Fundamental Rights are as follows :-

- (1) Parliament's power to modify or restrict Fundamental Rights.
Art.33 of the Constitution empowers Parliament to modify by law the application of the Fundamental Rights to the members of the Armed Forces.
Accordingly the Parliament passed the Air Force Act, the Army Act and the Navy Act, under which, some of the fundamental rights were curtailed for enjoyment by the members of the Armed Forces.
- (2) When martial law has been in force in any area, Parliament may, by law, indemnify any person in the service of the Union or a State for any act done by him in connection with the maintenance of order in such area.
- (3) The fundamental Rights guaranteed by the Constitution will remain suspended, while a Proclamation of Emergency is made by the President under Art. 352.

2.12 QUESTIONS

- 1) Write on Right to Equality.
- 2) What is the importance of Right to freedom?
- 3) What are the limitations on Right to freedom?
- 4) Explain Right against Exploitation.
- 5) Explain Right to freedom of Religion.
- 6) Give short note on cultural and Educational Right.
- 7) Discuss importance of Right to Constitutional Remedies.
- 8) Write on Fundamental Rights.



DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES

Unit Structure

- 3.1 Objective
- 3.2 Introduction
- 3.3 Significance of Directive Principles
- 3.4 Nature of Directive Principles
- 3.5 Classification of Directive Principles
- 3.6. Fundamental Rights and Directive Principles.
Relationship and difference.
- 3.7 Sanction behind the Directives.
- 3.8 Fundamental Duties.
- 3.9 Questions.
- 3.10 Suggested Reading

Directive Principles

3.1 OBJECTIVE

To study about the Directive Principles and Fundamental Duties. It must be remembered that the political democracy would be meaningless unless it has economic and social content. The Directive Principles aim at to give economic and social justice to the people and attain the welfare state.

3.2 INTRODUCTION

In Part IV of the constitution, the Directive principles of the state policy are explained from Art 36-51. It is borrowed from the Irish constitution.

The Directive Principles are in the form of guidelines for the state in deciding the socio-economic development of India.

3.3 SIGNIFICANCE OF DIRECTIVE PRINCIPLES

1. Welfare state:

The objective of directive principles is to embody the concept of 'welfare state'. The Indian constitution guarantees its citizens justice, freedom and equality. Hence citizens have been given certain rights. However, by merely guaranteeing freedom and equality, people cannot be made happy and their life prosperous. The state must formulate various projects for its citizens and through them must secure individual welfare and the nation's progress.

2. Development:

After independence, India faced many challenges. This country was to be transformed into a developed and progressive country. Therefore, it was necessary to implement a dynamic and rigorous programme of development. Guidance was necessary to decide priority areas to be focused on. Such guidance came from the directive principles of state policy. It shows the path to the state for development.

3. Supplement of fundamental rights:

The Directive principles deal with the social, economic and cultural rights. These principles have enabled the government to make laws to protect the weaker sections of society and abolish inequality and eradicate poverty.

3.4 NATURE OF DIRECTIVE PRINCIPLES

The Directive principles are fundamental in the governance of the country. But they are not justifiable in the court of law when it is violated. Their nature is moral. These principles are only the directions to the state and law making bodies to keep in mind while framing policies and laws.

3.5 DIRECTIVE PRINCIPLES IN THE CONSTITUTION: CLASSIFICATION

For the easy understanding of the Directive Principles, they are classified into four categories:-

- A- Social principles
- B- Economic Principles
- C- Political principles
- D- International principles.

A] Social Principles:

1. The state must provide free and compulsory education to all the children below fourteen year of age.
2. It should promote the interests of the weaker sections especially for the SC and ST.
3. The state should strive to improve public health and impose a ban on intoxicating drugs harmful to health.
4. The state should support the development of agriculture and animal husbandry on scientific lines.
5. The state shall strive to preserve and protect the environment, forests and wild life.
6. The state should protect and preserve historical and national monuments.

B] Economic principles :-

1. The state should provide adequate means of livelihood to all its citizens.
2. It should use the material resources of the country for the well being of the entire society.
3. It should prevent the concentration of wealth in the hands of a few.
4. It should ensure equal pay for equal work to all men and women alike.
5. The state should ensure that no person is compelled to enter into a vocation unsuited to his age and ability.
6. The state shall strive to create conditions that will help children grow in a free and healthy atmosphere.
7. The state shall create a legal system that promotes justice and provides free legal aid to the weaker sections of society.
8. All citizens should be given the right to work and the right to education. They should be provided assistance in old age and illness.
9. The state shall strive to secure just and humane conditions of work for the workers.
10. The state shall promote cottage industries.
11. It should ensure workers participation in factory management by making suitable laws.

C] Political Principles :-

1. The state shall organize village Panchayats for enhancing people's participation in political affairs.
2. The state should strive to implement uniform civil code for all the citizen of India.
3. The Judiciary should be separated from the Executive to secure the independence of the former.

D] Principles concerning International Relations :-

1. The state is expected to devise a foreign policy that promotes international peace and security.
2. It shall promote honourable and friendly relationships among nations.
3. It shall resolve international disputes by peaceful means and arbitration.

3.6 FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES - DIFFERENCES

The Directives differ from the Fundamental Rights or the ordinary laws of the land in the following respects:-

1. Fundamental rights have judicial protection. Whereas directive principles of state policy do not have such protection. We cannot approach the court in case of non-implementation of the directives.
2. Fundamental Rights provide individual freedom and liberty to the people. These are basic civil and political rights of the citizens. Directive Principles are the guidelines for the State. It shows the path to the government for formulating policies towards welfare state. Directive Principles deal with the social, economic and cultural rights. Fundamental Rights constitute limitations upon state action, the Directive Principles are in the nature of instruments of instruction to the Government of the day to do certain things and to achieve certain ends by their actions.
3. Both combined bring balance between individual liberty and public good.
4. In case of a conflict between the Directive Principles and fundamental rights, the latter must prevail. But Parliament can amend the constitution and modify fundamental Rights to give effect to Directive Principles.

3.7 SANCTION BEHIND THE DIRECTIVES

The objective of the state has been described to be 'Socialist' by the government in the Preamble by the 42nd Amendment Act. Accordingly, certain changes have been introduced in Part IV, adding new Directives.

- (1) Art 39 A has been inserted to enjoin the state to provide free legal aid to the poor and to take other suitable steps to ensure equal justice to all.
- (2) Art 43 A, has been inserted in order to direct the state to ensure the participation of workers in the management of industry.

Part IV containing the Directive Principles is a part of the constitution. Even though the Directives are not enforceable in the Courts, Art 37 says "it shall be the duty of the state to apply these principles in making laws.

If so, it should be the duty of the Union to see that every state takes steps for implementing the Directives as far as possible. In case of refusal to comply with such directions issued by the Union, it may apply Art 365 against such recalcitrant state.

The Directives emphasise that the goal of the Indian polity is a welfare state. Hence the state has a positive duty to ensure to its citizens social and economic justice and dignity of the individual.

These principles have been declared to be fundamental in the governance of the country and a government which rests on popular vote can hardly ignore them, while shaping its policy,.

Classification of Directive Principles of State Policy

Ideals of the State	Shaping the Policy of the State	Non-justiciable rights of the Citizens
<ol style="list-style-type: none"> 1. Art. 38(1)- Promotion of the welfare of the people by securing a social order permeated by social, economic and political justice. 2. Art. 38(2)- Minimization of inequality in income, status, facilities and opportunities amongst individuals and groups. 3. Art. 39- Directing policy towards securing equitable distribution of material resources of the community, and preventing concentration of wealth in fewer hands. 4. Art 43- securing just and humane conditions of work, a living wage, a decent standard of living and social and cultural opportunities for all workers. 5. Art. 47- Raising level of nutrition and standard of living improving public health. 6. Art. 51- Promoting international peace and amity. 7. These Articles show that the object of the state is a 'welfare state' not a mere 'Police State'. 	<ol style="list-style-type: none"> 1. Art. 40- Organizing village panchayats as units of self-government 2. Art. 43- Developing cottage industries. 3. Art. 44- Securing uniform civil code throughout the country. 4. Art. 45- Providing free and compulsory primary education. 5. Art 46- Protecting weaker and smaller sections from social injustice and protecting their socio- economic interests. 6. Art 47- Prohibiting consumption of liquor and intoxicating goods except for medicinal purposes. 7. Art 48 - organizing and modernizing agriculture and animal husbandry. 8. Art 48- Preventing slaughter of cows and milch cattle. 9. Art 48. A- Protecting and improving environment and safeguarding forests and wild life. 10. Art 49. A- Protecting and maintaining places of historic iinterests 11. Art 50- Separating executive from judiciary. <p>These Directives aim at the establishment of the economic and social democracy, which is pledged for in the Preamble.</p>	<ol style="list-style-type: none"> 1. Art. 39(a)- Right to adequate means of livelihood. 2. Art 39(A)- Right to equal opportunity for justice and legal aid. 3. Art 39. [e] and [f]- Rights against economic exploitation. 4. Art 39 [d]- Rights to equal pay for equal work for both sexes. 5. Art 39 [f]- Rights to protection against exploitation and healthy development with freedom and dignity. 6. Art 41- Right to work, right to public insurance and social security. 7. Art 42- Right to humane conditions of work and maternity relief. 8. Art 43- Right to a living wage and decent standard of life. 9. Art 43 A- Workers' right to participate in Industrial management. 10. Art 45- Right to free and compulsory educations.

3.8 FUNDAMENTAL DUTIES

An individual is entitled to certain rights as a member of the society. Similarly, he is expected to perform certain duties as well. Thus, in democracy the demand for rights alone is not desirable, the duty-consciousness is equally important. In order to promote this spirit of duty consciousness among Indians, the constitution of India incorporated fundamental duties in Part IV Article 51 - A 42nd amendment in 1976.

Fundamental duties help to uphold the sovereignty, unity and integrity of the nation, to maintain secularism and the common brotherhood amongst all the people of India.

3.9.1 Charter of duties for the citizens of India:-

India is the only country, having in the constitution rights and duties side by side. The following are the charter of duties for the citizens of India:-

- 1 To abide by the constitution and respect its ideals and respect the national flag and the National Anthem.
- 2 To follow the ideals of non - violence, democracy and secularism which inspired our national struggle.
- 3 To protect the sovereignty, unity and integrity of India.
- 4 To defend the country and render national service.
- 5 To promote the spirit of brotherhood amongst all the people of India and to renounce practices derogatory to the honour of women.
- 6 To preserve the rich heritage of our composite culture.
- 7 To protect and improve the natural environment, forests, rivers and wild life.
- 8 To develop a scientific temper, humanism and a spirit of enquiry and reform.
- 9 To safeguard public property and to avoid violence.
- 10 To strive towards excellence in all spheres of individual and collective activity so that nation constantly rises to higher levels of endeavour and achievement.
- 11 Parents should provide opportunities of education to their children in the age group of six to fourteen.

3.9.2 Evaluation :

Above duties are obligatory on citizens. There is no provision in the constitution for direct enforcement of these duties. But it may be expected that in determining the constitutionality of any law, if a court finds that it seeks to give effect to any of these Duties, it may consider such law to be reasonable and thus save such law from unconstitutionality.

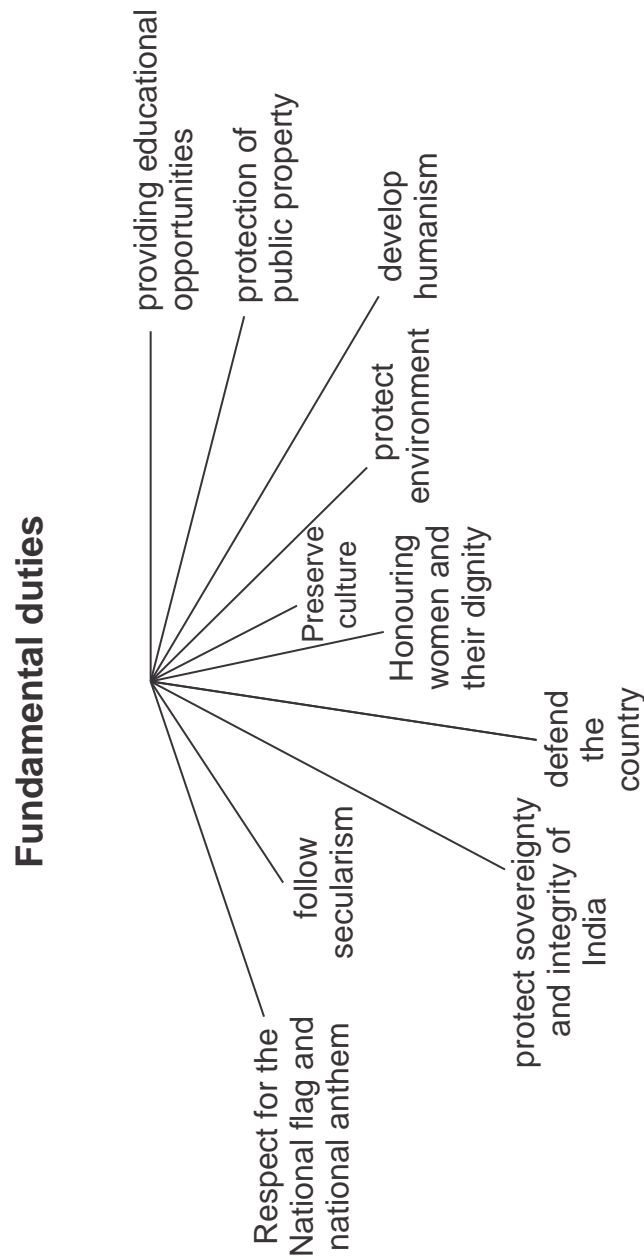
Through education and enlightened public opinion that a feeling of pride and responsibility towards these duties can be inculcated in the citizens.

3.9.4 Conclusion :

The inclusion of Fundamental Duties in the constitution has been justified on the basis that they would help to strengthen our democracy.

It has educative and psychological value for the citizens of India.

Fundamental duties



3.10 QUESTIONS

- 1) Attempt and discuss the classification of the Directive Principles.
- 2) Write short notes on -
 - 1) Fundamental Duties.
 - 2) Relationship between Fundamental Rights and Directive Principles.
 - 3) Importance of Directive Principles.

3.11 SUGGESTED READING

1. Durga Das Basu - Introduction to the Constitution of India .
2. Dr. M. V. Pylee- constitutional Government of India.
3. The constitution of India- 2007.



PARLIAMENT

THE STRUCTURE AND FUNCTIONING OF PARLIAMENT

Unit structure

- 4.0 Objective
- 4.1 Introduction
- 4.2 Structure of the Parliament
- 4.3 Powers and functions of Parliament
- 4.4 Relationship between two houses
- 4.5 Privileges and immunities of Parliament and its members
- 4.6 Legislative Procedure
- 4.7 Questions

4.0 OBJECTIVE

To learn about the law making body of the government.

Indian Parliament

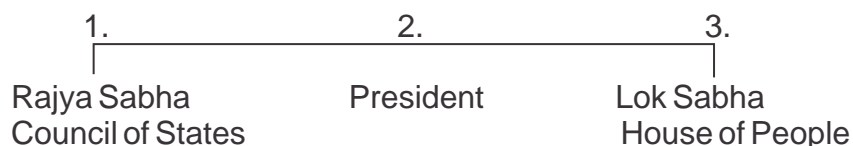
4.1 INTRODUCTION

The Indian parliament is the legislative organ of the government. It represents the people as well as epitomises unity of India. The Articles 79 to 122 of the Indian constitution describe the Parliament; which is known as 'sansad'. Indian Parliament is bicameral.

4.2 STRUCTURE OF THE PARLIAMENT OF INDIA

Article 79 says "There shall be a Parliament for the Union, which shall consist of the President and two Houses, to be known as the Council of state and House of the People."

Composition of Parliament



4.2.1 President : President is a part of the Legislature.

President is not the member of any House, but he is considered as an inseparable part of the Parliament. Every Bill passed by the Parliament must have his assent to become an Act. He has a special power of summoning meetings of the Parliament.

4.2.2 The Rajya Sabha (The Council of States)

Composition of the Council of States :

Representation of States :- It represents the States. Rajya Sabha promotes and protects the interest of various States in India. The Upper House of Parliament consists of 250 members. Out of these 238 members are indirectly elected by State Assemblies and Union Territories.

Nomination :- 12 members are nominated by the President. These are the people who have knowledge and skill in the field of arts, science, literature and social service. Their nomination to the Rajya Sabha makes their services available to the nation.

Division of seats for representation of States :-

In Indian federal system there is not equal representation in the Rajya Sabha, like American Senate. In India every state has different number of representatives depending upon the population of the state. E.g. Uttar Pradesh sends 34 members, Maharashtra sends 19 and Goa send 1 member in the Rajya Sabha.

Election :

Out of 250 members of the Rajya-Sabha, 238 are indirectly elected. For the purpose of this election Proportional Representation by means of single transferable vote system is used. In this system, the voter is supposed to indicate his choice by giving numbers to the candidates as per his order of preference. The system of proportional representation is complicated. A candidate can not directly involve in this election. The elected members of Legislative Assemblies elect the Rajya Sabha members. The nominated members and the Legislative Council members do not participate in this election. Thus the Council of states reflects a federal character by representing the Units of the federation.

Tenure :

Rajya Sabha is a permanent body. Members are elected for a period of 6 years. After every 2 years 1/3rd of its members retire by rotation. It is a continuous house.

Qualifications of members :

1. He must be a citizen of India.
2. He must have completed 30 years of age.
3. Additional qualifications may be prescribed by Parliament from time to time.

Disqualification s:

1. A person will occupy only one seat at time.
2. A person will be disqualified if he holds any office of profit

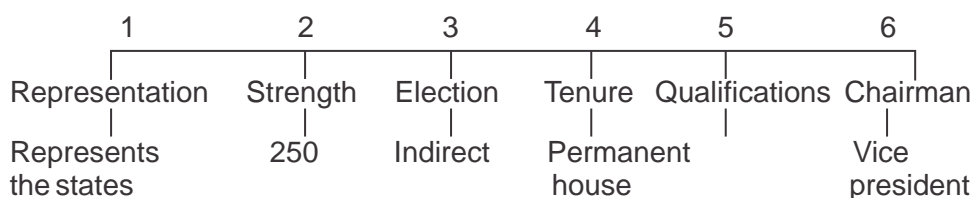
under the Central Government or State Government.

3. If he is of unsound mind.
4. If he has indulged into corrupt electoral practices and proved guilty then he is disqualified from elections for a period of 6 years.

Chairman and Deputy Chairman :

The Vice President is the ex-officio Chairman of the Rajya Sabha. In the absence of the Chairman, the Deputy Chairman functions as the chairman. He is a member of the House and elected by the House.

Composition of Rajya Sabha-



4.2.3 The Lok Sabha (The House of People) :

Composition :- Lok Sabha is known as the Lower House of Parliament. It is known as House of people because it represents the people of India. The members of Loksabha are directly elected by the people.

Strength :- There can be a maximum of 552 members in the Loksabha. Out of these not more than 530 members are from the federating units i.e. states. Not more than 20 members are representatives from union territories and 2 members may be nominated by the President from Anglo - Indian community, if he feels that the community is not adequately represented.

Distribution :- The seats are distributed on the basis of population Uttar Pradesh sends maximum members 80 to the Loksabha whereas Mizoram, Nagaland and Sikkim send one member each to Loksabha. Maharashtra sends 48 members to the Lok Sabha.

Tenure :- The normal life of Lok Sabha is Five years. It can be dissolved earlier by the President. In case of emergency, the Parliament can extend the life of Lok Sabha by one year. The fresh elections must be conducted within six months after emergency has been lifted.

Qualifications :- A person must possess following qualifications for the membership of Lok Sabha -

1. He must be a citizen of India.
2. He must have completed 25 years of age.
3. He must possess other additional qualifications as decided

- by the Parliament from time to time.
4. His name should appear in the voter's list.

Mode of Representation :-

All citizens of India who have completed 18 years of age can vote for the Lok Sabha. It is a direct election. Representation is on geographical basis. For the purpose of elections entire territory is divided into smaller geographical units. Each one of this unit is called a constituency. Each constituency represents more or less same number of people. In case of the Lok Sabha only one representative is to be elected from each constituency. Hence it is called as a single member constituency. The candidate who secures maximum number of votes is declared elected.

e.g. -	Candidate	Votes polled	Result
	A	10,000	elected.
	B	9,000	
	C	8,000	

Candidate 'A' is declared elected as he has polled maximum number of votes. However, it must be noted that he is not supported by majority. Candidates 'B' and 'C' have polled 1700 votes together. These votes are more than the votes polled by 'A', But these votes being fragmented 'A' gets elected.

Speaker and the Deputy Speaker :-

The speaker is the presiding officer of the Lok Sabha. His position is of dignity and honour. His status is equivalent to the Chief Justice of India. In the absence of the speaker, the Deputy Speaker presides over the house. The House of the people will as soon as may be after its first sitting choose two members of the House as Speaker and Deputy Speaker.

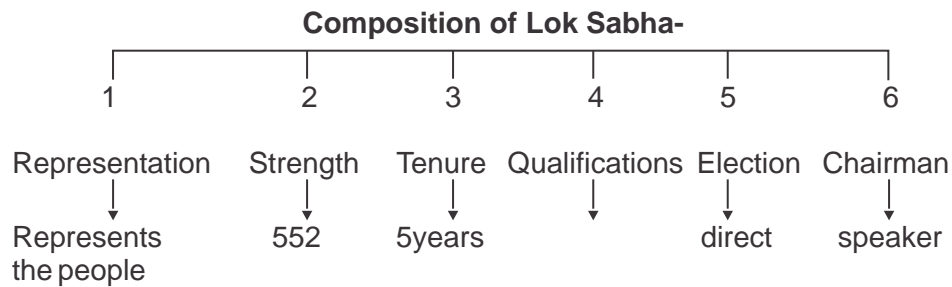
Election :- The speaker and the Deputy Speaker are elected by majority by members of Lok-Sabha. Generally, the majority party decides the speaker and the opposition gets the post of Deputy Speaker.

Tenure : Of the Speaker and the Deputy Speaker - The Speaker and Deputy Speaker hold the office during the life of Lok Sabha. They remain in office till the newly elected members choose the speaker and the Deputy Speaker.

His office may be terminated earlier if

1. He ceases to be a member of Lok Sabha.
2. He resigns.
3. He is removed.

The members of Lok Sabha can remove the Speaker. Such a resolution should be tabled with 14 days notice. When the resolution comes for discussions, he can participate and vote. In case of a tie on this resolution he cannot vote.



Powers and Functions of the speaker :

The powers, position and functions of the speaker are similar to those of the speaker of the House of Commons in England.

1. The speaker presides over the meetings of the House.
2. He maintains order, decency and decorum in the House.
3. In the absence of quorum, he adjourns the House. Quorum is the minimum number of members required for the functioning of the House. Generally it is 1/10th of the total membership. In the absence of quorum House has to be adjourned.
4. He decides to admit questions, motions, Bills etc. he is the sole authority to decide the urgency of any matter.
5. He adjourns the House in case of chaos.
6. If the answer given by a minister is not satisfactory, then he can pressurise the minister to give proper answer.
7. He protects the special privileges of the members.
8. He presided over the joined sitting of both the Houses.
9. He should be impartial and dose not vote. But in case of a tie he has a casting vote that decides the dispute.

4.3 POWERS AND FUNCTIONS OF THE PARLIAMENT

India has adopted parliamentary form of government. In this system executive is a part of the legislature and can remain in power only so long as it enjoys the confidence of the legislature. Executive i.e. the government is responsible to the legislature. Hence in Parliamentary system. Parliament is the most important organ of the Government. It is the legislative organ of the Government. The functions of Parliament are as follows :-

1. Legislative function :

The basic function of the Parliament is to make laws. As the situation changes there is a need to amend old laws, to make new laws and repeal old laws. This is done by parliament. In the modern welfare state this function has substantially increased. The Parliament has the power to make laws on the subjects given in the union list and the concurrent list.

2. Formation of the Cabinet :

The first function of Parliament is that of providing the cabinet and holding them responsible. It is the function of Parliament to form cabinet by the leader of majority party. The cabinet looks after the day to day administration and decides policies of the government. Such a government is responsible to parliament.

3. Control of Cabinet :

Union parliament exercises control over the union executive and administration. Council of Ministers is collectively and every minister is individually responsible to the Union Parliament. It enforces responsibility through questions, resolutions, adjournment motions, budgetary discussion, vote of no confidence etc. Question Hour is the most important instrument of parliamentary control. The first hour of every working day is reserved for this purpose. By raising questions, the Members of Parliament can focus public attention on the policies and activities of the government.

Debates on Adjournment Motions is a tool of day to day control. It is utilized for raising a discussion in the House on any specific questions of urgent nature and of public importance.

The Cabinet remains in power as long as it enjoys the confidence of the Parliament. Any minister can be asked questions and supplementary questions by the member of parliament. The Cabinet has to resign if a no confidence motion is passed. Ministers are responsible to the parliament. Matter of urgent public importance are discussed by the member of the Parliament. It ensures accountability of the executive in the parliamentary system.

4. Financial Powers :

The Union Parliament enjoys absolute control over the purse of the nation. The Parliament alone has power to levy a new tax. The Finance Minister submits the Annual Budget before the Lok Sabha. The Parliament discusses it in detail and approves it.

Money Bills are introduced only in the Lok Sabha and requires sanction only of the Lok Sabha.

5. Judicial Powers :

The Parliament can remove the President. Chief Election commissioner, the judges of the high court and Supreme Court by impeachment. The parliament has the power to punish any one for breach of its privileges or for its contempt.

6. Power of amending the constitution :

Parliament has the authority to amend the constitution. Approval of both the Houses is essential for amendment. However, amendment can not change basic framework of the constitution.

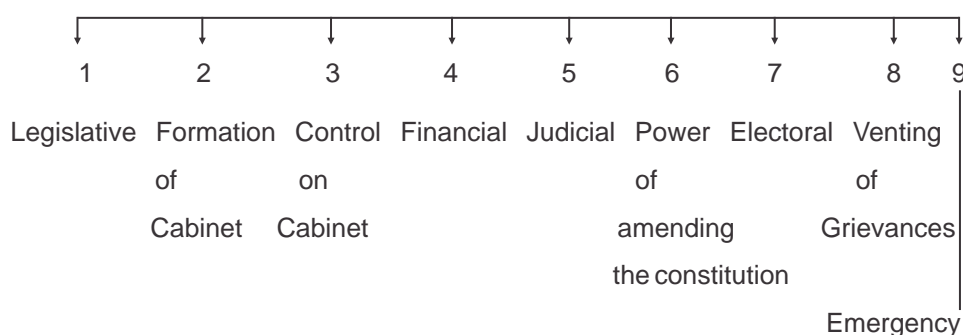
7. Electoral Functions :

Parliament elects the President and the Vice-President.

8. Venting of Grievances :

As an organ of information, Parliament is powerful. It vents the grievances of the people through various parliamentary measures. The Parliamentary debates, questions etc are highly informative. The legislature plays vital role in mobilizing popular support for the regime as well as for developmental activities.

Powers and Functions of Parliament



4.4 RELATIONSHIP BETWEEN THE TWO HOUSES

Except for the Money Bill both the Houses have equal powers. However, as far as money bill is concerned it can be introduced only in the Lok Sabha and requires the sanction of the Lok Sabha.

The Lok Sabha can pull down a government where as a Rajya Sabha cannot do it.

This does not mean that the Rajya Sabha is a powerless house- the Rajya Sabha has some special powers such as creation of All India services, shifting a subject from the state list to the concurrent list, approval of proclamation of emergency etc. It is important to note that the Rajya Sabha cannot be destroyed by the Lok Sabha. If the Lok Sabha is dissolved, all powers of parliament are enjoyed by the Rajya Sabha. Thus the Lok Sabha has superior position regarding money bill. But the Rajya Sabha has also some special powers.

4.5 PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND ITS MEMBERS

Privileges are certain rights some of which belong to the House of Parliament collectively and some others to the members of Parliament individually. These are necessary to enable the House to maintain its independence of action as well as the dignity of its position. Both the Houses of Parliament have similar privileges under

our Constitution. The privileges which are highlighted in the Constitution are freedom of speech, article 105, (Clauses 1 and 2) and right of publication. Article 194, while defining these two major rights only mentions that the privileges of the members of the Indian Parliament shall be the same as those of the members of the House of those of the members of the House of Commons in England as they existed at the time of the commencement of the Constitution. The Forty-second Amendment Act., of 1976 deleted the reference to the House of Commons. It inserted a new clause which stated that until Parliament makes laws relating to privileges, they shall be the same as they were in 1976. In the absence of any such law passed by the Parliament the privileges of Parliament and its members in India still continue to be the same as in the House of Commons.

Privileges classified :- Privileges are of two kinds (1) Those which are enjoyed by the members individually and (2) those which belong to each House of Parliament as a collective body, The Privileges enjoyed by the members individually are (a) freedom of speech (b) freedom from arrest (c) exemption from attendance as jurors and witnesses. Freedom of speech is assured to each member of Parliament. Every member enjoys immunity of action for anything said within the House subject of course to rules framed by the House to regulate its internal procedure.

The privileges of the House collectively are :-

(a) right to publish debates and proceedings and the right to restrain publication by others, the right to exclude (to exclude others from galleries at any time (c) the right to regulate - the internal affairs of the House (d) the right to punish parliamentary misbehavior (e) the right punish members and outsiders for breach of privilege. Parliament's power to punish member includes suspension or expulsion for disgraceful behaviors or a breach of privilege and an outsider with a fine or imprisonment. It would be difficult to define what constitutes a breach of privilege or contempt of parliament. Anything that impedes the House or any member of the House in the performance of functions can amount to the offence. Mrs. Indira Gandhi, India's former Prime Minister was expelled from the Lok Sabha and put in prison for three days in 1978 after her refusal of committing breach of privilege of Parliament.

Members of Parliament also enjoy freedom from arrest. A member of Parliament cannot be arrested for civil cases during a session or meeting of a House or its committee and fourteen days before and after such a session or meeting. In criminal cases a members can be arrested outside Parliament.

4.6 LEGISLATIVE PROCEDURE

Distinction Between A Bill And An Act.

A distinction must be made between a 'Bill' and an 'Act'. To make a new law. or, to cancel the existing law, a member of Parliament has to introduce a 'proposal' to that effect in the Parliament. Such a

'proposal' is called a bill. A bill embodies the provisions of the proposed law.

So long as it not passed by both the Houses of Parliament and so long as it has not received the assent of the President, it is called a Bill. But the moment a Bill is passed by both the House of Parliament and has also received the assent of the President, it becomes an Act and is placed on the Statute Book.

Types of Bills.

Bills may be classified into two categories : (1) Ordinary Bills, and (2) Money Bills. Ordinary Bills may again be subdivided into two classes : (i) Government, or. Official Bills, and (ii) Private, or, Non-official Bills.

Procedure For Passing Ordinary Bills.

What is an Ordinary Bill? Any Bill, other than a Money Bill is called an Ordinary Bill. An Ordinary Bill may be introduced by any member in either House of the Parliament. When an Ordinary Bill is introduced by a Minister, It is called a 'Government' or 'Official Bill'; but when it is introduced by any 'Non-official Bill'. The procedure with regard to 'Government Bill' and 'Private Bill' is one and the same. Every Ordinary Bill has to pass through the following stages to become an Act.

a) Introduction

1. First Reading (Introduction) of the Bill : The Bill is first to be introduced in either House of Parliament by any member, after taking permission from the Speaker, or, the Chairman, as the case may be, under Article 107. Then, the Bill is declared to have been moved. But if the introduction of the Bill is opposed, the opposing member and the mover of the Bill are asked to explain their points of view to the members. Then, the Bill is put to vote. If the House is in favour of the introduction of the Bill, it goes to the second stage. The Bill is, then published in the Gazette of India. The introduction of the Bill is also called the First Reading.

2. Second Reading (Discussion) of the Bill as a Whole : In the Second Reading, the Bill is considered. For that purpose, the mover of the Bill may follow any of the following three alternative courses of action, open to him :

- a) He may request the House to consider the Bill at once;
- b) The Bill may be referred to a Select Committee of the House, or, to a Joint Committee of both the Houses of Parliament, or
- c) The Bill may be circulated for the purpose of eliciting public opinion on it.

It is only in extraordinary cases that the first course of action is taken, i.e., immediate consideration of the Bill by the House. Generally, the Bill is referred to a Select Committee of the House, or, it

is published in the State Gazette to get the public opinion on it from the local bodies and the recognized associations. In the Second Reading, the Bill is discussed as a whole and not clause by clause by the House. Here ends the second stage.

3. Committee Stage (Select Committee, or, Joint Committee) :

When the Bill is referred to a Select Committee of the House, or, a Joint Committee of both the Houses of Parliament, the mover of the Bill generally proposes the names of the members to constitute a Select Committee. In the case of a Joint Committee, two-thirds of its total members belong to the Lok Sabha and one-third to the Rajya Sabha. The Chairman of the Committee has a casting vote in case of a tie. (i.e., equality of votes). A period is also determined for submission of its report. The Select Committee, or, the Joint Committee, as the case may be, examines the Bill thoroughly clause by clause. Its members may submit their report Individually, or, jointly to the House concerned.

4. Detailed Discussion on the Report of the Committee :

At this stage, the report of the Committee is laid before the House for its consideration. The House discusses the Bill clause by clause along with the report of the Committee. Here amendments are moved and discussed. Each clause of the Bill is discussed, revised and amended and finally put to vote. Every point is decided by a majority vote of the members, present and voting.

5. Third Reading : It is the fifth stage, the mover of the Bill moves that "the Bill be passed". Here only the formal amendments of the Bill are accepted. The normal practice is that, at this stage, no bill is rejected. Thus the Bill is passed in that House.

b) Passage of the Bill in the other House.

The Bill is, then, transmitted to the House, where it has also to undergo the same process of five stage.

1. If the Bill is passed by the other House in its original form, it is then sent, with the signature of the Speaker.
2. If the Bill is amended by the other House, the amended Bill is returned to the originating House. where the amendments are considered. If amendments are accepted, the originating House sends a message accordingly to the other House. If however, the amendments are rejected, the originating House returns the Bill with a message to that effect to the other House. If in this process of sending the Bill up and down. the two Houses do not come to an agreement. the only solution is a joint sitting of both the Houses.
3. If the Bill is rejected, or. if it is not returned within six months of receipt of the Bill to the originating House, then also the President calls for a joint sitting of both the Houses. In the joint sitting, the disputed points are settled by a simple majority vote of the

members of both Houses of Parliament, present and voting under Article 108 (4).

c) Assent of the President.

A Bill, which is passed by both the Houses of Parliament, is sent under the signature of the Speaker to the President for his assent. If the President gives his assent to the Bill, it becomes an Act. The President may return the Bill for reconsideration, with or without amendments. If the Bill is passed by both the Houses, with, or, without amendments, as suggested by the President, then the President is bound to give his assent to it. The Act is then entered in the Statute Book and also published in the Gazette of India.

Procedure For Passing Money Bills.

What is a "Money Bill"? Under Article 110 (1), a Bill shall be deemed to be a Money Bill, if it contains any provisions dealing with all, or, any of the following matters :

- a) The imposition, abolition, alteration, or, regulation of any tax;
- b) The regulation of the borrowing of money, by the Government of India.
- c) The custody of the Consolidated Fund, or the Contingency Fund of India, the payment of money into. or, the withdrawal of money from any such Fund :
- d) The appropriation of money of the Consolidated Fund of India:
- e) The declaring of any expenditure, to be charged on the Consolidated Fund of India.
- f) The receipt of money on account of the Consolidated Fund of India, or, the Public Account of India, or, the custody, or, issue of such money, or, the audit of the accounts of the Union, or, of a State:

If any question arises whether a Bill is a Money Bill or not the decision of the Speaker of the Lok Sabha thereon shall be final [Art. 110 (3)].

1. The President's Recommendation : Under Article 117 a Money Bill can be introduced only in the Lok Sabha and that his on the recommendation of the President of India. Without his recommendation, a Money Bill cannot be introduced in the Lok Sabha. However, the recommendation of the President is not required for moving an amendment making provision for the reduction or abolition of any tax.

2. Money Bill Originates Only in the Lok Sabha : A Money Bill can only be introduced in the Lok Sabha. It cannot be introduced in the Rajya Sabha, under any circumstances. When a Money Bill is passed by the Lok Sabha, it is transmitted to the Rajya Sabha, with the

Speaker's certificate that it is a Money Bill for its recommendation.

3. Money Bill in the Rajya Sabha : The Rajya Sabha must return the Money Bill with its recommendations, within a period of fourteen days from the date of its receipt to the Lok Sabha.

4. Money Bill in the Lok Sabha : If the Bill is received back by the Lok Sabha from the Rajya Sabha, with or without its recommendations, it is left to the Lok Sabha to accept or not to accept the recommendations, if any, of the Rajya Sabha. The Bill is thereafter deemed to have been passed by both the Houses after the period of fourteen days is over. However if the Bill is not received back by the Lok Sabha within a period of fourteen days, then it is deemed to have been passed by both the Houses of Parliament.

5. President's Assent : The Bill is then, sent to the President with Speaker's certificate that it is a Money Bill, for his assent. The President cannot withhold his assent, as a Money Bill is always introduced in the Lok Sabha only on his recommendation. After having received the assent of the President, the Money Bill becomes an Act. It is then entered in the Statute Book and is published in the Gazette of India.

Annual Financial Statement, Or, The Budget.

What is an "Annual Financial Statement"? Under Article 112. in every financial year, the President of India shall cause to be laid before both the Houses of Parliament, the "Annual Financial Statement" commonly known as the 'Budget'. It contains the estimated receipts and expenditures of the Government of India in respect of the financial year.

1. Union Budget : It is presented in two parts : (1) the Railway Budget, submitted by the Minister of Railway; and (2) the General Budget, submitted by the Finance Minister. The procedure for passing both the Budgets is the same. The General Budget consists of the following two types of expenditures. to be incurred out of the Consolidated Fund of India : (i) the sums, required to meet expenditure, which is charged upon the Consolidated Fund of India; and (ii) the sums, required to meet other expenditure, proposed to be made from the Consolidated Fund of India.

2. Expenditure Charged Upon the Consolidated Fund of India : Under Article 113. the entire expenditure, which is charged upon the Consolidated Fund of India, shall not be submitted to the vote of Parliament. However, the Parliament has a right to discuss and criticise it.

3. Demands for Grants : The estimates relating to other expenditure, shall be submitted in the form of "demands for grants" to the House of the People. The House of the People shall have power to assent, or, to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount. No demand for a grant shall be made except on the recommendation of the President.

Appropriation Bill.

Under Article 114, as soon as the grants have been made by the House of the People, a Bill known as the Appropriation Bill is introduced in the Lok Sabha. This Bill provides for the appropriation of all money (i.e., setting aside the definite amount of money for a definite purpose) out of the Consolidated Fund of India. It covers both the non-votable and votable expenditures. This Bill is passed in the same manner as that of any other Money Bill.

Supplementary Budget.

Under Article 115, the House of the People has the power to sanction any Supplementary Budget. The Supplementary Budget is submitted to the Lok Sabha, in the following circumstances : (1) If an amount fixed by the Appropriation Act for being spent for a definite purpose is found insufficient; (2) If some need arises for additional expenditure; or (3) If the money has been spent in excess of the amount fixed by the Appropriation Act for a definite purpose during the current financial year.

Emergency Expenditure.

Article 116 authorises the Lok Sabha to make any grant in advance, to meet any unexpected expenditure before the Appropriation Bill is passed. The Parliament has power to withdraw all moneys, so granted from the Consolidated Fund of India, by law.

Parliament's Control Over The Financial System.

The financial system consists of two branches : (1) revenue and (2) expenditure.

1. Revenue : As regards revenue, Article 265 expressly lays down that no tax shall be levied, or, collected, except by authority by law. It means that if any tax is imposed without legislative authority, the aggrieved person is entitled to his relief from the courts of law. It also follows that the executive is not competent to impose any tax without legislative sanction.

2. Expenditure : As regards expenditure, the consolidated fund of India is the pivot of Parliamentary control. Hence the Executive is not

competent to spend the public revenue without Parliamentary Sanction.

4.7 QUESTIONS

1. Discuss the composition of the Parliament.
2. Write on the powers and functions of Parliament.
3. Write short note on -
 1. Importance of Parliament in parliamentary system of India.
 2. Speaker.
 3. Legislative Procedure.
 4. Privileges and immunities of Parliament and its Members.



CHANGING ROLE OF THE PARLIAMENT

Unit structure

- 5.1 Introduction
- 5.2 Issue of Parliamentary sovereignty
- 5.3 Role of Parliament
- 5.4 Decline of Parliament
- 5.5 Committee system of Parliament
- 5.6 Questions

5.1 INTRODUCTION

The Legislature constitutes the heart of the representative democratic system. The enactment of laws is its main function but it also supervises and controls the whole governmental system. In developing countries like India, the legislature plays vital role in mobilizing popular support for the regime as well as for developmental activities. But the decline in powers and significance of the legislature during the 20th century is a world-wide phenomena and India is no exception to this trend. In this context we will study about issue of Parliamentary sovereignty the role of Parliament and decline of Parliament, in India.

5.2 ISSUE OF PARLIAMENTARY SOVEREIGNTY

The position of the Indian Parliament is half way house between the British Parliamentary sovereignty and the American supremacy of the constitution.

British Parliament is supreme. British parliament can do everything that is not naturally impossible. The laws enacted by the British parliament are regarded as the supreme laws. Court cannot decide its validity. Thus, English courts are denied any power "to sit as a court of appeal against Parliament". The theory of the Parliamentary sovereignty is maintained in England.

In USA there is a supremacy of constitution. It means constitution is supreme and the courts have the power of interpretation of the constitution. The Supreme Court has power to invalidate a law enacted by the Congress (Parliament) not only on the ground that it transgresses the legislative powers vested in it by the constitution or by the prohibitions contained in the Bill of rights but also on the ground that it is opposed to such general principles as due process of law. Thus, the supremacy of the constitution is maintained.

Indian constitution embodies a healthy combination of the theory of the supremacy of the constitution like US and the theory of the parliamentary sovereignty like England. Indian Judiciary is

empowered to declare a law as unconstitutional if it is beyond the competence of legislature and against the constitution. But at the same time judiciary has no power to ascertain wisdom of legislative policy.

Secondly the constitution can be amended by the Parliament and can overcome difficulties created by judicial decisions.

It was expressed by Pandit Nehru that "No supreme Court can stand in judgment over the sovereign will of parliament. It can pull-up that sovereign will if it goes wrong; but where the future of the community is concerned, no judiciary can come in the way, It means Legislature must be supreme and must not be interfered with by the courts of law in such measures as social reform."

Thus, the compromise between judicial review and Parliamentary sovereignty is one of the basic features of the constitution of India.

Disturbance :

In 1976, 42nd amendment Act disturbed the balance between the Parliamentary sovereignty and Judicial review by moving towards the former by introducing some new provisions to the constitution. But in 1977, 43rd and 44th amendments Acts restored it.

Thus, balance between the parliamentary supremacy and the judicial review has been achieved which makes the Indian Parliament not as omnipotent as British Parliament and not as helpless as the American Congress.

5.3 ROLE OF PARLIAMENT

The role and functions of Parliament assume great significance in view of the basic principles associated with parliamentary democracy.

A parliamentary form of government acknowledges the fact that in this system, The Parliament derives its power directly from the consent of the people expressed through periodic elections and that it exists to implement the will of the people. In this system the executive not only emanates from the Parliament but is also accountability of the executive to the Parliament represents the will of the people, it should be able to oversee and keep the executive under control and constant surveillance.

Parliaments have now become multi-fuctional institution. It is the political nerve centre of the country, acting as a mirror of the society. The Parliament performs a variety of functions such as :-

1. Law making or Legislative function.
2. Ensuring executive accountability through control of Cabinet.

3. Control over the budget, financial powers.
4. Amending the constitution.
5. Representational role, formation of the Cabinet.
6. Educational role.
7. Venting of Grievances of the people.
8. Training and recruitment of leadership, electoral function.
9. Powers relating to emergency.

Thus the Parliament is a multi-functional institution. But the decline in powers and role of the legislature during the 20th century is world-wide phenomena and India is no exception to this trend.

5.4 DECLINE OF PARLIAMENT

Day-to-day Parliament is losing in its effectiveness. Factors responsible for the decline of Parliament and erosion of its powers are as follows :-

1. Usurpation of powers by the executive branch
2. Judicial intervention
3. One party Dominance system
4. Rigid party discipline
5. Disinterested Attitude
6. Complex nature of Governmental Business
7. Delegated legislation
8. Lack of knowledge of the member of parliament
9. Weak opposition
10. Internal emergency
11. Limitations on the powers of parliament

5.4.1 Usurpation of powers by the executive branch :

Indian parliament is primarily a law - making body, however, the initiative in this regard has gradually shifted by the Council of Ministers.

- A The council of Ministers** initiates almost all legislations described as "official bills"
- B Speaker determines** the weekly business in consultation with the Minister for parliamentary affairs. Discussions on the public policies are initiated by Ministers. Parliament looks upon executive branch for guidance and assistance and follow the lead provided by Council of Ministers.

- C** **In addition**, it hands over substantial powers of 'subordinate legislation to the executive branch.
- D** **President Summons** and prorogues the sessions of the Parliament, places the agenda of his government in his 'Inaugural Address'. The President can dissolve the House of People and make very extensive use of power to issue ordinances when Parliament is not in session.
- E** **A Bill enacted by** Parliament can become a law only when it receives President's assent. President can return any bill for reconsideration or refuse assent, Thus there is transformation of Parliamentary government into Cabinet Government or Prime-Ministerial Government. From 1947 to 1989, the executive branch in general and the Prime Minister in particular usurped sizeable powers of Parliament and rendered the Parliament to "post-facto approval giving body".

2. Judicial Intervention :

Doctrines of supremacy of constitution and judicial Review have effected decline of Parliament. Many laws enacted by Parliament have been set aside by the Supreme Court.

In 1967, Supreme Court tried to curb Parliament's power to amend fundamental rights. In 1974 Supreme Court laid down the doctrine of the 'Basic structure'. In 1980, the Supreme Court, invalidated part of the forty - second amendment. This 'on-going war' between the Parliament and the Supreme Court has contributed to the decline of Parliament. Parliament, in 1970's, supported the doctrine of 'committed judiciary' and strengthened the executive branch.

3. One party Dominance system :

Most of the time (except 1969 to 1970, 1977-79 and 1989-93) Union Parliament was dominated by the Congress party. Hence decisions and policies were decided on party forum and only formal sanction was accorded by Parliament. Thus, the real centre of power was the High Command of the Congress party and Parliament played secondary role.

4. Rigid party discipline :

Leadership of the dominant party insisted on observance of the party directives by the members of the parliamentary party. They were required to account and vote as per the instructions of the party leadership. They cannot violate party directive. If they act contrary to the party directive, they attract disqualification from the membership of Parliament. With the passage of the Anti-Defection bill in 1985, independence of members of Parliament has been curtailed. In the name of party discipline party members in the Parliament became 'yes-man' or 'no man',

5. Disinterested attitude :

A very few members of the Parliament have interest or aptitude for legislative work. Hence most of the time the members of Parliament just give their presence in the working of parliament. The result is Parliament is losing in its effectiveness.

6. Complex nature of governmental business :

The nature of governmental business has become more technical and complex. Hence, the civil servants have abrogated powers owing to their expertise.

7. Delegated legislation :

The logical consequence of the complex nature of law making has been delegated legislation. Outline of the Parliament lays down the broad outline of legislation and delegates power to the executive branch to make detailed rules and regulations. The quantum of delegated legislation is increasing which indicates decline in the powers of the legislature.

8. Lack of Knowledge of the members of parliament :

The scope and variety of legislations has increased and the lack of technical knowledge prevents parliament from exercising effective control.

9. Weak opposition :

Parliamentary system is based on two equally strong party system. In Indian party system one party is dominant. In the era of the one party dominance, the government could brush aside all opposition because of the weak opposition party.

10. Internal Emergency :

During the internal Emergency (1975-77) Parliament had become a mere "rubber-stamp" of the Council of Ministers.

5.4.2 Limitations on the powers of Parliament :

Indian Parliament is not sovereign or supreme in the sense the British Parliament is. The limitations on the powers of Parliament are as follows.

A. Supremacy of the Constitution :

In India there is supremacy of the Constitution. The Constitution defines and limits powers of Parliament. Owing to the federal system of India there is division of powers between the Union and the States. Parliament cannot enact laws on subject in the State list.

Owing to supremacy of the constitution, any law enacted by Parliament is liable to be declared as 'Ultra vires' by the Supreme Court. Parliament can enact only such laws which confirm with the provisions of the Constitution. Thus supremacy of Constitution limits

the powers of Parliament.

B. Amendment of the Constitution.

Parliament can amend the Constitution. But Parliament has to seek approval of legislatures from more than one half states for enacting certain amendments to Constitution.

C. President's Assent :

A bill enacted by Parliament can become a law only when it receives the President's assent. President can return any bill for reconsideration or refuse assent.

D. Financial matters :

The Parliamentary control over financial matters is not absolute. No tax can be levied and expenditure can not be incurred without approval of the Parliament. However, Parliament has no power to vote on the non-votable items of the Budget. No money bill can be introduced in the Parliament without the prior-permission of President. The Parliament can accept or reject budget proposals but does not have power to alter these proposals.

Thus, all above factors are responsible for the decline in the powers of the Parliament.

Revival of Parliament - A section of Indian Scholars are of the view that the Parliament has reasserted its powers. A vote of no confidence had forced the National Front Government to resign in November 1990. The Parliament had initiated impeachment proceedings against a Supreme Court judge who was facing the corruption charges.

The Parliament compelled the Rao Government to constitute the Joint Parliamentary Committee on the stock scam and at least four Ministers involved in the scam have been made to resign. A number of amendments had to be withdrawn as there was not sufficient support for them in the Parliament.

Secondly, the pattern of committee system has been adopted in India. This should enable the Parliament to exercise greater degree of control and ensure accountability of the executive branch.

5.4.3 Conclusion

The functioning of Parliament is facing many challenges in its effectiveness. However, the Parliament is still an important formal center in the Political System of India.

5.4.4 Table :- Changing Role of Parliament and decline of parliament

1	2	3	4
Issue of Parliamentary sovereignty In India.	Role of Parliament	Reasons of Decline of Parliament	Conclusion
	<ol style="list-style-type: none"> 1. lawmaking 2. formation of cabinet 3. Control of cabinet 4. Financial powers 5. Educational role 6. Venting of grievances 7. Electoral function 8. Inemergency 9. Amending the constitution. 	<ol style="list-style-type: none"> 1. Cabinet is powerful 2. Judicial intervention 3. One party dominance 4. Party discipline 5. Complex nature of working 6. Delegated legislation 7. Member of parliament 8. Weak opposition 9. Criminalization of politics 10. Internal emergency 11. Supremacy of constitution 12. President's Assent 13. Financial matters 14. Amendments 15. Dominating prime ministers. 	

5.5 COMMITTEE SYSTEM OF PARLIAMENT

5.5.1 Introduction - Need and Significance of the Committee System

The Parliament is too unwieldy a body to deliberate effectively on the problems which come before it. It has also very limited time at its disposal. Also it does not possess the necessary expertise for a competent and detailed examination of the legislative measures. It, therefore, works through the various committees known as the parliamentary committees. These committees have the obvious advantage of saving time. They help to make legislative work of Parliament smooth and expeditious. They are indispensable for an effective control of Parliament over the Executive. A committee is a place where members cease to act, as party men. They rise above the party considerations and work in national interest.

Types of Parliamentary Committees :-

The Parliamentary committees in the India are broadly divided into three categories, financial committees, General committees and Legislative committees. The appointment to these committees take place either through election or nomination by the speaker. The speaker, however, holds consultations with the leaders of the various

parties in Parliament.

5.5.2 Financial committee

The Parliament has the power to control the Executive through its scrutiny of the finances of the country. It has, therefore, three specialised financial committees of its own for the purpose. They are : Public Accounts Committee, Committee on Estimates and Public Undertaking Committees.

(a) Public Accounts Committee

The Public Accounts Committee, usually referred to and known to the members of parliament as the P.A.C. It is the oldest among the financial committees of the Lok Sabha. It was first constituted in 1921. It had functioned for three decades before it became a full fledged Parliamentary Committee in 1951. The Committee from the beginning, has been held in high esteem and its recommendations implemented in most cases. It is looked upon as an effective watchdog against public waste and wasteful expenditure.

Structure :- The Public Accounts Committee consists of 22 persons including its chairman. Fifteen of them are elected by the Lok Sabha from among the members; seven are nominated by the Rajya Sabha. The Chairman of the Committee is nominated by the Speaker of the Lok Sabha. Since 1967 the principle of having an eminent member of the opposition as its chairman has been adopted. The members of the Committee are elected to hold office for a period not exceeding one year. No Minister can be a member of the P.A.C. This has been provided to enable the Committee to function in a free atmosphere and to offer its criticism in an unrestricted manner.

Function :- The Public Accounts Committee is constituted to fulfil a definite obligation of the House as the custodian of the country's finance. Its main concern, therefore, is to examine the budget and government economy, government appropriations and expenditure. The cases of extravagance, waste, avoidable losses, financial irregularities etc. are also taken note of by the Committee. The Committee is competent to probe into cases of corruption, malafide action and reports for firm disciplinary action.

The Committee, has made a very significant impact on the executive by making it agree to institute enquiries in causes of the fraud and financial irregularities, investigate leakages of revenue, streamline the functioning of autonomous bodies and generally to improve procedures and tighten financial control.

The deterrent effect of the PAC can hardly be under estimated. The Committee's reports get wide publicity and coverage in the press. The executive, therefore, can not afford to ignore the Committee's suggestions or observations. Many a time, through the reports of the PAC, serious lapses of the administration have been brought to light. This has helped to tone up the administration.

The limitations of the Committee are that its findings are ex-post facto. Its scrutiny is in the nature of a post-mortem examination of the expenditure already incurred. Yet it is not without value. The awareness of the administration, that there is a representative parliamentary body to scrutinize what has been done, acts as a great check on any tendency towards negligence, slackness and arbitrariness on the part of the executive while incurring expenditure from public funds. By its constant vigilance, the Committee has ensured financial discipline not only in the expenditure but also in revenue. The policies of the Government are outside its scope but it can scrutinize their implementation by the administration.

(b) Estimates committee

Structure :- The Estimates committee was first constituted in April 1950 and had 25 members. This number was raised to 30 in 1955 to facilitate the constitution of subcommittee or study groups to undertake examination of the Estimates. It is a committee of the Lok Sabha exclusively. No member of the Rajya Sabha is associated with it. Its members are elected every year in accordance with the principle of proportional representation by means of a single transferable vote. This system of election ensures the representation of all parties and groups of the Lok Sabha on the Committee.

Function :- The main functions, of the Estimates Committee, are: (i) to examine the expenditure of the government in greater detail, (ii) to ensure economy and efficiency in administration, (iii) to examine whether the money is well laid out within limits of the policy implied in the estimates, (iv) to suggest the form in which estimates may be presented to Parliament. If on examination, it is revealed that the large sums are wasted because of certain government policies, the committee can point out defects and suggest alternative policy for the consideration of the House. The Committee selects about a dozen subjects or more have come to the notice of Parliament or have caused some concern to it. The guiding principle of the Committee is that within the life of each Lok Sabha, it should complete a round of all ministeries if possible.

The Committee's work over the years has been commendable from the point of both quality and quantity. About 70 to 80 percent of its recommendations have generally been accepted and they have been given utmost consideration and careful thought by the administration. Practically all the major and important Ministeries and Departments have been examined by the committee many changes in their policies and programmes. A large number of officials, who have appeared before the committee, have acknowledged the usefulness of the discussions with its members. Moreover, the awareness on the part of the Ministries or Departments that their estimates can be taken up for examination by the committee at any time itself acts as a check and deterrent against extravagance in public expenditure.

(c) The Public Undertaking Committee

It is the youngest of all the three financial committees of Parliament. It was first set up in May 1964. This Committee has ten elected members of Rajya Sabha. They are elected every year by their respective House. The Chairman of the Committee is nominated by the Speaker from among the members of the Lok Sabha. No Ministers can become a member of this Committee.

The main functions of this committee are: (i) to examine the reports and accounts of such Public Undertakings as are specifically allotted to it for the purpose (ii) to examine the reports, if any, of the Comptroller and Auditor General of India of such undertaking. The Committee has got to see also whether the affairs of the Public Undertakings are being managed according to sound principles and prudent commercial practices.

There are over 125 central Public Undertakings, Each new Committee selects 8 to 10 undertaking for an in depth examination. While selecting undertakings for examination, the committee bears in mind the issues of topical interest which have come in for critical discussion in the Parliament or which have attracted wider public interest.

The Committee on Public Undertaking has an impressive record of achievements to its credit. It has not acted as merely fault-finding body. It has also, on the other hand, suggested remedial steps to help the undertakings to avoid similar pitfalls in future. It has been acclaimed as a friend and guide of the undertaking which have accepted and implemented about 80% of its recommendations. The general attitude towards its recommendations has also been favourable.

5.5.3 General Committees

Some of the important general committee are the Business-Advisory Committee, Committee on Petitions, Committee on Government assurance and Committee on welfare of Scheduled Tribes. Each of these committees is significant in its own and has number of useful functions to discharge.

(a) The Business Advisory Committee

Each of the two Houses of Parliament has a Business Advisory Committee on which all groups or parties are represented. It consists of the Speaker and 14 other members nominated by him. The Speaker is the chairman of the Committee. The main function of the Committee is to allocate time to the various bills and other business which Government may bring before the House from time to time.

(b) Committee on Petitions

Art. 35 of the constitution provides that a citizen is entitled to submit a representation for the redress of any grievance to any officer

or authority of the Union or a State. It is also considered as inherent right of a citizen to present a petition to Parliament ventilating public grievances. Since the House of Parliament does not provide for congenial atmosphere for detailed discussion on public grievances, provision is made for a Committee on Petitions. The Committee on Petitions serves as a link between the aggrieved citizen, administration and the Parliament. The Committee consists of 5 members nominated by the Speaker in proportion to the strength of the parties and groups in the House.

(c) Committee on Government Assurances

The Committee on Government Assurances has 15 members nominated by the Speaker for a period of one year. The members so nominated represent both the House of Parliament.

The function of this Committee is to scrutinize the assurances, undertakings and promises given by Ministers on the floor of the House and report on the extent to which they have been implemented in the shortest possible time. Since the purpose and value of assurance is lost unless it is implemented within a reasonable time, the Committee has laid down the time table of 3 months for the implementation of the assurances. The officers or Government are answerable to the Committee and they have to satisfy it. In case of their being at fault, they have to apologize to the Committee and to the House. Thus, the Committee fulfills the need for watching the follow up action and the government departments have to be careful undertaking given by their Ministers are fulfilled.

(d) Committee of Privileges

This Committee consists of 15 members nominated by the Speaker at the commandment of the House. It is presided over by the Deputy Chairman of the House. It deals with cases pertaining to the breach of privileges. The question of the breach of privileges arises when a member makes a derogatory remark against another or there is some published matter casting reflection on dignity and prestige of the Houses. The matter is then referred to the privileges committee which goes into the detail and then submits its report to the House. On the receipt of its report, the House decides about the appropriate action.

(e) The Committee on welfare of Scheduled Castes & Scheduled Tribes.

This Committee, consists of 20 members of the Lok Sabha and 10 of the Rajya Sabha, was first set up in December, 1968. It has the following main functions:

(1) To consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under a Art. 338 (2) of the constitution and to report to both one Houses as to the measures that should be (ii) to examine the measures taken by the Union Government to secure the representation of the Scheduled Castes

and Scheduled Tribes in services and posts under its control, (iii) to report to both the Houses on the working of the welfare programmes for the Scheduled Castes and Scheduled Tribes in the Union Territories.

5.5.4 Legislative Committees

(a) Committee on Subordinate Legislation

This committee, like many other committee of the Houses, consists of 15 members. All of them are nominated by the Speaker. No Minister can become a member of this committee. It is designed to verify that government does not exceed the powers of legislation by rule-making powers conferred on it by Parliament. The Government's power to make rules is enormous. If this power is unchecked there is a danger that government might gradually usurp the legislative powers of Parliament. The Committee on Subordinate Legislation verifies whether a rule is within the framework of the Act. This safeguard ensures that the legislative powers of Parliament are not diluted.

(b) Select Committees on Bills

The Select Committees on Bills constitute a category apart. They are appointed by the House from time to time for detailed examination of the Bills. They are, the committees with specific assignments. Normally, each Committee's membership varies from 20 to 30.

(c) The Committee on Private Members Bills & Resolutions

This Committee was constituted for the first time in 1953. Its 15 members are nominated by the Speaker for a period of one year. It is presided over by the Deputy Speaker. It examines the Private Members Bills submitted to it by the Lok Sabha. It first divides them into important, urgent and less urgent. There after, it recommends the time to be allotted for their discussion by the House.

(d) Rules Committee : It consists of 16 members nominated by the speaker.

The Committee deal with matter of procedure and conduct of business in the House.

(e) Committee on Absence of members from sitting of the House.

It consists of 15 members nominated by the Speakers for a year. The committee considered all applications from members for leave of absence from the sittings of the House.

5.6 QUESTIONS

1. Discuss the role of the Parliament.
2. Write on the changing role of Parliament in India.
3. Give reasons for the decline of Parliament.
4. Write on committee system of Parliament.



EXECUTIVE, JUDICIARY AND ELECTION COMMISSION

Unit structure

- 6.1 Introduction
- 6.2 The President-Powers and Role
- 6.3 The Prime Minister-Powers and Role
- 6.4 The Council of Ministers
- 6.5 Judiciary
- 6.6 Judicial Review and Judicial Activism
- 6.7 The Election Commission
- 6.8 Questions
- 6.9 Suggested Reading

6.1 INTRODUCTION

The modern world has been witness to many forms of governance. There have been monarchies, one party rule, military rulers, dictators and democracy. Even in democracy we find two broad categories: The Parliamentary system [which can be roughly called British model] and the Presidential system [which is American system]. In our Constituent Assembly there was a lot of debate about the form of government. After lot of debate, we decided to opt for Parliamentary form.

Even in Parliamentary form one can identify two sub-forms. One is called Monarchy-democracy and other is republic-democracy. For simplicity purpose the monarchy-democracy can be identified with UK and republic-democracy can be identified with India. For the students of political science what is necessary to know is that in Monarchy-democracy, the Head of the State is a hereditary position whereas in republic-democracy like India, such office is an elected office, directly or indirectly. In India the office of the President is elected by the MPs and MLAs. Our President Shri Pranab Mukharjee is the 15th President of Indian Republic. In case of the USA, the presidency is known as Executive Presidency where the powers of the Head of the State as well as the Head of Government are concentrated in one person. In India these two offices are separate. The Head of the State is indirectly elected by the elected members of the people [MPs/MLAs] whereas the Head of the Government is normally the leader of the majority party / coalition who is called the Prime Minister.

6.2 THE PRESIDENT-POWERS AND ROLE

At the head of the Union Executive stands the President of India.

5.1.1 Nature of the President of India :

In our Constitution we find elaborate provisions about the office of the President. The article 53 provides that "the executive powers of the Union government will be vested in the President of India", But he cannot exercise these powers on his own, It is exercised by him either directly or through the officers sub-ordinate to him and that too, in accordance with the Constitution.

Election of President :- Article 54 provides that the President is not elected directly by the people, but by an Electoral College consisting of (1) all MPs of Lok Sabha and Rajya Sabha. (2) all MLAs of Vidhansabhas [not MLCs]. The MLAs of the Union Territories are not eligible to vote. The article 54 further provides that each member of the Electoral College will have only one vote. But the value of each vote of MP will vary from state to state depending upon the population. Similarly the value of vote of each MLA will vary from state to state depending upon the population of the state.

Qualifications for election as President :- In order to be qualified for election as President, a person must -

- (a) be a citizen of India.
- (b) have completed the age of thirty-five years.
- (c) be qualified for election as a member of the House of the people.
- (d) must not hold any office of profit under the Government of India.

Term of office of President :-

The President's term of office is five years. The President's office may terminate within the term of five years in either of two ways - (1) By resignation (2) By removal - for violation of the constitution, by the process of impeachment.

Article 55 provides that two principles shall govern the election. [1] the Constituent state of the Indian Union are given uniformity or near uniformity in the scale of the representation and [2] parity is established between the states as a whole of Indian Union. In this way, the President shall be a representative of the Nation as well as a representative of the people in the different states.

Article 52 of the Constitution establishes the office of the 'President of India' But it is not specified whether the Indian President is the head of the state or head of the government. The article mentions that 'there shall be a President'. The framers of the Constitution were quite clear in their minds about the nature of the office of the President. The President represents the nation but he does not rule it.

5.1.2 Functions and Powers :

By now it is clear that Indian President is quite close to the British Monarch. We have article 53 which mentions that 'there shall

be a...' For better understanding of the powers and functions of the Indian President the article 53 must be read with article 74 which makes the advice of the council of ministers binding on the President.

The powers given to the President of India are quite vast and numerous, These powers can be grouped as under.

A] Executive Powers :

- (1) As noted before article 53 vests all executive powers of the Union in the President. Also article 77 mentions that the entire business of the government of India is conducted in the name of the President.
- (2) In his capacity as the executive head, the President makes all important appointments like the Chairman and the members of the UPSC, Attorney-General, Comptroller and Auditor General [GAG].
- (3) Article 53 provides that the President is the Supreme Commander of the armed forces. He can declare war, can enter into peace treaties. However, parliamentary approval is necessary for such actions.
- (4) Article 78 provides the President shall have the right to be informed about all the decisions of the cabinet. Similarly he has right to seek information about the activities of the government.
- (5) As far as foreign affairs are concerned, he appoints India's ambassadors to other countries. He also receives visiting heads of the state of other countries. He confirms recognition to the ambassadors of other countries appointed to India.

B] Legislative Powers :

Here we must begin by mentioning article 79 which provides that 'there shall be a Parliament with two houses and a president' Though the President is not a member of the Houses, he enjoys legislative powers.

- (1) He summons and prorogues the Union Parliament. He can dissolve the Lok Sabha.
- (2) Article 85 enjoins that he must ensure that a period of not more than six months lapses between two sessions of Union Parliament.
- (3) He can summon a joint session of the Loksabha and Rajyasabha to resolve a deadlock about a non-money bill.
- (4) The President inaugurates the first session of Parliament after every general election. Similarly every year, the first session of the Parliament is inaugurated by the President. While doing this, he addresses the House in which the domestic and foreign policies of the government of the day are specified.

- (5) Article 86 empowers the President to send messages to either house regarding bill pending before the house. The message may contain some issues which he thinks are important.
- (6) Each and every bill passed by both houses goes to the President for his assent. He cannot return a money bill as it is presented with his prior permission. But he can return a non-money bill for reconsideration with or without his suggestions.
- (7) The President has power to nominate 12 persons as MP to Rajyasabha. Such persons are eminent people from art literature, sports and science etc. For example Shabana Azmi [cinema], Sachin Tendulkar (sport) have been nominated on Rajyasabha.
- (8) In addition to money bill, there are some bills which require prior permission of the President. For example a bill for the formation of new states or alteration of boundaries [art 3].

C] Financial powers :

- (1) No money bill can be introduced unless it has received prior permission of the President Similarly article 112 provides that the President shall cause to lay before the house every year an annual statement of estimated income and expenditure which is popularly known as 'Budget'.
- (2) The President appoints the Finance Commission [FC] every five year. The FC is to recommend some formula for sharing of the resources of the Union government between the states.
- (3) He can sanction expenditure from the Contingency Fund of India to meet emergencies like flood, earthquake, famine, etc.

D] Judicial Powers :

- (1) If an impeachment motion is carried by both Houses, the President removes the concerned judge from the office.
- (2) He can transfer judges of High Courts.
- (3) The President has powers to grant amenities, pardons. In some cases he can commute sentences.

E] Powers relating to the States :

- (1) The President can give or refuse to give consent to the bills reserved for his approval by the Governors of the state.
- (2) He appoints the Governors of the state. They remain in office during the pleasure of the President.
- (3) He can issue instruction to the Governors. The compliance of these instructions is mandatory.

F] Emergency Powers

The President of India enjoys some unusual, extra ordinary powers to face emergency situations which are discussed below :

- (1) Article 352 provides that in case there is a national emergency due to war external aggression and internal armed rebellion, then the President is empowered to declare emergency covering the entire country or some part there of ;
- (2) Article 356 provides that when the affairs of the state cannot be carried on as per the provisions of the Constitution, the President, on the basis of the Governor's report or even without the report, can dismiss the state government either by dissolving the state assembly or put it in suspended animation. In such a case the Governor runs the state in the name of the President. This is popularly known as 'President's rule.
- (3) Article 360 provides that in case the financial stability of the country is threatened, the President can declare financial emergency. The financial emergency can never in force for more than a month, unless it is extended by the resolution in Parliament in independent India we have had no situation to declare the financial emergency.

Constitutional limitations on President's Powers :-

On one hand the President of India has tremendous powers and on the other hand he is merely a rubber stamp. There is clear provision in our constitution which mentions that there shall be a council of minister to aid and advise the President, This provision makes it amply clear that there shall always be a council of ministers to help the President to discharge his constitutional duties. Following are the constitutional limitations under which President his to exercise his executive powers.

- (1) The article 53 provides that 'the executive powers of the Union shall be vested in the President'. These shall be exercised by him either directly or through officer sub-ordinate to him. Similarly article 75 provides that 'other ministers [but not the Prime Ministers] will be appointed by the president but only on the advice of the Prime Minister.
- (2) Article 74 provides that 'there shall be a council of ministers headed by the Prime Minister to aid and advise the President who shall act in accordance with the advise.' Till 1976 this was the legal position. It is clear that by definition it is an advise which can be rejected. Till 1976 there was hardly any situation when the President had rejected the advise tendered by the Council of Ministers. The 42nd amendment in 1976 which made clear that the advise given by the council of ministers would be binding on the President. The amended article 74[1] now reads as 'provided that the President may require the council of

ministers to reconsider such advice when it comes back to him with or without modifications.

- (3) In India we have provisions for the President's rule at the state level but no such provision is made for the President's rule at the Centre. There shall always be a Council of Ministers to aid and advice the President. At state level, the government can be run by the Governor with the help of senior bureaucrats which is commonly known as 'President's Rule'. But no such provision is available for the President's Rule at the Centre. There shall always be a Council of Ministers headed by the Prime Minister to aid and advise the President. This is described as 'President-in-council'.
- (4) It is also provided that no court is empowered to inquire into either the content or the wisdom of the advice given by the Council of Ministers to the President.

Conclusion :-

President is formal and nominal head. He must act according to the advice given to him by the Council of Ministers headed by the Prime Ministers, so that refusal to act according to such advice will make him liable to impeachment for violation of the Constitution. The position and powers of the President are determined by what he chooses to make it and what the Prime Minister allows him to make it.

6.3 THE PRIME-MINISTER-POWERS AND ROLE

5.3.1 Position :

As noted our system is based on British model where the Prime Minister is the real executive who heads the council of ministers. This is why the Prime Minister becomes the most powerful person in the parliamentary system. His position could be understood as under :

- (1) **Head of the Council of Ministers :** Article 74 provides that there shall be a Council of Ministers headed by the Prime Minister to aid and advice the President. This was amended by 42nd amendment 1976 which clarified that 'there shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President who shall, in the exercise of his functions, act in accordance with such advice.' The wording 'the Prime Minister shall be at the head of the Council of Ministers' clearly proves the eminent position the Prime Minister occupies in the Council of Ministers.
- (2) **Appointment of the Prime Minister :** According to the well established Parliamentary conventions, the leader of the majority party is appointed as Prime Minister by the President. Only when no party gets a clear majority the President can use his discretionary power to appoint the Prime Minister as was the

case in 1989 when Shri. V. P. Singh was appointed as Prime Minister.

- (3) **As Ministry-maker :** Though the Prime Minister is appointed by the President, the other ministers are appointed by the President on the advice of the Prime Minister. The article 75[1] clearly provides that 'the other ministers shall be appointed by the President on advise of the Prime Minister'.
- (4) **Tenure of Council of Ministers :** Though article 75[2] provides that 'the ministers shall hold the office during the pleasure of the President' in reality it means the pleasure of the Prime Minister. The Prime Minister can sack, promote, and demote any minister. A minister may resign on his own but does not offer any theat to the entire council of ministers. But if the Prime Minister resigns then the entire ministry has to go. This proves the preeminence of the Prime Minister.
- (5) **Collective responsibility :** The article 75[3] provides that 'the council of ministers shall be collectively responsible to the House of the people'. This is possible only through the Prime Minister. As noted resignation of a minister does not mean resignation of the entire ministry. But the resignation of the Prime Minister means the resignation of the entire ministry.
- (6) **Link between the President and Council of Ministers and the Parliament:** The Prime Minister acts as a link between the President on one hand and the Parliament on the other hand. Article 78 provides that 'the Prime Minister has to perform functions like [a] to communicate to the President all important decisions of the Council of ministers regarding the administration of the country, [b] to provide such information as demanded by the President about the various policies and plans of the government, [c] Submit the suggestions of the President for the consideration of the Council of Ministers.

6.3.2 Functions and Powers of the Prime Minister :

By now it is clear that the Prime Minister is the most powerful person in the parliamentary system. He enjoys vast powers and has to look after many functions discussed below:

- 1) **Leader of the Council of Ministers :** Once the President has appointed the Prime Minister, the next step is the ministry formation which is the sole responsibility of the Prime Minister, The Prime Ministers not only forms the ministry but also allots portfolios. Also others ministers must enjoy the confidence of the Prime Minister to remain in the office. All important decisions are taken only after consultation with the Prime Minister.
- 2) **Leader of the Cabinet :** Cabinet is nothing but a small group out of the Council of Ministers. Normally a Cabinet Minister is

the senior leader of the ruling party is a departmental head of a ministry . The Prime Minister leads the Cabinet meetings by chairing them, by influencing the discussion in the Cabinet. Also there are many important sub-committees of the Cabinet. For example, Cabinet committee on Security [CCS], Cabinet Committee on Appointments [CCA], etc. These sub-committees are headed by the Prime Minister.

- 3) **Leader of Lok Sabha** : Conventionally the Prime Minister is always a member of Lok Sabha. There can be exceptions to this rule. Dr. Manmohan Singh is a member of Rajya Sabha. If the Prime Minister is member of Lok Sabha, it automatically gives him the leadership of the Lok Sabha. The Prime Minister often uses the platform of the Lok Sabha to announce major policy decisions of the government.
- 4) **Leader of the Parliament** : Though normally the Prime Minister of member of Lok Sabha, he has the role of the leader of the entire Parliament. He is regularly consulted by the Speaker of the Lok Sabha and Chairman of the Rajyasabha about forming the agenda of the house.
- 5) **Federal system** : India is a quasi-federal system. There are some nationally important bodies like the Planning Commission, the National Development Council, etc. In these platforms the Prime Minister gets to discuss regional leaders to understand their problems.
- 6) **Foreign Policy** : Right from the days of our first Prime Minister Pandit Nehru, the foreign policy was always shaped by the Prime Minister. Though there is normally a foreign relations minister, one can see the stamp of the Prime Minister on the main policy direction. It was Pandit Nehru's vision that gave us 'Non-alignment Movement'. In addition to the policy planning the PM attends many international conferences, seminars, various UN meetings as a representative of India.
- 7) **Main administrator** : As a leader of the country the Prime Minister is also the main administrator of the system. He has to take interest into defence, economic, commercial matters as well as internal security issues. For this purpose he gets assistance from the Cabinet Secretariat, the Research and Analysis Wing [RAW], the Intelligence Bureau [IB], etc.
- 8) **Patronage** : Though most of the important appointments are made by the President, all of them are done on the advice of the Prime Minister. To that extent the PM enjoys enormous power of patronage who can appoint people to powerful posts like Governors, Ambassadors, etc. He can favour or disfavour a particular industrial group.
- 9) **Elections** : In democracy elections are very important as they test the popularity of various political parties. The election also

decides the future rulers of the country. As a PM it becomes the main responsibility of the PM to campaign extensively to get his party back into power. Hence he has to shoulder the major share of the campaigning. He becomes the star campaigner for the ruling party.

- 10) Leader of ruling party :** As per the convention, the leader of the majority party becomes the Prime Minister. It also means the PM leads the ruling party. This puts on him another set of responsibilities about the ruling party and its members. He functions like a link between the organizational wing and the parliamentary wing of the party.
- 11) Public Opinion :** As a leader of the entire country the PM gets to mould public opinion towards some progressive measure or the other. Take the example of the Women's Reservation Bill. The ruling coalition led by the Congress is trying to get this passed. This is the way one can mould public mind towards progressive policies.

6.3.3 Role of the Prime Minister

The position of the PM in modern parliamentary system is very important. In a traditional society like India, the position of the PM becomes all the more powerful. Each and every minister must enjoy his confidence. He allocates portfolios. He can shuffle, reshuffle his team. He can drop some ministers, promote some, and demote some. His word is final. While in the House, he shapes the debate. Through various platforms he shapes public opinion towards better tomorrow. As a leader of the council of ministers he interacts with the President, the House and co-ordinates many important policy initiatives.

Here we must mention some reality. PM is normally quite powerful. But it does not mean all the PMs have been powerful. This depends upon some other factors as well. If the ruling party does not enjoy clear majority in the House and is dependent upon the support of the allies, then the PM becomes weak. He has to go on consulting his allies. Also the personality of the incumbent matters a lot. A strong person like Mrs. Indira Gandhi would always be a powerful PM whereas a mild person like Shri. Lal Bahadur Shastri will always be mild PM. A lot would depend on many factors.

In the case of Indian democracy one can find the two phases of PM's position. Till 1977, the PMs enjoyed enormous power and prestige. The Janata Party rule 1977-79 like a coalition where the PM had to keep everybody happy. Also he had to worry about fights within the ruling party. This made Shri. Morarji Desai a weak PM. Then again the phase of weak PMs began from 1989 when Shri. V. P. Singh became the PM. Since then India has been witnessing the coalition era where the PM has to depend on the support of over dozen parties.

6.4 THE COUNCIL OF MINISTERS

The Parliamentary system functions on the principle of collective responsibility. It means that the team of ministers led by the PM is collectively responsible to the House. This shows that in Parliamentary system the council of ministers is quite an important body. Also it is provided in our Constitution article 74[1] that there shall always be a council of ministers headed by the Prime Minister to aid and advise the President. This provision also informs us about the importance of the House, the old government continues to function as 'caretaker ministry' till new team takes over. This did happen in India in April 1999 when the Vajpayee ministry lost of vote of confidence. But the Loksabha elections were held in October 1999, Till then the Vajpayee government continued as caretaker ministry.

As we have noted while discussing the President and Prime Minister that the President functions with the aid advice of the council of ministers headed by the Prime Minister. If we read this provision carefully it becomes clear that what the council of ministers tenders is an 'advice' and not an 'order'. In the strict legal sense an advice can be rejected. What would happen the President was to reject the advice of the council of ministers? Initially it was expected that such situation would not arise. However our first President Dr. Rajendra Prasad was not very happy with this provision and wanted clarity about the nature of the advice given. This clarity came by 42nd amendment 1976 which made the advice binding on the President. The 44th amendment 1979 made a slight change in this position. It empowered the President to return the advice only once with or without suggestions. But if the advice comes back to the President with or without changes, then he must accept it. This has happened often in the past couple of decades. In March 1991 the then PM Shri. Chandrashekhar advised the President to hold assembly elections in Punjab. The President R Venkatraman was not in favour of this decision. He sent it back to the Council of Ministers for reconsideration. The Council of Ministers did not change its advice and the President had to sign the order.

6.4.1 Formation of the Council of Ministers

We have seen the importance of the Council of Ministers in the parliamentary form of government. Now let us understand the process of formation of Council of Ministers. Here we need to discuss two steps [1] appointment of the Prime Minister by the President and [2] appointment of other ministers. The appointment of the Prime Minister is a mere formality if any party/coalition has got clear majority. At this stage we are interested to know about the formation of Council of Ministers. Article 75[1] provides that 'other ministers shall be appointed by the President on the advice of Prime Minister'. This article makes it amply clear that ministry making is the prerogative of the PM. As noted the PM allocates ministry, he can shuffle, reshuffle his ministry. He can drop some ministers, promote/demote some

ministers.

In terms of tiers, the Council of Ministers is a three-tier body. The first level is 'Cabinet Ministers', the second level is 'Minister of State' with or without independent charge and the third level is 'deputy ministers'. Very rarely there can be fourth tier which is 'Parliamentary secretary'. These levels are discussed below:

Cabinet Ministers : A Cabinet Minister is the head of the department. This post normally goes to the senior leaders of the ruling party/alliance. The Cabinet is the highest policy and decision making body, which is a small group of the Council of Ministers. Their number is normally 15 to 20. They run their departments quite independently. However they consult the Prime Minister for major policy decisions.

Ministers of State : They are number 2 in the hierarchy. They assist the Cabinet Ministers. If the department is big, they get independent charge of a section. If the department is not big, then they help the Cabinet Minister in the day to day administration of the department.

Deputy Ministers : They are number 3 in the hierarchy. They are either attached to the Cabinet Minister or Minister of State. They help their seniors in running the department. But they do not enjoy any independent decision making power.

Parliamentary Secretary : Their ideal description is 'trainee minister'. For this young politicians are appointed so that they get experience of running the ministry. They assist the ministers in parliamentary work.

6.4.2 Functions, powers and role of the Cabinet

It is interesting to note that the Indian Constitution did not make a mention of "Cabinet" till 43rd amendment which was passed in 1978. Till then the Constitution discussed the 'Council of Ministers' and not the 'Cabinet'. By now we know about the Cabinet Ministers, Ministers of State. The ultimate decision-making policy-making body is Cabinet where only Cabinet Ministers are invited. But the decision taken by the cabinet are regarded as the decisions of the Council of Ministers. Similarly all ministers are collectively held responsible for the decision taken by the Cabinet.

It is clear that in the parliamentary system the Cabinet is the most powerful body where important decisions are taken, policies are decided. The Cabinet meeting is held every week. The agenda for the meeting is prepared by the Cabinet Secretariat which is headed by the recorded by the Cabinet Secretary. The decisions in the cabinet are taken by consensus. In case a minister disagrees with any decision, he has to resign. He cannot disown the decision or policy. This is the basis of collective responsibility. If he disagrees with any decision he

has to resign or the Prime Minister can sack him.

Functions of the Cabinet :

According to the 'Rules of Business' framed, the Cabinet has to perform.

Following functions :

- [1] **Policy formulation** : As we noted, the Cabinet is the highest policy making body. In the Cabinet meetings domestic issues as well as international issues are thoroughly discussed and policy is formulated. Once policy is decided, decisions are taken, they are communicated to the concerned ministries by the Cabinet Secretary. In case an urgent issue is scheduled for discussion which needs the presence of a junior minister, he is invited to attend only for that item on the agenda.
- [2] **Legislation** : In Parliamentary system, law-making is the most important job. The draft legislation is discussed in the cabinet meetings before it is presented in the Legislative body. In cabinet meeting all aspects of the proposed legislation are discussed from various perspectives. Once a draft is cleared in the Cabinet meeting, the next step is its introduction in the legislative body.
- [3] **Ultimate control** : In addition to policy formulation, the Cabinet is also the ultimate controlling body which supervises, controls the functioning of important projects, schemes, etc. In other words, the administrative machinery of the government is supervised by the Cabinet.
- [4] **Co-ordination** : As noted detailed discussions are held in the Cabinet meetings. This leads to effective co-ordination among the various departments. During the course of the implementation of policies, there are possibilities of overlap, confusion, duplication of work, etc. All this gets resolved in the Cabinet meetings as all important ministers are present in these meetings.
- [5] **Financial Control** : If on one side the Cabinet is the ultimate decision making body, on the other side it is also a place where financial control is exercised. In the Cabinet meetings, review of various schemes is regularly taken and cost control is put into practice. Since the Finance Minister is a senior member of the Cabinet, he gives regular briefing to the Cabinet and corrective actions are taken in time.
- [6] **President's rule** : In our Constitution article 356 provides

for the President's rule in the state. When the state government cannot be run according to the provisions of the constitution, the state government can be dismissed and President's rule is imposed. This decision is taken at the Cabinet level.

- [7] **Appointments** : Important appointments are finalized in the Cabinet meetings. The Governors, Ambassadors, Chief Election Commissioner, etc are decided in the Cabinet meetings. Now we have committee system. For appointments, there is a Cabinet sub-committee known as 'Cabinet Committee on Appointments [CCA].

6.5 JUDICIARY

6.5.1 Introduction :

Democratic states provide for division of power between three institutions of the State viz Legislature, Executive and Judiciary. Legislature makes law, Executive implements law and Judiciary interprets the law. India being a democratic country its Constitution has provided elaborate machinery for dispensation of justice and interpretation of Constitutions is a living document that provides oxygen to the body politic, Constitutional Principles remain the same but its application must be made relevant according to changing times. Further, provision of fundamental rights is meaningless if they are at the mercy of the Executive. Judiciary therefore, plays a vital role in protecting the principles and values of the Constitution.

6.5.2 Structure of Judiciary :

No Federal Distribution of Judicial Powers :- Dr. Ambedkar said that "The Indian federation, though a dual polity, has no dual judiciary at all. Under our constitution there is a single integrated system of courts for the Union as well as the states which administer both Union and state laws, and at the head of the entire system stands the Supreme Court of India. The High Court and the Supreme Court form one single integrated judiciary having jurisdiction and providing remedies in all cases under Constitutional law, Civil law or Criminal law". It means India has a single Judiciary with the Supreme Court at the top followed by High Courts at the state level. Below the High Court are district and session courts. It must be known that every state doesn't have a separate High Court, eg. The jurisdiction of the Mumbai High Court extends to Diu and Daman and Goa. Kolkata High Court jurisdiction extends to Andaman and Nicobar Union Territory. In all there are twenty-one High Courts for 28 states of India including 7 Union territories.

The single integrated judicial system has brought jurisdictional unity in India. The judges of the Supreme Court are drawn from the High

Court. Again the judges of High Court are transferable across Indian state. This has provided uniformity in judicial standards and ethos.

6.5.3 Independence of the Judiciary :

The Constitution has made provisions so as to maintain independence of the Judiciary.

1. Composition - Art 124 of the constitution provides that there shall be Supreme Court of India with consisting of Chief Justice and seven judges. Further it says Parliament by law may increase the number of judges. The Supreme Court of present comprises 25 judges including Chief Justice of India.

2. Appointment of Judges - Art 124 (2) Provides that judge of Supreme Court shall be appointed by the President of India after consultation with the Judges of the Supreme Court and of the High Courts. In case of Chief Justice appointment the President may not consult other judges. After 1993, Supreme Court decision it is now convention that senior most judge of Supreme Court becomes Chief Justice of India.

3. Qualifications for appointment of Judges : Act 123 provides following qualification.

- a. He must be a citizen of India.
- b. He has been Judge of a High court for at least five years continuously; or he has been on advocate of High Court for at least ten years continuously or he is the opinion of the President of India a distinguished jurist.

4. Tenure : A person continues as a judge of the Supreme Court during his good behaviour or till he attains 65 years, which ever is earlier.

5. Removal : Under Article 124 a Supreme Court Judge can be removed on the grounds of misbehaviour or in capacity only. The procedure to remove a judge is called impeachment'. Any house can initiate impeachment motion and it is passed by 2/3rd majority in each house the judge will be removed.

6. Immunities : Action and decisions of the judges in their official capacity are immune from criticism. Under Article 121 conduct of Supreme Court judge cannot be questioned in Parliament.

6.5.4 Functions and Power of Supreme Court :

1. Original Jurisdiction - Article 131 deals with original jurisdiction. The functions are purely federal in character that may include disputes between Union and the States, Government of India and Government of states or between two or more states. The original jurisdiction is exclusive that means such disputes can come only to Supreme Court and not any other court. If a suit is brought against government by private party it cannot be tolerated.

2. Writ Jurisdiction - If there is violation of fundamental rights a person under Article 32 can ask the Supreme Court to issue writs. But this applies only if fundamental rights of a person is infringed.

3. Appellate Jurisdiction - Supreme Court is a court of appeal. When lower or High court gives a judgments the person can appeal to the Supreme Court against the judgment of the person can appeal to the Supreme Court against the judgment of the lower court. Appeal to the Supreme Court can be made in three type of cases.

- a. Cases involving interpretation of the Constitution
- b. Civil cases, irrespective of any Constitutional question
- c. Criminal cases, irrespective of any Constitutional question

4. Appeal by special Leave : There may be some instance where Supreme Court may interfere with the judgment of High Court or tribunals where the question of justice is involved. Such residuary power is given to Supreme Court under Article 136.

5. Advisory Jurisdiction - In some circumstance the President may refer the matter to supreme court to seek opinion. The President may consider that the matter involves important question of law or public interest, hence it will be appropriate to seek opinion from Supreme Court.

6. Court of Record : All the proceedings of the Supreme Court are recorded and assume the form of case law. Such decisions are binding on all courts in India.

Position of the Supreme Court under the Constitution :-

1. The Supreme Court has appellate jurisdiction over the High Courts and is the highest tribunal of the land.
2. It is a federal Court under its original jurisdiction.
3. Advisory jurisdictions. The law declared by it, in the exercise of any of its jurisdictions under the Constitution, is binding on all other courts within the territory of India.
4. Work as a guardian of the constitution - Supreme Court work as a guardian of the Constitution under the power of Judicial Review.

In India the supreme authority is not Parliament but the Constitution. The Supremacy of the Constitution has been maintained by the Supreme Court and acted as the guardian of the Constitution.

6.5.5 Check Your Progress

- 1) Discuss the composition and powers of the Supreme Court.

- 2) What is independence of judiciary and what Provisions have been made to ensure independence of the Supreme Court?

6.6 JUDICIAL REVIEW AND JUDICIAL ACTIVISM

6.6.1 Meaning of Judicial Review :

Judicial Review is the power of Supreme Court to declares law made by the Parliament as null and void if it goes against the principles of Indian constitution. Judicial Review is nowhere mentioned in the constitution. The Court has assumed this implied power on basis of its role as protector or interpreter of Indian constitution.

The Indian constitution has provided the doctrine of 'procedure establish by law' where by the Parliament can enact law but at the same time will practice self restraint so that fundamental rights of people are not violated. The Supreme Court under Article 32 can issue writs to protect the fundamental rights of people.

6.6.2 Development of Judicial Review :

The first time judicial Review was invoked was during Shankari Prasad vs Union of India in 1951. Here the petitioner challenged the first Amendment to the Constitution on the grounds it violates fundamental rights. The same objection was raised in Sajjan Singh vs State of Rajasthan. In both cases supreme court stated the Parliament has power to amend Fundamental Rights. In 1967, in the case of Golaknatha, Supreme Court in its verdict said parliament has no power to take away fundamental rights. Thus, it questioned Parliament's power to amend the constitution. The parliament later passed the 24th & 25th amendment to restore it power back. Finally in the Keshavanand Bharti case Supreme Court struck balance between power of Parliament to make laws and its power to judicial review. Supreme Court for the first time invoked the doctrine of 'Basic structure' whereby it said Parliament can amend constitution but cannot harm basic principles of the constitution. Unfortunately Supreme Court didn't lay down as what constitute 'Basic Structure'. It evolved over period of time. Later Mrs. Indira Gandhi made some drastic changes in the Constitution through the 42nd amendment and restored the balance between Parliament and Supreme Court to the 1976 status quo. In the 1980 and 1990's Supreme Court has time and again used Judicial Review as a tool to prevent the Legislature and Executive from transgressing into its area. In 2005 the Supreme Court

questioned the validity of Ninth Schedule by stating laws incorporated into the 9th Scheduled can be subjected to Judicial Review if it infringes fundamental rights of individuals.

6.6.3 Judicial Activism :

In the 1980^s politics in India was undergoing major transformations like weakening of Congress rule, increased regional politics, growing corruption and criminalisation, decline of Parliament etc. The welfare state was failing to deliver promises to the poor masses. The Parliament and the Executive were lacking the will and efficiency to implement public policies. In the scenario the Supreme Court assumed the role of itself of acting as guardian of the poor and deprived sections of the society.

The Supreme Court started looking into issues related to poverty, public service, corruption, rights of dalits, adivasis women and children, environmental protection, labour problems etc. This was done through the mechanism of public interest litigation. (PIL) it is a kind of litigation where court can take issues that affect the public at large. This is different from adversarial litigation where parties in conflict can only approach the court. In PIL court can take on issue if brought by any person of the society who is genuinely concerned about issues that affect the society. eg. Shri. M.C. Mehta environmental lawyer filed cases regarding pollution in Delhi and Supreme Court gave judgement on it.

In other case called Prakash Singh case, the Supreme Court gave clear guidelines on how to reform the police system in India. The court in Unnikrishnan case said that education is fundamental right of every child. The effect of this judgement was the Parliament amended the Constitution to make primary education a fundamental right.

Judicial Activism started due to eminent judges like Justice Bhagwati and Justice Krishna Iyer who believed that it is the duty of Supreme Court to protect the rights of the weaker sections of the society through judicial means. Judicial activism played vital role in reinforcing constitutional values that were flouted by the Executive and Legislature.

It is sometimes said judicial activism is not healthy practice because Supreme Court should not decide public policy which is in the domain of Parliament. Further court lack the resources to implement the judgement. It can direct the Legislature or Executive but cannot force the latter.

6.7. THE ELECTION COMMISSION :

To ensure free, fair and impartial elections part xv, Articles 324 to 329 of our Constitution has made several provisions.

The Constitution under Article 324, establishes a Election Commission. In order to supervise the entire procedure and

machinery for election, the Constitution provides for an independent body, namely, The Election Commission.

The Election Commission shall consist of a Chief Election Commissioner and such other Commissioners as the President may, from time to time, fix. From the beginning the Election Commission consisted of the Chief Election Commissioner only.

The conditions of service and tenure of office of the Election Commissioner shall be such as Parliament may by law prescribe. The provisions for the removal of the Election Commissioners make them independent of Executive control and ensure an election free from the control of the party in power for the time being. The Chief Election Commissioner cannot be removed from his office except in like manner and on like grounds as a judge of the Supreme Court. Regional Commissioners may also be appointed by the President, in consultation with the Election Commission, on the eve of a general election to the House of the People or to the state legislature for assisting the Election Commission.

Powers and Functions - The Election Commission shall have the power of superintendence, direction and conduct of all elections to Parliament and the state Legislatures and of elections to the offices of the President and Vice- President Elections are indispensable in a representative democracy. In India free and fair elections have become a part of Indian Political System. Hence the functions of the Election Commission are as follows :-

1. Preparation of electoral rolls before each general election and registration of eligible voters.
2. The delimitation of constituencies for the elections to the House people and the Legislative Assemblies of the states.
3. The recognition of various political parties and allotment of symbols to those parties.
4. The preparation of code of conduct for the political parties.
5. The tendering of advice to the President regarding disqualifications of members of Parliament.
6. The conduct of elections to Parliament, state Legislatures and the office of the President and Vice-President of India.
7. The appointment of election officers to look into disputes concerning election arrangements.
8. The preparation of roaster for the broadcasts and telecasts by various political parties.
9. To keep the voter's lists upto date at all time.
10. To issue identify cards to all the voters in the country.

6.8. QUESTIONS :

1. Critically examine the role of the President under Indian Constitution.
2. Elaborate powers and functions assigned to the President.
3. Discuss the role of the Prime Minister in the Indian Polity.
4. How is the Council of Ministers formed? What are its functions?

5) Write short notes on the following :

- a) Judicial Review.
- b) Judicial Activism.

6.9. SUGGESTED READING :

P.M. Bakshi, 2007, The Constitution of India, Universal Publication.

Dr. Durga Das Basu, Introduction to Indian Constitution, Wadwa & Company.

Bidyut Chakrabarty, 2008, Indian Government & Politics, Sage Publishers.



FUNCTIONING OF THE FEDERAL POLITY IN INDIA (I)

Unit Structure

- 7.0 Objective
- 7.1 Introduction
- 7.2 The Spirit of Indian Federation
- 7.3 The Salient Features of Indian Federation
- 7.4 Summary
- 7.5 Questions
- 7.6 Suggested Reading

7.0 OBJECTIVES

1. To comprehend the theoretical dimensions of the concept of federalism by taking into account its meanings, various definitions and implications.
2. To make a comparison between theory of federalism and the federal structure that is enshrined in the Constitution of India underlining the spirit of Indian federalism.
3. To identify the core features of Indian federation that have been justifiably opted for by the founding fathers of the Constitution.

7.1 INTRODUCTION

Federalism is a legal-political device to govern either a group of smaller states located in a geographical territory showing the intent to be governing units of a larger state or a larger state administratively or ethnically divided into smaller states. It means a federal polity can come into existence by two methods viz. centripetal and centrifugal. The most prominent example of the former is the federal polity of the USA and of the latter India. It must be underscored that a true federation can function only under a democratic polity wherein the rule of law prevails, the constitutional institutions are respected and the central legislature has a chamber for the representatives of the states or provinces. The arrangement of powers between the central government and the state or provincial governments is made as per an agreement or covenant that is usually made a part of the federal constitution. It is the general idea of federation because the word itself is derived from a Latin term *foedus*, which means a covenant. In the contemporary world a federal polity is very much favoured especially by the larger states that might be heterogeneous in terms of geographical terrain, levels of development or ethnicity. According to Daniel Elazar, "the federal principles and arrangements have become so wide-spread because they suit the modern temper, and federalism is designed to achieve some degree of political integration based on a

combination of self- rule and shared-rule.”

In a centripetal process of formation of federation a number of smaller states having geographical contiguity tend to come towards the centre to form a bigger sovereign state by surrendering some of their powers to the emergent federal polity. The current 50 states of the US federation were the unconnected colonies of the British that gradually joined the US federation by revolting against the British. Since the states were already in existence, the US Constitution of 1787 does not deal with the theme of its federation in one part of it but references are about the rights and duties of state governments in relation to the federal government. The federal government, on the other hand, enjoys a set of definite powers, known as the enumerated powers, which are clearly spelled out in the Constitution. The residuary or the reserved powers are invested in the people that are, in fact, the powers of the states. The division of powers between the federal government and the state governments in the USA is an evolving concept. For instance, the Supreme Court had considerably expanded the powers of the federal government by its verdict *McCulloch v. Maryland* of 1819. The powers of the federal government kept on steadily increasing in the post-American Civil War period. The most compelling reason for making the federal government gradually stronger was commercial. In order to properly regulate the inter-state commerce with a uniform set of rules the federal government came to acquire substantial powers in the field of commerce. The other factors were the protection of civil rights and expansion of social services.

Indian federal structure, which came into existence through a centrifugal process after the commencement of the Constitution of India on January 26, 1950, is an example of the administrative units going away from the centre to exercise more powers than previously enjoyed. The British India was technically a unitary colony under the British. For administrative convenience the British had created provinces but these administrative units did not have any original powers. The powers that these provinces exercised through provincial governors were delegated to them by the Governor-General who was under the direct control of the Secretary of State for India, a member of the British cabinet. Thus, it was a highly centralized arrangement wherein the real powers belonged to the British Parliament.

The federal structure which is constitutionally known as the *Union* of India is comprised of the Union Government, the State Governments and the Union Territories. Thus, technically speaking it is a three-tiered administrative structure. The Union Territories, however, do not enjoy any definite or original powers of their own. These administrative units are governed by the President of India through an administrator appointed by him and who is usually designated as Lieutenant Governor. The powers between the Union and the States are constitutionally divided and they are enumerated in three lists, which are enshrined in the Seventh Schedule of the Constitution. It is evident from the analysis of the three lists that the

Union Government is much stronger than the State governments, a fact because of which a scholar calls India a *quasi-federal* state. The asymmetric aspect of Indian federal polity has historical and political reasons that may come under consideration later. The significant point is that the Indian federal structure has been reasonably successful despite varied fissiparous tendencies arising their heads intermittently.

7.2 THE SPIRIT OF INDIAN FEDERATION

While introducing the Draft Constitution on November 4, 1948, Dr. B. R. Ambedkar said in the Constituent Assembly: “The Draft Constitution is a Federal Constitution inasmuch as it establishes what may be called a Dual Polity. This Dual Polity under the proposed Constitution will consist of the Union at the Centre and the States at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. The dual polity resembles the American Constitution... (However) the points of differences between the American Federation and the Indian Federation are mainly two. In the USA this polity is followed by a dual citizenship... The proposed Indian Constitution is a dual polity with a single citizenship... The dual polity of the proposed Indian Constitution differs from the dual polity of the USA in another respect. In the USA the Constitutions of the Federal and State Governments are loosely connected... This is not true of the proposed Indian Constitution. No States has a right to frame its own Constitution. The Constitution of the Union and the States is a single frame from which neither can get out and within which they must work.”

This rather long excerpt from the speech of Dr. B. R. Ambedkar has been cited because it not only exemplifies the federal characteristics of the Indian Constitution but also brings to light the points of differences between American Federal Constitution and the Constitution of India. There is no doubt that the Constitution of India is indeed federal as is reflected in the very first sentence of the aforementioned excerpt. However, if one insists to find similarities between the federal characteristics of the Constitution of the USA and those of the Indian Constitution, he will obviously be disappointed. Besides, the core differences that Dr. B. R. Ambedkar pointed out in the aforementioned citation, there are quite a few features of the Indian Constitution that make the Central Government stronger than the governments of the states. Conceptually speaking, however, there is not a universally accepted definition of federation that impels that the federal government and the governments of the federating units must have identical powers. In fact, no definition of federation is universally accepted. This notion that the states must be as powerful as the federal government is an offshoot of the propensity of many scholars to treat the Constitution of the USA, which happens to be the oldest federal constitution in the modern world, as the ideal legal document for the formation of a federation. As a consequence of it, K.

C. Wheare, a prominent scholar, calls Indian federation a *quasi-federation* because its Constitution has created a unitary state wherein the emphasis is more on unitary principles rather than the federal ones.

Such views have been in existence for quite long and the need is that they should be properly contested. A scholar on constitutional law has justification to point out that the Constitution of India has established a federation wherein the Central Government has overriding powers over the state governments. However, he is not justified to be sceptical about the federal structure of Indian polity or label it as *quasi-federal*. The reason is that *foedus*, which is the root term merely implies the existence of a covenant spelling out the scheme of division of powers between the federation and the federating units; it does not connote symmetric distribution of powers. Thus, India has a covenant i.e. the Constitution under which the powers have been vested in the Central Government and the governments of the states. Moreover, the Indian Constitution is not an exception in this respect. Quite a few federal constitutions that were enacted after 1787 created stronger Central governments vis-à-vis Provincial or State governments. For instance, the Constitutions of Canada (1867), Brazil (1937 and 1988) and Venezuela (1999) have all established federations with strong Central governments. Therefore, the presence of a stronger central government than those of the federating units does not make a polity less federal. We must again refer to a speech of Dr. B. R. Ambedkar that he delivered in the Constituent Assembly on August 3, 1949, in which he observed: "I think it is agreed that our constitution, notwithstanding the many provisions which are contained in it whereby the centre has been given powers to override the provinces, nonetheless is a federal constitution and when we say that the constitution is a federal constitution it means this, that the provinces are as sovereign in their field which is left to them by the constitution as the centre is in the field which is assigned to it."

It is, therefore, accurate to call the polity of India a federal one because its spirit is federal. The intention of the founding fathers of the Constitution of India was to create a two-tiered polity combining the interests of the nation as a whole and the regional aspirations of the states. There could not have been a better constitutional device to combine the two objectives than what the Constituent Assembly adopted on November 26, 1949. In addition, the constitutions can be classified as unitary or federal and by no stretch of imagination the Constitution of India can be called a unitary one. According to Durga Das Basu, "...a Constitution partakes of some features of both types, the only alternative is to analyse those features and to ascertain whether it is *basically* unitary or federal, although it may have subsidiary variations." Having said this, Basu asserts in unambiguous terms that "the constitutional system of India is *basically* federal..." Hence, it is amply obvious that the charge of centralism is unfounded. The critics who still persist with it have an erroneous view of a federal polity. They tend to believe that a polity with symmetrical division of

powers between the Centre and the States can alone be called federation. They seem to overlook the fact that the primary requirement for a federation is the division of powers between the Centre and the States by means of a covenant. Indian Constitution fulfills the condition.

Additionally, the other requirements of a federal polity such as the supremacy of the constitution and the independence of judiciary are not totally missing in the Indian Federal Polity. Though, India is a parliamentary democracy, it has a written constitution that remains the source of all powers of the three organs of the government—legislature, executive and judiciary. It is true that the Indian Constitution is not as rigid as the Constitution of the USA but it is also not as flexible as the Constitution of the UK. The power to amend the Constitution is vested in the Parliament but it can hardly become a plaything in the hands of the parliamentarians. It is true that because of the one-party-dominance political syndrome that lingered in India from 1951 to 1966 and then between 1974 and 1990, the constitution was amended, in one particular instance majorly, by the ruling party to suit its political agendas. However, the amending procedure cannot be blamed for it. On account of amending procedure we cannot call the Indian Constitution as flexible. The two methods through which it can be amended are reasonable. The first method obligates a two-thirds majority of the members of both the Houses and the second one, in addition to the two-thirds majority, also necessitates a majority of the states. In the present context when the phase of coalition politics seems to be the political reality, the ruling alliance finds it difficult to amend the Constitution off and on to suit its political ideology. The current position is that the Parliament cannot tamper with the basic structure of the Constitution.

What is true about the Constitution is also true about Indian Judiciary. India does not have as strong a judiciary as that of the USA but it is also not as powerless vis-à-vis the Parliament as that of the UK. Until 1967, the Indian Supreme Court did go along with the legislature and the executive but since the verdict in *Golaknath v. State of Punjab*, the Supreme Court, in quite a few cases has asserted its independence. In present political scenario, it is the judiciary, more than the opposition that is keeping the ruling coalition on its toes. In the popular perception too, the judiciary is one branch of the government which is least corrupt and reasonably beyond the clutches of both, the legislature and the executive. These facts underscore the federal spirit of Indian Constitution.

Check Your Progress:

Q. 1. Define a federal polity in the context of India.

Q. 2. Is the charge that Indian federation is not a real federation true? Give reason for your answer.

7.3 THE SALIENT FEATURES OF INDIAN FEDERATION

Though the features of a federal polity were included in the Government of India Act of 1935, it never got actually implemented. It was the Constitution of India that came into force on January 26, 1950, that created, for the first time, a federal polity in the true sense in the long history of India. In order to discuss the distinguishing features of Indian federal polity we have to refer to the relevant provisions of the Constitution.

1) India a Union of States:

Article 1 of the Constitution provides, "India, that is Bharat, a Union of States." The usage of the term 'Union' instead of 'Federation' was deliberate and not without justification. In his speech of November 4, 1948, in the Constituent Assembly, Dr. B. R. Ambedkar said this about Indian federalism: "All federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand the Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as though it was a unitary system... The Union under the Proclamation (of Emergency) can claim if it wants (1) the power to legislate upon any subject even though it may be in the State list, (2) the power to give direction to the States as to how they should exercise their executive authority in matters which are within their charge, (3) the power to vest authority for any purpose in any officer, and (4) the power to suspend the financial provisions of the Constitution."

There were historical, financial and ethnic reasons for creating a

federal structure with a strong Centre. Historically speaking the idea of India is of recent origin, precisely a product of the freedom struggle during the late nineteenth and early twentieth centuries. The very infancy of the idea of Indian nation entailed caution and utmost care to preserve it from secessionist tendencies. There were quite a few signs of subversion and separatism in various parts of the country immediately after Independence. Thus, the Constituent Assembly was under tremendous pressure to frame a Constitution that could effectively protect the unity and integrity of the nation. It was the core factor that justified the creation of a strong Centre.

Secondly, Independent India had a painful birth. The territory of India was divided to create two independent states—India and Pakistan—on the fallacious assumption that the regions with Muslim majority population constituted a separate nation. In the aftermath of the partition of the country, the subcontinent witnessed the most barbaric communal riots particularly in Punjab and Bengal. Then there was the vexed issue of the state of Jammu and Kashmir. The Pakistan had attacked the state of Jammu and Kashmir to grab the entire territory of the valley by force at a time when the Constituent Assembly had not even finalized the Draft of the Constitution. The aggressive posture of Pakistan was an indicator of its future militant foreign policy and the subsequent events had proved that their misgivings about Pakistan becoming a friendly neighbour were genuine. Kashmir still remains a flashpoint between India and Pakistan.

Thirdly, there were insurgencies in the Northeastern part of India immediately after Indian Independence. To begin with the people of Nagaland wanted to secede from India and later such subversive activities got spread to other states of the region. In the aftermath of India's China war, the security concerns of India manifold. China's intervention in the troubled region of India's Northeast has strengthened the fissiparous movements. China maintains that the Indian state of Arunachal Pradesh is the Chinese territory. Such challenges to the unity and integrity of India were perfectly visualised by the makers of the Indian Constitution and in order to deal with them firmly a strong Central Government, which gets better expressed by the term 'Union', was created.

In the field of public finance too the Union Government enjoys real powers than the States. It must be recalled that during the colonial rule, besides the territory that was directly governed by the British there were more than 500 native states under the authority of Indian princes. The native states had remained comparatively backward in terms of economic, social and educational development than British India. Moreover, all the provinces of British India themselves were not evenly developed. In such a situation it was necessary to vest maximum financial powers in Union Government so that it could allocate financial resources among the States taking into account their requirements.

India is a plural society. The very basis of creation of States under the Indian Union has been language which certainly determines the

ethnic character of a people. Besides, linguistic diversity, the Indians are also divided in terms of caste, race, religion and culture. The huge heterogeneity of India poses the major obstacle in creating a true national identity. There have been separatist and secessionist movements in some parts of the Union. The ethnic diversity was, therefore, one of the overriding reasons to create linguistic States and a strong Union to keep these diverse federating units together.

2) Single Citizenship:

One important feature of India federation is that, unlike the USA, it is not the creation of a compact between erstwhile independent countries. The founding fathers of the Indian Constitution have created a federal polity by dividing an almost unitary British India into linguistic states. Since Indians under the colonial rule were the citizens of British India, the Constitution of India too makes available single citizenship to every person: "a) who was born in the territory of India; or b) either of whose parents was born in the territory of India; or c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement (of the Constitution)..."[Art. 5]. In addition to this, Art. 11 of the Constitution provides that the Parliament has the right to regulate the right of citizenship. Consequently, the Parliament enacted the Citizenship Act (1955), which *inter alia* classified the kinds of citizenship, as: a) citizenship by birth; b) citizenship by descent i.e. person whose either parent is Indian but he himself is born outside India; c) citizenship by registration i.e. persons of Indian origin residing in India for last 5 years or persons married to Indian citizens; d) citizenship by naturalization i.e. foreigners can become citizens of India by naturalization; and e) citizenship by incorporation of territory i.e. the residents of a territory that becomes part of the Indian territory by any means shall be granted Indian citizenship.

It must, however, be pointed out that permanent residency in a state may confer certain advantages to the domiciled people of that state. For instance, as per Art.16 (3), the Parliament is empowered to lay down residence qualification as regards to State and Union territory employment opportunities. Accordingly, the Parliament passed the Public Employment (Requirement of Residence) Act in 1957. The Act was a temporary legal instrument according to which the Union Government could make rules, with emphasis on residence qualification, for non-Gazetted posts in Andhra Pradesh, Himachal Pradesh, Manipur and Tripura. The Act however, expired in 1974.

Secondly, as per Art.15 a state may offer certain concessions to its residents in matters of admission and fee to the educational institutions that are controlled by it. In the State of Jammu and Kashmir, which has a special status under the federal polity of India, the state government is empowered to confer special rights to its residents in matters of, a) state employment; b) acquisition of immovable property; c) settlement in the state; and d) right to state

government scholarships.

3) Single Constitution:

Again, unlike the USA, there is only one Constitution of India under Indian federal polity. In the USA, every state is empowered to frame a constitution of its own because the federating units under the American federation created a federal polity by means of a compact. In India, however, the process of formation was different from that of the USA. Here, a unitary state was divided into various linguistic units to create a federal structure with a strong centre. Therefore, the founding father of the Constitution thought it was appropriate for a federal polity like India to have a solitary constitution. Nevertheless, it does not mean that Indian states are mere administrative units and they do not have any original powers of their own. In fact, the Constitution of the States is enshrined in the Indian Constitution itself. Similarly, division of powers between the Union and the States has also been made through the Constitution. Therefore, it is wrong to believe that India states are deprived of original powers merely because there is a single constitution in India. The State of Jammu and Kashmir, because of its special status, is empowered to draw its own constitution.

4) Unified Judiciary:

The presence of a single Constitution implies that there should be a unified judicial structure. In the USA, in addition to the Federal Constitution, there exist Constitutions of the States because of which the Judiciary has also been bifurcated between the Federal and the State Governments. In the USA, therefore, the cases arising out of the federal Constitution and federal laws are dealt with the federal courts and the cases arising out of the state Constitution and state laws are tried by the respective state courts. In India, however, the Judiciary is unified because with a single Constitution for the whole federal polity there is no need to bifurcate it between Union and State Courts. Though, there are Higher Courts and subordinate courts in India, they are under the control of the Supreme Court of India.

5) All-India Services:

The Constitution of India, as per Art.312, provides for the creation of All-India Services, which are common to the Union as well as State administrative machineries. In this respect too Indian Federal Polity differs from that of the USA, where Federal and State Governments create their respective services to manage their respective administrations. There is an elaborate procedure under the Union Public Service Commission for the appointments of members of the Indian Administrative Service whose services are common to the departments under Union and State Governments. Though the

Constitution also provides for State Public Services, the members of the state services cannot normally head an administrative department of a State Government. They remain junior administrators working under the direction and control of the members of the All-India Services.

6) No Equality of State Representation:

Since the Constitution of the USA has come to be treated as the model for a federal polity, many scholars believe that it is imperative for a federal constitution to provide for equality of representation of the States in the Upper House of the Central Legislature. This has been achieved in the USA by empowering each State to elect two representatives for the Senate irrespective of the territorial or demographic size of the State. Thus, there are 100 members of the Senate who are all elected by the people of the States they represent. In India, however, the composition of Rajya Sabha is a combination of elective and nomination principles. The total members of Rajya Sabha are 250 out of which 238 are elected by the members of the Legislative Assemblies of the States and the number of elected members is assigned to each state as per its population. The more the population of the State, the more number of seats it has in the Rajya Sabha. As a result of it the number of members of Rajya Sabha for States varies from 1 to 34. The remaining 12 members are appointed by the President of India for their distinguished services in the fields of literature, science, art and social service. It is because of this element of nomination Rajya Sabha cannot be called an exclusive Council of States.

7) Strong Central Bias:

The Constitution distributes the powers between the Union and the States by enumerating them in three lists viz. the Union List, the State List and the Concurrent List. A closer study of these Lists, however, reveals that the Union Government is very powerful because it has been allotted 97 subjects that include almost all the core subjects by which the power of a government can be truly gauged. The State List, on the other hand contains 66 subjects, which are not as crucial as those of the Union List. The Concurrent List has 47 subjects over which both the Union Government and the State Governments have the power to legislate upon. However, in case both the Union and State Governments legislate laws on a subject of the Concurrent List, the Constitution provides that the Union law shall prevail. Moreover, unlike the US Federation, the residuary powers under the Indian Federal Polity are vested in the Union.

Another feature of the Constitution that makes the Union Government stronger than those of the States is Part XVIII that deals with emergency provisions. The Constitution envisages three kinds of emergency viz. i) an emergency due to war, external aggression or

armed rebellion, which is called national emergency [Art. 352]; ii) emergency arising out of failure of constitutional machinery in the States [Art. 356]; and iii) financial emergency [Art. 360]. The power of Proclamation of Emergency is vested in the President of India. Once such a Proclamation is made, the powers of the State Governments get transferred to the Union Government. Though the State Governments continue to exist, they are required to function as per the direction of the Union Executive. Secondly, during emergency the Parliament shall have the power to legislate on any subject included in the State List. Thirdly, during the operation of emergency, the President of India shall assume the power of modifying the provisions of the Constitution pertaining to the allocation of financial resources. These extraordinary powers vested in the Union Government during the course of Proclamation of Emergency obviously point toward a strong central bias.

Another feature of the Constitution that makes the Union Government very powerful compared to those of the States, is to be found in Art. 249, which provides: "...if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force." Thus, it is not only during the Proclamation of Emergency, the Parliament usurp powers of the State Legislature but it can do so even in normal times if the two-thirds members of Rajya Sabha so desire. This is a very effective tool in the hands of the Union Government that may be brought into play if an over-ambitious political party having two-thirds majority in Parliament decides to browbeat the States ruled by the opposition parties.

Check Your Progress:

Q. 1. Critically discuss the salient features of Indian federal polity.

Q. 2 Does the Constitution of India fulfill the requirements of a federal polity? Discuss the issue in the light of the salient features of Indian federation.

7.4 SUMMARY

A federation can be formed by two methods viz. Centripetal Method and Centrifugal Method. The best example of the former is the federation of the USA and that of the latter is India. The word federation is derived from a Latin term *foedus*, which means a covenant. The implied meaning is that if the powers in a State having a two-tiered structure of government are divided by means of a covenant or a constitution, that state can be called a federation.

The Constitution of India has created a federal polity with a strong Central government. According to Art.1 of the Constitution India is a Union of States. In other words the Constitution emphasises the unifying features of Indian polity. There were historical, ethnic and financial reasons for making the Union Government stronger than those of the State Governments. However, a few critics, on account of this characteristic of the Constitution refuse to call India a real federal state. It must, however, be emphasised that the criticism is unfounded because the Indian federal polity fulfills the requirements of a federation, which are, i) dual government; ii) a written constitution; iii) constitutional division of powers and iv) an independent judiciary. Merely because of a strong central bias, India cannot be disqualified to be a federation.

It must be asserted that in spirit the Constitution has established a federal polity in India. Moreover, it is unfair to compare Indian or for that matter any other federation with that of the USA. The Indian scholars have fully endorsed the views of Dr. B. R. Ambedkar expressed in the Constituent Assembly that the Indian Constitution created a federal polity. The salient features of Indian federation include: i) India is a Union of States; ii) single citizenship; iii) single constitution; iv) unified judiciary; v) all-India services; vi) no equality of state representation and vii) a strong central bias.

7.5 QUESTIONS

1. Discuss the historical background and theoretical dimensions of the concept of federalism.

2. Make a comparative study of theory of federalism and the federal structure that exists in India.
3. Critically examine the salient features of Indian federation.

7.6 SUGGESTED READING

1. Austin, Granville, *Working of a Democratic Constitution—the Indian Experience*, Oxford University Press, Oxford, 2000.
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3. Chatterjee, Sibransan, *Restructuring Centre-State Relations: the Sarkaria Commission and Beyond*, Minerva Publications, Calcutta, 1997.
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FUNCTIONING OF FEDERAL POLITY IN INDIA II

Unit Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Working of Federal Polity
 - 8.2.1 Legislative Powers of the Union and the States
 - 8.2.2 Executive Powers of the Union and the States
 - 8.2.3 Financial Powers of the Union and the States
- 8.3 Administrative Relation Between the Union and the States
- 8.4 Review of the Federal Structure
- 8.5 Summary
- 8.6 Questions
- 8.7 Suggested Reading

8.0 OBJECTIVES

1. To appraise the working of the federalism in India.
2. To comprehend the nature of legislative, executive and financial powers between Union and the States in the light of Constitutional provisions.
3. To understand the kind of administrative relations that exist between Union and the States.
4. To analyse the recommendations that are usually made for reforming the Indian federal structure.

8.1 INTRODUCTION

The consideration of constitutional provisions pertaining to federal polity in India in the preceding chapter makes it clear that Indian federal structure has a strong unitary bias. Many scholars have even refused to call Indian polity a federal one; in their view it can, at best, be called a quasi-federal state. The observation is not completely unjustified. Constitutionally, under the Indian federal polity, the central authority known as the Union is imperishable while the federating units i.e. states are impermanent. The constitutional experts consider this to be an odd feature of a constitution that pretends to create a federal polity in view of the heterogeneous nature of Indian society. The existence of the states in India depends to a greater extent on the will of the Union. The Union government may practically change the physical features of a state or in extreme case may even abolish a state. Though there is a constitutional provision that the views of the state concerned shall be sought but in actual practice it becomes fruitless for two reasons: first, the President of India has the power to fix a timeframe within which the state

concerned must let the Union know its view and, second, the views of the state concerned are not binding on the Union even if they are submitted within the prescribed timeframe.

Then there is the office of the Governor through which the Union exercises its firm control over the states. The position of Governor in Indian polity is unique. First of all he is not elected but appointed by the President. In reality, he is the nominee of Union government which is essentially a party government. Secondly, the experience of the functioning of federal polity of more than sixty years shows that the Governor usually does not belong to the state in which he is nominated as the constitutional head of the state administration. Thirdly, he sends the annual or periodical reports about the functioning of the state governments in which he may even express his estimation that the constitutional machinery of the state has collapsed and acting on this estimation the President (practically the Union government controlled by a political party or a coalition of parties) may invoke Art. 356 and dismiss the democratically elected government. Moreover, the Governor as per Art. 200 may reserve certain Bills passed by the State Legislature for the assent of the President. Such Bills may or may not receive President's assent because under Art. 201, the President is empowered to veto such Bills. There are many more constitutional provisions that hamper the independent functioning of the state governments. We have to analyse the actual functioning of the Indian federal polity in the backdrop of a strong Union bias provided for by the Constitution of India.

8.2 WORKING OF FEDERAL POLITY

A close analysis of the working of federal polity in India reveals that, by and large, the centralising features of the Constitution have proved to be potent for most of the time since the coming into force of the Constitution. Though this revelation is not surprising considering various constitutional provisions that heavily favour a strong Union government, it seems to be at odds with the spirit of the federal polity that the Constitution is supposed to have established. The opinion of Dr. B. R. Ambedkar that "the States under our Constitution are in no way dependent upon the centre for their legislative or executive authority," has been contested by an expert, Granville Austin, who points out that "in theory Articles 200 and 201 invalidate the division of powers for there is no means of overriding a President's veto in the case of State legislation." The contention of Austin is true because Art. 200 that empowers the Governor of a State to reserve a Bill for President's assent and Art. 201 under which the President may veto such a Bill practically negate the spirit of federalism. In the context, it is significant to note that the Supreme Court of India in *Hoechst Pharmaceuticals v. State of Bihar* (1953) adjudicated that "the entire function of reservation and veto is discretionary and non-justiciable." Therefore, the two Articles not only invalidate the division of powers theoretically but also practically.

It is quite apparent that since the commencement of the Constitution, the major thrust seems to strengthen the Union by constitutional and extra-constitutional means. The Union has enhanced its powers not only by multiple amendments of the Constitution but also through a few extra-constitutional institutions such as the Planning Commission and National Development Council. Commenting on the emergence of the Planning Commission as a predominant extra-constitutional body Ashok Chanda observed, "The emergence of the Planning Commission as a super-government has disturbed the concept of the autonomy of the States. It has also impinged on the authority of the States in matters vital to its (sic) administration such as education, health and other welfare services." In order to have a clear picture of the working of Indian federal polity it is better to examine the legislative, executive, financial and administrative powers of the Union and the States and their implications from the point of view of federation. The question about judicial powers does not arise because there exists a unified judicial system in India.

8.2.1 Legislative Powers of the Union and the States:

In strict legal terms, there is no sovereignty available either to Parliament or State Legislatures because they are bound by the provisions of the Constitution. Though Art. 368 empowers Parliament "to amend by way of addition, variation or repeal the provisions" of the Constitution, the Supreme Court while adjudicating in a couple of cases such as *Minerva Mills v. Union of India* (1980), *Bommai v. Union of India* (1994) etc. has stated clearly that "it could set aside an Act to amend the Constitution, not only on (i) a procedural ground...but on (ii) the substantive ground, viz., that the amending Act has violated one or other of the basic features of the Constitution." As regards the powers of the States are concerned there are numerous provisions in the Constitution that empower the Union to restrain their legislative powers. Some of these provisions include, in particular, Arts. 200 and 201, that have been referred to above.

In matter of legislative powers between the Union and the States, the Constitution has emulated a threefold scheme of distribution of law making powers viz. Union, State and Concurrent. Therefore, the Union List (till 2011) comprises 97 subjects that include all the important subjects such as defence, foreign affairs, banking, insurance, currency and coinage, Union duties and taxes etc. the State List is consisted of 66 subjects, the more significant among them are public order and police, local government, public health and sanitation, agriculture, forests, fisheries, State taxes and duties. The Concurrent List comprises 47 items including Criminal law and procedure, Civil procedure, marriage, contracts, economic and social planning, education etc. The Parliament has the exclusive power to legislate upon all the subjects in the Union List while the State Legislatures can make laws on the subjects of the State List. As

regards the subjects included in the Concurrent List, both the Union and the States can legislate upon them provided an Act of Parliament on a particular subject of the Concurrent List shall have primacy over the law made by a State Legislature on the same subject. Moreover, the power of the State Legislature to make laws on the subjects included in the State List is not absolute. Besides Arts. 200 and 201, it has been made conditional to the power of Parliament to make laws upon subjects included in the Union and the Concurrent Lists. As a result, the subjects comprising the State List have to be interpreted in the light of the power of the Union Parliament.

Another feature that has weakened the position of the States in comparison with the dominance of the Union is the provision dealing with the residuary powers. In real federal polities such as the USA and Australia, these powers are vested in the States. In India, however, the founding fathers of the Constitution have followed the example of Canada by vesting residuary powers in the Union. The residuary powers, according to the Constitution, are the powers of the Parliament to legislate on a subject or subjects that do not figure in any of the three Lists. However, it is the power of the Judiciary to determine whether a particular Act of Parliament legislated under the definition of residuary powers is valid or not.

It is also pertinent here to take account of departures (permitted by the Constitution itself) from the constitutional division of powers that have been made under the so-called exceptional or unexpected circumstances. These circumstances usually fall under five categories: i) national interest, ii) emergency, iii) by agreement between States, iv) for implementation of treaties and, v) failure of constitutional machinery in the States. So far the first category is concerned, Parliament can make a law on any subject included in the State List in the name of national interest provided the two-thirds majority of the members of Rajya Sabha present and voting pass a resolution to that effect. Such a law shall be valid for a year and can only be extended annually with the similar resolutions of Rajya Sabha. With the promulgation of Emergency by the President, the power of the State Legislatures to make laws on the subjects included in the State List might be transferred to Parliament. Such laws made by the Union Parliament shall be valid during the period of Emergency and can only expire six months after the annulment of Emergency. The third category is about the mutual agreement between two or more State Legislatures to request the Union to legislate upon any subject of the State List. On such a request Parliament can assume the powers of the State Legislature. The significant examples of such legislation are: Prize Competition Act of 1955; Urban Land (Ceiling and Regulation) Act of 1976 and Water (Prevention and Control of Pollution) Act of 1974. The fourth category pertains to the power of the Union Parliament to make laws with the purpose of fulfilling the conditions of the treaties and international pacts and agreements. In this context Parliament can make laws even on subjects that belong to

the State List. The prominent examples of such laws are: United Nations (Privileges and Immunities) Act of 1947; Geneva Convention Act of 1960 and Anti-Hijacking Act of 1982. The last category is about the power of the President to declare that the constitutional machinery in a State has failed and consequently the legislative powers of the State Legislature get transferred to the Union Parliament.

The constitutional division of legislative powers and their operation during the last sixty years are testimony to the assessment that Indian federal polity has a strong Union bias. This is not astounding because quite a few constitutional provisions go along with the assessment. What is surprising is the tendency of the successive Union governments to increase its powers by extra-constitutional means. As has been already pointed out that bodies like the Planning Commission and National Development Council, which are extra-constitutional entities have substantially infringed the powers of the States.

8.2.2 Executive Powers of the Union and the States:

According to Art. 162, "the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws." It goes without saying that the executive powers of a State are confined only to its territory. It is fine. What complicates the matter is the proviso to Art. 162 that says, "the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by this Constitution or by any law made by Parliament upon the Union or authorities thereof." Therefore, the scheme of division of executive powers between the Union and the States is rather a dicey issue. The Union has the executive powers that are co-extensive with its legislative powers but it can also exercise authority in regard with the subjects that belong to the Concurrent List. It is in this area that the executive powers of the States are substantially curtailed.

In normal course a State enjoys executive power in respect with the items of the Concurrent List but there are two exceptions to the rule. First, if Parliament expressly assigns some executive functions to the Union in matters that belong to the States as per constitutional division of powers, the States are restrained to exercise their executive power to the extent the functions assigned to the Union. Second, in matters where there exists a constitutional restriction on the executive powers of the States. These include: i) the executive power of the Union to fulfill the terms of a treaty or international agreement and ii) the Union can issue directions to the States how to exercise the executive powers in certain matters. These matters vary as per, 1) normal times, 2) emergency and 3) financial emergency. During normal times the Union can issue direction to the States, a) for compliance of the Union laws and the laws that concern the States; b) to restrict the States from interfering in the executive

powers of the Union; c) to make certain the construction and upkeep of means of communication that are vital for the nation or military; d) to protect railways; e) for the execution of schemes designed for the welfare of the Scheduled Tribes; f) to ensure the imparting of primary education in the mother tongue to children belonging to linguistic minorities; g) to develop Hindi language and h) to ensure that the administration of a State is carried on as per the provisions of the Constitution.

If the Proclamation of Emergency is in force then the Union can, a) direct a State government in what manner the executive powers of the State should be exercised and, b) in case of failure of constitutional machinery in a State, the President (in reality the Union government) can take charge of all or some specific executive powers of the State. In case a Proclamation of Financial Emergency is in force the Union can direct the States, a) to strictly observe the financial rules and norms that may be spelled in the text of the direction itself; b) to reduce salaries and allowances of the persons associated with the Union including the Judges of the Supreme Court and High Courts and, c) to ensure that Money Bills or other financial Bills are reserved for the consideration of the President.

8.2.3 Financial Powers of the Union and the States :

The successful functioning of a federal polity largely depends on a reasonable scheme of division of financial resources between the federal government and the governments of the federating units. The founding fathers of the Indian Constitution have followed the precedent of the Government of India Act of 1935 in matters of distribution of taxes and related issues. The scheme of distribution of financial resources that is provided in the Constitution is rather a complicated one. It was done intentionally because in view of the makers of the Constitution equitable distribution of financial resources was more important than a rigid and standard scheme of division of resources. It is important to note that the Constitution makes a distinction between the power of a legislature to levy taxes and the power to appropriate the amount collected by means of taxes.

The power to levy taxes are constitutionally divided between Union and the States as per the Union and State Lists. A cursory glance at the two Lists make us realise that as regards with the levying of taxes the Union has more extensive powers than the States. The broad division is that while State Legislature can levy tax on agriculture land, the tax on non-agriculture land is levied by Parliament. Similarly while the States are empowered to tax agricultural income, the Union has the power to tax all other kinds of income. Moreover, the residuary power in regard with taxation is vested in the Union. The major financial source for the States is the Sales Tax. However, it is not an absolute power because of following provisos:

- i) A State Legislature cannot levy a tax on sale or purchase if such transactions are done outside the State.
 - ii) States cannot also levy taxes on import and export businesses.
 - iii) States cannot tax 'inter-State trade and commerce.'
 - iv) If Parliament declares certain goods of special importance, a State Legislature cannot levy sales tax on them. For instance, Parliament has declared sugar, cotton, silk, woolen fabrics as goods of special importance in inter-State trade and thus has restricted the power of the States to levy taxes on their sales and purchase.
 - v) The States cannot also levy a tax on consumption of electricity if, a) it is consumed by the Union Government or purchased by the Union Government for its use and, b) if the Union Government is consuming electricity for the construction, upkeep or operation of railways.
 - vi) The properties of the Union Government located in a State are normally exempted from all taxes levied by State Legislature. Likewise State properties are also exempted from Union taxation.
- B)** It is obvious that the proceeds collected by a State by means of permissible taxation may not be sufficient for its requirements. In order to make up for this anomaly, the Constitution provides for special means. They are:
- a) Certain duties are levied by the Union but the States are authorised to collect and appropriate them.
 - b) Some duties are levied and collected by the Union but later the proceeds are distributed among the States from which they have been collected.
 - c) There are also certain duties that are collected and levied by the Union but later the proceeds are shared between the Union and the States.

In order to have a clear picture we can run through the distribution of financial resources between the Union and the States in the following manner :

- I) Taxes that are levied and collected exclusively by the Union are: 1) Customs; 2) Corporation tax; 3) Taxes on capital value of assets of individuals and companies; 4) Income tax and Surcharge on income tax etc. 5) Fees in respect of matters in the Union List.
- II) Taxes that are exclusively levied and collected by States are: 1) Land revenue; 2) Stamp duty except in documents included in the Union List; 3) Succession duty, Estate duty and Income tax on agricultural income; 4) Taxes on passengers and goods carried on inland waterways; 5) Tax on lands and buildings, material rights; 6) Taxes on animals

and boats, on road vehicles, on advertisements, on consumption of electricity, on luxuries and amusements etc; 7) Taxes on goods into local areas; 8) Sales tax; 9) tolls; 10) Fees in respect of matters in the State List; 11) Taxes on professions, trades, callings and employment.

- III) Duties Levied by Union but Collected and Appropriated by States as per Art. 268 include stamp duties on bills of Exchange etc. and Excise duties on medicinal and toilet preparations containing alcohol.
- IV) Taxes Levied and Collected by the Union but Assigned to the States within which they are levied (Art. 269) include: 1) Duties on succession to property other than agricultural land; 2) Estate duty on property other than agricultural land; 3) Terminal taxes on goods and passengers carried by railway, air or sea; 4) Taxes on railway fares and freights; 5) Taxes on stock exchange other than stamp duties; 6) Taxes on sales and advertisements in newspapers; 7) Taxes on sale or purchase of goods other than newspapers that fall in the category of inter-State commerce; 8) Taxes on inter-State consignment of goods.
- V) Taxes Levied and Collected by the Union and Distributed between the Union and the States as per Art. 270 are the taxes on income other than on agricultural income.

In addition to these resources the Union and the States also have non-tax revenue in the form of receipts. The Union collect revenue from the following receipts: Railways, Post and Telegraphs, Broadcasting, Opium, Currency and Mint, Industrial and Commercial Undertakings. The States have their receipts from Forest, Irrigation and Commercial Enterprises. In view of the inadequacy of financial resources of the States the Constitution, as per Art. 275, provides for Grants-in Aid from the Union to the States. The sums of the grants are to be determined by Parliament and charged on the Consolidated Fund of India in each year.

Arts. 280 and 281 of the Constitution also provide for the formation and duties of a Finance Commission (at five year intervals) to recommend certain measure to the President for the equitable distribution of financial resources between the Union and the States. The Commission comprises a Chairman and four other members to be appointed by the President. The Chairman should have 'experience in public affairs' and the other four members may be nominated from amongst--a) a High Court judge or to be qualified to be one; b) a person who is well versed in finances and accounts of the Government; c) a person who is expert in economics. The duties of the Finance Commission according to Art 280 (3) are as follow:

- a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them...and the allocation between the States of the respective shares of such proceeds;

- b) the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India; the Seventy-third Constitution Amendment Act, 1992, added a sub-clause (bb) that says measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of recommendation of the Finance Commission of the State;
- c) the Constitution Seventy--fourth Amendment Act, 1992 inserted this clause that says measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations of the Finance Commission of the State;
- d) inserted by the Seventy-fourth Constitution Amendment Act which says any other matter referred to the Commission by the President in the interest of sound finance.

Check Your Progress:

Q.1. Discuss the constitutional division of legislative powers between the Union and the States.

Q.2. Explain how the Constitution divided executive powers between the Union and the States?

Q.3. Review the constitutional division of financial powers between Union and the States.

8.4. ADMINISTRATIVE RELATION BETWEEN UNION AND THE STATES

It has been pointed out above that the Constitution ceases to be a federal one with the proclamation of emergency and gets converted into a unitary one. Since the emergency transforms the functioning of Indian polity into a unitary States it is pointless to discuss the working of administrative relationship if the proclamation of emergency is in force. The striking feature of the Constitution is that even during normal times there are some significant features that enable the Union to maintain its control over the States. Some of these have been cursorily referred to during the course of discussion above such as, i) Union Government's power to appoint Governor (Arts. 155-156), Judges of the High Court and the Members of the State Public Commission, and b) control over States' legislative powers such as [Art. 304 proviso (b)] pertaining to inter-State commerce; ii) assent of the President required for certain legislations [Arts. 31A (1), proviso 1, 31C proviso, 288(2)]; President's instructions to Governor in regard with Ordinance making relating to specified issues [Art 213 (1), proviso]; President's veto power in respect with the Bills reserved by the Governors for his assent [Art.200, proviso 1].

Additionally there are some more features of the Indian federal polity that ensure Union control over the States during normal times. They are: 1) Directions to the State Governments; 2) Delegation of Union functions; 3) All India Services; 4) Grants-in aid; 5) Inter-State Councils; 6) Inter-State Commerce Commission. So far as the first feature i.e. direction to the State governments is concerned, it must be pointed out that such a provision is entirely incompatible with the concept of federation, whether real or structural. The founding fathers of the Constitution borrowed it from the Government of India Act of 1935, a law made by the British Parliament to suit the aims and objectives of the colonial masters. The justification provided by the members of the Constituent Assembly was that peculiar condition of the country forced them to retain such an anti-federal feature in the Constitution. In order to secure compliance of its directions by the States, the Union can resort to even coercive means [Art. 365], particularly when Art. 356 is in force.

Secondly, as per Art.258 (1) and (2), the Union can delegate functions to the State governments. On the other hand, a State government can also delegate some of its administrative functions to the Union with the consent of Government of India. Thirdly, there are All-India Services such as Indian Administrative Service and the Indian Police Service whose officers are selected and trained by the Union but are appointed in the States to carry on administration. However, the Constitution has empowered the Union to create additional services if the two-thirds majority of the members of Rajya Sabha present and voting pass a resolution to that effect. Fourthly, the issue of Grants-in-Aid, has already been discussed in the section of financial powers of the Union and the States. Here, it is suffice to add

that the purported purpose of this feature is to ensure comprehensive development of the country. Fifthly, as per Art. 263, the President is vested with the power to institute an inter-State Council, which according to the Constitution has the duty of "(a) inquiring into and advising upon disputes which may have arisen between States; (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or (c) making recommendation upon any such subject and, in particular, recommendations for the better co-ordination of policy with respect to the subject." Prior to 1983, the President, invoking this provision had instituted Central Council of Health, Central Council of Local-Self Government and Transport Development Council. However, in pursuance of the recommendations of the Sarkaria Commission, the Union Government a permanent Inter-State Council in 1990. The composition of the Council is: 1) Prime Minister (Chairman); 2) Chief Ministers of all States; 3) Chief Ministers of Union Territories having a Legislative Assembly. Otherwise, Administrators of Union Territories not having Legislative Assembly and the Governors of the States under President's rule; 4) Six Ministers of Cabinet rank to be nominated by the Prime Ministers and, 5) Four Ministers of Cabinet rank as permanent invitees. Lastly, there exist a provision in the Constitution according to which the Union is empowered to establish an Inter-State Commerce Commission for freedom of trade and commerce all over India (Arts. 301-305) and Parliament can confer such powers and duties to the Commission as it may deem fit (Art. 307)

In addition to these constitutional provisions there are some extra-constitutional agencies through which the Union can maintain its control over the States. The most significant among them is the Planning Commission. This body was instituted in 1950 by a resolution of the Union cabinet headed by Nehru. The composition of the Commission is: 1) Prime Minister (ex-officio Chairman); 2) A nominated Deputy Chairman with the rank of a cabinet minister; 3) Nominated experts from the fields such as Economics, Industry, Science and General Administration and, 4) a few Cabinet Ministers having charge of important portfolio may serve on the Commission as part-time members. According to the Union Cabinet resolution of 1950, following are the functions of the Planning Commission:

1. To make an assessment of the material, capital and human resources of the country, including technical personnel, and investigate the possibilities of augmenting those resources which are found to be deficient in relation to the nation's requirement.
2. To formulate a plan for the most effective and balanced utilisation of country's resources.
3. To define the stages, on the basis of priority, in which the plan should be carried out and propose the allocation of resources for the due completion of each stage.

4. To indicate the factors that tend to retard economic development.
5. To determine the conditions which need to be established for the successful execution of the plan within the incumbent socio-political situation of the country.
6. To determine the nature of the machinery required for securing the successful implementation of each stage of the plan in all its aspects.
7. To appraise from time to time the progress achieved in the execution of each stage of the plan and also recommend the adjustments of policy and measures which are deemed important vis-à-vis a successful implementation of the plan.
8. To make necessary recommendations from time to time regarding those things which are deemed necessary for facilitating the execution of these functions. Such recommendations can be related to the prevailing economic conditions, current policies, measures or development programmes. They can even be given out in response to some specific problems referred to the commission by the central or the state governments.

The functioning of the Planning Commission during the last 62 years shows that it has emerged as the most potent financial institution eclipsing the position of a constitutional institution like the Finance Commission. The development has certainly strained relations of some of the States with the Union. In recent times the Planning Commission was in the news for all the wrong reasons for spending a huge amount (Rs. 35 lakhs) for the renovation of two toilets and for fixing an unrealistic and awfully low above poverty lines viz. a monthly consumption of about Rs. 860 urban areas and about Rs. 673 in rural areas.

There is also an adjunct body to the Planning Commission known as the National Development Council. It was set up in 1952 to reinforce and activate the resources and endeavors of the nation in support of the Plans chalked out by the Planning Commission. The composition of the Council is: the Prime Minister, the Union Cabinet Ministers, Chief Ministers of all States or their substitutes, representatives of the union territories and the members of the Commissions. The objectives of the Council include: 1) to strengthen and mobilise the effort and resources of the nation in support of the Plan; 2) to promote common economic policies in vital spheres and, 3) to ensure the balanced and rapid development of all parts of the country. The function of the Council are: i) to prescribe guidelines for the formulation of the National Plan, including the assessment of resources for the Plan; ii) to consider the National Plan as formulated by the Planning Commission; iii) to consider important questions of social and economic policy affecting national development; and, iv) to review the working of the Plan from time to time and to recommend such measures as are necessary for achieving the aims and targets set out in the National Plan. An expert in Public Administration, Paul Hanson Appleby stated that it was through agencies like the National Development Council and not through the constitutional coercion that

the Union was maintaining its control over the States.

Another extra-constitutional institution is the National Integration Council comprising a group of senior politicians and public figures who deal with the problems of communalism, casteism and regionalism. Its origin can be traced to a conference convened in 1961 by the then Prime Minister Jawaharlal Nehru with the purpose to find the effective means and methods to defeat the forces and tendencies that were dividing the country on the bases of religion, caste, region and language. It was in this conference that the NIC was set up and its first meeting was held in June 1962. Since then the composition of the NIC was changed frequently. In April 2010, the NIC was reconstituted with 147 members with the Prime Minister as the Chairman. The fifteenth meeting of the NIC was held on September 10, 2011, the agenda of which included exploring measures to eliminate discrimination, promote communal harmony and curb communalism and communal violence. The members of the NIC also discussed the ways in which the state and police were handling the civil disturbances and the issue of curbing radicalization of youth in the name of religion and caste. The Communal Violence Bill was also taken up for discussion. In October 2010, the Union Government appointed a Standing Committee of the NIC with the Union Home Minister as the Chairman and nine Chief Ministers of the States as members. The Committee is entrusted the job of finalising the agenda for future meetings of the NIC.

8.5 REVIEW OF THE FEDERAL STRUCTURE

Though the federal polity in India survived the test of time for many decades, the relationship between the Union and the States has been a knotty one. In order to iron out the glitches from the system, the Union Government instituted Sarkaria Commission in 1983. The brief that was assigned to it included an examination of the relationship and balance of power between the Union and the States and make suitable suggestions for the smooth functioning of the federal polity within the framework of the Constitution. The Commission was headed by a judge of the Supreme Court, Shri. Rajinder Singh Sakaria while Shri B Sivaraman and Dr S R Sen were the members.

The Commission after holding several consultations, discussions, study sessions and deliberations for almost three years submitted a bulky report in the beginning of 1988. The Commission made as many as 247 recommendations yet it suggested the continuity of status quo in the crucial areas of legislative relations, the powers of the Governor and the invocation of Art. 356. Though the entire Report was not accepted by the Union, the successive governments at the Centre made piecemeal implementation of quite a few recommendations. The Commission, in order to lessen the burden of work for the Union, recommended transfer of certain functions of the Central Government to the States. As regards with Art.

356, though the Commission's recommendation was for its continuity, greater degree of transparency in its implementation and procedural norms was suggested. Moreover, the Commission emphasised upon the evolution of greater cooperative spirit in the working of the federal polity.

As pointed out above, the Union Government, in pursuance of the Commission's recommendation constituted an Inter-State Council in 1990, which was *inter alia* entrusted with the job of close examination of the recommendations of the Sarkaria Commission. Most significant decisions of the Inter-State Council many of which do not require amendment of the Constitution include: i) the residuary powers of legislation should be transferred from the Union List to the Concurrent List; ii) as a matter of convention, the Union should consult the States while making laws on subjects included in the Concurrent List; iii) the Union must necessarily consult the States while making appointment of the Governors. (It will require amendment of the Constitution.) It was also suggested that in the interest of impartial and neutral functioning of the office of the Governor, the person holding the post should not be involved in active politics and also he should not return to active politics after relinquishing the post of Governor. iv) a timeframe should be fixed for the clearance of State Bills that are referred to the President by the Governor. Furthermore, the State Bills should be reserved for presidential consideration only if they involve constitutional specification; v) an alternative scheme of devolution of share in central taxes to the states should be devised and the subject of taxation should be transferred from the Union List to the Concurrent List; vi) amending Article 356 as to ensure greater degree of transparency in its implementation; vii) powers pertaining to forests and their development should be delegated to the States; viii) biennial revision of royalty rates under Mines and Minerals (Regulation and Development) Act instead of four years; (ix) a uniform policy should be evolved for the creation or abolition of the Legislative Council in the States; (x) adoption of a comprehensive Union legislation on taxes imposed by the local bodies of the States pertaining to the commercial operation of central undertakings.

Check Your Progress:

Q. 1. Discuss the administrative relationship between Union and the States.

Q. 2. Explain the composition and the functions of the Planning Commission.

Q. 3. Discuss the recommendations of Sarkaria Commission for the smooth and balanced functioning of Indian federal polity.

8.6. SUMMARY

The existence of the states in India depends to a greater extent on the will of the Union. The Union government may practically change the physical features of a state or in extreme case may even abolish a state. Though there is a constitutional provision that the views of the state concerned shall be sought but in actual practice it becomes fruitless for two reasons: first, the President of India has the power to fix a timeframe within which the state concerned must let the Union know its view and, second, the views of the state concerned are not binding on the Union even if they are submitted within the prescribed timeframe.

In matter of legislative powers between the Union and the States, the Constitution has emulated a threefold scheme of distribution of law making powers viz. Union, State and Concurrent. Therefore, the Union List (till 2011) comprises 97 subjects that include all the important subjects such as defence, foreign affairs, banking, insurance, currency and coinage, Union duties and taxes etc. the State List is consisted of 66 subjects, the more significant among them are public order and police, local government, public health and sanitation, agriculture, forests, fisheries, State taxes and duties. The Concurrent List comprises 47 items including Criminal law and procedure, Civil procedure, marriage, contracts, economic and social planning, education etc.

According to Art.. 162, "the executive power of a State shall extend to the matters with respect to which the Legislature of the State

has power to make laws." It goes without saying that the executive powers of a State are confined only to its territory. It is fine. What complicates the matter is the proviso to Art. 162 that says, "the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by this Constitution or by any law made by Parliament upon the Union or authorities thereof." Therefore, the scheme of division of executive powers between the Union and the States is rather a dicey issue. The Union has the executive powers that are co-extensive with its legislative powers but it can also exercise authority in regard with the subjects that belong to the Concurrent List. It is in this area that the executive powers of the States are substantially curtailed.

The power to levy taxes are constitutionally divided between Union and the States as per the Union and State Lists. A cursory glance at the two Lists make us realise that as regards with the levying of taxes the Union has more extensive powers than the States. The broad division is that while State Legislature can levy tax on agriculture land, the tax on non-agriculture land is levied by Parliament. Similarly while the States are empowered to tax agricultural income, the Union has the power to tax all other kinds of income. Moreover, the residuary power in regard with taxation is vested in the Union. The major financial source for the States is the Sales Tax.

The Indian Constitution ceases to be a federal one with the proclamation of emergency and gets converted into a unitary one. Since the emergency transforms the functioning of Indian polity into a unitary States it is pointless to discuss the working of administrative relationship if the proclamation of emergency is in force. The striking feature of the Constitution is that even during normal times there are some significant features that enable the Union to maintain its control over the States.

Though the federal polity in India survived the test of time for many decades, the relationship between the Union and the States has been a knotty one. In order to iron out the glitches from the system, the Union Government instituted the Sarkaria Commission in 1983. The brief that was assigned to it included an examination of the relationship and balance of power between the Union and the States and make suitable suggestions for the smooth functioning of the federal polity within the framework of the Constitution. The Commission was headed by a judge of the Supreme Court, Shri. Rajinder Singh Sakaria while Shri B Sivaraman and Dr S R Sen were the members.

8.7 QUESTIONS

1. Write an essay on the working of federal polity in India.
2. Discuss in detail the legislative, executive and financial relations between Union and the States.

3. Explain the nature of administrative relations between Union and the States.
4. Do you believe that the Indian federal structure should be reformed? Elucidate your answer in the light of the recommendations made by the Sarkaria Commission.

8.8. SUGGESTED READING

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THE PARTY SYSTEM - IDEOLOGY AND SOCIAL BASE OF PARTIES

Unit structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Features of Indian Party system
- 9.3 Different ideologies of national parties
- 9.4 Post Independent Era- ideologies of national parties.
- 9.5 Summary
- 9.6 Question
- 9.7 Reading material

9.0 OBJECTIVES

- 1) To understand the nature of political party system and its functioning in the Indian democratic set up.
- 2) To make a historical survey of the emergence of national parties.
- 3) To critically estimate the role of different ideologies which had an impact on the national party system.
- 4) To find out the role of non-political factors like caste, religion, and language in shaping the activities of parties.
- 5) To make an assessment of the factors leading to fragmentation and division of parties.

9.1 INTRODUCTION

Political parties play a crucial role in making a democratic polity to function successfully. They act as honest brokers between people and the government. Since the concept of direct democracy is impossible to implement in modern days, the existence of political parties becomes inevitable. They act as catalyst agents of public grievances and moulders of public opinion. Making citizens politically conscious and representing their views to rulers is one function they perform. They also should carry out the duty of explaining the policies of the government to the people affected by these policies. Thus, they have a two way functions. Carrying the weight of people's expectations problems and aspirations to the machinery of state and to educate the public on the policies of state. Many a time political parties only concentrate on the first function. They fail to educate people on the limitations of government to fulfill their ambitions. Limited resources is a chronicle problem any ruling party faces. A responsible political

party is duty bound to understand these limitations and accordingly either scale down people's aspiration or plead with them to be reasonable and give some time to the government. If political parties only wet the appetite of people without looking at limitations they will be doing disservice to the functioning of democracy. Because unfulfilled aspiration may lead to violence and can invite a 'strong ruler' to suppress the discontent with an iron hand in the name of "stability". The failure of democracies in the Afro-Asian countries may be attributed to the failure of party system to discharge its role positively.

The Indian party system emerged from the experience of British imperial rule. The history of freedom movement coincided with the emergence of the Indian National Congress. It is an irony of history that the congress which was founded by a Britisher (Hume) should soon emerge as a mass organization, challenging the very British rule in India. But the party assimilated certain features of western parliamentary model, which left a deep impact on the party system. So much so that Indian party system is described as one party model - congress dominated. Subsequent events especially from 1990's have altered this "one party dominated syndrom".

9.2 FEATURES OF INDIAN PARTY SYSTEM

1) The result of external stimuli :- In most countries the political parties are formed by the internal stimuli. The local problems, the socio economic movements, and the local leadership act as a force in channelizing the people's aspiration into an institutional framework. To achieve this there need be a politically conscious citizens. Normally socio-political movements that change the fabric of social life, precede this. If we look at the history of western democratic set up it becomes clear how the socio-political upheavals made a way for the formation of political party system. The ideas of liberalism brought individual to the centre stage. The concept of natural rights gave a new meaning to the institution or state - which was hitherto a coercive political institution monopolized by a few privileged classes. The French Revolution, Cromwell's wars with monarchy and American war of independence were historical events which provided a strong base for active citizen participation in public affairs. On that basis and through experience with the government functioning parties were formed. Many a time new parties resulted due to difference of opinion among the leaders of ruling class. Ideology played a role in cementing party structure in Europe. But in India such a system never existed. India at the advent of British rule represented a dead society. Political conscious was totally lacking, superstitions, ruled the roast. The very idea of nation never existed. The feudal system negated the human values like equality, liberty which are fundamental to the formation of any political organisation. There was no basic political ideology which can be called an all Indian. Historians mention that India - at the end of 18th and beginning of 19th Century - represented "

a dark age ". There could be no social cohesion with hierarchical caste structure operating in all its rigidity. New ideas could never penetrate due to lack of exchange of knowledge. The knowledge was the theological and confined to priestly class. In such a dull and authorization society, no organization could be formed to function as an agent of peoples aspiration and convey them to ruler. It was a fragmented society devoid of any political ambition. The beginning of Renaissance was with the pioneer efforts of Raja Ram Mohan Roy. perhaps the Bramho Samaj may be termed as a pseudo-political organization, where for the first time people assembled, debated and made representation. But its character was purely social reforming with no political aims. With the complete establishment of British Rule in India, with the spread of English education, came the idea of need for an organization that can speak for Indians. As already mentioned the Indian National Congress was started by a British person. In Europe the formation of political parties reflected the struggle of people against authoritarian regimes for their rights, in India the political party was formed with very help of an authorization regime. So it was but natural the party was loyal to the rulers, away from the masses. Ranade described British imperialism as noble. It was ordained by Divine hand - India would be safe under a noble imperialism. That was the initial ideology. For a long time the Congress session started with " God Save the King" song. Of course, the subsequent events radicalized the party. But the point to emphasize is like capitalism, the political party system in India did not evolve from within. They both came from without.

2) Indian Party system is one party domination :- The Indian party system could be conceptualized as " One Party domination ", i.e. the Indian National Congress. This is different from one party system. Discussing the concept of " Congress dominated party system in India" Rajani Kothari argues that " it is a competitive party system". Here there are two sets of systems. They are "consensus" and "pressure". If we theoretically draw a margin between these two systems, we notice that there are various factors within the Consensus. But they operate within the margin and produce a consensus. Outside the margin are pressure politics being played opposition groups, dissident within the ruling party and of course interest groups. "Their role" is to constantly pressurize, criticize, censure and influence it by influencing opinion and interest inside the margin and exert a latent threat that if the ruling party strays too far from public opinion it could be replaced. This is only a latent threat not real. Because till 60's there was hardly any opposition which can replace the Congress, so what existed was the system of one party determination wherein "an inbuilt corrective through factionalism within the ruling party and the idea or latent threat from outside margin of pressure " existed. The pattern is different from one party system. The Congress party was structurally a pluralistic organization able to absorb different groups and often contradictory interests and yet arrive at a broad consensus. Because of the

influence of pluralistic ideology the concept of one party rule never materialised.

This picture of one party determination changed rapidly from 1964, after Nehru's death and the Fourth General Election. It was a picture of series of ups and downs for once dominated party. We can classify the period that changed the domination of one party system under following phases.

1964-1969 is the post Nehru era. Once dominated Congress party was removed from power in many states. The country saw the emergence or multi party system. There were opposition parties forming governments. The centre though controlled by Congress was weak.

1969-1975 This period saw a major split in the Congress party. The split was partly because of personality differences between the old leaders controlling the party organization, and the new type of leadership controlling the government. The split between party's organization and ruling wings of once dominated party severely weakened it. But the ruling section under the leadership of Mrs. Gandhi won the mid-term elections and got popular mandate. The 1972 showed again the Congress (I) - the new name for the party - again becoming dominant.

1975-1977 This period showed the darkest period of Indian democracy. Emergency was declared by Mrs. Gandhi to save her prime ministership, which was under threat following a court verdict. The emergency excesses created resentment against the once dominated party. Under the leadership of Jaiprakash Narayan, Janata Party was formed. The post emergency elections virtually gave a death blow to Congress and for the first time in history of post independent India a non-Congress government was formed. The Janata experiments failed and Cong.(I) came back to power at Centre. But it was no longer a dominated party. There were many regional parties calling tune and the Congress Party was compelled to keep certain regional parties like DMK and AIDMK in good humor. The party ceased to exist in Tamilnadu, Kerala, West Bengal and so on.

1980-1989 Once again saw the experiment of coalition government at Centre. This time the Congress gave support from outside. Then came the experience of Hung Parliament and the formation of National Democratic Alliance (N.D.A.) a combination of non-congress parties ruling at Centre. Since 2000, we have coalitions with Congress as principle leader.

But the days of one party domination appears to be lost. We could foresee the emergence of two coalitions competing for power at centre. As we have National Democratic Alliance (NDA) and United Progressive Alliance (UPA). Whether it would lead to a two party system only future events tell. But the days of one party domination are over.

3) General distrust of Political parties :- We observe that by and large an average Indian has distrust of all political parties. This could be a phenomenon elsewhere also. But in India we have systematic theories developed by leaders like Vinoba, Jai Prakash Narayan, Radical Humanist ideologue M. N. Roy, who wrote extensively on the evils of Party system. There was an idea of non-party democracy. Parties divide people, create ill-will, concerned more about the power than service to people. Sarvodaya believed in party less rule. The village panchayat were to be formed on non party basis. M. N.Rao felt, a political party ipsofacto limits the peoples' participation in active politics to its cadres only. Thus it is a hindrance to "Peoples Power". The average citizen is cynical of parties. May be the behaviour of parties in post-independent India, with over emphasis on populism, conducting programmes like conducting bandhs, resulting in violence made people to keep aloof from the parties. Even in the pre independence days intellectuals kept aloof from party affairs. With the aloofness of intellectuals middle class people to the political parties, we have the problem of bogus membership, lack of popular control on party functioning. This would be a dangerous trend.

4) The Non-democratic nature of party system :- The main function of political parties is to contest elections and try to capture power. There are series of steps involved in the process. Selection of candidates, forming manifestos, campaign, voters mobilisation and so on. In a well developed democratic set up these actions will be undertaken openly with active participation of people involved. The idea of preliminary elections where the party members would decide who should be their candidate as being practiced in USA is absent here. Many a time an outsider is imposed on the voters of a constituency. The only criteria is his winnable capacity. Of late the highest bidder gets the party ticket to contest elections. Such a candidate once get elected from a constituency, he hardly knew before election is certainly not inclined to show any interest in the problems faced by the people of "his constituency". There is lack of accountability in the party system in India. People openly flout party discipline. When an aspirant member of a party not given ticket to contest elections, he would fight as a rebel in the elections against the official candidates. If he is successful at elections, the party would openly re admit him in the party, waiving off suspension or expulsion, issued by it for contesting against party dictates so the flouting of rules is from both sides. Because the criteria is to win and to capture power. In the process if party's organisational strength is eroded, no one cares.

If we observe the attitude of the national parties vis. vis their regional branches the issue becomes more clear. For instance the ruling party the Indian National Congress, in order to secure power at the centre is keeping the powerful regional party the DMK in a good friendly attitude, is bending backwards to please the party. Not only on

issues of foreign policy-like voting against Sri Lanka at U.N.- much against the accepted policy - even on the number of seats to be contested, it became a Junior partner. It is given a small share of the total seats, so that the party can never dream of becoming an independent force in that state. The central leadership has sacrificed the interests of party at the local level to keep power at the centre. In Bihar, in West Bengal, the powerful regional leaders dictate the number of seats a national party like congress can contest. The central leadership is happy about this arrangement. Efforts made by Rahul Gandhi to fight elections in Bihar, U.P., independently failed to produce any admirable results. Because over the decades the party-structure, rank and file of the party is in a sort of paralysis condition at the state level. The other national party the BJP is no way better to infuse strength in state units. So the regional power centers dictate the national parties. This is a new trend in Indian political system.

It is a well accepted criteria that Indian Society is still feudal, however, modern we proclaim to be. The community and not the individual is centre of action. Values like individuality, freedom of action equality which are the hallmarks of a modern society do not operate with full vigor in our political system. The factors like caste, sub-caste, religion play a part in the party functioning. As mentioned earlier on the chief function of a political party is to select the candidate for contesting elections. In this function, the influence of certain "caste groups" is of to paramount importance. It is now openly seen that these groups are demanding certain percentage of seats for their castes. It has become an open bargain. It is not an ideology of the party that matters but the willingness of a party to accommodate the demands that matter. If a party can give say 30% of seats to a particular community, the caste association would issue a dictat for their members to vote for that party. From an accepted goal of casteless society, Indian political system has made us to travel to a situation where no party - even the communists can afford to ignore the strong caste pulls. Of course many theories are made out of this situation. Caste being the force that fosters unity among its members, it gives an identity to a person, it is also an experiment in politicalisation and so on. But fact remains that the caste loyalties and sub-castes demand would in the long run wreck a " national perspective of a policy." For instance the policy of affirmative action - in the form of the reservation of seats for women - a policy of gender justice - got sabotaged when the perspective was not looked from a broad national perspective but from a narrow caste interests. The same fate applies to Muslim reservation in employment. People would look things from the perspective of their own caste, not the broad national picture. Feudalist elements like loyalty to one's caste, religion determine people's voting pattern. The political parties in India are guilty of sustaining the caste division rather than aim for social cohesion.

The non-democratic character of Indian party system also can be seen in the "culture of nomination". Normally the office bearer of a political party should be formally elected by the members of the party. But in India they are nominated by higher ups. People sitting in Delhi will nominate the party president and secretary for state party. This nomination is done more for loyalty than for the capacity of organizing. This nomination goes down to the cader. Inter party elections are rarely conducted freely.

What is more disturbing is the lack of inner-party democracy. Very rarely the dissent is tolerated. The culture of nomination buys loyalty and aspirants play safe by concurring to the views of party high command. Those who openly differ from the views of party high command are marginalized, sometimes it leads to the split in the party. An ideal democratic party would arrive at a consensus by adhering to the principle of giving due recognition to the opposite views. But the trend is to sweep the dust under carpet and pass the resolution "authorising the party president to take appropriate decision which will be loyally followed by others". This psychofency is a post independent phenomenon. However during Nehru times dissent did exist, but most of them left the party giving a free hand to the leader to frame policies. The trend is continuing in almost all parties.

5) Leadership issue :- Indian political parties are basically leader based and not cader based. The charismatic leadership guides the party. A film star or members from ex-royal family will have a mass appeal, rather than a professional politician. The leader of such nature would soon create his own coterie and the ordinary members of party would be left high and dry. This is clearly shown in regional parties where father would appoint his son as the party chief, after his retirement and the process of nomination goes on. In fact the family members of a particular party leader would claim it as Divine right to get their share in party power. Appointment of Akhilesh Yadav as U.P. Chief Minister by his father Mulayam Singh Yadav is a recent example. In Andhra Mr. Jagmohan Reddy claimed to become Chief Minister after his father's death. When that was not possible he formed a party in his father's name. This type of hereditary politics guiding the party is perhaps feature of Asian Politics. A trend had been set up by the erstwhile national leaders - The Nehru clan which is still controlling national affairs, though not as powerfully - and this is followed by almost all the parties. The main problem with this hereditary politics is lack of trained second line leadership. A good political party should encourage grass root leadership. It should properly train them giving them responsibilities so that one day a trained leadership would be ready to take over from old hands. The party organization is not a private property of a leader, so that he can hand over to any one he like. A proper democratic method is absent in Indian party system.

6) Multi party system :- Indian party system is a multi party system. There are a large number of parties most of them are not recognized. They come and disappear as and when elections are announced. Those that really count are confined to a few regions. Since, 1990 the regional parties have gain prominence. Earlier the Indian National Congress Party was a home for different sections, groups and interests. It was able to assimilate the multi ethnic groups into one party. The scheduled castes, muslims and other minorities could not feel the need to have a separate party, as their interests were safeguarded the Congress Party. In post-Nehru era that picture changed. Now each group either ethnic or religious want to have their own political platform. The Akali Dal speaks for Sikhs, the Republican Party and Bahujan Samaj Party speaks for lower castes and so on. What is noteworthy feature of this multi party system is the fragmentation of parties. Normally splits in parties can happen when there are serious policy differences and ideological clashes. Thus the Communist Party of India underwent series of splits like CPI(M), CPI (ML) and so on. Sometimes the splits takes place on personality egos. Though there is no ideological differences substantially, a leader who feels marginalized in a parent party would soon leave it and start a new party. In south India D.K (Dravida Kazagam) was formed to protect " Dravidian culture" from "hegemony" of north India, as it was claimed by the founder. Soon it split into D.M.K., A.I.D.M.K and so on. In Maharashtra the Shivsena a party which came into existence to protect the interest of native people in employment opportunities got split into M.N.S (Maharashtra Navnirman Sena). The split was ego clash. This example could multiply. The point is we cannot ideologically differentiate between one fragment and other. Ideologies overlap it is always one man's assertion against other faction. This multi party system and fragmented nature has repercussions in elections where the votes get split and no party can really represent strongly the views of affected people. Many a time the national parties play one faction against another to keep their seat safe. The alternative ways by which D.M.K and A.I.D.M.K. are approached by the ruling party at centre is an example. Since India is vast sub-continent with diversified cultures, languages, ways of life, and since Democracy allows, every group to organize politically a multi-party system is inevitable. Since India believes in unity with diversity it is a challenge for democratic temperament in India to see that these multi parties are woven into a grand national political culture, with some shared goals and aspiration. If that fails there would be anarchy, instability and perhaps end of democracy. Only future would tell whether multi party system strengthens or harms the democracy.

9.2.1 Check your progress :

- 1) Discuss briefly the main features of party system in India ?
- 2) "India is one party domination not one party system". - Discuss.

9.3 DIFFERENT IDEOLOGIES OF NATIONAL PARTIES

Ideology is a factor that cements the unity in the party. It infuses a sense of sacrifice among the cadets. They would disown their personal interest and work for the party's ideology. The greater clarity of the ideology the fiercer commitment would be among its cadets to achieve it. It can be used by the members to defend whichever the activities party undertakes as justified. The Nazis defended anti-Semitism, Stalin defended collectivization and Mao's cultural revolution which virtually aimed at elimination of opposition. There is always a possibility of ideology being used to curb dissent in the party. Ideology imposes a forced submission. But ideology can degenerate into dogmas, if not subjected to a periodic review by the members. Perhaps we can make a distinction between non-democratic ideologies which fast deteriorate into dogmas and a liberal democratic ideology which is fresh living because of subjection to open criticism. Broadly speaking the Indian political ideologies are three types. The Western liberal tradition represented by the Congress in the early phase of independence, the indigenous ideology of swadeshi, anti-western concepts developed by the Gandhi and the radical Socialist and Communist ideologies, which planned a new pattern of development after achievement of independence. There was also an ideology which was anti-secular represented by Hindu and Muslim communalism. Though not widespread there were also small revolutionary groups like Hindustan Republican Party, Gadar Party, which believed in violence and underground activities against the colonial rules.

1) Early phase of liberal ideology :- The Indian National Congress, founded by Mr. A. O. Hume and supported by about 72 members, consisted of well educated, elite section. Their loyalty was to British imperialism. Ranade, who has been described as pioneer of liberalism in modern India argued the British rule is a blessing to India. Britishers came to politically educate India. This was ordained by the providence. Ranade like other liberals of his day advocated " closer connection between Indian National Congress and British Liberal Party ". The earlier liberal phase concentrated more on eradication of social evils rather than fight for political rights. They were critics of the Indian Social System. The social conservatism and orthodoxy of Hindu society - a product of medieval decadence - should be rooted out before any idea of political emancipation could be thought. Though earlier thinkers like Dadabhai Naoroji blamed the British rule for India's poverty. This famous Drain theory, the liberals in earlier phase of Indian National Congress rejected it totally. Ranade found faults in

India's domestic conditions like dependence on agriculture for sole source of wealth, lack of capital, the antiquated system of credit, the absence of spirit of driving and adventure for India's poverty rather than British rule.

As mentioned earlier reforming the society through education and legislation was their main concern. In one place Ranade commented "you cannot be fit to exercise political rights, and privileges unless your social system is based on reason and justice. ----- if your religious ideas are low and grovelling, you cannot succeed in social, economic and political sphere." Liberals solidly believed that the social reform is a means for solidification and purification of the character of the nation. The same thread of ideology was carried on by Gokhale, whom Gandhi, claimed to be his political guru with immense faith in British liberalism and trust in the English conscience, Gokhale opined that the Congress should serve "as an institutional mechanism through which pro-Indian British politicians could do their duty to the people of this country." Believing in constitutional methods, opposing to mass agitations of radical postures like boycott, Moderate described the British government "national in spirit though foreign in person". The period stressed the concept of duty civic conscious and need to acquire governing skills by working in local self government through nominations by Britishers.

II) Extremist ideology in the Congress :- This excessive submission to an alien rule with an over emphasis on social reform rather than political independence was not to liking to many Indian national leaders and we could discern a new ideological epoch arising on the scene. With Bal Gangadhar Tilak a new ferment nationalism swept across the country. The glory of motherland and the hatred of British rule was the core of this ideology. The extremists wanted to transform the congress from "a debating society" to one of mass agitations. The party should have its roots in the masses. "Swaraj" was the slogan. By and large extremists were opposed to "foreign intervention" in "native customs and culture" and so we find them, going slow on social change and voicing demands on political rights. In some of the writings of extremists we find open defence of violence. In one place Tilak writes "in politics there is no place for absolute Ahimsa". This was the period when violent attacks against Britishers took place and the alien government resorted to repressive action. The extremist sympathy was with underground revolutionaries. Aurobindo an ideologue of extremist philosophy ridiculed Congress of his times as "Indian unnational congress". There was a general denouncement of "imitating techniques of Moderates who believed in a British rule as a divine dispensation for the good of India." The ideological division in the Congress between Moderates and Extremists took place in Surat. At that time Aurobindo wrote which reflects the general thinking about Moderates' ideology among the vast sections of Indians. Moderates wanted to strengthen the

foundation of their leadership and were alarmed at the upsurge of political dynamism in the country. He (Moderate) struggles against it (British rule) by false issues and misleading statements. He appeals to fear and calls it prudence, to self-distrust and calls it political wisdom, to disbelief in the nation and calls it moderation" wrote Aurobindo.

So, an ideological polarization took place between two wings of a national party. One emphasizing constitutional methods, and looking critically at the Indian social system the other glorifying India's past and pleading for political rights first. The policies of Britishers, alienated educated Indians. It was at that critical juncture Gandhi appeared on scene. His influence on national politics was substantial. He redefined politics, gave a new ideology which was original and in tune with the conditions of that time and had reference to contemporary time. For a long time Congress party was wedded to Gandhian thoughts.

III) Gandhian ideology :- It was Gandhi who gave Congress ideology a mass orientation. His approach to politics was both prudent and idealistic. He wanted to create a band of selfless "satyagrahis" who would carry out the struggle against Britishers in a " non-violent ways ". "Ahimsa" or non-violence became his creed and he stood firm on that ideology. He wanted to channelize people's anger against British authorities in a peaceful manner. He chose Ahimsa and Satyagraha as his weapons. The non-violent resistance to evil, is a great political ideology developed by him. Ahimsa is not a false "masquerade for one's weakness". It is the demonstration of the "resolute strength of the heroic soul". Since Gandhi was a firm believer in the existence of divine element in all human beings, he could not visualize harming anywhere - even the evil doer. A satyagrahi will suffer punishment and convert the opponent to his way of life. It means infinite love and infinite capacity for suffering. This policy of winning over the opponent with love and not waiving away from non-violence even against provocation made Gandhi unpopular sometimes. He started the non-cooperation movement against the colonial rules exploitative policies. But when the movement rose to high peaks, he immediately called off because of violent incident. "Non - violence is the first article of my faith and also last article of my creed " he recalls.

The same non violent approach he wanted to follow in rearranging economic disparities in the society. He is for economic justice. But "I would not disposes moneyed men by the force, but would invite their cooperation in the process of conversion to state ownership". With such an ideology he was treated as agent of rich, capitalistic sympathiser by the radical Leftists who by then had made a dent in Indian political scene.

Socialist thinking made an entry into Indian political ideology around 30's. Deeply influenced by teachings of Karl Marx many young Indians wanted India to pursue a socialistic patterns of society that would eliminate vast economic inequalities and ensure social justice.

The group of socialists joined the Congress party and made a separate pressure wing called Congress Socialist Party, with an intention of forcing the Congress Party to adopt radical economic measures like large scale industrialization, abolition of landlordism, nationalisation of foreign assets and so on. The Gandhian approach to solve economic injustice is not to their appreciation.

So we had two sets of thoughts again emerging. The one section believing in Gandhian method of village based economy, cottage industry and a co-operative approach towards propertied class and the other radical socialist thought which wanted to dismantle the feudalistic system and reconstruct the society on the foundations of equality and justice.

There was also communist ideology which believed in violence to achieve the goals of economic and political freedom. But the party was banned and they resorted to underground activities and some infiltrated into congress.

Gandhian approach to economic problems is at complete variance with leftist's approach. In his work Hind Swaraj, which was published around 30's, he reiterated the opposition to technology, stressed decentralisation village based cottage industries and of course, opposed any of form violence.

Gandhi in a way gave a middle path approach to the Congress ideology which remained its character for a long time.

Revivalist Ideology :- Maintaining the communal harmony was one of the chief task assigned by Gandhi to Congress workers. He knew that divide and rule policies of colonial masters would undermine the national unity and wanted the Hindu - Muslim unity should be maintained at any cost. While the Congress ideology was by and large secular there were other counter ideologies operating which sought to consolidate the people on religious basis. The Hindu Mahasabha and the Muslim League were the political parties with a sole intention of providing religious identity to the citizens of this country.

Rejecting the secular and pluralistic ideologies, these communal parties played into the hands of colonial masters to divide the country on religious lines. We can briefly summarise the Hindu revivalism as under. Though the concept of revivalism started as late as 1920s with organisations like R.S.S., the spirit of going back to ancient culture was very much there even at the beginning of 19th Century. Swami Dayanand, Aryasamaj stirred the emotions of Hindus on the glory of vedic culture. Madan Mohan Malviya gave a theoretical approach to Hindu Unity in his writings on Hindustan, The Indian Union and so on. He believed, in the supremacy of Hindu culture like Vivekananda and Aurobindo. Though a Congressman, and sympathizer of its policies he vehemently opposed the policy of "giving concession to Muslims" Macdonald "Communal Award" put Hindus in

a disadvantages position politically and he vigorously pleaded for Hindu revivalism.

This thought was further developed by Savarkar. His interpretation of history is marked by an intense and passionate glorification of Vedic Hinduism. It was completely opposed to the concept of pacifism, forgiveness and generosity as preached by Buddha. Accepting the culture and organic solidarity of the Hindu Nation, he believed in its cultural superiority. "Hindus are a nation bound by common culture, common history and common religion." In his book "Hindutva" (published in 1923 which could be interpreted as Hindu Political ideology). He argued "a Hindu means a person who regards this land of Bharatvarsha, from Indus to Seas, as his fatherland as well as his holy land, that is the cradle of his religion Hindutva does comprehend within it the religious band of Hinduism but goes beyond it. It connotes the notion of an organic socio-political body knit together by three bonds - territorial belongedness, blood or birth and culture ". His opposition to Muslims and their demand for separate identity had long run repercussions.

The R.S.S. ideologue Golwalkar in his book "We and our nation defined " clearly indicated that India was always a Hindu nation and continues to be one. Hindus and Hindus alone are the original inhabitants of India. He is vehemently opposed to Muslims. They are foreigners and their culture is different from "our national culture". They have no roots in this soil and they remain cut off from our heritage.

This Hindu revivalist ideas had counter reaction among the Muslims. The separate electorate system politically consolidated the Muslims. The efforts of Congress to project itself as an All India Party, that speaks for all sections did not cut much ice among the hard core Muslims. The Muslim League which was formed in 1906, strengthened itself in the Muslim dominated areas. Whatever the little co-operation that existed between Congress League evaporated after the failure of Khilafat movement. The partition of Bengal which was opposed by Hindus was welcomed by Muslims. When the partition was nulled, it left bitter memories among muslims. They did not take part in anti-British activities. The Muslim League offered a hand of friendship to coloial masters. That was the time when Jinnah proposed " the two nation theory" and pleaded for formation of Pakistan - an independent country for Muslims. Congress opposed the two-nation theory but was compelled to accept the partition of country. This Hindu-Muslim division created new animosities among the people.

There was also a small section of Scheduled Castes, represented by Dr. Ambedkar who felt in the advent of British withdrawing from India, the "Majoritarian Hindu hegemony would wipe off minorities and their culture." In his writings Dr. Ambedkar attacked Hindu Caste structure, its lack of committment to social equality and justice and expressed apprehension of the age old practices being

reintroduced in the grab of 'culture' by the Hindu majority after Independence. Gandhi tried to win over Dr. Ambedkar through famous Poona Pact, by which the demand of separate electorate to Scheduled Caste was given up and the Congress promised constitutional guarantees to protect the interest of Scheduled Castes through a policy of reservation. So the idea of social justice through affirmative action was evolving.

9.3.1 Check your understanding :

- 1) Define the term ideology ? Bring out the relevant ideological phases in the Congress ideology ?
- 2) "Secularism cannot survive if religious revivalism gets strengthen" Comment in the light of Hindu and Muslim revivalist thoughts.

9.4 POST INDEPENDENT ERA- THE IDEOLOGIES OF NATIONAL PARTIES.

The post independent India, saw the reorientation of political ideologies among different segments. The biggest political segment the Indian National Congress, came under the charismatic and undisputed leadership of Nehru who more or less fixed an ideological frame within which his government formed policies. This could be called a left to the centre. He was influenced by socialistic thought. The ideas of centralized planning, public sector expansion, emphasis on technology - was infact not in tune with Gandhian model. But the opposition to Nehru was mild. With the untimely death of Sardar Patel, there was no leadership within congress to question his policies or suggest alternative ideology. In domestic policies, secularism and in international relations non-alignment became the creed. In the pursuit of economic equality, even constitutional amendments to fundamental rights especially right to property was initiated. These measures created bit of alarm among certain sections of within the Congress. When in Awadi session of Congress "the socialistic pattern of society" was declared to be the aim of Congress, a new alignment of forces, opposing to Socialistic policies of Nehru emerged.

The political party by the name Swantatra provided an alternative ideology to Nehruian concept of mixed economy, centralized planning and public sector expansion in key industries. It pleaded for free enterprise, end to license and permit Raj, pruning down public sector's role. In domestic policies it was vehemently opposed to Communist Party and suggested a ban on that party. Its anti-communism extended to international sphere. Opposing Nehru's non-aligned policy it pleaded for greatest friendship with U.S.A. and a safe distance from Communist block. Decentralization, more powers to state, less government interference in social life of citizen were some

other points in this ideology.

The Socialists within the Congress were disillusioned with the post independent nature of the party. They felt the ideology of Socialism is no longer deeply influencing the party. It had become a party seeking power. Big landlords, industrial barons, feudal sections were controlling party at various levels. There was a wide gap between preaching and practice. They also differed on certain issues with Nehru - his policy towards China on Tibet, his extending olive branch to Pakistan and so on. So a new party called Praja Socialist Party (P.S.P.) was formed. This party consisted of great leaders like Acharya Narendra Dev, Shri. Jayprakash Narain and Dr. Ram Manohar Lohia wanted to provide a "real Socialistic society" in place of Nehru's "hypocratic socialism". But it is really difficult to ideologically distinguish P.S.P ideology from Congress Socialism. In due course the party split and new segment Samyukt Socialist Party (S.S.P.) was formed without any clear distinct ideological difference from P.S.P.

The communal revivalist tendencies continued in post independent India. The influx of refugees from Pakistan, created resentment and anger among the hard core Hindu forces. The Hindu Maha Sabha was no longer a force. Dr. Shyama Prasad Mukherjee, resigned from Nehru's Cabinet differing from his Pakistan policy. There was the R.S.S., a cader which felt the Hindu interests have been sacrificed by Nehru's government, and wanted a political platform to voice the grievances of the Hindus in post independent India. It was felt, in a free and independent India Hindus who are in a majority are made to compromise on many issues in the name of secularism and minority rights. This new party the Bharatiya Jan Sangh came as a focal point to emphasize the revivalist spirit. Always appealing to ancient Indian culture, it emphasized on strong defense, a strict policy towards Pakistan and generally favored a business friendly economic policies.

Dr. B. R. Ambedkar, who also resigned from Nehru's Cabinet started Republican Party of India, which emphasized the plight of Scheduled Castes and wanted to provide an opportunity for their empowerment.

All these ideologies had some impact on selected regions but couldn't drastically reverse the Congress ideology which came to be known as Democratic Socialism and Nehruian Concept of development. Secularism, world peace, minority protection are some of the basic tenants from which no leader would waver.

The Communist Party which denounced the independence as a colonial trick to keep their economic interest in tact attacked Nehru as imperialist agent. They tried to follow a direct action in : Telengana through armed intrusion and came under government ban. In 1962 the party split an ideological grounds, with CPI Marxists, emerging as a separate wing.

The first decade of post independent India exhibited these various ideologies at national level. Around 1964 during the Fourth General elections on an "ideology of anti-congressism" proposed by Dr. Lohia, an attempt was made to fight the congress unitedly. That perhaps started the beginning of thinning of ideological division among parties.

From 1980's we find the Congress party slowly getting rid off its ideology of Socialism and starting a new phase of liberalisation. Like the formation of the party was the result of an external factor the change of ideology was also due to global economic pressures. It welcomed foreign investment, started cutting down government shares in public sectors. The idea of nationalisation was soon given up. The Congress party in 80's followed what Swantantra Party preached in 60's. A new definition of secularism is given which means pleasing all religions. Government was reluctant to fight the bigoist forces in Muslim community and supported the conservative sections by bringing constitutional amendment in Shahbano's case. Ministers openly participate in Hindu festivals like Ramleela. The developments are in total contrast to Nehru's concept of secularism - which was more Western, liberal oriented. In foreign policy, because of unipolar world order a systematic effort is being made to befriend United States.

The Hindu revival ideology also got a boost around 80's with the formation of Bharatiya Janata Party (B.J.P.) The party brought religion directly into politics. It united all the Hindus, by evoking Ram Temple issue at Ayodhya and reaped rich harvest of political gains. It severely cut the power of Congress and Congress could not effectively counter the challenge of 'Hindutva' with "genuine secularism". The appeasement of Muslim minority became a catch word for BJP to mobilize the Hindus.

Ideologically, there is no difference between the two parties in the economic policies. Both want market free economy and provide for foreign direct investment. Though B.J.P opposes FDI in retail market. Apart certain minor differences both parties are for market economy and disinvestment in public sector.

The socialists lost their base by aligning with different parties, and today are not a force to be taken note of. But opposition to free market ideologies is coming from the Communists who still believe in age old Marxian economic model and are definitely anti-American and anti-communal in their approach.

The glaring ideology of power of Dalits is being projected by Bahujan Samaj Party (B.S.P.) The party successfully checked the rise of B.J.P in Uttar Pradesh and projecting the ideology which is upliftment and protection of Dalit rights. This party is only a regional party and may play a decisive role in case of "hung parliament". The same applies to Samajwadi Party. Although the leaders claim to be followers of Dr. Lohia, neither Lohia's anti-congressism, not his plea for democratic socialism is reflected. If any the party is more close to

Congress. So there is an ideological lacuna here.

As of now the post-independent India shows two clear ideological patterns are operating. The one which is market friendly open competition methods, inviting multi nationals to operate, so that speedy economic development may emerge. The other stresses the concept of social justice, employment oriented economy, sanctity of public sector and greater say for states. While Congress and BJP represent former, the Leftist forces represent latter. How, the new developments would take place whether a new ideology would again emerge from churning of present economic, political and social situation, only future events would tell.

9.4.1 Check your progress :

- 1) Make a brief assessment of Post-independent political ideologies.

9.5 SUMMARY

Indian Party System which is multi party system is a reflection of the country's vast diversified regional, cultural and ethnic factors. Though the party system was the result of the experience of British Colonial rule we could discern certain unique features of nativity in them. Western Democratic Liberal ideas, as well as revivalist ideas played their part in shaping the ideologies of parties. The party system is leader oriented. The charisma of leader sustains the party. The political writers describe the Indian Party system as one party dominated. It is different from one party system. The Congress domination changed from 80's and we have emergence of many regional centers of power. The national parties are compelled to make alliances with regional parties in order to capture power. So a weak centre and strong regions is a new pattern of present day politics.

Fragmentations among the parties have made ideology irrelevant. Many a time splits take place on personality rather than on any solid ideological differences. The ideological clarity that existed around 60's is absent today. Lack of inner party democracy, failure of party leaders to impose a discipline among the cadres unaccounted money being received as party's funds are some of the weak points of Indian Party Systems.

Representative democracy can survive only when the party system is healthy. If parties fail to win the confidence of people. If the citizen becomes cynical about parties and their activities, the democracy would collapse. This is a lesson we should all remember.

9.6 QUESTION

- 1) Discuss different ideologies of the National parties ?
- 2) Can a revivalist party like BJP become alternative to Congress ?
- 3) Briefly enumerate the strengths and weaknesses of Indian party system.

9.7 SUGGESTED READING

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- 3) Hasan Zoya (Ed) Parties and party politics in India, New Delhi, Oxford University Press, 2002.
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EMERGENCE OF REGIONAL PARTIES : COALITION PATTERN

Unit structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Factors Responsible for the emergence of Regional Parties
- 10.3 Structure and Ideological basis of Regional Parties
- 10.4 Coalition politics : Problems and Prospectives
- 10.5 Summary
- 10.6 Questions
- 10.7 Suggested Reading

10.0 OBJECTIVES

- 1) To understand the concept of regionalism and to evaluate factors responsible for the emergence of Regional Parties.
- 2) To understand the ideological components of some selected Regional parties.
- 3) To analyze the working of coalition politics in a multi party Democracy.
- 4) To study the implications of public policy formulation for government in an era of regional pulls and coalition compulsion.

10.1 INTRODUCTION

Normally we tend to treat the emergence of regionalism as an undesirable feature. Because excessive regional feelings can create animosity among different regions and can create deep cracks within the nation's body polity. It may fuel the secessionist feelings and the danger of balkanisation of the nation would indeed be real. The contemporary ethnic conflicts in Assam, Jammu and Kashmir, North Eastern states and the attacks on Biharis and North Indians in Mumbai are symptoms of regionalist, chauvinistic, tendencies, undermining the fabric of National Unity. However, there are some thinkers who view regionalism in a positive perspective. For them regionalism is an expression or desire for decentralization and a healthy federal structure.

A vast and diversified country like India – which is termed as a sub-continent – cannot be properly administered with a centralized mechanism. Of course the colonial rulers with the “steel frame of administrative system” managed this sub continent. But their priorities were stability. They were not interested in fostering an atmosphere conducive for the growth of pluralistic ethos. To maintain law and order and to suppress any movement which they consider as

challenging their colonial rule was their aim. But an independent nation has different priorities. It needs to create an open and democratic system where the aims, ambitions and aspirations of vast multitude would have a free play. So India adopted a democratic model and provided constitutional rights to different ethnic, linguistic and religious groups to pursue their own way a life. This has provided a strong base for the flourishing of regionalism in Indians politics.

10.2 FACTORS RESPONSIBLE FOR THE EMERGENCE OF REGIONAL PARTIES

The regional feeling starts with the identification of part of territory as a separate unit. Apart from geography, culture also plays a role in generating this feeling. Many a time for administrative conveniences regional groupings will be undertaker. The regionalism manifests itself in more than one way. In its extreme form it may preach for secession from Indian Union. Some groups in Jammu and Kashmir, in Punjab and North East are examples of this ideology. Even in South in early 40' and 50's the Dravidian movement was very strong and was clamouring for Dravidstan. Now that tendency seems to have lost the steam. Regionalism also finds expression when in federal structure states demand more autonomy or more financial powers. It can also appear in the demand for converting Union Territories into full fledged State units. The demands for separate states within the existing states, like the demands for Telengana, Vidharbha is another feature of regional aspiration being let out. In modern days of economic development a new trend is emerging. The states would like to have greater say in the allotment of natural resources falling within their territory. For instance when gas is produced in a river basin the particular state would like to have a lion's share. Their argument is "it is their state and the natural resources belong to them". Mining, forest wealth, hydro-electricity or Atomic power, which have a potential for rapid industrialization are coming under the shadow of regional demands. When states demand a more favourable treatment in interstate disputes like sharing water – we see the forces of regionalism appearing in politics. Cauvery disputes between Karnatak and Tamilnadu, is the latest example. Each state demanding only their point of view be given due consideration. Apart from the merits of the case the point to note is politicians would exploit sentiments that their state is getting stepmotherly treatment and evoke regional passions.

1) Erosion of all India feeling :- The post independent India witnessed an erosion in the spirit of nationalism. One country one people was a slogan that stirred emotions of people to launch a fierce movement against Britishers. All separatist tendencies like caste, religion, language, region were kept aside. An all India picture emerged. National leadership provided an ideal for the people to follow – nation above everything. That feeling gradually

eroded with the advent of independence. Hitherto suppressed, separatist tendencies reemerged. There was no negative factor like foreign rule – to unite people. Uniting for development activities is not that easy. Because there is always feeling that development is lopsided. Every region feels it did not get its due share. The post independent leadership also lacked the spirit of sacrifice exhibited by earlier leadership and failed to infuse a sense of sacrifice among the people.

2) Failure to live up to constitutional ideals :-

The constitutional experts always describe India, "Unitary in nature and Federal in structure". Even then to keep the Democratic diversity the Central govt. should be sincere in honestly implementing whatever little federal provisions the constitution provided. Using article 356 to dismiss the elected govts, for narrow political gains, governor acting as agent of centre and exercising extra constitutional powers to destabilized non-congress govts, the method of imposing the chief ministers from Delhi and changing them the moment they become powerful, are some of the short sighted actions taken by government at centre that have created a strong regionalistic tendencies and infused regional pride. The state govts are feeling they are being treated as subjects in colonial country. The emergence of Telugu Desam party on the issue "Pride of the telgue people" is cetnred on the "nomination culture" of Central govt. when N.T. Rama Rao (N.T.R.) started his party, the Congress was ruling but the moment N.T.R. the film star cum Politician announced the formation of a political party the Congress govt. at centre got panicky. It went on changing the Chief Ministers with a faint hope that a suitable strong person would checkmate N.T.R. That was not to be. Infact it strengthened the argument of T.D.P. that the chief ministers have no spine, they are acting as servants of central leadership and insulting the Telugu People's pride. The Telugu Desam Party swept the polls on the core issue of self respect of telugus". Recently Gujrat C.M. Narendra Modi talked 'Gujarati pride". Shivsena always proclaims "Amcha marathi Manoos". All these reflect the sentiments on a region and the failure of the central leadership to analyze it in proper perspective. We need "a cooperative federalism" not a pseudo - federal structure to contain the regional pride from hurting national pride. Perhaps we can analyze a new trend in regional politics. In post independent India the regional leader's charisma has outsmarted the national leaders . Apart from late Mrs. Gandhi there is no central leader who has that much charisma and following which can match regional leaders like Jayalalita, M.G.R. and NTR. This factor is responsible for the growth of regionalism in the Indian political system.

3) Dual cultural aspects :- Political analysts argue that the Indian political system may be described as a dual political cultural system. One culture is at lower level. It is mass culture. It operates at Districts, villages being propagated by local leaders. The local problems would be centre of focus. The primordial loyalties like caste feelings, regional importance would dominate all political activities. In a way, it is regional political culture at grass root level. This gradually permeates from local, politics and rural administration to urban areas and administration. This is an “expanding political culture”. Which reaches out to state legislature and state govt. administration and stabilizes there. Though permeated with traditional elements like caste, language, it has some modern components like demands for modernization westernized outlook and soon.

In contrast we have another culture operating at Delhi. This could be termed as elite culture. It sets agenda for “national politics”. It is a personification of all India outlook. The top level planners bureaucrats, national political leaders would define this culture. It is opposed to mass culture. It is critical of local demands and terms as reactionary and narrow mindedness. Local problems and concerns are being dismissed as irritants to rapid economic development and progress. For instance the Central govt. might undertake a gigantic project of linking the major rivers in country. From a purely “national perspective” the idea might be laudable as it can prevent floods and provide water to draught prone areas. Much of the water being wastefully flown into sea can be avoided. But in the process the 'needs of local people' may be compromised while the elite would like the locals to adopt a broad outlook” and consider the “national priorities” the local politicians would urge the top leadership at Delhi to be more sensitive to the feelings of local people. They have a point because ultimately at the time of elections it is these local leaders who had to face the people. The recent controversy about starting an atomic plant in Maharashtra is an example of clash of the views of elite in Delhi and masses at local level. The regional parties like Shivsena would stress the problems of farmers, the All India planners look at the problem of providing sufficient power to whole country. The elite culture is critical of emerging mass culture and basically adopts a “rational” outlook. In the process it defends centralization of powers and distrusts the capacity of local to analyze the problems. This conflict between the two sets of political culture is the cause for emergence of regionalism.

4) Imbalance in Economic Development :- Many Economists have pointed out the centralized planning and policies for economic development pursued by the govt ever since independence have not resulted in a well balanced economic development of all regions. Normally the capital investment takes

place in capital cities. There was a theory of “development gains being percolated to all regions from the capital”. That seems to be not the real picture. The gains have been monopolized by a few centres. While the large areas have been left completely backward. The areas like Rayalseema and telengana villages in Andhra Pradesh can never be compared with the technological prosperity achieved by Hyderabad – the capital of Andhra Pradesh. Similarly Mumbai the capital of Maharashtra is far superior and rich compared to Vidharbha. The studies have indicated that regional disparities and inequalities are continuing even today as they were at the time of independence. Infact the post-independent Indian economy picturises the increase rather than decrease of inter regional disparities. The planned resources transfer have not only been unable to prevent the increasing the gap between the rich and poor states but actually contributed to accentuating the disparities. There is a fixed pattern in these imbalanced economic developments. Indexes indicate that those states which are more urbanized and those which have been benefited from intensive irrigation development rank higher in per capita income and net domestic products. This development has many repercussions. Those states which are economically well off would like to guard their richness from encroachment from other regions. They have a point of complain. While industrially well advanced states contribute to National income substantially other backwards state, whose contribution is meagre get allotment in excess proportion to their contribution. The backward regions on the other hand or either unable to utilize the grants given because of lack of infra-structure or not able to attract private investors. If a neighboring state is prosperous, it is inevitable that people from backward regions would migrate to that state. This creates problems of overcrowded cities, growth of slums, severe burden on public transport and also increase in crime rate. The people belongings to prosperous state resent this migration. So we have the theory of “Jobs for locals” “sons of soil” making rounds Recently there were attack on outsiders who came to attend the interviews at Mumbai and Bangalore. There is another dimension to this problem. In some states like Kerala there is 100% literacy, educated people, technically qualified people get degrees from universities but no scope for jobs. Their chances of getting jobs, outside their region is high because of their technical qualifications. This trend again creates resentment among the locals.

5) The apprehension of majoritarianism :- In 1920 the Congress party decided to reorganize the party on regional basis. It allowed different regions to have the party functioning on the regional basis. This in a way legitimized the regional / linguistic division of the country. The demand for separate state

for people speaking the Telugu language was perhaps the most powerful peoples movement in post independent India. The central leadership agreed to popular demand paving way for further division of Indian nation on linguistic basis. This linguistic division of the country provided enough scope for the growth of regionalism. Sometimes it is a demand for inclusion of certain areas from neighbouring states – (like Belgaum's inclusion demanded by Shivsena in Maharashtra) or greater share of river water or refusal to give water (dispute between Tamilnadu and Karnatak) and the demand to transact all government activities in regional languages.

This linguistic chauvanism has the problems of backlash. Every community would be proud of its language and rightly so. In a country as vast as India it is inevitable that multilingual groups would be staying in a particular state carved on linguistic basis. With the constitutional guarantee for all the cultural, linguistic and religious minorities to establish their own educational institutions and pursue their own way of cultural activities and even propagate them, subject to certain limitations – the diversified groups within a state would strive and sustain their identity, Because there is always a fear of majoritarianism taking over the minorities identity, the linguistic minority groups would leave no stone unturned to guard their separate identity from encroachment. There is also another connecting issue. The institutions like school, colleges – established by linguistic and religious minorities – may prefer their own members in admissions and employment. This causes resentment among the majority groups in a state and fuelles the regional feelings.

6) Global Economy leading to regionalism :- It may appear to be contradictory but the new economic policies open out to Foreign Direct Investment, has in a way strengthened regionalism in a subtle way. According to Indian constitutional provision the foreign policy and all the issues concerning international trade and commerce is central subject. But of late we find the state Chief Ministers and other Ministers of state undertaking foreign trips, meeting the people of their states, settle in foreign countries and appealing them to come and invest for their state development. The appeal is always confined to a particular state and not to India. For instance, when a Minister from Andhra goes to USA or Kuwait, he would appeal to telugu people to invest in Andhra. So an emotional appeal, a regional appeal but not a national outlook. Though this approach is positive as it boosts economic development, its potential ability to sustain regionalism cannot be denied.

Check your progress.

- 1) Enumerate factors responsible for the growth of Regionalism in Indian politics.

10.3 STRUCTURE AND IDEOLOGICAL BASIS OF REGIONAL PARTIES

By its very definition a Regional party is one which operates in a particular region. Its interests are narrow and always appeals to emotional issues like rights of local people, fear of migration of people of other states, the need to be proud of own language – may be a separate dialect as being seen in Telengana region. Although people in Telengana region speak Telugu, they insist their dialect is different from that of coastal Andhra. Earlier the D.M.K. started a campaign of de-sanskritising Tamil language and wanted a pure Tamil. Their argument being, Tamil is older to Sanskrit and has a unique identity. When the Hindus in Punjab said their mother-tongue is Hindi and not Punjabi, the seeds of distrust between Hindu and Sikhs were sown. It led to division of Punjab into Punjab and Haryana and giving enough scope for formation of regional parties in the states. The language a potential force of regionalism is used by almost all parties to strengthen the grassroots. An analysis of content of regional publications shows, how the party's mouth pieces in different regions would always cater to the emotions of particular region, brushing aside the national picture.

According to Election Commission rules any party to get a separate election symbol and to be recognized as a state party certain requirements are needed. It should secure six percent of valid votes polled in the state at a general election either to the Lok Sabha or the State Legislative Assembly. It also needs to secure at least two seats in the Assembly of states concerned. The other criteria is that the party could win at least three percent of the total number of seats in Legislative Assembly of the state or at least three seats in Assembly whichever is more. While some regional parties do fulfill this criteria and become recognized political parties there are any number of non-recognized regional parties often acting as pressure groups in the political scene.

Broadly speaking we can classify the formation of the Regional parties into two categories. The first type includes the parties formed with linguistic, ethnic and sociological basis. They have a long history. A solid ideological foundation. For instance parties like Akali Dal, D.M.K. Telugu Desam party, Shivsena, Assam Ganantra Parishad

and such other parties.

The second type of parties are basically the dissident Congress groups. We have any number of them. The pattern become more vocal after Fourth General Elections, when the dissident groups in various state Congresses came out and formed separate parties. We have Bangal Congress, Trinmul Congress, Kerala Congress, Utkal Congress, Bharateeya Kranti Dal, Telengana Praja Samiti and recently Y.S.R. congress and so on. They came into being at specific time, for specific purpose. They became successful and got some political recognition. While some parties like Telengana samiti rejoined Congress party, other maintained their separate identity. Normally these groups bargain with parent organization for some concessions and may be willing to go back to Congress. While other would strength their base. Ideologically it is very difficult to differentiate these parties from each other. A common anti-congress feeling could be discerned among them.

The regional parties which are strongly tribal based are also playing some role – only obstructive though in Indian politics. Parties like Naga National council, Mizo national Front, the All Party Hill council act as secessionist forces. They many time talk of secession from India and are resorting to violence. Their militant activities, demands of complete independence from India is a highest challenge to Indian nation. There are also some parties in Jammu & Kashmir which have similar demands. Many a time such parties get government ban and would be away from election and political life.

All these regional parties are structurally leader based parties. The concept of inner party Democracy hardly exist. Leaders are nominated rather than elected. Family ties decide the party position. Administratively though some parties have good record there are many lapses on their governing capacities.

10.3.1 Ideology of certain established Regional Parties.

As mentioned earlier compared to the regional parties which have been formed by the dissident groups within the Congress, the regional parties formed on the ethnic, linguistic culture basis have a strong ideological basis. A brief sketch of the ideologies of some such parties is given below.

1) Akali Dal – It is the oldest and the most powerful party in Punjab. For more than 80 years it is spearheading the cause of Sikhs. The party membership is confined to Sikhs. Though of late some non-sikh members are given the party symbol to contest elections it is very rare. There is a social component involved in the structure of the party. This party is supported by rich Jat Sikh peasantry. The scheduled castes among the Sikhs do not find any place in the party's high ranks. The major interest of the party lies in increasing the prosperity of the Sikh peasantry.

Historically the Akali movement started around 1920's. To begin with it was a socio-religious reform movement but soon got converted into a political one. Around 1940, it demanded an independent state for Sikhs. But after partition the demand was abandoned and instead the party insisted for forming a separate state for Punjabi speaking people. For the first time in 1950's the Akali Dal started an agitation for carving out a separate state. It was in 1966, that demand got fulfilled.

It is both a religious and political party. Religiously, it wants the protection of Sikh Panth. Any interference with the affairs of Gurudwaras is treated as an attack on their Panth. The bitterness after "operation blue star" is the example of Sikh sentiments. The sentiment might be shared by all the sikh people cutting across the political lines but it is the Akali Dal and such other Sikh political organizations who articulate the sentiments in a more politically profound manner. Apart from protecting the sanctity of Sikh panth the Akali Dal also has certain definite views on constitutional provisions regarding Federal Structure. It stands for the state's autonomy. In a resolution the party demanded "centre's sphere should be limited to foreign affairs, defence and communication".

In October 1973, the Akali Dal passed a resolution which come to be known as "Anandapur Sahib Resolution". This resolution gave a clear picture of the goals for which the party stands. Some of the points in the resolution are controversial as for instance treating Sikhs as a separate qaum-nation.

The main points are as under :

- 1) The Akali Dal is the very embodiment of the hopes and aspirations of the sikh nation (qaum). It is fully entitled to its representation.
- 2) The concept of a distinct and independent identity of Panth should be recognized.
- 3) The political goal is the pre-eminence of the Khalsa.
- 4) Restrict the centre's authority to defence, foreign relations, currency and communication only.

The party faced many splits some extremists organizations fanned out from Akali Dal to demand independent Khalistan only to face the government ban. Akali Dal moderate faction led by Barnala is able to sustain its hold in Punjab. Its electoral alliance with BJP made the party more broad based and gave a good fight to congress by capturing power twice in a row – Akali Dal showed some pragmatic approach when its campaign centred on economic development rather than on religious sentiment. It recently welcomed F.D.I.'s in retail trade although its partner B.J.P. is opposed to that move,

ii) The Dravid Munnetra Kazhagam (D.M.K.)

In the Tamil speaking areas of south India, a movement to stress the separate identity of Dravidians started around 20's. It was basically a revolt against Brahminical domination. E.V.R. who was with congress left the party on ideological ground – that the party is dominated by North Indians.

The party named Dravida Kazhagam (D.K.) was formed in 1945. It developed a thesis that the South Indians – Dravidians are original inhabitants. The Aryans came from outside India, They drove the Dravidians down to south and established their imperialism. The North-South division is clear and candid. So the traditional Hindu religion which is based on Vedas, Sanskrit literature is denounced as cultural imperialism of Aryans. The Brahmins were accused of helping to spread Aryan culture down the south. The animosity against Brahmins made E.V.R. to deny the existence of God. The copies of Ramayana the holy book of Hindus were burnt to protest the Aryan expansion. For D.K. Ravana is a Dravidian hero. Such type of fanatical ideologies permeated around 40's and 50's. There was a time when Dravidian parties wanted to form a separate independent state out of India. However, with the formation of Indian constitution the earlier demand for secession was given up. Now the demand is more for state autonomy.

The D.K. was split and a new party the D.M.K. was formed. It faced many political upheavals. It partly moderated its demands. But the two main planks of ideology remain intact. It is totally opposed to Hindi as the national language. Its opposition to Hindi is rather based on illogical foundation. Because Hindi is supposed to be closer to Sanskrit and since Sanskrit represents Brahminical culture, the acceptance of that language would amount to enslavement to Aryan culture. Its fanatical approach to language issue remains intact. In its new demand for greater state autonomy the party wants the constitution to be amended to secure “Utmost autonomy to the states”. A constitutional amendment to provide English to be continued as an official language and to delete the provision empowering Hindi as national language is demanded. In social field the party stands for reservation in Jobs and such pro-active measures. It is being recognized as champion of Backward Castes because to opposition to Brahmins. Though critics say the party is dominated of certain specific castes like Nadars, mudliars and scheduled castes have no place in important positions in the party.

D.M.K. wants the article 356 to be removed. It opposes the power of centre to impose the President's rule in states. While agreeing on almost all issues on foreign policy of Indian govt. it strongly feels for the Tamils in Sri Lanka. It is opposed to Sri-Lanka govt's policy towards the Tamils and had lent support to Tamil's right in Sri Lanka. Recently it forced the central govt. to

abandon its proclaimed policy of non-interference in other countries affairs by international organization and made the govt. to vote in favour of a U.N. resolution condemning Sri Lanka army excesses on Tamil civilians and calling for international observations. This is clearly a pressure tactics and D.M.K. uses it very calculatedly. For the party Tamils interests predominants the other. Whether it is inter-state water dispute like Cauvery or the height of dam in Kerala D.M.K. never looks beyond the narrow Tamil internets.

The party split in 1972 and a new party by the name AIADMK (All INDIA Anna Dravida Munnetra Kajagam) was formed by M.G. Ramachandran who fell from D.M.K. chief Karunanidhi. The party faced many UPS and downs after the demise of the founder M.G.R. but under the charismatic leadership of Jayalalita the party has become very strong and currently ruling Tamil Nadu.

The party accepted "Annaism" as the basis of its ideology. It is a combination of self respect of Tamils, Parliamentary Democracy, rationalism and Democracy. In economics it stands for socialism and public sector. Creation of casteless society is another ideal of the party.

Basically there is no difference in ideology between D.M.K. and AIDMK. But the attitude of AIDMK towards issues like culture, language, Indian religious sentiments is more tolerable and flexible. It did not subscribe to the view of north vs south. Nor it is opposed to Hindu religion and Customs. Infact jayalalita is chief minister advised the central govt. to allow Hindus to construct Ram temple at Aayodhya. She has allies in many parties and the BJP which was once her party's partner is again trying to come close to her. Jayalalita wants to grow beyond Tamil image and would like to project herself at All India level. The concepts of anti-Hindi, anti-north do not find much space in party's ideology. On economic issues, the party is opposed to FDI in retail trade and criticized the fresh liberalization measures undertaken by govt. When the central govt. wanted to form a body to fight terrorist activities Jayalalita took the lead in opposing that move, as she argued it would encroach upon the powers of state. In this endeavour she joined hands with Narendra Modi, the C.M. of Gujrat. So basically a federalist party AIDMK leader wants the states to have greater say on public policy measures.

iii) Shivsena :-

The party was formed by Bal Thackeray around 1967. It stands for Justice for Marathi people. Its argument is local Maharashrian Youth are denied Job opportunities because of influx of outsiders. It stands for 'sons of soil' theory which proclaims 80% jobs be reserved for local youth. Originally the party started as the anti-communist party, but later made

alliances with many parties. The party takes inspirations from historical figures like Shivaji who is credited to be the pride of Marathi culture. It wants Marathi should be used in all official correspondence. It had strong views on inter-state boundary disputes. The border dispute with Karnatak is very emotional significance to the party. It had resorted to violent demonstrations seeking the merger of Marathi speaking areas like Belgam into Maharashtra. It stands for the unity of Maharashtra and is opposed to formation of Vidharbha as a separate state. The party also exhibited fervent nationalism and has openly spoken against muslim communalism. It was once anti-south but of late it has become anti-muslim. The party prides itself in "Hindutva" philosophy and has alliance with the BJP. Though many time it takes a different stand from the BJP on issues concerning Marathi interest. The party basically revivalist in nature is also trying to expand the base by forging alliance with one of the splinter group of the Republican Party of India. (Aathwale faction) The party faced split when a new faction in the name of Maharashtra Nav Nirman Samiti was formed.

iv) Telgu Desam :-

This is a comparatively new political phenomenon in Andhra politics which had a strong congress foot hold, started in 1982 by the film star N. R. Rama Rao. As mentioned earlier, the party originated as a reaction to Indira Gandhi's policy of frequently changing unpopular chief ministers and imposing them on the Andhra Pradesh. The party emphasizes the telugu people's self-respect and pride. Delhi's intervention meant the telugu people are incapable of self-government. This had caught up with regional pride. Basically the party follows populist policies. N.T.R. started 2 Rs. Rice scheme, for poor people and was very popular despite heavy losses to public exchequer, Similarly the reservation of lower castes, old age pensioners, were announced. Telugu Desam like all regional parties stands for greater state autonomy. But there is no animosity against other states, nor the party ever spoke of secession. The party took a lead in forming National Front and installed a non-congress govt. at Centre. The party faced internal revolt and with the death of N.T. Rama Rao, his son-in-law who managed the revolt took the reins of the party. The new ideology of Telugu Desam is rather vague. To begin with it pleaded for technological revolution and computer knowledge for all social evils, did not give importance to agriculture and faithfully implemented the World Bank programme. After losing power the party is trying to win back popular support by announcement of populist schemes like free power supply to farmers, writing off loans to farmers and increase in reservation to the O.B.C. Recently the party wants legislative seats to be reserved to the O.B.C.s. To prove its secular image it got itself distanced from its onetime ally B.J.P. and announcing

reservation for muslims. Opposing liberalization, reformation measures the party is befriending with leftist forces at state and national level.

v) National Conference :-

The party is confined to Jammu and Kashmir. It wants the separate status of J& K to remain intact. It prepared a report called National Conferences' Autonomy Report 1999. Following are the main points that report.

- 1) Grant permanent status to Article 370, the existing provision is deemed to be a temporary measure.
- 2) Put J& K out of the ambit of the Supreme Court and the Election commission.
- 3) Reserve all subjects except Defence, External affairs and Communication for the state.
- 4) Change the nomenclature of J & k Governor to Sadar e-Riyasat and chief minister to Prime Minister.
- 5) Review Centre – state financial relations. Comptroller and Auditor General's, Scrutiny should not apply to J & K

Of course, this autonomy plan was rejected by various political parties. But the spirit behind the resolution shows the N.C. is not still prepared to accept the truth that J & K is a part of Indian Union. Though not openly advocating secession it is aiming to weaken the centre power as much as possible and wants to carve out a separate political entity for itself. There was also demand for withdrawing the army from disturbed areas and removing the Army Special Power Act. All these developments are a challenge to Union govt. How it can win the confidence of local people and keep the unity of country intact is the crucial issue.

Check your progress:-

1. Make an assessment of the ideological foundations of certain Regional parties.

10.4 COALITION POLITICS : PROBLEMS AND PERSEPECTIVES

Since the 1989 Loksabha elections the national party system transisted from one-party Congress domination to a multi-party system. This represented the pluralistic feature of Indian Social

System. Since no single party gets absolute majority a system of coalition govt. takes place. There are two methods by which coalitions are formed. One method is before elections the group of parties come to some understanding about jointly fighting elections, even issue joint manifestos and fight elections. If these groups of parties get required majority they would form the govt. Recently in Punjab, Akali Dal and BJP jointly fought elections and formed the govt. So also case in Bihar where the J.D. (U) and the BJP got required seats and a coalition govt, is formed. This type of pre election coalition, is more sound, systematic than the govt. formed after election by different groups. In the second method parties would fight elections independently. If a situation rises where no party has got required number of seats the largest party would start formation of govt. In the process the support of other parties will be sought. This will result in what came to be known as "horse trading" that is trying to snatch away members from other parties to get the required majority by offering cabinet posts to other parties and so on. Such a coalition govt., not based on any shared ideology cannot last long. The parties can resort to blackmailing tactics, forcing the majority party to review every decision it takes. It can result in paralysis of administration.

After 1967 elections in many states the second type of coalitions were formed. They were known as Samyukta Vidhayak Dal (SVD) experiment. Parties which were ideologically as variant as Jansangh and Communists used to join and form a govt. The S.V.D. experiment resulted in instability. In Indian constitution there is the provision for President rule wherever such instability occurs due to coalition failures at state level. So the administrative solution provided for this political instability through article 356. But what could happen if the situation repeats at Centre ? There is no provision for President rule at Centre. This eventuality came to the front in 1989. When the ruling party got seats less than required to form govt. The Rajiv Gandhi congress decided to sit in opposition and give a chance to the National Front under of shri. V. P. Singh leadership to form the govt. This was a first time a post election coalition was formed at the Centre. V. P. Singh's govt was being supported by the B.J.P. and others from outside. The govt. collapsed due to controversial decision on the Mandal Commission implementation and the BJP pulling out support over Aayodhya issue. A new govt. formed by Shri. Chandrasekhar this time supported by Congress existed for a few months before congress withdrew support. Midterm elections were called in and for second time in a row a govt. without sufficient majority was sworn in. The govt. led by Shri. P. V. Narasimha Rao was a minority govt. that survived full five years. There was a controversy of some manipulation of buying M.P.s. for support. It became big scandal.

The elections that followed presented a hung parliament. The government led by the BJP the largest party was unable to get majority required and resigned. Then new govt. was set up by Shri. Deva Gowda supported by the Congress from out side. This govt. formed in 1996 was the culmination of the most turbulent and tortuous process

of political realignment the nation had witnessed recalls some political observers. But this 13 party front could hardly rule the country and on one fine day the Congress withdrew the support and nation faced midterm poll again. The election results once again gave no clear majority though the Vajpayee govt. completed full term. The govt. again consisted of different parties, some like Telgu Desam supporting from outside.

The pattern of not a single party getting full majority is being continued in 12, 13, 14 and 15th Loksabha election (1998 to 2009). This brings home the truth that the path to power in contemporary India lies in the creation of political regional and social alliances. No single party can rule India.

There are many reasons why coalition politics become inevitable in India. To begin with there is Politicisation of various social groups hitherto marginalized. With the growth of democratic temperament these groups would fight for political emancipation and empowerment. Earlier one larger party – Congress – was supposed to cater to all needs of all sections. But with a vast diversified society it is not possible for any party to fully do justice to the demands of all groups. At the most a few members may be nominated but they cannot be completely satisfied. Let us take the example of a party like the B.S.P. This party exclusively speaks for Dalits. The Indian National Congress also is committed to upliftment of Dalits. That way all parties are at least overtly. If there was no BSP party the social group comprising of Dalits would have been mere supporters of Congress being satisfied with whatever little concessions offered by Congress. But today they can dictate terms. As a political party with sufficient number of M.P.s. the B.S.P. can demand and get what it wants. Every social group would like to be in such a position. Instead of playing second fiddle to a large party they would like to have a say in the national agenda. It is the role of policy makers that enthuses a group than mere “beneficiars” of a system. The same point is emphasized by Professor C.P. Bhambri when he says “politicization of social groups and their struggles for share in power, strong desire to retain social / regional identities by such groups emergence of strong and independent regional leadership have made coalition government inevitable at the federal level for some years to come”.

The failure of national leadership to broaden the base of the party and to accommodate different groups has only wetted the appetite of various groups to chalk out separate entities.

In an underdeveloped country like India the nonavailability of opportunities for better economic development could lead to formation of interest groups to fight for jobs, economic betterment and for more opportunities. Such groups would transform into political parties and can upset the balance. The Telengana area is potential for growth of regional identity. The national party Congress was unable to take a firm stand on the future of separate state, because of pressure from coastal area congress leaders. It would forfeit the Telengana. The group representing separatist aspirations might fill that vaccum of

Congress and get its demand for separate state either by joining the coalition of supporting a govt. from outside. Now the Seperate Telengana State is a political reality.

Since coalition is inevitable at least for some years to come it is necessary to frame some broad guidelines to make he working of coalition successful. Because by now it is clear that, in a coalition govt. with different parties pulling in different direction no policy can be formulated. Even if it is formulated it may be impossible to effectively implement it. To begin with a convention must be developed that only those coalition of parties formed before commencement of election be recognized while forming govt. The formation of groups after election results are announced cannot be treated as genuine. This could prevent horse trading, defection, pressure tactics and so on.

The coalition parties should agree on a common minimum programme. They should announce it before people during elections. A coordinated body of coalition parties be formed. This body should meet regularly to review the working of govt. All differences be settled amicably. A spirit of comradeship be developed. Once they are part of govt. they should work as a team and if need arises be prepared to curb small political considerations in the national interest.

A good leadership is what makes a coalition govt. run effectively. The larger party should look at smaller parties in coalition with respect and treat them as partners of equal status not as juniors. A measure of magnanimity is required from the big partner and a spirit of compromise from smaller partners.

Since any govt. is judged by the effectiveness it should be endeavour of all parties to provide clean and corruption free administration.

The spirit of cooperation among the parties should not stop once national elections are over. It will be a good idea if a convention is developed that the coalition parties who contest parliamentary elections should continue to do so at state and local election also so that a real unity is forged among them.

At present we have to sets of coalitions working at centre, The NDA and UPA whether it will give rise to a two party system replacing present multi party system only future will tell. It can be also possible in future one strong party may emerge under a charismatic National leader. But that possibility is remote. We are stuck with multi party system and coalition govt, and should make it work successfully other wise constant instability, frequent elections may create an atmosphere not conducive to Democracy.

Check your progress

1. What are the reasons for the growth of coalition govts. In India ? Suggest some ways to make it work effectively.

10.5 SUMMARY

There are many historical, cultural, political and ethnic reasons for the growth of regional parties in India. Linguistic division of the country is the biggest factor which is perpetuating regionalism. Regional parties have narrow ideology and appeal to emotions of people. Some of these parties can cause national disintegration. The parties are built around one leader and many a time a second line leadership is absent. Some of the ideologies of parties can run counter to accepted national values like secularism. The failure to properly implement constitutional provision regarding centre state relations has fuelled regional anger against centre.

The regional parties are of two type. One formed independently having a strong ideological base and historical background, the others formed by dissidents in the congress. The growth of Regional parties is a reflection of pluralistic nature of Indian society with the decline of congress party, the formation of coalition govt. at centre became the rule. The phenomenon is coming right from 1998 to 2009. The trend would continue unless some unforeseen events unfold. Making the coalition govt. successfully is the need of the hour.

10.6 QUESTIONS

- 1) Define Regionalism ? What are the factors that contribute to growth of Regional parties ?
- 2) 'Regionalism is a challenge to nationalism – Discuss the statement
- 3) Bring out the coalition problems in a pluralist Democracy.

10.7 SUGGESTED READING

- 1) Raj Subhendu Ranjan :Coalition politics in India : Dimensions of Federal Power sharing, New Delhi. Manak Publications pvt. Ltd. 2009.
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THE PROBLEM OF NATION BUILDING : CASTE AND RELIGION.

Unit structure

- 11.0 Objectives
- 11.1 Introduction
- 11.2 Need for National Integration
- 11.3 Divisive Forces – Caste and its role
- 11.4 Religion a divisive Forces
- 11.5 Summary
- 11.6 Questions
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11.0 OBJECTIVES

- 1) To understand the basic character of the Indian nationalism.
- 2) To find out the reasons for National integration and the efforts made in that direction.
- 3) To analyze the divisive forces of caste and Religion.
- 4) Efforts made to counter castism and communalism and their limitations.

11.1 INTRODUCTION

There has been a long debate whether India can be called a nation or not. During the British rule the Imperialists, dismissed the suggestion that India could be called as a nation. They always held the opinion that India is divided and could not be called as "unified nation". Of course they had their own axis to grind. Any solid national movement uniting diversified sections of the population would have endangered their colonial rule. So they always minimized the impact of national movement. But even otherwise India a vast sub-continent with innumerable languages different religions, ethnic diversities and cultural variations could hardly provide a conducive atmosphere for developing nationhood. Nationalism is basically an emotional bond that unites people settled in a given territory. To develop such a bond certain prerequisites like a common language, unified culture a common history are necessary. Most of these factors are absent in India. Historically India was a loose confederation of several independent sovereign states. The British colonialists united them for their imperial ambition yet it resulted in fostering political unity among the people. The national leadership at that time played a crucial role in this regard. But the political unity that was achieved was not deep and soon divisions crept in. Religion became the most dangerous issue around which people got polarized. The development of a thesis known as "two nation theory" which demanded a separate homeland for Muslims won a substantial support among the large section of the

Muslim population. The final partition of the country on the basis of religion is a failure of Indian nationalism and proves the bitter truth that the nationalist feelings is not deeply rooted in India. Though the national leadership agreed for partition it did not accept the two nation theory and firmly believed in India's composite culture, allowing a large number of Muslims to stay in India. For a long time the bitter memories of post-partition riots haunted the nation. India however maintained its secular nature. But the evils of communalism always show their presence posing a serious challenge to Indian nation.

The division of people on religious basis is one thing, the division within the same religion is quite another. The caste structure which is unique to Hindu religion is being spread to other religions also. The caste system which creates a superiority-inferiority complex among the people is very anti-thesis to the concept of democracy and equality. This has been perpetuating divisions in the society and has been a great threat to political unity of Indian nation.

Some writers point out that the Indian nationalism is negative in its character. It was anti-British now perhaps may be anti-Pakistan. But it has no positive elements to sustain unity in the normal conditions. We need an external enemy to make our people united. The elements that divide us are much more stronger than the factors that unite us.

There had also been ideological challenges to the concept of India as a nation. The Dravida Kazagam, a Dravidian party in South had always wanted the south Indian to secede from North. Its argument is North represents Aryan culture and the South the Dravidian. The Dravidians are original inhabitant. The Aryans came from outside. The whole talk of Indian unity is suppression of Dravidians by Aryans who are the North Indian. There was also party called the Justice Party which denounced Freedom Struggle and sided with Britishers.

For a long time the Indian communists had held the view that India is not a nation and stressed the provinces will have right to proclaim independence and secede from the Union. But by around 70's they have given up this theory. But some radicals like the Marxist – Leninist Party – though a small minority – still holds this ideology.

Certain religion based parties like Khalsa, would dream of a Khalistan. There are separatist tendencies among the Bodos in Assam. The JKLF, always want an independent Kashmir. So are some parties in North East. This ethnic nationalism is a direct challenge to our conception of united India.

There is also a theory that only the Hindus are the real members of Indian nation. The Hindutva philosophy earlier advocated by the Hindu Mahasabha, Savarkar and later developed by the R.S.S. is very much operating in India. This philosophy negates the multicultural, pluralistic, secular character of Indian nationalism and would like to establish a monolith Hindutva based political structure. This has created a backlash from the minorities.

So, basically India is not yet a full fledged nation. It is a nation in the making.

11.2 NATIONAL INTEGRATION

In view of the fact that the country is facing serious challenges in maintaining its unity from many disintegration forces, it was felt by the national leadership to achieve national integration. In post-independent era the issue of integration received maximum attention by the policy makers as there was need for speedy economic development. If the people of a country lack a sense of belongingness and are always fighting for narrow sectarian interests no planned economic development is possible.

The term “integration” is a broad word, covering various aspects. Myron Weiner describes four features of integration.

- i) it could be an integration of diverse and discreet cultural identities and the development of a sense of nationality.
- ii) it can also be the integration of political units into a national frame work with a government which can exercise the authority.
- iii) the integration could also mean fostering an understanding between the rulers and ruled i.e. integrating the citizens into a common political process.
- iv) the integration of the citizen into organization for purposives activities.

In a way our country has experience all these features. Integrating princely states into Indian Union was great achievement. Providing institutional safeguards to allow diversified cultures to flourish and at the same time trying to achieve unity has been the consistent endeavour of policy makers. For instance, in the Republic Day Parade, diversified cultural traits have been displayed to stress the point that they are all part of “Indian Culture”. The Unity in diversity is the cherished dream. The provisions of reservations in the Indian constitution, is aimed at “integrating” minorities and marginalized sections into the mainstream of Indian political life. This has been a continuous process. An effort is being made by political parties and non-political association to create a sense of civic consciousness among the people to make them more active in public affairs. The constitutional provisions like the Right to Information, the Public Interest Litigation (PIL) are aimed at integrating citizens into body politic. A citizen should always feel it is his interest at stake and be more vocal. It is this spirit of public awareness that can generate “positive nationalism”. Needless to say this level of integration is far below of a desirable expectation. It is the elite who have been using these provisions and masses are left far behind.

So it has been argued by writers like Binder and Edward Shills, that prerequisite of national integration is “closing up gap between modernizing elite and the mass of population” This problem of gap is more predominant in less developed countries. Any independent country would like to rapidly increase the economic prosperity. There would be high expectation from people. If these expectations are not fulfilled a sense of detachment might creep in and a feeling that “this is

our country” disappears. A cynicism might develop, "why should we love this country, when it is not able to provide the basic requirements?" - people might ask. So the policy makers have a responsibility of meeting the challenges of rising expectations and maintaining “a dynamic equilibrium in the process of change. This is the problem of national integration.

National integration also means Nation building. The forces that tend to create division need to be checked. There should be no room for separatist and secessionist forces. The territorial integrity of the nation is to be guarded at all costs. The National Integration Conference, defined the term as “a psychological and educational process involving the development of unity, solidarity and cohesion in the hearts of people a sense of common citizenship and a feeling of loyalty to the nation.

Basically two issues are involved in the process of national integration. To begin with there need be the development of brotherhood among the members of the community. This feeling should be strong enough to neutralize the pulls of religious, linguistic, ethnic and cultural differences. May be a positive attitude of appreciating other culture, religion and initiating a dialogue on these issues would be a healthy sign. The process of intermingling of culture is a positive approach to generate the feeling of oneness. Secondly, the top priority of the citizen should be the interest of the country. One's religion, Language caste and such considerations come only secondary. If a situation should arise where the interests of his country clash with his religious beliefs or cultural traits he should have no hesitation in supporting the former. This of course requires a strong sense of patriotism which we find singularly absent in countries like India. Here national feeling is yet to take a concrete shape. What unites people of these countries is their feudal linkages like, caste, religion and race. In multicultural societies these factors create different exclusive groups. To bring them together and unite them beyond these feudal factors on a democratic political set up is the biggest challenge of national integration.

Check you progress

- 1) Briefly review various issues involved in the national integration.

11.3 DIVISIVE FORCES – CASTE

Caste system is very unique feature of the Indian society. It is an ascriptive system of status and hierarchy. Originally the caste was supposed to be based on profession and it is argued that people had freedom to choose their profession. However there is no historical validity for the optional feature of the caste system. What we have been witnessing is that a person is born in a caste and that remains with him till end. It is more easy to change one's religion and is next to impossible to change one's caste. In fact the converts to other religions from the Hindu religion carried their own caste into these religion creating new social relationships. Right from the time immemorial the caste system prevailed in India. Basically there were four castes viz – Brahmin, Khatriya, Vysya and Shudra. Each caste was assigned a specific role to be performed. Any deviation from the assigned role is resented. The social relationships,, marriages and such other things are within a caste only. Exogamy was considered as an evil. The duty of the ruler was to maintain the purity of caste.

There is a difference between 'Varna' and 'Jati'. Jati can be called a subcaste. Originally 'Varna' was based on profession. In due course of time many sub castes emerged. For instance the manual work had been assigned, historically to Shudras. There are different types of works involved – like weaving, carpentry, pottery, ironsmith and such things. People who have been engaged in this profession became a separate 'jati' (or sub caste). They are no longer Shudras – they are called weavers, potters and are called by the profession they practice. This new caste would be once again exclusive. It operates as a closed unit. All social relationships like marriage will be within that Jati. Interestingly even if a person from a Jati adopts a new profession and becomes a lawyer, a doctor, he will still be known by the sub-caste to which his ancestors belonged.

Caste basically gives identity to a person. It acts as an agent to foster unity among the members of a caste. Some sort of social backing is provided to a person from the caste he belongs. Helping one's own caste member in fields of employment is being considered as almost natural. Modernization, industrialization and political democracy have not been able to reduce the hold of caste. Caste is an all pervading social entity. It defines all social, economic and political relationship for the individual.

For some time it was argued that the caste feeling is a reflection of feudal mentality. The rural economy confined people to villages and the status quo prevailed because people had no option to move out. Therefore modernization and industrialization will end caste feelings. Karl Marx argued the crippling institution of caste will only be overcome not by preaching and denunciation but by advance of modern industry and political democracy because new social and economic ties and common interests replace old bonds. Marx said, "modern industry will dissolve the hereditary divisions of labour upon which rests the Indian castes those decisive impediments to Indian

progress and India power”.

But this did not happen. There has been considerable industrialization, Urbanization and modernization. Yet all these developments have not been able to reduce the hold of caste on its members. If at all anything the caste got strengthened. Even trade union elections – where the interest of labour should decide the matters – is influenced by caste considerations. M. N. Srinivas argued, “caste is so tacitly and so completely accepted by all, including those most vocal in condemning it that it, is everywhere the unit of social action”.

There are two aspects of caste structure. The ritual and the social part and the political part while the modernization has no doubt weakened the social and ritual part, it is the political part of the caste that got strengthened. There is a historical reason why political democratic experiment strengthened the caste instead of weakening it. When the British government introduced the local government system in many provinces many backward castes got the opportunity for the first time to get some political power. From then on it became a regular feature for various caste associations and groups to be formed and enter into political arena. After independence the provisions of adult franchise Panchyat system only helped various castes to politically strengthen themselves. There is one peculiar aspect of the caste system. It is normally confined to one area and a limited one. So its operation would be more provincial rather than national. We have certain castes dominating in particular provinces like a Reddys, Kammas in Andhra, Lingyats. Okkaligas in Karnatak, Jats in Madhya Pradesh, Marathas in Maharashtra and so on. Caste plays a major role in state and local politics but it is marginal at the all India level. So what the “national political parties” are doing is to pickup strong caste leaders in provinces and entrust them with the responsibility of winning the elections. In a multiparty contest since each party would be fielding the candidate of the same caste ultimately power will go the same caste. Though the party's ideology, personality, performance of a candidate may also influence the voter to some extent, it is the caste factor that influences voting. It has been observed by Andre Beteille that state politics in India has been the bed of political casteism. For instance, “caste enters much more directly into the composition of political elite at the state level thus the Mysore (Karnatak) cabinet is dominated by Lingyats and Okkaligas, the Maharashtra cabinet by Marathas and some have referred to the Madras (Tamilnadu) cabinet as federation of dominant castes”.

Many sociologists have been arguing that caste has certain advantages and positive features. It is playing the role of effective pressure group. Since its members cannot leave and join other groups caste is placed in such a central position that no political party can ignore its role. It acts as an extensive base for organization of democratic politics. Caste identity and solidarity have been the primary channels through which political support is sought by different parties. Rajini Kothari commented “politics is not caste – ridden it is

caste which is politicized". The caste system is more rural oriented than urban based. Its effectiveness in mobilization is more in villages than in cities.

While the caste has certain positive features, its negative characters cannot be ignored. Ideologically the caste system which is rigid, hierarchal and determines the status of a person by birth is anti-democratic. It's rigid taboos run counter to accepted norms of liberty equality and freedom of choice. We have recent examples of caste leaders taking law into their own hands while dealing with social issues like inter-caste marriages or supporting outdated ideas regarding women's freedom. But there is a larger picture of this caste factor. That is caste antagonism and inter-caste conflicts which could result in social antagonism and might have an adverse effect on national unity.

As mentioned earlier in each province there are some specific castes which are dominating. They monopolize political and economic power. They would prevent other castes from coming up. This will lead to depression and anger among other castes as they feel they are being marginalized. Politically advanced castes constitute only a small minority population wise. The sub-caste groups which have been denied prominence actually constitute majority if they all join together. The minority group is able to dominate because of lack of unity among the backward castes. It was after the Fourth General elections a new strategy was worked out. Whereby the hitherto neglected castes got united and presented a new alliance. It did serve the purpose of challenging and sometimes even replacing the dominant caste from political power. Commenting on 1990 election results India Today wrote "the 1990 election verdict signaled the coming to power of intermediary castes and a post 1947 born leadership. For the first time two Yadav Chief ministers ruled atmost one fourth of the nation's population in U.P. and Bihar" In the process of identification of people with their sub-castes the society got further fragmented.

The overall proportion of forward Hindu caste is only 17.6% of the total population. The percentage of Scheduled castes and the Scheduled tribe is 24%. In between we have number of sub-castes "Jati" which would be around 52% of the total population. But there is not one single all India forum which unite all these sub castes. So their power is not felt at national level. It is mostly localized and concentrated in few areas. Most of the castes would play safe and opt for alliance with forward castes for immediate political gains. Again there are divisions and different point of views among these castes. For instance on inter-state water disputes, the caste members in neighboring states would adopt rival standards. Here the interests of the region comes before the caste affinity on issues which benefit all the castes the OBCs. (Other Backward Class) get united. The agitation for implementation of Mandal Commission Report which provided for reservations in govt's job for the backward castes saw the unity among the backward castes. There are also demands for introducing reservation in Legislative Assemblies for these castes so

that the process of political empowerment is initiated,

But which castes can be called OBCs ? Government has included a number of castes under this category who can avail of the facilities extended by govt under affirmative action. But a consistent demand is being made by more and more castes to be included in the OBC list. When a proposal is made to apply the reservation facilities only to “really backward castes” by eliminating the “Creamy layer” a stiff resistance emerged. Similarly O.B.C.'s showed resentment, when the Andhra-Pradesh govt. proposed to take out a small portion from O.B.C. quota of and apply to muslims. It means the castes which have got benefited by govt's reservation policy want to monopolies them perpetuate them and would not want others to have the same benefits. This exclusive tendency is hardly conducive for social unity and national integration.

The position of scheduled castes in Indian Society is another aspect in the caste. For centuries they have been humiliated and treated as untouchables and condemned to perform low jobs. Several social reformers and national leaders like Gandhi addressed this problem. Gandhi led a movement to eradicate untouchability. A radical posture was adopted by Dr. Ambedkar when he pleaded for "annihilation of caste". The constitution not only declared untouchability as offence it also provides certain positive discrimination measures like reservation for the social and political upliftment of these castes. Still they have become marginalized sections. Not only the “forward castes even the backward castes” resent their progress. In U.P. the Samajwadi Party is totally opposed to extending reservation facilities to S.C.s in promotions. Many attacks on Dalits is being done by S.P. party cadets. In Tamilnadu village a 'backward caste' leader organized boycott of a Dalit community because the community allowed inter – caste marriage between the Dalit boy and the backward caste girl. There was violent arson of Dalit houses. The Bahujan Samaj Party (BSP) is a party trying to project an all India forum for Dalit voice. Though it did achieve some success in a few areas in North India, its dream of becoming an all India Dalit party and to replace the present political set up of forward castes is far from reality.

So caste is playing a major role in social and political life. Every person and every social groups wants to be identified with it. This present tendency is in total contrast to the situation in early 50's where the socialist ideals denounced the caste system The casteless society was the ideal for the youth. Inter-caste marriages were welcomed. Some progressive people openly gave up their surnames indicating the caste notification. But now all this has changed. Each and every section of the society has become highly caste conscious. A small joke on a particular caste would lead to riots. Society has become highly intolerable. People getting united on the caste basis in political process like elections is not desirable. A Citizen's thinking could be influenced by the caste consideration. The party ideology the credentials of a candidate the national and social issues are given a

secondary consideration. Since each and every caste asserts its identity society gets rigidly fragmented and the ideal of national integration becomes too difficult to achieve.

Check your progress

1. Bring out the significance of caste in the Indian Social and political system.

11.4 RELIGION A DIVISIVE FORCE

Indian is a multi-religious country. Religious tolerance is one of the virtues preached by our national leaders. There are two aspects of a religion. It is a process of intellectual thinking to understand the secrets of universe and its guiding force. This could be at individual level. There is also a social aspect of religion. This prescribes certain code of behaviour to its members. It is the social character of religion which fosters unity among its followers and in a multi-religious society it leads to divisions with each segment claiming the superiority of its own religion. This excessive love for one's religion resulting in hatred or dislike of other religions we call it as communalism. Nehru once remarked that the greatest danger to Indian's unity and integration is communalism. It divides people on religious lines. It is a disease which has the potentiality of wrecking the Indian state from within. While the external aggression can be combated with the united force of its people if the people start fighting among themselves on religious basis what protection would remain for the nation ? India had had bitter experience of communal clashes. There was almost polarization of people on communal lines in sensitive areas. Though they were curbed the communal clash left hatred, animosity among the different communities.

We need to define the issue of communalism before analyzing the role of religion as an obstacle for national integration. Religion as a moral code of behaviour infact should help to create a sense of duty and social commitment and it could be acting as a positive force towards national integration. It is the fanatical part of religion that is dangerous. It is not adherence to one's own religion or dutifully following rites, ceremonies that constitutes communalism. It is using a religious community against another community that constitutes communal mentality. A communalist is one who basically opposes other religions. He would like to believe his religion is superior and would strive to maintain its purity. J. Dasgupta defines communalism as "the antagonistic assertiveness in political social and economic spheres by one aggregation of individuals against another after being organized along religious caste or other ascriptive lines". It is basically an assertive attempt by a community to maintain its separate identity in a pluralistic society, while it maintains its identity it runs down other

segment in a community. For the communalist, religious distinction is the fundamental thing. Many religious scholars term communalism as a perversion of religious tenets. It exploits an imaginary fear of other religious communities.

Secularism as a doctrine is opposed to communalism. It envisages an ideal where the political arena is free from religious feelings. State would be neutral in religious matters allowing religious freedom to all members of different faiths. Communalism on the other hand would want only one religion to survive and would be too happy if the power of the state is used to eliminate other religions. In a multi religious and pluralist systems such communal thoughts are dangerous. No national unity is possible if people have been polarized on religious basis and a citizen would think about his religion first then only about his country. Basically communalism is anti-humanism, anti-democratic and can lead to a fascist mentality. It avoids the need for self-correction. All critics all rational thinkers, though belong to the same religion are termed as enemies. A communalist is opposed to moderation and change.

11.4.1 The history of communalism in India.

Historically the rulers both Hindus and Muslims maintained a secular character of the polity. Apart from a few exceptions by and large the rulers were not communalists. Although they were partial to their own religion. They did extend Royal patronage to other religions as well. The wars between various kingdoms were for political power to gain more territories rather than wars to spread the religion. Akbar had many Hindu warriors and Shivaji had many muslim soldiers. The army was always a composite unit. In fact in the first war of Independence 1857 a muslim was proclaimed to be the 'ruler of composite India.'

It is with the establishment of British rule that communalism into body politic crept in. British colonialists pursued a systematic policy of divide and rule. This was a safeguard for them. Because a united Indian population could easily overthrow the colonial Yoke.

The initial period of freedom struggle was led by moderates who were liberal in their approach – The religious fundamentalism was not their ideology. Most of them were reformists and highly critical of outdated religious practices and wanted to modernize Hindu religion with the help of Britishers. So they defined a new pattern of secular politics where the state can exercise its authority over religion. But the extremist wing led by Tilak introduced a policy of revivalism and playing up to religious sentiments as strategy of fighting the Britishers.

The celebrations of Shivjayanti, Ganesh Ustav brought the Hindu community together stirred an emotional appeal but at the same time also resulted in alienation of Muslims. It is historic record that communal riots followed after Tilak launched cow protection campaign. The formation of Muslim Leage was a turning point in the communal history of India. Britishers used this polarized social set up

for their advantages.

The introduction of Communal Representation by Mr. Ramsay MacDonalad around 1930 further widened the gulf between Hindu and Muslims. Gandhi made Hindu-muslim unity as one the goals of freedom struggle. Many Muslim intellectuals were in congress. Still the sway of League on muslim masses was strong. There were also counter ideologies professed by organizations like Arya samaj, Hindu mahasabha which wanted a 'Hindu state to be formed. In particular Savarkar proposed a thesis which professed that the Hindus are real children of this country. He combined Hinduism and Nationalism. According to him non-Hindu religions like Islam and Christianity should have no place in India or Hindu Rashtra. His idea of nationalism is ethnic nationalism. He argued, Hindus are a nation bound by a common culture, a common history, common language, a common country and a common religion". There is need for consolidation of Hindus irrespective of caste or creed and different sects within the Hindu religion. "A Hindu is one who feels pride in the Hindu culture and civilization. The Muslims and Christians who have been converts from Hinduism cannot be called Hindus as they do not subscribe to Hindu culture". If Hindus and Indians are synonymous there is no contradiction. He stressed the cultural and organics solidarity of Hindu nation. A Hindu patriot worth that name cannot but be an Indian patriot. But in the entire setup where do Muslims stand ? Savarkar candidly says "if you (Muslims) come with you, if you don't without you, if you oppose inspite of you, Hindus will continue to fight for national freedom". With such a rabid communal ideology being projected it is not surprising there was a counter ideology projected by Jinnah, who claimed Muslims are a separate nation. The idea of two nation theory got support among others by Dr. Ambedkar. There was a general apprehension among certain sections of Muslims that in independent India the majority Hindus might absorb, the culture identity of other minorities. The efforts of national secular leaders to win the confidence of Muslim League failed, Programmes like "direct action" resulting in mass killing, arson in the name of religion left a deep scar in the history of the country. The whole country was plunged into violence, hatred and fear. The mutual hatred between two communities made the dream of a united free India vanish. To make the best out of the worst situation the Congress leadership while vehemently denying the logic of two nation theory agreed for partition of the country. Those areas where Muslims were in a majority was allowed to form an independent nation. But the partition hardly solved the Hindu - Muslim problems. There was large migration of people. Post-partition riotes once again plunged the nation in violence and blood bath. There were many refugees. The position of Muslims who stayed behind became more apprehensive. Their loyalty has been questioned. The communal passion is very much alive.

The Indian national leadership rose to the occasion. Despite Pakistan declaring itself as Islamic state, the Indian leadership stood by the ideal of secularism. The constitution gave freedom of religion to

all citizens. Perhaps to emphasize the power of state, the right of religion clause is preceded with limitations, public order, morality and health while for other Fundamental Rights limitation are explained after the rights. For right to religion limitations are placed before. Right to religion in Indian constitution is an individual right and not a group right. In many places of the constitution it has been clearly specified that the civil authority of state will prevail over religious laws. The codification of Hindu laws and the mention of uniform civil code in the Directive Principles are the examples. Nehru's leadership was able to keep communal forces at bay. He was able to win the confidence of minorities.

In the post – Nehru era these things changed. The post Nehru leadership though confined to 'secular idea' slightly shifted the angle. Instead of keeping away from religious rites and activities the new leadership actively participated in them. Most of the government functions like opening of new public sector undertaking resembled domestic Hindi rituals. Secularism which was once defined as “state being neutral in religious matters” came to be reinterpreted as “state patronizing all religious”. Whether it is President and Prime-minister attending RamLeela function or Chief minister carrying clothes to God's marriages or the community dinner hosted for Muslims by Governor – all clearly show state yielding before religious sentiments. Each and every organized political party plays this card of religious sentiment. The long term implications of this “appeasement of all religious” is disastrous to the secular fabric of the Indian nation. Since Nehru's death state has virtually abdicated its responsibility of initiating the social change. The proposal for uniform civil code is kept in coldstorage. There is no mention on it by the national leadership. They are afraid of hurting the sentiments of reactionary elements among the Muslim community and losing their votes. Infact the Rajiv Gandhi govt. put the clock back in terms legislations, when it amended the constitution to nullify the Supreme Court judgment in Shabano's case. This virtually aimed at keeping the review of Muslim Personal Law from Judicial review. Not to be seen as appeasing only minority community the Rajiv Gandhi govt. opened the gates of the locked Ram Temple which was adjacent to the Babrimasjid. A new wave of Hindu sentiment to construct Ram temple at dispute site caught the nation. The communal riots followed the demolition of mosque. The Hindu sentiments were reaped by the B.J.P. by substantially increasing its membership in Loksabha. It was able to establish its rule at centre. Though the subsequent political development saw the defeat of B.J.P. its power base is intact. The nation has been virtually polarized between majority and minority in sensitive areas like Gujrat, U.P. and elsewhere.

Apart from factors like lack of political will by the leadership in firmly dealing with religious bigotry there are other factors which are contributing to the growth of communalism. To begin with there is educational and economic backwardness among Muslims. Certain organizations like the Vishwa Hindu Parishad, the R.S.S. from Hindu

side , the Jamaat-e-islam from Muslim side are spreading vicious ideas which are preventing a harmonious outlook among different communities. The existence of communal minded literature textbooks media also contributing to the spread of communalism.

We should all remember that what matters in a democracy is political majority and not communal majority. Because while it is possible and even desirable to change the composition of political majority the communal majority cannot be changed.

The communal tensions are not confined to Hindu – Muslim segments alone. Around 80's it was between the Sikhs and the Hindus. The operation Blue Star undertaken by Mrs. Gandhi to flush out the terrorists from the Golden Temple cost the country dearly. The assassination of the prime-minister by her bodyguards – who happened to be the Sikhs – plunged the country into the anti-sikh riots. Many innocent Sikhs lost their lives. A bitter memory still haunts them.

The Annual report of government of India, Ministry of Home Affairs (2001-2002 and 2007-2008) have provided some alarming statistics about the loss of human life because of communal riots. In 1988 of 611 communal incidents 55 percent were in rural areas. As against 80 communal incidents classified as 'hyper sensitive' in 1971, the number rose to 213 in 1988. Large scale communal violence took place in Gujarat on Feb 28 and March 2002 as a fall out of the carnage at Godhra on Feb 27, 2002 in which 58 persons were burnt to death. Total deaths reported in Gujarat were 692 including 109 killed in police firing. During January – December 2005 there were in all 779 communal incidents in which 124 persons lost their lives and 2006 wounded.

There is also a big difference between the communal riots in 60's and now. The availability of fire arms to the rioters is more easy now. Supply of fire arms has become a big industry. This lobby has a strong voice in all political parties.

The report of Ministry of Home Affairs also points out that more than 50% of serious cases of communal riots and violence are due to the inaction of govt. officials. Sometimes police act partially. Sri Krishna Report (1992-93) on communal riots in Mumbai has recorded “several arson incidents, stabbing and violence occurred within the eyesight and earshot of police packets without any action by them the bias of policemen was seen in the active connivance of police constables with the rioting Hindu mob on occasions The police by their own conduct appeared to have lost moral authority over the citizens and appeared to evoke no fear even in the minds of criminal elements.”

The findings of the report are quite damaging to the credential of secular administrative set up. Certain preventive measures have been taken up. The places of worship (special provisions) Act 1991 laws passed. This act stipulates to maintain the status quo of places of worship as it existed on 15 Aug. 1947. This was done to avoid Ayodhya type of disputes coming up. The Rapid Action Force has been setup with a clear task of quelling the communal riots.

There is also a need for long-term planning like balanced economic development between the communities, depoliticisation of administrative machinery, fostering communal amity through educational institutions and media and such positive measure. The economic prosperity is possible only in an atmosphere of peace and for that the communalism should be wiped out.

Check your progress

1. What is communalism ? Bring out the dangers to national unity because of communalism.

11.5 SUMMARY

The biggest problem being faced by India in post-independent era is keeping the national unity. Historically nationalism has not taken roots here. Many social and political forces are causing disintegration chief among them are caste and religion. Hindu society is caste ridden society. It is hereditary and gives identity to a person. There is social unity among the members of a particular caste. It is endogamous and status oriented. But its exclusiveness creates an obstacle to social unity and national integration. The Inter-caste rivalries are threatening the unity of the country. The Caste Panchyats are exercising extra constitutional authority.

Caste has become a political force. The politicization of caste has been resulting in deep divisions in the society. The dominant caste monopolize political and economic power in selected provinces. This has made the other castes to organize themselves as a political force. So a caste ridden society is the order of the day. The pro active positive discrimination acts aimed at uplifting the backward castes also resulted in antagonism against them by "forward caste". The ideal of casteless society has been given a sound burial by all including the leftist parties.

India is a multi religious country. Secularism is the official policy. Constitutional safeguards are provided to all religious segments. But the communal forces are rampant. The changed policy of govt. from neutrality in religious matters to appeasing all religious – is the main reason for this development. Religion which in a secular democratic set up should be a private affair has entered into politics. Communal riots have become order of the day exposing the lack of political will by national leadership to effectively tackle it.

Unless the influence of caste and religion is minimized the ideal of national integration is difficult to achieve.

11.6 QUESTIONS

- 1) Define National integration. Explain its need. Show how caste affects integration.
- 2) "Indian politics is not caste ridden. It is caste which is politicised". Comment.
- 3) What are the challenges of Communalism to secular nature of the state. Suggest some remedies to curb communal forces.

11.7 SUGGESTED READINGS

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NATION BUILDING : LANGUAGE AND ETHNICITY

Unit structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 The issues involved National Languages
- 12.3 Linguistic division of State
- 12.4 Ethnicity
- 12.5 Summary
- 12.6 Questions
- 12.7 Suggested Readings

11.0 OBJECTIVES

- 1) To analyze the problem of nation-building in a multilingual state
- 2) To focus on the issues centred around the national / official language.
- 3) To critically examine the political and social consequences of linguistic division of the country.
- 4) To study the problems of minorities and ethnic groups in linguistic states.
- 5) To offer some constructive suggestions for national integration in face of linguistic and ethnic disputes.

11.1 INTRODUCTION

Of all the factors that play a prominent role in creating unity among the people of a community the language occupies the top position. It is a vehicle of communicating the ideas. It is a medium through which people express their experiences, Joys and sorrows with those who can speak the same language. The language creates a sense of belongingness. An enriched language with a good literature can become a custodian of the culture of that community. Language gives an identity to a group. It would help to record the achievement of a community.

The unifying feature of the language can create obstacles to the national unity if multilingual groups are existing in that country. Because each and every group would claim the superiority of its language if the people speaking the same language are concentrated in a region. It is fertile ground to create regional feelings and regionalism is always a challenge to nationalism. In a country where multi linguistic groups exist the problems would be to find out "a common language for the entire country for official purposes". The moment one particular language is declared as national language it is elevated to a higher level and this would lead to resentment among

other language groups. Again what criteria be adopted to declare a language “national”. Is it the fact that a majority speaks that language? Then what would happen to “minority” concerns ? If the enrichment of a language is taken as a consideration for declaration of national language then enrichment being subjective there would be no end to the debate as to which language has the potential to adopt to the new challenges and revolutions that are happening in the science technology and administrative fields worldwide. This complex problem became compounded further if the state is a Democratic Federal structure with multi-party system as India is.

12.2 THE ISSUES INVOLVED NATIONAL LANGUAGES

In Indian history the practice of having one language for entire country for administrative purpose which is spoken by people seems to be absent. It has always been the language of the rulers. During the Muslim rule it was Persian and during the British rule it was English. In pre-Muslim era it would have been Sanskrit or Pali but not the common language spoken by people in their day to day activities. It created a gulf between “officials” and “commons” only who are experts in the official language could exercise greater influence with govt. machinery. Such a system could hardly be adopted in an independent nation committed to democracy. So a need to have a language which is understood by all to be made as national language was felt by the national leadership.

During the freedom struggle two sets of opinions prevailed. There was one school of thought which wanted Hindi in Devanagari script to be the national language of India. Certain associations were working in that direction. Nagari Pracharini Sabha established in Banaras in 1893, and the Hindi Sahitya Sammelan set up in Allahabad in 1910 had a clear cut agenda of developing and promoting Hindi in Devanagari script. These associations were led by conservatives like Shri. P.D. Tandon, Seth Govindas who in their zeal to maintain the 'purity' of language highly “Sanskritized” it. In the process Hindi became a means to promote the political interests of 'Hindi speaking people'. This had an impact on other groups outside the Hindi region. Hence many associations were set up in other Indian languages to counter the hegemony of Hindi. The principal opposition to Hindi came from north India Urdu speaking people. The Aligarh movement led by Sir Syed Ahmed Khan was an attempt to safeguard the interest of muslims. This movement opposed Sanskritized Hindi in Devanagari script being imposed on Muslims. Brass Paul observers “before independence the most salient language issue in Indian politics concerned the relative positions of Hindi and Urdu and of the Devanagari and Persian-Aratic script. The intensity of communal polarization between Hindus and Muslims the linking of Hindi-Urdu issue with the communal question caused this issue to overshadow others”. It also became Hindi a language of Hindus and Urdu a language of Muslims. But there were a large number of people

who knew neither of these languages and are well versed in their regional languages. Some of the Dravidian parties claim Tamil is the most ancient language and it has an independent existence not stemmed out from classical language – Sanskrit, like other Indian language. In fact while Hindi Zealots were busy 'purifying' Hindi by removing Persian words and Sanskritising it their counter parts in Tamilnadu were desanskritising Tamil and using “pure” even if outdated Tamil words. Infact Tamil Zealots had political and ideological reasons to resist the use of Hindi in Devanagari script to be used. The self-respect movement started by Shri. E. V. Ramaswami attacked everything attached to Brahminism. Political parties like Justice party denounced the freedom struggle and the Congress Party on the ground it is monopolized by Brahmins. The anti-Brahminism was very strong in Madras province. It gave rise to the growth of separatist tendencies – Dravidian nationalism. Brahmins were accused of helping the North Indians to impose their cultural hegemony on the Dravidians. Since Sanskrit is dear to Brahmins it was termed as anti-Dravidian. Hindi, with Devanagari script its nothing but Sanskrit in another form. So it should be resisted. People in Bengal province though not openly opposed to Hindi, still feel Bengali is for superior to Hindi. After all the Nobel Prize winning literature is produced in Bengal. People speaking Telugu claimed Telugu was printed on coins during British regime symbolizing importance given to that language. By and large people in South were fluent in English language. They were the first to take up English education during British rule. They have got advantage of govt. jobs because of their English knowledge. Now if there is switch over to Hindi, they would be at a disadvantage. Because Hindi was practically non-existing in south in pre independence days. Although Sanskrit had some impact Hindi as a separate language was 'foreign' to south Indians. That is the reason why Gandhiji had made spread of Hindi language as one on the programmes of the Congress party. The Dakshin Hindi Prachar Sabha undertook the task of spreading Hindi in south. But Gandhiji's approach was more inclusive. He wanted Hindi to absorb as many words from different languages to make it acceptable to all. Opposing Sanskritization of Hindi, Gandhi pleaded for “Hindustani” a language which should include Persian, Urdu words. This policy was appreciated and approved by other national leaders like Nehru, Maulana Azad, who opined that a Sanskritized Hindi could not be popular on a national scale. This was the picture when India got independence and the Constituent Assembly debated the official language issue.

After the partition the question of making concession to Muslims by adopting Persian and Urdu Arabic script just did not have any consideration. There were two considerations which became prominent. The first was about the duration for English to be retained as official language. How long or how many years should a foreign language be used to conduct government affairs of an independent nation. That is a language of erstwhile colonial masters. There is an

element of national pride involved here. The second issue is with numerous major languages and minor languages prevalent in the country how their speakers would communicate across linguistic boundaries.

As mentioned earlier the retention of English for official and other purposes raised not only emotional but practical questions. The practical question is concerned about the need to keep up with the world standards in education science and technology and to have a channel of communication with the rest of the world. For that purpose English is necessary. Against this was the emotional argument that “an independent country could not be truly free and independent until people gave up the use of foreign language and adopted its own”.

While the Constituent Assembly was debating the issue of official language there were organized demonstrations and campaigns to influence the Assembly's decision by Hindi Sahitya Sammelan. Within the Assembly the traditional Hindi leadership enjoyed a strong position when the voting took place in the constituents Assembly the Hindi bloc won by a margin of 78 against 77 which wanted Hindustani. Apart from a narrow margin of single vote, the fact remains that the formation of Constituent Assembly was not on the basis of Universal Adult Franchise. It was based on a limited franchise. So how could that body decide for the whole country very sensitive issue like language. Brushing aside the demand for Hindustani, the assembly finally settled for Hindi as a national language with Devanagari script. It is interesting to observe the points raised by different sections during the debates. While one section led by Nehru and other stressed the multicultural and pluralistic nature of Indian Society and wanted the retention of English for a period of 15 years. Due consideration be given for the concerns of non-Hindi speaking provinces. This stand was supported by representative of not only south but also Gujrat, Bengal and Assam. People from Punjab, Rajasthan and other Hindi areas wanted immediate switch over to Hindi. The final amended resolution supported by large majority emphasized the multi-language solution. It was agreed that English would be retained for a period of fifteen years along with Hindi as a link language. After that parliament would decide about switch over to Hindi.

As the time to switch over was coming near, certain apprehensions were expressed by the non-Hindi speaking states. Basically the govt. is the biggest employer and a proficiency in Hindi would brighten the chances for jobs. More over people whose mother-tongue is Hindi would certainly be at an advantageous position than others who have to learn the language and master it. If on the other hand English is the official language, being a foreign language it would not put any one in an advantageous position. Now the issues came down to retaining English.

The government of India appointed the Official Language Committee in 1956 to look into the matter. The Committee in its report endorsed the stand taken by the Constitutional Assembly that after 15

years switch over to Hindi is justified. This further aggrieved the non-Hindi regions. It may work against their participation in national politics. A division between Hindi speaking and non-Hindi speaking regions might disrupt national unity and integration. There is some truth in these apprehensions. If we analyze the power base at the centre who ever is able to win the Hindi heartland like U.P., Bihar and other regions is able to rule India. A non-Hindi region Prime-Minister like Shri. P. V. Narasimha Rao, or Shri. Deva Gowda was rarest of rare. That also because of certain political compulsions.

A special committee of Parliament was appointed to study the report of official language commission and make suggestions in view of the political significance of the official language. The committee cautioned "against too hurried switch-over to Hindi." Within the ruling Congress party the opinion was divided. Leaders like Shri. Nehru, Shri. C. B. Gupta favoured a go slow policy. At the Pragjyotishpur Congress session Nehru in particular warned against the tendency of imposing majority decisions on minority. His policy was to continue the English language "as an associate official language till non-Hindi regions want it". This might have soothed the apprehensions of non-Hindi regions but was treated with contempt by Hindi proponents, who felt continuation of English is a "slavish mentality". The group led by Tandon and Govind Das wanted the govt. to stick to fifteen years period for switch over and were impatient at the tardy progress made in this regard. The rigid posture of conservative sections resulted in a political agitation in non-Hindi regions making govt. to issue a presidential order in April 1960 which extended the time for switch over to Hindi indefinitely. The official language Act was passed. This established "associate language status for English". Basically the act 1963 was compromise which tried to satisfy both the protagonists of Hindi and advocates of English. The act stipulates Hindi was indeed to become the sole official language of the country in 1965 but English was to be continued as "associate additional official language". The act provided for a parliamentary review committee to reconsider the situation in ten years "with the power to extend the retention of English if Hindi had not made sufficient progress among non-Hindi speaking people". There was some ambiguous thing about the powers of the committee and its discretion in the retention or displacement of English. By and large Nehru's leadership was able to win the confidence on non-Hindi states that the language would not be imposed on them. In the post Nehru era the issue became complicated. In the year 1964 the then home minister Guljarilal Nanda issued a directive to all other Union Ministries to report on the "progress made in promoting the use of Hindi for official purposes and to indicate what steps they proposed to take to use Hindi". This circular was issued because Nanda was strong advocate of Hindi and the year for switch over was fast approaching. This news about the circular was not well received in non Hindi areas especially Tamil Nadu. There were public demonstrations violence, riots and even self-immolations. The agitation continued for several months. In protest against the

centre's policy of imposition of Hindi, some Central Ministers in the cabinet resigned. As the situation was going out of hands the national leadership swung into action. In June 1965 a meeting of congress party leaders, Union Ministers and Chief Ministers of all states was held to arrive at some compromise about the national language. The compromise which was worked out stipulated following measures. (i) Hindi would never be imposed on non-Hindi speaking states. (ii) English would be retained as an associate additional official language as long as even a single non-Hindi desired it. (iii) In order to provide enough opportunities for various language speaking people in govt. jobs it was decided "all the languages listed in the eighth schedule of the constitution of India that is all the major regional languages as well as Hindi and English could be used as medium of Union Public Service examinations." This compromise was given the shape of official statute when the official Language Amendment Act 1967 was passed in the Parliament. Basically it is a bilingual act. It provided for the use of both Hindi and English in Parliament. Hindi to be used while communicating between Hindi speaking states and centre and English be the medium between non-Hindi states and centre. The act also provided for the use of regional languages in UPSC examinations. In a way the problem which threatened to disintegrate the nation was solved.

Although of late Hindi has become popular even in south with the spread of Hindi cinemas and Hindi T.V. serials still Hindi has not been able to displace English. Intellectuals elites still use English to express their writings. Serious research writings of international standards are yet to make their presence felt in Hindi – moreover with each state giving priority to its regional language in educational policy Hindi gets only a second preference. The three language formula which was coined around 60's where in North Indians would learn one south Indian language apart from Hindi, and English and South Indians would learn Hindi and English and their mother tongue was never implemented. The idea of "imposing English" was resented by North. Education being state subject, there is very little Centre can do about making uniform pattern of learning.

An independent nation needs a "native language" but in the days of globalization it would be suicidal to oppose English which is still an enriched international language. Of course so are many European languages like French, German and Russian. But the country had had 200 years of learning and dealing in English. There is a base on which a new edifice could be built. We need not regret the fact that English is most understood language and we can utilize it for our own good, while at the same time paying enough attention to the development of Hindi and other Indian language.

Check your progress.

1. Examine the national language issue and the political implications thereof.

12.3 LINGUISTIC DIVISION OF STATE

Having a province of their own language was a cherished dream for many linguistic groups. They had separate history and even geographical locations. With the advent of colonial rule the map was changed. The Britishes for their administrative convenience, clubbed the areas with scant regard for the wishes of the people. As a result there were states where many linguistic groups were staying. For instance Madras was province where people speaking Telugu, Tamil, Kannada and Malayalam were staying Bombay had Marathi and Gujarati people. Some of the linguistic groups were scattered. For instance some Telugu speaking groups were in Hyderabad, Nagpur, Orissa and so on. While the freedom struggle against the colonial rule was in progress a sub-nationalism was also creeping up. People speaking the same language wanted to have their own states. There were many reasons for this. To begin with most of the major linguistic groups had their separate political history before advent of Britishers. And while English, was introduced a spirit of renaissance evoked and made people to turn towards Indian languages. Schools and colleges were established. While this endeavour infused a sense of nationalistic ideas it also created sufficient background for the growth of regional pride. The suppressive measures followed by autocratic rulers against other linguistic groups was another reason for the growth of a separate state. For instance the Nizam rulers made Urdu as compulsory and imposed it on majority of people whose mother tongue was Telugu. Permission was denied to hold conference of Telugu language. There were sporadic attacks on telugu libraries. Some libraries were burnt down by anti-social elements. The rulers looked other way. Even the British administered states were no way better. The policy of 'creating clerks' to serve British Raj had no provision of development of native language. In fact the English educated Indians looked down at their own language. So these factors created an irrepressible public opinion for linguistic states. The National leadership perhaps grasped the feelings and wanted to use them in the freedom struggle. Gandhiji made a point to learn as many Indian languages as possible. He started Gujarati journals to spread the ideas of national struggle. But most importantly the Congress party itself was regionalized provincially. There were many Pradesh Congress committees there by giving recognition to regional identities and demands for linguistic provinces.

There were two schools of thought in this regard – one school visualized creation of a strong centre once independence is achieved. Because a weak central authority was the bane of Indian history. Whenever there was no centralized authority it always opened the doors for foreign invasion. So this leadership wanted to create a strong state. To that state the diverse sections of Indian Society would transfer their primary loyalty. Their cultural, linguistic, ethnic differences ought to be submerged in “homogenous nationalism”. Because it would be a pre requisite for stability, peace and economic development. As against this there was a school which pleaded for decentralization, Pluralism and recognition of multicultural aspects of Indian Society. So they were inclined to be sympathetic to demands of linguistic divisions of the country. They hoped for the emergence of “composite nationalism” which would amalgamate, the unifying features from the cultures of major religious, regional, linguistic and tribal peoples. As mentioned earlier before independence most of the official boundaries among provinces were result of conquest and expansion. The aspirations of people found no place in that map. A demand for redrawing the state boundaries on a linguistic basis was reiterated in the Constituent Assembly after India got independence. In 1948 a commission called Dar commission was appointed to examine the demands of division of state on linguistic principles. The commission however opined that the division of the country on linguistic basis would result in disintegration and opposed the demand. The agitation for linguistic state however continued unabated. So the Congress party sensing the seriousness of the issue appointed what is known as the J.P.V. Committee (the committee members were Jawaharlal Nehru, Pattabhi Sitaramayya and Vallabh Bhai Patel) to study the situation and make recommendations to find an amicable solution to the issues. The committee felt that issues is quite serious and some immediate attention need be paid or else the development activities of govt. would become stand still. This linguistic demand has deep emotional feeling among the masses and if a proper way is not found to channelize in a constructive way by forming linguistic state the suppressed emotions might burst out leading to disintegration of the Nation. In particular the committee felt the situation in telugu speaking region of Andhra is very volatile. After some violent demonstrations and mass upsurge followed by the death of Potti Sriramulu who was fasting unto death for demanding a separate state for telugu speaking people, a new state of Andhra Pradesh was finally created in October 1956. This paved way for more demands. The State's Reorganization Commission (S.R.C.) was appointed with the task of redrawing the state boundaries in response to various linguistic pressures. The Indian union was reorganized into 14 states each of which had a clearly dominant language.

However, the Bombay state remained as a bilingual state. There was a demand for splitting Bombay into Maharashtra and Gujarat. The Samyukta Maharashtra Samiti and Maha Gujarat Janata Parishad spearheaded the people's agitation for separate states of

Maharashtra and Gujarat. Since S.R.C. did not accept the demand there were violent demonstrations. People were killed in police firing. Shri. C. D. Deshmukh resigned from Central Cabinet. Ultimately in 1960 the bilingual state of Bombay was split into Gujarat and Maharashtra.

There was particular reason why the demand for splitting of Bombay State took a considerable delay. The policy adopted by the central govt. was it would not agree to reorganization of a province if the demand was made by only one of the important language group concerned. Madras could be reorganized because both Tamil and Telugu speaking people wanted to separate. But in Bombay the demand came primarily from Marathi speaking people and opposed in Gujarat initially. There was a feeling that loss of Bombay city would be too heavy a price to be paid for separate Gujarat state. But with the demand coming from both sides through agitations the decision was taken.

Punjab provided another problem. It was a composite state having Hindu and Sikh population. While Sikhs have registered their mother-tongue as Punjabi Hindus have said it is Hindi. This had created some ill-will, between the Hindu's and Sikhs otherwise a friendly community. The demand for separate state for people speaking Punjabi language was resisted for a long time. It was the opinion of the national leadership that the demand for Punjab division is a facade for religious demand for a state for Sikh people. Because of the bitter experience of partition of the country on the basis of religion, the national leadership was unwilling to concede the demand for Punjab as a separate state. But ultimately sensing the sensitivity of issue and also a change of leadership in Punjab movement – from Tara Singh to Fateh Singh govt. ultimately agreed to divide Punjab into Punjab and Haryana in 1966.

The process of division of the country into small states continued with Assam being divided into several states. The reorganization of Assam took place in stages and led to the formation of four new predominantly tribal states. Nagaland was granted statehood in 1963, Meghalaya formed as a separate state in 1972 Mizoram in 1987, and Arunachal Pradesh (name given to North east Frontier Agency) NEFA in the year 1972.

The formation of states still continued with the creation of Uttarakhand in U.P. and Jharkhand in Bihar. Nor the demand seems to be subsiding with the demand for separate Telengana and Vidharba. There are both positive and negative results of this division of nation into small provinces. It would lead to decentralization, give more opportunity to local people to participate in public affairs, make people more accessible to political mobilization. It gave them an institution to articulate their demands. In a way a new spirit of Federalism has taken roots.

But the negative impact could not be minimized. First came the issue of minorities. While after partition the country had to deal with Muslim minority, after the linguistic division of the country the nation

had to deal with the problem of linguistic minorities in each and every province. With all provinces declaring a majority spoken language as state language the chances for appointment in govt. offices for the other linguist groups is nil. Moreover every province has been exhibiting a tendency of militant nativism. There has been a hatred to outsiders. Even the provincial govts. have been encouraging this regional chauvinistic feelings with policies like “sons of soil” should get preference in jobs. All the medium of instruction at colleges and universities be in state language and so on. The idea of nationalism has been side stepped with the excessive pride for one's language, region and a hidden hatred for outsiders. For Shivsena, South Indians and now Biharis are outsiders. In Assam, Bengalis became outsiders. In Telengana people from coastal Andhra – although have same language as mother tongue are called a “imperialists”, who have come from other areas to loot their Telengana. The list will never end. Perhaps the leadership realized this as early as 60s. In one of his speeches Nehru said, “Remember we are parts of one body. If a single finger is hurt the pain affects the while body. India is the body and states are its limbs”. There were many scholars who felt that the linguistic reorganization of Indian states is fraught with great dangers. Scholars like Selig Harrison said, "the language parochialism would lead either to balkanization of India or towards destruction of democracy". However such things did not happen. The govt. without any hesitation used army to suppress any such motives of secession in North east and Jammu & Kashmir. Elsewhere the parties like Akali Dal. and D.M.K. have given up the demand of separate independent state. It has been a firmly laid down policy of central govt. that it would not recognize groups which made secessionist demands and when a linguistic group has dropped its secessionist demand the govt. of India has been willing to make concessions and even to grant statehood. There are many provisions in the constitution which makes it easy for the Central govt., to prevent regionalism from going out of hands and becoming secessionist. Basically there is no provision in Indian constitution for secession. Secondly, with features like single citizenship, Common Judiciary, unified civil service, provisions for President rule it has been aptly described by expert's that Indian constitution is Unitary in nature but Federal in form.

The constitution also provides for rights of minorities. There are four Articles which protect the rights of linguistic minorities. Articles 20, 30 and 350 confer broader rights upon linguistic minorities to “preserve their distinct language script or culture” (Article 20) “to establish and administer educational institutions of their choice (Article 30) and to submit representation for redress of grievances to any central or state authority in any language. (Article 350). The article 350A obliges every state and local authority “to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups’. It is on this issue that sufficient progress is not being done. Many state governments have refused to implement this clause showing

administration cost as an excuse to provide instruction for a multiplicity of minority languages. There is also a hidden desire to maintain the domination of the language of the majority community in each and every field. This tendency puts the minority groups at a disadvantage. In fact the Sarkaria Commission which was looking into centre – state reactions also made some observations regarding language and made following suggestions.

- 1) The work of Government both union and states which involves or affects the local people must be carried on in the local language.
- 2) Effective steps should be taken to implement the 'three language formula in true spirit uniformly in all states in the interests of unity and integrity of the country.
- 3) The code of conduct evolved to safeguard the interests of linguistic minority must be strictly implemented. The commission also expressed its concern that the post of the commissioner for Linguistic Minority has been allowed to remain vacant for a longtime. It pleaded for rectification of the situation.

Basically the linguistic division was an experiment in federalism and democracy. It lead to decentralization but also created certain problems. With a strong political will and faithful implementation or constitutional safeguards for minorities it is possible to overcome them.

Check your progress

1. Comment on the problems of linguistic division of state ? Suggest some remedies.

12.4 ETHNICITY

Ethnicity refers to race. India is a multiracial country. Indian history is a amalgamation of different races. This process of intermingling of races has been going on in India for centuries. Still as a factor of arousing passions, emotions and pride the stress on separate racial stock could always play a role. This could be a factor that can act as a deterrent to the growth of national unity and integration. While the insistence on Dravidian, Aryan racial differences – which was the foundation on which the Dravidian parties built up their foundation – has been neutralized due to democratic process of

decentralization, federalism and the active participation of people in public affairs, the same cannot be said of North eastern states. People of North eastern region represent a separate racial entity in their colour, physical features and culture. The process of integration of these races into Indian body polity is rather tardy. Many groups refuse to believe they are Indians. They stress their separative ethnic identity. It has also been argued, that the Britishers never directly ruled them. So there is no logic in the argument that with the ending of British rule they become Indian Citizens. In fact many tribes would not call themselves as Indians. It may be only a microscopic minority who held these views. But the fact that there is a large degree of alienation cannot be denied. The role of foreign Christian missionaries in sowing the seeds of separatism has come into light. What basically binds together the people of India is the composite culture. Hindus, Muslim converted Christians, Scheduled Tribes have some features of common cultural traits which makes them to be noticed as Indian Christians, Indian Muslims and so on. This aspect of commonness with rest of Indian culture is rather weak in north East if not totally absent. The work of foreign Christian missionaries in their zeal to "educate and modernize" the people here had resulted in complete destruction of earlier tribal culture which had some connection with Indian composite culture. They have been completely cut off from their past history not surprisingly they feel they are different from the rest of India. Nagaland is only state in India which declares English as the state language. Not much interaction is taking place between tribes of N. East and rest of Indians. In fact it is a matter of national shame and disgrace that the student community from North East was subjected to assault, and violent attacks on students have taken place in metropolis and technological hubs like Delhi, Bangaluru, Hyderabad and Pune. There were exodus of students of North Eastern states. Ultimately govts. stepped in and reassured their safety and took stringent action against criminals. There were rallies and demonstrations by citizens in these cities expressing their commitment to student's safety. It is heartening to note these developments. But the fact remains many students in other parts of India complain that they are being discriminated, naturally more need to be done to win the confidence of students from North East. Because when they feel they are free and safe in India the love for the country naturally springs up.

There is a security angle to the issue of North Eastern state. Since China is sharing the border with some of these states India need to extra cautious in these areas. The existence of special Armed Force Act which gives the power to the army personnel to arrest anybody suspicious of acting treacherously has been creating lot of resentment among the people.

This one way has alienated the people from Indian state. The Indian army which is meant to protect the citizens from foreign aggression is being seen as acting against people of Manipur, Nagaland and such sensitive areas. The hostile policy followed by

China – like refusing to recognize Arunachal Pradesh as part of India make things complicated. So the presence of army and special police force is considered necessary by the Govt. of India. In the process of eliminating insurgent agents there are bound to be human right violations. It will lead to international censure and put the govt. in an embarrassing situation. The major factor for continued presence of army State Reserved Police and other Para Military in these areas has been the history of insurrections and secessionist activities. There are any number of insurgent groups financed and armed by foreign agencies. No independent nation can tolerate war on its sovereignty. Infact it has been laid down rule of Government of India that until and unless a group gives up its insurrection activities and accept the sovereignty of India no negotiations would be done. Thus, the Naga movement led by Phizo was suppressed only in 1960, Nagaland became a state after they gave up the demand for separate independent state. But there are several splinter groups which are still carrying underground activities and causing law and order problems.

The Mizo insurrection began around 1959. The immediate cause was the terrible famine which struck Assam and it was alleged the Assam govt. did not properly address the crisis. So an organization called Mizo National Front (M.N.F.) was formed. It was led by I.C. Laldenga. In march 1966, The M.N.F. declared independence for Mizoram. The Mizo forces launched insurrection. The response of the Union govt. was typical of any sovereign state. It suppressed the movement but it also took a conciliatory step of consultations and peaceful negotiations. To begin with the Mizo Hill districts were detached from Assam and a union territory called Mizoram was formed. Later a full statehood was granted to it.

What is interesting to note is in the post – Nehru era a new policy of talking with secessionist groups and agreeing to their demands – except secession – was initiated. The policy was purely partisan. It was the interest of Congress party not national interest. For instance after the 1972 elections the Congress formed a government and was in power until 1977 in Mizoram. There was strong opposition from Peoples conference led by T. Sailo. To counter force it, Mrs. Gandhi struck a deal with the leader of insurgency Laldenga. He was allowed to meet Mrs. Gandhi in 1982. The Congress won the 1984 elections to Mizoram Legislative council by emphasizing its new relationship with Laldenga. Laldenga, of course, wanted to defeat the moderate opposition group. In 1986 Rajiv Gandhi and Laldenga signed an agreement by which Mizoram was granted statehood and Laldenga replaced the incumbent Congress Chief Minister.

This policy of appeasement with secessionist groups might yield short term political dividends – like having Chief Minister who would be loyal to Congress party at the Centre – but would have long term repercussions. In a way it would strengthen the bargaining power of such groups, destroy the infrastructure of the national party organization and it would be impossible to find out the real grievances of people and to locate who is the real spokesmen of the people.

Assam also faced the problems from tribal's known as Bodos. They are plains tribal's living in the heartland of Assam. The Bodo leaders complained that they had lost their lands to non-tribal people. They are educationally backward and their language was not taught in the schools for their children. On Jan 1, 1987 All Bodo Students union (ABSU) presented a memorandum containing a long list of demands. The major among them was the establishment of separate Bodo State to include Bodo – Kacharia and other tribes in the sixth schedule of the constitution, increase in reservation and inclusion of their language in the Eighth schedule of the constitution.

Since not much was achieved in consultations and negotiations the Bodo movement turned violent during 1989. The Bodo activists attacked and burned the villages of non-Bodos and Assamese Hindus. Then non-tribal groups responded with similar attacks. In the events that followed an agreement was reached on Aug 28, 1989 in New Delhi where by the Bodo militants would cease the violence and the state government withdraw legislation which gave special powers to deal with insurgency. However the agreement did not hold. The agitation continued. There was a political angle for this. At that time the Assam was being ruled by Assam Ganatantra Parishad (AGP) the Congress was not in power – so it suited the interest of Congress if the state government got discredited by its failure to solve Bodo problem. The ABSU – soon gave birth to a new political outfit known as Bodo peoples Action committee (BPAC). It won eight seats to Assam Legislative Assembly and one Loksabha seat in 1991 elections. Though the Bodos made their presence felt politically there were some technical reasons which made it impossible to grant separate statehood. Bodos were not in majority in areas which they claim for their own. The area is shared by migrants and non-Bodo tribes as well. Finally as a result of prolonged negotiations Bodo Autonomous council within the state of Assam comprising all the Bodo dominated areas of lower Assam including approximately 2,000 villages having more than 50% of total population is formed.

The result of all these agitations show the original plan of creating a homogeneous linguistic state is flawed. Dr. Ambedkar once said in India the linguistic majority would soon turn into communal majority endangering the rights of minorities. He suggested a policy of “one state and one language and not one language and one state”. That means there could be more than one or two small states speaking the same language. If all the people speaking some language are amalgamated in one state the dominant caste would certainly exploit the smaller and minor castes speaking the same language and these people would be marginalized. He wanted small states speaking same language. In particular he was afraid of Maratha domination in Maharashtra and preferred three states of Marathi speaking people. This is one view. Basically linguistic division of the country had not achieved the twin ideals of development of federal structure based on cooperation and evolving a pluralistic, cosmopolitan nationalism.

12.5 SUMMARY

Establishment of a single national language for the country was a herculean task for constitution makers. The Hindi with Devanagri script was adopted as a national language with a single vote. A time period was fixed by then to switch over from English to Hindi. Due to stiff resistance from non-Hindi speaking states a new language policy was framed, which while retaining the status of national language for Hindi gave English the status of associate additional official language. An assurance was given that Hindi would not be imposed on non-Hindi speaking areas. A provision was also made that the UPSC exams can be conducted in local languages.

The creation of linguistic states was long standing demand. With initial reluctance, finally the leadership gave in for demand. The formation of States Reorganization committee, established the guidelines for linguistic division of India. It took some agitations and movements to carve out Gujarat from Maharashtra and Haryana from Punjab. Many scholars felt that Indian experiments of dividing the country on language was not a correct decision. It would lead to regionalism and disintegration. Certain events proved they are right. But a democratic country cannot suppress people's wishes always. If the constitutional provisions are properly implemented the dangers emerging from linguistic chauvinism can be checked.

Not only religion and language even race is a factor that has become an obstacle to national integration. The various ethnic riots that has been shaking the North Eastern states show how fragile unity of India is and how far the nation is from achieving the goal of unity in diversity. Always military force is being used or ad-hoc arrangements are made to win a temporary reprieve but the achievement of emotional integration of all races, languages, religions is still eluding us.

12.6 QUESTIONS

- 1) Write an essay on language politics in India ? What are the implications of Hindi being declared as the national language.
- 2) Was the linguistic formation of states a desirable step? Discuss with reference to contemporary conditions.
- 3) Write a note on the ethnicity problems in North East.

12.7 SUGGESTED READINGS

- 1) Brass Paul R. The Politics of India since Independence
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- 2) Myron Weiner, Sons of Soil : Migration and Ethnic Conflicts
in India Princeton, Princeton University Press, 1978.
- 3) Kohli Atul (Ed.) India's Democracy An – Analysis of
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IMPACT OF ECONOMIC DEVELOPMENT AND REFORMS IN THE INDIAN POLICY

Unit structure

- 13.0 Objectives
- 13.1 Introduction
- 13.2 Problems of Economic Development
- 13.3 Planned Economic Development
- 13.4 Post Nehru era – the Development Policies
- 13.5 The Era of New Economic Policy
- 13.6 Summary
- 13.7 Questions
- 13.8 Suggested Reading

13.0 OBJECTIVES

- 1) To understand the major economic problems faced by India in its post-independent era.
- 2) To analyze various economic measures undertaken by successive governments, to boost the economic Development.
- 3) To compare and contrast the new economic policy based on deregulation free flow of foreign investment, Market friendly measures with earlier socialist models.
- 4) To analyze the impact of liberalization measures on the economic and social life of the people.
- 5) To view the economic reform in an era of coalition government and the consequences on the Indian polity.

13.1 INTRODUCTION

The economic development of a country is possible only with a systematic planning of available resources and proper utilisation of manpower. Technological revolution would boost industrial production and result in national wealth. This process of economic development requires a congenial atmosphere of peace and stability and an authority committed to the development. That is how in Europe industrialization and economic prosperity developed. But in India the picture during British rule was totally different. Although India had plenty of resources "a rich country inhabited by poor people" was how India being described and there was a stabilized authority it was not willing to take any steps towards economic development. A report by Britishers – the Simon Commission published around 1920-29 recorded "the average Indian of the majority population at the end of Second World War was getting from one Penny to one Quarter of Penny a day". With such a picture of poverty, one can easily think what sort of economic development was possible. As mentioned earlier the

non-development of the Indian economic scene was a planned strategy of Britishers. The traditional Indian economy was shattered in its foundation by the on set of foreign capitalism represented by British rule. The loot of natural resources, the destruction of cottage Industries, the heavy burden on Indian economy for the war expenses of Britishers elsewhere and a lack of concern for the economic development of people, pushed India into economic degradation and it was a quite challenging task for the rulers in post independent era to put the economy on railing again.

There was one peculiar feature of British rule in India. The previous foreign conquerors left untouched the economic basis and eventually grew into its structure. The British conquest shattered that basis and remained a foreign force from outside and withdrawing its tributes outside victory of capitalism in India is different from Europe.

Here destructive process was not accompanied by any corresponding growth of new forces. So a particular melancholy attaching to the misery of the Indian under British rule arose with "the loss of his old world with the no gain of a new one" observes R. P. Dutt, a well known Marxian historian in his work "India Today and Tomorrow." The efforts of National leadership to make the nation economically strong had undergone different phases of strategy.

13.2 PROBLEMS OF ECONOMIC DEVELOPMENT

The post independent India faced many problems concerning the economic conditions. While the colonial legacy had its full impact on economic drain. The conditions in the country after British withdrawal were no way conducive to the economic development. To begin with the partition of the country resulted in India losing vast areas of irrigated and fertile land located in Punjab to Pakistan. This resulted in shortage of food production. Even earlier when Burma was separated from India a region which was supplying rice for the country the acute of food shortage was felt. That problem compounded with the partition of the country. On the Eastern side while Bengal had Jute Mills the Eastern side of Pakistan now Bangaldesh had huge fields of Jute growing. When a country becomes independent - like Pakistan or Burma it would not be that simple to get the raw materials required from that region. There need to be International trade agreements problems pertaining to payment in a currency of its choice and so on. Moreover with animosity and hatred from the neighboring countries a smooth transnational trade operation became impossible. Even today – after 50 years of independence Indo-Pak trade relations are anything but better. Traders in Jammu and Kashmir want a free passage between India and Pakistan for a more profitable venture, but because of Pakistan's rigid anti-Indian policy it is not taking shape. The situation was worse on the eve of Independence,

The partition of the country itself caused a big catastrophe for the economy of India. Apart from partition of assets, the country faced the burden of inflow of refugees resettlement of million of refugees

who came from Pakistan cost National exchequer a fortune. There was a huge demand on land and meager resources. It had ethnic fallout, leading to communal tension, creating law and order problem. The circumstances were far from favourable for economic development. The country also faced a war on Kashmir border and had the task of integrating more than 500 princely states into Indian Union and a huge amount of compensation in the name of privy purses were paid to the native princes.

The post independent India faced serious problems of over population. The population growth has exceeded the available natural resources and this continues to be a major factor preventing economic development lack of educations, scientific outlook and outdated religious notions have discouraged the population control measures undertaken by government. The population explosion had repercussion like deforestation, in order to get land for settlement, and cultivation and harming the environmental balance.

Indian agriculture continues to be "a gamble in the monsoon". Either draught or floods play a havoc with agriculture output. Rural indebtedness and poverty shows no trace of retreat. Small holdings and division and subdivision of the holding make mechanization of agriculture impossible. The use of modern technology in agriculture has not yet completely taken roots throughout the country. Many areas suffer due to no rain and others because of floods. A plan of linking all rivers only remain a dream with regional passions narrow partial partisan, outlooks dominating the thinking of politicians. Nobody bothers about national waste gallons of waters is flowing as waste in seas but the states dont not come to some rational understanding about sharing the water, so that the general economy of the nation does not suffer. This regionalism is certainly a big challenge to planned economic development. Many a time the policy of locating a factory or a plant will be decided not on national economic consideration but more on regional pulls and pleasures. Even if it is economically not feasible a factory will be functioning just to avoid more unemployment. Many such irrational measures have added burden to nation i.e. poverty and undevelopment.

Over all people in India do not have the habit of savings to the tune required. The expense is more in terms of dead investments like gold or property rather in business.

The Economists have observed that the rates of saving investment and public expenditure-potentially allotable to economic development – is very low. This had some consequences on the flow of foreign investment. Since India is not able to pool enough capital to foster industrialization the country had to depend on foreign capital. The technological revolution has not got into full potential and the country depends heavily on foreign technical knowhow. This dependency is always an economic burden.

There are certain sociological factors that is adversely affecting the country economic development. The concept of competition is absent among the Indian producing class. They will be happy to get

govt. subsidies rather than emerge independently as a force. The idea of becoming rich and successful has not caught up with the business class in same degree as we observe in West. So many economists describe the Indian Economic system not as capitalist but a dependent system – depending on government subsidies like tax reliefs and protection. Such a system cannot give a push to speedy economic progress. It will be a stagnet system with some sections monopolizing the benefits.

Check your progress.

1. Briefly review the problems faced by India in its economic development.

13.3 PLANNED ECONOMIC DEVELOPMENT

On the eve of independence three predominant trends appeared among the Indian intellectuals, which was to shape the path to be chosen to the economic upliftment of the nation. There was an opinion which glorified ancient Indian civilization and wanted to build an economy based on cottage industries, strengthening rural economy. It was totally hostile towards western model of development and treated machinery as evil. It maintained that the large scale machinery will be a factor for the growth of unemployment. Capitalism increases class conflicts what the country needs is class cooperation In Gandhi's "Hindswaraj" an argument against adopting western model of large scoler industrialization, use of machinery is made,

There was another section which believed that only large scale industrialization can solve India's problem of poverty and put the country on the road to progress and prosperity. It wanted to build a modernized capitalist India. This section however was bit hostile to work force and wanted a curb on trade unions strikes and in a way wanted a "disciplined labour". The off-repeated argument is "create the wealth before you think of distribution". Their famous thesis is theory of percolation". That is if the proper atmosphere is created for the growth of wealthy classes in the society automatically, the benefits will trickle down to the lower sections of the society. For a thing to reach masses first it should be experimental and found to be beneficial to the rich. The tastes of the wealthy sections will add an incentive for large scale production of any item – like cars, colour T.V., and such other luxury goods. This encourages competition among different firms stimulating economic growth and providing Job opportunities. For the wealthy sections to prosper there should be peace in the society. They were critical of labour rights and the socialistic ethos.

At the other extreme of the horizons were the radicals, who were impatient for growth and would argue to adopt a socialist model of development. The Soviet Union and other communist countries have achieved not only economic prosperity but also social Justice. State should take over all major production of economic activity, land should nationalized, the foreign companies assets be expropriated without compensation the establishment of large scale industries and centralized planning are some of their thoughts.

This section was highly critical of the village model development. "Economically there is no future for the artificially attempted revival of the hand industry in a model capitalist world. The Khadi cannot compete in prices with mill made cloth" So you will be compelled to provide subsidies and it would be a drain on economy. Taking an overall picture of economic situation of India at the eve of Independence the radical communist R. P. Dutt commented that in a country of the most desperate poverty like India what is wanted above all is not more laborious and primitive methods of production to ensure the lowest possible output, but the most modern techniques and equipment to make possible the greatest and most rapid increase of production in order to provide means for overcoming poverty.

Thus the leadership had three types of models before them to plan Development. Nehru's leadership was deeply influenced by the equalization path of economic development. But it was basically democratic in temperament in nature and could not undertake the radical postures like nationalization of foreign assets expropriation of wealthy section's property and so on. In fact Nehru wanted the cooperation from all the wealthy sections industrialist, foreign countries to make India economically viable unit. He had high regard and respect for the views of Gandhiji. There were some considerations for cottage industries and handloom sections – by establishing a commission for its encouragement, capital was provided for industrialization of the nation. Foreign technical knowhow was welcomed. In fact when the world was divided between two camps: Soviet Union and America and the third world decided to join either one camp or other. India maintained equidistance from both but maintained good friendly terms. India was able to secure foreign aid and assistance from both America and Russia. The policy of peaceful existence which was the foundation stone of India's foreign policy was articulated to provide a peaceful atmosphere so that economic development may take place faster. The Nehruian leadership despite being deeply impressed by the economic development achieved by the socialist Russia in such a short span of time, was however averse to the means that were followed. Being trained by Gandhian methods of non-violence and taught repeatedly that means as important as end the post independent Congress leadership evolved an economic plan which tried to blend liberal Democratic elements and radical socialist postures. The phrase came to be known as Democratic Socialism was envisaged by the Nehruian Philosophy. He had reservation about "the wisdom of class struggle techniques" in Indian conditions. Against this

background, the principles of India's post Independent economic policy were expounded by Nehru. The resolution on Industrial policy which was read before the Constituent Assembly in April 1948 contained following objectives.

India would be following “the Mixed Economy” where private sector would be given enough scope to prosper though the emphasis would be on public sector. A public monopoly was to be established over the manufacture of arms and ammunition atomic energy and Railways. The government reserved the right to start new enterprises in mining, the ship building, manufacture of aircraft and of telephone and telescopic equipment. There was also a provision that the cooperation of private sector will be solicited whenever required in the national interest'. As mentioned earlier to provide a congenial atmosphere and to provide enough encouragement to private sector, the resolution assured that “no existing enterprises would be nationalized. New ventures were to be exempt from possibility of public acquisition for a period of ten years. The Foreign firms were assured that they could continue to operate under same conditions as applied to Indian firms. The govt. continued negotiations with British firms to attract more financial investment in India.

This 'mixed economy' being described as gradualist approach to the socialist state was however did not go unchallenged. There was a conservative section within the congress party and some senior ICS officers who resisted the idea of establishment of planning commission and empowering it with powers to provide a more active role for state in the economic affairs. But in the struggle the Nehruian ideas triumphed and the conservative Gandhian ideas and radicals leftists views were isolated and after the enactment of the constitution in 1950 Nehru's views prevailed.

But the fact that the conservative section was still strong can be analyzed by what happened at the Congress session on Jan 25, 1950. After an acrimonious debate finally the resolution calling for creation of Planning Commission was passed. But Sardar Patel prevailed upon to delete a para in the resolution which proclaimed the purposes of planning as the progressive elimination of a social, political and economic exploitation and inequality, the motive of private gain in economic activity or organization of society and the anti-social concentration of wealth and means of production”. So virtually a diluted resolution came to be accepted. The Planning Commission's work was linked to the Directive Principles enshrined in the constitution. The cabinet resolution passed on 15 March 1950 endorsed the setting up of Planning Commission. It provided a three point reference for the planners in the preparation of plan. (i) the citizens, men and women have the equal right to an adequate livelihood. (ii) the ownership and control of the material resources of the country so distributed as best to sub-serve the common goods. (iii) The operation of the economic system does not result in the concentration of wealth and means of production to the common detriment”

The planners were torn between the two ideals of “production of wealth” and “distribution”. The 1st five year plan spelt out the objectives as fighting poverty and inequality by increased production and redistribution of wealth. But what was needed was the accumulation of capital and its investment in heavy industries so only a meager outlay was made to rural economy, like agriculture and the distributive goals were given only secondary importance. This resulted in resentment among the hardcore Gandhians and a few of them left the Congress to start new political parties.

The first general election gave Nehru a complete control on the party organization and govt. and he once again perused his socialistic ideals based on massive industrialization public sector expansion and use of technology. In December 1954 the Loksabha affirmed that “the objectives of our economic policy should be a socialistic pattern of society. Planning should take place with a view to its establishment where the principles means of production are under social ownership or control”

We find structural changes in the economic planning being initiated from 1956 – the eve of second Five year plan launching. In the organized industrial sector the share of public sector undertaking increased substantially.

Large scale transfer of Private Sectors finances and capital to public sector took place. There was the process of nationalization of the Imperial bank, the L.I.C., the State Trading Corporation was created. A revised Tax structure was introduced. The exiting slab on income tax increased and new taxes like wealth tax, expenditure tax and capital gains were introduced.

While this policy of mixed economy with govt. sectors playing a leading role in economic activities did provide a sound infrastructure for rapid industrialization and speedy economic development the results were far from projected goals. There was stagnation in economic development, unemployment increased the rural poverty showed no signs of diminishing. The huge investments in public sector undertakings did not result in increase of profits. Though it was stated that idea of public undertakings – like Railways, Road Transport and such other things – is “service oriented” and 'not profit oriented' even the service provided was far from any desirable standards.

There were many reports suggesting the improvement of Public Sector undertakings. But many a time these suggestions remained on the paper only. The decade from 1960-70 showed India's economic development hitting the rock bottom. The wars with China, Pakistan, unprecedents draughts in the country pushed up the inflation. There was shortage of food grains and the country dependent on foreign aid. The aid was given with stings. The country's foreign policy faced a severe crisis.

Check your progress.

1. Briefly enumerate the Nehruian model of economic development. What are its limitations.

13.4 POST NEHRU ERA-THE DEVELOPMENT POLICIES

It was around 70's a fresh thinking emerged on the policies of economic development being followed. Many critical evaluations were made on the nature and functioning of public sector undertaking. They have become a drain on the economy. The cost of running these undertakings outbear the profits they get. Bureaucratic approach, red tapism, hinder quick decision taking. Basically if a firm is having monopoly it runs the risk of becoming lethargic. Only a fierce competition can induce a spirit of fighting. When a firm faced competition it is forced to review to the performance, cut down wasteful expenses, infuse new innovation to win the confidence of consumers and also make profit. But when a firm is assured of capital supply – through investments by govt. when no competition exists, when no fear of elimination exists, nothing infuses the mind set to work dedicatedly. It has been reposted that there are any number of govt departments overstaffed with heavy budget on salaries, but practically no work at all. Since employment in a govt. department is safe and no fear of termination – for lack of efficiency the commitment of workers is never serious. People are assured of promotions, increase of wages bonus and such facilities as a routine matter rather than based on their performance. When monopoly exists the cost of running an undertaking is done by increasing the prices. The best examples are railways and airlines. Periodically the fares were increased to cover the cost. Instead of cutting down the wasteful expenditure and on unmanageable perks, pruning down excess staff the cost is transferred to passengers. Although there will be resistance – it will be done through stages – indirectly but basically the consumer suffers.

The concept of public sector as a laudable service rather than profit, is certainly commensurate in a poor country like India. Many a time factories or firms will be made to run even on losses, because at least some employment is provided. But there should be some limit some where. The government's commitment to labour's welfare, unfortunately did not receive equal quid – pro co-response from the work force. The rights of trade unions is recognized. All efforts are made to assure job security. It will be next ot impossible to dismiss a govt employee. Even when put on suspension he gets his minimum salary. The power of Trade Union and the political backing the have prevented the management from taking any strict measures against

the irresponsible staff. Trade unionism backed up with violence spread to small scale private undertakings also forcing the closure of many units. The labour unrest the fall in production had its repercussions on the distributive goals. The govt. subsidies were monopolized by powerful sections in Rural India and the peasants and landless labourers only toiled.

So a new thinking emerged from the erstwhile conservative section on the Indian political system. It wanted to encourage private sector. The loss making public sector units be closed down or handover to private sector Govt. should reassure the private sector that there would be no nationalization. The tax structure should be simplified and reduction of taxes will increase the habit of people to save and invest. The deficit budget which is bane of Indian economy should be given up. There need be drastic reduction in govt. expenditure. All incentive be provided for private sector to expand and the system of "permits, License and quota" be given up. Govt. can enter the business only as a competitor not monopolizing it. "It monopoly is bad govt. monopoly will be worse" was the argument advance. To attract foreign assistance and economic aid, a change in the foreign policy was suggested. A more pro-American approach and anti soviet attitude would encourage America to give massive economic aid and Indian economic development will pick up. Perhaps this section is unaware that no country would be that generous to bail out other countries from a philanthropic gesture. International politics is played with brute reality and if a nation gives something it expects something in return. It would be the endorsement of its foreign policy or backing at the U.N. voting or even providing bases for its military. India fresh from colonial rule could not be pursuing a pro U.S. policy and by and large there was a good support for a policy of friendship with socialist countries. However this conservative section was providing an alternative economic model partially Gandhian and partially liberal.

In the post Nehru era, there were speculations as to what course of economic development will be pursued by the new regime. Shastri's regime was short lived and he had to face many turbulent times. He had no firm base in the party nor he could provide any new ideology for economic development. The war with Pakistan and U.S. open support to SEATO ally only worsend the matter, U.S. stopped giving food grains under PL 480 scheme. When Mrs. Gandhi took over as the Prime Minister she faithfully followed the Nehrian model. She wanted India to be self-sufficient in food production and not to be dependent on other countries. The Green revolution was a quite success with India achieving self sufficiency in food grains. But the critics point out the "Green revolution" only helped "the rich farmers' who made maximum use of all the benefits given by govt. and became more prosperous while there is no change in the life of poor peasants. It has been suggested that until and unless" the property relationships are drastically changed in the agrarian sector any amount to financial assistance would only make already prosperous peasants more rich

and create a class antagonism in rural areas". The development of naxalite movement first in west-Bengal, Andhra and in other areas only prove the point that despite massive govt. spending the goal of distributive justice has not been accomplished. All the efforts for land ceilings and redistribution of land for landless peasants have failed due to strong opposition within the ruling party. The Kulak lobby is society strong that no govt. dare to touch them. Although many economists suggested that taxing agricultural income would be a sound financial measure no steps have been taken in that direction. As mentioned earlier there was an alternative school of thought developing around 70's which focused on free trade policy and pruning of public sector. But this could not assert itself. Populism was still an attractive term. The Right wing parties like Swatantra and Jansangh could hardly exert pressure on the Congress govt. which was still pursuing the Nehruian model. The conservative section within the Congress came to be known as "Syndicate" was waiting for an opportunity to assert itself and to provide an alternative leadership to the govt. and perhaps a different economic policy.

In Faridbad Congress session in 1969 Nijulingappa the then Congress President openly questioned the Nehruian model of public sector primacy in development. He wanted a new approach favouring the private sector and suggested handing over the loss making public units to the Private Sector. This led to a big hue and cry in the party. The 'young Turks' – a radical group within Congress openly attacked the leadership and accused it following a capitalist friendly policy and diluting the cherished idea's of the Congress. The leadership was forced to retract. Mrs. Gandhi used this crisis in leadership to her advantage and openly sided with the radical wing. The crisis in ruling Congress depended over the candidate for Presidential elections causing a split in the Congress. At that time the split was described "as a conflict between those who are for socialism and change and those who are for status quo". To prove her commitment to socialistic path of development Mrs. Gandhi initiated measures like nationalization of banks, General insurance and such other, "populist measures". It was the opinion of many economists that these measures lacked sound economic analysis and were taken from political compulsions. The trend towards populist measures in the main hope of achieving the twin objectives of economic development and social justice continued. The Indira Gandhi govt. approached the electorate with a slogan "Garibi Hatavo" and won resounding victory. The Fifth Five year plan (1974-79) reflected the commitment of govt. to "remove poverty". But the same institutional structure existed in the economy. The attitude of bureaucrats, the tendency to postpone decision, avoiding responsibility and the indiscipline among labour force continued. This self serving attitude of policy makers hardly provided a conducive atmosphere either for speedy economic development or for achieving social justice. In fact it became clear that the country was pursuing two contradictory goals and it got worst of both of the worlds achieving neither growth nor redistribution.

So basically the economic platform chosen by 'new Congress' – was in no way different from hitherto accepted model. But certain new and hard measures were about to be taken became very clear when for the first time govt. openly used pressure tactics to break the strike of the All India Railway employees. Many acts like essential Service Maintenance Act (ESMA) were passed.

The second hint that the government was rethinking on its fixed policies came to highlight when the govt. gave up the wholesale trading in Wheat and Rice which it initiated earlier. It was a big relief for consumers and merchants but the point is government was slowly showing signs of withdrawal from business activities and leaving more space for private sector to operate.

An internal emergency was declared. There was oil crisis in the world market and the urban poor suffered with non availability of kerosene and gas even for cooking. The essential commodities prices rocketed and the general discontent was heaping up. A people movement led by Jaya Prakash challenged the authority of the ruling party. Internal emergency was justified on the grounds of “preventing Republic from Chaos”. That also gave a chance to the government to redefine its economic agenda. With stability and enforced discipline it was assumed speedy economic development would materialize. While giving some concession to populist measures like abolition on bonded labour, fixing minimum prices for essential commodities, the regime planned a bigger picture to restore economic discipline. A strict observance of rules in govt. offices, avoiding delays in policy decisions, complete ban on strikes followed a scheme of curbing inflation, causing from excess payment to govt. officials. A policy known as Compulsory Deposit Scheme (CDS) was introduced. By this scheme extra D. A. that is to be payable to employees will be deposited in their names in banks for a fixed period. This could curb inflation and help capital accumulation.

The regime also extended an olive branch to private sector. As against populist slogans and pro-poor pretensions the policy showed itself favouring business and propertied class. The prompt and unequivocal public assurance against any further nationalization infused a confidence among the business circles. Relaxation of variety of economic controls combined with ruthless regulation of labour relations, wage freeze and the bonus cut created conditions favourable to profit oriented business ventures.

The popular discontent against the authoritarian rule and excesses in emergency resulted in the ouster of Mrs. Indira Gandhi. The Janata govt. which resumed office was more concerned with reviving the democratic structure and restoring the freedom to people than give any new direction to economic policies. The ruling Janata govt. had parties as partners who were competing with each other on populist economic policies. These parties had no firm ideas on how to develop the country economically. Most of the gains that were achieved in emergency” were flattered away by the populist elements in the ruling Janata. First came reversal of policies like C. D. S. and

wage freeze and bonus cut. Then came populist measures like granting bonus to other govt. firms like Post and Telegraph and other non-productive and non-profit making ventures. So Janata's policies were in way different from earlier Congress policies. A contradictory economic scene unfolded. The rural property owners demanded high procurement prices for agriculture of products. They also wanted substantial government investment through assistance in agriculture while the urban middle class wanted low agricultural prices and restriction on govts expenditure. The middle class in urban areas wanted better salaries and opportunities. The problems of capital formulation and growth were the concern of capitalists in Urban areas. Faced with these contradiction Janata government followed the stereotypic policy of pleasing all sections as far as possible without having a vision for future. The state adopted ambivalent policies towards economic growth aiding some sections with credit and cheap infrastructural inputs. But some sections came under severe controls. To add to worries of the Janata govt. it had to face bickering and inner party conflicts. Finally, the party collapsed under its own weight. The mid-term elections brought back Mrs. Gandhi to power with absolute majority. The new government had an excellent opportunity to frame a proper economic policy aiming at rapid growth. The change in the priority of goals could be seen if we analyze the manifesto of Congress led by Mrs. Gandhi. Although the manifesto spoke of commitment to socialist transformation of society, it emphasized that the social change as a secondary objective to be brought about in an orderly manner. The prime object being creation of wealth so the party's manifesto spoke of "the need for full utilization of licensed capacity in all sectors. It also explained the measures it intends to follow in international trade. There is a need "for utilization of foreign exchange reserves for vital imports calculated to increase local productive capacity and enhance export potential". This actually what the business circles wished for. We can clearly discern that a new trend in the policy of economic development. It envisaged an attempt to develop Indian economy on capitalist model.

The govt. agreed to many conditions of the world Bank and slowly linked Indian economy to world capitalistic model in the process.

This policy of Mrs. Gandhi was followed by successive regimes more vigorously. Now there was no going back to the Nehruian model. The international developments also played a role in this regard. The collapse the soviet union, the failure of socialistic countries to a achieve economic prosperity at par with capitalistic countries made policy makers to follow a totally new path for economic development everywhere.

Check your progress

1. Make a brief review of the economic policies that emerged in the post Nehru era.

13.5 THE ERA OF NEW ECONOMIC POLICY

It was during the regime of Rajiv Gandhi a definite direction and push was given to the new Economic policy. The earlier economic policy had created severe obstacles to the growth – Bureaucratic delays excessive govt interference in the form of permits licenses killed the initiative of business circles. This also made foreign firms hesitant to enter the Indian market. To realize the full potentiality of Indian economy it is necessary to make it open. Earlier some right wing economists described the Indian Economy as a giant bound by chains. They were repeatedly pleading to unchain the giant and see its potentiality. As mentioned earlier the post-independent leadership till 70's and 80's were apprehensive of deviating from the accepted goal of socialism lest they be branded as 'anti-poor' and "pro-rich". So they continued to follow a policy of subsidies controlling monopoly putting restrictions on profit making through unsound Tax structure and investing huge amount in non-profit making public undertakings. Rajiv Gandhi initiated a two-fold strategy in this direction. The first was to reduce the role of govt. activity in the economic development. This was contemplated by slashing the public sector outlays on in essentials and simultaneously opening up the economy for private sector. Secondly, the strategy envisaged a greater role for planners in financial matters which was under government control like taxation credit and such related policies. The essence of the new Economic policy can be summarized as under

- i) the policy aims at relaxation and removal of controls. It provides for greater competition and bigger role for private sector. It aims at reforming the public sector.
- ii) Fiscal policy's re-orientation.
- iii) Industries should be modernized with high-technology.

This policy introduced a market mechanism in the stagnant economy with fierce competition the manufacturing sector can improve its efficiency and productivity. But this policy had its implications on the economy. The period of Seventh plan (1985-90) witnessed the growth of economy based on "capital and import intensive". There was little scope for development of small scale and domestic enterprise. The overemphasis on import incentive growth in industries – nicknamed as screw-driver technology basically catered

to the needs of “neo-rich” which was basically consumption oriented rather than production oriented. This had an adverse effect on our foreign exchange reserves – India's foreign debt volume swelled. In 1989 India stood third among highly indebted countries. The debt ratio which stood at less than 10% of the foreign exchange earning in early 80's exceeded 30 percent at the end of decade.

The Rajiv Gandhi's govt. also was not free from “populist policies”. A scheme called “Loan Mele” was announced under which banks were asked to dole out individual loans worth of Rs. 10,000 to the poor. It is of course accepted fact that they were bad loans and had to be written off as irrecoverable. The point to note is in an underdeveloped democratic country some degree of populism is inevitable for any regime to sustain its authority. But that should be counter balanced with strict fiscal discipline in other areas.

The V. P. Singh government which replaced Rajiv Gandhi's govt. could hardly devote anytime for effective formulation of a sound economic policy. The National Front which he was leading was being supported by two parties from outside. He was of the view that the way out of crisis – of foreign debt volume increasing – is not to lower imports but to increase exports. But the govt. came under internal pressure and forced to follow populist – measures like writing off loans to agricultural sector, going for reservations on the basis of castes the implementation of mandal commission diverting 50% of budgetary allocation to rural sector and so on. But the government fell because of internal conflicts and withdrawal of support from BJP. So no new economic policy could be followed,

Although the New Economic Policy was initiated around 80's many economists felt that these changes were slow, unsystematic. They were never integrated against an overall frame work. The Indian economy which was described as an inward looking and sought self-sufficiency through govt. protection had to change its outlook from 90s because of the balance of payment crisis. Since then all the govts. have followed the policies of opening the economy for foreign investment, relaxing foreign exchange controls and allowing substantial reforms in financial sectors. Private banks are allowed to operate. Insurance sector is no longer monopoly govt.

Government of India in 1991 submitted to the World Bank the development policy. This was approved by Parliament. The report emphasized the objects of reforms are to restore and sustain the high growth. It is essential to alleviate poverty and raise standard of living. The govt is committed to the pursuit of equity and social Justice. In pursuit of these objectives govt. aimed at achieving (i) a liberalized trade regime. ii) an exchange rate system which is free of allocative restrictions for trade iii) Financial system operating in a competitive environment iv) an efficient and dynamic industrial sector v) an autonomous competitive and streamlined public enterprise sector geared to the provision of essential infrastructure [From Economic Reforms Report].

The reforms which started in 1991 had many compelling reasons – both domestic and international. At domestic level big business and pro-western elements in India wanted the country to take a plunge in the direction of pro-capitalist path of development. Internationally the collapse of Soviet Union and East European countries chosen path of socialism added a new push to market friendly policy.

The reforms had many milestones. It started with the devaluation of Rupee. Then came removal of licensing for most products, raising of foreign equity limits in industries, abolition of MRTP clearance, disinvestment of government holding in public sector, automatic permission for foreign technology agreement in high priority industries, automatic clearance for import of capital goods for export oriented units, liberalization about industry location and such related issues.

But the New Economic Policy is not free from critics. It has been argued that some international financial Institutions like the World Bank are dictating policies to us. In a way we have surrendered our sovereign rights to frame policies to an outside agency and it is but a new version of colonialism. Again whatever the growth achieved is only in luxury items. The multinational companies paying excessive salaries have created a small section of neo-rich and the economy is only catering to their needs – which is basically luxury oriented. There is no substantial change in the life style of the majority nor an increase in the national wealth from a stand point of national growth. The luxury led growth has led the economy into a deficit trap with large foreign and internal borrowings.

Despite these criticism all govts are continuing the liberalization policies. Disinvestment in public sector continues, withdrawal of subsidies in agriculture sector like fertilizers and food grains goes on,. Efforts are made to withdraw state from Public Distribution system by introducing a money transfer scheme.

The new economic policy is really elite oriented. Critics call it a jobless growth. The social security is under threat with voluntary retirement schemes being followed. The contract system of employment make labour insecure. Foreign firms and multinationals are virtually swallowing small scale Indian producers. This is against country's declared policy of self-reliance.

Whatever might be the shortcomings of the system the new Economic policy is here to stay. What would be its overall impact on the economy and what political consequences would emerge only future events would tell.

Check your progress.

1. Briefly explain the New Economic policy ? What are the apprehensions of public about it ?

13.6 SUMMARY

Providing a decent standard of living for its citizens is the primary duty of a state. In India the colonial administration never gave priority for country's economic development. So the country remained economically backward although it had abundant natural resources and manpower - what needed was a sound economic plan to achieve the growth. After independence the Nehru govt. initiated a planned economic growth. This policy was influenced by socialistic ideas. Establishment of large scale industries, govt active role in economic activities, controlling private sector stressing on distributive justice were some of the features of this system. Since the govt. was committed to Democracy no drastic action was taken against the capitalist class. Through a process of taxation and spending on poor through subsidies the plan envisaged to raise the standard of living. The twin objects of economic growth and social justice could not be attained due to serious institutional flaws. There was red tapism, bureaucratic delays, wasteful expenditure, no accountability. All the welfare schemes were monopolized by vested interests, leaving the rural poor high and dry.

The stagnation in 70's made govt to rethink on the merits of economic model hitherto followed. Although some revisions started around 80's about the declared policy of socialistic pattern of society, it was only in 1990 a final draft of New Economic Policy was submitted to World bank after its ratification by parliament. The N.E.P.(New Economic Policy) is a complete reversal of the Nehruvian Socialistic policy. The disinvestment in public sector, the opening of financial sectors to private sector, the removal of restrictions and controls, the welcoming foreign direct investment in domestic sectors, the cutting down on subsidies and reducing govt. interference in business are some of its features. The fallout of this policy are mixed. Although foreign capital coming to India and the Multinational Companies operating and providing lucrative jobs and the availability of latest technology to Indian firms is a positive thing. The negative side of NEP is frightening. Indian economic policies are dictated by the outside agencies. The growth is more in luxuries sector and not in core industries sector. There is no job security for people. The policy has created a small section of neo rich without substantially altering the standard of living of ordinary Indians. With govt. withdrawing from social security sector and either leaving it to private or working on public private partnership the capacity of a poor to utilize the service like health is reduced as he has to "pay for use" which was never there before. The experience in West shows an excessive freedom to the MNCS might irrevocably upset the economic structure of a nation. The reduction of subsidies and rural indebtedness had driven farmers to commit suicide in India.

But the NEP is here to stay. The present govt. is making more "speedy reforms" like allowing FDI in retail trade the civil aviation and giving freehand to the oil companies to determine price. How all these

things will result politically and economically only future events will reveal.

13.7 QUESTIONS

- 1) What are the reasons of India's economic backwardness ?
- 2) Critically review the Nehruian model of economic development ? What are its merits and defects ?
- 3) What are the reasons for the evolution of New Economic Policy ? Bring out its shortcomings ?
- 4) Economic growth and social justice are twin objects to be achieved by a state – How this could be done ?

13.8 SUGGESTED READING

- 1) Myrdal Gunnar, Asian Drama, Delhi, Pengwin press 1968.
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- 3) Francine R, Frankel India's Political Economy, Delhi, Oxford University Press, 1978.
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NATIONAL SECURITY

Unit Structure

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Meaning and Definition
- 14.3 History and the Elements
- 14.4 National Security in India
- 14.5 Measures to Ensure National Security
- 14.6 Summary
- 14.7 Questions
- 14.8 Suggested Reading

14.0 OBJECTIVES

- 1) To consider the theoretical dimension of the concept of 'National Security' by focusing on its meaning, definitions and implications.
- 2) To highlight the historical antecedents that may help understand the notion of national security.
- 3) To identify various elements of the concept of national security.
- 4) To discuss the issue of national security in the Indian context.
- 5) To take a stock of national security measures that have been taken in India.

14.1 INTRODUCTION

The concept of national security is popularly perceived in military terms. It is, in reality, has a much wider connotation. It is obvious that the survival of a nation depends on its government's capability to protect its land, assets and people. Nonetheless, a country that concentrates only on military might cannot, in the long run, keep secure the varied interests that are peculiar to a modern state. Therefore, along with military power, the concept of national security implies the competence of a state to ensure economic growth, achieve diplomatic finesse and make certain the political stability. In this sense national security is a multi-dimensional concept that has become a key political idea since the end of World War II. There are various opinions on the issue of constituent elements of national security but in recent years it has been widely accepted that

the security of a nation depends on its economic security, energy security, environmental security and so on because it is only after achieving a significant level of advancement in these areas, a nation can truly ensure military security. Things in the contemporary world are much complicated than they were prior to the World War II. The fact remains that a state has to guard itself from the expansionist designs of other state or states but nowadays the national security is also threatened by some non-state actors, organised and extremely violent religious or ideological groups, drug cartels and some transnational corporations who in the pursuit of making money may go to any extent. Currently, protection of environment both nationally and internationally is a major concern of humankind and, therefore, protecting ecology of the nation is a part of national security.

14.2 MEANING AND DEFINITION

Like most political and social concepts national security too does not have a single definition that might be acceptable to all the scholars or the persons having responsibilities to manage national security in their respective states. The first difficulty arises on the usage of the term 'national' which is derived from the term nation. In political science, the terms nation and state are not synonymous. Consequently, it is controversial to use the term national security and insist that it means the security of a state. State is essentially a political-legal concept while nation is primarily an emotional and psychological bond. There are differences among scholars to include all interests and people in a heterogeneous state of today in the term nation. The political scientists often ask the question are national interests are necessarily state interests? Though most common people tend to answer 'they are', the specialists seem to differ. In order to comprehend the meaning of this nebulous concept we may consider a few reflective definitions of the idea.

According to Online Macmillan Dictionary, national security is, "the protection or the safety of a country's secrets and its citizens." The definition is incomplete in the sense that it fails to allude to the territory and the assets of a country. The usage of the word country is significant for it skirts the confusion that often arises by the usage of the terms like nation or state. Walter Lippmann, a prominent political scientist, defined the concept at a time when the World War II was still on. According to him "a nation has security when it does not have to sacrifice its legitimate interests to avoid war, and is able, if challenged, to maintain them by war." Lippmann's definition, despite its profound expression essentially implies the military prowess of a nation on account of which a nation can protect its legitimate interests. Harold Lasswell equates the sovereignty of a nation with national security when he defines the concept as "the distinctive meaning of national security means freedom from foreign dictation." Another scholar, Arnold Wolfers has acknowledged the differences of opinion in defining the concept of national security but points out that it

underscores the fearlessness of a nation to protect its acquired values. He says: "An ambiguous symbol meaning different things to different people. National security objectively means the absence of threats to acquired values and subjectively, the absence of fear that such values will be attacked." Since our major concern is to discuss the concept in the Indian context it is appropriate to consider the definition put forward in 1996 by the National Defence College of India, which goes like this: "National security is an appropriate and aggressive blend of political resilience and maturity, human resources, economic structure and capacity, technological competence, industrial base and availability of natural resources and finally the military might." This definition is obviously a comprehensive one because it has included all the necessary indices that are the constituent factors in the security of a nation. In India, the issue of national security presupposes the competence of our nation in the indices mentioned.

Check Your Progress :

Q. 1. Discuss the meaning and definition of the term 'national security'.

Q. 2. What does the concept of 'national security' connote? How, in your opinion, the concept can be best defined?

14.3 HISTORY AND THE ELEMENTS

Though security concerns have always been the topmost priority of all the countries, the concept of national security in the modern sense is not very old. Scholars are of the opinion that the idea of national security emerged along with the emergence of nationalism

and modern nation-states after the conclusion of the Treaty of Westphalia in the seventeenth century. The Treaty of Westphalia practically ended the authority of the Church and filled the void thus created by nationalism. With the end of Holy Roman Empire in Europe, there emerged the modern nation-states with an extraordinary attribute that was sovereignty. As a result the 'sovereign' states came to be ruled by a sovereign or a group of sovereigns. The sovereign rulers had assumed the responsibility of maintaining peace within the state and defend its territory in case of external aggression. Gradually, establishing peaceful relations with other states for prosperity and progress was also given serious consideration. This required astute diplomacy. Therefore, in addition to military prowess, diplomacy also became equally important instrument of national security.

The American scholars were the first who paid serious attention to the idea of national security in the aftermath of the World War II. Their research and commentaries formed the subject-matter of an academic discipline that has close links with the overall scope of political science. It is claimed that the term 'national security' was first mentioned in a document of Yale University of the USA in 1790 in the context of the institution's rapport with the domestic industries of the federation. It was an assertion that the concept of national security encompassed much more than a nation's capability to protect it militarily. Subsequently, General Maxwell Taylor, in an essay, pointed out that national security embodied the security of national valuables, the national assets, the national interests which ensured the future security of a nation. He also pointed out that the valuables and the assets of a nation included material as well as intellectual and sometimes even spiritual resources. The advanced political models and highly effective administrative structures along with the economic institutions and their gains were also considered as national valuables by Taylor. National security was thus treated as a concept that was composed of the aforementioned elements. Later, some other issues like environmental protection and energy security were also added to the concept.

We may, therefore, identify the most talked about elements of national security as military power, political stability, economic prosperity, environmental protection and security of energy and natural resources. Of these, the military power is the most widely recognized element. In simple term military power can be explained as the supremacy of a state to defend itself from external aggression, to prevent other states to undertake military aggression and to attack and defeat other state or states if they pose a threat to its national interests. Until the end of the World War II, the military prowess of a state included these three facets. Thereafter, however, ideological assaults supported by the military supremacy also got added to the military capability of a nation. Certain confrontations between the so-called superpowers during the Cold War such as the Berlin Blockade

(1948), the Bay of Pigs Invasion (1961) and the Soviet Occupation of Afghanistan were largely ideological conflicts. The USA, in order to justify its invasion on Iraq had stated that its forces had the mission to destroy the weapons of mass destruction that were ostensibly in possession of Saddam Husain. However, when no WMDs were found, the USA at the later stage of the war had changed its tune and claimed that America was on a mission to spread democracy and release the people of Iraq from the iron clutches of a despot. Though the stance was a sham, the ideological posture is conspicuous. In a mono polar world of today wherein the military might of the USA is universally acknowledged, the only superpower is aggressively making use of its military supremacy to promote its ideological goals as well.

Political stability of a state can only be ensured if there is concord and peace in its society. In other words, the domestic calm and harmony is absolutely necessary for stability of the political order. It is also true that a political system that is broad based and makes available opportunities of participation to a large number of people is comparatively more stable than the one which exists with the support of a limited number of people. In concrete terms it means that a truly democratic order ensures greater stability than despotism and oligarchy. In the world of today where most states are heterogeneous making certain social harmony is a daunting task. In a true liberal democracy that guarantees protection of the rights of minorities and is committed to uphold the ideals of justice and human rights, the social order can be unified and balanced. It is a sure prescription of political stability.

It is a matter of common knowledge that from times immemorial stronger nation had been invading weaker nations for economic prosperity. The victorious nations would become prosperous while the vanquished nation would become poor and backward. The entire process of colonization was undertaken by the European nations for the purpose of looting the natural resources of the Asian and African nations for the enrichment of their own economies. Presently, colonization is supposed to be a thing of the past but it has appeared in a new mode of free international trade across the world. In the globalized world of today, international trade has emerged as one of the most significant themes of international politics. A nation that can freely trade with other nations on its own terms is bound to be more prosperous than those whose capacity to get engaged in expanding international trade is limited for varied reasons. The most powerful nation of the contemporary world viz. the USA is also the most vociferous champion of eradicating trade barriers, reduction of tariffs and promotion of free trade among the nations of the world. Economic prosperity that can be achieved through thriving industries, flourishing business and commercial activities and booming international trade has become as important an element of national security as military supremacy.

In the world of today a nation should be in a position to protect its environment to ensure the protection of its national interests. Environment obviously included the national wealth of a nation. The environmental wealth that comprises mineral resources, forests, rivers, mountains, animals etc certainly enhances the prospects of a nation to achieve multidimensional development that in turn strengthens national security. A nation which cannot guard its natural wealth is evidently cannot protect its national interests. Of all the major national resources potable water has assumed greater significance in recent times. For instance quite a few nations of the Middle East are very rich in oil but they have to spend a substantial amount of their oil revenues on drinking water. The experts have also predicted that the future world war, if at all it breaks out, will be on the issue of sharing water. Additionally certain other issues such as climate change because of global warming, loss of biodiversity, deforestation etc have also become significant issues in the discourse of environmental protection.

Sources of energy are absolutely necessary for a modern, industrialized nation. Oil is one of the sources of energy while electricity and nuclear energy are the others. Nowadays, solar energy is also an important source. However, all the energy requirements of a modern and highly industrialized nation cannot be met only by solar energy. Oil and electricity remain the most significant sources of energy in the modern world. In India, all our energy requirements cannot be fulfilled by the quantity of oil we have or the electricity we are capable of generating. As a result of it, our country is spending a large portion of its hard-earned foreign exchange on oil. It was also one of the reasons for the UPA-I government to sign a civil nuclear energy agreement with the USA. In short achieving self-sufficiency or producing more energy than the domestic requirements is also an element that helps ensure national security.

Check Your Progress :

Q. 1. Briefly discuss the historical backdrop of the concept of national security.

Q. 2. Which are the significant elements of national energy?

14.4 National Security in India

The birth of an independent India after the partition of the country was a painful one. The significant factors that aggravate our security situation are identified as: **First**, Our major security concerns are because of the torn pieces of land that first constituted a single Islamic nation viz. Pakistan and in 1971 its eastern wing emerged as an independent nation of Bangladesh. This is the burden of history that India has to carry on its shoulder but at the same time we have to be vigilant on account of the threats our neighbourhood poses to India's security. There are other reasons too that add to our security preoccupations. India is the second most populous country in the world. Though some commentators argue that a large population can also be converted into an asset, in case of India it is an inconsiderate argument for two reasons: first, our huge population far exceed our national resources and two, because of historical, social and political reasons the successive governments in independent India have miserably failed to transform the huge population of the country in a working force. It must be kept in mind that it is the quality of the people that adds to national wealth not mere quantity. A few 'experts' naively cite the example of China and argue that despite being the most populous country of the world it has achieved tremendous success in all the areas that strengthen the national security of a state. The analogy is wrong mainly because China has a political order that can be best defined as dictatorship of a party whereas India, despite many odds, is valiantly sticking to a democratic polity. The ubiquitous mass poverty in India is a direct result of huge population that never had the opportunities to improve its lot.

Second, the geopolitical factor also adds up to the security concerns of India. India's location in a region where terrorism has emerged as a major threat to the civilised and humanistic values is a cause of serious concern for the security of our nation. In the aftermath of 9/11, the exceedingly aggressive response of the USA had brought the extensive threat of the kind of terrorism that is referred to as jihadi terrorism. It must be pointed out that the largest Muslim presence in the world is in the region of South Asia. For instance, there are eight member states of SAARC out of which four, Pakistan, Bangladesh, Afghanistan and Maldives are overwhelmingly Muslim majority states while in India Muslim numerically constitute the second largest segment residing in any state except Indonesia. The current jihadi terrorism is the upshot of the confrontation between the military might of the West and the halpless position of the Muslim countries to meet the challenge. The acute feeling of despair permeated the Muslim

consciousness mainly after the devastation of Afghanistan and the two Iraq wars. It is an unfortunate reality that quite a few *ulema* in countries like Afghanistan, Pakistan and Bangladesh not only approve jihadi terrorism but quite often exhort common Muslims to commit terrorist acts; they usually refer to the concept of jihad and mostly misinterpret it.

India faces the brunt of jihadi terrorism mainly because of the extremely anti-India policies favoured by most of the rulers of Pakistan since the partition of the subcontinent. The contentious issue between India and Pakistan is Kashmir for the possession of which Pakistan had fought four declared and one undeclared wars with India. The facts of the Kashmir tangle is quite well known and beyond the purview of our discussion. It is suffice to add that having failed in accomplishing its objective by means of war Pakistan is overtly and covertly encouraging the jihadi terrorist groups holed up there to carry out terrorist attacks on Indian non-combatants, security forces and installations. There have been many terrorist attacks at different places in India that emanated mostly from Pakistan and some from Bangladesh. The most terrifying aspect of the issue is that both India and Pakistan are nuclear powers. Indian position being a responsible nuclear power committed to non-proliferation is widely acknowledged. Nonetheless, the same is not true in case of Pakistan. It has been accused of encouraging or helping proliferation of nuclear weapons. Moreover, the present rise of the fanatics and exceptionally regressive and merciless terrorist groups in Pakistan such as Pakistani Taliban, Lashkar-e-Toiba (renamed as Jamat-ud-Dawa) and Jaish-e-Muhammad have completely destabilized the political scenario in that country. The jihadi elements are also present in Pakistani military which is the most powerful arm of the government. The main cause of concern is what will happen to South Asia if nuclear weapons of Pakistan fall in jihadi hands? Therefore, jihadi terrorism poses a serious threat to India's security.

Third, India's security is also threatened because of the hostile posture of another neighbor, China which is a stronger and more advanced nuclear power. Immediately after the Communist Revolution in 1949, the Chinese policy appeared to establish friendly relations with India. In the heydays of Cold War when both the USA and the USSR were pursuing aggressive policies to expand their areas of influence by means of military treaties, China along with India opted for non-alignment. In fact, Jawaharlal Nehru and Chou en Lai were the founding members of the non-aligned movement. The Sino-Indian relations turned hostile when China attacked India in 1962 and occupied a large tract of Indian territory. That territory is still under Chinese control. Besides, China still asserts its claim on Arunachal Pradesh which is one of the states of the Indian Union. China is also in possession of 20 % land of the state of Jammu and Kashmir that it got from Pakistan as gift. During the days of India-China friendship, China had annexed Tibet after which the spiritual-temporal head of the

Tibetans, the Dalai Lama had to seek asylum along with a few thousand loyal followers in India. Obviously this act of India did not go well with the Chinese rulers. On Tibet, India's official stand is that it is a legitimate part of China. However, because of historical, religious and humanitarian considerations Dalai Lama and some of his followers have been allowed to stay in India. Currently, there are no overt clashes between India and China but the unresolved border dispute remains a cause of major concern to our security.

Fourth, a mention must also be made about the activities of certain groups that get engaged, off and on, in insurgent activities in the Northeast region of India. . The geographical area which is referred to as Northeastern India comprises seven states of Indian Union. They are: Assam, Meghalaya, Tripura, Arunachal Pradesh, Manipur and Nagaland. There are issues between the Union government and some of these states that, from time to time, flare up. There also exist some terrorist organizations in some of these states that keep attacking innocent people and damaging public properties. Beside the dispute with China on Arunachal Pradesh, there are some intra-state problems in the region that often lead to the outbreak of violence. For instance, there exists a territorial dispute between Manipur and Nagaland. Besides, insurgency is a major area of concern. There are quite a few influential regional movements in some states that, off and on, get transformed into secessionist movements. Such ultra-regional outfits dominate the politics of Nagaland, Mizoram, Tripura and Assam. The Union government, of late, has started addressing the problems of the Northeast that resulted in the containment of insurgency. Yet the region is far from violence free. So long as reason for violence and insurgency exist, the possibility of terrorist activities too exists.

Fifth, India is also a highly complex and extremely plural society. The glaring differences among Indians on account of caste, religion, language, region, class and so on hamper the process of social cohesion which is a requirement for the security of a nation. It must be added, however, that it is not the fault of the people that they remain hostilely divided on these issues; rather it is the fault of the political elite who perpetuate and in many cases sharpen these dividing factors of the people for their political ends. In such a scenario though electoral aspect of democracy is surviving, our political order cannot be called the one that lends a hand to the security of our state. Moreover, India is also among the most corrupt states in the world. Corruption is the affliction of almost all fields of activity in India. Corruption is rampant among those who hold high positions in India such as ministers, bureaucrats, military officers, police officers, captains of industry and even academicians. In a highly corrupt society there is always a possibility of people at high places compromising on the security of the nation for monetary and other kinds of benefits.

Sixth, Naxalite insurgency that has engulfed a large part of Indian territory is also a threat to the national security of India. The Left-oriented movement began as a workers revolt in Paschim Banga in 1967. The leaders of the movement had revolutionary designs. They wanted to strike at the capitalist-landlord foundation of Indian economy and establish an egalitarian political system with dominance of the workers. The response of the government in the seventh decade of the last century was ruthless as a result of which the movement had almost been crushed in the region of its birth. Thereafter, the splinter groups of the movement appeared in different states in varied modes adopting various names. These groups were not exclusively constituted of workers. Some of the militants could be landless peasants but bulk of them comprised the tribal population. The most prominent of these groups is known as the People's War Group (PWG) having its branches in quite a few states. In 2004, the PWG joined hands with another group, the Maoist Communist Centre (MCC) to establish the Communist Party of India (Maoist). Consequently, what is referred to as Naxalite group today is, in fact, the MCC, which in itself is a combination of assorted bands of rural confrontationists who invariably use violent methods for helping the landless agriculture workers, tribal population and the persecuted members of the lower castes. Most of the Naxalite militants, therefore, come from these victimized sections of rural India. They usually use small arms and indigenously made fire arms. Since the inception of the MCC, the area of its activities has expanded significantly. Presently, the so-called 'red corridor' is spread over thirteen states of India. Its North-eastern end begins from the border of Nepal and passes through the forests of Central India reaching to the southern tip in Andhra Pradesh. In a statement that the Indian Prime Minister Manmohan Singh made in April 2006, he called the Naxalite menace as "the biggest internal security challenge ever faced by our country." Thereafter, the Home Minister, P. Chidambaram raised a special counterinsurgency force to launch an anti-Naxalite offensive that was named as 'Operation Green Hunt'. The violent clashes between the security forces and the Naxalite militants claim hundreds of life every year.

Check Your Progress :

Q. 1. Write an essay on the issue of national security in India.

Q. 2. Enlist the major threats to India's national security.

14.5 MEASURES TO ENSURE NATIONAL SECURITY

(A) Special Powers Acts :

I) The first notable measure to deal with the issue of national security in India was taken on August 18, 1958, when the Parliament with complete domination of the Congress Party passed the Armed Forces Special Powers Act (AFSPA). This special law empowers the Union government to issue instruction to Governor of any state to declare any part or whole of the state concerned as disturbed area. Once the AFSPA comes into force in a state then it gives tremendous powers to the armed forces. For instance, even a non-commissioned officer can arrest can any person or a group of persons without warrant. The law also empowers the non-commissioned officers to destroy any structure without any verification, conduct searches and confiscate material without warrant. They can also shoot to kill any person or persons with impunity. It is obvious that most of the provisions of the AFSPA are controversial because it was originally meant to be in force only for a year to deal with the insurgency in Nagaland. Nonetheless, till date it has not been repealed because the armed forces vociferously oppose all objections and demands to do away with the Act. The AFSPA was fashioned on the Armed Forces (Special Powers) Ordinance promulgated by the British government on August 15, 1942, to crush the Quit India Movement. Later, this law was also enforced in Jammu and Kashmir to check jihadi terrorism and secessionist activities.

II) Thereafter, in 1980, the Parliament enacted the National Security Act (NSA). The purpose of the law was "to provide for preventive detention in certain cases and for matters connected therewith." The law empowers the government at the Centre to detain a person if he is, in the opinion of the security agencies, likely to endanger the security of the country. For the same reason the government can also detain a foreign national or expel him from Indian borders. Under the NSA, a person can be kept under detention for a year without trial.

It goes without saying that the enactment of such special powers laws are totally against the spirit of a democracy. It is, therefore, not surprising that many scholars, media persons and human rights activists both in India and abroad have severely criticised these statutes for they provide opportunities to the security agencies to misuse their powers. They also enable the politicians in power to invoke these special powers laws against their political opponents. Among the two laws mentioned above, the AFSPA is the worst. When G. B. Pant, the then Home Minister introduced the Bill in Parliament on August 18, 1958, an MP, Raishram Achaw Singh, from the Inner Manipur Parliamentary Constituency raised serious concerns about the need and efficacy of the proposed law. He said; "In my humble opinion this measure is unnecessary and also unwarranted. This Bill is sure to bring about complications and difficulties in those areas, especially those which are going to be declared as disturbed areas...I have found that these military authorities have always committed excesses in many cases especially in the sub-divisions of Kohima and Mokakchung. In such a situation I do not like that the officers should be invested with special powers...How can we imagine that these military officers should be allowed to shoot to kill and without warrant arrest and search? This a lawless law." The objections and appeal for caution made by Achaw Singh did not stall the enactment of the AFSPA and Parliament passed it with an understanding that it would last merely for a year. Now, sixty years later it is still in force.

There have been reports from the Northeast that the military officers have a propensity to abuse their special powers under the AFSPA. There were protests and demonstrations by the people against the Act. For instance, on July 15, 2004, there was an unusual protest by the women members of the Meira Paibis. They stripped in front of the Kangla Fort, the then headquarter of the Assam Rifles with placards in their hands that read, 'rape us as well.' It must be made clear that insurgency should be dealt with firmly and for that are enough provisions in the Indian Penal Code and the Criminal Procedure Code. They can be invoked to curb insurgency. Passing special powers law on the lines of practice of the colonial masters is the negation of democracy and human rights. The significant point is that these special powers laws have failed to contain let alone eradicate insurgency from the Northeast or Kashmir. The urgent need is to review the continuation of these special powers statutes because they are so oppressive that they lead to contempt for law in the hearts of the people and accelerate a vicious circle of violence.

(B) National Security Council :

Despite the existence of quite a few threats to the national security, it is strange to note that the government has not prepared a comprehensive document explicating all the aspects of necessary measures to be taken to ensure the national security of our country. The most favoured approach to deal with the issue seems to be piecemeal. For instance, there may be a strategy to deal with the aggressive or terrorist threats emanating from Pakistan; a similar may also be in place to counter Chinese threat. Nonetheless, a single official document spelling out the outline of a wide-ranging plan to counter all the real and potential threats to national security of India is conspicuous by its absence. The experts are of the opinion that this nonchalant approach on the part of the government may be because of two reasons. First, there seems to be no consensus among the main political parties and prominent leaders on the issue of national security. Second, it may also be because of the lack of concern of the successive governments at the Centre to initiate and synchronize a unanimously acceptable strategy to fortify national security of the country.

The need for an effective national security plan for India can hardly be exaggerated. The foremost requirement in the context is to foster a broad based political consensus underscoring a long-term and comprehensive strategy to deal with the varied threat to our national security. It was quite strange that the first concrete measure to deal with the issue of national security was taken 51 years after India's independence when the BJP lead coalition at the Centre instituted the National Security Council (NSC) as an apex agency to monitor the political, economic, energy and strategic security concern of India. With its establishment on November 19, 1998, Brijesh Mishra was appointed the first National Security Advisor. Earlier most of the functions of the NSC were carried out by the Principal Secretary to the Prime Minister. In addition to the National Security Advisor, the Ministers of Defence, External Affairs, Finance and the Deputy Chairman of the Planning Commission are members of the NSC. A provision is also in place to extend invitation to other persons, if need be, to attend the monthly meetings of the NSC.

The NSC has a three-tier structure. These tiers are, i) the Strategic Policy Group, ii) the National Security Advisory Board and iii) the Joint Intelligence Committee. The Strategic Policy Group is the core segment of the NSC. It is consisted of the following members: Cabinet Secretary, Chiefs of Staff of the Army, Navy and Air Force, Chairman, Board of Direct Taxes (CBDT), Director of Intelligence Bureau, Foreign Secretary,

Home Secretary, Defence Secretary, Secretary (Defence Production), Finance Secretary, Secretary (Revenue), Governor of Reserve Bank of India, Secretary of the Research and Analysis Wing of the Cabinet Secretariat, Secretary of the Department of Atomic Energy, Scientific Advisor to the Defence Minister, Secretary of the Department of Space and Chairman of the Joint Intelligence Committee. The foremost function of the Strategic Policy Group is to get engaged in the Strategic Defense Review that is a document outlining short and long terms security threats to India. It also recommends the appropriate strategy to counter the possible and potential threats to national security.

The National Security Advisory Board comprises eminent professionals and experts who are not part of the government. It is the expertise of these persons in matters of internal and external security, foreign affairs, defence, economics, science and technology that is brought into play for national security of India. The Board necessarily meets once a month. More meetings can be held if necessary. It makes available to the NSC a long-term estimate and analysis along with prescribing the necessary strategies. It is also the function of the Board to deal with policy issues that are referred to it. The third tier of the NSC i.e. the Joint Intelligence Committee maintains its own secretariat and works under the direct supervision of Cabinet Secretary. It is primarily responsible for examining the intelligence data submitted to it by the Intelligence Bureau, Research and Analysis Wing and the Directorates of Army, Navy and Air Force.

Check Your Progress :

Q. 1. Critically examine the efficacy of special powers laws to deal with threats to national security.

Q. 2. Discuss the structure and functions of the National Security Council.

14.6 SUMMARY

The notion of national security is popularly perceived only in military terms. In reality, along with military power, the concept of national security includes economic growth, diplomatic finesse and political stability. A comprehensive definition of national security could be: "National security is an appropriate and aggressive blend of political resilience and maturity, human resources, economic structure and capacity, technological competence, industrial base and availability of natural resources and finally the military might." Though national security is an old concept, its modern mode emerged with the emergence of modern nation-states. American scholars after the World War II paid serious attention to the concept of national security. The most significant elements of national security are military power, political stability, economic prosperity, environmental protection, security of energy and national resources. There exist various threats to India's national security. They include: Pakistan's aggressive stance on Kashmir, terrorism emanating from Pakistan, China's expansionist designs, internal insurgency in the Northeast, social unrest because of plural character of Indian society and Naxalite violence. Indian government has taken certain measures to counter the threats to nation's security such as enactment of special powers laws and institution of National Security Council.

14.7 QUESTIONS

1. Discuss in detail the notion of 'National Security' by taking into account its meaning, various definitions and implications.
2. Describe the historical background of the issue of national security in India.
3. Explain in detail the constituent elements of national security with special reference to India.
4. What appropriate measures the successive governments in India have taken to ensure national security? Do you believe that these measures have been effective?

14.8 SUGGESTED READING

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CRIMINALIZATION OF POLITICS

Unit Structure

- 15.0 Objectives
- 15.1 Introduction
- 15.2 Definition and Constituents of Criminalization of Politics
- 15.3 Reasons of Criminalization of Politics
- 15.4 The Official Response
- 15.5 What can be done?
- 15.6 Summary
- 15.7 Questions
- 15.8 Suggested Reading

15.0 OBJECTIVES

- 1) To comprehend the concept of 'Criminalization of Politics' by focusing on its meaning, definitions, implications and constituents.
- 2) To identify the major causes for the rise of criminalization of politics in Indian context.
- 3) To take stock of the official measures that have been so far taken to do away with the nexus between criminal and political leaders.
- 4) To make an attempt to recommend effective and appropriate strategies that can make Indian political system cleaner and more transparent.

15.1 INTRODUCTION

A major issue in contemporary political scenario in India is 'criminalization of politics.' This is comparatively a new phenomenon but it is now all pervading. The political scholars, senior journalists, the civil society activists and the common men—all are truly concerned about this malady of Indian politics. Despite sincere efforts on the parts of quite a few honest public figures to contain and minimize the problem, it is spreading like cancer in the body of Indian polity. The worst part is that no branch of the government is free from the nuisance. Since almost all the political parties seem to be guilty of either harbouring criminals or using them off and on to achieve political ends, it is unlikely that the politicians would initiate the process of cleansing the fabric of Indian politics of the grime of criminalization. The cancerous growth of the phenomenon is hindering the operation of constitutional protections of democracy, blemishing central and

state legislatures, eating away at the reputation of ministries, demeaning judicial institutions, enmeshing the bureaucrats at all levels and impeding the independent functioning of the media. If India fails to wipe out or at least minimize the scourge of criminalization of politics at the earliest then the very institution of democracy would be in jeopardy.

15.2 DEFINITION AND CONSTITUENTS OF CRIMINALIZATION OF POLITICS

The term criminalization is obviously rooted in the word 'crime', which in simple term means an illegal act. However, in criminology the gravity of a crime depends on how the crime is defined. The Oxford Dictionary defines crime as, "an action which constitutes a serious offence against an individual or the state and is punishable by law." This definition is very comprehensive and relevant for our discussion because it underlines the nature of the offence and also clarifies that it may be committed against an individual or the state. In India, the serious offences are usually identified as murder, rape, fraud, organised crimes, crimes against women, corruption and cyber crimes. These are the broad categories and within each one of them there are various legal terms to connote the severity of that particular crime. For instance 'murder' has sub-categories like homicide (the killing of one person by another regardless of the circumstances), first-degree murder (intentional killing), second-degree murder (unintentional killing), manslaughter (unintentional but reckless conduct of a person that kills another person), and negligent homicide (killing someone by negligence). The term rape is not politically correct in contemporary India. This offence is part of the crimes against women that include sexual assault, sexual harassment, dowry, child marriage, female infanticide and the widespread crime i.e. domestic violence. Sodomy is also a sex-related crime in India. Then there are offences that are committed by organised cartels (the mafia) that are known as organised crimes. Major among such crimes are drug trafficking, arms trafficking, money laundering, extortion, murder for hire, human trafficking, black-marketing, poaching, political violence and terrorist acts. Property related crimes include burglary, theft, motor-vehicle theft and arson. The category of corruption includes bribery, evasion of taxes embezzlement etc. The ubiquitous presence of computers today has led to a new category that is known as cyber crimes that include spamming, computer hacking, e-mail fraud and so on. The person or persons who are guilty such serious offences are criminals and if they intervene in politics directly or indirectly then it leads to criminalization of politics.

Politics is the other term included in the expression 'criminalization of politics.' in this context politics does not refer to the study of the discipline of political science. It rather refers to the political processes and the persons responsible to conduct those processes. In a democratic polity like India elections are fundamentally important because through them alone the politicians can hope of capturing political power. Thus, if individual politicians or political parties as

groups seek support from the criminals or the criminals themselves contest elections then it is a definite indicator of criminalization of politics. Besides, there are various political institutions such as legislature, executive, judiciary, civil services, municipal corporations, municipalities, panchayat institutions, political parties, pressure groups, trade unions etc and there are hundreds of thousands of people to man those institutions. If these people themselves are criminals or they have rapport with criminals, this situation too can only be described as criminalization of politics.

In short, the phenomenon of criminalization of politics can be defined in two ways. In the restricted sense it implies the direct participation of the criminals in the electoral process and consequently occupying the seats in Parliament or state legislatures. In the broader sense, the phenomenon connotes the participation of criminals in the political processes of India. It puts forward the involvement of criminals in the functioning of political parties by helping candidates either monetarily or with the help of criminal manpower, ensuring en bloc voting of all the members of the vote banks under their control, booth capturing, disrupting the campaign of rival candidates and in extreme cases killing the rival candidates. It is obvious that after elections, the criminals ask for their pound of flesh, demand various kinds of favours from the legislators and ministers who got elected with their support.

It must also be pointed out that there are two major constituents that have their sway in the phenomenon of criminalization of politics. The first one is the muscle power. The involvement of organised criminals, the gangsters and mafia dons is a widespread attribute of India's political culture. No political party or political organization today can claim that it keeps itself aloof from the use of muscle power. The fact is that the so-called popular leaders owe their existence as politicians because of the support of gangsters. Dharam Vira has made the following observation in a report of the National Police Commission in 1977: "The manner in which different political parties have functioned, particularly on the eve of periodic election, involves the free use of musclemen and 'Dadas' to influence the attitude and conduct of sizable sections of the electorate. The Panchayat elections, like other elections in the recent past, have demonstrated once again that there can be no sanity in India as long as politics continues to be based on caste and muscle power."

The second constituent in criminalization of politics is money power. A democratic polity depends on periodic elections and elections involve huge expenditure. It is widely conceded even by the politicians that prohibitive electoral expenses breed corruption in Indian politics. Nowadays, even those who contest panchayat or municipal election have to spend lakhs of rupees to be successful. Compared to them the expenditure incurred by MLAs and MPs are hundreds times more. Therefore, when candidates are practically spending crores of rupees to get elected they do two things. First, they amass election funds by illegal means to spend to get elected and second, once they reach assembly or parliament again begin the process of recovering the money many times more than what they have actually spent by corrupt practices. In such a scenario how can an honest politician survive and how can we expect that upright people

join the electoral process?

Check Your Progress :

Q. 1. Define the concept of 'Criminalization of Politics' and explain its meaning.

Q. 2. What is the definition of 'criminalization of politics' and what its constituents are?

15.3 REASONS OF CRIMINALIZATION OF POLITICS

It is wrong to believe that there was some ideal age in the long history of India when the unscrupulous people were totally banished from governance or other institutions of power. However, at no point of time in the history of the country the criminals were the mainstay of political processes as they are in contemporary India. It is pertinent here to recall the sacrifices made by our freedom-fighters to make India free and democratic. There were differences among them. Some of them were also guilty of promoting communal and caste agendas for political gains. Nonetheless, they were all nationalists and for the ultimate purpose of the freedom of the country they never made a common cause with the criminals or allowed criminals to be active among their ranks. Many of them were highly educated (quite a few of them having degrees from foreign universities) and they could have easily joined the coveted positions that were offered by the British raj. Nonetheless, many of them refused to do that. Moreover, in their fight against the foreign rulers they suffered a lot. Many of them were arrested, thrown into jails for years, tortured, their properties were seized, their family members were also harassed and quite a few of them were also executed. However, no freedom fighter worth his salt ever thought of joining hands with the imperialists for personal gains, misused organizational funds, accepted bribes or patronized criminals. They were clean, honest, selfless patriots for whom involvement in political activities was equivalent of serving the nation and its people.

Then India became independent and the founding fathers of the constitution prescribed the form of parliamentary democracy based on the principle of 'universal adult franchise.' In the initial period of independent India the political culture of the country remained quite clean and transparent, the reason was that most of the freedom fighters were alive and many of them were either associated with the government or political parties. Gradually things started deteriorating. With the departure of the maximum number of leaders belonging to the generation of freedom-fighters by the mid 1970s, the field of politics became open to the younger politicians, many of whom have not been as much committed to the ideal of serving the nation and the people as their predecessors.

The process of criminalization of politics in India has had two phases. In the first phase the institutions got corrupted and in the second phase the corruption has been institutionalized. The corruption of institutions resulted in dishonest persons manning the institutions, bending rules, often paying no attention to the established norms and practices and invariably favouring unscrupulous people in return of monetary or other kinds of benefits. Institutionalization of corruption implies that nothing works in India save corrupt practices. Corruption, instead of being an aberration, has become a norm of Indian polity. This led to common people developing disdain for the law. Thus, a great majority of Indians believe that they can get their work only through corrupt practices. The result is India emerging as one of the most corrupt countries in the world. The German NGO, Transparency International, in its Corruption Perception Index of 1998, ranked India 66 out of the 85 most corrupt countries.

Thus, while addressing to the issue of **reasons** of criminalization of Indian politics **the first one** that could be identified is the entry of post-independence generation into politics. For many of the young entrants, politics is just like a career which one opts for to make substantial material gains and enjoy tremendous prestige and power. As a sizable number of leaders of today have such a mindset therefore, it is not surprising that political processes across the country have been criminalized. It is a matter of common knowledge that politics in India today is not the preferred area of activity of the bright, intelligent, selfless, committed young people with a burning desire to make their services available for the good of the country and the people. Instead, Indian politics in the present context largely attract the self-seekers, hooligans, thugs, rowdies, rapists and even murderers. It is not proper to single out any one political party or few political parties because all political parties are equally guilty of admitting persons of questionable background as members.

The second reason is to be found in the kind of party system India has opted for. It is technically known as multi-party system. However, in actual practice it seems to be a mockery of democracy. In India practically speaking every adult citizen is not only guaranteed the right to vote, to contest election and to hold public office but also has the right to float a political party of his own even if he cannot muster the support of five voters. It is true that the Election Commission follow certain guidelines to confer national or regional status on political

parties but it has no power to contain or completely stop the mushrooming of political parties. Therefore, if the hardened criminals fail to get entry into mainstream political parties or if they are denied tickets to contest elections, they start their own political parties. As a result, the number of political parties joining the election fray has gone beyond manageable limits. For instance, in the Parliamentary elections of 2009 there were 369 political parties that put up their candidates. Consequently, the total number of candidates contesting for 543 Lok Sabha seats was a staggering 8070. Interestingly, out of the 369 political parties, 333 parties failed to win even a single seat. Moreover, even among the remaining 36 parties, only 17 could win in three or more constituencies. It goes without saying that most 'leaders' behind these so-called political parties have been the persons of disreputable background. This makes the electoral process in India a sham. The sooner we put an end to it the better.

In order to pinpoint the **third reason** of criminalization of Indian politics we must refer to the period immediately after independence when because of Gandhiji's view about shunning the intoxicating drinks from public life, the policy of complete prohibition was introduced in Bombay and Madras provinces. Bombay province at that time included entire Gujarat and parts of present-day Karnataka. Plainly speaking the strategy of prohibition never and nowhere achieves its desired objectives. What actually happens that liquor disappears from the open market but makes its entry into the black market. In order to procure or in many cases distill and brew spurious liquor and to distribute the stuff clandestinely, the criminals, the musclemen, the goons and anti-social elements join the money-spinning black market in liquor. They are known as bootleggers. In urban slums, where most of the illicit liquor distilling and brewing plants were installed, a many slum dwellers joined the crime cartels in various capacities. Thus, the bootleggers got the money as well as influence over residents of the ghettos. In India, police protection for such activities is usually bought with minimum hassles by paying to the right persons. In such a situation, some unscrupulous politicians had initiated to seek out the support of the bootleggers for making money as well as for winning elections. In return they would give the criminals protection from upright law enforcing personnel. Commenting on the unholy alliance between the politicians and the criminals an expert, Nidhi Soni observes in an article, "The politicians are thriving today on the basis of muscle power provided by criminals. The common people who constitute the voters are in most cases too reluctant to take measures that would curtail the criminal activities. Once the political aspect joins the criminal elements the nexus becomes extremely dangerous. Many of politicians chose muscle power to gain vote bank in the country, and they apply the assumption that, if we are unable to bring faith in the community then we can generate fear or threat to get the power in the form of election."

By mid-1970s the criminals realized that quite a few political leaders owe their positions of significance and power because of their money and muscle support. So, the **fourth reason** of criminalization of politics was the transformation of the criminals from the position of supporters of political leaders to that of becoming political leaders

themselves. In the late 1970s many criminals decided to become the leaders and in the process acquire respect and power. Their rationale was when quite a few leaders win elections because of their money and the vote-banks which they control, then why they cannot win elections themselves. So far they were only king makers. Now they decided to be kings. Gradually, more and more criminals started contesting elections, joining the well-established political parties or floating their own parties. Accordingly Indian legislatures became safe havens for many criminals because by being members of legislatures, they enjoy many privileges, prestige and respect. The most important point is that these criminals turned legislators they get the opportunity to boss around the policemen and thus consolidate their positions in the criminal cartels. The Election Commission of India has released the figures of Members of Parliament in the current (15th) Lok Sabha. Have a look at the following table which provides comparative figures which indicate that the percentage of MPs with criminal records is on the rise:

	2004	2009	Increase	% Increase
MPs with criminal records	128	150	22	17.2%
Total Criminal cases on MPs	429	412	-17	-4%
MPs with serious criminal records	55	72	17	30.9%

Though the latest figures of all the state legislatures are not available but the trend suggests that the percentage of Members of Legislative Assemblies must also be increasing. This state of affairs severely damages democratic institutions. Common people have developed an attitude of cynicism towards politics and politicians because of which even the upright leaders have lost their credibility. It also impairs the functioning of the police. Just as almost all the politicians are considered associates of crooks, if not crooks themselves, the policemen too have, by and large, lost their trustworthiness in the eyes of the people. The reason is that the police officers are controlled by political executive which does not allow them to function professionally. As per one of the reports of the National Police Commission constituted in 1977, "In the existing set-up, the police function is under the executive control of the state government. According to the Commission, the manner in which political control has been exercised over the police in this country has led to gross abuses, resulting in erosion of rule of law and loss of police credibility as a professional organization. The threat of transfer / suspension is the most potent weapon in the hands of the politician to bend the police down to his will..." The NPC made certain recommendations to offset this alarming situation. One important suggestion was to shield police department from illegal political and bureaucratic intervention. It is obvious that such a recommendation will never be acceptable to either the political bosses or the civil service once they lose control over the police they will lose control over criminals who help them monetarily

and also ensure the support of vote-banks.

Some observers blame the kind of political culture that has come to dominate in India since mid-1970s for criminalizing politics or as some cynics prefer to call it as politicization of crime. Therefore, the **fifth reason** of criminalization of politics is rooted in the major problems that confront Indian society such as poverty, illiteracy, caste-based politics, communalism, lack of socio-political awareness and so on. All these evils put together give rise to a political culture that is devoid of healthy democratic values. A huge population that is poor, illiterate, divided on caste and communal lines and therefore lacking awareness can easily fall prey to the manipulation of unscrupulous politicians whose sole objective is to win elections by hook or by crook. Poverty and illiteracy without doubt push the youths of India in the world of crime. Once, they become criminals they have to deal with police. Now, police protection can be sought through bribery. However, some upright policemen cannot be bought. In that case the criminals establish linkages with the unprincipled politicians who may shield criminals to make use of them for strengthening their own position or the position of their parties. Thus, it is a vicious circle. One evil leads to another and in the process the entire system gets malevolent. The fact that politics and crime are both competitive areas, the participants involved in those fields are likely to put to use anything that helps them acquire power. Consequently, caste-communal dynamics is not only applicable in competitive politics; it is equally relevant to crime.

This phenomenon took up an alarming appearance in the mid-1970s because the mainstream political parties, having failed to eradicate poverty and illiteracy, started to ensnare the angry youths to join the respective 'youth wings' of their parties. This was a shrewd strategy to entangle poor-illiterate-angry youths in an apparently worthwhile activity to wean them away from the designs of those who were issuing clarion calls for revolution. Once the youths joined various political outfits, they were encouraged to open branches of their respective units all across India and in order to meet expenses they were tutored to collect donations. Soon enough the purported donations turned into extortions and many of the so-called youth leaders have become past masters in crime. With the rise of this kind of political culture, it is difficult to distinguish between a criminal who quite often indulges in extortion and a politician who constantly asks for donation. In reality, the distinction is illusory.

The **sixth reason** of degeneration of politics into crime is the absence of ethical standards in the contemporary politics of India. It is really disgraceful to note that corrupt practices have been socially acclimatized in India today. If a person has ill-gotten wealth and makes a display of it by moving in luxury cars, residing in plush bungalow, frequently travelling abroad, taking care of a horde of lackeys who double up as bodyguards and faithful followers and throwing his weight around to browbeat his adversaries, the overwhelming people do not show antipathy towards such a person and his relatives. He is not made to feel that he is a criminal or unscrupulous man. On the contrary, many of the youths today seem to admire the immoral ways

of the person and try to camouflage them as 'pragmatic approach'. In short, it appears that corruption of every hue has been fully accommodated in Indian society.

Accordingly, unscrupulous politicians have also come to be described as 'pragmatic' go-getters who, according to their admirers, have a realistic approach to politics. Thus, anyone who mouths something about observation of rules and principles is straight away labeled as unreasonable, incompetent and a pedantic fool. It is an indication that vast majority of Indians have very little faith in the efficacy of the democratic process in actually handing over good governance. This distrust has led to accepting criminalization of politics as a fact of life. In such a situation the handful of leaders who still prefer to stick to principles and cherish political values lose their support base and end up as inconsequential in their respective parties. Furthermore, since the honest politicians shun the criminals, they cannot either amass the dirty money or enjoy the support of the goons to use at the time of elections. Elections, not only in India, but throughout the world have become very expensive. An honest leader who sincerely serves the interests of the nation and the masses can hardly meet the huge expenses of electoral process.

The **seventh reason** of criminalization of politics is the loopholes in our investigative and judicial systems that are exploited to the maximum by the criminals and their lawyers. In majority of criminal cases the investigation is done by the police. The police face quite a few problems in this regards. One, a reference is already made to political interference in the day to day working of the police force precisely because the police is under the control of the political bosses. The ruling political party/ parties or the opposition parties might promise complete freedom to police department for public consumption. However, in reality no political party would like to slacken off its grip over the police because it is only through policemen they maintain linkages with the criminals, keep the goons in check and intimidate common people. All the political parties usually merely keep on blaming each other for criminalization of politics but take no concrete action to put an end to it. Second, most policemen are not well trained to conduct a systematic and fool proof investigation. Consequently, the conviction rate in majority of the states is pathetic. Thirdly, policing is a state subjects, therefore, except for the IPS cadre officers attached to a particular state, the rest of the personnel are directly controlled by politicians of that state. In such a situation, unless a policeman is extraordinarily upright (there are exceptions) he is not going to take on the political bosses. There are chances that the local police could be bribed or threatened of dire consequences if they refuse to toe the line suggested by the politicians.

Our criminal law operates on the fundamental principle that 'every man is innocent unless proved guilty.' It is true that this is a reasonable judicial principle and has been widely approved in all civilised and responsible political system. Nonetheless, the criminals and their lawyers misuse it as a shield in electoral politics. For instance, even if a person is a person is charge sheeted in many cases of serious crimes and the legal proceedings are going on, the Election

Commission of India cannot deny that person the right to contest elections. There have been suggestions by members of the civil society that at least the persons involved in too many cases of serious crimes such as murder, rape, kidnapping, extortion etc should be debarred from contesting elections. No political party is, however, serious about it. Moreover, it takes years or rather decades in our judicial system for cases to be finally adjudicated. The adage goes that 'justice delayed is justice denied' but in India it is a norm rather than an aberration. These weaknesses of our judicial system have become quite advantageous for the criminals masquerading as politicians.

The trend of one-party-domination is no more an attribute of Indian political system. For the last two decades, both at the Centre and in a number of States, it is the politics of coalition that is in existence, which is the **eighth reason** of criminalization of politics. For some observers, politics of coalition may appear to be ideologically broad-based because of the participation of more than one political party in governance. Nevertheless, coalition politics has its drawbacks too. The one downside that is relevant to the point under consideration is that all the political partners in a coalition have to put up with each and every legislator whether he is upright or criminal. No political party in a coalition can afford to offend any legislator for whatever he does because it needs every single member for survival of coalition. Such a situation has become a boon for legislators with criminal records not only to be part of the governance but in certain cases dominate it.

Lastly, it must be pointed out that the influence of civil society is very limited in India. This is mainly because of lack of socio-political awareness among large section of Indians. There are myriad reasons of this state of political callousness. Indian society is divided on various factors such as caste, class, religion, language, race, and region to name a few. These differences are exploited by the deceitful politicians to create antagonistic clusters in society. Consequently, the common people, instead of making a common cause for demanding legitimate, non-corrupt, clean and transparent governance get embroiled in rivalries based on caste, class, religion and so on.

Check Your Progress :

Q. 1. Discuss in detail various reasons of 'criminalization of politics' in India.

Q. 2. Write an essay on the reasons that have criminalized politics in India.

15.4 THE OFFICIAL RESPONSE

Let us now take into account a few measures that the successive governments have taken during the last two decades to check the constantly increasing trend of criminalization of politics. It was primarily because of the series of bomb-blasts in Mumbai on March 1993 that caused huge damage in terms of human life and property that the government at the Centre realised, albeit temporarily, the severity and hazard of the nexus between politics and crime. Those bomb blasts could be made possible because of the unholy alliances of gangsters, police, custom officials and the politicians. In order to contain people's outrage, the government instituted a committee to investigate the nexus between criminals, bureaucracy and politicians. It was known as Vohra Committee. Its Chairman was the Union Home Secretary, N. N. Vohra while other members were the Secretary of RAW, Director of IB and Director of CBI. The Committee was assigned the task of investigate the nefarious activities of the crime syndicates and Mafia organisations and expose the linkages between organised criminals and politicians and civil servants. It was also asked for making recommendation to deal with the menace of criminalization of politics. The report submitted by the Committee on October 3, 1993, underscored the reality that there existed a sturdy alliance between politicians belonging to various parties and criminals engaged in all kinds of serious crimes.

It is pertinent here to cite an observation of the Committee: "The various crime syndicate/mafia organisations have developed significant muscle and money power and established linkage with governmental functionaries, political leaders and other to be able to operate with impunity." It also mentioned that in states like Bihar and Haryana the gangsters and hardcore criminals had rapport with the politicians and bureaucrats and carry on their heinous activities with the approval of the state governments. The most frightening observation of the Committee was that the organised gangs of criminals had been practically running parallel governments because of which the control of the actual government had been almost

destabilized. The report further pointed out that the gangsters possessed huge financial resources and also controlled muscle power that provided them social respectability as a result of which the law keeping agencies could not carry out proper investigation. The end result was the very low conviction rate. The most apprehensive part of the whole exercise is that the government has almost ignored the findings of the Vohra Committee. While handing out the judgement of a case (Dinesh Trivedi and others versus Union of India, 1997), the Supreme Court asked the President of India to institute a high level committee in consultation with the Prime Minister and the Speaker of the Lok Sabha that should suggest ways and means to uproot the nefarious nexus between criminals, politicians and civil servants that was brought into focus in the Vohra Committee report. The government in response set up a nodal agency which, after spending huge amount of public money on a series of meetings, had suggested nothing tangible.

Commenting on electoral system in India, the Vohra Committee said that since elections are expensive affairs all political parties spend huge amounts of black money to win election. It is for the generation and expenditure of black money that the politicians get involved with criminals and criminal activities. In response to the hurtful findings of the Vohra Committee, the Lok Sabha passed a resolution on August 31, 1997, as part of the golden jubilee celebration of India's independence that mainly said: "All political parties shall undertake all such steps as will attain the objective of ridding of our polity of criminalization or its influence." Nevertheless, government has done nothing either to implement the reasonable recommendations of the Vohra Committee or to take necessary steps in accordance with the resolution of the Lok Sabha to rein in the criminalization of politics in the country.

An important landmark in the context was the judgement delivered by the Supreme Court on May 2, 2002, which made it compulsory for the candidates to make known their criminal record if any alongwith their financial status and educational levels. This verdict was a right step in the direction of eradication of corruption in public life. In the light of it the Election Commission had recommended necessary amendment of the statutory rules. It was least surprising that in an all-party meeting the Election Commission's proposal for the amendment of Representation of People's Act was rejected. Then, the Supreme Court ultimately upheld the instructions of the Election Commission that made it essential for the candidates to file affidavits mentioning their criminal record if any at the time of filing nomination papers. Accordingly, the verdict of the Supreme Court was implemented first time during the Lok Sabha elections of 2004. Presently, the media and the people have access to more information about the candidates only because of the verdict of the Supreme Court.

Another significant measure to make Indian polity corruption free and transparent was taken in the form of Right to Information Act of 2005. According to the Act it is mandatory on the part of government officials to provide the information to a person which he has asked for within a specific timeframe. In case the officials concerned fail to do it they are in for punishment. This is one concrete measure that the United Progressive Alliance government (UPA-I) has taken to make the governance accountable and transparent. It has proved to be useful in varied ways as nowadays a number of corrupt practices, cases of embezzlement, nepotism, discrimination, major scams involving senior ministers and government officials are being reported because of RTI. It also serves as a deterrent law because the ministers and bureaucrats are currently wary of misusing their powers and positions for the fear of being exposed. However, the crafty politicians, the shrewd politicians and compulsive criminals are still finding ways and means to go round the RTI Act to continue their corrupt practices. There are many areas of governance that are kept outside the purview of the RTI either in the name of national security or official secrecy. Many cases of corruption have been reported in which top military officers were involved. India is the largest buyers of arms in the world and it is one area where huge amounts of public money are pocketed by the middlemen who are invariably ex-military personnel with right connections in defence department and ministries. Despite these revelations many areas of the military are still outside the range of the RTI Act. It is one reason why military continues to be one of the most corrupt departments of the government.

Check Your Progress :

Q. 1. What official measures have been taken till date to eradicate the menace of criminalization of politics.

Q. 2. Critically examine the official measures that have been taken to meet the challenge of criminalization of politics.

15.5 WHAT CAN BE DONE?

It must be admitted that it is not an easy task to put an end to the phenomenon of criminalization of politics. It is, however, not an impossible task if people get involved in concerted effort to eradicate the menace. The area that needs to be corrected urgently in this regard is electoral politics. The costs of elections from parliamentary level to the panchayat over the years have escalated thousands of times. In a country like India where there are more than 500 million voters and thousands of constituencies spread over different kinds of geographical terrains, some of which are almost inaccessible, reaching out to the electorates is a daunting task. Therefore, even if we take into account the genuine and legitimate expenditure incurred by a candidate in a parliamentary or assembly election, it appears to be huge. Scholars and civil society activists have suggested various alternatives such as partial state funding, increasing the tenure of Parliament and assemblies to reduce the number of elections, curtailing the number of political meetings and processions organised by the candidates and restricting the number of candidates in each constituency. Nonetheless, every suggestion has a flip side to it which may not gel well with the concept of a free democracy. However, the significance of electoral reforms cannot be exaggerated. **Firstly**, all political parties and members of the civil society should, after consultation, devise ways and means to reduce the number of days that are currently spent on elections. **Secondly**, the tremendous reach of electronic media can be utilized to discard the actual public meetings and processions. All candidates should be asked to make use of electronic media to reach out to the voters. **Thirdly**, the money spent by the candidates should be strictly monitored. In this respect a thorough and strict accounting of election expenditure can improve the situation. All candidates should identify the sources of the money and the heads on which they spend the money. The defaulters should be severely penalized and in extreme cases where the nexus between the politician and the criminals has been established beyond doubt the candidate must be disqualified to contest elections. **Fourthly**, all political parties should agree to abide by a code of conduct that should be mutually devised by the political parties and civil society. **Fifthly**, the proposal of partial state funding of elections as suggested by the Election Commission should be taken up for serious consideration by all political parties. **Sixthly**, a person should be debarred from contesting election if criminal charges, irrespective of the fact that they are minor or major, against him are framed by a court of law. **Seventhly**, a strong Lokpal Bill for the Union and equally effective Lokayukta Bill for the states must be enacted without delay. **Eighthly**, the members of the civil society should become proactive in cleansing the Indian political system. They should take appropriate efforts to make the public opinion more enlightened to keep the functioning of the government under check. **Ninthly**, the youths of India have a national responsibility to get involved in the political processes, not

necessarily to join political parties and contest elections, but to force the government to make its functioning transparent and keep track of the activities of the elected representatives. **Lastly**, the media, print as well as electronic, that are known as the fourth pillar of a free and responsible democracy must play an honest, independent, secular and pro-people role to make the government accountable for its actions. It is the power of the media that can be properly utilized to break the nexus between crime and politics.

Check Your Progress :

Q. 1. What in your opinion should be done to curb the menace of criminalization of politics?

Q.2. Enlist the necessary and realistic measures to eradicate criminalization of politics from India.

15.6 SUMMARY

Criminalization of politics is an all pervading and extremely dangerous phenomenon of contemporary politics in India. If it is not urgently curbed it would permanently damage the institution of democracy. The menace of criminalization of politics can be defined in two ways. One, when the criminals directly participate in the electoral process to become legislators. Two, when the criminals get involved in political processes by helping parties and candidates with their money and muscle power. There are various reasons of criminalization of politics in India. Some of them can be identified as: one, for the post-independence generation politics has become a money making vocation; two, the multi party system that prevails in the country; three, the lure of money that led our politicians to get involved in crime and with criminals; four, transformation of criminals from the supporters of politicians to politicians; five, major problems of India such as poverty,

illiteracy, caste-based politics, communalism and so on give a further push to the menace of criminalization of politics; six, absence of ethical values in Indian political system; seven, loopholes in the functioning of investigative and judicial agencies, eighth, the rising trend of coalition politics; and lastly a weak civil society. The government has taken certain measures to curb the phenomenon of criminalization of politics. However, those measure are far from satisfactory. A lot must be done to keep criminals out of the fields of politics and governance.

15.7 QUESTIONS

1. Elucidate the meaning, definitions, implications and consequences of the evil of 'criminalization of politics' in the Indian context.
2. What are the major causes that are usually cited for the rise of the phenomenon of criminalization of politics?
3. What measures the successive governments in India have taken to deal with the problem of criminalization of politics and have these measures been effective?
4. What, in your opinion, are the appropriate actions that can eliminate the scourge of criminalization of politics from Indian political culture?

15.7 SUGGESTED READING

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Terrorism

Unit Structure:

- 16.0 Objectives
- 16.1 Introduction
- 16.2 Definition of Terrorism
- 16.3 Features of Terrorism and its Causes
- 16.4 Terrorism in India
 - 16.4.1 Kashmir-linked Terrorism
 - 16.4.2 Ethnicity, Religion/Ideology-linked Terrorism
- 16.5 Measures to Restrain Terrorism
- 16.6 Summary
- 16.7 Questions
- 16.8 Suggested Reading

16.0 OBJECTIVES

- 1) To understand the theoretical dimension of terrorism. In this connection the meaning, definitions, implications features and causes of terrorism are to be discussed.
- 2) To take account of the origin and causes of terrorist activities in India, in particular, the reasons for the escalation of terrorist activities in recent times are to be brought into focus.
- 3) To identify the regions in India from where the terrorist violence has been frequently reported. Additionally, to analyze why terrorism has become a hallmark of certain provinces in India.
- 4) Finally, to recommend certain corrective measures both on the part of the State and the civil society that may help reduce terrorist activities in India.

16.1 INTRODUCTION

Terrorism is perhaps the most ruthless challenge threatening international peace in the contemporary world and the worst thing is that it is spreading in different parts of the globe with alarming rapidity. At the conclusion of the World War II, the statesmen of the world had

created the United Nations with International Court of Justice as its judicial organ to resolve the serious conflicts peacefully and thus avoid the possibility of a third world war. Nevertheless, the International Court can resolve a dispute only if it falls within the parameters of International Law. Terrorism unfortunately does not have an internationally acceptable definition that could have assisted the peace loving populace of the world to fasten this scourge to the structure of international criminal law. It is obvious that terrorism thrives on violence and for that reason the scholars and the activists engaged in either studying or confronting the menace make attempts to define it as deliberate and well-planned violent exploits of a distinct group or community to generate an environment of fear in the setting of its real or perceived enemy and thus seek out its ideological purpose. Though this seemingly value-free definition relies majorly on the connotation of the word 'terror' which plainly means fear or fright, it may still get embroiled in controversies if applied to an actual act of violence.

The passionate ideological conflicts that are innately entrenched in the word 'terrorism' make it a thoroughly complex notion that defies conceptualization in absolute terms. Tempers run high and passions get generated when a particular side labels its adversaries as terrorists because there is no consensus on the issue of use of legitimate violence for a just cause by an organised group; also the controversial subject of state terrorism makes it a thorny issue. Quite often the so-called security agencies of a state brand their political and ideological adversaries as terrorists to delegitimize their activities even if they are just.

16.2 DEFINITION OF TERRORISM

Terrorism as a rule is classified into two categories. One is usually called political terrorism that aims at achieving political objectives by generating an atmosphere of terror with the unbridled use of violence. The other type is usually labelled as criminal terrorism which also produces a reign of terror by excessive violent means but its objectives are criminal like drug peddling, kidnapping, looting, arson, extortion etc mostly for monetary gains. The second kind of terrorism in reality belongs to criminology and, therefore, is beyond the purview of present discussion. It is terrorism that seeks to achieve political aims by indiscriminate use of violence that has emerged as a daunting challenge to the civilized world in recent times and it is this phenomenon with which we are concerned.

Terrorism, according to Oxford University Dictionary, “is the unofficial or unauthorized use of violence and intimidation in the pursuits of political aims.” Let us analyze this purportedly unbiased definition. The keyword violence is very much there which emphasizes that terrorist acts are in reality violent acts but they are known as acts of terrorism for two reasons—one, the use of violence is unofficial or unauthorized and two, the use of violence is a strategy to achieve

political aims. The second implication is universally accepted. However, there appears a serious problem regarding the first inference that draws attention to the 'unofficial' or 'unauthorized' use of violence. Who decides the legitimacy of violence? Should we condone the horrifying acts of violence of some dictators, monarchs, military junta and even the elected rulers against their own people to remain in power? Since these rulers are 'the governments' their use of violence against their people can legally be interpreted as 'official' and 'authorized'. Though there are myriad examples that can be cited in the context, it is enough to make a mention of what is currently happening in Syria. The overwhelming majority of the Syrian are opposed to the despotic and tyrannical rule of Basharul Assad and they are agitating for a free, fair and democratic polity. In response to people's just agitation, Assad has unleashed a series of terrorist actions against the agitators. The troops loyal to him are bombing cities, firing indiscriminately on unarmed people including women and children, maiming and ultimately killing the political opponents by torturing them and showing absolute contempt to the prevailing world opinion that has censured his violent actions on account of absolute violation of human rights. Should we then call Assad's horrendous use of violence 'non-terrorist actions' because he being the government, the use of violence is official and authorized? Obviously, no sane person would agree to that. The definition of the OED is, therefore, not a comprehensive one because it does not include 'state terrorism' in its ambit.

According to a study conducted in 1988, by the US Army, there are more than a hundred definitions of terrorism. Another difficulty in describing terrorism is its changing facets. It is a very old phenomenon and over the centuries its nature has undergone changes. So, it is a complex issue to make distinction between terrorism, reign of terror, war crimes, crimes against humanity and state terrorism. In spite of this, most countries subscribe to the definition of terrorism stated in a United Nations report entitled *Larger Freedom* that was released on March 17, 2005. It defines terrorism as "(any action) intended to cause death or serious bodily harm to civilians and non-combatants with the purpose of intimidating a population or compelling a government or international organization to do or abstain from doing any act." Most people seem to conform to the UN definition.

Check Your Progress :

Q. 1. Define terrorism.

Q.2. Define terrorism and make a critical assessment of the difficulties in arriving at a universally accepted definition of terrorism.

16.3 FEATURES OF TERRORISM AND ITS CAUSES

It is also necessary to make a distinction between terrorism and other violent crimes. In order to do so we must keep in mind certain characteristics of terrorism. **Firstly**, terrorism is essentially a political act. An organised group committed to an ideology adopts it as a strategy to accomplish its objective. It must be pointed out that beside politicized religious groups the Rightists and the Leftists have resorted to terrorism at different points of time in world history, **Secondly**, the terrorist acts are planned in such manner that they should create a long-lasting impact both in political and psychological terms. For this the terrorists attempt to cause the maximum damage to human lives and properties so that the people are traumatised and the targeted group or the state is forced to make a retreat. **Thirdly**, a terrorist group has a hierarchal structure and resembles any normal organisation with its chain of command from the chief to the foot soldiers. **Fourthly**, Terrorists don't always attack their real or perceived adversaries. In most cases their victims happen to be innocent people who might not have any specific stance either in favour or against the terrorists. The indiscriminate killings of innocent people obviously instill fear in the hearts of common people and that is one of the objectives of the terrorists. **Fifthly**, though terrorist acts are believed to be performed mostly by non-state actors, the state actors too occasionally resort to terrorism. **Lastly**, a significant feature of state terrorism is to make a dubious distinction between an act of terror carried out by non-state actors and the one executed by the state agencies. The former is treated as unlawful and therefore terrorist act while the latter is considered legitimate even if it unabashedly violates all civil liberties, human rights and norms of a civilised polity. For instance bombing cities, torturing and maiming people are acts of barbarism and prohibited by international and domestic laws. The state-sponsored terrorism, however, legitimises such heinous acts. In the context the observation of the former Secretary General of the United Nations, Kofi Annan is significant. He said, "...regardless of the differences between governments on the question of definition of terrorism, what is clear and what we can all agree on is any deliberate

attack on innocent civilians, regardless of one's cause, is unacceptable and fits into the definition of terrorism.”

One of the most controversial aspects of terrorism relates to its causes. The states that are guilty of committing terrorist acts vehemently denounce any attempt by anyone to address the causes of different hues of terrorism. The champions of civil liberties and human rights, on the hand, argue that unless the genuine grievances of the insurgents are given a serious consideration the terrorist violence will not subside. Theoretically speaking there are quite a few causes of terrorism that may be enlisted. **First**, in the contemporary scenario religious fanaticism is the most talked about cause of terrorism. The prominent example is of course Islamic fanaticism to which I shall return in a short while. **Second**, imposition of a particular form of political order is loosely related to religious fanaticism particularly in case of Islamic terrorism. The well-known examples are Afghanistan and Pakistan. **Third**, separatist tendencies that instigate a distinct group to employ terrorist strategies and secede a territory to form an independent sovereign state fall in the category of terrorism. The major examples from India are Jammu and Kashmir and the North East that consists of 7 states also known as seven sisters viz. Assam, Meghalaya, Tripura, Arunachal Pradesh, Mizoram, Manipur and Nagaland. The relations between these states and the Centre are far from friendly. Ill feelings between the native tribal people and migrant people from different parts of India constantly pose serious threats to law and order in the area. Earlier Khalistan movement was also a noteworthy example. From abroad, the recently crushed movement of the LTTE of Sri Lanka, Chechnya, and IRA are relevant cases of the contemporary world. **Fourth**, resistance to the existing governments primarily dominated or run by the occupying armed forces might motivate the politically active segments of the local population to get drawn to terrorism. The noteworthy examples are Palestine, Iraq and Afghanistan. **Fifth**, economic deprivation of an overwhelmingly large population might stir up the natives of a region to opt for violent means that may be construed as terrorism. The most significant example is the Maoist-Naxalite resistance mostly in parts of the states of West Bengal, Bihar, Jharkhand, Chhattisgarh, Orissa, Maharashtra and Andhra Pradesh.

Check Your Progress:

Q. 1. What are the main features of terrorism?

Q. 2. Critically discuss the causes of terrorism.

16.4 TERRORISM IN INDIA

In India terrorism has made its fearsome appearance because of international politics, religious antagonism and economic deprivation of large sections of Indian society. India has been a target of terrorist attacks for almost two decades from foreign terrorist outfits mainly because of its dispute with Pakistan on the issue of Kashmir. These terrorist attacks take root because of a longstanding international dispute that, according to many observers, is one of the flashpoints in contemporary world. Then there is one area in India where terrorist violence was once threatening the unity and integrity of India because of religious antagonism viz. Punjab. The Sikh community forms the majority in Punjab and an extremist section of the Sikhs made attempts to establishing 'Khalistan' by breaking away Punjab from India. In late 1960s and 1970s the militant of Khalistan had carried out quite a few terrorist acts against the Indian state. The religious and ethnic antagonism is also a major problem in North-East India where certain terrorist groups have been challenging the sovereign power of India in a couple of states. The third kind of terrorism that exists in large parts of India which comprise dense forest is made popular by the government and media as Naxalite terrorism. The tribal people who are usually described as Naxalites or Maoists in official bulletins and mainstream media constitute perhaps the poorest section of Indian society. In order to understand the severity of terrorist challenge to India, it is better to discuss the three types of terrorist threats mentioned above.

16.4.1 Kashmir-linked Terrorism:

The dispute over Kashmir between India and Pakistan is fairly well-known because it is as old as the emergence of an independent-democratic India and the birth of Pakistan as an independent Islamic state. It is relevant, however, to briefly regurgitate the basic facts involved in the dispute. At the time of independence, India was divided into British India and the Indian States. British India comprised the provinces which were directly ruled by the British. Indian States, which were more than 500, were ruled by the native rulers under the tutelage of the British. The Indian Independence Act of 1947 divided British

India into two separate countries viz. India and Pakistan. So far as Indian States were concerned it was left to the wish of the rulers to join the country of their choice or remain independent. Almost all the rulers of native states were persuaded to join the Indian Union except the three viz. Hyderabad, Junagadh and Kashmir. The first two states ultimately became parts of Indian Union because of police action and threats. Kashmir, however, proved a thorny issue. The Muslim majority population of Kashmir was ruled by a Hindu Maharaja. The Maharaja had fantastic ambition of ruling over an independent Kashmir and for that reason he refused to make an option either to join India or Pakistan. The dilly-dallying posture of the Maharajah gave Pakistan a chance to invade Kashmir and seized about 57% territory of the state of Jammu and Kashmir in 1948. When the Pakistan invaders were about to usurp the whole state, the Maharajah appealed to Indian government for help. The government of India first made the Maharajah to sign 'the Instrument of Accession' and then stopped the advance of Pakistani forces. Pakistan, in 1960s handed over the control of some areas of J&K to China. Therefore, presently India controls 43% of the state while the territory of Pakistan occupied Kashmir is 37 % of the total land of the state. The remaining 20 % territory is controlled by China.

It was India that took the case of J&K to the United Nations Security Council. In fact, Sheikh Abdullah, the popular leader of the Kashmiris was not in favour of government of India's decision to go to the UN. He was convinced that the Indian military could push back the Pakistani invaders and could get control of the entire state. The UN passed resolutions for setting up a monitoring agency viz. the United Nations Military Observer Group in India and Pakistan (UNCIP). As per UN Security Council's Resolution 47, which was passed on April 21, 1948, an immediate cease-fire was imposed and the Pakistan was asked to withdraw its forces from the territory of J&K. India was asked to retain minimum military presence in the state while "the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

India and Pakistan pledged themselves to abide by the terms and conditions of Security Council's resolution and hold a plebiscite but Pakistan never withdrew its forces from Kashmir. Consequently, the plebiscite has not been held till date. Gradually, the Indian position also changed on the issue of holding a plebiscite. Thereafter the Security Council passed another resolution that directed for the simultaneous withdrawal of Indian and Pakistani armies from Kashmir. In this regard the UN intermediaries passed about a dozen proposals to demilitarize the region. All the proposals were accepted by Pakistan while India rejected all of them because of the altered geopolitical realities. Since the Security Council resolutions were passed under Chapter VI and not under Chapter VII of the UN Charter,

they were non-binding on the parties concerned. Nonetheless, the UN regards the state of J&K (presently under the control of India, Pakistan and China) a disputed territory.

Pakistan fought four wars with India to seize Kashmir by force but in all the wars it was thrashed squarely by Indian forces. Consequently, Pakistan adopted terrorist tactics first to create mayhem in Kashmir and since the last two decades in rest of India. Pakistan's Inter-Services Intelligence, a department under the control of Pakistani military extends every type of support to the terrorist groups which have mushroomed in that country. Since 1990, the US has fought Wars in Iraq and after 9/11 in Afghanistan that one is still on. These developments have created an impression in most of the Muslim-majority countries that the Western nations in general and the USA in particular are anti-Islam and by use of their superior military might have decided to decimate Muslim countries. This feeling is very intense in Pakistan where the mullahs in collaboration with the ISI constantly propagate that India is very much a part of anti-Muslim agenda of the USA. According to Rohan Gunaratna, Head of the International Center for Political Violence and Terrorism Research at Nanyang Technological University in Singapore "There is a common belief that India is a part of the enemy with the West and that India must be attacked for harming Muslims and Muslim interests."

Pakistan has also given asylum to a few Indian fugitives who run international crime syndicates and are wanted in India for various serious crimes including the series of bomb blasts in Mumbai in 1993 that killed 250 people while 700 were injured. Properties worth billions of rupees were destroyed in 13 blasts at various sites in a span of few hours. Though the attacks were directly linked to the Kashmir issue but Pakistan has been spreading the stories of persecution of Muslims in India. The communal riots immediately after the demolition of Babri Masjid in various parts of India including Mumbai gave a believable handle to Pakistan that mingled the plight of Indian Muslims with its agenda on Kashmir and carry on its anti-India propaganda. An American scholar, Christina Fair, has commented that Pakistan has shrewdly linked the issue of Kashmir with overall backwardness and deprivation of the Muslims in India. As a result, for Pakistan, the issue of Kashmir is no more an issue of gaining control of a Muslim majority state but the complete failure of the Indian state to improve the lot of the Indian Muslims.

There are quite a few terrorist organizations in Pakistan that intermittently carry out terrorist attacks in different parts of the world but mostly in India. The prominent among these organizations that get covert official support are Lashkar-e-Toiba (Army of the Pure), Harkat-ul-Mujahideen (Movement of the God's Soldiers) and Jaish-e-Muhammad (Army of Muhammad). Of these the first one has been the most dangerous and zealously anti-India. Its founder and head Hafiz Sayeed is a religious fanatic and obsessively anti-India. The name of the organization is immaterial. In the aftermath of 9/11 when there was

lot of American pressure on the military dictator Parvez Musharrf, he banned it. Nonetheless, Hafiz Sayeed and his soldiers of death became active again with a new name viz. Jamat-ud-Dawa (Party that Appeals) There is reliable data in possession of Indian and international security agencies that it was involved in various anti-Hindu attacks in J&K, attack on Indian Parliament in 2001, synchronized series of attacks at various places in Mumbai in November 2008 in which 172 people were killed and a bomb attack on German Bakery in Pune in February 2010 killing 14 people. The recent arrest of a LeT operative of Indian origin, Zabihuddin Ansari and his revelations are, in fact, the clinching evidence that the LeT and its head Hafiz Sayeed were directly responsible for these attacks on Indian soil. Pakistan has, however, doggedly refused to give credence to the evidences collected by the Indian investigative agencies. Despite Indian and American pressure, the Pakistani government refuses to take any tangible action against Hafiz Sayeed. The other terrorist groups operating from Pakistan have also carried out various terrorist attacks in India. Thus, the Kashmir-related terrorism has assumed ominous mode and has spread all across India.

16.4.2 Ethnicity and Religion/Ideology-linked Terrorism:

(A) Punjab

Sikhism, which is perhaps the latest of the major religions of the world, is an Indian religion and has most of its followers in North-Western India. In the State of present day Punjab, the Sikhs constitute a majority. They are comparatively better off than most religious communities in India. Most of the Sikhs, thanks to their Punjabi roots, are physically robust that accounts for their large presence in Indian defence forces. Nonetheless, in the 1970s, a motivated section of the Sikh leadership began a campaign against the Union government and the Hindu minority of Punjab citing various political, social, religious and ethnic reasons that were responsible for the injustice and discrimination against the Sikhs in India. The extremist faction of the Sikh leadership launched a campaign for the creation of a separate homeland for the Sikhs viz. Khalistan.

By the 1980s, communal and sectarian violence erupted in Punjab and gradually turned into terrorism. The Congress, under Mrs. Indira Gandhi, resorted to similar tactics of *divide and rule* that the British used in undivided India. In order to settle score with one faction of the Akali leadership, Mrs. Gandhi sided with Jarnail Singh Bhindranwale. In the process she created a Frankenstein's monster as Bhindranwale stockpiled a huge cache of arms in the Golden Temple, the most sacred place of the Sikhs, and then challenged the authority of the state with an objective to

create Khalistan. The Operation Blue Star followed the eliminated the threat of Bhindranwale and his supporters but also damaged the Golden Temple. The military action within the precincts of the Temple was considered to be a blasphemous act and most Sikhs turned avowed enemies of Mrs. Gandhi and the Congress. Consequently, two Sikh security guards of Mrs. Gandhi assassinated her in 1984 and in the subsequent anti-Sikh riots in Delhi and its suburbs more than five thousand Sikhs were brutally murdered by the marauding hordes of Hindus who were purportedly the supporters of the Congress. A year later, the foreign based Sikh terrorists bombed an Air India flight from Canada to India, killing all 329 people.

Since Punjab shares its border with Pakistan, the ISI had been helping the Sikh terrorists by allowing them to have training camps inside Pakistan and sheltering some dreaded Sikhs who had committed terrorist acts on Indian soil. This situation posed a serious problem in dealing with the menace of Sikh terrorism. It must, however, be put on record that Benazir Bhutto, in the capacity of the Prime Minister of Pakistan had come to the rescue of India. She shared all the intelligence data pertaining to terrorist activities in Punjab with the Indian government that enabled Indian security forces to curb Sikh militancy. Additionally, the deft handling of the issue by the late Prime Minister, Rajiv Gandhi also helped substantially improve the situation in Punjab. The agreement signed between Rajiv Gandhi and Sant Longowal was the major reason that dealt a heavy blow to Sikh terrorism. Unfortunately the terrorists assassinated Sant Longowal for making peace with the Union government but his sacrifice has led to the containment of terrorist violence. Currently, the law and order situation in Punjab is under control and it seems that the Akali hardliners who aspire to create Khalistan are in a minority in the Akali Dal. However, Sikh militancy has become a political force in the politics of Punjab and may become a serious threat to national security if it is allowed to go unchecked for too long. There are many separatist Sikh groups that have sought asylums in countries like Canada, England and Pakistan. They openly work for the establishment of Khalistan. Pakistan's complicity in the issue is also a matter of serious concern. To put it briefly Sikh militancy is not exactly directed against the majority community of India; it is directed against India itself.

(B) North-eastern India :

It is a strange fact that the socio-political realities of North-eastern part of India rarely get discussed in the mainstream media in rest of India. Actually, most Indians

barely know about the region and its people. The geographical area which is referred to as Northeastern India comprises seven states of Indian Union. They are: Assam, Meghalaya, Tripura, Arunachal Pradesh, Manipur and Nagaland. There are issues between the Union government and some of these states that, from time to time, flare up. There also exist some terrorist organizations in some of these states that keep attacking innocent people and damaging public properties. In fact, over one state i.e. Arunachal Pradesh, there exists an unresolved dispute between India and China. Arunachal Pradesh is an integral part of India but the government of China refuses to acknowledge the fact by claiming its right over the state.

Most people of the North-eastern regions are tribal. It is one of the least developed areas of India. The guarantees that are promised in the Indian Constitution to the tribal regions and tribal people are not usually adhered to. Almost all the seven states often accuse the Union government of ignoring the interests of their region and its people. Then, there are some intra-state problems in the region that often lead to the outbreak of violence. For instance, there exists a territorial dispute between Manipur and Nagaland. Besides, insurgency is a major area of concern. There are quite a few influential regional movements in some states that, off and on, get transformed into secessionist movements. Such ultra-regional outfits dominate the politics of Nagaland, Mizoram, Tripura and Assam. The Union government, of late, has started addressing the problems of the North-east that resulted in the containment of insurgency. Yet the region is far from violence free. So long as reason for violence and insurgency exist, the possibility of terrorist activities too exists.

The earliest cases of insurgency in the region were reported from Nagaland where a powerful organisation, the Nationalist Council of Nagaland wanted the state to secede from India to become an Independent country for the Naga people. The movement had been violent from the beginning and it armed volunteers would carry out brutal attacks on Indian army and Union government installations. The militancy in Nagaland continued uninterrupted until 1980s. thereafter, government efforts comprising repression and persuasion started yielding fruits and by the end of the twentieth century the Naga separatists had realised the futility of waging war against the Government of India. They showed the signs of laying down weapons because of which the government too responded favourably to make peace with the erstwhile renegades. Consequently, both the sides entered into a cease-fire agreement that was signed on June 14, 2001. Currently, terrorist activities are suspended but the

Indian security agencies have not entered into a complacent mode.

Assam is another state in the region from where the incidents of terrorists activities have been reported off and on. A part of the state viz. Kokrajhar even presently i.e. in July 2012, is the scene of one of the worst communal riots of recent times in India. There is a sizable Muslim presence in the state because of which even in British India it was not counted as the Hindu majority province but was kept in the C category of mixed population. In fact, the Muslim percentage in Assam is next only to Jammu and Kashmir. Since the creation of Bangladesh, the majority community of indigenous people who are mostly tribal have been complaining of infiltration of people from across the border and in protest against this purported immigration they have been staging violent demonstration since mid 1970s. The driving force of the anti-Muslim movement was the All Assam Students Union, which had originally started as non-violent organisation but over the years had turned extremely violent. The Government of India had signed an agreement on August 15, 1985, known as the Assam Accord as per which the volunteers of the AASU had given an undertaking of staying away from violent agitation. The government on its part agreed to identify the illegal immigrants and would grant the permit of stay to those who crossed over the border between January 1961 and March 1971, albeit sans franchise for ten years while those entered the state after 1971 were to be expelled. Accordingly, in 1985 an amendment was carried out by the Parliament in the citizenship law that reiterated government of India's commitment that the outsiders who entered Assam between 1961 and 1971 would enjoy all the rights available to the citizens save right to vote for a period of ten years.

The government had also recognised the predominant position of the Bodos (tribal community) by giving them administrative autonomy in the areas of their dominance. Nonetheless the Bodos' political ambitions were not satisfied just with the administrative autonomy. They have been demanding for a separate Bodoland and there agitations often led to violent clashes with non-Bodo population of the state and also with Indian army resulting in hundreds of deaths. In addition to this, there is another protest movement known as the United Liberation Front of Asom (ULFA) that was established in 1979, and since then has been carrying out a separatist movement. The core of ULFA's agitation comprises two points—one, the establishment of an independent Assam and two, setting up a socialist form of government in independent Assam. The ULFA is a terrorist

and outlawed outfit. It has been carrying out violent assaults on its political opponents, on police and Indian army. According to the reports of the intelligence agencies, ULFA was carrying out its terrorist activities from the safe haven of Bhutan. Acting on the reports the Union government put diplomatic pressure on the Kingdom of Bhutan that responded positively. Joining hands with the Indian army, the Bhutanese security forces killed thousands of ULFA terrorists and handed over those who were caught alive in the operations to Indian security agencies. Despite these successes, terrorist activities continue to thrive in Assam separatist elements, though subdued, still have their presence in the state.

Terrorist incidents were also reported from Tripura during 1990s, for which the Government of India held Bangladesh responsible for conniving with the terrorists. The local militancy was spearheaded by the disgruntled tribal groups. The government showed the administrative sagacity by agreeing to enlarge the area under the control of Tripura Tribal Areas Autonomous District Council that ensured the climate of peace. In Mizoram, a separatist outfit, the Mizo National Front had been in conflict with Indian security forces. Its agenda was to establish an independent state of Mizoram by breaking away from Indian Union. The violent movement could only be crushed by force. The separatist movement is present in Manipur as well. There exists a militant-separatist organisation in the state, the People's Liberation Army, which aims at joining hands with Meitei tribal people of Myanmar for the establishment of an independent state of Manipur. The outfit has been carrying out various terrorist attacks on India army and government installations. Though, it was almost crushed in 1990s, it still carries out terrorist attacks intermittently.

(C) Naxalites:

Naxalbari is the name of a village in Paschim Banga where a workers' movement had finally turned into a militant uprising in 1967. The rebellion purportedly had its ideological roots that were variedly defined as Marxist or Maoists. Since the most the workers associated with Naxalite movement were illiterate, it was always doubtful whether they could comprehend ideological distinction between Marxism and Maoism. Nonetheless, most of the leaders of the movement were certainly Left-oriented activists who would, off and on, issue statements to completely dismantle the capitalist-rich peasant foundation of Indian economy. It is the mass poverty and domineering nexus between rich land owners-politicians and bureaucrats in rural India that provided justification for the Naxalite uprising. Stephen P. Cohen, an expert in South Asian issues associated with the Brookings Institution, says that it is the inequitable distribution of wealth produced by

India's promising economy that has given the reason for Naxal movement to emerge. He further adds: "Indian society has educated young men and young women to the point where they no longer fit into traditional society, but modern society has not been able to incorporate them."

The Indian government responded to the challenge of the Naxalites on war footing in the literal sense and the uprising was almost wiped out in the 1970s. Thereafter, the splinter groups of the movement appeared in different states in varied modes adopting various names. These groups were not exclusively constituted of workers. Some of the militants could be landless peasants but bulk of them comprised the tribal population. The most prominent of these groups is known as the People's War Group (PWG) having its branches in quite a few states. In 2004, the PWG joined hands with another group, the Maoist Communist Centre (MCC) to establish the Communist Party of India (Maoist). Consequently, what is referred to as Naxalite group today is, in fact, the MCC, which in itself is a combination of assorted bands of rural confrontationists who invariably use violent methods for helping the landless agriculture workers, tribal population and the persecuted members of the lower castes. Most of the Naxalite militants, therefore, come from these victimized sections of rural India. They usually use small arms and indigenously made fire arms. According to a report of the Human Rights Watch, in recent times they have also started using landmines. In order to finance the movement the Naxalites who almost run a parallel government in the thickly forested tribal areas collect taxes, occasionally resort to extortion from the rich farmers and businessmen residing on the periphery of their area of control.

Since the inception of the MCC, the area of its activities has expanded significantly. Presently, the so-called 'red corridor' is spread over thirteen states of India. Its North-eastern end begins from the border of Nepal and passes through the forests of Central India reaching to the southern tip in Andhra Pradesh. The Naxalite activities are usually reported more frequently from the states of Paschim Banga, Bihar, Jharkhand, Chhattisgarh, Orissa, Maharashtra and Andhra Pradesh. The areas under Naxalite influence are those which have sizable tribal population who constitute the poorest segment of Indian society. A few significant projects and development schemes have been designed and believed to be implemented by the Union Government for the socio-economic uplift of the tribal people but most tribal people have not been benefited by them. According to a scholar, "The problem is the delivery system. They're throwing money at it but the delivery system is corrupt."

The Union government or the governments of the states concerned have hardly taken appropriate measure to improve the delivery system. The rampant corruption is a major stumbling block that impedes the fruits of developmental schemes reaching the targeted beneficiaries. Instead of concentrating on finding ways and means of effective delivery system, the Union and state governments treat the Naxalite issue majorly as law and order problem. In this context we may quote the famous statement of Indian Prime Minister Manmohan Singh made in April 2006 wherein he called the Naxalite menace as “the biggest internal security challenge ever faced by our country.” Thereafter, the Home Minister, P. Chidambaram raised a special counterinsurgency force to launch an anti-Naxalite offensive that was named as 'Operation Green Hunt'. The violent clashes between the security forces and the Naxalite militants claim hundreds of life every year. The worth of counterinsurgency measures can hardly be minimized however, the measures that might bring about long lasting peace in the Naxalite dominated areas would be putting an end to the glaring disparity between the rich and poor, ensuring the payment of minimum wages to the landless agriculture workers in rural India, doing away with the atrocities committed by the police and security forces against the poor, tribal and lower caste people, eradicating corruption to improve the delivery system and above all treating the Naxalite militants as the misguided section of our people and not as vicious foreign mercenaries.

Check Your Progress:

Q. 1. Discuss with a historical perspective the rise of terrorist violence in the state of Jammu and Kashmir.

Q. 2. Write an essay on the rise of terrorism in Jammu and Kashmir.

Q. 3. Critically elucidate the ascendancy and decline of terrorist violence in the state of Punjab.

Q.4. Account for the rise of terrorist activities in the North-eastern region of India.

Q. 5. Who are Naxalites and why do they carry out terrorist activities? Suggest suitable measures to deal with Naxalite menace.

16.5 MEASURES TO RESTRAIN TERRORISM

The most favoured strategy of the Government of India and almost all the Indian states is to treat it primarily as a law and order issue and therefore, arm themselves with greater powers to deal with the menace. In India, the governments both at the centre and state

levels have been framing special powers laws at the cost of the democratic rights of the people either to deal with organized crimes, caste-communal-ethnic violence, insurgency and terrorism. Indian politicians and security personnel seem to have absolute faith in deterrent and punitive laws rather than attempting to eradicate the causes that breed terrorism. It must, however, be pointed out that in selected cases the governments have also adopted a policy of repression and negotiation. An expert comments that sometimes Indian government's approach appears to be, "You hit them over the head and then you teach them how to play the piano".

Nonetheless, the possibility of violation of human rights is always there when the government arms itself with extraordinary powers under the stringent special laws made in the name of countering terrorism. On a number of occasions, the Indian as well as international groups committed to monitor human rights and their violations by the rulers have condemned the anti-people laws and their implementation. For instance, Human Rights Watch has often reported that Indian security forces deployed in Kashmir frequently violate the state laws allowing excessive force. Various rights groups have also reported that in many cases the security forces killed the innocent people. The Indian police and military forces have often resort to the third or fourth degree torture while dealing with the offenders and terrorists in custody and many people in India consider this practice as 'routine'. Amnesty International team is usually not allowed to visit Kashmir but this highly respected international group has documented many instances of torture and abuse of power by Indian security personnel in Assam and some other states of the Northeast India. According to a report filed by the New Delhi-based Asian Center for Human Rights our security forces and "a state-backed paramilitary group killed 330 people during 2006 anti-Naxalite campaigns."

It must be stated in clear terms by all the peace loving people that terrorist acts for whatever the causes and under whatever the circumstances must not be condoned by anyone. Having said this, it is equally important that the Indian state should address to the genuine grievances of the aggrieved people whether they are Kashmiris, Sikhs, Northeastern people or Naxalites. Terrorism is a global phenomenon that cannot be curbed by the punitive/ special power laws or the agencies that heavily rely on such laws. More than the Western world, Asian countries like Iraq, India, Pakistan, Afghanistan and others continue to bear the brunt of terrorist attacks. Terrorism is a scourge of the contemporary world. It is a crime against entire humanity and it should be firmly dealt with by international community.

Terrorism plays havoc both at national and international levels. So far India is concerned the areas worst affected by terrorism are Jammu and Kashmir and the North East. Earlier, Punjab too witnessed terrorist violence. The Indian security agencies maintain that almost all the terrorist attacks at different places in India were planned and executed by the *jihadi* groups which get the active

support of government agencies of Pakistan and Bangladesh. On their part, both Pakistan and Bangladesh deny the charge. Now, this is a demanding situation that calls for sagacity and resolve on the part of the political leadership of the subcontinent. Instead of looking towards the US to help us dealing the terrorist menace, the policy makers in South Asia must invigorate South Asian Association for Regional Cooperation (SAARC) and make sincere efforts to settle the conflicting issues. This, of course, is a tall order. However, instead of becoming a junior partner in the strategic alliance led by the US, if the leaders of South Asia commit themselves to redefine the international priorities and transform the region into an area of peace and harmony, SAARC too can prove to be as successful as European Union (EU).

The global war on terrorism led by the US can only be won if the causes of terrorism are not swept under the carpet. The US and the Western European countries need to address to the legitimate grievances of the terrorists, most of them are no doubt Muslims. In response to terrorist attacks on twin towers, pentagon and some other targets, the US was in a sense justified to bombard Afghanistan because as per the American intelligence reports Al Qaida carried out the heinous acts. At the same time it must be made clear that there was no justification for the invasion of Iraq. Initially the US claimed that Iraq was stockpiling weapons of mass destruction. When no such weapons were found, the tune changed and the Americans began claiming that they attacked Iraq to dislodge a dictator and establish democracy in the oil rich state. There are end numbers of arguments against the position of the US which is hardly defensible.

Check Your Progress :

Q.1. What measures are usually opted for by the Indian government to deal with terrorism?

Q. 2. What measure do you suggest to restrain terrorism?

16.6 SUMMARY

Terrorism is without doubt a serious and sinister threat to world peace. In the contemporary world it has emerged as a global threat that has challenged the survival of humanity. Despite the current concerns about terrorism, the menace does not have a solitary definition that can be universally acceptable to all. The US military forces have pointed out that there exists more than a hundred definitions of terrorism. In spite of this, most countries subscribe to the definition of terrorism stated in a United Nations report entitled *Larger Freedom* that was released on March 17, 2005. It defines terrorism as “(any action) intended to cause death or serious bodily harm to civilians and non-combatants with the purpose of intimidating a population or compelling a government or international organization to do or abstain from doing any act.”

It is also necessary to make a distinction between terrorism and other violent crimes. In order to do so we must keep in mind certain characteristics of terrorism. There are certain features of terrorism which distinguish this menace from other crimes. They are: firstly, terrorism is essentially a political act; secondly, terrorist actions are always well planned to create maximum political and psychological impact; thirdly, terrorist groups are hierarchal; fourthly, terrorists do not always attack their adversaries and lastly, there are state actors involved in terrorism. Some causes of terrorism can be identified as religious fanaticism, imposition of a particular type of political order, separatist politics, resistance against foreign occupation, economic deprivation etc. Historically speaking, terrorism is a very old phenomenon.

In India the acts of terrorism are usually reported from Kashmir, Punjab, the Northeast, Maharashtra and many of the states where Naxalites are active. Indian government usually favours repressive measures with special power laws to deal with terrorism. However, an approach of repression combined with negotiation can yield better results.

16.6 QUESTIONS

1. Discuss in detail the concept of terrorism highlighting its meaning, definitions and implications.
2. Explain the features and the most common causes that usually give rise to terrorist violence.
3. Discuss the genesis of terrorism in India and identify the region/provinces which are badly affected by this menace.
4. Account for the various causes and grievances that are usually cited for the emergence of terrorism in provinces

like Jammu and Kashmir and Punjab and the region of the North-East.

5. What, according to you, are the corrective measures that should be opted for by the State and civil society to contain terrorism in India?

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REVITALISING THE INDIAN STATE – PROBLEMS AND PROSPECTS.

Unit structure

- 17.0 Objectives
- 17.1 Introduction
- 17.2 Aims and Objectives of the Post Independent State.
- 17.3 Challenges to the State system.
- 17.4 State's Democratic experience
- 17.5 Summary.
- 17.6 Suggested Reading.
- 17.7 Questions.

17.0 OBJECTIVES

- 1) To understand the nature of the Indian state system from a historical perspective.
- 2) To compare and contrast the aims and objectives of the colonial state and the post independent state.
- 3) To make an assessment of the social and political forces influencing the actions of the state.
- 4) To analyze the strength and the weaknesses of the democratic Institutions operating in the State.
- 5) To understand the problems pertaining to human rights violations, social Justice and consequences of economic development.
- 6) To make an assessment of the future of Indian State system.

17.1 INTRODUCTION

Historically the Indian state represents an exclusive elite oriented and authoritarian power structure. In the absence of the established democratic institutions it was inevitable that such a system should perpetuate. The social system which sanctioned the exclusive and excessive privileges of the ruling class endorsed the hereditary rules, sanctified the inequality based on birth, strengthened the coercive nature of the state. Since the monarchy was the accepted and prevailing system of government obeying unquestioningly the commands of the king was treated as the first virtue. "After all the king is the incarnation of Vishnu the supreme God – So obeying him is the sacred duty" so proclaimed the "learned people" at that time. Naturally dissent was frowned upon. A good ruler was one who maintained stability and the status quo. The concept of welfare came as secondary. Even here the emphasis is on what the king 'willed' rather than what "people wanted" The ruler will fix the agenda and the people will have no say in the matter. Although consultations would have been

there it is safe to presume that they were centred around an elite group rather than with the masses. State was immune from public opinion. In the absence of channels of free communications and democratic institutions the possibility of a constructive criticism altering the accepted public policy can hardly be envisaged.

The colonial state i.e. the Indian State ruled by the British colonial rulers, was no way better. The colonial rulers after defeating native princes politically united India and gave it stability. They used the Indian State to expand their colonial empire. There was total alienation of the people from the state and its machinery. The British administration which was described as 'steel framework' left no stone unturned to maintain law and order and stability. The administrative reforms introduced in small measures did not basically alter the nature of the state. It remained a highly centralized power structure where the power is controlled by foreign rulers and supported by aristocrats and princes. The common citizen was not the centre of the political system. The English education was introduced with an intention of creating a band of loyalists for the Empire. Though in the initial stage the policy did result in that manner, the later developments we find the fierce nationalism asserting itself. So a scene of conflict between 'state' – controlled by a foreign power and 'Society' comprising of different sections of people fighting for freedom unfolded. The Imperial state with its ruthless power suppressed the nationalist forces. This created for the emergence of a new ideology in this period. The Gandhian perception of the state wanted an ethical basis for the state. Consent not coercion persuasion not punishment be the model of state activity. Gandhiji distrusted all state power – be it foreign or native. Basically an anarchist he visualized an utopia where state power will be replaced by voluntary organizations. His idea of Ram Rajya will replace 'State power' with 'peoples power'. A complete decentralized polity with village based economy supported by the mutual consent, and cooperation of people, should replace the coercive power structure of the state. This was an utopian and remained as dream.

With the advent of independence neither the state machinery was dismantled nor the Congress party was dissolved to become a voluntary organization, as Gandhiji wanted. The pressing problems of the Nation compelled the leadership to continue with the same state apparatus. The laws passed by earlier British administration and its structure were maintained. With stability law and order being the prime motives of the state, it appeared as though the post independent state in India was in no way different from erstwhile colonial state. However a closer scrutiny shows the substantial differences between the two state systems.

The colonial administration had the sole concern of maintaining stability and used the power of state for that. The post independent state viewed law and order as a pre-condition for the speedy economic development. The economic policy of the colonial rulers was based on exploitation. The Indian state was used to loot the Indian economy and fill the coffers of British Treasury. The destruction

of rural economy increase in indebtedness of farmers, creating economic drain through a calculated policy of looting natural resources and dumping the Indian market with British goods, were all the manifestation of state system by the colonial rulers. Briefly speaking state was responsible for India's poverty.

The post independent state tried to reverse the scene. The main thrust of the state now is to remove the alienation of the people. People should be made to feel it is "their state". The experiment in democracy and constitutional government was undertaken in this direction. The influence of the western liberal traditions altered the nature of the state and its operation. The Gandhian ideals of the decentralization of power and village development were given due consideration with the establishment of Panchayat Raj and a commission for development of village cottage industries. The Indian state embarked on a welfare oriented model on a democratic path.

17.2 AIMS AND OBJECTIVES OF THE POST – INDEPENDENT STATE

India's long and historical freedom fight had a culmination of different ideologies both Western and Indian. The Gandhian ideals of Satya, Dharma, Ahimsa and the Western liberal democratic values of liberty, equality and constitutionalism had their impact on the movement. The Radical Socialistic ideology also had its way. So it is but natural that the post independent Indian State should reflect many of these ideologies. The Indian Constitution, (1950) itself is the result of a series of administrative measures initiated by the Britishers, starting from the Queen's Proclamation of 1858, followed by the Acts of 1909, 1919 and 1935. These acts gave much impetus to the final Basic Document of 1950. This is not to belittle the contribution of the members of the Constituent Assembly, who with their vast legal and political knowledge gave the country the best basic document which stood the test of time and faced many political upheavals successfully. The Indian Constitution has been described as a "liberal Document". The philosophy of the constitution explains the nature of the Indian state. Following are the main features of the post independent state system.

i) Political Democracy : - The preamble of the constitution while explicitly stating that the new Indian state would be a democratic state also emphasized the concept of "popular sovereignty" with the words "we the people". This is a deliberate attempt to remove the feeling of alienation among the people. As mentioned earlier the colonial state stamped its impression on the alienation of the subjects from government proceedings. Foreign rulers treated the Indian citizens as second class citizens. There was a wall of separation between the state – which was administered by the elite in an exclusive manner – and the masses. The people had no say in the public policy.

formulated by the government. They had to only face the consequences of the policy. Now the new state reassures its people through the preamble that the state belongs to them legally and politically.

A Democratic State functions on the twin principles of ensuring basic freedoms to its citizens and providing for the accountability of the administration. The Indian state has both these principles. The chapter on Fundamental Rights in the Indian constitution assures basic Rights to all the citizens. An independent Judiciary with the provision for judicial review makes these rights effective. The principle of govts. accountability to people is provided through the establishment of parliamentary form of government. Periodic elections, conducted by independent election commission, provision for universal adult Franchise, with freedom to contest elections and to form political parties have made political democracy active and a reality in the new state system.

ii) Secular state :- A multireligious state like India cannot but be secular. The colonial rulers kept aloof from religious matters so that the sentiments of people did not affect their rule adversely. The queen's proclamation of 1858 gave this assurance. Yet, to suit their narrow selfish interests, the colonial rulers used "religious card" to deepen the division between Hindus and Muslims. The communal electorate system introduced by Macdonald sowed the seeds of separation between the Hindus and the Muslims. Its final repercussions and bitter results were reaped in the partition and aftermath. Faced with the terrible fallout of the partition on religious basis and the communal separation in the country the national leadership reiterated its commitment to secularism. The term 'secularis' has different meanings to different sections. As it is broadly understood Indian state is not a theocratic state. Government has no official religion. There can be no discrimination among the people of India only on the basis of religion. Freedom to follow any religion is allowed. It has been argued by some commentators that the ethos of Indian secularism is a replica of the Indian social system – which followed a policy of equal respect to various faiths. This was an official policy of many native kings and rulers before the advent of British rule.

This meaning of secularism – as giving equal treatment to all religions – is not in true accordance with Western Liberal ideology. In Liberal societies government would be neutral in religious matters. The principle of rule of law rather than dictums of religion decide the conflicts between groups and individual. The civil laws should have a final say in all the litigations. Equality before law is a sacred virtue in secular societies. If a clash should occur between a religious

sanction and an individual's freedom it is the liberty of individual which should get priority. These features are akin to the western liberal democratic tradition where a long drawn battle between the state and the church took place resulting in the victory of civil authority over the temporal authority.

However in India we had had a different picture. While the pre-independent freedom movement adopted the ethos of equal respect to all religions – the Gandhian model of secularism – the post independent state reflected the Western Liberal approach to secularism. Nehru wanted the state to pursue this type of secular order. He was highly critical when Dr. Rajendra Prasad, the then President of India visited Kumbhmela, washed the feet of some saints and bowed to them. He felt that it was highly inappropriate for the head of a secular state to indulge in such ceremonial activities concerning religion. Nehru himself never did so. But the post – Nehru era saw the state swinging back to the position of equal treatment of all religions. This led to a negative impact on state's power to interfere in religious matters even if their practices are against the accepted values of equality and social justice. State has become a mute spectator, to the raise of reactionary and fundamental forces, whose activities are posing an open challenge to the power of the state. These developments have long – term implications for the nature of the state system.

iii) State as an agent of social change :- Using the machinery of the state to bring a peaceful and gradual social change is an accepted norm of all liberal states. In carrying out any social change or reform a democratic state ought to weigh the possible reactions from the people before venturing into any drastic steps. The social change which was carried out by the colonial state, in half- hearted manner and by fits and starts was given full drive by the post – independent state. The state machinery was used to eradicate the social evils. Untouchability is abolished and its practice in any form of declared as criminal. Many acts have been passed which made the caste discrimination and atrocities on lower castes as criminal offences. Certain pro-active legislations like reservation in government jobs and seats in professional colleges are passed towards the social upliftment of backward castes. The political empowerment of alienated sections was sought to be achieved through a provision of reservation of seats in parliament and Legislature. A notable achievement of the state pro-active measure is passing of the Hindu Code Bill. This act provided for gender justice. The code legally recognized inter-caste marriages. Made some provisions for divorce and banned polygamy also recognizing the right of a widow to remarry. All these steps are highly revolutionary and passing of the code had to face stiff resistance from the

orthodox sections – even in the ruling party. Though some provision were diluted and the final enactment was done in staggering stages the enactment itself is a candid proof for states commitment to gender justice.

iv) States Role in Economic Activities :- It was in 1975 the preamble of the constitution was amended to insert two words “socialist”, “Secular” perhaps to reiterate state's commitment to these ideals. But the ideas of planned economic growth, with state playing a major part in the economic affairs was always a cherished dream even during the freedom struggle. The radical group in the Congress led by Jaya Prakash Narayan as early as in 1930, demanded nationalization of Banks and financial Institutions, establishment of heavy and basic industries in public sector and to initiate radical steps towards the redistribution of wealth. Some of these measures were diluted after independence due to political compulsions. Still the concept of state playing a major role in the economic development of the country reflected in various policy documents. The objective Resolution which was presented to the parliament spoke of “mixed economy”. The main features of this policy are

- i) It would be democratic in nature. No forced acquisition of property. Reasonable compensation will be paid in case a private property is acquired for “social purpose”.
- ii) There would be government planning regulation and control of the economy.
- iii) Establishment of the public sector.
- iv) Tax relief's and states financial assistance to private sector.

The economic planning was undertaken to achieve the twin objectives of rapid economic growth and social justice. Service rather than profit should be the motive of any public sector undertaking. Government undertook many welfare projects to mitigate the economic miseries of poor. Now a days due to International economic conditions the government – which has been biggest employer – has slowly withdrawing itself from economic activities. A new scheme of public – private partnership in many public undertakings is being implemented. The traditional socialist thinkers think this is deviation from the accepted path.

v) A welfare state :- Modern Indian state is a welfare state. The ideal has been clearly spelt out in the Directive Principles of state policy. A suggestion was made in the Constituent Assembly to call them as “Fundamental Principles of the state” and these should be placed immediately after the preamble. This way Directive Principles could have greater sanctity. They are directives to various govt. agencies to be followed in the administration of the country. They impose a duty on the state

and determines its objectives and goals. Articles from 39 to 57 in all sixteen – contain these Directive principles. These cover a wide range of activities embracing social, legal, educational and international policies and define the nature of the state. They have noble aims like “to create and protect a social order which stands for the welfare of the people; prevention of the concentration of wealth to the common detriment providing children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. They are to be protected against exploitation. There are also provisions to make the working of the legal system in a way so as to provide Justice for all. No person be denied the opportunity of seeking justice because of the financial problems. State which has committed for equal justice has a provision for free legal aid to the poor. Some critics argue that these Directive principles are only recommendatory in nature unlike the Fundamental Rights which have a judicial backing. Moreover the list is framed in such a way as to “please all” It has provisions to satisfy the Gandhian followers like prohibition cows and prohibition and the Radicals like Right to work equal pay for equal work, preventing concentration of wealth and so on. There are also references to ideal world system i.e. settling the international disputes peacefully. So they are more an utopian nature and given meager resources and the contradictory nature of some of the principles they may be confined to paper only. Yet the Directive principles contain a positive obligation of state towards its citizen. Though some of them are quite revolutionary – like distribution of wealth – the method to be followed is stipulated as Democratic. In the opinion of Dr. Ambedkar, “if the Directive principles are achieved the Indian society will be never some again”

vi) Non-political Army :- The state has maintained the best democratic traditions of keeping army away from politics. Army's commitment is to the state and not to any particular government run by a political party. It had resisted the efforts of some political leaders to solicit the support for party activities. During the emergency Sanjay Gandhi the youth Congress leader wanted the help of the army for organizing the youth congress rally it was firmly rejected. The elections that were held afterwards saw Mrs. Gandhi's Congress routed and a new party swept into Power. There were apprehensions that the defeated regime might use the army power to nullify the verdict of the people. But that did not happen and a new party took over the reins. The credit for peaceful transfer of political power from one regime to another which is a symbol of matured Democracy – should also go in some measure to the non-political nature of Indian Army. The post independent state clearly used the Indian Army for defense and not for colonial expansion like the state

under British rule. India being a victim of colonialism and imperialism could not afford to continue that policy. Of course Indian state discharged its international duty, by deputing its armed forces through the U.N. agencies but that was for international peace and not for imperial purposes. So the Indian army is under the control of civil government and kept its neutrality in politics.

vii) Neutral civil servants :- As with the army the civil service has maintained its neutrality. From the fourth general Elections onwards many non-Congress government were formed in various states and the monopoly of Congress over, the government ended. The civil servants who were serving the Congress hither-to, lost no time in adjusting themselves to the new government set up. By and large the Indian civil service has been playing a crucial role in running the administration, continuously, whichever political parties come and go in elections.

viii) Multicultural and pluralistic state :- Indian state is a pluralistic state. It recognizes the multi cultural aspect of the Indian society. Right from the beginning the state's ideal is “unity” not “Uniformity”. Achieving Unity in diversity was the goal the state had set up. The Indian nationalism is the manifestation of feeling of oneness evolved from within not imposed from without. Enough constitutional safeguards have been provided to safeguard the cultural linguistic, ethnic diversities of the Indian society. A common citizenship, the unified civil services, and a harmonious centre - state relations have been playing an important role in checking the excessive diversity from spilling over and endangering national unity. It cannot however be denied that the feelings of separateness in some provinces could endanger the national unity.

Check your progress :-

1. Write a note on the nature of the post – independent Indian state.

17.3 CHALLENGES TO THE STATE SYSTEM

The Indian State is facing serious challenges from the social forces which have not yet got adjusted to the Democratic ethos and the civic culture. The feudal mentality still dominates the social Institution. The Democratic ideals and values like liberty, equality and social Justice are yet to take roots in the Indian society which is highly

authoritarian and regimented in nature. The economic – development has created a neo- rich class which is opposed to the concept of distribution of wealth. There are many such dangerous trends emerging in the society, if not properly checked with a firm and effective administrative measures a day is not too far when the Indian secular Democratic Republic may soon degenerate into a banana republic.

1) The Emergence of castist forces :- It is a historical fact that the Indian social system is caste ridden. Various social movements and reforms which tried to eradicate the caste system have failed to achieve the object. The biggest evil of the caste system is the religious sanctity it provides to inequality. Since the system is based on birth with no possibility of upward mobility the lowest strata is always being exploited. They are always at a disadvantageous position. Dr. Ambedkar had held that unless the caste is annihilated there could no social progress. But that picture is nowhere in sight. The caste structure has got strengthened further. Earlier creation of a “casteless society” was the goal of all progressive thinkers and radical political parties. But now a days asserting one's own caste has become politically prudent as the identity of caste can assure votes. Many election studies have indicated the influence of caste factor in influencing voting pattern. Many a time an erring minister would be let off by the party high command if he has backing of caste leaders. Appeasing various castes sub-castes, their associations and leaders have become the order of the day. Every political party keeps ideology aside and gives the caste considerations a priority in giving tickets to candidates to fight the elections. The caste association leaders virtually determine the candidates. This is not a healthy sign for Democratic politics.

It is true that “the caste feelings” have some positive features and can work for the advantages of a particular caste. It fosters unity among a groups. It gives an identity to an individual and offers social protection. So a progressive and forward looking caste conscious can be justified if the associations take up the tasks of upliftment of their caste members in education and economic fields. But the negative implications of caste exclusiveness, can be disastrous for the unity of the nation and for healthy democratic functioning. The caste loyalties have fuelied the caste antagonism in the society. Always the disorganized and numerically small caste groups are at the receiving end. The dominant castes in each and every province have monopolized the political power. This is against very basic principle of equality.

There are other social dimensions. The caste groups are under the leadership of narrow, backward looking, reactionary forces. The forces would like to maintain “the purity of caste” at any rate. With total opposition to the conception of” inter-caste marriages they would go to any extent to prevent them. 'We have series of incidents of honour killings of people who have dared to disobey the leaders'

command. The caste Panchayats have given moral support to such heinous crimes and the civic society is a helpless watcher. The law enforcing agencies drag their feet to file criminal charges in such cases as they are fully aware of the consequences of rubbing the caste leaders the wrong side. In the entire process the freedom of individual to have a life of his own is severely compromised. This is a sad reflection on the Democratic nature of the state. A question arises whether the state has abdicated its responsibility of protecting the freedom of individual and gave in meekly to the Fascist forces in the society.

As mentioned earlier, in the sociological process of organization and consolidation of the caste system it is the caste in the lower order that suffer most as they lack financial and social backing. The atrocities on Dalits is the consequences of the caste identification in the society. The pro-active measures undertaken by the government have further intensified the caste antagonism. The nation witnessed the worst caste-wars when the V.P. Singh government took steps to implement the Mandal Commission Report. With each caste and subcaste demanding quota, reservation, the ideal of casteless society is a distant dream. Earlier the pro-active policies received a broad national consensus. They were under taken in a missionary zeal. Gandhiji's Harijan upliftment was treated as a sacred duty discharged by the upper caste Hindus towards their downtrodden brethren. Unfortunately today any steps towards upliftment of Dalits is treated with contempt. A stereotypic view prevails that the system of reservations has diluted the "standard's and quality" is suffering because of pro-active measures. The implementation of welfare activities lacks the missionary zeal that was witnessed in 1930's during Gandhi's Harijan upliftment programme. Today it is mere ceremonial without making any substantial alternation in the caste hierarchy. Basically society and its reactionary forces have not yet come to terms with the need to create social harmony and cooperation among different sections. For this a spirit of compromise and magnimily is required among the well settled castes. If they adopt caste arrogance and superiority complex that will lead to backlash among other sections. They would assert their separate identity and might withdraw into oblivion. They no longer feel that they are part of the polity. They are not getting their due share politically and socially in the present setup. They become exclusive group and any small insignificant event is enough to instigate their wrath against the system.

But the point is why such intolerance is developing now ? Can we say that there is a new awakening among Dalits and they would resent any slur on their icons ? or the process of assimilation of different castes, ethnic groups into the national mainstream has miserably failed and we are witnessing a picture of each caste, each community and each sect of the Indian society asserting its separate identity, It would vehemently react if an impression is created that an organized attempt is made to cast aspiration either on their traditions

of customs or their way of life.

The Pluralistic democratic structure could be strengthened when different diversified groups exist pursuing their varied paths of life. But there also need be some basic unity among different sects. This can be achieved through mutual respect and understand between different castes and sections. The feeling of fraternity is absent in society. Long time back Dr. Ambedkar warned "Rights are protected not by law but by the social and moral conscience of the society. If the social conscience is such that it is prepared to recognize the rights which the law chooses to enact rights will be safe and secure. If they are opposed by the community no Judiciary can guarantee them in real sense of the word". If the social harmony is weak and the concept of Democracy is alien to a community the ideal of social justice remain only on paper. With separatist tendencies asserting and a contempt for other communities deepening, society divided on caste sub caste, ethnic groups all the talk of national unity is a sham. In such a situation the Republic would be weakened from within and the Indian state may present a picture of people at war with each other.

2) Communal challenge :- Maintaining the communal harmony especially between the Hindus and the Muslims was the life mission of Gandhiji and he sacrificed his life for that cause. During the first decade of Indian independence the Nehru leadership laid the foundation for secularism and nurtured the secular state with effective administrative measures. It was in 1967 the post Nehru era – that the communal riots took place in Jamshedpur. From then on sporadic riots are taking place in almost all places in the country. But these incidents were local and lasted at the most for a couple of days. It was around 1980 we witness the emergence of Hindu communal force with the name "Hindutva". This ideology embraced the whole nation. But even before this assertion of majority rights we could discern a slight shift in the ruling party's approach towards majority-minority issue. From the declared policy of "sustaining the minority confidence in the Congress" the leadership under Mrs. Gandhi in 80's subtly sought the support of the majority community. The traditional Hindu vote Bank in Jammu and Kashmir, Punjab which normally voted for Hindu parties voted for Congress. Many political observers feel that this is a new trend in Indian politics. In the elections that were held after the assassination of Mrs. Gandhi, the Hindus enbloc voted for Rajiv Gandhi creating a new power equation. The implications became more vivid when the government went soft on all communal forces. From the Nehru's concept of state keeping aloof from religion and religious activities came of new pattern of the state agencies actively engaging in religious activities. This has virtually boiled down to appearing all communal foces and weakening the secular fabric of the state. Rajiv Gandhi govt. amended the constitution to nullify the supreme court Judgement on Shabano case and opened the gates of a disputed temple at Aayodhya thus equally appeasring communal forces of both

the communities. Such shortcut methods and vote bank politics will harm the secular nature of the, state and weaken its determination to fight the bigotist forces. States failure to bring changes in Muslim personnel law, meekly submitting to the demands of reactionary forces and refusing to grant asylum to a writer from Bangladesh, and would not even allow a video conference to be addressed by a controversial writer show how strong the communal force are and how weak the Indian state is ! The present tendency of the state to be soft in dealing with communal forces is in total variance with the accepted ideals of our constitution and has dangerous implications for the future survival of secular state.

3) Separatist tendencies :- Growth of regionalism and the spread of separatist tendencies are posing a serious challenge to the Indian state system. The linguistic division of the country was undertaken to give vent to the democratic expression of various linguistic groups. It was hoped that the working of federalism and the local self governments would be given full meaning and expression to the wishes of people through this division. While it did work partly in that direction the negative tendencies like linguistic chauvanism animosity against linguistic minorities settled in other state, giving priority to local and regional issues over and above the national issues, have all made the federalism as a challenge to the national unity. The failure of central leadership to effectively deal with issues like inter-state river disputes, regional economic imbalances has compounded the problems. The new power equation between centre – which is led by one party – and the states – which are ruled by several regional parties has given a new dimension to the issue. It is not off the mark when we say that many times issues are presented as “region's pride Vs Centre's domination”. Such a tendency strengthens the separatist attitudes. Many a time these tendencies have international consequences. For instance the Dravidian parties in Tamil Nadu want the centre to adopt a strong policy against the Sri Lanka government because of their sympathy with local Tamils there, even if such a plicity would not be in the “national interest” of India. Similarly the separatist forces in Jammu and Kashmir, Assam, North-East have backing of certain foreign countries. When these separatist forces indulge in militant activities the Indian state would be compelled to use the army to curb their activities. When the army with its special power conducts search operations and uses force to flush out terrorists some time the innocents might suffer. This creates an animosity against the army in the minds of local people, fuelling the alienation from the main national stream of body politics thus further strengthening the separatist tendencies. No state can rule its people only on the might of armed forces for long. How soon can the Indian state win the confidence of these people settled in border areas and assimilate them into the main body of policy is to be seen.

4) Corruption at High places :- Corruption in the administrative apparatus is a cancer that can destroy the system from within. Despite an excellent administrative structure with rigid rules and regulations the Indian administration has failed on two fronts. It has failed to deliver the goods to the people. Despite 50 years of Democratic experience people still do not trust the government agencies. The agencies are known for their bureaucratic delay and immune to public grievances. Many a time poor people would like to avoid government rather than take its help. They are simply scared of govt. and its law enforcing agencies like police for instance. The administration is basically an elite oriented structure. Its record of serving the people – the real masters in a Democracy – is rather below average. The honest and straight forward officers are always at the receiving end by the power brokers. Criminals who have entered into government have made a mockery of administrative ethic. It is on the front of controlling the misuse of government funds, and corruption that the administration has failed. The Natural resources of the country like coal, minerals, natural gas, have been allotted to some “favourites” by ruling circle without considering the established procedure. There seems to be some quid pro co arrangements in these dealings. When things became public due to efforts of some right thinking citizens the nation was aghast at the casual manner in which nation's wealth was surrendered for political gains. But no follow up action was taken to prosecute the criminals. The protracted legal procedure the existing loophole in the laws will make it next to impossible to punish the guilty. The cancer of corruption has crept into the highest levels in the government. The people at highest levels are casting aspirations on independent probing agencies like C.A.G. (Comptroller and Auditor General). When people at the highest level criticize these autonomous bodies for working impartially what lessons can an ordinary citizen draw ? There are also valid criticisms that investigation agencies like the C.B.I. are being misused by the ruling party to silence the opponents. It has been showing unwarranted haste in filing charges against those who are opposing the central leadership and coolly drags its feet while dealing with the charges against the ruling leadership and their allies. This functioning of C.B.I. has led even the judiciary to comment bitterly if the organization cannot improve its functioning it better be closed down.

5) Failure to provide the basic economic security to the people :- The performance of any government can best be judged by the standard of living of its citizens. Various UNESCO Reports show that the standard of living of majority of Indians is below the accepted level. Availability of adequate food grains at affordable prices clean drinking water, a good public health scheme, cheap housing are still a mirage for the majority of people. Education at primary and higher levels is still not achieved to all sections. Child labour is still rampant, as parents prefer their children to work in hazardous industries to earn extra income for family than attend the

school. Educated unemployment rate is swelling. The New Economic Policy and market economy have not given the much promised boost to economic growth. A situation like this would be a fertile ground for the growth of radicalist forces who have no faith in Democracy and resort to violence. The state has been viewing the naxalite movement as law and order problem and resorting to extra legal methods to curb it. We have any number of reports of encounter, deaths, police atrocities, human rights violation and custodial deaths appearing. These will further alienate poor people from the state and they are attracted towards Radical movement. This would strengthen the movement compelling the state to use force thus further alienating masses and the vicious circle continues. Organized violence against state backed by economically exploited closes is the most serious challenge any state can face.

Check your progress

1. Enumerate various challenges the Indian state is facing.

17.4 STATE'S DEMOCRATIC EXPERIENCE

India's experience with democracy started with colonial rule. It was an experiment conducted with limited franchise. The functioning of Legislative councils was severely curtailed by the veto power exercised by the governor as the head of Executive council. Basically majority of people were outside this experiment. Nor the conditions in the country – ruled by a repressive alien government – were anywhere favourable to the growth of democratic culture. With the enactment of the Indian constitution and provisions for universal adult Franchise a full fledged Democracy came to be operated in India it we define Democracy as a method to change the rulers peacefully, it took almost four General elections to be realized in India and now it is operating regularly. Even the governments at centres are changed. To judge the government by its performance is a sign of political maturity and we can say that the Indian democracy has been showing this.

But there are inherent weaknesses in the Indian Democratic System which if not properly corrected can result in the collapse of the system. Indian elections are a costly affair. Money plays a major role in deciding victory or defeat of a party. The unaccounted black money is playing havoc with the political process. Closly related with this feature is the criminalization of poitics. Noted criminals are entering into political arena and get elected through money power and muscle power. Once they became “Peoples Representative” it is a matter of time before all the pending cases against them are dropped. Recent statistics show more than 60% of Representatives have criminal record – like heinous crimes of kidnapping, extortion, rape and so on.

Some of them have been charged with inciting communal tension which led to large scale violence and killing of innocent people. But they are at large and get all privileges of "People's Representatives". Misuse of government funds has become a habit for Representatives. Govt's accountability is ensured through effective functioning of the Parliament. But of late the Parliament hardly functions effectively. Disruption of parliamentary proceedings seems to be the way to express opposition's anger to govt. policies. Shouts, countershouts rushing to speaker's podium, never allowing others to speak have made Indian Parliament "a talking shop". There was a time when it was an experience in learning to listen to the debates in Parliament. The debate conducted earlier on domestic or foreign policy issues, was always dignified. Alternative policies were suggested and govt. never turned a deaf ear to the constructive criticisms. It was a refined language and the debates really represented public opinion on the govt. policies. There is need to revive such a tradition to make Democracy effective.

Indian Democracy faced two direct assaults on its ideological foundations. First came the challenge from the communists in 1950. They refused to believe that India has become independent and wanted to establish a "people's govt.". They used violence for the purpose and selected Telengana region. It was virtually a war against the Indian state and that was crushed. Exactly a decade later a new challenge emerged in Naxalite region. This time the assault on state was carried out by the break away group of Marxist party. This radical group accused CPI (M) leaders as "revisionist" and have abandoned people's war. This movement named as Naxalite movement, though faced same fate like earlier communist movement was able to gather support from a large section of people. The movement gathered sympathy on two accounts. The first reason failure of the Indian state system to effectively address the issues raised by Naxalites – economic exploitation, inequality of income and widening gap between rich and poor. Most of the Naxalites were well educated unemployed youth. The failure of state to effectively implement welfare measures in rural areas, Tribal areas have alienated the masses. Naxalism was attracting them as an alternative policy to seek social justice. When established legal system fail to deliver Justice the poor turned to 'Naxal brother' for quick justice. Peoples court summary justice is a direct challenge to the Democratic state system and clear indication that people are losing faith in the state.

The second reason is excessive violence committed by state to curb naxal movement. The extra legal methods like encounters had given a bad press to the state. Maintaining law and order is necessary, but using extra legal and unconstitutional methods make state only a centralized power structure rather than a human association meant for providing a better life for its members. Nor can the state claim it has eliminated the Naxal danger completely as the radical militant groups are still operating sporadically in tribal areas of Bihar, Orissa, Maharashtra and Andhra.

The second challenge to Indian Democratic system came from elected government itself. There was a prelude to this. A people's movement led by Jaya Prakash Narain was sweeping the whole country. There was unrest due to economic conditions and corruption at high places. It was a non-political movement but soon the non-Congress parties joined it. It started in Gujrat, where people demand the dismissal of an elected government and wanted reelections. Faced with stiff resistance from people, the central govt. agreed to the demand but it soon spread like wildfire this time in Bihar. Is it Justifiable to dismiss an elected govt. because some people want it ? There is no provision for recall system in India. But it was the Congress government it self which had set up a bad precedent when it dismissed a duly elected Communist government in Kerla. It had always misused the governor's office and imposed the President' rule in those states which are not governed by the Congress. The ruling Congress government termed the J.P. movement as "Fascist movement", aimed at destabilising the elected govt. and a danger to democracy. It tried to curb it. Then came the Allahabad High court Judgement declaring Mrs. Gandhi's election invalid and supreme court refused to give an absolute stay. It is deplorable that the Prime minister did not raise to the occasion and acted in a dignified manner. Instead of respecting the Judgement of the highest court and honorably resigning, she resorted to the backdoor methods. An internal emergency was declared. This drastic step virtually suspended Democracy. There were large scale arrests of prominent political leaders including J.P. All strikes, movements were legally prohibited. Certain organizations like R.S.S., came under govt. ban. There was censorship of media. Many non-congress state govts. were dismissed. The constitution was amended to extend the tenure of Loksabha to six years. The extra constitutional methods were used to strengthen the hereditary rule by bringing Sanjay Gandhi into open politics. The youth congress was virtually controlling the government. Under the garb of 'stability' many untold atrocities were conducted against the critics of government. Every effort was made to sniff the discontent. Sanjay Gandhi's unimaginative ideas of compulsory family planning was an affront to the dignity of human beings. The discontent among workers, employees was boiling. Nor there was any remarkable economic gains during that period. State and its agencies became the monopoly of Mrs. Gandhi's family. It was the most atrocious to observe that the Indian National congress – the only party which was allowed to function openly as most of the opposition leaders were in Jail – passed a resolution "Indira Is India" and the prime minister did not have decency to protest. With psychofants around her no feed back because of censorship of media the government was totally unaware of the fact that it got alienated from the people. The election that followed made this reality Crystal clear. The autocratic government was over thrown and a new government was installed. Even the Prime Minister herself was defeated. This is a candid proof for the maturity of Indian Democracy. In a peaceful method an authoritarian regime was

changed. The new government took a series of steps to keep the things back on the railing. Of course the Janata govt. fell under its own weight and paved the way for Mrs. Gandh's return to power history. But the Democratic spirit shown by the masses is to be commended and we can safely conclude despite several limitations Democracy has taken some roots in the Indian soil. It would be next to impossible for any political force to tamper with the Democratic institutions in India.

Check your progress

1. Make a short notes on the Indian experience with the Democratic system.

17.5 SUMMARY

The state system in India is very ancient. It has evolved over centuries. The state did have some republic features in ancient vedic times. But by and large it was monarchy that prevailed. From an exclusive elite oriented power structure supported by feudal forces in society the state had emerged into a modern Democracy. Many historical factors including British Colonial rule played their part in this transformation. After independence and with the enactment of the constitution the state's transformation is completed. The state which is now called sovereign Democratic Republic gave recognition to the power of people and treated them as real masters of the new system. The preamble clearly states this position while the Directive Principles imposes a moral obligation on the state to achieve certain ends and there by define the nature of the Indian state.

The new state is facing problems from social forces which have not yet reconciled to the Democratic ideals of equality and social Justice. Social intolerance can wreck the freedom of thought which is basis of Democracy. The notion of pluralistic structure and multicultural society, has been facing serous assaults by narrow minded reactionary Fascist forces. Many a time the state apartus become a mute spectator. State's record in safeguarding human rights is rather poor. The New Economic Policy has virtually made to surrender its obligations to market forces. The poor and unorganized labour are at the mercy of multinational corporations. Farmer's suicide has almost becomes a routine affair.

Today, Indian state resembles the 19th century 'liberal state' where state was given minimum functions of keeping law and order and maintaining National security and leaving the entire economic field to capitalists. The only difference is it is foreign capitalists who are playing the game. The benefits of New Economic Policy has not reached the poor and there is a wide condemnation of state

withdrawing from welfare activities. Criminalisation of politics, corruption at higher places, caste and communal appeals during elections make one wonder how strong is Indian state. Though the state has maintained its Democratic structure intact and shown some admirable record like vote against emergency still much more need to be done to preserve it.

In this context we may make a reference to the new people's movement that is slowly emerging in India. It envisages empowering the ordinary citizen. It has suggested that the rulers must be accountable to people. So the "LOKPAL" bill, which aims at controlling and checking the misuse of government power at high places, should be more stringent. There should be a provision to include the Prime-minister's office under its preview. The investigation agencies like C.B.I. must be really autonomous and free of government control. The movement launched by veteran Gandhian Anna Hazare wants to purify the Indian political system by adhering to certain moral values. Exposing nexus between Criminals and government, protecting honest and sincere govt. officers, creating a public awareness against evils like Black money, corruption are some of the aims of this movement. Of course there are charges and counter charges and splits within the movement. That is inevitable in any organization working in a Democracy. What is significant to note is a debate is going on about the problems affecting the Indian state. With more and more educated citizens taking interest in these matters some constructive suggestions are being offered. The electronic media, the Right to information Act are playing their part to educate the public. An educated and politically conscious public which is aware of its power can certainly revitalize the Indian state.

17.6 QUESTION

- 1) What are the challenges facing the Indian Democracy ? Suggest some ways to strengthn the system.
- 2) Make a comparison between the pre-independent and post independent state system. How far the post independent state has lived to its expectations.
- 3) Is revitalizations of Indian state possible with the present constitutional set up. Enumerate your answers by focusing on the basic philosophy of the constitution. Are any changes necessary in the constitution ?

17.7 SUGGESTED READING

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