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## Discipline Course

# INDIAN POLITICS IN COMPARATIVE PERSPECTIVE

**Study Material : 1(1-10)**


## SCHOOL OF OPEN LEARNING

*(Campus of Open Learning)*

**University of Delhi**

## Department of Political Science

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## Graduate Course

## Discipline Course

# Indian Politics in Comparative Perspective

## Study Material : 1 (1-10)

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LESSON 1

# APPROACHES TO THE STUDY OF INDIAN POLITICS AND NATURE OF STATE IN INDIA: LIBERAL, MARXIST AND GANDHIAN

## Approaches to Study of Indian Politics

Politics is an unavoidable universal activity. It is the activity through which people make preserve and amend the general rules under which they live. Politics is a continuous, timeless, ever-changing and universal activity having it's key manifestation in the making of a decision to face and solve a 'Predicament'. It flows from a special kind of activity, a form of human behavior. Aristotle in his book 'Politics' declared that 'man is by nature a political animal', by which he meant that it is only within a political community that human beings can live 'the good life'. From this view point, then, politics is an ethical activity concerned with creating a 'just society; it is what Aristotle called the 'Master Science'. David Easton treats politics as an action for the 'authoritative allocation of values'; Harold Lasswell and Robert Dahl describe it as 'a special case in the exercise of power'; and Jean Blondel lays emphasis on the point of 'decision taking'.

The study of Indian politics is a crucial and complex one, albeit India is a secular state. Crucial in the sense that Indian politics emerge from various social heterogeneity. Indian politics shaped by the cultural diversity, social, ethnic, caste, community and religious pluralism, tradition of the national movement, contrasting style of party leadership and clashing ideological perspective. Indian political system is framed by the conservative traditions. Though India has a legitimate authority with democratic governance yet has to evolve a real political system. India is a particularly significant laboratory of political, economic and social development and change. It is a static society in progress.

For scholars of politics, India is perhaps the most important of all the newer countries of the so-called 'third world'. In view of its long and complex past, its vast population and its present position, the special importance of India can be generally recognized without doing an injustice to any other country.

## Approach, Method and Theory

An approach is defined as a way of looking at and then explaining a particular, phenomena. Approach selects problems or questions and data for investigation.

Method is a tool or technique. It collects and interprets data. When an effort is presented in a form the same is treated as approach which later leads to the utilization of a particular method. Van Dyke observed that "In belief, approaches consist of criteria for selecting problems and relevant data, whereas methods are procedures for getting and utilizing data".

The term approach may be synonymous with method and technique but it is certainly distinguishable from a 'theory'. Theory is the root of a concept which analyzes, defines, generalizes and gives concrete but basic and overall ideas on a matter. It helps to understand the present reality and supplies ideas, concept and technique for the purpose of analysis, description, explanation and criticism. In short, theory is a systematic knowledge of political phenomena. Approach may be defined as the creator of theory. An Indian scholar Mahendra Kumar defined an approach "is transformed into

a theory if and when its function extends beyond the selection of problems and data about the subject under study".

With a view to highlight the meaning of different related themes used in the sphere of modern political analysis, Apter defines some of them in the following manner.

1. **Paradigm**: It is a framework of ideas that established general context of analysis. Fundamentally, paradigms combine a mixture of philosophical assumptions and criteria valid knowledge. The resulting combinations are sharply distinguished from each other.
2. **Theory**: It is a generalized statement summarizing the real or supposed action of a set of variable, whether dependent, or independent, or intervening. Parameters represent the conditions within which independent variable operate. A theory may be macro or micro dealing with large or small groups or units. Moreover, it may be abstract, or formal or notational, or concrete.
3. **Method**: It is a way of organizing as theory for application to data. Thus, methods are known by the name of conceptual schemes they may be of many types like comparative, configurational, historical, simulative and experimental.
4. **Technique**: It likes methods to the relevant data. It represents various modes of observation and way of recording empirical information. As such, techniques vary in appropriateness, sampling, public opinion testing, interview, regression analysis, factoring, scaling and testing.
5. **Model**: It is a simplified way of describing relationship. It can be constructed from a paradigm, a theory, a methods, a technique. It way be typological, descriptive, formal mechanical, organism, biological etc.
6. **Strategy**: It is a peculiar way of applying one or any combination of the above type to a research problem. It is required that quality and integrity should be combined in a strategy. A good strategy fit together problem, theory, methods and techniques in a systematic and coherent way.
7. **Research Design**: It converts strategy into an operational plan for field work or an experiment. It is a prospectus or an outline from which research is carried forward. It is a final stage in professional research preparation.

It may, however, be added at this stage that in the field of comparative politics most of the related themes, as briefly defined above have become synonymous for the sake of presenting an empirical study of politics. Herein lies the reason of the use of a new methodology in the field of politics. The real purpose is to adopt new techniques for acquiring knowledge, new criteria for judging the validity of claims to the possession of knowledge, and new analytical tools for refining the meaning of the terms and raising the level of precision and logical inference, all of which were introduced more or less concurrently.

**Various Approaches to Study Indian Politics**

Though Indian politics is critical and crucial in nature, in the meantime, it is also very interesting to study by using various approaches. Politics have been changing from time to time. It is not possible to determine a particular period when an approach began and other stopped. Different approaches were applied by different scholars at the same time. Approaches to the study of Indian politics may be broadly classified into three categories – traditional, modern and contemporary. Traditional approach is said to be 'value laden', the modern is known for being 'value free'. Traditional approaches have historical descriptive and prescriptive character while modern approaches are marred by empirical investigation of the relevant data. The major varieties of traditional

approaches are; Philosophical Approach, Historical Approach, Institutional Approach, and Legal Approach .The important modern approaches are – sociological approach, psychological approach, psychological approach, economic approach, quantitative approach and contemporary approaches are – the power approach, behavioral approach, post – behavioral approach, system approach, structural – functional approach, communication approach, decision making approach.

**A. Philosophical Approach**

Philosophical Approach which is also known as Ethical Approach, is one of the oldest approach to the study on Indian politics. If refers to study of truths. It is a study based on knowledge, realities and wisdom. This approach deals with the philosophical nature of politics. It is a study of imagination to find out the truth and knowledge. This approach is ideological in nature. The scholars study fact from philosophical angle. A major feature of this approach is that it follows the deductive method. This approach study state Govt. and with goals morals, truths or high principles to underline the knowledge and reality, this approach is probably the oldest in the study of politics. The exponents of this approach are Plato, Rousseau, Hegel, Mill, Kant, Bradley, Bosanquet and Sidgwick. In present period, this approach to the study of political period, this approach to the study of politics has been used by Leo Strauss.

In brief, the philosophical approach is marked;

1. Speculation, intuition and norms;
2. Use of powerful logic to convince and justify the stand taken.
3. Absence of effort to prove historical basis and verify facts;
4. Partisan attitude.
5. Subjectively; lacking objectivity and universal validity.

Vernon Van Dyke states that the philosophical approach—

1. is concerned with the clarification of concepts used in a particular discipline;
2. aims at evolving standards of right and wrong for the purpose of a critical evaluation of the existing institutions, laws and policies.

The Indian politics have a philosophical bent of approach. The intellectual journey from Raja Ram Mohan Ray to Mahatma Gandhi in Indian politics as a testimony of their philosophical mind. The leaders of the Indian renaissance emphasized the importance of ethical values in politics. They never accepted the aim of modernization in India was to imitate the west. They protested against the growth of science of the cost of the inner growth of man which translates means into ends. They argued that scientific progress without spiritual progress was mere binding of the human spirit. Sri Aurobindo and many others even spoke of the spiritual mission of India against the hedonistic, worldly aims of the modern west. Vivekananda was the advocate of the religious theory of nationalism because religion, he stated, had to be made the backbone of the national life. Aurobindo and Gandhi also argued in the same way. Gandhi like Gokhle wanted a spiritualization of politics. Gandhi stressed that non-violence alone could lead to true democracy. In Gandhian philosophy means and ends are convertible terms. The two are inseparable and should be equally pure. Thus, Vivekananda, Aurobindo, Gokhle Gandhi and even Nehru had a spiritual – approach to politics. Their approach to politics and political problems was rooted in moral values.

This approach is criticized on the ground of speculative and abstract. It takes us for away from the world of reality. Philosophical approach draws metaphysical conclusion.

**B. Historical approach**

History is the past politics. It pertains the past incidents of human society. Many political scientists agreed that the historical background is essential to know the Govt. and other political institutions. History is the witness of the progress and down fall of human civilization. Originally this method was adverted by Aristotle Hegel, Montesquieu and Marx etc. These philosophers studied the historical events and factors of existing institutions and made predictions for the future. The study of history cannot be neglected. If it will be neglected then the source of knowledge of the political institution and political ideas can be ceased. The origin of every political institution can be found from the pages of history. Hence, it is necessary to take the help of history to know about origin and development of political institution in India. Indian political system has a close link with the tradition and history.

According to O.P. Gauba, historical approach to politics may be taken to mean two things. (i) It denotes the process of arriving at the laws governing politics through an analysis of past historical events, as exemplified by Hegel and Marx, and described by Karl Popper as 'historicism ; (ii) It stands for an attempt at understanding politics through a historical account of political thought of past, as exemplified by Sabine.

Indian political thinkers also developed the historical approach in Indian historical perspective. The thinkers studied the history such as Romila Thapar (The history of India, 1966), R.C. Mazumdar (Ancient India), Jawahar Lal Nehru (Discovery of India, 1946). S.C. Kashyap Study the history of our parliamentary system is his book 'The History of Parliament of India'. He stated the growth of representative institution in our state from Vedic age to colonial rule. Other political thinkers N.N. Vohra and S. Bhattacharya in their essay "Looking Back: India in the twentieth century" (NBT 2002) look back at India in the last century. The authors evaluate the historical experience and reflect on the prospects the 21$^{st}$ century holds for us.

Like other approaches historical approach has also been criticized by the critics. unites Lord Bryce has warned is against superficial resemblances. He points out that 'historical parallels' are generally interesting and sometimes illuminating but are always misleading. some criticisms as follows-

1. It does not explain actual phenomenon. It only stress on the historical development of a particular institution. It is not concerned with the present actual phenomenon. It is a superficial approach.
2. It excludes the study of society this approach study only the state. It excludes the society from its interpretive study.
3. It degenerates into historicism

Lastly, to quote David Easton, he said that original value of a research work is mixed up with the history. The researcher-defend their own research value on the historical evidence. Sabine, Dunning and Mcllwain have done this thing

**C. Institutional Approach**

It is another important approach among the traditional approach. In this approach, a student of politics put emphasis on the study of the formal structures of a political organization like legislature, executive and judiciary, this trend was developed in the writing of a number of political scientists from Aristotle and Polybius in the ancient to Bryce and Finer in the modern period. The modern writers

include party system as the fourth estate of political system whereas contemporary writers include numerous interest groups that constitute the infrastructure of a political system. For this reason, institutional approach is also known in the name of structural approach.

The institutional or structural approach may be visualized in the works of N.D. Palmer (Indian political system), Ashok Chanda (Indian Administration), A.B. Lal (The Indian parliament), J.R. Siwach (The Indian president), B.B. Jena (Parliamentary Committee in India), etc. The constitutional framework of Indian politics and the working of parliament and the executive has had more adequate treatment than most aspect of the subject.

This approach has been criticized from various grounds. It does not gives any importance to the individuals who run the institutions. Institutionalists view that individual only executive the decisions. They have no role of their own or will of their own.

The drawbacks of this approach are:

1. It neglects the role of individual while overemphasizing the institutions.
2. It does not assign importance to the study of international politics.
3. It fails to take into account the role of violence, political movements, agitations and revolutions and war.
4. It neglects the role of informal groups and processes in shaping politics.

In spite of these drawbacks, the institutional approach plays an important role in the study of politics, as the institutions from an important part of politics.

**D. Legal Approach**

Politics is mixed up with legal processes and institutions. The reason being that there is interdependence between the law and the governmental institutions. In the case of parliamentary systems like India where there is a written constitution according to which the governmental institutions run. Further, the basic function of parliament is to enact and amend the laws. The institution that work adjoining to parliament is meant interpret and execute the laws brought out by the parliament. For example, courts and executive bodies like cabinet are meant for this. Thus one finds a close relationship between the low and the institution.

In this context we way refer to the works of D.D. Basu, M.V. Pylee, M.C. Setalwad, A. Gledhill and B.Rau. D.D. Basu, 'commentary on the constitution of India's is the standard full length lawyers commentary, but M.V. Pylee, 'constitutional government in India' is comprehensive and less technical, while C.H. Alexandrowicz, 'Constitutional Development in India' is the most valuable analysis of the main provisions. The best introduction to law in India is G.C. Rankin, 'Background to Indian law; and the best brief account of 'The system of law are M.C. Setalwad, , 'The common law in India' and A. Gledhill, ' The Republic of India'

This approach is defective and narrow. Because law does not cover entire behavior of political actions. The jurists reduce a political system to judicial entity. Many socio – political questions can not be explained in terms of the legal framework. It does not explain the character of socio classes the nature of economically dominant groups over all other social groups. It also does not explain the internal contradictions of Social-political system.

**E. Comparative Approach**

This approach studies the existing politics of a nation and compares it with the political system of other state. This approach also compares the historical facts and political events. The approach of the constituent assembly of India was some extend comparative. The advisers of the constituent assembly visited a number of nations and gave his report. The constituent assembly look the advantages of it and include it in the constitution. Many features of the India constitution and borrowed from foreign constitution.

**F. Sociological Approach**

Sociological approach becomes an integral approach to study the politics. David Easton Maclver and Almond have accepted the views of sociologist that state is more of social than that of a political institution sociological approach is necessary to understand the political behavior of individuals. Political socialization comes to the front. It is a process of transmission of values from one generation to another is called political socialization. Political culture also visualized in this approach. The term political socialization popularized by this approach. Political culture "refers to the totality of what is harmed by individual as members of society; it is a way of life, a mode of thinking, acting, and feeling.

Social context is necessary for the understanding and explanation of political behavior of individuals. It is the social whole in which we find the individuals having a status and playing a role. Besides as society is a network of numerous associations and groups which play their own part in the operation of the politics of a country, this approach automatically suggests an investigation of the study of interest groups that constitute infrastructure of a political system.

The social setting of Indian politics has become the subject of keen study in recent years. We can indicate some of the key works and specially those which have a fairly explicit bearing retain on political life of earlier studies, two which retain a value are B.H. Baden – Powell, The Indian village community (1986) and L.S.S. O' Malley India's Social Heritage (1934). At the centre of recent social research are studies of villages and the significance of caste in rural communities. Some of the more path breaking contributions have been M.N. Srinivas (Ed.) caste in India and other essays (1962); social change in modern India (1996); S.C. Dube, Indian village (1955); T. Zinkin, caste Today (1962).

**G. System Approach**

System analysis is considered to be the pioneering model of political analysis. David Easton was the first major political scientist to develop a systematic framework on the basis of the system analysis approach for the study of politics.

System analysis conceives politics in terms of the political system. Easton has selected the political system as the basic unit of analysis and concentrated on the inter – system behavior of various systems. He says that outside the political system, there are other systems – physically, biological social and psychological for instance. Political system is distinguished from the other systems by the authoritative allocation of values made by the former which broadly constitutes the political process.

Easton holds that all political systems are both open and adaptive. He concentrated on the study of the nature of the exchanges and transaction that take place between a political system and its environment. As such, "the authoritative allocation of values" does not take place in a close circuit but

is made because of the ‘demands' from the society or ‘environment’. Because of the 'supports' from the environment, they become ‘authoritative’.

The political system, according to Easton, receives inputs from the environment in the form of 'demands' and 'supports'; it produces output in the form of policies and decision. The outputs flow back into the environment through a feedback mechanism, giving rise to fresh demands.

Almond listed three characteristics of systems. These are (a) comprehensiveness (b) interdependence (c) existence of boundaries. System is comprehensive because it includes all the interactions i.e. input and outputs. Another characteristic of system is interdependence which means various sub sets of the systems are closely related to each other. If one changes occurs in one subset means it appears in all subset. Finally, boundary is a point of begins and ends of the system. Myron Weiner (State politics in India) treats each state as a constituent unit within a larger system.

**H. Behavioural Approach**

The roots of the behaviouralism maybe traced back to the general system theory propounded by a biologist, Ludwig Von Bertallanty in the 1920. This theory emphasized the unification of the sciences. For the first time, ‘Behaviouralism’ marked a systematic attempt to integrate political science with other behavioral sciences and, therefore, it made deliberate efforts to draw freely from these sciences.

In the field of Political Science, the origin of this approach can be traced to the writings of Graham Wallas and Arthur Bentley. These two writers in the early 20$^{th}$ century, laid emphasis on the informal processes of politics, giving less importance to political institutions in isolation. Charles E. Merriam and G.E.G. Catlin in the 1920 and Harold D. Lasswell in the 1930s stressed this approach. But it gained popularity with the work of America political scientists after the second world war.

David Easton laid the foundation of the behavioral movement with certain assumptions and objectives. He regarded eight points as the intellectual foundation stones for the behavioralism: (1) regularies (2) verification, (3) techniques, (4) quantification (5) values, (6) Systematization (7) pure science and (8) integration.

The behavior approach focuses on political behavior. It calls for the study of acts, attitudes, preferences and expectations of man in the political context. It lays emphasis on the collection actual behavior of man as a social and political being. Thus, behaviouralism shifts its focus from study of politics from formalism and normative orientations of the legalistic and philosophical schools to political behavior, i.e., the behavior of actual actors in the political field like power – holders and power – seekers as well as voters.

As summarized by Kirkpatrick, the main characteristic of behavioral approach is as follows:

1. It rejects political institutions as the basic unit for research and identifies the behavior of individuals in political situation as the basic unit of analysis.
2. It identifies social sciences as ‘behavioral science’ and emphasizes the unity of political science with the social science, so defined.
3. It advocates the utilization and development of more precise techniques of observing, classifying and measuring data and urges the use of statistical or quantification formulations wherever possible.
4. It defines the construction of a systematic empirical theory as the goal of political science.

Though behaviouralism made a break through in the field of political science.

It has been criticized on many fronts. Some of its weakness has been identified as follows;

1. It is based on a false conception of the scientific methods.
2. It is based upon a false theory of knowledge as it takes facts alone as real.
3. With craze for 'Mad Scientism' it sacrifices the significance of speculative political theory.
4. It makes political science a handmaid of sociology.

This approach has taken a place in Indian politics, some works visualized this concept these are;

A.H. Somjee (Voting Behaviour and Indian villages 1959); Myron Weiner and Rajni Kothari (eds). (party systems and election studies 1967).

**I. Psychological Approach**

Political science has become a close discipline of psychology, categorically, G. Wallas, Merriam Lasswell and Dahl made an attempt to study political with the help of psychology. In modern times, Machiavelli and Hobbes emphasized on the security of life and material possessions as a motivating force and held that the desire for it was inseparable from the desire for power. A number of political scientists have borrowed materials from the writing of eminent psychologists like Feud, Jons, Eyesenck and Dougall to lay down certain valid rules of political behaviour. They realized that human psychologies, emotions habits, sentiments, instincts and ego etc are mostly influence political activity and behabiour of individuals. The concept power is very important in political science and to study the shaping and sharing of power. The psychological approach is also known as power approach.

**J. Development Approach**

The new generation of political scientists came to realize that the non-western political process should be successfully studied through the 'political development approach'. This approach in the study of comparative politics was so expanded as to include besides the analysis of political institution, and structures, a wide range of ecological forces. India's politics can also be reached by the different route of comparative politics and in particular the politics of new states and the problems of political development. Relevant philosophical considerations are contained in J. Plamenatz, On Alien Rule and self government (1960); E. Kedourie, nationalism (1960); and J.R. Pennock self government in modernizing nations (1964).

**Critical Observation**

A detailed study of the major approaches to the study of politics, as contained in the preceding sections, leads to following important impressions;

1. While several approaches to the study of politics may be broadly grouped into two categories traditional and modern -a sort of overlapping can not be lost sight of. It is a different matter that we treat the former as loaded with empiricism. The fact stands out -that empiricism is available in the classical approaches of great political theorists from Aristotle and Polybius in the ancient to Marx and Tocqueville in the modern ages. Similarly, normativism has not been discarded even by the most prominent figures subscribing to modern approaches. Even Marx- ism has a normative orientation in the end when it conceives of an era of emancipated humanity wedded to the observance of 'glorious human values'. Thus, it may be affirmed that the label of traditionalism is

neither a criticism nor a refutation of the patent fact that norms still play an important role in modern political studies although no longer monopolizing the avenues of approach.

2. The dichotomy of facts and values should not be given undue importance in belittling the place of values. Nor should it betaken for granted that the value system is all hypothetical or abstract and, for this reason, scientifically untenable. This point should be remembered that the critics of traditional political theory commit a wrong by neglecting the part that the facts do play in support of value judgments. It is true that the judgments of value cannot be directly tested by the criterion of accordance with fact, they are susceptible to an Indirect of this kind, for they often presuppose beliefs about facts which can be subjected to the text of accordance
3. Several approaches to the study of politics should not be treated as mutually exclusive. Most of them are inter-related. Not only that they overlap. For instance, a sociological approach may be psychological in some respects; or a simulation approach may look like a systems approach in some other respects. Most of the elements of different empirical app- roaches may be discovered in the behavioral approach with the result that some writers have preferred the term behavioral approaches. It is correct to say that different categories "do not meet the requirements of logic. They are employed, nevertheless in the belief that they reflect usage and in the belief that it is more significant to comment on usage than to devise an entirely logical classification scheme.

Thus, the point remains that traditional and modern approaches have a relevance of their own in the study of a political phenomenon. The purpose is to understand and explain political reality and, as such, it should not be tried to be achieved in a way that the conclusions become thoroughly abstract or too mechanistic not at all applicable to the life of a living and dynamic people. As we shall see, the great mistake committed by rank empiricists is that they have taken away freshness from the discipline of political science by treating politics like .a game of soul-less creatures having no higher aim of life. 'Scientism' is good, but the 'mad craze' for the same, as counseled by David Easton, is bad that should be avoided. Let us not forget the sagacious observation of G.E.G. Catlin that no political theory could be complete without the 'consideration of the ends of action and the discussion of values' and so that of H.R. Greaves that no political theory could be complete without the consideration of the ends of action and the discussion of values' and so that of H.R. Greaves that "a value – free analysis would prove destructive to political theory".

**Conclusion**

Various approaches have been discussed to the study of India politics. These approaches are categorized into tow types traditional and modern. The former is loaded with romanticism and the latter with empiricism to understand and explain the political reality of Indian political system. It is important to take the help of both tradition and modern. Both approach has the relevance much or les as per the time frame.

**Nature of the State in India: Liberal, Marxist and Gandhian**

'State' is the most commonly used and the most opaque term in the political vocabulary. Upto the first half of twentieth century, political science was concerned with the study of the state the phenomenon of the state in its varied aspects and relationship, as distinct from family, tribe, nation and from all private associations and groups. As Garner put it, political science begins and ends with the state' Garner, Gettle, Bluntchli, Gilchrist etc. have been the representatives of such a school of political thought.

Etymologically, a state is organized machinery for the making and carrying out of political decisions and for the enforcement of the laws and rules of a government. According to Garner, 'the state, as a concept of political science and public law is a community of persons more or less numerous, permanently occupying a definite portion of territory control and possessing an organized government to which the great body, of inhabitants render habitual obedience. According to this definition, population, fixed territory, government and sovereignty are the essential elements of the state. Different from society, government, association and the nations, the state is considered a distinct institution.

**The Indian state**

The state is a central player in the modern drama of development, and nowhere is it more important then in the development of the third world. Its successes, its failures and its distortions cannot be fully appreciated without a proper understanding of the trajectories of state formation. To understand how states are forward and how they have come to be what they are, we must think historically, about them, and look beyond the formal structures to their social and political specificities.

Modern state may be classified into two broad forms-liberal democratic and totalitarian. While the former stands on the foundation of democracy signifying residence of power in the hands of the people and its utilization by their chosen representatives; the latter is antithetic of the former where political power is in the hands of a group of power hungry politician or a junta of military oligarchs who strive to severe legitimacy of their rule by means of force and fraud'. Another variety popularly known by the name of 'welfare state' has emerged. The concept welfare state has been devised to meet the challenge of the totalitarian state.

Various attempts have been made to understand the nature of state in India. Though there is no rational view on the formation of the state but mainly two approaches interpret the nature of the Indian states. These are liberal and Marxist. The liberal approach stressed on institution and processes as the key to understanding the state and political power. Marxist theorist's state political economy is the vital factor. They believe in complete class domination. The liberal theorist said that analysis of constitution and nature of govt. is very important. They asserted it as a method. It is true that government while the provision of the constitutions are analyzed it should also be found out how these provision are implemented. It should look out that the providing rights are guaranteed and protected or not. And special attention should be given that what kinds of powers are ensured.

To know the nature of Indian state we have to analysis various social aspects. It is important to study the social aspects. It is important to study the social formation, social basis with the institutional structure. Modern states have three dimensional characteristics in terms of its curative, responsible and legitimatize functions.

India is an independent sovereign nation state. It is a state with full autonomy to makes its own policies and formulates its own future. India is a parliamentary democratic republic. Indian political system constitutes with the parliament, responsible parliament, independent judiciary, electoral machinations, political parties and lobby groups. Apart from this, the liberal institution is fundamental rights, directive principles of state policy the rule of law, civil liberties, freedom of press and religion etc. These are the essential political requirements of the people. Indian leaders accepted the concept of welfare state in the Indian constitution. It claims economic growth and equitable distribution wither a

democratic framework. As per the provision of the Indian constitution, India is a state of parliamentary democracy, federal polity, welfare and secular state. As we said that to know the nature of the Indian state it is important to understand social basis of its institutions.

**Class Character of the Indian State**

It can still be asserted that the states in India has not development to the point of autonomy and is not the state of are the class of people. It is the state which serves the interests of the propertied classes in society. It pursues policies which benefit the dominant classes. In the context of our times, Mandel argued that the state is a capitalist state because (i) the apparatus of the state is organized in a manner which corresponds to the general organization of capitalist society i.e. hierarchy; (ii) the state is the 'ideal total capitalist" (Engels); (iii) the state depends on the health of monopoly capital for its finances; (iv) only a very small minority of state officials have – decision making powers; (v) promotion is based on adhere to bourgeois norms;

**Nature of the Indian State**

The nature of the Indian state is a nature of controversy. The constitution of India establishes a democratic state with a modern institutional framework on the one hand while the critics on the other hand say that the Indian state is centralized in nature, bureaucratic in form and capitalist in context. The CIP (communist party of India) has viewed the state as the bourgeoisies is in collusion with big business and supported by foreign finance. The CPM also accepts this view of the Indian state but does not accept the collaboration thesis.

The main characteristics of the Indian states are following which highlights the nature of the state itself.

1. **Liberal-democratic state:** The model of a liberal – democratic state signifies a political system in which democracy or 'the rule of the people' prevails to make the regime 'legitimate' in the real sense of the term. The machinery of government is run by the chosen representatives of the people who are accountable to then for their policies and actions. Freedom of speech, discussion and expression of views, universal adult franchise and free and fair periodic elections etc, all entail a continuous test of the legitimacy of this government. The liberal democratic state is based on the assumptions that the government is not an end in itself but a means for the realization of the greatest good of the greatest number; the authority of the government is not absolute but limited by the laws; there is more than one political party; the competition for power is open, not secretive; periodic elections based on a wide franchise, the mass media is not monopolized by government.

   All this brings is to the point that India is one which stands for the preservation of the entire paraphernalia of a liberal democratic state. The constitution facilitates for adult franchise, periodic elections, representative and responsible government, independent functionary, rule of law and separation of powers. The limited government and competitive party system are cardinal features of the Indian model of state. In the words of Rajani Kothari, "while economic and social change is in important and respects planned and directed from above, it is nonetheless carried on within the framework of an open and undirected polity".

2. **Centralized State**: While Gandhi talked about decentralized state in the Indian context but in fact centralized state has emerged in the process of development. All the powers of economic development and social change are vested in the state the state has been given vast powers in the fields of agricultural and industrial development, the state in India is running public sectors,

provide for safety of citizens and enforce law and order. It sets up and runs educational institutions, hospital and co-operative societies. It also looks after trade, commerce and industry. It also sets up law courts and ministers justice. It is responsible for promoting sports and entertainments everything is centralized in the hands of state and thus India is moving towards 'Statism'. In the words of Rajni Kothari, "the ideology of a stronger and centralized state and the cult of personality have brought close to ruin. If is an illusion to think that it is any longer a democracy.

3. **Bureaucratic State**: Bureaucracy is an essential instrument of a modern state yet in India the nature of the state itself is bureaucratic. It is important to remember that the development process in India started within the framework of a well developed administrative structure; this has had an enduring legacy for subsequent development. All the more important programes – industrialization, community development, education, agricultural production, even local self government have been approached in a framework that is essentially administrative and bureaucratic.

   The structure of an administration is an important determinant of its capabilities art the lower runs of the bureaucracy; formalism has served to stifle bureaucratic initiative and imagination. Procedure involves what Appleby has called "the hierarchical movement of paper"; Unwilling to accept responsibility even for minor decisions, petty bureaucratic refer the files, neatly tied in red tape, but we have perfected it". Responsibility is diluted in delay and inaction. According to Kothari, "Red tape becomes a technique of self preservation".

4. **Welfare State:** The concept of welfare state represents a happy blending of the two verities of states liberal democratic on the one hand and communist totalitarian on the other. It borrows the element of freedom from a liberal democratic state and mixes it with the emphasis on public welfare of a totalitarian state and in this way, presents the model of a new state and in this way, presents of model of a new state that embraces the virtuous aspects of both democracy and socialism.

   The framers of the Indian constitution incorporated many provisions designed to make India a welfare state. The basic aim of a welfare state was clearly foreshadowed in the preamble to the constitution, and in virtually all of part IV of the constitution, containing the Directive principle of state policy. Article 36 states; "the state shall strive to promote the welfare of the people by securing and protecting as effectively as may be a social order in which justice social, economic and political, shall inform all the institutions of national life".

5. **A Bourgeois State:** The constitution by guarantying property rights acquired the decisive character of a bourgeois constitution. And the state elaborated in harmony with the basic principle of the constitution logically became a bourgeois state. According to A.R. Desai, a state which does not guarantee the right to work forfeits its claim to be called a representative of property less classes' ab-in-intio. It by its postulates becomes the representative of the propertied classes, in India basically of the capitalist – class.

6. **Interventionist State**: The Indian state is highly interventionist and whether are approves of this or deplores it, it is an important organizational feature in contemporary India that is not likely to change soon. An interventionist state at low levels of economic development, moreover, is a feature that Indian shares with many third world countries. The state is not only an agent of

political order in India; it is also responsible for promoting socio-economic development. Those dual responsibilities have led to a highly internationalist Indian state.

Soon after independence, there was a widespread consensus among political leaders and economist that the state must be the primary instrument for changing the existing economic structure and bringing about growth "over the past two decades, a legitimate and moderately stable state that was confident of its ability to lay out India's agenda for socio – economic change has evolved into a reactive state. This state is omnipresent, but feeble; it is highly centralized and interventionist, and yet seems powerless".

7. **Secular State:** By adding the word 'Secular' to be existing description of the country as a 'sovereign democratic republic' in the preamble the commitment to the goal of secularism has been spelled out in clear terms. A secular state has negative and positive aspects. Negatively, it is the antithesis of a communal or theocratic state which officially identified itself with a particular religion. Pakistan, for instance, has proclaimed itself an Islamic state. In a secular state, on the other hand, there is no official or state religion. In its positive aspect, a secular state treats all its citizen alive and gives them equal opportunities. According to Alexandrowicz "India as secular state guarantees, constitutionally, freedom of religion to all persons, and does not assign a special position to any particular religion" the state has no official religion. No discrimination can be made on the basis of religion, faith, caste, color and sex. Every citizen is equal before law. It guarantees to religious minorities the right to maintain their own language and to establish educational institutions of their choice. An important adoption of the provision that elections are manifestation of secularism in India is the abolition of communal electorates and to be held on the basis of universal franchise and joint electorates.
8. **A Federal State with Unitary Bias**: "Perhaps the most remarkable achievement of the Indian constitution is to confer upon a federal system the strength of a unitary government is federal, the constitution enables the federation to transform into a unitary state".

   The constitution of India establishes a federal polity which has been created by dividing the country into status and allocating them function as specified in the constitutions. Like all other federation Indian has a written constitution which is right to a large extent. There is a dual polity land division of powers between the centre and states. Which is guardian of our constitution and decide all disputes which might arise between the centre and the states?

   These characteristics of the federal set up not with standing; the Indian constitution has a unitary bias. For instance, after distribution the legislative power in there lists; residual subjects are left with the union. Even in matters in the concurrent lists, the union government has the final say. Unlike other federations parliament in India has a right to change a boundaries of the states. The heads of the state, i.e. the governors are appointed by the president and are his agents in the state. The centre can at anytime declare emergency in the state and with that declaration can take over the administration of the state in its own control.
9. **Elitist State**: in a country like India we find that there was as halo of the national struggle in the beginning. People at various state of society took part in the national struggle. But leadership by and large, could come from those who were better off educationally, economically and socially. The poorest of men could not and did not in the nature of things come to occupy leadership positions.

The first parliament was very elitist consisting of very rich people or educated people with a background of foreign education at oxford and Cambridge, barristers and so on. May be the people felt these Mps were elitists, they represented only some visited interests, they were educated in prestigious and expensive institutions abroad, their life style were western.

As we progressed during our post – independence history, economic development also proceeded further and it was possible for people in middle classes to get opportunities of educations in public schools or convert schools or may be in some good universities outside their towns and cities. This group becomes the counter-elite and gradually – it does not happen immediately – more and more people of this group come into parliament and the number of people of the first category gradually disappeared from the dominant position and the second category took over the movement they took over, they themselves became the elite.

10. **State Moving towards Socialism**: The Indian National Congress has conceived and shaped Indian economy polices since its birth as a national movement in 1885 and birth as a national movement 1885 and then as a major political party in the government. The congress party's programme was socialistic in content. The Avadi Session of the congress in January 1955 passed the historic resolution declaring the objective of the congress to be "the establishment of a socialistic pattern of society". Under which the principal means of production would be brought under social ownership or control production would be progressively speeded up and there would be equitable distribution of wealth.

    After passing of the Avadi resolution the congress govt. at the centre took two significant steps towards creating a socialistic structure. The imperial Bank of India was converted into a public owned manger State Bank of India and like insurance was nationalized.

    The newly declared goal of achieving a socialistic pattern of society inevitably led to greater state intervention in the fields of commerce and industry. The resolution on industrial policy was announced on April 30, 1956. This resolution placed greater stress on the growth of the public sector.

    The Bhubaneswar session of the congress held in January 1964 marks another landmark in the evolution of its ideology towards socialism. At this session the congress passed a resolution which is the most comprehensive exposition of the congress ideology in the Nehru era. In the words of resolution, "the congress ideology may thus be summed up as democratic socialism based on democracy, dignity of individual and social justice". This resolution, made it clear that while 'Socialism' is the goal of the congress party, democracy is the method and its ideology can therefore be described as 'democratic socialism'.

11. **Repressive State**: The Indian state is a capitalist state. Its form is certainly democratic but that does not prevent it from curbing freedom, curtailing rights, are arresting without trials the innocent citizens and killing the opponents in a most undemocratic way. The proliferation of the repressive apparatus, in the Indian state system, is not an accident. A poor country like India has the largest police force in the world. The faith in the expansion of the police force on the part of the ruling class clearly indicates that it considers repression as the proper way of handling socio-economic and political problems of the community. The police are invariably deployed to deal with student agitations, deployed to deal with student agitations, labour unrest, peasants struggle or Infra systematic opposition. In India the victims of police violence are the poor or the members of the

lower castes and minorities. At Bhagalpur the under trials who were blinded included "the poor – three Muslims, one Sikh, the rest Hindu mostly from the lower castes"..

**Approaches to the Study of Indian State: Liberal Marxist and Gandhian**

To understand the nature of post – colonial state like India, we have to study at least three approaches i.e. liberal, Marxist and Gandhian.

A. **Liberal view**: According to the liberal theorists state is an institutions and it is above the society. State concentrates on the functioning of political institution and democratic processes. Pluralists panelists say that state is based on the emerges of the individuals that make up the society and is equipped with power. State exercises the power for the conduct of general affairs. In the context of politics, the structure of state and society is different. State constituted with the society. Power is an important man of society. Indian liberal thinkers emphasized on the primary and independence of political source, they asserted the autonomy of the state. They see state from two different perspectives. These are political institutional and political economy.

(i) **Political institutional perspective**: From political institutional perspective, Yogendra Yadav, an Indian scholar suggests the dominant mood of both the newly independent state and contemporary political theory. Indian politics is some extent enhanced by western model of politics.

Derived from the liberal modernization theory, early description of the state concentrated on the functioning of political institution and democratic process. The establishment of a stable democracy meant against conventional laws of political history that were sceptical about the possibilities of the success of the democratic experiment in India. Rajni Kothari attributed its success to the existence of pluralist tolerance and a culture of consensus. This argument offered an alternative base for democratic superstructures and for an India model of democracy. The combination of democratic ideology, economic development and distributive justice provided a unique opportunity of transforming a traditionally apolitical society in which the state became the central instrument, and politics the principal agent of transformation. Emphasis on the primacy of the political process distinguished the specificity of democratic experiment in turns different from the prevailing western frameworks. The most influential account of the political system on these lines was written by Rajni Kothari similarly, W.H. Morris Jones, stressed the capability of political institutions, specially one party dominance, and more generally, representative institutions in bringing about social and economic change. But everyone was not equally impressed with the states agenda or its achievements. Gunnar Myrdal, for instance, described it as a 'Soft state' lacking the capacity to act against the vested interests. The term 'soft state' signifies the limits of public power: the status inability to enforce public policies to eradicate poverty or to enforce its own laws.

Transformation in society effected changes in the conception of the state. The liberal institutional approach, with its focus on the formal and functional aspects in the study of the state, was unable to explain the significant changes in India saver the late 1960s. Two perspectives society centric and state centric – emerged in political science to explain these changes. The control feature of the society centric approach was its focus on social change, hence, it highlighted the variety and range of mechanisms of social change – Zamindar abolition, Garibi Hatao (Abolition Poverty), Mandalisation, assertion of lower orders – in promoting or hampering the functioning of the state. There was, however, considerable dissatisfaction with society centered approaches. This gave rise

in the 1980s to a new state oriented literature which fore grounded the autonomy of the state arguing that society – centered theories, whether of the modernization or dependency variety's, were simply deficient because they reduced politics to societal variables. For Atul Kohli, 'the understanding of how and why the state intervenes is adequate as long as it remains tied primarily to the conditions of the society and economy'. For static's, conflict was secondary, unity of the state and its autonomy from societal and class interest was primary. According to this analysis, state is not an agent of classes or groups, rather it functions independently of and in the interests of all groups and classes. Invoking the authority of Weber, the state is seen in quintessential organizational terms: an actual arrangement with distinctive interests and goals that influences the politics of society as a whole.

(ii) **Political Economy Perspective**: As liberalists agreed that political system works within ecology of human interaction i.e. social, economic and religions. The area of politics should not only limitize within the study of constitution and political institution. Only study of these two things will be inadequate. The main critique of the Indian state has come from neo-classical economists-who are concerned with the role of the state in economic growth. J. Bhagwati and T. N. Srinivasan have pointed out as to how the strategy of combining planning and import substitution resulted in a high-cost economy fraught with corruption, inefficiency and distortions. The logic of planning, regional diversification and controls on industrial capacity spawned a series of controls that bureaucratic and political actor could use to their advantage, engineering rent-seeking. The second type of critique focuses on the bureaucracy faulty implementation of politics blamed on the rent-seeking proclivities of the bureaucracy. Further, that the professionals in the public sectors have developed into a dominant proprietary class. Political scientists are not so much concerned with economic growth, but with the nature of the political system and democracy.

To overcome these criticisms, political economy emerged as the development discourse in India. Political economy stated that state is s mediator between plans and policies. State is a controlling authority intervenes in all the developmental process. Frankel says that India's public power as a "Paradox of accommodative politics and radical social change". India's centrist politics maintain a balance between the divergent pulls of the politics and economy. India's economy also influenced by the agriculture. Gunnar Myrdal describe it as a 'soft state' which dominated by the vested interest that failed to achieve of egalitarian society. Rajni Kothari attributed that India seems to be a soft state further since. Ashish Nandy admits that now-a-days India becomes a powerful state. Indian states are now powerful in the sense that having a greater coercive capability.

B. **Marxist View**: According to Marxism state is an instrument in the hands of the ruling class state dominate the economic powerful class. The ruling class owns and controls the means of production. In India, the left parties like CPI and CPM holding the ideology of Marxism and communism. Initially, communist parties said that the nature of Indian state was based on its understanding of transfer of power. Before 1950, Indian communist characterized the Indian states as a semi-feudal and semi-colonial state. In 1956, CPI again characterized the Indian state as "landlord bourgeois state" in which bourgeois was the leading force.

CPI (M) characterized as "the organ of Indian state as "the organ of class role of the bourgeois who are increasingly collaborating with the foreign finance capital in pursuit of capitalist path development". These are the views of the left parties in regard to the nature of Indian state. But the academic Marxists viewed in a different manner. Among them A. R. Desai, Randhir Singh and

C. P. Bhambri etc. Randhir Singh writes "if India's national economy has been anti-poor over these forty years, so has been India's democratic state. It has been continued to be a class state". According to C. P. Bhambri "property owners, both the rural and urban sectors have forged an alliance to govern the country and make use of the political system for protection of their interests.

For Marxists, the complexity of class formation, class configuration and class action are central elements for an understanding of the constraints on the state and capitalist transformation. Though their perception differs, the specificities of its relationship to imperialism occupy centre stage in this debate. Analysis of the state is understood both in terms of the long term structural compulsions of the economy in the international capitalist system and its division of labor and also the coalition arrangements and the changing balance in the class coalitions dominating the state. Two points are worth noting. One bourgeoise dominance of the state is not reflected in bourgeoise – dominance of society.

Second, capitalist control is exercised through a class coalition; indeed, a coalition strategy is the condition of dominance. In class terms, the ruling coalition contained three elements: monopoly bourgeoise, landed elite and bureaucratic managerial elite. The imposition of emergency in 1975 produced a fresh controversy on the state, this time on the role of the repressive powers, in sustaining the state. After emergency, the discussion shifted to the relative autonomy of the state, particularly the inability of the bourgeoise in instituting its hegemony over civil society.

C. **Gandhian View:** Gandhi was a champion of non-violence or ahimsa which deprecates all types of coercion. He believed that state was a manifestation of power and law which were based on coercion. State is inclined to impose its own will on individuals with the help of an elaborate machinery of police force, law-courts, prisons and military power. It suppresses an individual's individuality as it tries to cast all individuals into a uniform mould. It destroys his sense of self-reliance and stunts his personality. It deprives him of his freedom and obstructs the progress of human society.

Gandhi observed that modern state was more powerful than ancient and medieval state as it was more organized and more centralized in the hands of the few who did not hesitate to misuse it. In Gandhiji's view, individual is endowed with soul, but state is soulless machine. States acts are devoid of human sensitivity. State goes by rules and regulations. Those who enforce these rules do not feel any moral responsibility.

Indeed Gandhi condemned political power on moral ground, and not on historical or economic growth. He was convinced that it non-violence or ahimsa could be adopted as a universal principle of human behavior, political power as well as state would become redundant.

Gandhi's concept of state was based on the Indian tradition of morality and ethical basis of state. He emphasized on the decentralization of power would hamper the individual freedom. Villages are true basic unit of democracy. So, the system of decentralized governance starts from the village level. Gandhi advocated a self-regulated system of government with co-operation as the basis of community activities. He was not in support of state coercion.

Gandhi said that state is an evil but a necessary institution. The function of the state should be limited. The state interfere in the peoples matters while they perform it. State only should perform the coordinate function. He said a govt. is the best which governs the least. The state must protect the life and liberty of the people.

After independence the constitution makers of India adopted some features of Gandhian state. These are stress on egalitarian Society, untouchability, special care towards the weaker sections of society i.e. ST, SC, Special emphasis has been given to improve the agriculture. Through the enactment of Panchayat Raj System all over the India, decentralization of power successfully worked. The upliftment of women is another feature added in the constitution of India.

**Conclusion**

The most striking change has taken place in the sphere of economic policy, as India moved from state-led capitalism to a Market driven one. The state's relationship to the economy was decisively reshaped from the early 1990 by the neo-liberal agenda adopted in response to a combination of internal and external pressures.

The central approach underlying these changes involved a greater reliance on market mechanisms and this translates into a range of policies including deregulation and reduction of government control, a disproportionate encouragement of imports, greater economy of private investment, lessening emphasis on the public sector and opening the economy to international trade. The initiation of liberalization policies has led to reexamination of state intervention in competitive markets and development.

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**Suggested Questions**

1. Critically assess the Marxist approach to the study of Indian Politics.
2. Discuss Behavioural approach to the study of Indian politics.
3. Discuss various approaches to the study of Indian Politics.
4. Critically examine the nature of the Indian state.
5. Discuss the liberal approach to the study of Indian state.

LESSON 2

# NATIONAL MOVEMENT AND ITS IDEOLOGICAL DISCOURSE AND POLITICAL LEGACIES

The Indian national movement was undoubtedly one of the biggest mass movements modern society has ever seen. It was a movement which galvanized millions of people of all classes and ideologies into political action and brought to its knees a mighty colonial empire consequently, along with British, French, Russia, Chinese, Cuban, and Vietnamese revolutions, it is of great relevance to those wishing to alter the existing political and social structure.Various aspects of the Indian national movement, especially Gandhian political strategy ,are particularly relevant to these movements in societies that broadly function within the confines of the rule of law ,and are characterized by a democratic and basically civil libertarian polity. But it is also relevant to other societies .We know for a fact that even Lech walesa consciously tried to incorporate elements of Gandhian strategy in the Solidarity movement in Poland. The Indian national movement ,in fact, provides the only actual historical example of a semi-democratic or democratic type of political structure being successfully replaced and transformed .It is the only movement where the broadly Gramscian theoretical perspective of a war of position was practiced ; where state power was not seized in a single historical movement of revolution ,but through prolonged popular struggle on a moral ,political and ideological level; where reserve of counter –hegemony were built up over the years through progressive stages ; where the phases of struggle alternated with 'passive'phases.The Indian national movement is also an example of how the constitutional space offered by the existing structure could be used without getting co-opted by it. It did not completely rejected this space ,as such rejection in democratic societies entails heavy costs in terms of hegemonic influence and often leads to isolation-but entered it and used it effectively in combination with non-constitutional struggle to overthrow the existing structure.

The Indian national movement is perhaps one of the best examples of the creation of an extremely wide movement with a common aim in which diverse political and ideological currents could co-exist and work –and simultaneously continue to contend for overall ideological and political hegemony over it. While intense debate on all basic issues was allowed, the diversity and tension did not weaken the cohesion and striking power of the movement; on the contrary ,this diversity and atmosphere of freedom and debate became a major source of its strength (Bipin Chandra : 1999).

**Outstanding features of the freedom struggle**

There are some outstanding features of the freedom struggle of India.

A major aspect is the values and modern ideals on which the movement itself was based and the broad socio-economic –and political vision of its leadership( this vision was that of a democratic ,civil libertarian and secular India ,based on a self –reliant, egalitarian social order and an independent foreign policy).The leadership popularized democratic ideas and institutions in India. The nationalists fought for the introduction of a representative government on the basis of popular eletios and demand that elections be based on a democratic basis and in the form of a parliament. It not only permitted but encouraged free expression of opinion within the party and the movement; some of the most important decisions in its history were taken after heated debates and on the basis of open voting. From the beginning, the nationalists fought against attacks by the state on the freedoms of the press, expression

and association, and made the struggle for these freedoms an integral part of the national movement. The freedom struggle was also a struggle for economic development. In time an economic ideology developed which was to dominate the views of independent India. The national movement accepted ,with near unanimity, the need to develop India on the basis of industrialization which in turn was to be independent of foreign capital and was to rely on the indigenous capital goods sector. From the initial stages, the movement adopted a pro-poor orientation which was strengthened with the advent of Gandhi and the rise of the leftists who struggled to make the movement adopt a socialist outlook. The movement also increasingly moved towards a programme of radical agrarian reform. The national movement was, from its early days, fully committed to secularism. Its leadership fought hard to inculcate secular values among the people and opposed the growth of communalism. The INC was never inward looking. Since the day of Raja Ram Mohan Roy, Indian leaders had developed a broad international outlook. Over the year they evolved a policy of opposition to imperialism on a world – wide scale and solidarity with anti-colonial movements in other parts of the world.

**Historical background of the British Conquest of India**

In 31$^{ST}$ December, 1600 queen Elizabeth, the British Monarch, granted a charter to the East India Company, for the trade in East for fifteen years. Again in May 1609, a fresh charter was granted to the company for an indefinite time. Before the East India Company, John mildenhall, a merchant adventurer, was the first English man who arrived in India in 1599 by the overland route, ostensibly for the purpose of trade with Indian merchant .The Britishers faced stiff opposition from the Portuguese and Dutch. Captain Hawkins arrived at Jahangir's court in 1609 to seek permission. In 1613, Jahangir, the Mugal Emperor issued a farman which granted trading rights to the Britishers in surat.Sir Thomas Roe came to India as ambassador of James 1 to Jahangirs court in 1615 to obtain the permission for trade and secured the rights for the company to settle at Agra, Ahmedabad, Surat and Broach. The Battle of plassey in 1757 was the first step of the Britishers to capture India and establish the colonial rule in India. The Battle of Buxar in 1764 demonstrated the superiority of the English army. In this perpetual process East India Company dominated India. The anti-Indian policies and aggressive administration of the British Government fueled for a major revolt against the British in 1857.There is still a debate as to whether this was a' nationalistic' effort or an attempt to preserve the old way of life that was threatened by the advent of the East India Company's rule .The revolt of 1857 was conducted by the soldiers and soldiers with the popular support of the people. This revolt brought the Hindus, Muslims, Princes, Peoples, zamindars and farmers together. The great uprising inculcated nationalist feelings among the peoples. It was the first great challenge to British rule in India .Some historians termed the revolt as the first Indian war of Independence. This revolt helped to end the company rule in India .Company's rule was transferred to the Govt. The company's rule was terminated and the administration was taken over to be carried on in the name of the Crown.

**Character of the National Movement**

The freedom struggle of India was perhaps the greatest mass movement in world history.After,1919 it was built around the basic notion that the people had to and could play an active role in politics and in their own liberation, and succeeded in politicizing, and drawing into political action a large part of the Indian people. Gandhi, the leader who moved and mobilized millions into politics, all his life propagated the view that the people and not leaders created a mass movement, whether for the overthrow of the colonial regime or for social transformation. He added, though, that the success or failure of a movement depended a great deal on the quality of its leadership. Satyagraha,

as a form of struggle, was based on the active participation of the people and on the sympathy and support of the non –participating millions. In fact, unlike a violent revolution, which could be waged by a minority of committed cadres and fighters, a non-violent revolution needed the political mobilization of millions and the passive support of the vast majority. It may be pointed out, parenthetically, that it was because of the long experience of this kind of political participation by common people that the founders of the Indian Republic, who also led the freedom struggle in its last phase, could repose full faith in their political capacity. The leaders unhesitatingly introduced adult franchise despite widespread poverty and illiteracy.

The Indian National Movement was fully committed to a polity based on representative democracy and the full range of civil liberties for the individual. It provided the experience through which these two could became an integral part of Indian political thinking .From the very beginning the movement popularized democratic ideas and institutions among the people and struggled for the introduction of parliamentary institutions on the basis of popular elections. Starting from the turn of the twentieth century, the nationalists demanded the introduction of adult franchise. Much attention was also paid to the defense of the freedom of the press and speech against attacks by the colonial authorities besides the promotion of other political and economic policies. Throughout, the movement struggled to expand the semi-democratic political arena and prevent the rulers from limiting the existing space within which legal political activities and peaceful political agitations and mass struggle could be organized. Congress ministries, formed in 1937, visibly extended civil liberties to the resurgent peasants, workers and students movements as also to radical groups and parties such as Congress Socialist Party and Communist party. From its foundation in1885,the Indian National Congress ,the main political organ of the national movement ,was organized on democratic lines .It relied upon discussion at all levels as the chief mode for the formation of its policies and arriving at political discussions. Its policies and resolutions were publicly discussed and debated and then voted upon. Some of the most important decisions in its history were taken after rich and heated debates and on the basis of open voting .For example, the decision in 1920 to start the Non-cooperation movement was taken with 1336 voting for and 884 voting against Gandhiji's resolution. Similarly, at the Lahore Congress in 1929, where Gandhiji was asked to take charge of the coming Civil Disobedience Movement, a resolution sponsored by him condemning the bomb attack on the Viceroy's train by revolutionary terrorists was passed by a narrow majority of 942 to794.During the Second World War, Gandhiji's stand on cooperation with the war effort was rejected by Congress in january1942.

Congress did not insist on an identity of viewpoints or policy approaches within its ranks. It allowed dissent and not only tolerated but encouraged different and minority opinions to be openly held and freely expressed. Infact, dissent became a part of its style .At independence, congress, thus, had the experience of democratic functioning was not peculiar to congress .Most other political organizations such as the congress socialist party, trade union and kisan sabha, students' ,writers,' and women's, organizations ,and professional associations functioned in the manner of political democracies. The major leaders of the movement were committed wholeheartedly to civil liberties .It is worth quoting them. For example, Lokmaanya Tilak proclaimed that 'liberty of the press and liberty of speech give birth to a nation and nourish it'. Gandhiji wrote in 1922:'we must first make good the right of free speech and free association. . . We must defend these elementary rights with our lives'. And again in 1939:'Civil liberty consistent with the observance of non-violence is the first step towards swaraj .It is the breath of political and social life .It is the foundation of freedom. There is no

room there for dilution or compromise. It is the water of life. I have never heared of water being diluted. ‘It is thus becomes clear that Gandhi was fully committed to liberal, democratic values-only he also saw their deficiencies and believed that the existing liberal democratic structure ,as prevailing in the west ,was not adequate in enabling the people to control the wielders of political power. Jawaharlal Nehru wrote in 1936:If civil liberties are suppressed a nation loses all vitality and becomes impotent for anything substantial.’ Further, the resolution on fundamental rights, passed by the Karachi Congress in 1931, guaranteed the rights of free expression of opinion through speech or the press, and freedom of association. The consensus on the practice of non-violence during the national movement also contributed to the creation of a temper of democracy in the country. Discussion, debate and persuasion, backed by public opinion, was emphasized for bringing about political and social change as opposed to glorification of violence which lies at the heart of authoritarianism.

**Nationalism: A Concept**

Nationalism is a state of mind. The process of history can be analyzed as a succession of changes in communal psychology, in the attitude of man toward all manifestations of individual and social life. Such factors as language, territory, traditions -such sentiments as attachment to the native soil, the Heimat, and to one's kin and kind assume different positions in the scale of values as communal psychology changes. Nationalism is an idea, an idée force, which fills man's brain and heart with new thoughts and new sentiments, and drives him to translate his conscious- ness into deeds of organized action. Nationality is therefore not only a group held together and animated by common consciousness; but it is also a group seeking to find its expression in what it regards as the highest form of organized activity, a sovereign state. As long as a nationality is not able to attain this consummation, it satisfies itself with some form of autonomy or pre-state organization, which, however, always tends at a given moment, the moment of "liberation," to develop into a sovereign state. Nationalism demands the nation-state; the creation of the nation state strengthens nationalism. Here, as elsewhere in history, 'We find a continuous interdependence and interaction.

“Nationalism is a state of mind corresponding to a political fact,” or striving to correspond to a political fact, this definition reflects the genesis of nationalism and of modern nationality, which was born in the fusion of a certain state of mind with a given political form. The state of mind, the idea of nationalism, imbued the form with a new' content and meaning; the form provided the idea with implements for the organized expression of its manifestations and aspirations. Both the idea and the form of nationalism were developed before the age of nationalism, The idea goes back to the ancient Hebrews and Greeks, and was revived in Europe at the time of the Renaissance and the Reformation, During the period of the Renaissance, the literati rediscovered Greco-Roman patriotism; but this new attitude never penetrated to the masses, and its secularism was soon swept away by the retheologization of Europe through the Reformation and Counter-Reformation. But the Reformation, especially in its Calvinistic form, revived the nationalism of the Old Testament. Under the favorable circumstances which had developed in England, a new national consciousness of the English as the godly people penetrated the whole nation in the revolution of the seventeenth century. Meanwhile in Western Europe a new political power that of the absolute kings had developed a new political form, the modern centralized sovereign state; and this became the political form into which, during the French Revolution, the idea of nationalism was infused, filling it with a consciousness in which all citizens could share, and making possible the political and cultural integration of the masses into the nation. With the advent of nationalism, the masses were no longer the nation, but of the nation; They

identified themselves with the nation, civilization with national civilization, their life and survival with the life and survival of the nationality. Nationalism thenceforward dominated the impulses and attitudes of the masses, and at the same time served as the justification for the authority of the state and the legitimating of its use of force, both against its own citizens and against other states, (Hutchinson & Smith : 2000).

**Primordial, Functional and Narrative Approaches**

**Primordial**

The crudest form the primordial approach can take is that provided nationalists themselves. The basic idea is that their nation has existed for long time. One can trace back its history over centuries. There were earlier periods when the nation: knew greatness; earlier heroes and golden age which can inspire members of the nation in the present.

The problem with this approach is that it is so clearly at variance .wit the evidence. Nationalism as doctrine is very modem, even if perhaps Kedourie .goes too far when he claims that it was 'invented' at the beginning of the nineteenth century. Nationalism as politics is also very modern. Until the eighteenth century political action was justified in dynastic or religious, terms, although at times a subordinate reference to national identity can be discerned.

A more acceptable version of this approach has recently been pounded by Anthony Smith! Smith argues that etc identity is not a recent invention. Rather there Ethnics which can be traced back – at least for Europe and the Middle East – centuries, if not millennia. He defines Ethnic as ‘named human population with shared ancestry myths, histories and cultures'/having an association with a specific territory and a sense of solidarity'.

Smith argues against theorists such as Gellner, whose model of an agrarian empire had no place, or at best a marginal plate, for such senses of identity which compassed different estates within particular region. Instead he argues that the agrarian empire model does not comprehend all the features of agrarian societies. There are other kinds of societies (city-states, autonomous peasant communities). There are also more complex relations between different groups than can be allowed for in the agrarian model. He then goes on to classify different types of ethnic, for example distinguishing between lateral-aristocratic and vertical-demotic types. One can see how such a distinction could link, closely between that made, for central Europe, between ‘historic’ and 'non-historic' nations, between dominant culture groups such as Magyars and subordinate culture groups such as the Slavs.

**Functional**

There is an almost infinite variety of functions which can be attributed to nationalism.

First, there is psychological functions.17 It is often argued that people require 'identities'. Nationalism can provide for such a need. Such an argument is frequently linked to an account of identity crises, such as those caused by the decline in religious belief and in the erosion of tradition. People who are uprooted from their villages, separated from their families and, their priests, and moved to anonymous townships, can find some comfort in the identity offered by nationality. What is more, in this alien world, confronting a mixture of language and ethnic groups, they become sharply aware of their own identity in linguistic and ethnic terms.

There are many problems for the historian with this approach. The idea of 'identity need' is itself problematic and liable to circular reasoning. (If people stress a particular identity, that shows

they 'need' that identity, but that is the only way in which that need manifests itself.) It is not obvious that the kinds of ethnic conflicts associated with modern urban growth stand in any very direct relationship to the development of nationalism. In many cases, for example in the United States of America, they remain largely separate. Nationalism is often supported by groups and individuals who do not seem especially exposed to such upheavals. If one can find more limited explanations for the resort to arguments about Ethnic or language identity (for example, in order to exclude outsiders from scarce resources such as jobs or housing), then this will be preferable to the broad identity-need argument.18 That will mean there is a danger of resorting to such an argument only when more specific and testable explanations have failed.

Above all, the problem with this kind of argument is the need to historicize it. One has to link the identity crisis to some specifically modern change (religious decline, industrial-urban growth) in order to account for the fact that the commitment to national identity is peculiarly rr1odern. But accounts of this kind move beyond the limits of functional .explanation. For example, Gellner's argument that culture replaces social structure as the provider of identity is not so much an argument about the 'function' of culture under modern conditions, but rather about the different meaning that and identity come to have in a modern word. It may well be that there are then a series of more specific functions that national identity claim can serve, such as job reservation or political mobilization, but these are only possible given the overall character of modernity and the place of culture as a source of identity in modern conditions.

**Narrative**

Many historians take the rise of nationalism for granted. Given that, they can simply tell the story of this rise this can be done at the level of particular cases or more generally.

Thus a typical ‘national’ history begins with the traditional, pre national state of affairs. For example, histories of Germany will begin with the Holy Roman Empire of the seventeenth and eighteenth centuries. The historian will point to the many weaknesses of the traditional, imperial institutions and of the multitude of small political units. Then he will turn his attention to news more dynamic groups and institutions-in this, case the territory states (especially Prussia) and the bearers of modern ideas and practices (entrepreneurs, educated officials) the story-line is how the traditional institutions more or less quickly crumble in the face of the modern forces; in turn the modern forces converge upon and reinforce each other. There are critical periods of rapid advance {1813-15, 1848,1866-71), interrupted by periods of stagnation or even steps back wards, although even during these periods the forces of the national movement are building up. Nationalists, of course, played a major role themselves in elaborating such stories. Elements of the story were already being composed before the denouement. Von Treitschke and von Sybel, for example, were already reinterpreting German history before Bismarck's unification, although those interpretations did not directly underpin the particular.forn10f unification. Analogies were drawn from earlier histories (for example, the interpretation by Droysen of Alexander the Great which clearly cast the crude Macedonian conqueror of the more civilized parts 0£ I Greece in the role of a Prussia).

Furthermore, the narrative form, with its assumption of a beginning, middle and end, could actually become an important component of the national movement, presenting it as a form of progress with the end still to be realized in the future. Later, more celebratory and conservative narratives might be written; thought equally critical forms of nationalism would continue to present the story as one

still to be finished. In this way, the narrative mode could buttress liberal, conservative and radical forms of nationalism.

Finally, academic historians without any direct political interests would pare away the more obviously propagandist and partial features of the nationalist accounts. However, they frequently accepted the narrative as the proper form of an historical account, the national as providing the boundaries and identity of their' subject matter, and the emergence, expansion and success of national movements as the principal storey.

This can also be the form taken by broader histories of Europe or the modern world. It is quite likely to be reinforced by the current breakdown of the last multinational empire, the Soviet Union and its satellite states of Eastern Europe, and we will be bound to be regaled by many accounts which will insist on seeing the Soviet Union as an artificial barrier in modern history which held up the consummation of the national story in Eastern and Central Europe (Hutchinson & Smith: 2000).

**Growth of Indian Nationalism**

Nationalism is the political belief that some group of people represents a natural community which should live less than one political system, be independent of others, and, often, has the right to demand an equal standing in the world order with others. In other words, nationalism is a people's sense of belonging to a nation. It also includes such feelings of as loyalty to the nation, pride in the culture and history, and in many cases- a desire for national independence. In the Indian or Asian (as well as African) context, nationalism came to mean independence from foreign rule and opposition to imperialism and colonial domination. The rise and growth of Indian nationalism has been traditionally explained in terms of the India response to stimulus generated by the British Raj through creation of new institutions, new opportunities, resources etc. In the other words, Indian nationalism grew partly as a reaction to colonial policies .In fact it would be more correct to see the Indian nationalism as a product of a mix of various factors:

i) Worldwide upsurge of the concepts of nationalism and right of self –determination initiated by the French Revolution.

ii) Indian Renaissance.

iii) Offshoot of modernization initiated by British in India.

iv) Strong reaction to British imperialist policies in India.

Several factors generated the spirit of revolt and struggle among the people. These were as follows:

1) Establishment of political Unity:

The British conquest of India brought about an unprecedented degree of political unification of the country. The former rulers of India were either eliminated or reduced to subservience. Areas containing in total about three-quarters of the country's population were brought under direct British administration. In the rest of the country, the Indian 'states' remained but their rulers(called provinces)enjoyed little more than degree of autonomy in the internal administration of their territory .British power was supreme throughout the country. The continuous wars and conflicts that had earlier ravaged the country came to an end .The British rule that followed such a long period of turmoil provided security enforced a rule of law and heralded a long period of peace and stability. This situation created favorable conditions for the growth of national consciousness in India.

2) Effects of the first war of Independence

Though the British historians, who were imperialists to the core, have dubbed the freedom struggle of 1857 as the sepoy mutiny but the unparalleled sacrifice, the heroism of the people of our country could not go in vain and the prosperity always took inspiration from the martyrs of 1857 for the future freedom struggle of the country. According to R.C Majumdar ,''The outbreak of 1857 would surely go down in history as the first an direct challenge to the British rule in India , on an extensive scale".

3) Western Learning and English Language:

Lord Macaulay ,who was responsible for determining the British educational policy in India ,had thought that the imparting of western education would make available to the British Government in India a cheap supply of indigenous clerks to man the various offices .He had also thought that Western education would foster among the educated youths of India a sense of loyalty towards English rule and would bring the two communities ,the Indians and British – socially, politically and culturally nearer to each other. The English language as such played less important role in the development o f Indian nationalism. It cut across provincial barriers and served the purpose of *lingua-franc* common all India language for Indians living in distant parts of the country and speaking quite different dialects. It was largely through the medium of English that educated Indians began to meet each other to discuss their common problems and to feel a sentiment of oneness.

4) Press and nationalist literature:

The Indian press played a significant role in the promotion of nationalism in India. The press aroused a sense of patriotism among the Indian people by focusing attention on the drawbacks of the British rule and highlighting its exploitative character. Papers like amrit bazaar patrika, the Indian mirror, the patriot, the Hindu, the keshari and the Bengali did a lot in bringing such information to the notice and knowledge of masses, which was practically unknown or unrevealed at that time.

5) Religious and social movements:

Nationalism as a movement was preceded by cultural revivalism and a social reform movement. contact with the west through the British forced Indians, especially Hindu, to examine critically the structure of Hindu society. Through this process of self examination, Hindu elite became painfully aware of the deficiencies of Hindu society, which was permeated with social customs that could not be justified on rational or even religious grounds (Fadia : 2007).

**Organisations before INC**

The Indian National Congress was established in December,1885.Before its foundations there were many associations emerged in India .The Land Holders Society was earliest one .It was founded in 1837.It was an association of the landlords of Bengal, Bihar and Orissa. The purpose of the organization was to promote the class interests of the landlords. Again in 1843, Bengal British Indian Society was born to protect and promote general public interest .These two organizations merged in 1851 to form the British Indian Association. In 1852, the madras Native Association and Bombay Associations were established. Similarly, scientific society was founded by sir Sayyid Ahmad khan, were established in different towns and parts of the country. All these associations were dominated by richest and aristocratic persons. The year of 1859 witnessed a gradual gap between the educated

**Indians and the British Indian Administration**. The educated Indians realized the intention of the British rule and its adverse effects to the people of India .These organization felt the need of the political consciousness of the Indians. In 1866, Dadabhai Nairobi organized East India Association in

London. The objective of the Association was to discuss the problems of Indian and to influence the British People to promote Indian Welfare. In 1881, justice Ranade organized Poona Sarvajanik Sabha.The Madras Mahajan Sabha was set up in 1881 and Bombay Presidency Association in 1885.

**Resistance Movement before 1857 Rebellion**

The series of sporadic popular outbursts before 1857 look the form of religion political violence, tribal movements, peasant uprisings and agrarian riots, and civil rebellions. They are discussed below with the exception of tribal and 1 peasant uprisings which are considered separately. Some of the uprisings such as the Wahabi and Kuka I movements continued even after the 1857 Revolt.

**Sawantwadi Revolt** The revolt in 1844 was led by at Maratha chief, Phond Sawant of Sawantwadi with the support of other Sardars. The rebels captured forts in fighting the British but were finally forced to seek refuge in Goa. The rebellion came to end with the capture of the rebels.

**Farazi or Fara'idi Movement** The Fara'idi movement was founded by Haji Shariatullah of East Bengal who stressed the oneness of God. He asked his followers to suspend some prayers as India under the foreigners became enemy territory. From 1840, the movement assumed a revolutionary form with Haji's son, Dudu Miyan organizing a hierarchical administrative structure for a government. The Fari 'idis set up their own paramilitary force as well. The movement lost its political clout after Dudu Miyan's death in 1862

**The Sanyasi Revolt (1780-1800)** The disastrous famine of 1770 and the harsh economic order of the British compelled a group of Sanyasis in Eastern India to fight the British yoke. They raided Company factories, state treasuries and fought the Company's forces. It was only after a prolonged action that Warren Hastings could subdue the Sanyasis.

**Ramosi Revolt (1822, 1825-26)** In 1822, the Ramosis revolted in Satara under Chittur Singh to oppose heavy land revenue assessment and revenue collection methods. Famine and scarcity drove them to a rebellion in 1825-26, this time under Umaji. The Ramosis' uprising, which continued for 3 years, was finally ended when people were given land grants and admitted in the ranks of the Hill Police.

**Ganjam Revolt** A rebellion led by Gumsur Zamindar, Dhananjaya Bhanja erupted in 1835 in Ganjam district.

**The 1840-41 Mysore Rebellion** A revolt was organized by Dhondji Wagh after Tipu Sultan's death in Mysore. With the death of Dhondji in the battlefield against the British, the revolt subsided.

**The Gadkari Revolt** Gadkaris were the hereditary servants of the Marathas who became most displeased with the British regime for its arbitrary system of land revenue collection. Many Gadkaris were forced to give up their service and mamalatdars were asked to oversee the lands. So the Gadkaris rebelled in 1844 in Kolhapur. They cost the British much of material loss before they were finally subdued.

**Velu Thampi** The Dewan of Travancore (Kerala), Velu Thampi revolted in 1808-9 after the British tried to take away his Dewanship and forced the state to conform with the conditions of the Subsidiary Alliance system.

**Bunds Rebellion of 1840-41** Raja Pratap Singh of Satara was stripped of his title and banished and this led to a revolt by the Bunds in 1840-41. Dhar Rao of Karad was the popular leader of the uprising.

**Surat Salt Agitation** The salt duty was raised from 50 paise to one rupee in 1844 causing disturbance that compelled the government to withdraw the salt duty.

**Bundela Uprising** The disgust of the Bundela land- lords of Sagar (Madhya Pradesh) against the British administration was expressed with great violence. Police- men were killed and towns were destroyed in their revolt.

**Kutch and Waghera Rebellions** The struggle between the Kutch ruler Rao Bharmal and the pro-jhareya chiefs was the Kutch rebellion. The Waghera chief was driven to wage a war against the British by the undue exactions of the Gaekwad of Baroda, who was supported by the rulers.

**Vishakhapatnam Uprisings** From 1827 to 1830, there were many uprisings in Vishakhapatnam, some of them led by Zamindars as a protest against the harsh conditions laid on them for non-payment of revenue. The one in Palkonda in 1832 was among the most serious revolts.

**The Poligar Uprising** When the Poligar Narsimha Reddi of Kurnool was denied his lapsed pension, he organized an armed uprising in 1846-47.

**The Kittur Rebellion** The British prevented the adopted son of the chief of Kittur (in Karnataka) from assuming power by taking over the administration. What resulted was the Kittur uprisings of 1924-29 led by Chennamma, the widow of the chief. The rebels declared Kittur an independent state before being crushed by the British.

**The Kuka Revolt** The Kuka movement started as a religious movement though it later began to acquire political overtones. The movement was began in 1840 by Bhagat Jawahar Mal or Sian Saheb in West Punjab. The movement aimed to purge Sikhism of its ills by preaching abolition of castes and similar discriminations and discouraging the eating of meat and taking of drugs. Women were encouraged to step out of seclusion. After the British conquered the Punjab, the movement began to focus on achieving Sikh sovereignty. The British followed extremely repressive measures from 1862 to 1872 to suppress the movement.

**The Wahabi Movement** Emerging as a religious reform movement within Islam, the Wahabi movement named after Adbul Wahab, the founder-began to exert political influence under Saiyid Ahmad (1786-1831) of Rai Bareilly. The aim was to restore Muslim power by fighting against the British, the main enemy, and the Sikhs. The military strength of the movement helped Saiyid Ahmed to capture Peshawar in 1830. He, however, was killed in the battlefield in 1831. His work was carried on by the four khalifas (spiritual vice-regents) appointed by him who traveled across the country. The movement spread in Kabul, NWFP, Bengal and the central provinces. Patna became its new centre. The Wahabi movement was not anti- Hindu though it aimed at restoring Muslim rule. The British government's concerted operation against the Wahabis led to their imprisonment and execution by 1870.

**Sepoy Mutinies** The Indian sepoys rose in mutiny several times before the 1857 revolt. The Vellore mutiny in 1806 was to protest against the British interference in the sepoys' social and religious matters. The 47th Native Infantry revolted in 1824, refusing to proceed to Burma without adequate overseas allowance. There were mutinies in 1825 (Assam), l38 (Sholapur), 1844 (Sind) and 1849-59 (Punjab) as well.

**Bhuyan and Juang Rebellion** The revolt in Kheonjhar (Orissa) of the Bhuyans who were joined by the Juangs and Kals was to protest against the installation of a British protégé on the throne after the death of their raja in 1867. The first uprising of 1867-68 was under the leadership of Ratna

Nayak. The second uprising of 1891-93 under Dharni Dhar Nayak forced the king to take protection in Cuttack.

**Paik Rebellion 1818**

The Paik rebellion of 1817 was ostensibly a revolt of these ex-militia men (Paiks) of the deposed raja of Khurda under the leadership of his commander, Bakshi Jagabandhu Bidyadhar Mahapatra Bhramarabar Ray. Though the rebellion had its origin in the grievance of Bakshi Jagabandhu in particular, and the Paiks in general, yet the true nature of the rebellion cannot be understood without a probe into the failings and defects of the early English administration in Orissa and general disconnected against the British rule.

**Khurda Rebellion of 1804**

The raja of Khurda, Mukundadeva –II, rebelled against british in 1804, as the British refused to fulfill his demand for the restoration of four Mahals which had been taken away from him during the Maratha period. The rebellion was easily suppressed; the raja was deposed and kept in confinement for some time, and Khurda became a Government estate. Afterwards the raja was pardoned, but his minister Jayi Rajguru hanged as the raja in his petition to the Government held the minister responsible for the rebellion of 1804.

**Banaras Rebellion 1778**

Perhaps the first major rebellion was led by Raja Chait Singh of Banaras during 1778-81, which was followed by the revolt of the deposed Awadh Nawab Vizier Ali in 1799. The local Zamindars of Awadh continued this tradition of revolt during the early part of the nineteenth century.

**A.O Hume and Indian National Congress**

British Govt's discriminative and aggressive rule and exploitation made the ground for the formation of all India Organisation. The existing organization could not organize the people in all India level because of their narrow scope and functioning. These organizations dealt with the local problems and their membership and leadership were confined to a few people to a single province or region. Even Indian Association could not success to be an all India organization. The idea for the establishment of an all India organization was given by a retired English civil servant, A.O. Hume, who mobilized leading intellectuals of the time and with their cooperation organized the first session of the Indian National Congress at Bombay in December 1885.As a prelude to this, two sessions of the INC had been held in 1883and 1885,which had representatives drawn from all major towns of India. Surendra Nath Banerjee and Ananda Mohan Bose were the main architects of the INC .

The first session of the INC was attended by 72 delegates and presided over by womesh Chandra Banerjee .Hereafter, Congress met every year in December, in a different part of the country each time. INC was the first organized expression of Indian nationalism on an all India scale. The INC was founded in December,1885 during the period of Viceroy, Lord Dufferin. Apart from the INC, nationalist activity was carried out through provincial conferences and associations, newspaper and literature.

**Character of the inc from1885-1905**

INC was established in 1885.The congress followed a moderate programme during the first few years of its coming into existence .The sessions of the congress in the early years was conducted in a normal way. There was no revolutionary spirit in the resolution or the speeches. Moderation was their keynote. The presidential addresses recounted the benefits of British rule, contained assurances

India's loyalty to the crown and reiterated India's desire to remain within the British Empire. The congress affirmed its loyalty to the queen. The Indian liberals who dominated the congress from 1885 to 1905 had an almost unlimited faith in British democracy. The early congress leadership believed that a direct struggle for the political emancipation of the country was not yet on the agenda of history .In the early period ,the congress was an organization of the educated middle class .It could not reach at the masses and its demands were primarily the demands of the educated middle class and rising Indian industrialists .Instead of all these things ,it played an important role in the early stages of the growth of the Indian nationalist movement .Its emphasis on national unity .Criticism of the drain of Indian wealth ,its demand for representative institutions, its opposition to repressive measure like the Arms Act and its constant underscoring of people's poverty as the basic factor of Indian politics helped to put the nationalist movement on sound foundations.

**Objective of Indian National Congress (1885-1905)**

The objectives of the congress in its early phase were outlined within the framework of the ideas and attitude of those who formed the new organization. These were enunciated by W.C. Banerjee in 1885 under the following leads:

a) The promotion of personal intimacy and friendship amongst all the more earnest workers in our country's cause in various parts of the empire.
b) The eradication of all possible race, creed or provincial … and the fuller development and consolidation of sentiments of national unity…
c) The authoritative record …of the matured opinions of the educated classes in India on some of the more important and pressing of the social questions of the day.
d) The determination of the lines upon, and methods by which, during the twelve months, it is desirable for native politicians to labour in the public interest.

The very first congress prayed for the expansion of the supreme and local legislatures, admission into them of a considerable proportion of elected members and the enlargement of their functions. It was in effect a proposal for a change from an irresponsible system of government to one based on consultation with the representatives of the people. This resolution was repeated in subsequent sessions. The early congress resolution dealt with financial matters like the unfair burden of military expenditure, manipulation of foreign exchange to the detriment of the Indian economy ,high expenses of administration ,heavy taxation, the tariff policy and the excise duties .These last were intended to protect the interests of the Indian business classes. The early congress laid much stress on the neglect of the education of the masses, suggested improvements in the administration of law and justice ,especially recommending the separation of the judicial and executive functions and drew attention to the defects in the laws of local self Government.

**Indian National Movement (1885 -1905)**

**a) The first session of the Indian National Congress**

The first session of the INC was chaired by W.C.Banerjee at Bombay.This session was attended by 72 delegates .These delegates were come from different parts of India. It was attended by such eminent men as Dadabhai Naroji, Badruddin Tyabji, G. Subramanya Iyer, Vijiyaraghavachariar, Dinesh Wacha,Behramji Malbari,and Chandavarkar. A.O. Hume formed the congress with the idea that it would prove to be a 'safety valve' for releasing the growing discontent of the Indians. In 1879,

WasudeoBalwany phadke had gathered a bond of Ramoshi peasants and started armed uprising in maharastra.

With the foundation of INC ,the struggle for Indian freedom was launched in an organized manner. The aims and objectives of the congress as declared by its first president in his presidential address were-

i) To grow fraternity among the people of the country and to establish intimate relationship among them.

ii) To study the different problems of the country, formulation of popular demands and their presentation before the government.

iii) To remove the narrow ideas of casteism, regionalism and communalism from the mind of Indians and to grow the feeling of national integration.

iv) The most important of all, the training and organization of public opinion.

**(b) Second Session of the Congress**

The second session of the INC was held in 1886 at Calcutta. Dadabhai Naoroji was presiding over the meeting. Surendra Nath Banerjee and other leaders of Bengal merged their forces with the INC in this session. From this session congress emerged as an All India organization. INC elected 436 delegates different local organizations and groups. Its delegates consisted mostly of lawyers, journalist, traders, industrialists, teachers and landlords.

**(c) Third and others session of the INC**

The third session of INC was held at Madras. In December 1887. From this session the friendly attitude of the government was sent because the congress leader started strong propaganda among the masses against the British Government. A.O. Hume appealed to the people of England to help the starving Indians. He attempted to propagate the problems of Indian through the press in England. As a result, he got the support of a few members of the British parliament.

The fourth session of the INC was held at Allahabad in 1888 and the fifth session was held at Bombay in 1889 where Charles Bradlaugh, a member of British Parliament was attended the session. The sixth session of the INC was held in 1890 at Calcutta under the presidentship of Ferozeshah Mehta. In this session, Kadambini Ganguly, the first women graduate of Calcutta university, addressed the congress session, which symbolised the commitment of the freedom struggle to give the women of India their due status national life.

**Demands of the INC from 1885-1905**: The national movement from 1885-1905 is regarded as the moderate national movement. The leaders during this period are called moderate because they, were staunch believers in 'liberalism' and 'moderate' politics. The object of the congress was not separation from Great Britain but continued association with it; the views of the congress were presented in moderate terms and they were confined largely to request for administrative reforms and for the greater participation of Indian in the British controlled administration and local and national elective bodies.

The early phase of national movement known as the phase of moderate nationalism lasted from 1885 to 1905. Their main demands were-

1. **Constitutional Reforms**: The liberals had keen weakness for the representative institutions. They wanted to introduce it in India. They demanded for the increasing share of Indians in the

legislature. They sought the widening powers of the councils and an increase in the powers of the members to discuss the budget and to question and criticize the day to day administration.

2. **Economic Reforms**: The liberals were the strong critics of the British economic Policy. They realized the forms of contemporary form of contemporary economic exploitation through trade, industry and Finance. They vehemently apposed the British attempt to develop in India, the basic characteristics of a colonial economy, namely, the transformation of India into a supplier of raw materials, a Market for British manufacturer and a field of investment for foreign capital. They organized a powerful agitation against nearby all the impartial official economic policies based on this colonial structure.
3. **Agrarian Reforms**: The liberals carried on a persistent agitation for the reduction of the heavy land revenue demand. They urged the government to provide cheap credit to the peasantry through state-sponsored agricultural banks and to made available large-scale irrigation facilities.
4. **Taxation and Expenditure Reforms:** The liberals demanded a radical change in the existing pattern of taxation and expenditure. They pointed out that the existing system of taxation put heavy burden on the poor, while leaving the rich, especially the foreigner, with a very light load. They, therefore, demanded abolition of the salt tax and other taxes that hit the poor and the lower middle classes hard.
5. **Administrative Reforms**: The most important administrative reform for which they agitated was the Indianisation of the higher grades of the administrative services. The demanded the separation of the judiciary from the executive so that the people might gate some protection from the arbitrary acts of the police and bureaucracy. They criticized the delays of law and the high cost of the judicial process (Fadia; 2007).

**Political Legacies**

**The Imperialist School**

This school of thought is as old as the British rule in India itself. Initially, it was built-up by the protagonists of the British rule in India, including a number of Viceroys and British administrators. They underlined the providential and benevolent nature of the colonial rule and rubbished all talks of colonial exploitation resulting in the immense sufferings of the Indian people. Subsequently, its liberal academic variant was developed by Reginald Coupland and Percival Spear who argued that the British proved their bonafides of benevolence by ultimately handing over the reign of power to the Indians. However, today there are no takers for this line of thinking. Hence, it has gone barren. But there is a band of neo traditionalists connected with the Cambridge school, led by Ani1 Seal, JA. Callaghar, Judith Brown and others who had picked up the old gauntlet of contestation. Their main formulation is that India was not even a 'nation-in-making' what to talk of a real nation. In their view, India was nothing more than conglomerations of castes, communities and religious and linguistic groups, which, in fact, provided the social bases for varied political organizations. In their view, the Indian people could never develop a common national identity: they continued to be governed more by their primordial loyalties. Thus, the organic growth of Indian nationalism was ruled out They further avert that the national movement was nothing more than a cover or forum for these diverse competing groups, particularly their elite sections, to pursue their group or personal, interests. If people were mobilized, it was for the promotion of group interest and not for national common well. Some of these scholars even varying to the extent of saying that these competing elite groups were even vying with

each other for the British favour to promote their group interests. They further argue that the people were mobilized on the basis of patron-client relationship and even the national leaders like Gandhiji, Nehru and Patel played the role of national brokers. They also argue that whatever mobilization of the people took place, it was triggered by the British initiatives in the field of western education and legislative institutions. Some of these scholars have done field studies on regional and local politics to support their contention that it was not the national common well but the regional group-interests that was the motive force behind mass mobilization

It is not surprising that such a blatant neo-colonialist approach has attracted severe criticism at the hands of Indian scholars. Tapan Ray Chaudhuri sarcastically commented that such a neo-colonialist's view, of the Indian National Movement reduced it to 'animal politics'. More harsh and stinging was the comment of noted historian S. Gopal who wrote 'the School has taken not only mind but also decency, character, integrity and selfless commitment out of the Indian National Movement'. One can only say that this is a most cynical and Machiavellian view of politics, which totally rules out any space for higher human values in politics except naked pursuit of power politics. For shorn of all its verbiage and mass of collected data, all that the school is trying to emphasize is that it was not the exploitative nature of British colonial rule, resulting in the mass pauperization of people and in the process, raising it to the level of the enemy symbol, which triggered the nationalist feelings, but the mutual jealousies of competing elite groups for the picking of the crumbs fallen from the British master's table. Such a cynical view of politics does not leave any space for the role of ideology, high ideal and ideas which have moved man since time immemorial. Thus, cynicism behind such a banal view of politics is only matched by it’s a historicity (Pradhan : 2008).

**The Nationalist School**

Totally opposed to the views of the imperialist school were those of the nationalist school. It not only emerged out of the national movement but even had a hand in its emergence as well. In any case, it strengthened and enriched the various streams of national movement. Among its early protagonists were: Surendranath Banerjee, Lokmanya Tilak, Bipin Chandra Pal, Lala Lajpat Rai, Swami Dayanand, Swami Vivekanand, Aurobindo and a host of others. Subsequently, it was enriched by the academic contributions of R C Majumdar, Tarachand, Bisheshwar Prasad, B R Nanda, B N Pandey and others scholars and academicians. Their main formulations are as follows:

(i) They underlined the exploitative character of the British colonial structure. They were firmly of the opinion that in the course of their rule, the British tried to transform India into a captive market for the British industrial goods as well as a reliable supplier of raw materials for the British industries. They further asserted that the British not only destroyed the traditional base of Indian agriculture and handicrafts, but also thwarted its industrial development by subordinating Indian economy to the British economy.

(ii) They also believed that it was the pride of India, its cultural and intellectual heritage which has sown the seeds of Indian nationalism. Subsequently, the ideals of nationalism and human liberty also contributed to the growth of Indian nationalism. Some of them even asserted that India, as a cultural and national entity always existed, while others took it as a nation in making.

(iii) They firmly believed that the Indian national movement represented the collective will as well as the commonweal of our people, and in no case it was a class movement. As a people's movement it went on encompassing all sections of the Indian society and their interests, particularly after the

advent of Gandhiji on the national scene. They also believed that the Indian National Congress was a representative of all sections of the Indian people. Marxist scholars have criticized the nationalist school on the ground that they ignored the class- cleavages present in the Indian society and concentrated more on elite-led movements (Pradhan : 2008).

**The Marxist School**

The Marxist school has primarily relied on the writings and commentaries of Karl Marx, on the nature and role of the British colonial rule in India. Initially, this school of thought was promoted by R P Dutt, S A Dange, PC Joshi, and a host of other Marxist intellectuals. Along with the writings of Karl Marx, R P Dutt and A R Desai's Social Background of Indian Nationalism became the bible of this school in analyzing the nature and structure of the British colonial rule as well as those of the Indian nationalism. Their main formulations were as follows:

Borrowing the basic ideological framework from Karl Marx and Lenin, they have subjected the British colonial policy to a critical analysis. They discussed three phases of the British colonial policy, viz., mercantile, industrial and finance capital and submitted that in all three phases different policies were pursued to promote the interests of the British bourgeois classes.

They agreed with the nationalist school that the British rule has resulted in the mass poverty of our people by destroying the traditional base of the Indian agriculture and handicraft industries. But following Karl Marx, they made a distinction between the destructive and positive role of the British rule. They were in unison with the nationalists so far as the destructive side of the British rule was concerned. However, they also underlined the fact that it had a positive side as it brought about a structural transformation of the Indian society , taking it up from feudal mode to the capitalist mode of production, even though an 'imperfect and distorted' one. Thus, it gave a mortal blow to the feudal hierarchies and created a new basis for the emergence of the new classes in the Indian society. It also created a new state structure with its concomitant bureaucratic and administrative set-up. Not only that, it also introduced modern means of transport and communication along with a system of modern education. They agreed with the nationalists that all this was being done to promote the British interests. But they were of the opinion that whatever might be the British motive, the structural transformation of the Indian society heralded a new progressive era in India.

The school conceded that this structural transformation led to a primary contradiction between the interests of the Indian people and those of the British colonial rule. And the roots of the emergence of Indian nationalism lay in this primary contradiction between the two.

The school was divided and confused about the nature and role of the Indian national movement in general and that of Mahatma Gandhi in particular. This confusion arose primarily because of their being deeply rooted in the theory of class and class-struggle as a tool of social analysis. Besides, they had to take into accounts the conclusions drawn by the international communist movement about the class-character of the Indian National Movement. Most of the times, they were confused about the identification of their main class enemy. Thus they could not decide whether their priority was to oppose international bourgeois-led British imperialism or the national bourgeois-Ied Indian struggle. Hence, they went on taking contradictory stands on different stages of the Indian struggle. Their opposition to the Quit India Movement is a case in point.

The basic methodological difficulty of the Marxist school is rooted in its lack of independence from the international communist movement. Its insistence on the universality of class centric approach to the study of historiography is faulty in the sense that it neglects the social matrix,

historical moorings and cultural conditioning of a society. Their basic approach to the study of colonialism and nationalism, and rational movement in India is methodologically determinist and reductionist in nature (Pradhan : 2008).

**The Subaltern School**

The Subaltern school is the latest school to join the rank of Indian historiography. Its chief ideologue is Ranajit Guha who had been primarily inspired by the ideas of an Italian leader, Gramsci. Subsequently, a number of other scholars have joined the group and have brought out a number of volumes on subaltern studies. For them the only correct and intellectually fruitful approach to study modern Indian history is the subaltern approach. In plain language, the school Stands for the study of modern Indian history from the viewpoint of Subordinate masses, mostly comprising poor peasants, tribal, women, untouchables and a host of other dispossessed sections of the Indian Society .They are firmly of the opinion that Indian society is divided into two distinct groups: the elite and subaltern and there exists a primary contradiction between their interests. They point out that the study of the Indian history has been dominated by the elitist's historiography. They further believe that there was no real conflict between the Indian elite and the British elite which ruled India. In fact, hey were on the same side of the battle lines drawn between the people and the elite. They argue that the national movement led by the Indian National Congress was nothing but a cover under which the deal battle for power was being fought among the elites. They further contend that it is the subaltern groups that became the worst victims of the British rule. Hence, the real national movement was one in which the subaltern groups were involved. It is the subalterns who really fought against the British by launching rebellions in different parts and different occasions. And it is these political and social eruptions and rebellions that need to be studied and explored.

On close scrutiny, however, several infinities appear in the basic formulations of this school. In the first place, they take into consideration a sectional and even a sectarian approach which wants to turn a part into a whole. Second, and ironically enough, there is some common ground between the imperialist school and the subaltern school as both look at the Indian elite as the chief villain of the piece (Pradhan : 2008).

**Semi Marxist Nationalist School**

Bipan Chandra and his co-scholars have tried to reconcile the basic formulations of the nationalist school with those of the Marxist school. Hence, it can be characterized as semi- Marxist nationalist school. Their basic formulations could be summed up as follows:

There was a primary contradiction between interests of the British colonial rule and those of the Indian people, and it is this which led to the emergence of the Indian National Movement.

They do concede that there are secondary contradictions among different sections of the Indian society but it never overshadowed the primary contradiction between the Indian people as a whole and the British colonial rule.

The Indian national movement was never a single class movement, rather it always remained a multi-class movement. Hence, it can be really characterized as the people's movement.

The national movement, in the process of its growth, greatly contributed to the emergence of India as a nation but it never tried to obliterate all other narrower identities of the people.

The Indian intelligentsia did play a leading role in the national movement but it tried to reconcile the conflicting interests of the different sections of the Indian society.

The transfer of power in 1947 was not a compromise but it was the culmination of the war of position' in which the national movement was involved for many years.

In the light of our study and on the basis of this brief survey of different approaches to the historiography of colonialism and nationalism in India, only one conclusion becomes inescapable: most of these approaches, even at their best, are nothing more than sectional at least segmented in their nature. One cannot grasp the entire gamut of the issues involved by using anyone of them singularly. They might even remind us of the six blind men and the elephant they tried to visualize. Hence, the best ways to deal with the complex phenomena of colonialism and nationalism is to have a multi-pronged approach and this is what we have tried to do in the course of our present study (R.C Pradhan : 2008).

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**Suggested Questions:**

1. Critically examine the character of Indian National Movement
2. What is nationalism? Discuss the rise and growth of Indian Nationalism during British rule
3. Discuss the resistance movement before 1857 rebellion.
4. Discuss the role of INC from 1885-1905.
5. Critically asses the imperialist views on Indian National Movement.
6. Critically examine the subaltern perspective on Indian National Movement.

LESSON 3

# INDIAN CONSTITUTION: PROVISIONS AND INSTITUTIONAL FUNCTIONING

## Constitution

Bouiver defines a Constitution as 'the fundamental law of State, directing the principles upon which the Government is founded and regulating the exercise of the sovereign powers directing to what bodies and persons these powers shall be confined and the manner of their exercise". It is said to be "an autobiography of a power relationship." Gilchrist defines a constitution to be "that body of rules or laws written or unwritten, which determines the organization of the Government, the distribution of powers to the various organs of Government and the general principles on which these powers are to be exercised". Perhaps the smallest definition of the Constitution is given by H. Fincer. He defines Constitution as the "System of fundamental political institution of a country." Dicey says, "All rules which directly or indirectly affect the distribution of the sovereign power in the state make up the Constitution of the State."

According to Bryce, "Constitution is a set of established rulers embodying and enacting the practice of Government". Lewis observes, "The term constitution signifies the arrangement and distribution of the sovereign power in the community or form of Government."

According to Woolsey, "Constitution is the collection of principles according to which the powers of the Government, the rights of the governed and the relation between the two are adjusted." According to Leacock, "Constitution is the form of Government." "Constitution," according to Jellinek, "is a body of judicial rules which determine the supreme organs of the States, prescribe their mode of creation, their mutual relation, their sphere of action and finally the fundamental place of each of them in relation to the State."

## Features of the Constitution

A survey of above definitions of the constitution leads us to the following features of the constitution. Firstly, a constitution is a set of fundamental rules, laws or customs governing a State. It is the fundamental law of the land. In other words the constitutional provisions have a primacy over all other rules customs or laws within a community. This distinction is conspicuous in States having written constitution. The supremacy of constitutional provisions makes every other rule subordinate. In India, U.S.A. and Switzerland constitutional supremacy is incorporated in the constitution itself. All rulers and laws repugnant to the constitution are null and void to the extent of their repugnancy to the constitution. Secondly, constitution of powers among the various organs of the goverments. However, constitutional provisions do not go into minute details but deal only with broad features of the government organization and the basic principles according to which the various branches of the government will interact. Lastly, constitution of the State should be interpreted in forms of the social and political climate in which it operators. This is significant for the correct understanding of a constitutional set-up. Often socio-economic forces modify and revise the written provisions in the statute book. So it is constitution is to be defined as "a system of fundamental political institution," we cannot isolate it form the social environment, the economic institutions, the cultural heritage and historical background of the State.

**Philosophy of the Constitution**

**The Objectives Resolution**

Every Constitution has a philosophy of its own. For the philosophy underlying our Constitution we must look back into the historic Objectives Resolution of Pandit Nehru which was adopted by the Constituent Assembly on January 22, 1947, and which inspired the shaping of the Constitution through all its subsequent stages.

**The Preamble**

It will be seen that the ideal embodied in the above Resolution is faithfully reflected in the Preamble to the Constitution.

The importance and utility of the Preamble has been pointed out in several decisions of our Supreme Court. Though, by itself, it is not enforceable in Court of law, the Preamble to a written Constitution states the objects which the Constitution seeks to establish and promote and also aids the legal interpretation of the Constitution where the language is found to be ambiguous. For a proper appreciation of the aims and aspirations embodied in our Constitution, therefore, we must turn to the various expressions contained in the Preamble, as reproduced above.

**Independent and Sovereign**

As has been already explained, the Constitution of India, unlike the preceding Government of India Acts, is not a gift of the British Parliament. It is ordained by the people of India through their representatives assembled in a sovereign Constituent Assembly which was competent to determine the political future of the country in any manner it liked. The words—'We, the people of India....adopt, enact and give to ourselves this Constitution', thus, declare the ultimate sovereignty of the people of India and that the Constitution rests on their authority.

Sovereignty means the independent authority of a State. It means that is has the power to legislate on any subject; and that it is not subject to the control of any other State or external power.

The Preamble declares, therefore, in unequivocal terms that the source of all authority under the Constitution is the people of India and that there is no subordination to any external authority. While Pakistan remained a British Dominion until 1956, India cease to be a Dominion and declared herself a 'Republic' since the making of the Constitution in 1949. It means a government by the people and for the people.

**Sovereignty not inconsistent with membership of the Commonwealth.**

On and from the 26th January, 1950, when the Constitution came into force, the Crown of England ceased to have any legal or constitutional authority over India and no citizen of India was to have any allegiance to the British Crown. But though India declared herself a Republic, she did not sever all ties with the British Commonwealth as did Eire, by enacting the Republic of Ireland Act, 1948. In fact, the conception of the Commonwealth itself has undergone a change owing to India's decision to adhere to the Commonwealth, without acknowledging allegiance to the Crown which was the symbol of unit of the Old British Empire and also of its successor, the 'British Commonwealth, without acknowledging allegiance to the Crown which was the symbol of unity of the Old British Empire and also of its successor, the 'British Commonwealth of Nations'. It is this decision of India which has converted the 'British Commonwealth',-a relic of imperialism,-into a free association of independent nations under the honorable name of the 'Commonwealth of Nations'. This historic decision took place at the Prime Ministers' Conference at London on April 27, 1949, where, our Prime

Minister, Pandit Nehru, declared that notwithstanding her becoming a sovereign independent Republic, India will continue-"her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of the free association of the independent nations and as such the Head of the Commonwealth." (Basu : 1999)

**Promotion of International Peace**

The great magnanimity with which India took this decision in the face of a powerful opposition at home which was the natural reaction of the manifold grievances under the imperialistic rule, and the great fortitude with which the association has still be maintained, under the pressure of repeated disappointments, the strain of baffling international alignments and the 1976 upsurge of racialism in England, speak volumes about the sincerity of India's pledge to contribute to the promotion of world peace' which is reiterated in Art. 51 of the Constitution.

**Democracy**

The picture of a 'democratic republic' which the Preamble envisages is democratic not only from the political but also from the social standpoint; in other words, it envisages not only a democratic form of government but also a democratic society, infused with the spirit of 'justice, liberty, equality and fraternity'.

**A Representative Democracy**

As a form of government, the democracy which is envisaged is, of course, a representative democracy and there are in our Constitution no agencies of direct control by the people, such as 'referendum' or 'initiative'. 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 and to which the real Executive, namely the Council of Ministers, shall be responsible.

**Government of the People, by the People and for the People**

The ideal of a democratic republic enshrined in the Preamble of the Constitution can be best explained with reference to the adoption of universal suffrage (which has already been explained) and the complete equality between the sexes not only before the law but also in the political sphere. Political Justice means the absence of any arbitrary distinction between man and man 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 like any other person. Universal adult suffrage was adopted with this object in view. This means that every five years, the members of the Legislatures of the Union and of each State shall be elected by the vote of the entire adult population, according to the principle-'one man, one vote' (Basu : 1999).

**A Democratic Society**

That this democratic Republic stands for the good of all the people is embodied in the concept of a 'Welfare State' which inspires the Directive Principles of State Policy. The 'economic justice' assured by the Preamble can hardly be achieved if the democracy envisaged by the Constitution were confined to a 'political democracy'.

**Economic Justice**

The banishment of poverty, not by expropriation of those who have, but by the multiplication of the national wealth and resources and an equitable distribution thereof amongst all who contribute

towards its production, is the aim of the State envisaged by the Directive Principles. Economic democracy will be installed in our subcontinent to the extent that this goal is reached. In short economic justice aims at establishing economic democracy and a 'Welfare State'.

**Liberty**

Democracy, in any sense, cannot be established unless certain minimal rights, which are essential for a free and civilised 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' and these are guaranteed against all the authorities of the State by Part III of the Constitution [vide Arts. 19, 25-28], subject, of course, to the implementation of the Directive Principles, for the common good [Art. 31C] and the 'fundamental duties', introduced [Art. 51A], by the 42nd Amendment, 1976.

**Equality**

Guaranteeing of certain rights to each individual would be meaningless unless all inequality is banished from the social structure and each individual is assured or equality of status and opportunity for the development of the best in him and the means for the enforcement of the rights guaranteed to him. This object is secured in the body of the Constitution, by making illegal all discriminations by the State between citizen and citizen, simply on the ground of religion, race, caste, sex or place of birth [Art. 15]; by throwing open 'public places' to all citizens [Art. 15(2)]; by abolishing untouchability [Art. 17]; by abolishing titles of honor [Art. 18]; by offering equality of opportunity in matters relating to employment under the State [Art. 16]; by guaranteeing equality before the law and equal protection of the laws, as justiciable rights [Art. 14].

**From a Socialistic Pattern of Society to Socialism.**

The realization of so many objectives would certainly mean an expansion of the functions of the State. The goal envisaged by the Constitution, therefore, is that of a 'Welfare State'. and the establishment of a 'socialist state'. At the Avadi session in 1955, Congress explained this objective as establishing a 'socialistic pattern of society' by a resolution.

**Need for Unity and Integrity of the nation**

Unity amongst the inhabitants of this vast sub-continent, torn as under by a multitude of problems and fissiparous forces, was the first requisite for maintaining the independence of the successful. The ideal of unity has been buttressed by adding the words 'and integrity' of the Nation, in the Preamble, by the Constitution (42nd amendment) Act, 1976.

**Fraternity**

The 'Fraternity' cherished by the framers of the Constitution will be achieved not only by abolishing untouchability amongst the different sects of the same community, but by abolishing untouchability amongst the different sects of the same community, but by abolishing all communal or sectional or even local or provincial anti-social feelings which stand in the way of the unity of India.

Democracy would indeed be hollow if it fails to generate this spirit of brotherhood amongst all section of the people, - a feeling that they are all children of the same soil, the same Motherland. it becomes all the more essential in a country like India, composed of so many races, religions, languages and cultures.

**Fundamental Duties**

The philosophy contained in the Preamble, as explained in the foregoing pages, has been further highlighted by emphasizing that each individual shall not only have the fundamental rights in Part III of the Constitution to ensure his liberty of expression, faith and worship, equality of opportunity and the like, but also a corresponding fundamental duty, such as to uphold the sovereignty, unity and integrity of the nation, to maintain secularism and the common brotherhood amongst all the people of India. This has been done by inserting Art, 52A, laying down ten 'Fundamental Duties, by the Constitution (42nd Amendment) Act, 1976. (Basu : 1999)

**Organs of the Government**

**Legislature**

Legislature is one of the three organs of the government. Not very far back it was the most important organ though today executive has become more powerful than the legislature almost everywhere. Legislature is that organ of the government which is primarily concerned with rule making process. Since it is composed of elected representatives of the people, therefore, it can be called as the mirror of the nation. The will and wishes of the nation are therefore, reflected through its elected representative sitting in the legislature. But how effectively it can impose its will and make the voice effective depends on executive legislature relationship. A weak executive must depend on legislature and vice versa. According to some thinkers, though it may not be true that the legislature has been reduced to the status of rubber stamping the decisions of the executive, but many powers of the legislature have been taken over by the executive.

Both in parliamentary and presidential types of government legislature is required to perform several functions. These functions are undoubtedly increasing day. In the past legislations are undoubtedly increasing day by day. In the past legislatures were just meant for endorsing what the monarchs said. But with the passage of time they were forced to consult the representatives of the people. The legislatures began to represent the wishes of the people. Today of course these are primarily concerned with rule making but their position very much varies from one form of government to the other. A legislature is expected to perform different functions in a parliamentary from of government like India or England than in a presidential from of government as it obtains in USA. Similarly its position in a country like USSR, China and Yugoslavia is bound to be different as compared with a country like France and Switzerland.

The legislature is always involved in the election process of the head of the state as well as in his removal. In India President is got elected by the Parliament and so is the case with the President of U.S.A. or that of the U.S.S.R. In India it is the legislature which can remove the President by a system of impeachment. In Britain and Japan Parliament decides about the laws of succession and abdication of the king. In this way in one way or the other Parliaments are involved in the election as well as removal of the executive.

Then another important function of the legislature is to have a control over the executive. This control is more effective in a parliamentary rather than Presidential form of government. In a Parliamentary form of government as it obtains in India and England this control is exercised through questions, call attention motions, adjournment motions and ultimately by way of moving a vote of no confidence against the Council of Ministers. That is why is actual practice in such a form of government, the executive has no fixed tenure, the control of legislature over executive is not that

effective, but still that control is important. It is because all policies, programmes, budget and appointments at one stage or the other must be got approved by legislature. In countries like USSR, People's Republic of China and Yugoslavia, the control of the party over the executive is more important and effective than that of the legislature.

Legislative control over the executive is exercised in another sense namely that it is ultimately the legislature which approves the choice of the Prime Minister as well as that of the Ministers. Both in France and Japan after the Prime Minister has been nominated his name is to be approved by the legislature. In Switzerland, Federal Assembly elects Federal Councilors. In all parliamentary forms of governments the Council of Minister remains in office as long as it enjoys the confidence of lower House of the legislature.

it is the responsibility of the legislature to approve the bills needed by the nation. in a Parliamentary form of government the executive, which is also from the legislature initiates bills. But mere initiation does not lead any where. The bills must be approved by the legislature before these can be sent to the head of the state for approval. In a Presidential form of government, the President sends messages to the Congress for its approval. In socialist countries the legislatures meet for much less a period as compared with a society with parliamentary or Presidential form of government. But all the bills got passed during the inter-session period are got approved by it. The legislature is at liberty to disapprove a bill or modify the same in the manner it likes.

The legislatures are also required to approve or disapprove ordinances promulgated by the President during inter-session periods. It may be mentioned that in every country in one form or the other the executive head of the state is given some powers to meet emergency situations when the Parliament is not in session.

**The Executive**

Both in Parliamentary and Presidential form of governments executive occupies the most important place and position. In the former not long far back legislature used to occupy pivotal position, but with the passage of time that situation has changed. The creator has become victim of the power of its own creation, i.e. the executive. n fact today executive has become so powerful that cabinet from of government today is being characterized as Prime Ministerial form of government. There are a course several reasons responsible for this vesting of immense powers in the executive, but the most important one is that legislative work has so much increased and administrative work load is so extensive, that legislature has no time to control the executive and the later is required to perform extensive administrative duties. In addition, party discipline has become very strong and party bosses everywhere try to collaborate with the executive from whom they can get patronages than the legislators. In addition, whereas it is easy to have an understanding in small body of executive it is difficult to have that in a large body which sits in both the chambers of Parliament.

Like every other type of executive, political executive too is required to perform several functions. These are of several types, but the most important one is that of survival. It means that the executive must always keep the legislature in a happy mood and try to win its confidence. It is required to initiate all legislative measures which are needed by the society. In addition, it should ensure that all unwanted or outdated laws are removed from the statute book. If falls on its shoulders to make all high appointments both political, civil and diplomatic. Executive concludes peace and

declares war. it prepares budged for the country and decides about economic and taxation structure of the society.

The executive is to maintain law and order in the society and see that all citizens enjoys security both from within and outside aggression, It is required to provide social security to the aged and weaker sections which need protection. It is also to see that the people get justice-social, economic or political and for the purpose it maintains a net work of judiciary. it ensures that justice is both quick and cheap.

In a political democracy, political executive is required to maintain healthy political atmosphere. This it can do by keeping its political party ion tact and avoid all cracks which possibly can come into it. It is to see that members maintain moral standards, are not corrupt and above all do not unnecessarily interfere in the day to day working of the government.

It is the responsibility of the political executive to see that different departments of the government work in perfect and close cooperation with each other. it is to see that the work in all departments proceeds smoothly. In addition, it is to ensure that political and non-political executives work in perfect harmony. Work of each department is required to be so distributed that there is no ambiguity in distribution.

Political executive is required to give leadership to the nation. it is to see that all types of minorities are satisfied and have been given proper representation on different organizations, committees etc. of the government. It is required to make all policies statements on economic, social and political issues.

In our modern times political executive is required to perform legislative functions as well. Both in Presidential and parliamentary forms of government no bill can become an Act unless approved by the head of the State. The executive has powers to issue decrease or what is called in India as 'ordinance' which is issued when the legislature is not session, but it has the same force and strength as a law.

Political executive too has electoral powers in almost all the countries. It is almost always a participant ion the electoral process, in one way or the other, which is initiated for the election of the head of the state. In India e.g. Parliament is participant in the election of the President and Vice-President.

In our modern days, political executive is a share holder in judiciary. Judges are nominated or selected by the executive. In many countries executive head is empowered to remit or reduce sentence of a criminal, as awarded by courts of law. Judiciary in a parliament democracy work under direction, supervision and control of the executive.

For the purposes of maintaining law and order it maintains police force and a strong army. It ensures that the army is well equipped with latest weapons and capable enough to drive the enemy out of country in case any one dares to cross national borders.

It is the responsibility of the executive to see that economy is stable and also inflationary tendencies have been checked. it is to ensure that the people who are interested to work get employment and welfare programmes are undertaken for the welfare of the masses.

Since Legislature can give only broad framework, it is the duty of the executive to see that the laws are enforced in the spirit in which these were enacted by the legislature. In fact this enforcement power has made the executive very powerful and strong.

In short about the functions of the executive it can be said that these have so much increased and executive is so powerful that today more and more attention is being paid to it rather than other two organs of the Government. This perhaps is the reason that today Parliamentary form of government is called Prime Ministerial form of government.

**Judiciary**

Judiciary is one of the three organs of government. These days it is occupying more and more significant place in every state. it is looked forward as the custodian of rights of privileges of the people. On the one hand it protects the constitution of the state while the freedom of people on the other. In some states judiciary has been given the power of judicial review, while in others so such power vests in the judiciary. Similarly in some states judiciary is committed, while in others it is not. Along with courts these days administrative courts and tribunals too are coming up and prevent an inflexible dividing the drawn between administrative and judicial structures. Any attempt to have a crude separation of judiciary from other organs of government is bound, to result in more problems than solving any. In the words of Dahl," To consider the Supreme Court of USA strictly as a legal institution is to underestimate its significance in American political system. For it is also a political institution, an institution, that is to say, for arriving at decisions on controversial questions of national policy. Not only this, but in USA Supreme Court has been giving lead on important political issues including civil rights. The courts are expected to deliver their judgments keeping in view the broader national objectives and as such even the countries which strictly believe in impartiality of judiciary do not cherish any pronouncement which is not in keeping with the total national objectives.

Judiciary is that organ of government which is responsible for giving justice to the people. But what is justice is a problem which has been taxing the minds of the people since the days of Plato, but the term has remained vague. It was believed that in the past that justice meant 'tit for tat' as that satisfied the aggrieved and that it was more an individual rather than the state affair. The situation continued to remain so far a very long time, till it was believed that the state was very much concerned with justice. It was then believed that every unjust act was a slur on the society. The sovereign states were then considered responsible for giving justice to the people. This function earlier used to be performed by the church and the guides. To give the people justice on continuing basis, the courts of law were set up. It was considered to be the duty of the state to pay for the judges and lay down certain principles based on which action of the people should be judged.

**Preamble of the Constitution of India**

The Preamble defines India as a Sovereign Socialist Secular Democratic Republic. A Preamble is in integral part of the Constitution which states the aims and objectives of the constitution in a nutshell. It is said to be the most precious part of the Constitution, "the should of the Constitution", "key to the Constitution" and it is "proper yardstick with which one can measure the worth of the Constitution". It contains the philosophy of the constitution. The Preamble to a Statute, says Maxwell, "has been said to be a good means of finding out its meaning and as it were a key to the understanding of it". The Preamble indicates the source from which the Constitution derives its authority and also expresses the objectives which the Constitution seeks to promote. After the making of the American Constitution, it is a fashion to have a preamble in all subsequent written Constitutions. The Preamble precedes the text of the Constitution and states it objectives in clear terms.

The Preamble of the Indian Constitution lines as follows:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

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

EQUALITY of status and of opportunity, and to promote among 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 Preamble as amended by 42nd Amendment:**

The 42nd Amendment came into force of 18th December, 1976. This amendment, among other things, made the following changes in the Preamble-

(a) For the words, "SOVEREIGN DEMOCRATICE REPUBLIC", the words "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC" are substituted, and (b) for the words, "unity of the nation" the words of unity and integrity of the "nation" are substituted.

The preamble is said to be the should of the constitution where the aims and objectives of the constitution are stated in a nutshell. The Preamble speaks of four important facts about the Constitution, namely, (i) the source of the Constitution, (ii) a statement of its objectives, (iii) the ideal and philosophy of the constitution and (iv) the date of its approval. Thus the Preamble contains the fundamental principles embodied in the Constitution. All the written constitutions of the world have preambles. In conformity with this constitutional practice, the Indian constitutional fathers have also patterned a Preamble to the Constitution along the lines of the Objective Resolution of 1946.

Firstly, the words "We the people" express that the Constitution is promulgated in the name of the people. It is a bold assertion of the principle of popular sovereignty. The Constitution is not an imposition on the Indian people either by the foreign rulers or by an enlightened despot. On the contrary it is founded on the authority of the people "who hold the power and conduct the Government through their representatives". Some critics raise the question, "Did the Constitution reflect the will of the people of India?" They cite the fact that the Constituent Assembly was an "indirectly elected body". And it "enacted and adopted" the Constitution which should have been ratified by the people at a referendum like the Fifth Republic of France. This criticism seems to be unjustified. In 1946, election of the representatives to the Constituent Assembly on the basis of direct election was a difficult and stupendous task. Further, to conduct a nation-wide referendum after the framing of the Constitution was indeed a task which involved enormous expenditure and serious administrative handicaps. Such a referendum seemed to be redundant as the First General Election of 1951-52 was conducted under the new Constitution on the basis of adult suffrage. M.V. Pylee writes, "In that election some of the leading opposition parties had declared that if they were write an altogether new one. But the results of the election proved beyond any doubt that the Constituent Assembly, although elected indirectly, was a fully representative body and the Constitution was in instrument of the popular will". While refuting this criticism, Dr. B.R. Ambedkar said on the floor of the Constituent Assembly in 1949, "This Preamble embodies what is the desire of every member of the House, that this Constitution should have its root, its authority, its sovereignty from the people".

Secondly, the Preamble emblems India as a "Sovereign Democratic Republic". With the inauguration of the Constitution, India became a Sovereign Republic Like United States of America. A State is said to be Sovereign when it enjoys supreme and absolute power, acknowledging no other superior, nation. It implies both external and internal supremacy. Internal sovereignty refers to the fact that the State controls all individuals and associations constituted within itself. External sovereignty both internally and externally. India is a democratic State. The word "Democracy" in the Preamble is very comprehensive in nature. It implies not only political democracy but also social and economic democracy as well. The word "Republic" upholds the principle that the head of the State should be an elected one. it denotes a Government where no one holds be an elected one. It denotes a Government where no one holds power as hereditary or proprietary rights but the power is exercised for the common good by the chosen representatives of the people. With the commencement of the Constitution, India became a republic although she was a Dominion from 1947 to 1950. Thus the three words used in the Preamble had their significance; they are not the mere repetitions of same fact and expression.

Some critics often object India's membership of the Commonwealth of Nations on the ground that it derogates the strict sovereign character of the country. Such a criticism is mostly based on the integrated idea of the nature of the Commonwealth. The Commonwealth to Nations is a free association of sovereign States based upon mutual agreement and complete voluntaries. It is primarily an economic and social organization aiming at mutual co-operation, good will and economic development of its member-nations. The acceptance of the King of England as symbolic head of the Commonwealth does not derogate the sovereign powers of its members. Thus by becoming a membership of the Commonwealth said in 1949, "I am convinced that the sovereign Indian Republic freely associated herself with other countries of the Commonwealth said in 1949, "I am convinced that the sovereign Indian Republic freely associated herself with other countries of the Commonwealth will be completely free to follow its policy perhaps in an even greater measure and greater influence than even before". India is free to cut off the membership of the Commonwealth of Nations whenever it likes. Thus the membership of the Commonwealth is not a limitation on her sovereignty.

Thirdly the Preamble proceeds to defines objectives of the Indian Republic. These objectives are four in number. They are Justice, Liberty, Equality and Fraternity. A great significance is often attached to the expression "Justice, social, economic and political". The essence of justice is the attainment of the common good as distinguished from the individual good. The Constitution professes to secure to all its citizens' social, economic and political justice through democratic Government. The term "Liberty, of thought, expression, belief, faith and worship" is used in the Preamble in a wider sense. it implies attainment of certain positive values. Any arbitrary restriction of individual freedom is declared illegal under the Constitution. The State must guarantee from atmosphere for the fullest development of the personality of the individual. The constitution tries to ensure maximum liberty to the individuals. Liberty and equality are complementary to each other. Thus equality of status and opportunity is guaranteed in the Constitution. Any sort of discrimination is prohibited under the Constitution. Finally, the word fraternity emphasizes the spirit of brotherhood that the Constitution promotes for the good of the country. In view of the communal trouble in India which led to the creation of Pakistan, the emphasis on fraternity has a special significance. India in spite of much diversity is one nation. Communal and sectional tastes should be resolved and the spirit of brotherhood should pervade in the country. In short the Preamble aims at the establishment of a nee nation based

upon Justice, Liberty, Equality and Fraternity. It vibrates the Gandhian concept of free India "in which the poorest shall feel that it is their country in whose making they have an effective voice, an India in which there shall be high class and low class of people, an India in which all communities shall live in perfect harmony". In fact the Preamble is a blend of idealism and realism. It serves as a beacon blaze or a guiding star to the people and their rulers. It envisages clearly the idea to be pursued and the road to be reached. The Government of the country should fulfill those arduous and energetic though not impossible objectives cherished in the Preamble by the framers of the Constitution.

The Constitution (Forty-second Amendment) Act, 1976 made a change in the Preamble. It included the words 'Sovereign Socialist Secular Democratic Republic' in place of the words. 'Sovereign Democratic Republic', and the words 'Unity and integrity of the nation' in place of the words 'Unity of the nation'. The decision to include the word "Socialist" in the Preamble indicates nation's determination to adopt socialism through democratic means. The word "Secular" means that the state shall protect all the religions equally and will not uphold and religion as the state religion. The inclusion of the word "integrity" again indicates that our federation is an indestructible union and no separatist tendencies will break it. This amendment made it clear that the Preamble is a part of the Constitution and as such subject to the amending power of the Parliament. The Constitution (Forty-Second Amendment) Act, 1976 was a controversial one. The Janta Government formed at the Centre after the Sixth Lok Sabha Election, 1977 made some changes through the Constitution (Forty-second Amendment) Act, 1976 was a controversial one. The Janta Government formed at the Centre after the Sixth Lok Sabha Election, 1977 made some changes through the Constitution (Forth-Fourth Amendment) Act, 1978. However, the constitutional amendments made by the Janta Party at the Centre had not changed the preamble. Hence the two words 'Socialist' and 'Secular' have retained their constitutional importance and expressed two long-cherished goals of our nation.

Part III of our Constitution provides for fundamental rights for the citizens and some of them are means for all persons within the territory of India. Originally it provided for seven types of fundamental rights, but the 44th amendment Act of 1978 has taken away the right to property from the chapter. Now six types of fundamental rights remain incorporated in the Constitution.

**Fundamental Rights**

The Constitution today provides for the following Fundamental Rights:

1. Right to Equality under Articles 14 to 18.
2. Right to Liberty under Articles 19 to 22.
3. Right against Exploitation under Articles 23 and 24.
4. Right to Freedom of Religion under Articles 25 to 28.
5. Cultural and Educational Rights under Articles 29 to 30.
6. Right to Constitutional Remedies under Article 32-35.

**1. Right to Equality.** Articles 14 to 18 deal with the Right to Equality. All persons within the territory of India have been guaranteed equality before law and equal protection of law. No man has been allowed special privilege. State cannot make distinction between one citizen and the other on the basis of caste, colour, creed, sex, place of birth of any of them. All public places of worship and historical and tourist interest shall remain open for all persons. But the state can provide for special facilitries for children and women and also for the members of scheduled castes, scheduled tribes and other backward classes. All citizens have been given equality of opportunities in respect of

government jobs under Central Government of any state government. No man can be denied a government job simply because he belongs to a particular religion, caste, colour, sex or place of birth. However the, state can make reservation in government jobs for members of scheduled castes, scheduled tribes and other socially and educationally backward classes. Untouchability has been abolished by law and its practice in life is prohibited. The state shall not grant titles like Rai Sahib, Rai Bahadur and no citizen can accept any title from a foreign state without the consent of the President of India.

**2. Right to Freedom**. Under this right many kinds of liberty has been given to the citizens of India. They have the right (a) to freedom of speech and expression, (b) to assemble peaceably and without arms, (c) to form associations or unions, (d) to move freely throughout the territory of India, (e) to reside and settle in any part of the territory of India, (f) to acquire, hold or dispose of property and (g) to practise any profession or to carry on any occupation, trade or business. State can impose reasonable restriction on the use of these rights on the bais of public morality or decency, public order, interests of general public or for the protection of the interests of any scheduled tribe. It means the right to liberty cannot be exercised in an absolute manner. It has to be used with restraints.

Right to personal liberty also falls under this right. It means that no person can be deprived of his life or liberty except by law and no person can be punished until he has violated a law and this has been established in the court of law.

**3. Right against Exploitation.** Under this Right traffic is human beings and forced labour (Begar) have been prohibited. It means human beings cannot be sold or purchased. Prostitution is also prohibited. No man can be compelled to work without wages. Children below the age of 14 years cannot be employed in factories, mills, mines or works which can be injurious to their health.

**4. Right to Freedom of Religion.** Under this right all persons have been granted freedom to have faith in any religion of their choice and they can practise and propagate that religion. persons can adopt their own way of worship. They have also been allowed the freedom to establish and maintain institutions for religious and charitable purposes, to manage their own affairs in matters of religion; they can own and acquire movable and immovable property and asdminister such property in accordance with the law. State cannot ask a person to pay a tax levied for the promotion of a particular religion. Religious instructions pertaining to a particular religion cannot be given in schools or colleges which are wholly maintained out of state funds.

**5. Cultural and Educational Rights.** These rights are meant for the maintenance and protection of language, script and culture of minorities in India. Article 29 says that any section of the citizens having a distinct language, script or culture of its own shall have the right to conserve the same. All minorities whether based on religion or language can establish and administer educational institutions of their choice. No citizen can be denied admission in an institution aided fully or partly by the state, on grounds only of religion, race, caste, language or any of them.

**6. Right to Constitutional Remedies.** This right is very important. It has made provisions for the enforcement of other Fundamental Rights. Article 32 empowers the Supreme Court to issue appropriate directives and writs including the writs to Habeas Corpus, Mandamus, Quo-warranto, Prohibition and Certiorari for the enforcement of these rights. A citizen can knock at the door of the Supreme Court straight away if his fundamental right has been affected by any law or any executive

order. High Courts of the states have also been empowered to protect the fundamental rights. Judiciary can declare such a law or executive order as unconstitutional, illegal and void.

**Directive Principles of State Policy**

Part IV of the Indian Constitution contains some Directive Principles of State Policy, which do not enjoy legal protection as is enjoyed by the fundamental rights but it has been expected that the state, while making and enforcing laws shall keep these principles in mind and shall try to implement them as far as possible. The scope of these principles is very wide and they are concerned with all the aspects of Indian Society.

Directive Principles of State Policy are of different kinds and are as under:-

1. **Relating to Social Democracy**

   Following are the Directive Principles that relate to social democracy:

1) Article 39(a) says that the state shall direct its policy towards securing that the citizens, men and women, equally have the right to an adequate means of livelibood.
2) Article 41 says that the state shall within the limits of its economic capacity make provisions for securing the right to work, to education and to public assistance in cases or unemployment, old age, sickness, and disablement and in other cases of undeserved want.
3) Article 42 says that the state shall make provisions for securing just and human conditions of work and for maternity relief.
4) Article 46 says that the state shall promote the educational and economic interests of the weaker sections of the people, particularly scheduled castes and scheduled tribes and shall protect them from social injustice and all forms of exploitations.
5) Article 47 says that the state shall regard its primary duty to raise the level of nutrition and to improve public health.
6) Article 39-A added by the 42nd Amendment Act says that the state shall try to secure equal justice and free legal aid to its citizens.

2. **Relating to Economic Democracy**

   Directive Principles that relate to economic democracy are as under:

(1) Article 39(b) says that the state shall direct its policy to see that the ownership and control of the material resources of the community are so distributed as best to promote the common good.
2) Article 39(c) says that the state shall see that the operation of the economic system does not result in the concentration of wealth and means of production at one place.
3) Article 39(d) stays that the state shall see that there is equal pay for equal work for both men and women.
4) Article 41 asks the state to give within its limits, the right to work to its citizens.
5) Article 43 says that the state shall endevour to secure to all workers work, living wages, conditions for a decent standard of living, full enjoyment of leisure, and the state shall also endevour to promote cottage industries on individual or cooperative basis.
6) Article 43-A added by 42nd Amendment says that the state shall endeavour to secure the participation of workers in management of industries.

**3. Relating to Gandhian Philosophy**

There are some Directive Principles which are related to Gandhian Philosophy. These are as under:

1) Article 40 says that the state shall take steps to organise Village Panchayats as units of self-government.
2) Article 43 says that the state shall endeavour to promote cottage industries.
3) Article 46 relates to educational and economic development of scheduled castes and scheduled tribes.
4) Article 47 says that the state shall endevour to bring about prohibition of the consumption of intoxicating drinks and of drugs which are injurious to health.
5) Article 48 says that the state shall endevour to organise agriculture and animal husbandry on modern and scientific lines, preserving and improving the breeds, and prohibit the slaughter of cows and calves and other milch and draught cattle.

**4. Relating to Education and Culture**

Following are the Directive Principles that are concerned with development of education and culture:

1) Article 41 says that the state shall endevour to secure to its citizens the right to education.
2) Article 45 says that the state shall endeavour to provide within a period of ten years for free and compulsory education for all children upto the age of 14 years.
3) Article 46 says that the state shall endeavour to promote the educational and economic interests of weaker sections, and in particular of scheduled castes and scheduled tribes.
4) Article 49 says that it shall be the obligation of the state to protect every monument or place or object of artistic or historic interest declared by the Parliament to be of national importance.

**5. Relating to Administrative Policy**

Following Directive Principles are concerned with administrative policy:

1) Article 38 says that the state shall endeavour to secure a social order for promotion of welfare of the people.
2) Article 40 relates to organisation of Village Panchayats as units of self-government.
3) Article 44 says that the state shall endeavour to secure for the citizens a uniform Civil Code throughout the territory of India.
4) Article 50 says that the state shall take steps to separate the judiciary from the executive in the public services of the state.

**6. Relating to International Policy**

Directive Principles concerning the international policy are the following:

Article 51 says that the State shall endeavour to—

(a) Promote international peace and security;
(b) Maintain just and honourable relations between nations;

(c) Foster respect for international law and treaty obligations in the dealings of organised people with one another; and

(d) encourage settlement of international disputes by arbitration.

**Implementation of Directive Principles**

Directive Principles of State Policy have no legal sanction behind them. In spite of that these have been implemented to great extent because the success of Indian democracy depends upon the implementation of these principles. During the last 40 years the Indian Government has enacted many laws and his initiated may schemes to make these principles effective. Plans were prepared and enforced for economic development, 20 point programme as started to eradicate poverty and economic inequality. Educational and health services have been spread in rural areas. India has separated judiciary from executive and Panchayat Raj institutions have been established in almost all the states. India has always encouraged world peace and international cooperation. All these are a step towards attainment of a welfare state.

But still a lot remains to be done. In reality we have not been able to implement these directive principles in full. Still there is concentration of material resources in the hands of a few like Tatas, Birlas, Kirloskar, Thapars, Masfat Lal etc. Life of the poor is still miserable. Free education even upon the age of 14 years of the commencement of the constitution. Justice is very costly and is beyond the reach of the poor and needy. State has not been able to enforce prohibition. Panchayat Raj institutions are not worth their name. They have no real power and in many states there have been no election of Panchayats for many years.

**India as a secular State**

Although, the intention of the constitution makers to establish a secular polity in the country was clearly implied in the constitutional document and was writ large over the recorded discussions of the Constituent Assembly, India was not specifically describe as of the country as a "sovereign democratic republic", in the Preamble, the commitment to the goal of secularism has been spelled out in clear terms. A secular state has negative and positive aspects. Negatively it is the antithesis of a communal or theocratic state which officially identifies itself with a particular religion. Pakistan, for instance, has proclaimed itself an Islamic state. In a secular state, on the other hand, there is no official or state religion. Such a state is not guided in the formulation of its policies by the principles of a particular religion or creed, nor does it allow its authority to be used for the propagation of a particular fait. This, of course, does not mean that a secular state is an irreligious or anti-religious state, if it does not adopt any religion as its own. It also does not discount o discourage the practice of religion by its citizens. Under a secular polity the state as such "is neither religious, nor irreligious, nor anti-religious but is wholly detach from religious dogmas and activities and is, thus, neutral in religious matters". A secular state, therefore, does not patronize any religion, nor does not patronize any religion, nor does it discriminate against any. It is concerned with the social, economic and political welfare of the people, leaving religious and spiritual matters to individuals and private organizations. The secular state does not discourage morality or spiritual values; it merely stands outside the field of religion. To keep the state aloof from religion in India, the constitution provides that no person can be made to pay taxes for the promotion of any particular religion. It provides further that no religious instructions may be imparted in educational institutions financed entirely out of public funds and that even in privately

managed educational institutions which receive financial and from the state, no one may be compelled to participate in any religious instruction on worship conducted in it.

In its positive aspect, a secular state treats all its citizens alike and gives them equal opportunities of following their respective religions and enjoying other rights and benefits of citizenship. If in a country whose people follow different religions, the state identifies itself with one particular faith, those who do not second-rate citizens. To prevent such a development, the Indian constitution confers a common citizenship on its entire people and makes all citizens equal in the enjoyment of all rights and privileges, irrespective of religion or caste. To quote Dr. Radhakrishnan: "No group of citizens shall arrogate to itself rights and privileges which it denies to others. No person should suffer any form of disability or discrimination because of his religion but all alike should be free to the fullest degree to share in the common life". An important manifestation of secularism in India is the abolition of communal electorates and the adoption of the provision that elections are to be held on the basis of universal franchise and joint electorates.

According to Professor Alexandrowics, "India as a secular state guarantees, constitutionally, freedom of religion to all persons, and does not assign a special position to any particular religion". The constitution recognizes the fundamental right of every citizen to profess, practise and propagate any religion (subject only to the requirements of public order, morality and health) or to follow no religion at all if he so chooses. It guarantees to religious minorities the right to maintain their own language and to establish educational institutions of their choice. In this way, safeguards are provided for the culture of every religious minority. The Constitution assures freedom of religion by giving every religious denomination the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property and to administer such property in accordance with law. The constitution guarantees, further, that in recruitment to public services equal opportunities are to be given to all citizens except that special provisions may be made for women and children and for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes and that no discrimination can be made on grounds of religion (Bombwall : 1998).

**Communalism**

Communalism today poses a great danger to Indian society and polity. It undermines the concept of 'secularism' so carefully nurtured by the leaders of the Indian National Movement. Communalism has risen in alarming proportions since the late 1970s, disrupting the pattern of co-existence in our multi-religious fraternity.

Communalism is an ideology which states that society is divided into different communities whose interests differ from, and at times oppose, each other. The antagonism practiced by the people of one community against the people of another community can be termed as communalism. It can take the form of political communalism. It can take the form of political communalism religious communalism, and economic communalism. Communal violence usually occurs when communal thinking reaches a certain level of intensity and the atmosphere is vitiated by the building up of communal fear, suspicion and hatred.

According to Bipin Chandra, communalism is an ideology based on the belief that the Indian society is divided into religious communities whose economic, political, social and cultural interests diverge and are even hostile to each other because of the religious differences. He further says that it is

a belief system through which society, economy and polity are viewed and explained, and around which effort is made to organise politics. As an ideology it is akin to racialism, anti-Semitism and fascism, with concrete social base. Jawaharalal Nehru described communalism as the Indian version of fascism.

Being a pluralistic society, India consists of not only religious groups of Buddhists, Christians, Hindus, Jains, Muslims and Sikhs but also various sub-groups like Arya Samajis, Shaivites, Sanatanis and Vaishnavas among Hindus, Shias and Sunnis among Muslims and so on. There have been strained relations between the religious groups and sub-groups: between the Hindus and the Muslims, the Hindus and the Sikhs, the Sunnis and the Shias, for instance.

Communalism is different from secularism in the western sense means 'separate from church'. In the Indian context, secularism means being neither irreligious nor anti-religious but being non-religious. Thus, in India, complete separation is envisaged between the state and religion, and there is full liberty to follow any religion.

Communalism in India was born, nurtured and promoted by British imperialism. There was a deliberate design on the part of the colonial power to bring dissensions in the society and thereupon gain political advantage. The British thereupon gain political advantage. The British adopted the 'divide and rule policy' which divided the Indian society on communal (Christian, Hindu, Muslim and Sikh) and feudal (rajas, nawabs and zamindars) lines.

The allocation of separate electorates for minorities furthered the feelings of communalism. Thus, 'communal politics' was initiated into the Indian body politic. It worked against the notion of national identity or national interests by attaching too much importance, to one's own religious community and that impact on the minds of people and proved damaging to the emerging body politic of India. The partition of India in 1947 testifies the fact.

Even after India's independence, no concrete measures were taken to contain communalism. The inequalities in society - evident in large-scale poverty and unemloyment - brought frustration among the deprived classes who, in turn, took on the mentle of communalism to get solace. The initial years after 1947 were relatively calm because of improvements in all fields but such calm was short-lived. Hindu and Muslim communalism revived in the 1970s and once again politics began to develops around a religious issuewd. The Babri Masjid-Ram Janambhoomi issue gave a fresh impetus to the rise of communalism. Like all communal issues the Babri case is also a religious issue only at a superficial level; the real motive of the communal forces involved is manipulation and exploitation of religion for political ends.

Similarly, in the Shah bano case, the law-makers yielded to the pressure of fundamentalist Muslim opinion and much against the letter and spirit of constitutional precepts of secularism and equal justice for all. The Muslim Women (Protection of Right of Divorce) Act, 1986 was brought in to nullify the Supreme court Judgment.

The elements of opportunism displayed by the so-called secular political parties, absence of any radical programme to check communalism by the government, failure of left parties to keep themselves aloof from communal politics and electoral compulsions are factors that have encouraged the growth of communalism in independent India. Added to this is the laxity of state apparatuses, mainly the police, in combating communalism.

Communalism is a social malady which needs to be countered so that principles of unity, integrity, secularism, democracy, equal rights and a just and humane society can be restored. Bipin Chandra gives certain long-term and short-term measures to meet the challenges of communalism.

The long-term remedy includes the following points:

1. There is a need to initiate the process of de-communalization of the people at all levels, say, by exposing communal assumptions, by exposing communal assumptions, by explaining to them the socio-economic and political roots of communalism, and by letting them know that what the communalists project as problems are not the real problem and what they suggest as remedies are not the real remedies.
2. Communalism of state and of the political elite in power has to be checked because it leads to inaction against communal violence and covert or overt political and ideological support to communalism by the state apparatuses, including the media under state control.
3. Communalization of civil society also needs to be checked because it leads to more communal roots and other forms of communal violence. It is here that intellectuals, political parties and voluntary organizations can be the most effective.
4. The role of education, particularly value oriented education, both in schools and colleges is important in preventing communal feelings.
5. The media can prove to be significant in preventing communal feelings. Communal press can be banned and legal action can be taken against communal writers.
6. The ideology that economic development, industrialization, growth of capitalism and the growth of the working class would automatically weaken and ultimately eliminate communalism should not be overplayed.

The immediate measures for containing communalism and communal riots as suggested by Bipin Chandra are as follows:

1. Peace committees need to be set up consisting of people belonging to different religious communities.
2. The state has to plan and use new strategies in dealing with communal violence.
3. The role of media is immensely significant during communal violence as they can keep fear and hatred in check.
4. The government in power has to treat the extremist communal outfits as the immediate targets and cripple their capacity to disrupt law and order.

## Regionalism

Regionalism is yet another problem which has been hampering the development of a healthy federal system in India. Regionalism means love for a particular region in preference to that for the country. Thus, it signifies a type of sub territorial loyalty. Dr. Iqbal Narain says that regionalism in the Indian contest, as perhaps elsewhere also, is a vague concept. It has both a positive and a negative dimension. Speaking in positive terms, it embodies a quest for self-fulfillment on the part of the people of an area. Negatively speaking, regionalism reflects a psyche of relative deprivation resulting from specific grievances. S.R. Maheshwari points out that a particular territory is set apart as a region over a period of time when different variables operate in different degrees. These variables may be geography, topography, religion, language, usages and customs, socio-economic and political stages of

development, common historical traditions and experiences, a common way of lying and, more than anything else, a widely prevalent sentiment of togetherness.

Regionalism in India is a multi-dimensional phenomenon. According to Dr. C.A. Perumal, "Regionalism, as a countrywide phenomenon, has assumed mainly four forms in India, viz., demand of the people of certain areas for session from the Indian Union like demand of the DMK, the Akali Dal, the Nagas and the Mizos; demand of people of certain areas for separate statehood like the demand for Bodoland, Gorkhaland, Vidharaba, Telangana and Bundelkhand; demand of people of certain Union Territories for full-fledged state hood like the case of Delhi; and finally demand of certain people for favourable settlement of inter-state disputes like boundary disputes and sharing of river waters.

According to S.L. Sikri, the main components of regionalism in India are as follows:

1. Teritorial identity and exclusiveness has been expressed in various demands for pradeshas, subas and lands (Punjabi Suba, Gorkhaland, Uttarakahand and Jharkhand).
2. Regionalim in India is a psychic phenomenon. Its roots like deep in the minds of people. For example, the Lashore kingdom that emerged under Maharja Ranjit Singh has a permanent influence on the minds of the Sikhs while the Shivaji myth is deeply rooted in Maharashtra psyche.
3. Linguistic regionalims in India is manifested in case of Tamil Nadu's opposition to Hindi language, and violent confrontation between pro-Marathi and pro-Kannada sectiosn of Karnataka.
4. Economic regionalism is due to slow development, regional imbalances and paradoxes of adopted path of development. Dr. Iqbal Narain has rightly said "Economic component is the crux of regionalism."
5. Political regionalism has resulted in the growth of regional parties like the DMK, Akali Dal and TDP; protest movements mobilised on regional, ethnical and communal lines in Tamil Nadu, Nagaland, Mizram, and Pujab; antimigrant movements where the migrants were looked upon as outsiders; and finally sub-regional movements as in the case of Jammu region of Kasmir, Darjeeling in West Bengal, Marathawada in Maharashtra, etc.

Regionaalsim has many causes for its growth in independent India. The major causes are viewed to be reorganisation of states on linguistic basis; regional economic and social inequalities (the root cause); politicisation of social classes. castes and women; unwise and unimaginative policies fo the Congress; disintegration of the Congress and consequent rise of regional parties and regional elites; regionalisation of education growth of regional press; the failure of the system itself like failure of the Parliament and Planning Commission to respond to people's expectation as also failure of the economy to generate opportunities to the people; modernisation leading to tribal displacement and tribal revolt; and unhealthy imposition of "patterns" such as centralism.

**Centre-State Relations**

**Legislative Relations** (Articles 245-255): 1. Parliament has exclusive jurisdiction to make laws regarding (97) items in the Union List; State legislature has exclusive power to make laws in regard to (66) items in the State List; both the union and state legislature can legislate in regard to (47) items in the Concurrent List (Article 246).

2. Parliament has exclusive power to make laws with respect to any matter not enumerated in the Concurrent to State List (Article 248); Parliament has power to legislate with respect to any matter

in the State List in the national interest after the Rajya Sabha's resolution supported by not less than two-thirds of the members present and voting (Article 249).

3. Parliament has power to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation (Article 250).
4. Parliament has power to legislate for two or more States by their consent and adoption of such legislation by any other State (Article 252).
5. In case of inconsistency between laws made by Parliament and those made by a State legislature in regard to items in the Concurrent List, the Union law shall prevail except where a State law is reserved for the consideration of the President and receives his assent (Article 254).

**Administrative Relations (article 256-265)**

1. The executive power of every State shall be so exercised as not to impede the exercise of the executive power of the Union; Union has executive power to give directions to a state in matters regarding means of communication, protection of railways (Article 257).
2. Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and every State (Article 261)
3. Parliament has power for adjudication of disputes relating to waters of inter-state Water Disputes Act, 1656, was passed under Article 262 of the Constitution.
4. President, in the public interest, can established Inter-State Council for co-ordination between States Article 263).

**Financial Relations**

1. Duties which are levied the Union but collected and appropriated by the State Stamp duties, duties of excise ion medicinal and toilet preparations); Taxes levied and collected by the Union but assigned to the States (duties in respect of succession to property other than agricultural land, taxes on the sale or purchase of newspapers, taxes on the consignment of goods, taxes on railways fares and freights, etc.); Taxes levied and collected by the Union and distributed between the Union and the State (on income other than agricul-toilet preparations); Taxes exclusively belonging to toilet preparations). 1. Taxes exclusively belonging to Union (Customs, Corporation Tax, taxes on capital value of assets, surcharge on income tax; etc.); Taxes belonging exclusively to the States (land revenue, Stamp Duty on items included in the list, entertainment tax, taxes on professions not exceeding Rs. 2500, etc.)
2. Prior recommendation of President is required to Bills affecting taxation in which States are interested (Article 274).
3. The President will appoint a Finance Commission consisting of a chairman and four members every 5 years or at such earlier time as he considers necessary (Article 280); Parliament determines the qualifications requisite for appointment as its members; the Parliament makes recommendations to the President as to the distribution between the Union and the State of the net proceeds of taxes, the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India.
4. Parliament has power to impose restrictions in public interest on inter-State trade, commerce and intercourse (Article 301 and 302).

**Emergency Provisions**

1. Emergency can be imposed due to war or external aggression or armed rebellion (Article 352) — National Emergency imposed in 1962 due to Chinese aggression, in 1971 in the wake of the war with Pakistan and in 1975 on grounds of internal disturbance.
2. President's Rule in States will be on receipt of a report from the Governor or otherwise (Article 356). In the case, the State Assembly may be dissolved or kept under suspended animation; such proclamation must cease to operate at the expiry of two months unless approved by resolutions of both Houses of Parliament; such a proclamation, after Parliament's approval, cannot continue for more than 3 years.
3. Financial Emergency (Article 360): it may be revoked or varied by a subsequent proclamation; once approved by Parliament it may continue indefinitely until revoked or varied; Financial Emergency has never been promulgated.

**Functions of Parliament**

The functions of Parliament today can be described as the legislative or law-making—the traditional function; legitimizing function-legitimizing what the government does representation of function which is considered to be most important function and from which follows the grievance ventilation or grievance redressal function; the national international function; the conflict resolution function and so on. There is also the leadership recruitment and training function. The Ministers are drawn from Parliament and the parliament, through its Committees, through discussions and debates, also throws up and trains the leadership of the country. Parliament is the link between the Government and the constituents, between the Government and the constituents, between the people and the Government. It performs the function of being a communication link, of being the educator of the people, making them aware of political issues.

Parliament has the power of the purse. If the word 'control' can be used in any sense in regard to Parliament, it is in the sense of financial control. No taxes can be collected and do money can be spent without the authority of the Parliament. Parliament, through its committees and other mechanisms and through the independent voice of the Comptroller and Auditor-General of India, sees to it that the money is properly spent and the authority is not exceeded. But, Parliament in our country is a large and generous body. It is not merely a fault-finding institution. It is not in the nature of an auditor who looks at the cents and pennies. It is concerned with the larger issues and it is engaged in the common task of serving the people of the country. Its purpose is too see that the power is not misused, that the policies are properly implemented and that the public money properly spent.

It is not the function of Parliament to govern; it is for the Government to govern. The Government consisting of the Council of Ministers is, however, responsible and answerable to the popular House of Parliament for all its acts of omission and commission. And, if the Government loses the confidence of Lok Sabha, it has to go.

Last, but not the least, it is the function of Parliament of exercise surveillance or oversight over administration. But, while the administration is accountable to Parliament (and to the Minister concerned), Parliament is not supposed to interfere with the day to day administration. Parliamentary surveillance of administration becomes effective only ex-post facto. Parliament does not dictate to administration. It does not stop the administration from doing this or not doing that. it comes into the

picture only after an Act has been done and then the administration is called to account why it was done, whether it was in accordance with the policy laid down by Parliament.

Hem Barua, has rightly observed: "The Indian Parliament is a zealous sentinel of all that is enshrined in the Constitution. Indeed, it is the focal point of the Constitution. It expresses the aspirations of the nation towards peace and justice."

**Powers of Parliament**

Parliament is not a sovereign institution in India in as much at it functions within the bounds of a written Constitution, as it believes in the principle of division of power and judicial review. The important powers of the Indian Parliament are:

**1. Legislative Powers**

The constitution has classified the subjects for legislation into three lists: (1) The Union List, (2) The State List, and (3) The Concurrent List. The Union List includes those items over which Parliament has exclusive authority to make laws while the Concurrent List enumerates those subjects over which Parliament as well as the States have power to make laws. It is, however, clearly laid down that laws enacted by Parliament is empowered to make laws in certain special circumstances on the subjects included in the State List as well. The Parliament can take steps in this direction provided Rajya Sabha declares by a resolution supported by a special majority that it is necessary or expedient in the national interest to do so. When a proclamation of emergency is in operation, the legislative competence of Parliament is widened so as to extend to any matter in the State List. Parliament can issue directions to the State Governments in the matter of exercising executive powers. In case a State Government cannot be carried on in accordance with the provisions of the Constitution, the Assembly may be suspended or dissolved by the President and Parliament make laws in respect of the State.

In addition to these three Lists, mention has been made in the Constitution about the residuary powers of the Centre in respect of residuary powers of the Centre in respect of any matter not enumerated in any of the three Lists. "The residuary powers, i.e., power to legislate on a matter not enumerated in any one of the three lists belong to Parliament.

Parliament enjoys the power to legislate for implementing any treaty, agreement or convention with any country or any decision made at an international conference, association or other body on any subject, even if it falls in the State List. Parliament may enter the State List by invitation also. If two or more State Legislatures consider it desirable that any of the matters within their exclusive legislative competence should be regulated by Parliamentary legislation and pass resolutions to that effect, Parliament can undertake the necessary legislation. However, the legislation so passed has effect only in the States which had requested and those others which may adopt it afterwards by resolutions passed in that behalf.

The Constitution empowers Parliament to make changes in the boundaries of the States and effect changes in the name of existing States. It can create new States by uniting two or more states. It can regulate the citizenship. The Constitution empowers the Parliament to amend the Constitution; and by virtue of this power can amend even the process of amending the Constitution.

**2. Control of Executive**

The real or the political Executive in India is the Council of Ministers and head of the Government is the Prime Minister. The ultimate control of the Executive by Parliament is ensured by the provision in

the Constitution that the Government is answerable for all its acts or those of its officials to Parliament.

Parliament exercises control over the Executive through questions, calling attention notice and other procedures like votes of censure, adjournment motions and numerous other procedures. It can also prevent the Executive from taking a course of action by refusing to pass legislation required by the Government or by its refusal to give its consent. Control is also exercised through the various Committees of Parliament, and more particularly by the Estimates Committee, the Public Accounts Committee and the Committee on Public Undertakings.

The Council of Ministers may in sense be described as the grand Executive Committee of Parliament charged with the responsibility of Governance one behalf of the parent body. In other words, the Executive is not a part of Parliament. In as much as the Council of Ministers is drawn from and remains part of Parliament and responsible to Lok Sabha, the relationship may be said to be that of a part to the whole and one of interdependence.

**3. Financial Powers:**

The Parliament also controls the finances of the Union. It sanctions money to the Government to enable it to run the administration. it may pass, reduce or reject the demands for grant presented to it by the Government, but it cannot increase them. No taxes can be collected and no money can be spent without the authority of the Parliament. Such authority should be embodied in an Act of Parliament and not merely expressed by a Resolution.

The two Houses of Parliament enjoy coequal power and status in all spheres except in financial matters. Accordingly, the following limitations have been placed on the power of Rajya Sabha:

1. A Money Bill cannot be introduced in Rajya Sabha.
2. Rajya Sabha has no power either to reject or amend a Money Bill., It can only make recommendations on the Money Bill. If such a Bill is not returned to Lok Sabha within a period of 14 days, the Bill shall be deemed to have been passed by the both the Houses at the expiration of the said period in the form in which it was passed by Lok Sabha.
3. Whether a particular Bill is Money Bill or not is to be decided by the Speaker of Lok Sabha.
4. Rajya Sabha may discuss the Annual Financial Statement. it has no power to vote on the Demands for Grants.
4. Jucidial Powers Parliament has power to make laws regulating the Constitution, organisation, jurisdiction and powers of the Courts. It was laid down in the Constitution that the number of judges other than the Chief Justice in the Supreme Court would not be more than seven. Parliament was, however, empowered to prescribe a larger number of judges by law. Under this provision, Parliament passed the Supreme Court (Number of Judges) Act, 1956, increasing the number of other judges to ten and subsequently by various amendments to this Act, to twenty five. Under the Constitution, Parliament may by law extend the jurisdiction of a High Court to establish a common High Court for two or more States, and constitute a High Court for a Union territory. A judge can be removed from his office by the President, if a joint address passed by both Houses of Parliament with a special majority is presented to him. Parliament may by law provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States.

**Indian Parliament in Comparison with British Parliament**

There is a natural tendency to compare the Parliament of India with the British Parliament. But our Parliament and Parliamentary institutions and procedures are not a copy of the Westminister system. There are fundamental differences between their system and our system. British Parliament has grown through some three hundred years of grown through some three hundred years of history. In Britain, it can be the only institution which exercises sovereign powers and on which there are no limits because there is no written Constitution. In our system, we have a written constitution and powers and authorities of every organ of Government and every functionary are only as defined and delimited by the constitutional document. The power of Parliament itself is also clearly defined and delimited by the Constitution. Within its own sphere, Parliament is supreme. Also, Parliament is supreme. Also, Parliament is the representative institution of the people. But it is not sovereign in the sense in which the British Parliament is sovereign and can do or undo anything. It is used to be said that it could do everything except making a man, a woman and a woman, a man. Perhaps, now with the advances in science and technology, even that can be done. The point is that in the sense of constitutional sovereignty, their powers are not limited by a constitutional document whereas ours are. Also, our constitutional document provides for fundamental rights of the individual and they are justiciable in Courts of Law. And any law passed by parliament which abridges and of the fundamental rights can be declared ultra virus by the Courts. The Courts adjudicate the disputes and for doing so, they can interpret the Constitution and the laws. And the interpretation given by the Supreme Court is binding on the Courts all over the country as also on Parliament, of course, if Parliament does not agree with the interpretation of the Supreme Court in any particular case, it can suitably amend the law in order to make its own intentions clear. Also, Parliament has the constituent powers and within certain limitations it can suitably amend the Constitution. But till Parliament amends the law or the constitutional provision, the law of the land will be as declared by the Supreme Court. And thus, in its own sphere, the Supreme Court is supreme.

**The President of India**

The Constitution of India has adopted the British Model of the parliamentary system of responsible Government. The Union Executive is parliamentary. The Head of the Union Executive is the President and National Executive also includes the Council of Minister and the Prime Minister. Like the Monarch of England, the President of India is the nominal head of the State. The real executive powers are vested in the Council of Minister. Article 53 of the Indian Constitution provides that the executive power of the Union is vested in the President and to be exercised by him either directly or through officers subordinates to him in accordance with the Constitution. Before we examine the powers and position of the Indian president, it is necessary to know how he is elected.

**Impeachment of the president**

The office of the president may become vacant in three ways, namely death, resignation or removal of the president .The present may resign and he can also be removed by impeachment. Impeachment is a *quasi* judicial procedure in which the high executive officials are tried by the Legislature. Article 61 of our Constitution deals with the procedure of impeachment of the president. When a president is to be impeached for the violation of the constitution, the charges shall be preferred by either House of Parliament. Before the charge is preferred by the violation of the Constitution, the charge shall be preferred by either Hose of Parliament, proposal should contain in a form of resolution and to move such resolution at least one-fourth of the total number of members of the House. Only

after the expiry of fourteen days, such a resolution will be discussed in the House which has preferred the charges against the President. If tow-thirds majority of the total membership of that house approves, it will be referred to the other House. The other House may investigate the charge or cause the charge to be investigated by a special body and the President shall have the right to appear and to be present at such investigation. After such investigation if the charges against the President are established and to the effect a resolution is passed by the House with two-thirds majority of its total membership, the president is impeached and ceases to hold the office from the date of passing such resolution.

The justification for a two-thirds majority ahs a special significance. An impeachment against the president is not like a no-confidence motion which may be passed with simple majority. The highest office of the land should be treated with all seriousness and gravity. If the President has the support of one-third plus one members of a house, he cannot be impeached.

**Powers of the President**

The President of India is the head of the Union Executive. He is not answerable to any court in connection with the exercise of his powers. He enjoys certain personal and legal immunities. Thus, the President is armed with enormous powers in order to fulfill his constitutional duties. His powers may be broadly classified under the following heads.

**Executive Powers**

Article 53 of the Constitution provides that "the executive power of the union shall be vested in the President and shall be exercised by him either directly or through officer subordinates to him in accordance with the Constitution". The President is expected to exercise his executive power s either directly or through officer subordinate to him Article 74 of the Constitution provides for a Council of Minister headed by the Prime Minister to "aid and advice" the President in exercising his functions. It is expected that the president will exercise his functions on the aid and advice of the Council of Minister. The Constitution (Forty-second Amendment) Act, 197s6 provided that the President shall be bound by such aid and advice.

The President appoints the Prime Minister and other Minister are appointed by him on the advice of the prism appoints the Attorney-General, the Chief Justice and other judges of Supreme Court and those of High Court, the members of the Union Public Service Commissions the Election Commission, the Comptroller and Auditor-General of India, the Finances Commission, the Governors of States, the Chief Commissioners of Union territories, etc. In fact every appointment in the Central Government is made in the name of the President or under his authority.

The President is the Supreme Commander of the Defence Forces. By making the President the Commander-in-chief of the Defence Forces, the Constitution ensures subordination of the entire armed forces to the civil authority at all times. The President represents the nation in the eyes of the foreign countries. Treaties with the foreign countries are negotiated in his name. He accredits and receives ambassador; war and peace is declared in his name. He can issue directives to the State Governors in certain executive matter for compliance with the Union laws. He has also a direct responsibility in the administration of Union Territories.

Under Article 72 of the Constitution the President has powers to grant pardons, reprieves, respites or remissions for punishment or to remit or commute the sentences of any person convicted or any offence. This power is to be exercised with judgment of a Court can be repealed. Such pardons are

to be and when the punishment or the sentence is for an offence against any law relating to a matter to which the executive power of the Union extends and in all cases where the sentence is one of death.

**Legislative Powers**

The President has important powers in the field of legislation. The president is an integral part of the legislative process and without his assent no bill passed by the parliament can become law. He summons and prorogues both the Houses of the Parliament and may dissolve the House of the people, He may summon joint-sitting of both Houses of the Parliament. It is customary for him to address each House, separately or jointly, when they meet in the first session of the year. He nominates 12 members of the Rajya Sabha from among the persons having special knowledge or practical experience in the field of Literature, Science, Art or Social Services and tow members to the Lok Sabha from Anglo-Indian Community, if it is not adequately represented.

Certain kinds of bills cannot be introduced in the Parliament and in the state legislature without the prior sanction of the President. All bills passed by Parliament must receive the assent of the President in order to be laws. Article 111 of the Constitution provides that when a bill has been passed by the Houses of Parliament it shall be presented to the President for assent. The President may, "as soon as possible" after the receipt of the bill, give assent to the bill or return the bill for the reconsideration of the Parliament. After the reconsideration, if the bill is passed with or without amendment, the President is bound to give his assent. Further, this is not applicable to Money Bills. Money Bills are introduced in the Lok Sabha with prior sanction of the President and the president has thus "suspensive veto" in case of ordinary bills. The Constitutional amendments passed by the parliament are not subject to the President veto as per the provision of the sssss24th constitutional Amendment of 1971.

The President of India may promulgate ordinances according to Article 123 during he recess of Parliament. Such ordinances will have the force of Law. An ordinance is approved by the Parliament. Before the expiration of six weeks the Parliament may, by resolution, either reject it or approve it. If it is approved by the Parliament it becomes law. The President may withdraw an ordinance at any time. The President is the sole judge to decide whether an ordinance should be promulgated or not. According to the constitutional provision, the Parliament of India may not meet for a maximum period of six months. In that case an ordinance may be valid for six months. In that case an ordinance may be valid for six months and six weeks-a-period of seven and half month's altogether. Some members in the Constituent Assembly deplored the possibility of such a long life of an ordinance. They feared that the ordinance making power that the Parliament might be ignored and there might be undue delay in summoning the Parliament.

**Financial Powers**

The President has an important role to play in the fiscal administration of India. Without his recommendation no Money Bill can be introduced in the Parliament. No proposal for enhancement or reduction of taxation can be made without his concurrence. He causes the annual budget to be laid before the Parliament. He has a Contingency Fund at his disposal to meet the unforeseen expenditure. Under the Constitution he is required to appoint a Finance Commission in every fifth year to examine and make recommendations regarding the financial relations of the Union and States. He shall cause the report of Finance Commission to the laid before each House of Parliament.

**Judicial Powers**

Apart from granting the pardons and reprieves under Article 72 of the Constitution, the President also exercises a few judicial powers. He is above law. His action is not subject to the scrutiny of any Court. He appoints the Judges of the Supreme Court and High Courts. Under Article 143 of the Constitution, the President of India may refer to the Supreme Court any questions of law or fact of public importance for its opinion. It means that even he can refer to the Supreme Court whether a proposed bill is constitutional or not. The advisory opinion given by the Supreme approval is also necessary for the rules made by the Supreme Court for regulating practice and procedure of the Court.

**Emergency Powers**

Normal situation may not be a permanent feature in the life of nation. Sometimes abnormal situations may occur and to meet such situations a Constitution should contain some emergency provisions. These provisions are provided to deal with unseen contingencies. Part XVIII of the Constitution of India deals with Emergency Provision. It envisages three types of Emergencies which the President may proclaim in different critical situation. These emergency powers of the Powers of the President have been the relevant portions of government of India Act, 1935.

The Constitution provides three different types of Emergency and in each case the President is empowered to declare the emergency. The following are the three types of Emergencies as enumerated in our Constitution.

**(a) National Emergency**

Article 352 of the Constitution deals with National Emergency or Emergency due to war or external aggression or armed rebellion. It says if the President is satisfied that the security of India or any part thereof is "threatened by war or external aggression or armed rebellion" or if there is an imminent danger of one of these taking place, he may issue a proclamation of Emergency. Declaration of such Emergency must be laid before each House of Parliament and will cease to operate at the expiry of one month form the date of issue unless it is approved by the Parliament in that period. Once it is approved to remains valid for six months, unless the President revokes it. If the Lok Sabha stands dissolved at the time of the proclamation of Emergency, the Rajya Sabha will approve it the proclamation can last only for thirty days after the meeting of the new Lok Sabh. According to the 44th Constitutional Amendment Act, 1978, a proclamation of national emergency one approved by both House of Parliament, shall unless revoked, continue in force for a further period of six months. It can be extended at six months interval by the approval of the both Houses of the Parliament, subject to no time limit. The following are the effects of proclamation of Emergency under Article 352.

(i) The Union Parliament can legislate on any matter whether it is in the Union List or in the State List.

(ii) The Union Government may give any direction to any State as to the exercise of the executive powers of the State.

(iii) The President gets power to suspend the scheme of distribution of revenues between Union and States.

(iv) Article 19 dealing with Right to Freedom ceases to operate during the time of emergency.

(v) By order of the President the Right to Constitutional Remedies (Article 32), i.e., the power of the citizen to move the Courts may be suspended.

Internal emergency was declared by Mrs. Indira Gandhi on 25th June, 1975 with a view to meeting the "climate of violence and hatred" which had allegedly "threatened the very unity and integrity of India and obstructed the radical socio-economic measures contemplated by her government". The Emergency was revoked after a lapse of 21 month on March 21, 1977. This emergency was in continuation of external emergency declared earlier. Its purpose as "to save democracy and to counter very functioning of democracy and obstructed the march of the nation towards economic prosperity and well-being of man". Indiscriminate use of the needs elaboration, press censorship and of fear in the country. It gave birth to the Janta Party-a new Party which came to power at the Centre after the Sixth Lok Sabha Election, 1977. The Janta Party had pledged to amend the Constitution in such a manner so that there is no change of misuse or emergency power in future.

The 44th Constitutional Amendment Act passed during the Janta Government in 1978 has made provisions for various limitations on declaration of emergency. This Act provides that the President can sign proclamation of national emergency only on the written advice of the Cabinet as a whole. It implies that the Prime Minister cannot alone advise the President to proclaim emergency. A further safeguard is that such a proclamation would have to be ratified by the Parliament within one month and by the same majority as is required, for the amendment of constitution. Besides, the Lok Sabha is empowered to pass resolution to end an emergency at any time it like. The 44th amendment Act also provides that national emergency can only be declared n the ground of "external aggression or armed rebellion". These are some of the safeguards against the misuse of emergency powers.

**(b) Emergency due to failure of Constitutional Machinery of State (Article 356) or President's Rule**

Article 356 of the Constitution provides that if the President, "on receipt of a report from the Governor of a State or otherwise, is satisfied that situation has arisen in which the Government of the State cannot be carried on in accordance with the provision of the Constitution", he is empowered to proclaim Emergency in that State. This is otherwise known as the President's Rule (Or the Emergency which arises due to failure or Constitutional Machinery in any State). The word "otherwise" in Article 356 implies that even if the President does not receive any such report from the Governor of the State, he may declare Emergency with the information from some other sources. Such Emergency is to be approved by each House of Parliament within National Emergency is approved. But after it has been approved by the Parliament, it normally remains in force for six months. However, it can be extended for another six months by a resolution of the Parliament; it normally remains in force for six months by a resolution of the Parliament subject to a maximum period of three years. In other words, the President's Rule in a State can remain valid for maximum period of three years at a stretch. The following are the effects of Emergency under Article 356.

(i) All functions of the State Government except that of the State High Court are taken over by the President. Hence it is known as the "President's Rule".

(ii) All the powers of the State legislative assembly are exercised by the Union Parliament.

(iii) The President may assume to himself all or any of the functions of the State or he may vest all or any of those functions in the Governor or any other executive authority.

(iv) The Parliament may also delegate some of its powers to President for the management of the constitutional machinery of that State.

**(c) Financial Emergency (Article 360)**

The third type of Emergency is Financial Emergency promulgated under Article 360 of the Constitution. If the President is satisfied that the situation has arisen whereby the financial stability of India or any part of territory thereof is threatened, he may proclaim financial emergency. During the financial emergency "the executive authority of the Union shall extend to the giving of directions to any State to observe such canons of financial propriety as may be specified in the directions and to the giving of such other directions as the President may deem necessary and adequate for the purpose" (Articles 360). The proclamation of the financial emergency will expire at the end of tow months unless it is approved by the Parliament. Once it is approved, it continues till it is revoked by the President. Like the other two emergencies the financial emergency has no time limit. The declaration of this emergency does not lead to suspension of fundamental Rights. The following are effects of financial emergency:-

(i) The President may give direction to any State to observe certain principles of economy in public expenditure.

(ii) Salary of any Union or State Government servants may be reduced. Even the salary of the judges of the Supreme Court and the High Courts may be reduced during such an emergency.

(iii) Money Bills of the State legislature may be reserved for the President's assent.

(iv) The allocation of revenue between the Centre and the State may be altered by the President. In short, he may take any other steps necessary for the restoration of financial stability of the country. No use of Article 360 has been made till today.

**Evaluation of Emergency Powers**

The Emergency powers vested in the President under Article 352 to Article 360 of the Constitution are subject to severe criticisms. These have been criticized as 'unfederal' and undemocratic. Critics were even vociferous in the Constituent Assembly. H.V. Kamath, a member of the Constituent Assembly, described the enactment of the Emergency provision as a day of "sorrow and shame". He said in the Constituent Assembly, "I fear that by this single chapter we are seeking to lay the foundation of a totalitarian State, a Police State, a State completely opposed to all the ideals and principles that we have held during the last few decades, a State where the Right and Liberties of millions of innocent men and women will be in continuous jeopardy, a State where if there be peace, it will be the peace of the grave and void of the desert". Another member in the Constitution Assembly complained that these powers would make the President "a new Frankenstein".

It is further ground that the Emergency powers are inconsistent with the State autonomy in a federal set-up and they arm the Centre with superior powers against the state. Article 356 limits the State authority and it is feared the Article may be misused by the good Government of the State. By placing the responsible for the good Government on the Centre, it further tends to make the State Ministry feel "irresponsible".

The whole chapter of Emergency militates the sprite of democracy and vests the Government with dictatorial powers. There is no time limit for the National and Financial Emergencies. Once they are approved by the Parliament, they have endless duration, unless the President himself revokes it. Further, the language of Article 352 and Article 360 is vague and ambiguous. The phrase "any part

thereof" sometimes leads to the conclusion that if there is threat in any particular area of the country emergency may be proclaimed throughout the State. Suspension of Fundamental Rights is another retrograde step. Ordinarily this feature is not found in any other democratic Constitution of the world.

Viewed from all these angles, the emergency provisions of the Constitution of India seem to show scant respect for the popular Government and peoples' liberty. It may be added here that the framers of the Constitution were much apprehended by the disruptive forces of the Indian Union. The story of the communal riots and the scheme of partition were vivid in their minds. Thus they provided the scheme of emergency in the Constitution to check such disruptive forces. These provisions have to be tolerated as "necessary evil". As V.N. Sukla writes, "These provisions may appear to be harsh, particularly in a Constitution which professes to be built upon an edifice of Fundamental Rights and democracy. But the provisions must be studied in the light of India's past history. India has had her inglorious day whenever the Central Power was weak. It is well that the Constitution guards against the forces of disintegration. Events may take place threatening the very existence of the State and if there are no safeguards against such eventualities. The State, together with all that is desired to remain basic and immovable, will be swept away". National emergencies are like loaded gun which can be used both to protect and to destroy the liberty of the citizens. The gun must be used, therefore, with extreme caution.

**The Position of the Indian President**

The Constituent Assembly had no clear conception of the role of the President. An official view, expressed by Dr. B.R. Ambedkar, the Chairman of the Drafting Committee, equated the President with the British Monarch. Professor K.T. Shah maintained the view that the President would be real executive like the President of America. But this view was rejected by majority of the members of the Constituent Assembly. The third view that was expressed by many of the independent members was that President should act as "a safety valve" of the Constitution. In case of emergencies and crises the President should have sufficient power "to preserve, protect and defend" the Constitution.

The Constitution is not very clear as to the exact role of the President. Because of lack of explicit provision to the effect, the President's position has become a subject of controversy among the constitutionalists, lawyers and politicians. Two schools of thought have come into existence in regard to the interpretation of various articles and provision relating to the President in the Constitution of India.

One school which is known as the constitutionalist school maintains the view that the President of India is a nominal head of the State. Dr. Rajendra Prasad, the President of the Constituent Assembly, and Dr. B.R. Ambedkar, the chairman of the drafting committee, subscribed to this view. Dr. Ambedkar declared in the Constituent Assembly, "The President occupies the same position as the king under the English Constitution. He is head of the State but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which Nation's decisions are made known". The supporters of the constitutionalist school cite Article 74 (1), Article 75 (3) and Article 78 (1) in defence of their argument. Article 74 (1) provides, "There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his function , act in accordance with such advice". The phrase "aid and advise" is a constitutional term. It is contended that to give such "aid and advice" on the part of the Council of Minister pre-supposes a corresponding duty on the nature of such "aids and advice" on the British Monarch has become a convention and such a

convention in expected to grow in India as we have adopted a parliamentary form of Government where the head of the State is nothing but a ceremonial one.

Article 75 (3) makes the Council of Minister collectively responsible to the Lok Sabha. There is no provision in the Constitution making the President responsible for the acts of is that responsibility they should have final authority for deciding various matters and not the President. This seems to be the intention of Article 75 (3) of the Constitution. Further. Article 78 (1) provides that the Prime Minister should communicate to the President all "decisions" of the Council of Ministers. Use of the word "Decision" in Article 78 (1) clearly shows that decision are taken b the Council of Ministers and that their functions under the Constitution are not purely advisory. India has followed the British parliamentary system where it is unconstitutional for the Crown to reject the advice of the Minster. Thus, the President of India is bound to be a constitutional ruler. On this issue Dr. B. R. Ambedkar said in the Constituent Assembly, "If on any particular case the President does not act upon the advice of the Minister, it will be tantamount to violation of the Constitution and he shall be liable for impeachment".

In short, the constitutionalist school maintains the view that the Indian President is a mere "rubber stamp", that the President "can do no wrong", that he is a "mere figurehead" and like the British monarch, he "reigns but does not govern". He is a mere replica or an exact prototype of the British Monarch.

The legalistic school, on the other hand, maintains the view that the President of India is not a mere constitutional head of the State. In time of crisis, the President may act in his discretion to save the Constitution. Article 74 (2) says that, "the question whether any, and if so, what advice was tendered by Ministers to the President, shall not be enquired into in any court". Minister to the President, rejects any aid and advice of the council of Minister there is no judicial remedy. The expression "whether any" in Article 74 (2) appears to a lawyer that it is not always necessary for the President to seek the advice of his Minister, much less to act always according to their advice of his Ministers, much less to act always according to their advice. As the Court is debarred from enquiry there is no judicial remedy; hence the remedy is political. If the President happens to be a man politically ambitions he may take advantage of such crucial situations and override the decisions or the advice of the Council of Ministers.

Doubt still persists as regards Dr. Rajendra Prasad's contention in the Constituent Assembly that there are two distinct spheres again–the Legislative and Executive–for the President and Article 74 occurs in the Chapter called "The Executive". The President may be bound to do so in legislative matters. Impeachment of the President is a cumbersome and delaying process. If the President is a great political maneuver, he can easily bring some members to his side if he is able to win over one-third plus one members to his side if he is able to win over one-third plus one members of any House of the Parliament, impeachment is sure to fail.

According to some constitutional lawyers, a perusal of the Indian resident's power and position allowed to him is the Constitution leads to the conclusion that the President is not a mere ceremonial head of the State. The President has a vast array of executive, legislative, financial and emergency powers. In legislative matter the President has power to give assent to the bill passed by the Parliament has power to give assent to the bill passed by the Parliament (Article 111). The President may return a bill for consideration of the House. One the bill is again passed by the Parliament with or without amendment, the President is bound to give his assent. A flaw is Article 111 is that there is no limit for

the President with regard to the return of a bill. Article 111 simply provides that when a bill to the House for reconsideration. The phrase "as soon as possible" after the presentation of the bill to him, return the bill to the house terms and it may be "so long as the President likes". Thus the President may exercise his discretion in returning the bill to the Parliament for reconsideration. Further, emergency powers have far-reaching consequences. An ambitious President may take an audacious step in exercise of such power. Gledhill invites the readers to imagine a situation in which notice having been given under Article 61 of the Constitution to impeach the President but before the expiry of 14 days), the President dissolves the Parliament, dismisses the Council of Ministers and appoints other Ministers of his own choice as for the first six months, it is not necessary for the Ministers to be the members of the Parliament. The President may issue ordinances which would be as valid as the Acts of the Parliament for six months. Then he makes a proclamation of emergency and reduces the federation practically to a unitary state and may suspend the fundamental rights. He may, as the Supreme Commander, use armed force in support of his action. "This may seem a nightmare", remarks Gledhill, "but it is not dissimilar to the ay in which the Weimar Constitution was destroyed".

It is wrong to compare our Constitution with that of Britain. Like Britain we do not have a bi-party system. While the British Monarch would be extremely cautious before taking an audacious step for he has to think not only of himself but of his successors too. The Indian President being an elected official has nothing to lose except his office in case of his arbitrary and whimsical actions. It is said that India cannot be governed by the conventions of the British Constitution but by the realities of the political situation. The framers of our Constitution have adopted case of the President they have said to make curious combination of the "Presidential" and "Parliamentary Type" or "Presidential Type" cannot be easily and finally settled up once Prime Minister he may easily exercise considerable influence over the administration. As ours is a federal State, The President may exercise his influence to resolve such conflicts. Thus the president in our Constitution is expected to play a dynamic role in time of his second term of presidency made a speech at the function of the Indian law institute where he said, "there is no provision in the Constitution which is so many words lays down that the president shall be bound to act in accordance with the advice of the council of minister". This statement of first President of the Indian Republic had given rise to a plethora of controversies.

**Position of the President after the 42nd Amendment Act**

From constitutional point of view the 42nd Amendment Act, 1976 has reduced the status of the President of India to that of a 'rubber stamp's. It amended Article 74 which clearly states that "there shall be a Council of Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice". This mandatory provision has reduced much discretion of the President in exercise of his official made explicit what was implicit in the Constitution. No doubt, to a great extent, it put an end to the debate raised regarding, the position of the Indian President ever since. Dr. Rajendra Prasad held this August office.

The last example was that of Mr. B.D. Jatti who acted as the President after the death of Mr. Fakhurddin Ali Ahmed and hovered within himself whether or not to act on the advice given to hold elections in some States in June 1977. Of course, finally, he yielded to such advice but doubt still persists whether the President is bound to act by such advice when on Council of Ministers is unseated by vote of no confidence? Further when a Prime Minister dies in office and the Council of Ministers becomes automatically "headless", it may not be possible on the part of the President to receive proper advice. Again, the 44th Amendment Bill has given, but he shall "act in accordance with the advice

rendered after such reconsideration". All these recent developments have indicated that the President of India has been reduced to a mere figurehead and occasions to act at his discretion will be very few in future.

**The President in relation to his Council of Ministers**

It is no wonder that the position of the President under our Constitution has evoked much interest amongst political scientists in view of the plentitude of powers vested in an elected President holding for a fixed term, saddled with the limitations of Cabinet responsibility.

In a Parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the Legislature; in a Presidential Government the tenure of office of the executive is independent of the will of the Legislature (Leacock). Thus, in the Presidential form of which the model is the United States- the President is the real head of the Executive who is elected by the people for a fixed term. He is independent of the Legislature for his acts. he may, of course, act with the advice of ministers, but they are appointed by him as his counselors and are responsible to him and not to the Legislature. Under the Parliamentary system represented by England, on the other hand, the head of the Executive (the Crown) is a mere titular head, and the virtual executive power is wielded by the Cabinet, a body formed of the members of the Legislature and responsible to the popular House of the Legislature for their office and actions.

Being a Republic, India could not have a hereditary monarchy. So, an elected President is at the head of the executive power in India. The tenure of his office is for a fixed term of years as of the American President. He also resembles the American President in as much as he removable by the Legislature under the special quasi-judicial procedure of impeachment. But, on the other hand, he is more akin to the English King than the American President insofar as he has no 'functions' to discharge, on his own authority. All the powers and 'functions' [Art. 74(1)] that are vested by the Constitution in the President are to be exercised on the advice of the Ministers responsible to the Legislature as in England. While the so-called Cabinet of the American President is responsible to himself and not to Congress, the Council of Ministers of our President shall be responsible to Parliament.

The reason why the framers of the Constitution discarded the American model after providing for the election of the President of the Republic by an electoral college formed of members of the Legislatures not only of the Union but also of the States, has thus been explained. In combining stability with responsibility, they gave more importance to the latter and preferred the system of 'daily assessment of responsibility' to the theory of 'periodic' assessment' upon which the American system is founded. Under the American system, conflicts are bound to occur between the Executive, Legislature and Judiciary and on the other hand, according to many modern American writers the absence of co-ordination between the Legislature and the Executive is a source of weakness of the American political system. What is wanted in India on her attaining freedom from one and a half century of bondage is a smooth form of Government which would be conducive to the manifold development of the country without the least friction, — and to this end, the Cabinet or Parliamentary system of Government of which India has already had some experience, is better suited than the Presidential.

A more debatable question that has been raised is whether the Constitutions obliges the President to act only on the advice of the Council of Ministers, on every matter. The controversy, on this question, was highlighted by a speech delivered by the President Dr. Rajendra Prasad at a

ceremony of the Indian law Institute (November 28, 1960) where he urged for a study of the relationship between the President and the Council of Ministers, observing that-

"There is no provision in the Constitution which in so many words lays down that the President shall be bound to act in accordance with the advice of his Council of Ministers."

**Prime Minister of India**

The office of the Prime Minister first originated in England. The makers of our constitution borrowed another. The Prime Minister of India occupies an important place in the Indian constitutional system. With regard to no other functionary the constitution is so very silent as with regard to the Prime Minister. There are only three Articles in the Constitution which contain some reference regarding the Prime Minister. Article Minister at the head to aid and advise the President who shall in the exercise of his functions act in accordance with such advice". Article 75 (1) deals with the appointment of the Prime Minister. it provides. "The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister". Lastly, Article 78 of the Constitution lays down the duties and functions of the Prime Minister vis-à-vis the President in the following words:-

a) To communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation;
b) To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
c) if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a considered by the Council".

Article 78 of the Constitution is not so exhaustive in enumerating the powers and position of the great office of Prime Ministership. It does not specifically lay down the relation between the Prime Minister and other Ministers and the other manifold functions which the Prime Minister performs in a parliamentary democracy. He is called as "key-stone of the Cabinet arch". The success of a Government much depends upon the personality, character and ability of the Prime Minister. it is necessary to state in detail this great office which casts so small a shadow in our constitutional system.

**Functions of the Prime Minister**

1) ***Formation of the ministry-***The Prime Minister forms the Ministry. With the appointment of the Prime Minister the essential task of the President is over, for it is left to the Prime Minister to select his Ministers and present a list of the President. The President has no other alternative but to appoint the Ministers as recommended by the Prime Minister. It is correctly said that the prime Minister "is central to its (Ministry's) formation, central to its life and central to its death". The Prime Minister has the privilege to select his Cabinet colleagues. If the Prime Minister resigns, it means the resignation of the whole Ministry. When the Prime Minister dies the Council of Ministers will automatically cease to exist. The Prime Minister may remove the members of Council of Ministers at any time by demanding the Ministers' resignation or getting them dismissed by the President.
2) ***Distribution of Portfolios***- Distribution of portfolios is another important task of the Prime Minister. He has a free hand in assigning various departments to his colleagues. It is for him to determine the size of the Cabinet and the Ministers to be included in it. He may even select ministers outside the rank if he feels that a person is fit for a job. While distributing portfolios he is

to look that important members of the party do get important portfolios. In a federal State like India he is to see that Ministers are selected from all parts of the country. Further, there might be some aspirants for a few important portfolios like Home, Defence of Finance. He has to bring amity and satisfy all in distributing the portfolios. His work is like that of constructing a figure out of blocks which are too numerous for the purpose and which are not of shapes fit perfectly together.

3) ***Chairman of the Cabinet Committee***- The Prime Minister is the Chairman of the Cabinet Committee. He convenes and presides over all the meetings of the Cabinet. He is to fix the agenda of such meetings. The Ministers are individually responsible to him for the good administration of their respective departments. The Prime Minister may warn advice or encourage them in discharge of their functions. He is the head of the Council of Ministers. He acts as the Chairman of various standing and ad-hoc Committees of the Cabinet.

4) ***Chief Co-ordinator of Policies***- The Prime Minister is the chief coordinator of the policies of several Departments. In case of conflicts between two departments he acts as the mediator. He irons out quarrels among various Ministers and departments. He keeps an eye on the working of all Departments of the Government of India. He can ask for any file from any Ministry for his perusal. In case of appointment of Governors and other high federal officers, the voice of the Prime Minister counts and not that of the other Ministers. He is always Minister Counts and not that of the other Ministers. He is always vigilant regarding the working of the important departments like the Finance, the Foreign Affairs and Home. He also keeps close touch with foreign ambassadors and represents the Union Government at the Conferences of Heads of Foreign Governments.

5) ***Sole Adviser to the President—***The Prime Minister is the sole adviser to the President. The right to advise for dissolution of the Lok Sabha rests with Prime Minister. The President is expected to accept the advice of the Prime Minister and not that of other Ministers. The Prime Minister is the only channel of communication between the President and the Cabinet. He informs the President all the decisions taken in the Cabinet. If the Prime Minister may resign. The resignation of the Prime Minister will create difficulty for the President to find out an alternative Ministry. As long as the Prime Minister enjoys the confidence of the majority members of the Lok Sabha it is difficult for the President to dismiss him.

6) ***Leader of the Nation —*** The Prime Minister is the leader of the nation. He is the chief spokesman of the Governmental policies in the Parliament. All important policy announcements are made by him in the Parliament. He is the leader of the majority party and as such he usually becomes the leader of the House. The British convention is that the Prime Minister should belong to the House of Commons. Such a convention is expected to develop in India whereby the Prime Minister will belong to the Lok Sabha which is the popular House in India. Personality and prestige of the Prime Minister helps the party to get more votes during the time of election. The General Election is in reality the election of the Prime Minister. In India the choice of the first Prime Minister fell on Jawaharlal Nehru who brought absolute majority to his party in the Centre and the States in the First General Elections of India.

7) ***Position of the Prime Minister:-*** The Constitution of India, as already pointed out, does not describe the office of the Prime Minister in detail. It is, therefore, difficult to State what is the exact position of the Prime Minister. The general accepted theory is that the Prime Minister. The general accepted theory is that he Prime Minister. The general accepted theory is that the Prime

Minister. The general accepted theory is that the Prime Minister is the captain of the parliamentary system. The Prime Minister is the captain of the Cabinet team. Just like a game cannot be played by the captain alone, the game of politics likewise cannot be played by the Prime Minister alone. He is to take the support of his Cabinet colleagues and thus among the Cabinet colleagues the Prime Minister is first among equals. But his phrase is too modest to describe a great office of a parliamentary system. To quote Ramsay Muir, a leading constitutional authority of England, "the phrase primus inter-pares is nonsense as applied to a potentate who appoints and can dismiss his colleagues. He (Prime Minister) is in fact, though not in law, the working head of the State, endowed with such a plenitude of power as no other constitutional ruler possesses, not even the President of the United States". Laski describes the office of the Prime Minister as "the pivot of the whole system of Government". William Harcourt calls him as "Inter stella Lumar Minores" or "A Moon among lesser Stars". Jennings, another notable authority of the British Constitution, describes Prime Minister as "Sun around which other planets revolve". Regarding the office of the Prime Minister it is said that nowhere in the wide world does so great a substance cast so small a shadow". Thus the office of the Prime Minister is an important one in a parliamentary system of Government. The Prime Minister of India possesses more or less same powers as claimed by his British counterpart. K.T. Shah observed in the Constituent Assembly, "This Constitution concentrates so much power and influence in the hands of the Prime Minister that there is every danger to apprehend that the Prime Minister may become a dictator if he chooses to do so". N. V. Gadgil, former Governor of Punjab, writes, "The Prime Minister is invested with formidable power and influence and unless he be a genuine democrat by nature he is very likely to become a dictator". Pandit Nehru describes this office as "the linch-pin" of the Government. In this context Dr. Ambedkar stated in the Constituent Assembly, "The Prime Minister is really the keystone of the arch of the Cabinet and unless and until we create that office and endow that office with statutory authority to nominate and dismiss Minister there can be no collective responsibility". Thus, the Prime Minister is a national leader and he is the de facto ruler of the nation.

The pertinent question is can the President flout the advice of the Prime Minister? There is a little scope to do so. When the President thinks of disregarding the advice of the Prime Minister, he should not overlook the follows factor.

a) The Prime Minister is the leader of the Majority Party:
b) He commands confidence of the Legislature:
c) The President is now bound to act according to the advice of the Council of Ministers headed by the Prime Minister.

From the above-mentioned reasons, it is expected that the President is ordinarily bound by the advice of the Prime Minister. The office of the Prime Minister is no doubt a great office of authority and dignity. But authority is a matter of influence in the context of his personality. Defined powers legally conferred; do not always determine the position of an office. The personality of the incumbent is more important. If the Prime Minister is dynamic, efficient, strong and possesses exceptional qualities, it is difficult for his colleagues to oppose him. He can exercise immense power by virtue of his personality. When asked what are the qualities required for a good Prime Minister William Pitt. the Younger, declared, "eloquence first, then knowledge, thirdly toil and lastly patience". These are the good qualities of an efficient Prime Minister. According to Laski, "discretion, dexterity, power to rule men" are the qualities needed for an efficient Prime Minister. Thus we may conclude, the office of the

Prime Minister is "necessarily what the holder chooses to make it". It is no doubt the most important office in the parliamentary form of government. That is why critics in recent times have described this form of government as the “Prime Ministerial form" of Government (Rout: 2003).

**Council of Ministers and Cabinet**

The Constitution does not classify the members of the Council of Ministers into different ranks. All this has been done informally, following the English practice. It has now got legislative sanction, so far as the Union is concerned, in Sec. 2 of the Salaries and Allowance of Ministers Act, 1952, which defines Minister as a "Member of the Council of Ministers, by whatever name called, and includes a Deputy Minister."

All the Ministers, however, do not belong to the same rank. They are classified under three ranks: (a) Cabinet Ministers of 'Members of the Cabinet'; (b) Ministers of State; (c) Deputy Ministers.

Theoretically, the full executive is the Council of Ministers, with Cabinet being but one of its more three components. In reality, Cabinet is more important, influential and powerful than the full council.

The Cabinet rank ministers are the head of their departments. The Ministers of State are formally of Cabinet status and are paid the same salary as the Cabinet Ministers and they may hold independent charge of their department. The Deputy Ministers are paid lesser salary than the Cabinet rank Ministers and have no separate charge of a department.

The number of members of the Council of Ministers as per original Constitution up to the year 2003 was not specified. It was determined according to the exigencies of the time. At the end of 1961, the strength of the Council of Ministers of the Union was 47, at the end of 1975, it was raided to 60, and in 1977, it was reduced to 24, omitting the category of Deputy Ministers.

However, the 91st Constitutional Amendment (2003) inserts provision 1A in the Article 75 which provides "the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen percent of the total number of members of the House of the People."

A.B. Vajpayee began his third term in office in October, 1999 exercising the prerogative to choose his own team but ended up creating a huge 70 member Council of Ministers to strike a balance between the claims from different regions, his own party and the BJP's allies. He inducted heavyweights as well as new faces totaling 25 Cabinet Ministers and 44 Ministers of State. He gave lion's share to the BJP 14 Cabinet berths and 32 Ministers of State.

**Supreme Court**

In federation where there are dual polity, distribution of powers between the Centre and the Units and dual Government controlling the activities of the citizens, a Federal Court appears to be an essential element. Such a Court is necessary to interpret federal laws and compel obedience to them and more particularly in interpret the Federal Constitutions. As Alexander Hamilton to interpret the Federal Constitutions. As Alexander Hamilton rightly said in "The Federalist", "Laws are a dead letter without courts to expound and to define their true meaning and operation" and thus an impartial and independent Judiciary is indispensable in a democratic country. Like other federal systems, the Constitution of India created an independent Judiciary to act as the guardian of the Constitution and provides a single and integrated system of Judiciary throughout the country. The Court system in India is organized in hierarchical manner. The Supreme Court of India is organized in hierarchical manner. The Supreme Court of India stands at the apex of the whole Judicial System in bringing about unity in

it. In contrast, there is dual judiciary in the federation of the U.S.A. where each Unit has a Supreme Court in addition to the Federal Supreme Court at the Centre. In order to maintain unity of the country and uniformity in law, he makers of the Constitution have provided a single integrated Judicial provisions of the Constitution an idealism that was expended in the Preamble of the Constitution. They expected the Judiciary to be "an arm of the social revolution, upholding the equality that Indians had longed for during colonial days but had not gained not simply because the regime was colonial and perforce repressive, but largely because the British had feared that social change would endanger their rule". The Judiciary in India is separated from the Executive and Legislature. The Constituent Assembly laid down rigid qualifications for the appointment of Judges and their service conditions are made permanent which cannot be changed to their disadvantages during their tenure. It wanted to keep the Judiciary out of politics. An independent and impartial judiciary will be the best safeguard of a democratic process.

**Removal of Judges**

A Judge of the Supreme Court remains in office till he attains the age of 65. He may resign earlier or the can be removed from his office only on the ground of proved misbehavior of incapacity. The Parliament is empowered to impeach or remove a Judge. The procedure is that in each House a resolution for the impeachment of a Judge should be passed with the support of a majority of total membership of the House which should include not less than Two-thirds of the members of the House present and voting. Such a resolution will be addressed to the President who will then pass the order for the removal of the Judge. Thus the President has no arbitrary power to remove a Judge. The procedure of impeachment of a Judge is a strict and rigid one and it helps to ensure the independence and impartiality of the Supreme Court. Further, the independence of the Supreme Court is safeguarded by prohibiting the Judges to practice after their retirement. There is, however, no constitutional restriction against a retired Judge being appointed for a specialized work of either Central or State Government. Mr. H. Khanna, a retired Judge, was appointed by the Orissa Government to examine the charges against the Congress Ministry of 1961-67 and submit his report thereof. The Janta Government, at the Centre, has appointed Justice Shah in 1977 to decide charges against Mrs. Gandhi.

**Jurisdiction and Powers of the Supreme Court**

The Supreme Court of India is a powerful judiciary. The Constitution of India has defined its jurisdiction and powers in detail. It has Original, Appellate and Advisory Jurisdictions. Besides these jurisdictions, it has a few other important functions. These jurisdiction and functions may be discussed under the following categories:-

**1. Original Jurisdiction:**

The original jurisdiction of the Supreme Court is mainly confined to cases regarding the interpretation of the provisions of the Constitution which arise between the Union and the States of between the States themselves. No other Courts can entertain such cases. The Supreme Court has exclusive jurisdiction in the following types of cases:-

a) Disputes between the Government of India and one or more States.

b) Disputes between the Government of India and any State of State on one side and one or more States on the other.

c) Disputes between two or more States which involve any question of law or fact on which the existence or extent of a legal right depends.

Thus, the original jurisdiction of the Supreme Court includes the cases where either the Union and Units or the federating units are parties. Here the Supreme Court may safeguard the State Governments against the Central encroachment or vice-versa. The Supreme Court is thus expected to act as a balance-wheel in our federation.

The original jurisdiction of the Supreme Court does not include disputes between citizen of different States or those between one State and the resident of another State. Such disputes may come before it under its appellate jurisdiction. But under Article 32 of the Constitution, a citizen can approach the Supreme Court directly for the enforcement of the Fundamental Rights. In that case the Supreme Court has power to issue directions or orders in the nature of writs of habeas corpus, mandamus, prohibition, quo-warrantor, and certiorari or all of them for the enforcement of Fundamental Rights. It may be noted that this jurisdiction of the Supreme Court is not exclusive. The High Courts have also the some power to issue writes for the enforcement of Fundamental Rights.

**2. Appellate Jurisdiction:**

The Supreme Court of India is the highest Court of appeal in the country. It can hear appeals from cases decided by the High Court and other Tribunals in the States except cases tried by a Court marital. No appeal can be made to the Supreme Court against the decisions of Military Tribunals. Cases where an appeal can be made to the Supreme Court may be classified as below:-

**a)** ***Constitutional Cases-***The Supreme Court can admit an appeal from All High Courts if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution. Where the High Court has refused to give such a certificate the Supreme Court may, if it is satisfied that the case involved substantial question of law as to the interpretation of the Constitution, grant special leave to appeal from such judgment, decree or final order. Such a certificate is given or such leave is granted, if any party in the case made appeal to the Supreme Court ion the ground that the question has been wrongly decided or on any other grounds. Such cases may be criminal, civil, or their proceedings which should have a constitutional bearing on constitutional law in the opinion of the Supreme Court. Thus the opinion of the Supreme Court and not that of the High Court is final on the question of constitutional interpretation.

**b)** ***Civil Cases -*** On all civil cases decided by the High Courts an appeal can be made to the Supreme Court if the High Court certifies-

(i) that the case involves directly or indirectly some claim of property of important nature, or

(ii) that the case is fit one for appeal as it involves substantial question of law. The High Court certifies that the case is a fit one to appeal or ion the absence of such certificate of the High Court, the Supreme Court grants special leave to appeal.

**c)** ***Criminal Cases-*** On the judgment of a High Court on criminal cases, appeal can be made to the Supreme Court if the High Court-

i) Has on appeal reversed an order of acquittal of an accused person and sentenced him to death, or

ii) Has withdrawn for trial before itself the cases from any Court subordinate to its authority and in such trial convicted the accused person and sentenced him to death, or

iii) Certifies that the case is a fit one for an appeal to the Supreme Court subject to such provision contained in the rules made by the Supreme Court in that behalf.

Even in the absence of all these conditions the Supreme Court may grant special leave to appeal to any case decided by the High Court. Article 136 of the Constitution confers discretionary powers on the Supreme Court to grant special leave to appeal from any decision if any court or Tribunal in the country other than a Court Martial. It means that the leave to appeal may be granted to any case without having the necessary limitations enumerated above. The power of the Supreme Court to grant special leave to appeal is not subject to any constitutional limitation. As D.D. Basu writes, "broadly speaking the Supreme Court can exercise this power to grant leave to the aggrieved party in case where the principles of natural justice have been violated even then the party may have no footing to appeal as of right."

Further the Constitution provides for the enlargement of the jurisdiction of the Supreme Court by an act of Parliament. The parliament may, by law, confer on the Supreme Court power to issue directions or writes for any purpose other than the enforcement of fundamental rights. It again may, by law, make provision for conferring on the Supreme Court such ancillary powers as may be necessary to enable it to perform the functions placed upon it under the Constitution. But such law of the Parliament must not be inconsistent with any provisions of the Constitution.

**3. Advisory Jurisdiction:**

- Besides the original and appellate jurisdictions enjoyed by the Supreme Court, it has also advisory jurisdiction on matters of constitutional importance. Article 143 of the Constitution provides that if at any time the President thinks that a question of law or fact has arisen or is likely to arise, which is of such a nature and of such Supreme Court upon it, he may refer the question to the Supreme Court for consideration and the Court, after such hearing, as it thinks fit, reports to the President its opinion thereon. it is only the advisory or consultative power of the Supreme Court. The President is not bound to accept the advice of the Supreme Court. However, it is expected that the advisory opinion of the Supreme Court may be final as it is the highest Court of the land. This provision is included in our Constitution to enable the President to take a decision in the light of the judicial opinion in matter in which he may have doubt. To a certain extent the similar jurisdictions is possessed by the Canadian Supreme Court. Some of the important references made to the Supreme Court by the President are-

(i) Kerala Education Bill (1959).

(ii) The Ino-Pakistan Agreement in respect of Beru-Bari Union and the exchange of Cooch-Behar Enclaves (1960).

iii) The conflict between the U.P. Legislature and the Allahabad High Court (1964).

iv) Validity of the Special Courts Bill (1978).

v) Conflict between union Executive and the Election commission over Gujarat election (2001).

It may be relevant to note that the Government have accepted the advisory opinion of the Supreme Court as authoritative and amended the Constitution wherever necessary.

**4. The Supreme Court as a Court of Record:**

Besides the original, appellate and advisory jurisdiction, the Supreme Court of India possesses a new more power. Article 129 of the Constitution makes the Supreme Court a Court of Record. The Court of Record in popular sense means a superior Court whose decisions and judicial proceedings

have evidential value and cannot be questioned by any other subordinate Court. Further, the Supreme Court has power to punish individuals for its contempt.

The Supreme Court is authorised with the approval of the President of India and subject to any law made by the Parliament, to make rules for regulating the practice and procedure of the Court. These mainly include the rules regarding the practice of persons before Court, the procedure for hearing appeals, granting of bail, stay of proceedings etc. The Supreme Court has also the power to review its own decisions and orders and thereby may rectify the wrong if any in its judment. This power to review its own judgment is necessary because there is no appeal against its judgment. This power is, however, subject to the provisions of laws made by the Parliament or rules made by the Supreme Court.

**5. The Supreme Court as the Guardian of the Constitution:**

The Supreme Court acts as the guardian of the Constitution in India. In a Federal State, the Constitution is supreme law of the land and the judiciary is usually vested with power to protect the constitutional provisions. The Supreme Court of America is the guardian of its Constitution. Although there is no specific provision in the Constitution of India declaring the Supreme Court as the guardian of the Constitution, it is implied that in a Federal State, the Supreme Court is to protect the Constitution and act as a balance-wheel between the Centre and the federating units. The Parliament and the State legislatures are supreme within their respective spheres. The Executives are made subservient to constitutional laws and regulations. If some of them exceed their limited authority the Supreme Court has power to restrict them. The final interpretation of the Constitution is left to the Supreme Court. Chief Justice Hughes of America once remarked, "Constitution is what the judges say it is". This idea holds true in almost all federal Constitutions.

**6. The Supreme Court and Public Interest Litigation:**

The role of the Supreme Court of India has been further widened due to emergence of the idea of public interest litigation. Under the principle of public interest litigation, the petition can be filed in the court not only by the aggrieved party but by any conscious person or organisation to seek relief on behalf of the aggrieved party. The Supreme Court took quite a liberal view and took the stand the matters could be raised even without formally filing a suit. Even letter of telegrams to the Supreme Court by socially conscious citizens or organizations may be treated as writ petitions. Former Chief Justice of India P.N. Bhagwati laid emphasis on public interest litigation. In 1982 the Supreme Court itself admitted in a case that "it is necessary to demonstrate judicial remedies, remove technical barriers against easy accessibility to justice and that it would readily respond even to a letter addressed by such individual acting pro bono public". No doubt, the Supreme Court has given various reliefs for the poor, uneducated, disabled and helpless people under the public interest litigation.

**7. Miscellaneous functions:**

Besides the above functions, the Supreme Court of India also performs certain other functions. As per Article 138 of the Constitution, the Parliament is empowered to extend by law the jurisdiction of the Supreme Court with respect to any of the matters included in the Union List and with respect to any matter as the Government of India and the Government of any State may by special agreement confer. The apex court has also the special jurisdiction to decide disputes relating to the election of the President and Vice-President of India. Another special power of the Supreme Court is to enquire into the misconduct of the Chairman and members of the Union Public Service Commission. Again as per

Article 141 of the Constitution, the law declared by Supreme Court shall be binding on all courts within the territory of India (Rout : 2003).

**The Role of the Supreme Court**

The role of the Supreme Court is one of the utmost importances in our constitutional system. Its first and foremost duty is to see that laws are fairly administered and justice is not denied to any citizen by any Court in the country. it also acts as a unifying force. It maintains uniformity in constitutional, civil and criminal laws. Like other federal Courts it acts as the guardian of the Constitution. It is like "the cement which has fixed firm the whole of the federal structure. That is why it is expected to act as the balance-wheel of the Federation. it protects the rights and liberties of the people. The citizens expect the Courts to supply the deficiencies in our society. They certainly look to the Courts for the redress of any grievance they many have". The Supreme Court, as we have seen acts as the guardian of the Constitution. It has the power of judicial review to interpret the Constitution and uphold the liberties of the people.

The Supreme Court of India is neither as powerful as the American Judiciary nor as powerless as the British Judiciary. The Supreme Court of India has defined its own powers in the famous case of A.K. Gopalan vs. the State of Madras. it held, "in India the position of Judiciary is somewhere between the Courts of England and the United States". In England because there is unlimited legislative supremacy the Courts have no power to declare any acts of the Parliament as null and void; on the other hand in the United States of America the Supreme Court has assumed the assumed the power of a "Super-Legislature". Judicial Review has shifted the centre of gravity in America from the Congress to the Supreme Curt. Therefore, the Supreme Court is attacked as a "citadel of conservatism" and often acts as "a clog in the wheel of progress". The makers of the Constitution of India were conscious of these two extremes. They neither provided a powerful Judiciary as in America. Rightly, a balance is struck and as such the Supreme Court of India is a superb institution in the constitutional system of India. It has limited power of judicial review. It acts as the guardian of the Constitution and stops and checks the arbitrary exercise of power either of the Union or the State Legislature. The Indian judiciary, according to a foreign observer, "is not conceived as an additional Constitution-maker but as a body to apply express law". The Judiciary in India is neither a "Super-Legislature" nor "a clog in the wheel of progress. Pandit Nehru expressed the role of Supreme Court in the following words: "Within limits no Judge and no Supreme Court can make itself a Third Chamber. No Supreme Court and no Judiciary can come in the way". The Supreme Court can declare the acts of the Parliament as unconstitutional if they violate the provisions of the Constitution. but the parliament can nullify a judgment of the Supreme Court by amending the Constitution. Finally, right of amendment of the Constitution is vested in the Parliament of India. It has been rightly said that "the authority of the Supreme Court in India. It has been rightly said that "the authority of the Supreme Court in India is more in the nature of a check on the abuse of authority by the Executive than on the Legislature".

The Supreme Court of India has successfully acted as the Guardian of the Constitution since 1950. It has pronounced monumental judgments in famous cases like A.K. Gopalan vs. the State of Madras, Dr. Pratap Singh vs. the State of Punjab, K. M. Menon vs, the State of Bombay, K.M. Nanavati vs. the State of Bombay, etc. It acted with great courage when it declared the Zamindari Abolition Act of Bihar as ultra virus. The Parliament had to amend the Constitution in order to make the abolition of Zamindari valid. The working of the Supreme Court since 1950 has shown that its judges have acted with dignity, impartiality, and independence.

The role of the Supreme Court of India has been further widened due to emergence of the idea of public interest litigation. Under the principle of public interest litigation the petition can be filed in the court not only by the aggrieved party but by any conscious person or organization to seek relief on behalf of the aggrieved party. The Supreme Court took quite a liberal view and took the stand the matters could be raise even without formally filing a suit. Even letters or organizations and petitions may be treated as writ petitions. Former Chief Justice of India P. N. Bhagawati laid emphasis on public litigation. In 1982 the Supreme Court itself admitted in a case that "it is necessary to demonstrate judicial remedies, remove technical barriers against easy accessibility to justice and that it would readily respond even to a letter addressed by such individual acting pro bono public". No doubt, the Supreme Court has given various reliefs for the poor, uneducated, disabled and helpless people under the public interest litigation (Rout: 2003).

**Judicial Review**

In its capacity as the guardian of the Constitution the Supreme Court of India possesses implied power to declare any Act of the Central or State Legislature or any decree of the Executive as ultra virus, if it does not conform to the provisions of the Constitution. The power of the Judiciary to review the Act of the Legislature or the Executive in order to determine its constitutional property is known as the "Doctrine of Judicial Review". America is the classic home of judicial review. it was an extra constitutional growth in America. In the famous case of Marbury vs. Madison (1803) Chief Justice John Marshall of the United States emphatically pronounced the power of the Court to declare the act of the legislature as ultra vires. marshall claimed this power of the Court from famous clause of "Due Process of Law" of the American Constitution. One of the Bills Of Rights in the American Constitution is that "No person shall be deprived of his life, liberty and property without due process of law". American jurists claim that Law in this Clause is akin to "Natural law". According to Daniel Webster the meaning of "Due Process of Law" is that "Every citizen shall hold his life, liberty, property and immunities for the protection of general laws which govern society". "Due" in this clause has been taken to mean "What is just and proper" and "Law" as "Natural law". Thus the Judicial Review in the American Constitution has two aspects, namely, procedural and Substantive. The Supreme Court can challenge an Act if either its procedure is defective or the substance contained in it is against the cannons of the natural law or natural justice.

There is no judicial review in England. England has an unwritten Constitution. There is absolute supremacy of the Parliament. The Chief Legislators and Chief Executives are combined and the Cabinet headed by the Prime Minister brings complete co-ordination between the legislation and administration. Hence judicial review is not necessary.

The power of judicial review is explicit in the Constitution of India. Further, the scope of judicial review in India is not as wide as that of the United States of America. The scope of judicial review is comparatively limited in India because of the fact that the Constitution of India is the longest written Constitution in the world. All provisions including the distribution of powers between the Union and the States have been elaborately enumerated. The enumeration of Fundamental Rights along with its limitations in detail has also restricted the scope of judicial review in India. Further, thee is a vital distinction between the two clauses contained in the respective Constitutions, namely, "Due Process of Law" of the American Constitution and "Procedure established by Law" of the Indian Constitution. Article 21 of the Constitution provides that "no person shall be deprived of his life or personal liberty except according to the procedure established by Law" does not mean natural law but

it implies State made law. If the State makes law through which life or personal liberty of the citizen is deprived of the Supreme Court cannot question it on the ground of natural law or natural justice. The Court can only question the procedure through which the person is deprived of his life or personal liberty. The Supreme Court of India in the famous case of A.K. Gopalan Vs. State of Madras (1950) accepted its own limitations. It decided that the "Procedure established by law" is not same as "Due Process of Law" of the American Constitution and by adopting that phrase, the Constitution-makers of India gave the Legislature the final word to determine law. Thus the reasonableness of law cannot be questioned in India by the Supreme Court on substantive grounds. Only the procedural aspect of the judicial review is found in the Indian Constitution but not that of its substantive aspect. Further, the Supreme Court can declare any legislation in Toto as ultra virus if it goes against any provision of the Constitution. It can declare any act of the Legislature or the Executive as unconstitutional if it violates any of the Fundamental Rights guaranteed under the Constitution. Justice B.K. Mukherjee correctly assessed the position of our Supreme Court in the following words:-

"In India it is the Constitution that is Supreme and Parliament as well as State legislatures must not only act within the limits of their respective legislative spheres as demarcated in the three lists occurring in the Seventh Schedule of the Constitution, but Part III of the Constitution guarantees to the citizen certain fundamental rights which the legislative authority can on no account transgress. A statute or law to be valid must, in all cases, be in conformity with the constitutional requirements and it is for the judiciary to decide whether any enactment is unconstitutional or not" (Rout : 2003).

**Public Interest Litigation**

The public interest litigation movement emerged in the post-emergency years intending to make the judicial system accessible to the socially and economically lower strata of the society. Socially conscious individuals and action groups helped bring justice to people whose rights have been violated, and who on their own could not approach the courts. Complaints filed against authorities are looked into by commissions or commissioners appointed by the Court. On the basis of their reports the faulting authorities are then asked to reply. Public interest litigation, whose cases are heard in the High Courts as well as the Supreme Court, has thus become pivotal in bringing to justice States and authorities misusing their powers.

A member of the public can now initiate a proceeding on behalf of the aggrieved person (especially if the person is too poor or unable to move the court on his or her own) in either the High Court of the Supreme Court for enforcement of constitutional rights. Under the new arrangements, a destitute citizen can file a writ petition even through a simple letter written on a postcard. This derives from the 'right to be heard' as implied by Article 32. Cognizance of public litigation cases by the Supreme Court has added a new dimension to its role. It was through this mode that the bonded labor in stone quarries of Haryana got the Court's attention.

Public interest litigation has been critised for adding to the arrears of the courts, of consuming too much time and of making litigation a trivial issue. The nature of writ petitions under public interest litigation and the suitability of people to approach the judiciary on behalf of the wronged individuals, are also criticized. But the fact remains that public interest litigation is perhaps the only possibility to provide relief and justice to a large section of the underprivileged.

**Judicial Activism**

Simply defined, judicial activism is an assertion of judicial power in cases wherein the judiciary comes face-to-face with legislative arbitrariness or executive abuses or interference in the due course of legal proceedings. Broadly speaking judicial activism falls into two categories. One is largely acceptable while the other is not permissible at all. The first consists of evolving new principles, new concepts, new maxims, new formulae, new equities, new procedures and new principles, new concepts, new maxims, new formulae, new equities, new procedures and new relief's going beyond and sometimes even alien to the hitherto known and evolved jurisprudence and substantive and procedural law. The second extends to laying down priorities, policies and programmes and giving directions to execute them when they are not obligatory, and are entirely in the discretion of the executive and the legislature or other authorities, thereby usurping their function, power and wisdom.

Judicial activism has been debated and discussed for the last some years in the media and on the public platform, because of the popular interest evinced in some orders passed and decisions given, mostly the former, by courts right from the apex court to the magisterial court of the land. These judicial pronouncements related either to the acts or omissions of individuals holding, or who had has high offices in public life, or to matters of interest to some sections of they society, or to the nation as a whole. some of the manifestations of successful judicial activism include enhanced payment for the women widowed in November 1984 anti-Sikh riots, ensuring the safety of working women during their duty period; invalidation of arbitrary decisions of former congress ministers in allotting government accommodation, shops, petrol pumps and gas agencies and asking the errant ministers to recompense the government by paying heavy sum from their personal accounts, issuing of instructions to the CBI as to how it should go about investigating various scams etc. In the field of preventing the abuse of child labour and environmental hazards, the Supreme Court has shown commendable activism. All this has been necessitated following legislative tardiness and executive discretion.

The judiciary's hyper-activism has been evident from its judgments on PIL. Making a direct appeal to the judiciary, the Pubic Interest Litigation has been used for providing various types of relief's to the under trial prisoners, to ameliorate the conditions in protective homes for women, to prohibit traffic in women, to check custodial violence, for the release of bonded labour, for the enforcement of labor laws etc. Thus, the Indian judiciary through PIL has conveyed the solemn message to all the instrumentalities of governance that it cannot stand idly by, particularly when there is abuse of power and misgovernance. The climax of judicial activism was reached on the 12$^{th}$ of August 1997 when the Patna High Curt in the Sanyukt Nagrik Samiti case observed that the state was a fit case for President's rule under Article 356, and that besides the Governor, the High Curt was also competent to report to the President on the situation in the state.

The Jharkhand imbroglio in 2005 gave rise to a Legislature-Judiciary standoff over their respective powers. More recently, the Lok Sabha speaker categorically refused to allow courts to pronounce on whether the House could expel its members on the evidence of video recording showing them accepting money for asking questions in the House. However, judicial intervention becomes necessary when the other wings of democracy fail to do their work. For instance the acting Governor of Jharkhand invited some sort of regulation, as did the blatant attempt by political parties in 2002 to overcome the problem of candidates having to declare their assets before the elections.

In March 2003, the Supreme Court declared the Section 33B of the Representation of the People (Amendment) Act, 2002, as "null and void". The Supreme Curt held that voters had a fundamental right under Article 19(1)(a) of the Constitution to know the antecedents of a candidate for various reasons, mainly so that they might cast their votes intelligently in favor of persons who were to govern them.

Section 33B stated that a candidate was not liable to disclose any information other than that required under the Act. This amounted to a blanket ban on dissemination of information, irrespective of future needs. In the words of the Supreme Court, "when the right to secure information about a contesting candidate is recognized as an integral part of a fundamental right, it follows that its ambit, amplitude and parameters cannot be changed and circumscribed for time to come. The right to information should be allowed to grow rather than being foreseen and stagnated." Political leaders are not taking kindly to such activism.

It is being argued that judiciary encroaches upon the jurisdiction of the executive, the legislature and other institutions in its activist role. However, this criticism is unfounded as in most cases, the judiciary was compelled to act because of inactivity on the part of these bodies. There might be cases of over enthusiasm by the judiciary, e.g., the Supreme Court's advice to Central Government on Common Civil code, but such cases are rare and few. Secondly, it is being said that judiciary enters an area where it has no expertise and competence to undertake the regulation and management of the affairs. However, the history of cases so far shows that the courts have entered such arena only when compelled to do so for reasons of law and have taken precautions to be guided by experts in the field. Thirdly, there has been an increase in cases of contempt of court. The Supreme Court often punishes or pulls up erring officials. if the judiciary issues too many instructions to the bureaucracy rather than commanding action, there will be an erosion of judicial authority in the long run.

Yet, those who predict increasing phenomenon of judicial activism as rule by proxy by the judiciary perhaps fail to see the checks and balances inherent in our constitutional mechanism. The phenomena of judicial activism has resulted because of inaction or over action shown by the other two branches of the government. The former judge of the Supreme Court Krishna Aiyyar says that 'judicial activism in only a passing phase'. This passing phase has come as a timely device to meet the socio-political crisis which is the result of bureaucratic administrative inefficiency and legislative short-sightedness. In fact, by resorting to 'judicial activism', the judges have taken the judiciary closer to the people, provided them speedy redress of grievances and has served as a check on the other branches of the government.

Finally, by resorting to judicial activism, the judiciary has etched out a role for itself in a democratic polity governed by a basic la to keep the horizon of liberty clear and give contents to the all pervasive concept of the rule of law. If it fails in this, nothing can save the democratic polity (K. Rajaram, 2005).

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## Suggested Questions

1. Do you find legacies of Gandhism in our constitutional provisions? How effective are these provisions?
2. Judicial activism has strengthened democratic tradition in India, Discuss.
3. Write a short note on 'President of India'.
4. Make a critical assessment of the features of Indian Constitution.
5. Preamble is the soul and mirror of Indian constitution. Justify.
6. Critically narrate the philosophy of Indian constitution.
7. Fundamental Rights and Directive Principles are complementary to each other. Do you agree? Support your view point.
8. Indian Constitution gives fundamental rights in one hand and takes away the rights in another hand? Do you agree? Support your view Point.
9. 'Directive Principles are the sign posts for the Government of any modern welfare state'- Elaborate.
10. What is secularism? Is India a secular state?
11. Indian democracy is full of contradictions. Give your own assessments.
12. Discuss the president of India as the Head of the state who only reigns, but does not rule.
13. Discuss the relationship between legislature and the executive as outlined in the Indian Constitution?
14. Discuss the position of the president after the 42$^{nd}$ amendment act.
15. Critically asses the emergency power of the Indian President.
15. Discuss the role of prime minister in a coalition govt.
16. Discuss the power and position of the prime minister of India.
17. Discuss the 42$^{nd}$ amendment of the constitution 'as a mini constitution'.
17. The supreme court of India is the highest court of law-Examine.

Short Note

a. Indian constitution is un-Gandhian. .
b. Judicial Activism
c. Judicial Review
d. Public Interest Litigation.

LESSON 4

# POWER STRUCTURE IN INDIA: INSTITUTIONAL AND SOCIAL (CASTE-DALIT-BAHUJAN, CLASS, PATRIARCHY)

## Power structure in India: Institutional

The functions of a government are multifarious. However a close analysis of the nature of government functions reveals that these functions can be broadly classified under three categories, viz, legislative, Executive and Judiciary. On this basis the governmental organization may be divided into three different organs, each performing one of the three functions mentioned above. We shall examine them individually.

## Legislature

Legislature is that branch of government which primarily concerns itself with the business of law-making. The task of making law is as old as the origin of the State. Even under despotic and autocratic regimes the functions of making law was assigned to a body of persons. But representative legislatures which are regular and permanent organs of government are of comparatively recent origin. Perhaps the first legislature in the modern sense originated in England. When English kings were in need of money, they asked the rich land owners to sends their representatives to assemble in a place and agree to taxation to be imposed. Thus the early legislatures did little of law making. These were mere assemblies to consider proposal of taxation by the kings.

The British Parliament is said to be "the mother of Parliaments". It is the oldest legislature in the world. In the beginning it was unicameral structure. There was gradual bifurcation of the British Parliaments. Representatives of nobles and clergies came together in on body known as the House of Lords. The common people formed a separate assembly known as the House of Commons. Early legislatures expressed their views in the form of petitions addressed to the king.

## Unicameralism and Bicameralism

A common controversy about the structure of legislature is whether it should be unicameral or bicameral. A bicameral system is one in which the legislature consist of two chambers of houses. In a unicameral system, the legislature consists of a single chamber. In India, England, and the U.S.A. and in most of the countries of the world, bicameralism has been adopted. Wherever the bicameral system is in vogue the relative powers enjoyed by both the chambers vary. For instance, in England the lower chamber, that is the House of Commons, is supreme. In India the Lok Sabha which is the lower chamber, is more powerful than the Rajya Sabha. The bicameral system is the product of history. We have already discussed how the English Parliament was bifurcated into the House of Common and the House of Lords Unicameral system or a single chamber legislature was quite fairly favored towards the close of the eighteenth century and during the early part of the nineteenth century. This was due to the democracy. It was indivisible and hence only a single chamber could represent their will. "The law", said Sieyes, "is the will of people, they cannot at the same time have two different will on the same subject; therefore the legislative body which represents the people ought to be essentially one."

But is could not last and many countries, which had adopted unicameral legislature originally abandoned them in favor of the bicameral systems. It was generally held that single chambers "were

characterized by instability, violence and passion and that their actions were unbalanced and impulsive." It was consequently thought necessary to have bicameral system.

**Composition of the Legislature**

In England the House of Lords which is the upper house, consists of primarily hereditary Lord Members. It is the most undemocratic principle. However the upper chamber in England is so powerless that there are no serious objections to the continuance of this principle. In America the members of the Senate are directly elected. In India the members of the Rajya Sabha are indirectly elected.

The legislature unquestionably occupies a supervisor place. In fact, the primary and the most important function of the State is legislative. Law must exits before a judgment can be given or the executive executes it. Every executive or judicial act involves primarily an enactment made by the legislature, Gilchrist compared the relation to the legislative, executive and judicial departments to the major and minor premises and conclusion of a syllogism. He writes, "The legislative authority form the major premises, the judiciary the minor and the executives, the conclusion. As the major premise is more important than the minor and conclusion, so the legislature is more important than the executive or judiciary."

**Functions of the Legislature**

The functions of the legislature are not identical in every country. They fully depend upon the form of government. If the pattern is unlimited monarchy, as it was in Czarist Russia, the executive for all practical purposes. Under a bureaucratic type as it existed in the provinces of India before 1937, and persisted at the Centre till India became independent in August 1947 the legislature is completely subservient to the executive. A dictator like Hitler or Mussolini pays little attention to the existence of a legislature. Both Hitler and Mussolini suppressed the powers of the legislatures. But in a democracy the legislature occupies an important place. Although as the name implies, the primary function of the legislature is law-making, most of the modern legislatures perform the following categories of functions.

**Legislative Functions**

Firstly, the law-making power of legislature includes power to formulate new laws and the power to repeal obsolete laws is important, as legislation must be adapted to the changing social environment or modern life. The power of law-making also includes deliberative functions of legislature. Parliament, while deliberating on bills is molded by the sum total of the thinking forces of the nation. In course of parliamentary deliberations the contents the ends of the law are discussed.

**Expression of Public opinion**

Secondly, one of the most important but extra-legal or informal functions of the legislature is the molding of public of public opinion. On the other hand, legislature is the form through which the public opinion is expressed. Legislatures in a democracy represent, as far as possible, all shades of opinion of a country and quite naturally the deliberations and discussions in a legislature reflect the public opinion. On the other hand, the legislature is an effective agency that formulates and stimulates public opinion. When the debates, and discussions, which take place in the legislature, are publicized, the general public is in a position to view the political, economic and social problems from all possible perspectives. Thus legislatures provide leadership in the development of public is in a position to view the political, economic and social problems from all possible perspectives. Thus legislatures provide

leadership in the development of public support for some polices and in stimulating opposition to others.

**Constituent Function**

The third category of functions performed by the legislature includes constituent power or the power to amend the Constitution. Legislatures in most of the countries share this function with other bodies. In India major parts of the Constitution may be amended solely by the Union Parliament. On the other hand, in Switzerland, constitutional amendments are subjected to ratification by the people at a referendum.

**Financial Functions**

Fourthly, an important function of all modern legislatures is that they exercise control over national finance. All proposals for taxations must bear the concurrence of legislature in order to be effective. All appropriations too must be authorized by the Parliament. The India Parliament exercises full control over our national finance.

**Control over Foreign Policy:**

Fifthly, legislatures do influence and direct the foreign policy of the State through their financial power and the power to ratify treaties made by the executive. The foreign policy of a nation is approved in the legislature.

**Judicial Functions:**

Sixthly, legislatures in some countries perform judicial functions too. In England the highest court of justice is the House of Lords. In India, the Parliament is empowered to impeach the President. Similar power is enjoyed by the U.S. Senate. In India an adverse parliamentary resolution results in the removal of Chief Justice and other judges. The legislature also its own rules of business.

**Electoral Functions**

Not only do legislatures generally elect their own officers, but they may also elect some executive officials. The elected members of both Houses of Parliament in India form a part of the Electoral College for the election of the President. Both the Houses also elect the Vice-President of India. Legislatures of other countries more or less perform this function.

**Decline of the Legislature**

Modern legislature is losing their power and prestige. Legislation has become a technical job. There is also are enormous increase in the bulk of modern laws. Hence the legislatures possess neither the time nor the requisite qualification to undertake this task. The consequence is delegation of legislative functions to the executive. This executive legislation is growing in bulk everyday. The executive is becoming more powerful at the cost of legislature. Similarly, the rigidity of the party system in legislature has reduced the debates to a mechanical level. Members of the legislature do not enjoy complete freedom of speech in face of rigid party discipline.

**Executive**

The executive is that branch of government which executes or carries out the will of the State as expressed and formulated in terms of law. According to Garner, the executive "is that out the State will as expressed by the legislature, constitution and the judicial decisions." The executive constitutes the most vital part of government.

The executive branch of the government includes the Chief Executive and the entire array of civil servants, who execute the laws made by the legislature. The Chief Executive may be a president, whose position is nominal or he may be exercising real powers like the American President. But his status is of a political character. On the other hand, the civil servants who are also responsible for the execution of law are appointed on a permanent basis. So the executive branch of the government may be divided into the political executive and the non-political Executive.

**Parliamentary and Presidential**

The executive may be parliamentary or presidential on the basis of relationship of the executive to the legislature. Parliamentary type of executive gives responsibility to the legislature. Under this form, the legislature and the executive are unified and coordinated under the control of same persons and they always work in harmony it is also called a responsible government, because the cabinet which carries on the administrative function of the State is always responsible to the legislature and it remains in office, so long as it retains the confidence of the legislature.

The presidential executive is organized in conformity with the theory of separation of powers and in this system the executive (including both the head of the State and his ministers) is constitutionally independent of the legislature in respect to the durations of his or their tenure and irresponsible to it for his or their political". The independence of the legislative and executive powers is the specific quality of Presidential Government just as combination of the legislative and executive powers is the principles of Cabinet Government. The outstanding example for his type of executive is afforded by the national government of the United States of America. We may examine the features as well as merits and demerits of the Parliamentary and the Presidential executive in details.

**Parliamentary Executive: Its Features**

Parliamentary and Presidential executives are identified with the respective form of Government. Cabinet or Parliamentary form first originated in Great Britain. It was the product of an evolutionary process that was characterized between the successions of hereditary monarch and a bicameral Parliament. The Parliamentary government that is found at present in Great Britain is the product of the first half of the 18th century. This pattern of government spread to the continent of Europe and to various countries. It is now found not only in Great Britain but also in other State, such as Canada, Australia, Belgium, Holland, Denmark, India, Sweden and Japan. Although there are certain special characteristics of some Parliamentary system, yet their mode of operation and general features are common.

The following are the main characteristics of the Parliamentary executive:

(1) In a Parliamentary form of government a clear distinction is made between the nominal and the real executive. The chief executive or the head of the State whether hereditary or elected, possesses only nominal powers. He is the titular head of the State and his authority is *de jure*. Legally, he possesses all the powers which the constitutions may confer upon him but in practice he exercises none of these. The real executive powers rests with the cabinet.

(2) All the members of the ministry and the cabinet are normally the members of the same political party. Generally, they are drawn from the majority party in the legislature. In other words, there is political homogeneity in this form of government.

(3) There is harmonious co-operation between the executive and the legislature. the ministers are both the leaders of the legislature and heads of the executive. Hence there is absence of strict separation of powers.

(4) There is collective responsibility which means that all policy decisions are collectively taken. All the ministers swim or sink together. For the wrong policy of a particular minister, the entire cabinet may be responsible. This is enforced in Parliamentary through various methods like the votes of no-confidence, votes of censure, refusal to pass government bill, etc.

(5) There is leadership of Prime Minister. He is the captain of the cabinet team. He is the leader of the majority party. He determines the composition of his ministry and supervises and co-ordinates other minister. The titular heads of the State appoints other minister on his recommendation.

**Functions of the Executive**

Although the primary function of the executive is enforcement of law, such a view is not comprehensive. The complexity of the modern State assigns a variety of functions to the executive. These functions have been briefly described below.

**Direction and Supervision of Administration**

Executives in all states are responsibility for the over-all direction and control of administrative machinery. Political executive does not enforce law directly. it is the civil service of the permanent executive which enforce the law in accordance with the policy laid down by the political executive. But the political executive is responsible for the supervision of administration. In order to assert this power the political executive is assigned the function of appointment, promotion, removal and suspension of administrative personnel. However, in most of the modern states administrative personnel are recruited on merit basis. As such independent statutory bodies like the Public Service Commission in India, recommend the names of suitable candidates for the purpose of appointment. Even then these recommendations are of advisory nature are not mandatory on the part f the executive. An important power of the executive under this category is the power to issue such regulations as may be necessary to prescribe the manner in which administrative officials to proceed in the enforcement of laws.

**Functions in relation to foreign affairs**

Under this category the functions of the executive include power to make treaties with other states, power to accredit ambassadors and delegates to foreign countries, the international conference, etc. Broadly speaking, executive is assigned to the tasks of conducting the foreign relation on behalf of the state. However, in most of the states, the treaty making power of the executive is subjected to the approval by the legislature. In the U.S. A. constitution, there is an express provision that all treaties may be signed by the President but these will be effective only after their ratification by the Legislature.

**Military Functions**

In the most of the State the political executive has supreme control over the Armed forces of the State. Thus the essential functions of the State to protect the country against external aggression are assigned to the executive. Waging war or maintaining peace is the task of the executive. However, in some states power to declare war is vested in the legislature. In the U.S.A., Congress alone can declare the war. But the American President's power to mobilize the armed forces provides ample opportunity for the President to create circumstances when the Congress would be compelled to

declare war. Moreover in these days undeclared wars like the Bangladesh Liberation, the Sino-Indian war, the China- Russia border conflict, are common. Such wars are often conducted by the executive without any approval from the legislature.

**Financial Functions**

Fiscal functions relating to public finance are important. Although in most of the modern states, it is the legislature that control the public purse, functions of the executive in relation to public finance are important. Budget or the annual financial statement is prepared by the executive and is presented to the legislature for approval. Such provision exists not only in parliamentary system like India but also in presidential countries like the U.S.A. The executive also controls the execution of budget as a safeguard against wasteful, unwise and illegal expenditures by civil services.

**Judicial Functions**

The executive in most of the States also performs certain types of judicial functions. Right to grant pardon, reprieve and remission are some of the quasi-judicial power enjoyed by the executive. These powers are exercised with due caution and only when exceptional circumstances arise. These powers ought not to be used to protect a criminal. In some countries the top executive makes appointment of judges. Moreover, some administrative cases are also decided by the executive. This is known as 'administrative adjudication'.

**Legislative Functions**

In almost all the States the chief executive is authorized to summon, prorogue and adjourn the legislature. In parliamentary system like India and U.K. the chief executive is also empowered to dissolve the legislature, in order to enable the cabinet to seek as fresh mandate from the electorate. In these States, the chief executive also recommends legislative proposals through speeches delivered in the Parliament. In the U.S.A. Presidential message to the Congress embody proposals for absolute) enjoyed by the executive also amounts to a check over undesirable legislation. Ordinance-making power is also a legislative power of the executive.

Lastly, the advent of the welfare State has assigned to the executive a new group of legislative function. Activities of the welfare States are too large. Hence all details of laws cannot be incorporated in laws or statutes. Thus the legislatures in modern States have resorted to a device known as *'Delegated Legislation'*. Legislature only passes the laws in broad outlines. The details are filled in the executive but rules and regulation framed by the executive in accordance with the spirit of the original statute. Thus the executive has acquired law-making power indirectly. This delegated legislation, however, is subject to legal and legislative security.

**Growth of Executive Powers**

From an analysis of the above power and functions enjoyed by the executive, it is clear that executive branch of government provides national leadership in these days. Commenting on this Bruke says, "Growth of the executive organ, in consequence of the extension of rights and the corresponding extension of services which mostly fall to the lot of the executive is the notable features of the 20$^{th}$ century".

The modern executive is becoming powerful at the cost of the legislature and the judiciary. These developments are primarily due to the change of our ideas about the functions of the State. Formerly, the sole functions of the State were the function of a policeman, that is to protect us against encroachment on our safety. But modern States are welfare States. Hence the functions of the

executive have become multilateral, consequently, a large number of legislative and judicial functions have been entrusted to the executive. The alarming growth of executive powers has involved serious criticism from all quarters. Lord Hewart, in his book entitled *'The New Despotism'* has raised a stout against these developments. Never before in the history of the mankind the fate of so many is controlled by so few.

However, growth in the powers of the executive is necessity for the contemporary society. As Corry observes, "the essence of Government is an executive. The legislature and judiciary are merely the instruments constitutionalising it". Unless we discard the philosophy of welfare State the powers and functions of the executive are bound to increase. Hence, what we require is certain checks or control over the omnipotent executive and not an attempt to diminish the powers and functions of the executive.

**Judiciary**

The judicial functions of the government continue since time immemorial. In ancient days executive and judicial functions were combined in the Monarch or the Emperor. The Kings himself was the executive as well as the fountain of justice. In spite of this combination, ever in ancient time, a set of subordinate courts with qualified judges were maintained. In modern times, as a result of the influence of the "Theory of the Separation of powers" propounded by Montesquieu, the governmental structure in most of the civilized states. All over the world, the judiciary possesses the power of interpreting the constitution and Acts of the legislature. Laski has rightly said that *Act of Parliament is not self-operative.* According to Hamilton, "Laws are like a dead letter without fears or favor. Bryce rightly stated, "If the lamp of justice goes out in darkness, how great is that darkness!" Hence arises the necessity of judiciary.

**Functions of Judiciary**

Administration of justice is the prime function of the judiciary. However, the judiciary performs certain other functions too. These functions may be judicial in character but some of these functions are non-judicial in nature. Following are some of judicial and non-judicial functions performed by the judiciary.

**Judicial Functions**

Firstly, when a dispute is brought before a court, it is the responsibility of the court to 'determine the facts' involved. The usual manner in which the courts determine the facts is though evidence given by the contestants. Once the facts have been established, the court proceeds to decide what law is applicable to a particular controversy of circumstance. Thus the judiciary becomes the interpreter of laws which is the prime function of the judiciary. So the major task o the judiciary is to 'determine' the facts of laws and to apply them to particular circumstance.

**Law-making functions**

Secondly, the judiciary while interpreting the existing laws also performs the role of a law-maker. It may sound surprising, but "judge-made" laws are common to all systems of jurisprudence. Such occasions arise when the provision of the existing laws may be ambiguous, or sometimes two or more laws of a particular government appear to conflict under a given circumstance. Herein the judiciary plays an important role in determining what the law is and when two laws apparently conflict, which shall prevail. For instance, the enunciation of the 'Doctrine of implied powers' by the U.S.A. judiciary proved conducive to the growth of the federal government's power. But the

phraseology of the original U.S.A. constitution did not provide such enormous power of the Federal Government. In this context we realize the prime importance of the judiciary.

**Guardianship of the constitution**

Thirdly, in federal States like India, the U.S.A. and Switzerland, the judiciary is the guardian of the constitution. Chief justice Hughes of America once said, "We are under a constitution but the constitution is what the judges say if is". In federal states conflict in jurisdiction and authority frequently occurs as there are several law-making and executive authorities, each owing its power to the constitution. Under the circumstance the judiciary becomes the umpire and regulates the legal action of the State and Central Government. In case the laws made by any of these law-making bodies conflict with the constitutional provision, the judiciary in the legislation as illegal. Indian courts on several occasions have declared laws of the Union as well as the States laws illegal.

**Advisory Jurisdiction**

Fourthly, some national judiciaries possess advisory jurisdiction. For instance, the President of India may seek the advice of the Supreme Court of India on any proposal legislation. However, there is no such provision in the U.S.A. The Canadian Supreme Court is also obliged under constitutional provisions to tender advice to the Governor-General.

**Protector of the Fundamental Rights**

Fifthly, the judiciaries also act as the defender of the individual's rights. Such role of the judiciary is important as it prevents the individual's rights from being violate. An individual need not wait till harm is done to him. If he had sufficient reasons oblige that attempts would be made to violate his rights, he could approach the courts for protection. Then the courts would issue prohibiting such attempts till the rights of the parties were determined. Judiciary is the watchdog of rights and liberties of people. In India, the Supreme Courts is empowered to protect the Fundamental Rights of the citizens.

**Supervisory Function**

Sixthly, higher courts are often assigned the task of supervision over the lower courts. The India High Courts are responsible for the supervision of the respective judicial.

**Non-Judicial Functions**

Lastly, the judiciary in some countries may perform a number of non-judicial functions. Courts may undertake the administration of property in cases where the ownership of property in question is in dispute. Courts also assume responsibility for handling the affairs of minor children or lunatics courts also may be authorized to issue and cancel certain licenses. Courts also may be authorized to grant citizenship to aliens.

**Caste**

The age old caste system of Indian society is its pivot and predicament. It is not the individual but the caste that has been its primary unit. However great an individual may be, has no separate entity and existence apart from the caste he belongs to. Caste, as an ideology, has spread over the whole of the Hindu social life. Hinduism and caste are so related to each other that without caste a Hindu is a non-entity. Caste is not the fundamental institution of the Hindus only, but it is also a prevalent among the Muslims, the Christians, the Jains and the Buddhists. Instances of caste are even found in countries outside India like Burma, Japan, Ceylon and U.S.A. But caste in India as a vast social system of

relation, has no parallel anywhere in the world. In this sense, caste is a distinct phenomenon found only in Indian society.

The word 'Caste' is derived from the Portuguese word 'Casta' which means 'breed' or 'lineage'. It also means 'race' or 'kind'. In Indian caste is popularly known as "Jati" which means birth. Caste is a complex phenomenon. Hence, it is very difficult to define it precisely. There are two views about caste. (i) structural, and (ii) cultural. Caste, as a structural system, refers to the general principle of stratification. The structuralists have viewed caste as a 'closed rank group'. Caste, as a cultural system, is understood as a "set of values, beliefs and practices".

**Definition**

Caste is defined in a number of ways. some of the important definitions are given below:

Herbert Risley defines caste as "a collection of families bearing a common name, claiming a common descent from a mythical ancestor, human or divine, professing to follow the same hereditary calling and regarded by those who are competent to give an opinion as forming a single homogeneous community".

According to Ketkar, "A caste is a social group having two characteristics:

(i) Membership is confined to those who are born of the members and includes all persons so born;

(ii) The members are forbidden by an inexorable social law to marry outside the group."

C.H. Cooley says, "When a class is somewhat strictly hereditary, we call it a caste".

According to Andre Beteille, "Caste may be defined as a small and named group of persons characterised by endogamy, hereditary membership and a specific style which sometimes included the pursuit, by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system based on the concepts of purity and pollution".

In the words of M.N. Srinivas, "Caste is a hereditary, endogamous, usually localised group, having a traditional association with an occupation and a particular position in the local hierarchy of castes. Relations between castes are governed, among other things, by the concepts of pollution and purity and generally, maximum commensality occurs within the caste".

Thus we may define caste as a form of social stratification which divides society into various social groups which are placed in a hierarchical order on the basis of ritual purity and pollution. It is a hereditary and endogamous group associated with traditional occupations and it observes maximum commensality.

**Origin of Caste**

Various thinkers have put forward different theories regarding the origin of caste system. Yet, the origin of caste system is disputable. Some of them state that it is an Indo-Aryan creation. Many non-Indian writers have described the origin of caste in their own ways. Herbert Risley attributed racial differences to be the cause of caste system whereas Nesfield and Ibbeston explained its origin in terms of occupational factors. Abbe Dubois emphasized the role of Brahmins in the creation of caste system. J.H. Hutton referred to the belief in Mana as the origin of caste. Some of the important theories explaining the origin of caste system are given below.

**Traditional Theory**

This theory states that caste system is of divine origin. There are some references in Vedic literature wherein it is stated that castes were created by Brahma, the supreme creator for performance

of various social functions to run society. According to Purusha Sukta hymn of the Rig Veda, Brahmans originated from His mouth, Rajanya or Kshatriyas from His arms, Vaishyas from His thighs and Shudras from His feet. Since Brahmans came from the mouth of Purusha, they were to do study and teaching. Kshatriyas were to protect the country as arms symbolised power. Born of thighs, Vaishyas were to take up trade and cultivate lands and born of legs. Shudras were to serve the other three castes as the feet serve the body. Supporters of this theory cite instances from Manusmriti, Puranas, Ramayana and Mahabharat in support of their argument.

Such traditional theory has been criticised on three counts. First, it is difficult to believe man originated from Brahma's organs. Hence, it is biologically wrong. Second, according to Hutton, this theory caste engaged in agriculture. Lastly, the origin of other castes through hypergamous or hypogamous marriage is also doubtful and misleading.

**Occupational Theory**

According to Nesfield, hereditary specialization of occupation was at the root of caste system. Guilds had petrified into castes in a hierarchical order. The more primitive and ancient an occupation, the lower was its ranking. But this theory is refuted on five grounds. First, according to Majumdar, the greatest weakness of this theory is its disregard of racial factors. Second, being a social institution, caste system includes religious factors although religion is not the only element in its origin. Third, all those engaged in agriculture do not belong to the same caste. Fourth, according Bongle, the sacredness and profanity of occupation rather that superiority and inferiority may explain the origin of caste system. Lastly, the theory does not explain the conflict and hatred found between different castes. Therefore, the claim of Nesfield that function and function alone is responsible for origin of caste system is untenable.

**Political Theory**

G.s. Ghurye and Abbe Dubois are the main advocates of this theory. They say that caste is the Brahminic child of Indo-Aryan culture cradled in the land of the Ganges and hence transferred to other part of India by Bhahminic prospectors.

Abbe Dubois thinks that the caste system is an ingenious device made by Brahmins for Brahmins. Brahmins composed restrictions on food and social interaction to preserve purity necessary for their sacred functions. They also accorded a high place to themselves and declared all others inferior to them. This theory is also subject to the following criticisms.

First, caste system is a fundamental and ancient institution of Indian society, therefore its artificial origin is improvable. Second, it is astonishing that nobody could understand this clever plan of Brahmans for over 2000 years. Third, Majumdar says that in view of the complex nature of this social division, it does not seen possible that it originated from any pan of social division worked out by Brahmins. Fourth, this theory overlooks racial differences. Fifth, no doubt, Brahmins did a lot to make the system stable, but they were not its originator.

Hutton attacks this theory on two counts. First, it is not possible to accept this theory unless it is confirmed that Brahmins got political power to implement such a scheme. Second, such a deep rooted institution like caste could hardly be imposed by an administrative measure.

**Theory of Mana**

J.H. Hutton is the propounder of this theory which has been supported by Roy, Rice and Swart also. It states that 'Mana', a supernatural power possesses the capacity to do good or bad to people. The

tribals believed that this mysterious impersonal power could be transmitted through contact. According to them, each mana is accompanied by its taboos. Taboos or restrictions are imposed on food, marriage and interaction, etc. to save the members of one tribe from the 'man' of the other tribe. Hutton concludes that fear of mana led to restrictions on occupation, food, drink and marriage, because it was believed that mana would be transmitted through such contacts. Thus caste system originated.

However, this theory criticised on two grounds. First, India is not the only country where the belief in Mana existed. But no other parts of the world it created caste system. Hence the origin of caste system due to 'Mana' appears to be unconvincing. Second, there is no evidence supporting the existence of caste system in India alone.

**Racial Theory**

Propounded by Herbert Risley and supported by scholars like Ghurye, Majumdar, Westermarc and others, this theory states that caste was created due to clash of cultures and contact of races. The Aryans came to India as invader. They conquered the original inhabitants and called them 'Dasa or Dasu'. Moreover, because of their fair complexion they considered themselves superior to the non-Aryans. hence they maintained distance from them. They married daughters of the non-Aryans but did not give their own daughters in marriage to them. Out of the practice of hyper-gamy, many castes originated.

This theory is also subject to criticism. First, if the Aryans and the non-Aryans were two separate races what about this mantra in the Vedas, "Convert the World into Aryans". Second, different castes originated by functions as Brahmins are also black and many shudras are white. Third, racial basis can not be the only basis. Lastly criticizing the racial theory Hutton asks, Why did not Christians and Muslims coming from outside turned into castes?

**Religious Theory**

Hocart and Senart are the expounder of this theory. According to Hocart, social stratification originated on account of religious principles and customs. For religious functions, sacrifice before deities was considered necessary. Sacrifice of animal required some people who could kill them. Religion considered it a profane job to kill animals. "Dasus" were engaged to perform this duty. Many duties were brought under religion. Even today services of barbers, water bearer, Gardner and waterman are required on religious occasions. These groups, formed on the basis of religious functions, developed into castes.

Senart believes that those who have faith in one deity consider themselves to be of the same family and feel tied in one. Moreover, there were some prohibitions regarding sacramental food. Caste system originated on the basis of these differences.

This theory has been criticized on the following counts. First, as caste is a social institution, it cannot be fully explained with reference to religion alone. Second, Senart has created confusion between caste and gotra by imagining one ancestor.

**Evolutionary Theory**

This theory of Denizel Ibbeston maintains that caste system is the result of a long process of social evolution. It states that caste system has come into being through a long process of evolution. A number of factors are accountable for its origin. These factors include hereditary occupations, desire of the Brahmins to keep themselves pure, belief in reincarnation and the doctrine of Karma, the ideas of

exclusive family, ancestor worship, and the sacramental food, the nature of Hindu social order, the geographical location of the Indian Peninsula and rural social structure. All these factors encouraged the formation of caste system from time to time. However, this theory has been criticised on the ground that it completely neglects racial differences.

**Multiple Theory**

J.H. Hutton has enunciated this theory. He has pointed out more than fifteen factors contributing to the emergence of caste system such as ecological isolation, magical beliefs in certain crafts, primitive ideas regarding the power of food to transmit qualities, tribal concepts of batoo, mana, soul stuff, tokenism, pollution, ceremonial purity, belief in the doctrine of Karma, clash of races and color prejudice and deliberate exploitation by a hierarchy.

Hutton's theory has been severely criticized by some leading social anthropologists after the second World War on the following ground. First, it is stated that Hutton overlooks the fact that caste is primarily a system of interrelated groups in which differences in the distribution of economic and political power are expressed through a cultural language such as restrictions on commensality and connubium. Second, Pocock criticises Hutton saying that Hutton's work is based on the nineteenth century evolutionism and ethnography and is an amorphous dossier of facts lacking in any guiding theory. Third, Dumont criticizes Hutton for taking an atomistic view of caste and neglecting to study the system as a whole. According to Dumont, 'caste is above all a system of ideas and values'. However, in spite of criticism, Hutton's theory remains a classic as regards the origin, nature and function of caste.

**Relationship between caste and politics**

The relationship between caste and politics reveals the politicized nature of caste in the context of Indian politics:

1. Caste provides an extensive basis for organization of democratic politics. The need to organise and articulate support in an open polity inevitably turns those engaged in political competition towards organizations and solidarity groups in which the masses are found. In a society such as India where caste remains the principal basis of social organization and activity, this means turning towards caste groups and associations. In this way caste groups and associations. In this way caste identity and solidarities became the primary channels through which electoral and political support is mobilized within the political system. Thus, as Kothari puts it, "it is no politics that tests caste ridden, it is caste that gets politicized.".
2. Caste is used more extensively in mobilizing support in rural than urban areas.
3. Political parties find it easier to mobilize support directly from the members of a caste community by appealing to them.
4. The present political system itself encourages or inhibits the use of caste as a means of breeding followers.
5. It has been recently argued that caste enables the illiterate and politically ignorant masses of Indian to participate in the modern democratic process.
6. The communication of ideas is strong within a caste and generally the members of a caste and generally the members of a caste share the same views in relation to political parties, politics and individuals.

According to Rudolph and Rudolph, the relationship that caste bears to politics can best be understood in terms of three types of political mobilization, each suggestive of different phases of political development: vertical, horizontal and differential. Vertical mobilization is the marshalling of political support by traditional notables in local societies that are organized integrated by rank, mutual dependence and the legitimacy of traditional authority. In Indian traditional elites were characteristically the leaders of locally dominant castes. They responded to representative government and popular politics by mobilizing what local notables in Britain called their 'interest'. Horizontal mobilization involves the marshalling of popular political support by class or community leaders and their specialized organizations. Differential mobilization involves the marshalling of direct or indirect political support by political parties from viable but internally differentiated communities through parallel appeals to ideology, sentiment and interest. The agent of mobilization in this case is the political party rather than the local notable or community association.

**Rajani Kothari on Caste dimension**

In the context of interactions between caste and politics, Rajni Kothari has pointed out that three aspect of the caste system call for special attention:

The first is what may be called the secular dimensions. In emphasizing caste as a stratification system in which distances are rigidly maintained through endogamy, pollution and the legitimacy of rituals, caste as a system of conflict and interaction has received sparse attention. Yet the fact is that functionalism and caste cleavages, patterns of alignment and realignment among the various strata, and a continuous striving for social mobility have always been prominent features of the caste system.

Second, there is the integration dimension. The caste system not only determines the individual's social station on the basis of the group to which he is born but also differentiates and assigns occupational and economic roles. It thus gives a place to every individual from the highest to the lowest and makes for a high degree of identification and integration. At the same time, it is an integration structure of a specific type, namely, one that is more intense in its small group orientation and particularistic loyalties and where wider loyalties operate only when they are structured through the prevailing differentiations. This aspect is important in understanding the structural impact of democratic nation-building. For the competitive style of democratic politics involves group action and cohesion; democratic politics is as much a process of fusion as of fission.

Third, there is the dimension of consciousness. Caste enters politics through the 'consciousness aspect' highlighted by its symbolism and value structure. This is where symbolic gestures for cultural mobility such as 'Sanskritisationl, 'Westernization' and 'Secularization' assume or disguise political overtones in their manifestation. According to Rajni Kothari, "It is not politics that gets caste-ridden; it is caste that gets politicized." The operation of competitive politics has drawn caste out of its apolitical context and given it a new status and identity.

**Caste and Democracy**

India's democracy is the largest democracy in the world. The peculiar feature of the Indian democracy is its interaction with caste which is fundamentally oppose to the principles of democracy.

The world 'democracy' has come from two Greek words-'demos', meaning the people, and 'Kratia' meaning power. Democracy, therefore, means power of the people. It refers to the organization of society in a way in which all power, political or otherwise, is vested in "the entire aggregate of the communty". Equality is the basic principle of democracy. But caste is a system of institutionalized

inequality which recognizes and establishes the principle or differences based on birth. Therefore, just after independence, the question "Can caste and democracy go together?" was a much debated issue, Jawaharlal Nehru expressed his doubt as to what would happen to the Indian democracy if caste continued to exist. Strangely enough, caste and democracy have remained together in the Indian society, each influencing the other. Looking at the Indian society, each influencing the other. Looking at the dominance of caste in the Indian democracy Late Jayprakash Narayan commented that democracy in India has turned into autocracy. Various scholars have viewed caste as anti democratic. They have pointed out the discrepancies between caste and democracy. Some of these differences are:

1. Democracy stands for certain values such as liberty, equality and fraternity, whereas suppression of freedom, inequality and enmity among groups are values which caste stands for.
2. Democracy is the realization of human rights for the highest development of the individual but caste keeps down the people to a sub-human level.
3. Democracy provides channels of social mobility but castes restricts the scope of social mobility.
4. Democracy has universal standards of justice whereas caste has evolved different standards of justice for different caste groups.
5. Democracy keeps the door of education open to all the citizens of the country while caste restricts education to the higher caste people only.
6. Democracy makes the occupations free and open to all and the individual gests employment according his merit and taste. On the other hand, caste makes the occupation hereditary, thus debarring the individual from choosing an occupation which suits his ability and taste.
7. Democracy aims at eliminating exploitation while the very basis of caste is to legitimize and perpetuate exploitation.
8. Democracy imposes discipline which is a reciprocal practice based on the respect for the individual, but in caste discipline is an obligation performed out of fear.
9. The temper of democracy is marked by productive social compromises, but the temper of caste is marked by self righteousness.
10. The basic principle of democracy is liberation but caste is based on tyranny.
11. Democracy provides a base for common action for the collective welfare while caste looks after the welfare of as particular caste group and opposes any collective ideology meant for common action or common good.
12. Democracy propagates nationalism and patriotism but caste encourages caste-loyalty and parochialism.
13. Democracy infuses the idea of national sentiments and unity and thus brings in integration, while caste-loyalty leading to casteism is a hindrance to the national integration.
14. Democracy is secular in nature. It is above the dogmas of religion. But caste claims to be sacred and is supported by religious sanction.

Sociologists have pointed out that there is mixing of caste and democratic politics in many parts of the country. In her study about caste and politics in India, Miss Maureen Patterson writes how three important castes like the Brahmins, the Marathas and the Maharas played a dominant role in the politics of Maharashtra. Mr. S.S. Harison also mentions the role of Reddy and Kamma castes in the politics of Andhra Pradesh. In Karnataka politics there is a rivalry between Okkaliga and Lingayat

castes. In Bihar, Bhumihar, kayastha and Rajput castes are playing a dominant role in state politics. In the state of Orissa Karans and Khandayats are playing a major role in the state politics. In this way a number of studies have shown how caste and democratic politics have been interlinked in the Indian society.

Caste acts as a pressure group in politics to secure material benefits and status improvement. Political parties and government are often forced to make decisions and act in a certain manner to accommodate the interests of caste associations. Thus Weiner maintains that caste associations create problems for the Indian democracy.

Caste affects democratic politics in another way, too. A caste group as a whole may have its own political party or in the absence of its own caste-party it may lend support to on particular party. The Jatavas of Agra present a fine example of caste-political party. There is always struggle among political parties in their attempt to seek the favor of the caste groups. Competing political parties choose their candidates from the dominant castes. Sharma writes how caste lobbies in Parliament State Assemblies, Zilla Parisads, Panchayat Samitis and Village Pancayats have become a fact of today's political life. Elections have been fought to these organizations on caste lines.

I.P. Desai has lucidly narrated how caste influences the political behavior of the people in the present democratic set up. The following instances can be cited to illustrate this point.

1. The people of a caste vote in a body for a candidate of the same or a different caste as decided in the caste Panchayat or in the meeting or caste members.
2. Even when they do not vote in a body, they prefer a candidate of their own caste to other castes irrespective of the merit or demerits of the candidate.
3. The selection of a candidate for a constituency is very often based on whether he will be able to get the support of a caste or castes.
4. In recommending candidates, the caste of the recommenders plays an important role.
5. When a single caste is not likely to win, alliances with other castes are formed by the selectors, by the candidates or by the voters.
6. The office-bearers of a party are appointed on the basis of caste considerations.
7. Sometimes even ministerial appointed on the basis of caste considerations. So far, we have seen the effect of caste on democracy. Let us now examine how democracy affects caste:-
    1. Democracy affects caste in several ways. The adoption of adoption of adult franchise has opened up new opportunities of political participation of the lower castes which were denied political rights in the past. This phenomenon has compelled the higher castes to contact the lower castes to get their support in order to win the elections.
    2. Democracy introduces politics which demands the people's acceptance of the political ideology of a party. Thus political consideration may go against caste loyalty. Thus political consideration may go against caste loyalty. Apart from the working political parties, legislations, especially, land legislations and land reform have affected the rural power structure to a great extent.
    3. Democratization has also affected the traditional functions of caste. Functions which were restricted to some castes have now become the property of everybody. The opening of

occupations and the availability of making a living outside castes occupations has affected the caste system.

4. Democratic politics attach great importance to political ideologies and pushes back caste considerations to the background. It creates functions or divisions within the caste groups. Thus it succeeds in breaking down caste solidarity.

In this way, in the Indian democracy an interchange and exchange between caste and democratic politics has taken place. All have realised that caste is a cancerous element in the Indian democracy. It has eaten into the vitality of secular democracy. Almost all the political parties have raised their voice against caste-politics. But most of the parties and politicians, in reality, encourage casteism to bag caste vote. Unless there is strong political will it is difficult that casteism would be rooted out from Indian politics in near future. Caste-based political parties should be banned. Strict rules should be laid down to debar any candidate exploiting caste sentiments at the time of election campaign.

**Caste and Indian Politics**

There are two important factors to analyses the relationship between caste and politics. First the way in which caste affects the politics and secondly how does politics effect the caste. The former aspect is examined at various levels in terms of interest of castes, identification of caste with political parties' influence of caste on political affairs actual participation of caste etc. The latter may be perceived as to how politics is used by a caste in raising social scale and to achieving its goal. This has been described as the process of politicization of the caste.

Anil Bhatt has argued that the high status caste have higher level of political interest as compared to low status caste. With regard to the awareness and high caste people have a high level of awareness. As regards identification of political parties there is practically no relation between caste status and partisanship. Persons of low status castes are almost as likely to support political party of the high status castes. In terms of political influence. M.N. Srinivas stated that 'dominant castes' with high ritual status, numerical strength, level of education and high landowner-ship and income control economic, social and political power in rural India. But Bhatt found that the high status castes are not necessarily influential castes in India's village. Middle and low caste also dominated in many village. The high caste status is not necessarily a basis for influence in many villages.

**Class**

**Social Class**

There has been no period in human history when the society was not divided into classes. These were economic, social, religious, cultural classes and each class possessed some significant characteristics. We also find that there has always been struggle among the classes either for preserving themselves or for establishing their supremacy.

**Definition of Social Class**

Social class has been differently defined by different scholars. Ogburn and Nimkoff say that, "The fundamental attribute of a social class is thus its social position of relative superiority and inferiority to other social classes". MacIver and Page have said, "A social class is a portion of community marked off from the rest by social status. it is the sense of status, sustained by economic, political or ecclesiastical power, and by the distinctive modes of life and cultural expressions corresponding to them, that draws class apart from class, gives cohesion to each class and stratifies the

whole society." Ginsberg says, "A social class is any portion of community marked off from the rest by social status". Lapiere has said that, "A social class is culturally defined group that is accorded a particular position or status within the population as a whole".

From the foreign definitions it is clear that a social class is a group of persons who have definite social status.

**Nature of Social Class**

Each social class possesses certain particular privileges and responsibilities. Classes have also special powers and positions. Social classes came into existence due to social stratification and represent horizontal division of society. These represent different occupations. Members of a social class have not only feeling and sympathy for one another but also a sort of class consciousness. Members of one social class have more or less the same living standard and try to follow the same occupation. They have more or less same attitude and behavior and a sense of superiority to other classes. Social position of a social class determines its social prestige. Among themselves their members treat each other as equal and usually try to associate themselves with each other. In other words we can say that a social class is a society within society.

Members of a social group use almost same type of dress and also the means and methods of recreation. They also struggle against those who try to put obstacles on their way of living and thinking. They are also not prepared to give up their rights and privileges at any cost and use every possible means and methods to settle that. Members have both internal and external unity. External unity is represented by dress, customs and language whereas thoughts and ideals represent internal unity.

**Marxian Theory of Class Consciousness**

In his philosophy Marx laid maximum stress on class consciousness. That is the outcome of his stress that he said in his communist Manifesto that "workers of the world unite." He was very firm in his opinion that unless the workers united and were conscious of their rights they could not achieve their purpose. According to him the society was divided into the 'haves' and 'have nots' i.e. those who owned the means of production and distribution and those who had no such resources. He also said that whereas the propertied people had inherited consciousness from the feudal society, the working classes had not inherited any such consciousness for which specific and concerted efforts will have to be made. he also said that the propertied class could only be overthrown when property less class had become class conscious and according to his viewpoint class consciousness in propertied class in itself will generate similar consciousness in non-propertied class. But for Marx class consciousness among the non-propertied class. But for Marx class consciousness among the non-propertied class was a condition precedent for the overthrow of propertied class which was very much class conscious.

Marx also felt that economic reasons were the basis for the creation of class and as such he felt that the interests of the owners and workers were quite different from each other in a capitalist economy. According to him unless both were conscious of their rights, the exploitation was bound to continue and progress.

**Max Weber's Theory of Social Class**

Max Weber, though not in complete agreement with Marx has defined class as the people in the same class situation, when their occupation or ownership of property under the conditions of commodity or labor market gave then a similar chance, however, large or small, to obtain some of the things valued in a society, such as : materials goods; physical health. education; travel; leisure; and exposure to a wide range of highly prized social experiences. Some people have goods to sell to others, and it is this that determines their life chances. Other people sell their skills or labour on a labour market to available employers. Still other such as professionals, offer highly valued and

relatively scarce services to a clientele. Each of these constitute a different "class situation" this specific definition is: "We may speak of a 'class' when (1) a number of people have in common a specific causal component of their life chances, in so far as (2) this component is represented exclusively by economic interests in the possession of goods and opportunities for income, and (3) represented under the conditions of the commodity or labour market".

He recognized the ways in which the possession of property or goods by those who "do not necessarily have to exchange them" gave then an advantage in the market over those who had to sell their goods to survive or who had no goods but only their "services in native form". Weber was very close to Marx, when he said: 'property' and 'lack of property' are, therefore, the basic categories of all class situations". Thus to Weber, class is such a collectivity which has a common set of life chances; and these are described from their property, occupation and income.

**Veblen's Theory of Social Class**

Veblen provides another conceptual analysis of class system. It is generally known as the theory of "Leisure class". He interprets the origin and growth of this class in terms of leisure, which some could get as they had the necessities of life in ample measure. They made no contribution in terms of social production. They ploughed no land, spun no yarn and worked at no craft. Not to work was their characteristic. Others worked for them. They had wealth, to enjoy their leisure. This 'koi hai' class was in medieval Europe, and in the Nawbi India. Its influence is not that completely dead. Industrialisation has not mitigated it and democracy has not eliminated it. it is apparent in the disdian that some have for the manual labour, and in the behaviour of the neo-democrat and the neo-rich.

In certain respect as a reference group it may be said to have served some purpose: but as a class it makes the insects of the have nots.

**W. Llyod Warner's Theory of Social Class**

Warner, an anthroplogist has carried out several studies on the subject. He consider class as a 'multi-factored' phenomenon. Though, he began with the economic factor as being fundamental to social stratification, his research analysis brought him to what he described as the 'evaluated participation' belief. By this he means the way in which an individual participates in community life, and the manner his equals in the community evaluate him. "Such a criterion stresses knowing manner his equals in the community evaluate him."Such a criterion stresses knowing the right people, knowing how to spend money, belonging to the kind of associations, the area in which one resides, how long one's family has been in the community, and the like". Warner developed a six fold classification by taking the familiar terms, upper, middle, and lower, and dividing each of them into an upper and a lower. Thus there is an upper-upper class, composed of the community's elite of long-standing, its old ruling families of high prestige, and a lower-upper class of rising families with newly-won wealth, eager to win social acceptance. The upper middle class constitutes the established business and professional people, and the lower-middle class is made up of varied white-collar people, small businessmen, and skilled workers. The upper-lower class is made up of skilled and other workers who are "respectable" though poor and hardworking, whereas the lower-lower class includes the most economically depressed whose way of life is not respected by other members of the community.

**Dalit-Bahujan**

**Dalits : A concept**

The word 'Dalits' encompasses the communities known as Untouchables and Tribes who are officially termed as Scheduled Castes and Scheduled Tribes respectively.

The term is an ancient Marathi word that may be defined as 'ground' or 'broken to pieces' generally. Dalit usually refers to that portion of the population falling outside the pale of Indian caste society those who are traditionally known as the untouchables and tribes. It has been said that the word was first used in the late nineteenth century by a Marathi social reformer Jotiba Phule who used it to describe the appalling condition of the untouchables. At the same time, it has been argued that Dr. Ambedkar first used the term. Regardless, the term did not gain widespread currency until the arrival of the Dalit Panther movement in the seventies.

With the emergence of the Dalit Panther movement, the term Dalit came to have connotations far beyond the simple meaning given above. Eleanor Zelliot says of the underlying implications of the word: "Dalit implies those who have been broken, ground down by those above them in a deliberate and active way. There is in the word itself an inherent denial of pollution, karma, and justified caste hierarchy."

As a result, the word came to act not only as a definition of state of degradation, but also as a significant source of identity and pride. In India, there are approximately 250 million dalits. This means that nearly 25% of the population is Dalit. It also means that in a country where every citizen in constitutionally guaranteed equal rights and equal opportunities, 1 out of 4 persons continue to suffer from the accident of his/her birth.

A majority of Dalits are poor, deprived of basic needs, and socially backward. Many do not have access to sufficient amount of food, health care, housing or clothing. Moreover caste inequalities continue to be among the most important factors affecting their assess to education.

Though traditional occupations are gradually dissolving, Dalits generally continue to be concentrated in occupations that render little social status or possibility for social mobility.

Moreover, it should be noted that caste violence has witnessed a dramatic increase over the last couple of years in a process that cannot be explained by traditional caste practices alone. Modernization has done as much to weaken traditional caste occupations and practices as it has done to strengthen them. Changing economic and social status has resulted in a significant shifting of the status quo which in turn, is at times violently protected by the members of the upper-castes. The violence is expressed through unspeakable atrocities such as massacre; rape, and the burning of Dalit houses, schools and religious places. In short, regardless of constitutional guarantees and official decrees, the practice of untouchability and exclusion remains an integral part of Indian daily life even today.

The SC/STs together form one group for two historical reasons. Both the social categories come from the common ancestors, and quite logically then, both have existed outside the traditional Chatur-Varna Order, the ideological basis of the organization of India's classical Social Order. SCs and STs both suffer from the prejudices of the Caste-Hindus. Dr. Ambedkar had thought it fit to club these two categories while authoring emancipatory provisions in the Constitution.

As per the 2001 Census Report, 102.86 crore people inhabited India, in which the Scheduled Castes and Scheduled Tribes (SC/STs) comprised 25.09 crore (16.20 per cent SCs, 8.20 per cent STs), which is 24.40 per cent of the total population.

But the January 26, 1950 came as a rupture as a modern Republic came into being scripted by the greatest philosopher, Dr. Ambedkar. The Republic was born with a written promise, mandating the Indian State to chart out a path where civilization conflicts, distinctions, mutual hatred and distrust between those within the Verna Order and those Outside it, in other words, between non-Dalits and Dalits would, by dismantling both the identities, wither away for ever. The Indian society would, in turn evolve into a Civil Order where men and women will be identified by their virtues, wisdom and worth, and not by their social origin based on birth.

That goal of the Republic remains far from accomplished, i.e., Ambedkar's dreams too remain unfulfilled. The distinctions, divisions, exclusions and oppressiveness that the cruel past had imposed on the subcontinent and that legacy continued pre-destining our existence till January 1940, and the same still forms the destined existence of the 250 million SC/ST masses even today. The beneficiaries of the Varna order continue to benefit, although in little changed forms, and they are averse to negating that historical legacy. Dr.Ambeddar departed in December 1956, passing the baton to the next generation to achieve the goals the Republic had set for itself.

Dr. Ambedkar had won three major rights for the SC/STs:

1. Representation in government jobs and legislative bodies,
2. Free-ships and Scholarships for the SC/ST students, and
3. Reservation in admissions in State-run/aided educational institutions.

   These are in addition to a plethora of emancipatory mandates under the Constitution.

   Since his passing away, the SC/STs can hardly claim to have added any new right fought and won for them. Though in the post-Ambedkar India, there are more SC/STs in government jobs, more MPs/MLAs, many more graduates as well as organizations working to fulfil his dreams (Fadia : 2007).

**Emergence of Dalit Consciousness**

Generally the term 'Dalit' refers to the socially, educationally and economically backwards castes which is also known as 'Scheduled Castes', 'Harija', backward Hindu' etc. These untouchable and down trodden castes have been historically and traditionally alienated from the basic and fundamental right of social living in the society. In the ancient literature, they have been calld 'Chandal or Shundra'. They are engaged in filthy occupation and supposed to provide service to all the upper castes or Dwija. They were just like a slave in the society. The Brahmin and other upper castes have always tried to maintain their status quo and this connection they have been incessantly suppressing and exploitating the Shudra.

During the medieval period, some of the socio-religious movement made efforts to bring the Dalit into the mainstream of the society, but they got partial success. The traditional belief and dogmas regarding the untouchable and Shudras were deep rooted in the society. The one major advantage of these socio-religious movement was that the Dalit or Shudra started thinking about their low socio-economic position in the society. That is, the seeds of consciousness were sown among them.

In the modern India, several social reformers like Raja Ram Mohan Rai, Ishawar Chandra Vidyasagar, Mahatma Gandhi, B.R. Ambedkar etc. made very sincere and dedicated efforts to raise the Dalit consciousness. Some of the social movements like Dravidian Movements, SNDP movement and Mahar movement propagated the consciousness among the so called Dalits. Gandhiji launched Satyagrah against untouchability and established "Harijan Sevak Sangh". As a result of it the confidence of schedule caste was boosted up and their leadership and organization further got impetus towards equality. Gandhi opposed all forms of discrimination and exploitations of the Dalit.

Dr. B.R. Ambedkar who is considered as the prophet of Dalit made serious consideration of the downtrodden and, their chaotic condition. He assumed that the conditions of Dalits may not be normalized or elevated in the Hindu system. Therefore, he evoked them to adopt other religion especially Buddhism. The various Dalit community of Maharashtra gradually converted into the Buddhism in which they got due position and thus saved themselves from all forms of discrimination and exploitation. Secondly, as an architect of the Indian Constitution, Ambedkar fully tried to bring the Dalit into the mainstream of the society. Special constitutional provisions were made for them. Under article 17 untouchability was abolished. Freedom of religion (article 25 and 29) educational rights and all the fundamental rights from article 17 to 35 were granted to them. After independence a separate ministry was established to check the exploitation of Scheduled Castes or Dalits. The parliamentary committee and president himself from time to time check the status of Dalit in the society.

According to Prof. M.N. Srinivas education and socio-economic upliftment were the main reasons of Sanskritization among Coorgs of Mysore. The upward social mobility among the Dalit is the result of their consciousness. In this connection, media, modernization, globalisation and westernization have played conducive roles.

The political awareness among the Dalits, now, has resulted in the formulation of several caste based and regional political parties in India. Their political participation is gradually increasing. The Mandal Commission's recommendation and Panchayati Raj has further evoked consciousness and elevated the status of the downtrodden. In spite of all these, Dalits are still living a poor quality of life and are subjects of discrimination and exploitation. The only important things which may prove fruitful of them is the positive attitude of the upper castes to the Dalits. They are also human beings and hence should be provided freedom and due position in the society.

**Constitutional Safeguards for Dalit**

(i) The abolition of 'untouchability' and the forbidding of its practice in any form. (Art. 17)

(ii) The promotion of their educational and economic interest and their protection from social injustice and all forms of exploitation. (Art. 46)

(iii) The throwing open of Hind religious institutions of a Public character to all classes and sections of Hindus. (Art. 25)

(iv) The removal of any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment, the use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly out of state funds or dedicated to the use of general public. (Art. 15)

(v) The obligation of the State to consider their claims in the making of appointments to public services and reservation for them in case of inadequate representation. (Art. 16 and 355).

(vi) Special representation in Parliament and State Legislatures for a period of twenty years. (Art. 332, 333 and 334)

(vii) The right to practice any profession or carry on any occupation, trade or business. (Art. 19)

(viii) The forbidding of and denial of admission to educational institutions maintained by the State or receiving aid out of the State funds. (Art. 29)

(ix) The setting up of advisory councils and separate departments in the State and the appointment of a special officer at the centre to promote their welfare and safeguard their interests. (Art. 164, 338 and Fifth Schedules)

(x) Special provision for the administration and control of scheduled and tribal areas. (Art. 244 and Fifth and Sixth Schedules).

It may not be out of place to point out that out of total 543 Lok Sabha seats 79 have been reserved for Scheduled Castes and 79 for the Scheduled Tribes.

Besides reservation has been extended from time to time. Recently Mandal Commission envisaged more representation to the backward classes then they already enjoyed this entailed violent agitation by the students & self molation, by them. It shook the very fibre of V.P. Singh's Government (J.D. Govt.) The Congress Govt. headed by Narsima Rao also stand for reservation though it takes into consideration economically backward classes as well. Reaction to this also is not very favourable. Twice, thrice, the students have resorted to closure colleges & schools and 'Bundhs'. It is yet too early to conjecture the outcome of Govts' move.

**Commission for the Scheduled Castes and Scheduled Tribes**

We know that our constitution provides for several safeguards for the backward classes. While the Ministry of Home Affairs of the Government of India is incharge of overall responsibility of ensuring the proper working of these constitutional safeguards, the responsibility for investing and evaluating the progress in respect of all matters relating to these safeguards rests with the Commission for Scheduled Tribes. This officer is appointed by the President of India under Article 338 of the Constitution, and the enjoys an independent status (Ghai : 2007).

**Dalit Politics in India**

The Lok Sabha and various State Assembly elections held in the decade 1990-2006 show that the voter turn out of the Dalit social groups has increased. Further, these groups are asserting their autonomous Dalit-Bahujan identity. Delit-Bahujan Samaj is a powerful force in the politics of the 1990s and their demands have to be on the centre stage of the political agenda. The party like the BJP has been compelled to respond to the new assertion of the Dait-Bahujan Samaj by appropriating even the Mandal formula and forging alliance weith Mayawati's BSP in UP. BSP's improved performance has been one of the indicators of the SC assertion in electoral politics through a party which mainly has a base among them. In the States of UP, Haryana, Madhya Pradesh and Punjab, the party performed exceedingly well. Particularly in UP, it performed, exceptional well, both in terms of the vote share and the number of seats won. BSP's vote share has shown a steady increase. During the 1999 Lok Sabha elections it contested 225 seats, won 14 and secured 4.23 per cent of the total valid votes. In February 2002 elections of the UP Assembly, the BSP won 97 seats and latter on formed coalition government under the leadership of Mayawati.

During the April-May 2004 Lok Sabha elections in UP alone the BSP won 19 seats with 24.7 per cent votes. Now the party is in the category of national parties with 5.33 per cent votes at national

level. The BSP has retained its traditional support among the Dalits. Among the Community 71 per cent voted for the party. The BSP has also gained significant support among the OBCs.

Second, an important explanation for the growing decline of the Congress lies in its failure to continue with the Indira Gandhi model of social coalition in which the Muslim minority and the Dalits had a significant position. The Dalits looked towards mrs. Gandhi as 'Mother' who would care for their interests. This protective umbrella role of the Congress collapsed because the Rajiv Gandhi Government was identified with the emerging "yuppie" class and the Narsimha Rao Government because of its new economic policy got projected as 'pro-rich' and 'anti-poor'.

While these facts only prove that Dalit politics has come to occupy a central position in the 1980s and 1990s, a further analysis may be made to understand the complex and contradictory inside story of Dalit-Bahujan politics. The Hindi heartland came face-to-face with the new challenge of Dalit social forces because of land reforms and the constitutional provisions for the reservation of seats in every public institution for Scheduled Castes and Scheduled Tribes. The beneficiaries of land reforms in UP, Bihar, etc., were the middle peasant backward castes and reservations in public institutions gave birth to a Dalit elite who were upwardly mobile. While the post-Mrs. Gandhi Congress leadership failed to respond to this silent social transformation, independent leaders from backward-Dalit social formations emerged and formed their own political parties. Mulayam Singh yadav, Laloo Prasad Yadav, Ram Vilas Paswan and others floated all kinds of Janta Dals while the Kanshi Ram Mayawati duo established a seperate party for the Bahujan Samaj because social contradictions in India are not only between the high castes and the others, but are very much present between the other backward castes, the Dalits and the real Dalits.

This development of backward-Dalit-Bahujan politics in north India has revealed that the two largest States of the Hindi region are witnessing the elimination of an umbrella party like the Congress and its replacement by caste and sub-caste formations and leaders. UP and Bihar are witnessing only caste politics and caste competition around caste leaders and caste-based parties. The BSP cannot align with Mulayam Singh yadva in UP or Laloo Prasad and Ram Vilas Paswan in Bihar because there is a fundamental antagonism among the multiple fragmented Dalit-Bahujan groups and leaders of the intermediate castes who promote interests which directly hurt the interests of those sections of the Dalits who are represented by the Yadavs or Paswans, etc. While the Dalit Bahujan Samaj has emerged to fight against caste oppression and caste exploitation and the villages of UP and Bihar, the real Dalits of Jatavs are oppressed by the middle peasant backward castes like Yadavs or Jats in western Uttar Pradesh.

At the end of the 1990s, Mulayam Singh or Laloo Prasad or Kanshi Ram feel helpless because a fragmented Dalit-Bahujan Samaj cannot win the majority of the State Assembly and the Lok Sabha seats on their own. *Caste politics has not brought political dividends to Dalit-Bahujan leaders because it has fragmented every caste group including the Dalit-Bahujan Samaj.* If, on one hand, the party of the Hindu Brahminical social order has woken up to the reality of conscious Dalit-Bahujans, on the other hand, pure Dalit-Bahujan political parties are struggling to establish their dominant position in the politics of UP and Bihar. Caste exclusion in politics of UP and Bihar. Caste exclusion in politics is a multi-edged weapon which makes every sub-caste project its exclusive identity. The Yadavs of UP cannot complaint of the Jatav also parade their separate Dalit caste identity and compete for political power.

The politics of Dalit-Bahujan Samaj tells a different story in other parts of India compared to the Hindu region since anti-Brahmin social reform movements preceded the politicization of Dalit-Bahujan politics. E.V. Ramaswamy Naiker led a renaissance movement based on an anti-temple, anti-God social platform to awaken the oppressed castes from the influence of Brahmins and priests. Similarly, in Maharashtra, social reform preceded political atomization of the Dalits. Dalit poetry and drama and Dalit education emerged as the platform for Dalit education emerged as the platform for Dalit awakening. Such efforts of Dalit social reformists in Maharashtra created a level of awakening to that the Dalits maintained a distance from the Congress because Maharashtra Congress was identified with the Brahminical leadership of Bal Gangadhar Tilak.

The story of Dalit reform in Tamil Nadu and Maharashtra has a lesson for all Dalit-Bahunaj parties. Political assertion of the Dalits is a necessary but not a sufficient condition for Dalit Bahujan emancipation. It is a flawed political agenda of the Dalit-Bahujan leaderns the political empowerment will necessarily lead to their social and economic empowerment. Political in democracy is an important activity for securing the rights of equality as a citizen but Dalit-Bahujan Samaj cannot achieve such equality because a powerful anti-Dalit Hindu Brahminical social order precedes the operation of the universal adult franchise-based democracy.

Dalit-Bahujan parties and leaders should make use of every political and public institution for protecting their rights and social dignity, but along with this they should launch a renaissance movement with other socially enlightened groups irrespective of their caste affiliations (Fadia : 2007).

**Patriarchy**

Patriarchy is derived from the Greek words 'patria' means father and 'arche' means rule. Patriarchy is an anthropological term used to define the condition where members of a society tend to predominant in position of power; with the more powerful position; the more likely it is that a male will hold that position. The term 'patriarchy' is distinct from patrilineality and patrilocality.

Human societies can be described in Anthropology in terms of being patriarchal, matriarchal or equirachal systems. all societies have been defined as patriarchal, varying only in the degree that the society allows variance from the strict norm. Noted Anthropologies, Margaret Mead later acknowledged that she was misquoted when she stated that a "patriarchy was defined as one is which woman take their husbands name and the children bear the fathers "name whereas matriarchal society" is one which some if not all the legal powers relating to the ordering and governing of the family powers over property, inheritance, marriage are lodged in women rather than in men".

The majority of the higher economic, political, industrial, financial, religious and social positions of the world today are held by men. All advanced industrial societies are variations of patriarchy. In countries such as Saudi Arabia, patriarchy is distinctly visible, and the European nations patriarchy remains the underlying social structure in spite of some changes creating wider possibilities for both women and men. In both culture male still dominate public life.

**The Patriarchal Family**

The patriarchal family was prevalent not only in the civilized society of antiquity but also in the feudal society. This type of family has become world famous. The Old Testament affords many descriptions of patriarchal families, such as those of Abraham. Jacob and Isaac.

*What is a patriarchal family?* Under the patriarchal family the male head of the family is possessed of inclusive powers. He is the owner and administrator of the family property and right; to

him all persons living in the family are subordinated. He presides over the religious rites of the family, he is guardian of the 'family gods', of the sacred hearth. In short, the family father or the eldest male descendant is the protector and ruler of the family enjoying full authority over the family members.

*Some examples of patriarchal family.* This type of family was prevalent among the Hebrews, the Greeks and the Romans, and the Aryans of India. Among the Hebrews the eldest male parent was absolutely supreme and exercised almost despotic power over his dependents. In Rome the 'pater families' or the patriarch was the sole owner of the family property, the supreme lord of his people and the legal representative of the family before the law. "The patria potestas", the power of the father, gave the head of the house-hold almost unlimited authority over its members, "Over his wife, children and their descendants", says Sidgwick, "the father exercised such an absolute despotism that the individual members had no separate rural existence at all. He could punish his children, disown them, sell them and even kill them. In ancient Palestine he could sell his daughter into servitude. In India, too, the family of Vedic times was strongly patriarchal. The father exercised sole power over his wife and children. They could not own any property. In principle almost complete subordination marked the position of the wife. She had no standing before the law over and against her husband. The Indian woman was subject to the will of her husband. it was her duty to obey her father before marriage, to obey her husband after marriage and to obey her son in her widowhood. In recent times the position of Indian woman has been somewhat improved by prescribing many provisions in her favour. Still, however, in orthodox families she is subject to the rule of her husband.

Sometimes, in a patriarchal family an individual woman may achieve great fame. But this is an exception rather than the rule for women has little opportunity to go outside the home and participate directly in pubic life. At Athens the wife and daughters were secluded in "women's apartment" and were not permitted to go out without the permission of the patriarch. In China there was the practice of binding the feet of women which among other aspects signified that they were not free to go out of the household.

The chief characteristics of a patriarchal family are the following:

(i) The wife after marriage comes to live in the home of the husband.

(ii) The father is the supreme lord f the family property.

(iii) Descent is reckoned through the father. The children are known by the name of the family of their father.

(iv) The children can inherit the property of their father only. They have no right over the property of the mother's family. (Vidyabhusan and Sachdeva : 2000)

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**Suggested Questions**

1. Write a short note on caste and class in India.
2. Discuss the relationship between caste and politics in the context of Indian politics.
3. Caste is a cancerous element in the Indian democracy-Examine.
4. Critically asses the emergence of Dalit Consciousness in India.
5. Critically examine the dalit politics in India.

**Short Note**

a. Patriarchy
b. Class consciousness
c. Constitutional safeguards for dalit.

LESSON 5

# FEDERALISM IN INDIA IN COMPARATIVE PERSPECTIVE WITH SPECIAL REFERENCE TO CANADA

Federalism is a modern conception. Its theory and practice .in modern times are not older than the American Federation which came into existence in 1787. The federal idea-the plan of government of a number of contiguous territories in association and neither separated nor combined in one-is very old and had been practiced in ancient Greece, but it has been employed on a larger scale only during the last two centuries. Federalism is the result of historical evolution. It springs from the necessity for the union of a number of independent states which are not strong enough individually to protect themselves from outside danger, and whose union is requisite for their safety and for the promotion of their economic interests, but which are not prepared to surrender their independence completely. The impulses which lead to the formation of a federation are usually the idea of national unity, the desire to promote common economic interests, the amicable resolution of common problems and considerations of defence and international prestige. The federal form of government is not deduced from a theory or a priori reasoning, but is a historical product or a necessity arising under certain political conditions. Its fundamental principles have been fully worked out in the most highly developed federation in the world, i.e., the United States.

The founding fathers of the Indian constitution have mainly been influenced by the provisions of the American, Canadian and Australian federations. It is desirable to state briefly the theory of federalism as revealed in these constitution.

According to A. V. Dicey, there are two requisite conditions for the formation of a federation: First, by history there must be a body of states so closely connected by locality, by race or the like, as to be capable of having, in the eyes of their inhabitants, an impress of common nationality. Secondly, there must be the existence of a very peculiar state of sentiment among the states which propose to unite. They must desire union but must not desire unity. If there is no desire to unite, then there is clearly no basis for federalism. The sentiment, therefore, which creates a federal state, is the prevalence throughout the citizens of more or less allied states of two feelings which are to a certain extent inconsistent-the desire for national unity and the determination of each individual state to maintain its identity and independence. The aim of federalism is to give effect, as far as possible, to both these sentiments. A federal possible, to both these sentiments. A political contrivance intended to reconcile national unity land power with the maintenance of ‘States’ rights. It is a union of a number of independent states whose territories are contiguous and whose citizens have certain affinities, either racial, ethnological or traditional, who have a common historical background or heritage, a community of economic interests, and feel a craving for spiritual and national unity, but at the same time are anxious to maintain the identity and independence of their states, which are not strong enough in modern times to face external industrial competition or military menace. It is an organic union. A federal state is a distinct fact. The federating states also remain distinct facts. By the association of I states, a new organic state is created for the j discharge of certain national functions. The federal state is the embodiment of the nation as a whole, and it has a direct and organic contact with the citizens of all the states, who are citizens of the federation and who owe a double allegiance to their own states and to the federal state. The federal form of government came into existence where a unitary form of

government was not possible owing to a strong sentiment of local patriotism. The states are, first of all, sovereign states. They then enter into an agreement to part with a portion of their sovereignty and thus to create a national state which discharges certain functions in relation to all the states-functions which are common to all. Such a federation is essentially created for national purposes. It is based upon a compact which contains the terms and conditions on which the federating states have agreed to enter into a union. It follows that the relation between this new national government and the federating units must be governed by the terms and conditions embodies in the pact. This requires a written constitution.

**Federalism: Nature and problem**

On the basis of concentration and distribution of powers, we find two types of government i.e., unitary and federal form of government. Federal form of government is a modern innovation. It came into existence with the advent of American Constitution. However, the term federation is derived from the Latin word 'Foedus' meaning treaty or agreement generally a federal from of government originates in two ways. It may be due to either centripetal forces or centrifugal forces. When some independent states agree to unite because of physical and economic weakness they form a federation by accepting common sovereignty. The federation of the U.S.A, Switzerland and Australia were formed manner. But the process is know as centrifugal when a unitary state may be transformed into a federal state. Canada which was originally a unitary state was broken up and reorganized into a federal state. Government of India Act 1935 provided for federalism by means of centrifugal .forces. The Constitution of India is federal in form with unitary features.

**Definition**

Hamilton says that federal state is an association of states that forms a new one. Gammer states, "Federal state is a system in which the totality of Governmental power is divided or distributed by the national constitution or organic act of Parliament creating it, between a central government and the government of the individual states or other territorial subdivisions of which the federation is composed". K.C. Weheare considers that government to be a federal government which predo1n1nantly embodies a division of power between general and regional authorities, each of which, in its own sphere, is coordinate with other and independent of them. Dicey defines it as “a political contrivance intended to reconcile national unity and power with the maintenance of state rights”.

A federation is created when several independent and sovereign states having common aims and objectives form an association on constitutional, legal and permanent basis. The federating states surrender their sovereignty for the common good. The federal state becomes sovereign. It consists of units having a large measure of autonomy as far as regional matters are concerned.

A study of the federal government reveals certain distinguishing features which are described below- Features of federation.

(a) Two sets of governments: There exist two sets of governments in a federation. The governments are: (i) Federal, National or Central Government; (ii) Regional Governments which may be called States (as in the U.S.A. and India), Cantons in Switzerland or Provinces in Canada.

A federation is formed out of the desire to have union. rather than unity. Unity is the goal of unitary state but union is the basis of federation. It is because under federation the units do have political autonomy except in matters of national interest. So dual government having supremacy in their own sphere is the first feature of a federal government.

(b) Constitutional Division of Powers: Distribution of powers between central and regional governments is a marked feature of a federal government. In a federal state the subjects of national importance are given to the central government and those of regional importance. are given to the units. The distribution of powers is made by a written constitution.

Subjects of national importance like defense, foreign affairs, currency, foreign trade and maritime shipping etc. are under the control of the Central Government. And those of local or regional importance like peace and order, education, civil rights, hospitals and property are under the Regional Governments.

Generally powers may be distributed in three ways

1. The powers of the Central Government and those of the Regional Government may be enumerated.
2. The powers of the Central Government may be enumerated and the rest belongs to the units.
3. The powers of the units may be enumerated and the residuary powers belong to the centre.

In U.S.A., Switzerland, Australia, and the U.S.S.R. central governments have been given the enumerated power, but the residuary powers belong to the units or regional governments. In the case of Canada the powers of the units are enumerated and the residuary powers are with the centre. In India distribution of power, is based on three lists- Union list, State list and Concurrent list. Union list consists of 97, items, State list consists 67 items and the Concurrent list has 74, items. Residuary powers belong to the Central government. The Union legislature is empowered to legislate on .the items enumerated in the Union list; and the State legislatures legislate on the items enumerated in the State list. On the Concurrent list both the Union and the State legislature can make laws. But in .case of conflict between Union law and the State law, the former shall prevail. During the .time of emergency, Union government has been provided with power to rank law for the whole country on any list. Even in normal time, the Union government has been empowered to legislate on any matter in the State list, if the Rajya Sabha passes a resolution by two-third majority, declaring a particular subject of national importance. Hence, Prof. Wheare describes India to be 'Quasi Federal'.

(c) Written and Rigid Constitution: But distribution of powers .cannot be ensured properly if .there is no written constitution. A written constitution defines the relation between central government and regional governments in definite terms. Dicey says that a written constitution is the 'Charter of rights and duties of the federal and state authorities'. Prof. Whatre says if the government is to be federal there must be supremacy of the constitution. Supremacy of 'the constitution means that the terms and agreements which distribute power between central and regional governments must be binding on both. Not only the constitution should be written, it should be rigid to ensure the right of both central and regional government. It means that the constitution should not be amended either by central or regional governments by means 'of ordinary, law-making procedure. Secondly, power of amendment should not be at the disposal of one government only. It should belong to both to give equality of states to both central and regional government. In the United States of America amendment to the constitution may be proposed by a majority of two-thirds of both the houses of Congress or by a convention summoned by Congress on the application of the legislatures of two-third of states. The proposed amendment becomes effective when ratified by the legislature of three- fourth of states or by conventions in three-fourth of states according to the

one or the other method of ratification proposed by Congress. In Australia, the constitution can be amended on a proposal by an absolute majority of the two houses of parliament of the Commonwealth, or one House and it is to be ratified at a referendum "of the people. The Constitution of India followed a totally different procedure of amendment. Prof. Wheare rightly remarked that the constitution of India established a unitary state with subsidiary federal features. It talks of three different procedures of amendment. Some parts of the constitution like creation of new states, abolition of state boundaries and upper chamber, can be amended by simple majority in both the houses of Parliament. Some parts like election of the President, executive and legislative powers of Union or states, the provisions regarding the Supreme Court, the procedure of amendment require a majority of the total membership in each house of Parliament, a majority of two-thirds of the members present and .voting and ratification by the legislature of one-half of the states. The remaining provision requires a majority of total members present and voting in each bouse of the Parliament. However, the procedure of amendment in a federal state demands that it should be difficult and should give equal power to both centre and the states.

(d) Independent Federal Court: A federal state must have an independent federal court. The federal court is to settle disputes between central and state government. Secondly it is to ensure and guarantee the rights of regional governments against the encroachment of central government. Federal court should act as the protector of the constitution by guaranteeing the distribution of power. But the judges must be given the scope to deliver their judgment independently and impartially.

**Pre-requisites of' a Federation**

Federal states have been formed in the world by the union of a number of small sovereign states with the object of a common government either for better military or economic security, of course, the case with India different. It was created by the division of unitary state. However, a federation, is formed when the following conditions are present.

There must be strong desire for union for the formation of a federation. The adjacent small but independent states must develop an intense desire to form a federation for common interest such as for defence, rapid economic development and such other reason.

Federating units must have geographical contiguity. It means that the units should not be separated from one another by distant space of land and water. Geographical contiguity is also requirement to create a community of interests, common defence, and common economic advantages. Lack of geographical contiguity leads to carelessness on the part of both central and local government. It is difficult to attain national unity among the people of the federating units which are separated from one another by water or by foreign states. It is because of this East Pakistan seceded from West Pakistan s there was no geographical contiguity between the two parts of Pakistan. West Pakistan was separated from its eastern counterpart by a wide stretch of land. On the other hand federalism was successful in the U.S.A., Canada, Switzerland and India due to geographi contiguity of areas.

Federating state must desire union ratnei'thanunity:1'heyshouldhave a desire formation a unity retaining ilieii,ownindividualal1d autonomous, existence. Due to this. Dicey define federation as a political contrivance intended to reconcile national unity and power with the maintenance of state right. Prof. wheare seems to be justified when he says, group of states must desire to be united, but not to be unitary’.

There should be intense desire for junior among the component units for, the successful working of a federation. At the same time they should not surrender their identity and regional interest. They should preserve their own language, culture, their mode of living and the peculiar regional institutions.

There should be equality among the component units of a federation. 'No unit should be so powerful and domineering as to become the master of the joint enterprise'. Equality does not "mean absolute equality, but absence of wide disparity among the constituent units in respect to size, population and economic resources. If wide disparity prevails among the units, it is likely to violate the principle of equal partnership among the component units. It will generate jealousy, distrust and.. suspicion among the smaller states towards the bigger and more powerful states in a federation. This type of attitude is an impediment in the way of the progress of a federation.

Maintenance of social and political homogeneity is an essential requisite of a federation. Mill says that the inhabitants of a region desiring to establish a federation must possess a sufficient amount of mutual sympathy among themselves. He further states that the sympathies available for the purpose are those of race, language, religion and above all, of political institutions as conducive most to a feeling of identity of political interest. There may be racial, linguistic and religious differences among various groups in areas which desire to federate. The groups must overlook such differences by developing a sense of sympathy and discovering areas of common interest. Homogeneity in political institutions may lead to the formation of a federation. K.C. Wheare says that "…the desire for union has practical11never been aroused unless similarity of political institutions was present either actually or potentially among those who envisaged the union".

Wise and able leadership paves the way for the formation of a federation. An able leadership makes the people conscious of their common interests despite conspicuous differences in various groups of the different areas. Leaders with sincerity of purpose; patience, integrity of character, wide knowledge, statesmanship and power of eloquence can bring about the formation of federation. The desire for union in Canada was made effective by the leaders like John Macdonald, Alexander Galt and George Etienne; and in the U.S.A. the movement for Union was successfully led by the federalist, namely, Washington, Hamiltan, John Jay, Madison, Benjamin Franklin and James Wilson.

A federation is more expensive than the unitary type so it needs adequate economic resources. There exist two sets of government Union and the State government. If the unit depends permanently on the centre for financial assistance to run the administration the federal government cannot work smoothly and the equality of status among the: constituent units cannot be maintained. So both the central government as well as the state governments should be financially independent. Economic inequality will breed conflict among different units. It may result in disintegration of the federal state. Thus countries which are incapable of defraying the heavy governmental expenditure should not choose a federal type of government.

Political education of the people is essential for the successful working of the federation. The people must be loyal to their respective regional government as well as to the central government. They should be willing to obey the laws of both the governments. The people have to appreciate and reconcile the loyalty to two governments. .This demands intelligence maturity and political awakening of the people. There should be a judicious reconciliation between provincial loyalty and national loyalty.

National feeling among the people is a great stimulus which accelerates the successful working of federation. At the time of economic and political crisis the people should be ready to sacrifice everything for the eradication of the crisis. The people should give up the parochial feeling to achieve national unity and integrity. Aggressive regionalism is an disintegrating force which enervates the very structure of federalism.

**Distinction Between Unitary and Federal Types of Government**

1. A unitary government indicates a system in which all constitutional powers are concentrated in the hands of one central or National government. There mayor may not be local or regional or provincial government. Even provincial or regional governments exist they do not enjoy original powers derived from the constitution. They will enjoy only such powers as may be granted by the central government on a temporary basis for the sake of administrative convenience. In unitary states like England, France, Japan, Holland, Belgium, Sweden there is one legislature and the cabinet for the whole country.

   But in case of a federation, there exist two sets of governments — central government and the regional governments. There is constitutional division of powers between the centre and the units of a federation. Both the centre and the units retain supremacy in their respective sphere. In federal states like India, U.S.A., Canada, U.S.S.R. there are separate legislatures and the cabinets at the centre and in the provinces.

2. In a unitary government the Supreme Court is not so important. But in a federation the Supreme Court occupies an august position.

   It decides the disputes between the centre and the states. It interprets the constitution arid acts as the guardian of the, constitution.

3. In unitary state there is single citizenship.

   But generally in a federal state prevails dual citizenship. In the U.S.A. an adult is a citizen of his own state as well as the federation. In the U.S.A. and U.S.S.R. an adult is the citizen of his own state as well as of the nation. But in India there is the system of single citizenship which reflects the unitary bias of the Indian federation.

4. There prevails single system of law in a unitary state.

   But in a federal state a citizen has to follow double laws, i.e., the laws of his state and the laws of the centre. In India a citizen has to follow the law~ of his own state as well as that of the Union.

5. A unitary state may have a written or unwritten constitution. The constitution is usually of flexible nature.

   But a federal state must have a written constitution. It would be more or less rigid. To amend the constitution, a special procedure IS followed unlike passing of an ordinary bill in the legislature.

**Federation and Confederation**

Both the federation and confederation have been derived from the same Latin word 'foedus.' But they do not mean the same thing.

A federation is a permanent union of states. The federating state ender their sovereignty to create a common There exist two sets of governments such as Union government and the State

governments with constitutional division of powers between them. The units of a federation (except the federation of the U.S.S.R. does not have the legal right of secession.

But a confederation is a loose union of sovereign state created only by a treaty or agreement among the state for common defense and for other common purposes. The member state has a right to secession from the confederation.

Hall says: “A confederation is a union strictly of independent states which consent to forgo penitently a part of their liberty of action for certain specific objects. According to Oppenheim, a confederation consists of a number of full sovereign states linked together for the maintenance of their external and internal independence by a recognized international, treaty into a union with organs of its own, which are vested with a certain power over the member 'states', but not over the citizens of these states". Garner defenes the confederate government as a system in which each member state of a confederation retains its own sovereignty and has such from of government as it chooses, there being a common central organization only or mainly for their mutual support and defence.

The American confederation ( 1781-89), the German confederation (1815-66), and the League of Nations (1920-39) are the examples of confederation; and the U.S.A., Switzerland, Canada, Australia arid the U.S.S.R. are the examples of federation.

**Distinction between Federation and Confederation**

1. A federation is a permanent association of states according to a written constitution.

   A confederation is a temporary association of sovereign states according to a treaty or agreement.
2. The federation has wider aims and objectives to achieve. Confederation is formed for realizing specific aims or objectives.
3. In case of a federation a single sovereignty is created. The federating units surrender their sovereignty to create a common sovereign. Both the union and the state governments come under the control of the common sovereign. The federal and regional governments are coordinate and retain supremacy in their respective spheres.

   But in case of a confederation the confederating units are the sovereign states. They do not surrender their sovereignty to create a common sovereign. The general government is subordinate to the regional 'governments.
4. In a federal state, the central government as well as the regional governments has full control over all citizens. The individuals are the subjects of the federation. They obey the laws of both the central as well as the regional government.

   A confederation is only a loose union of sovereign states, but not a sovereign state. So it has no control over the citizens of the states. The citizens owe their allegiance to their respective states only. The individuals of the states are not the subjects of the confederation.
5. A federation is the result of the union of people in various states. A confederation is the result of the temporary union of states retaining their sovereignty.
6. A federation is a new state, but a confederation is a league of sovereign states.
7. In a federation the component units have no right to secession from the federation.

In the case of confederation the member state has aright to secession from the confederation federalism

**Federalism in Practice**

Federalism is as old as the American Constitution which came into existence in 1787. Thirteen colonies which were ruled by the Britishers, required union to fight for their independence and to build a new nation. So at first they formed a confederation under the name of United States. However, they won the battle and thirteen colonies became independent. After independence it was realized that confederation would be no more sufficient to manage their states. Hence, Washington, "Hamilton, Madison and many other federalists tried for the formation of federation. In view of that in the Philadelphia convention of 1787, they adopted the principle that the function and "powers of central government had to be defined and enumerated in the constitution while residuary powers were to belong to states.

The states in the U.S.A. enjoy more powers than those in India and Canada and the Central government in the U.S.A. is comparatively weaker than those in India and Canada.

**Swiss Confederation**

Following the U.S.A., Swiss confederation came into existence in 1847 by an attempt of seven catholic cantons to secede. The Protestant majority crushed the secessionists who had formed separate league. The defeat of the seven catholic cantons was the victory of the movement for national unity. The Swiss adopted a constitution very close to American system. The new constitution was called the Swiss confederation, though it was a real federation. So the term confederation is misleading.

The centre in Switzerland is more powerful that in the U.S.A. The Swiss Centre has a right to military intervention. The powers of the centre are enumerated and the residuary powers belong to the, units. There is administrative decentralization in Switzerland.

**Australian Federation**

To have a strong common defense, Australian federation was formed. It took its shape on January 1, 1901. The enumerated power belong to the centre, the residuary belongs to the states.

**Canada**

The Canadian federation came into existence in 1867, with the objective of better defense and economic strength. The civil war in America induced the Canadian constitutional makers to" go for a strong centre. Over the enumerated list, provinces were given the power and the residuary powers were with the centre.

**The Union of Soviet Socialist Republic**

Among the communist states, the U.S.S.R. has a federal government. A federal government was set up in Soviet Russia in 1936. The powers of the Union Government are specified, and the residuary powers are with the constituent republics. The republics have the right to secession. Prof. Wheare says that the constitution 1936 was quasi-federal. But he does not consider the U.S.S.R. 31 working example of federal government.

**Recent Trends of Federalism**

In all the federal states, there is a growing trend towards centralization. The doctrine of implied powers in the U.S.A. has helped in extending the influence of the central government. In Australia, the High Court has sanctioned a centralizing process. In. Switzerland four factors like war, economic depression, demand for more social services, mechanical and technical revolution in transport and industry have contributed to the process of increasing centralization. In India centralization making

inroads into state autonomy is due to different factors like one party dominance national or economic development through planning, secessionist activities, population explosion, poverty etc. Many scholars have justified the centralization trend in view of the pressing socio- economic problems. The old view of State's rights is gradually losing its hold upon the people. Especially, after the advent of welfare state, central government's growing power has been an established fact.

The powers of federal government are increasing at the expense of regional government for many reasons. Lipson holds that "older patterns of decentralization whether in the form of local autonomy under a unitary system or state's rights in a federal union are doomed to dissolve in. the corrosive acids of twentieth century politics, economics and technology. Virtually all the great driving forces in modern society combine in centralist direction".

But Prof. Wheare says that he does not accept the idea that federal government is really no more than a stage towards unitary .government. He says, "This is prophecy not an historical judgment, for, so far, no federal government-as I define it has become a unitary government".

There are certain factors which indicate the bright future of federalism. These are as follows:

1. Units Not Subservient: In a federation units are not subservient to the centre with the increase of power of the centre- .Both retains their supremacy in their respective spheres. K. C. Wheare is of the opinion that "if the functions of the centre have increased in federations, functions of the units also have increased. If the centre is allowed to undertake works of national importance, it is because the units know that they are of national importance, and they will not be able to undertake them, if left alone without the aid of the centre".
2. Centralized federation is stronger: The process of centralization reinforces the bond of national unity by eradicating the shortcomings of federalism. A centralized federation is able to achieve unity out of diversities and brings about greater solidarity.
3. Centralization Need of the time: A federal state with a strong centre can only thwart the disintegrating and subversive forces. Centralization is a rational justification for meeting the exigencies of time.
4. World Federation Federalism is the panacea for the existing maladies of the world. In future when states will decide to form a world government by surrendering their sovereignty, they will choose a federal, form of government and not a unitary one. R.G. Get tell says: "Many writers have extolled the merits of the federal principle and have urged its further application in the formation of larger" political. Units even to the extent of a world federation".

Dual federalism is now supplanted by co-operative federalism. Dual federalism believed in the exclusive area of authority of union and state government. Cooperative federalism emphasizes the cooperation between the centre and the states for execution of welfare programmes. It is not a question of competing for power, it is a question of realizing the task of accomplishing the will of the: people. That is the main objective of federalism.

Professor Wheare has rightly stated that federal form of government does not stand for multiplicity alone; it stands for multiplicity in unity.

We can conclude with the words of C.F. Strong that "if the world is moving towards the organization of a universal state out of the international anarchy which we have hitherto known, it is pretty certain that it is on federal, lines that .this will be achieved".

**Problems of Federalism**

Federalism is one of the most important factors of model constitutionalism. It is established all over the world perhaps, as the only form of political organization suited to communities with diversified pattern of objectives, interests and traditions, who seek to join together in the pursuit of common objectives and interests and the cultivation of common tradition. The basic objective of federalism is unity in diversity, devolution in authority and decentralization in administration.. The basic condition of federalism is plurality, its fundamental tendency is harmonization and its regulative principle is solidarity.

According to Daniel J. Elazara, "Federal system provides a mechanism which unites separate politics within an over-arching political system so as to allow each to maintain its fundamental political integrity". As we have already noted, federalism stands on the principle of 'unity in diversity. The cases of the United States, Switzerland, Canada and; India illustrate that in each one of them there are prevailing diversities that are sough to be preserved. Though the people have diverse religious, ethnic and cultural patterns or life, they have also developed a sense of common identity that they do not desire to lose. This is not to deny that, in spite of these social and cultural differences, there must be an over-riding sense of unity to bind the diverse people together. The federal State, differing as it does from the Unitary State in essential features, has to face a number of problems. It has two sets of governments which must work in concert and harmony. The most important problems faced by federal States in general may be enumerated as follows:

1. A satisfactory division of powers: Two sets of governments operate simultaneously in a federation.' The Central and State governments enjoy powers under the constitution. The main problem is to effect a satisfactory division of powers between them. It is, to adopt Bryce's metaphor, "to keep the centrifugal and centripetal forces in equilibrium, so that neither the planet States shall fly off into space, nor the sun of the Central Government draw them into its consuming fires". The general principle underlying the division of powers is that all matters of national importance, e.g. defense, foreign affairs, railways, currency are allotted to the Central government while matters that are primarily of local or regional importance e.g., education, public health, local administration are assigned to regional governments. The details of the division vary under different federal conditions. There is variation not only in the particular subjects which fall within the sphere of the Centre and of the Units, but also in the way in which the division is affected. Broadly speaking, there are three such methods. Firstly, in the U.S.A., Switzerland, Australia and1he U.S.S.R., the powers of the Central .government are enumerated in the constitution while the remaining powers or residue is left to the regional governments. Secondly, in Canada, the powers of the provinces are enumerated; the residue is left to the Centre. Thirdly, in India the powers of both the Central and State Governments are specifically enumerated in the Union list and State list respectively while powers mentioned in the Concurrent list are enjoyed by the two sets of governments. The residuary powers are vested in the Central government.

   The governmental powers must not only be satisfactorily distributed between the Centre and the Units, but provision must be made to prevent either from encroaching upon a sphere allotted to the other. The most important safeguard is the setting up of an independent Supreme Court to interpret the constitution and decide conflicts of jurisdiction between the Centre and the Units. Again, the constitution is made rigid so that neither the Central nor State legislatures can

unilaterally change its provisions. Some part is given both to the Centre and the Units in the process of amending the Constitution.

2. Protection of the Smaller Units against dominance by the larger: In most federations the Units are unequal in size and the larger units may have a predominant influence in the Central Government on account of their larger representation in the lower House of the Central legislature. The first provision to prevent this evil is that in the second Chamber of the Central Legislature, every .unit is given equal representation (followed in the U.S.A., Australia, Switzerland and the U.S.S.R.). Further in all these federations the second Chamber is given powers very nearly equal to the first. The second safeguard is that all amendments to the federal constitution require ratification by at least half of the Units.
3. Organization of the relation between the Centre and the Units: Normally in a federation the Centre and the Units are independent of each other in the spheres allotted to each by the Constitution in legislation, in administration, and in finance. In actual practice various points of contact are established between the two. Under the American Constitution the federal government shall guarantee to every State a republican form of government and to protect them against invasion and domestic violence. In Canada the Governor Generals empowered to veto provincial laws and appoint Governors of the provinces. The Indian Constitution provides for detailed legislative, administrative and financial relationships between the Union and States.
4. Organization of the relation among the Units: Federal Constitutions contain provisions to regulate the relationship of the units so as to secure harmony among them in respect of certain essential matters. Thus every State is enjoined to give full faith and credit to the public acts, records and judicial decisions of every other State; the citizens of every State are entitled to the privileges and immunities of citizens of every other; it is required that all goods and commodities produced in anyone of the Units shall be admitted free into every other; all alliances of a political character between the Units are forbidden; and so on.
5. A satisfactory method of Amendment: A federal constitution is necessarily rigid. The peculiar problems .with regard to the I amending body are that (a) neither the Centre nor the Units could unilaterally amend the constitution and (b) it is desirable that in the body which is authorized to change the constitution, both the Centre and the Units are given some place, and further that the smaller units must be protected against dominance by the larger.
6. Secession: It is possible that one or more of the Units may as the Southern States of the U.S.A. did in 1861, claim the right to secede or break away from the federal Union. The issue in the U.S.A. was decided by the civil war against secession. The Soviet Constitution is unique in recognizing the legal right of secession. Where such a right does not exist the only legal method for a Unit to secede from the federation and regain its sovereignty would appear to be an amendment of the Constitution. However, the working of federalism exhibits a strong bias against secession. Some federations have proved successful, while others have failed. Some of the federations have disintegrated while others have been converted into unitary political unions.

In addition to the general problems faced by most .of the federations outlined above, some of the specific and practical problems faced by federations may be enumerated as follows:

In a federal state a fear of disintegration always remains. If people do not learn that the interest of the nation as a whole over- rides their primordial loyalties, then divisive tendencies surface and the

nation faces the disastrous effects of these forces that balkanize a country. Only a strong Centre can meet the challenge of this sort of fissiparous tendencies as was done by the government of President Lincoln in early 1960s in the United States.

Language differences have proved to be a major problem of federalism. The Swiss have four official languages, India has fifteen. Trouble arises when the strongest unit of the federation attempts to force a particular language on others. Congress Party in India tried ~ to impose Hindi and the Pakistani government tried to force Urdu on the East wing (now Bangladesh).

Religion may also be a problem for federalism. India is a fine example of religious heterogeneity creating occasional turmoil to weaken the federation. But the religious process need not be always divisive. So long as there is a reasonable tolerance on the part of the people and a genuine secular policy on the part of the government religion may not cause imbalances in a federation.

In a federation, if there is ethnic variety, the solution is, to make the boundaries of the constituent federal units coincide with the boundaries of each ethnic group. This has been the case in Yugoslavia, Czechoslovakia, the Soviet Union, India, Switzerland etc. However, in such cases also problems occur. Even when ethnic groups occupy compact geographical areas their boundaries are not so sharp and distinct that minorities of one group will not be left in a political unit designed for another group. Moreover, great difficulties may be created as migration and urbanization mix up the groups.

Problems in a federation may occur due to relative economic and fiscal incompatibilities among the units. The forces of imbalances in the field are demands for economic planning and development and for regional economic equality and financial autonomy of states.

Demand for a financial equality of a region creates problems in federation. This is the case with the states of India. Some states are declared as poor and on the principle of equalization, are getting grants in aid. But the dilemma in a federation emerges that if the principle of equalization is adhered to, the national income and the total income growth will suffer. Again, if much attention is paid to economic development, equalization of all units cannot be attained. Physical environment may also create problems for a federation by affecting communication. A federation where the lines of communication are long and difficult has to face the difficulty of keeping in touch with all the units. It is easy for creating misunderstanding and conflict and perhaps this was one of the important causes for the separation of the east wing from Pakistan. Moreover, if good communication cannot be ensured the poorer units tend to develop a complex of neglect and feel that they are receiving less than their fair share of resources for development. In India, the North-Eastern states are having similar feelings and creating problems for the federation.

External forces also sometimes disrupt a federation. For example, there are tensions in the North-Eastern states in .India due to the involvement of neighboring countries. The Tamil issue in Sri Lanka creates disruptive forces in India. The Pak hand in Khalistan movement also has a say in weakening the Indian federation.

No doubt, there are numerous problems in a federation, but when they are detected at the right time and are mitigated successfully, they cannot breakup a federation, though may prevent optimum functioning through tensions. It is, therefore, desirable to foresee and guard against them as much as possible. In a federation there should be a happy co ordination between the central and regional governments. Though the areas of their respective jurisdictions are specifically earmarked, it is also

required that the two governments remain connected with each other. Federalism should have a co-operative arid not a competitive, a persuasive not a 'coercive, a flexible not a rigid and above all a positive and not a negative character.

In spite of several inherent problems as we discussed, a federal system alone is suited for the countries having a vast area and diversity in respect of respect of racial, religious, linguistic and cultural factors, it is for this reason that several countries of the word have adopted it (Padhi, Baral and Hazary : 2006).

**The Nature of the Indian Federal System**

Some scholars of government, Indian and foreign, describe India as a quasi-federal state and some even regard it as a more unitary than federal. Thus G.N. Joshi content that "the union is not strictly a federal polity but a quasi-federal polity with some vital and important elements of unitariness… it is designed to work as a federal government in normal times, but as a Unitary government in times of emergency." It must be remembered, says J .P. Suda, "that though India is a federation, her' constitution departs from the ideal of a true federation in several vital and significant ways. She is not a genuine federation, but a quasi-federation having several features of a unitary state. K.C. Wheare, a well known British authority on federalism, classified India a unitary state with subsidiary federal principles rather than a federal state with subsidiary unitary principles. Charles Alexandrowicz argues that India is a true fed rational though like all other federations, it has distinctive characteristics-and that it is misleading to refer to India as a quasi-federation. According to Norman D. Palmer: "The Republic of India is a federation, although it has many distinctive features, which seem to modify .the essentially federal nature of the stat." Sir Ivor Jennings feels that "Indian has a federation, with a strong centralizing tendency". K.M. Munshi, a distinguished state man and member of the Constituent Assembly, held the view that the Constitution made India "a quasi federal union invested with several important features of a unitary government. P.B. Gajendragadkar, a former Chief Justice of India, opined that though the Constitution "partakes of some of the characteristics of federal structure, it cannot be said to be federal in the true sense of the term. W.H. Morris Jones held the view that Indian federalism was a kind of 'cooperative federalism' where bargaining took place between the "Centre and the States, but ultimately a solution came out and both agreed to cooperate. Benjamin N. Schemed opines that there was a tendency of centralism in the Indian Federalism, but that was not because of its structural framework but because of its socialistic goals and centrally devised plan development.

Thus, numerous scholars, reflecting on the vast powers left with the Government of India and the subordinate role of the States and also the crucial powers of the Union to practically annihilate existing state, doubt whether India is a federation at all. Some have called it a 'pseudo-federation'. Others feel that it would be more appropriate to call it a quasi federation. However, many political thinkers have suggested that there is no such thing as a quasi-federation and that a system is either a federation or it is not a federation and that India should be grouped among the federations by virtue of its Constitution.

India is a federation. Now, in order to have our ideas clear on this matter, we must know what the criterion of a federation is. In a federation, there should be a central government and state government. Secondly, the powers and functions of both the central and state government should be defined by a written constitution. The third criterion is that there should exist an exclusive field for the centre and another exclusive field for the states before it can be called a federation. The fourth test is

that both the centre and any of the states should have the power and ability to function in its exclusive field through its own agencies. The essential difference between a federation and a confederation is that a confederation is a sort of a state which usually has no central agency or government to implement its policies. It has to depend upon its units for the implementation of its policies. In the case of a federation, the central government will have its own agencies for its functions and the units will have their own agencies for their functions. The last test of a federation is that it should be possible for any citizen or for a state to have disputes relating to the powers and functions of the central government the units decided by the courts, that is to say the relations must be justifiable. Now, if we apply these tests, our Indian Constitution satisfies each of them fully and, therefore, there can be no doubt that India is a Federation.

**Indian Model of Federalism**

Three models of federalism are in vogue viz, Unitarian federalism, co-operative federalism and bargaining federalism. There a is a distinction of degrees rather than kinds in these models. Sometimes all these models are visible in a political system in comparison and to each other. Let us look at these models in the Indian context.

**Unitarism Federalism**

A historical study of the growth of federal the systems brings home the political truth that al-what was happened during the first half of the. 20th Century is that the central governments l in have developed their powers more and more intensively at the expense of the areas in originally allotted to the regional governments. It is due to this that the national governments have grown in importance in comparison with the regional governments. The main forces that have contributed to the on growing strength of the national government at the expense of regional governments seem to have been six fold war politics, depression politics, welfare politics, techno-politics ice grants-in-aid politics and party politics. The n. horrible conditions of war and economic depression demand unitary control for the effective protection of national interests Similarly, the ideal of social welfare State enjoined upon the national government have increase its scope of activity more and more of to eradicate gigantic evils of poverty, un. pact employment, disease, starvation, ignorance has etc. Techno-politics means the study of political institutions in the light of scientific technological developments having their the pact upon the working of governmental machinery. It means government by expert and technocrats and not the leaders chosen cons. the people. The experts and technicians stress goals of development and lay down policies and programmes. As these specialized services are mostly provided by the national government, the regional governments have to carry out the plans, programmes and instructions prepared by the technocrats working behind the rulers of the central administration. The regional governments live in a perpetual condition of financial difficulties. They not only have meager resources, but they are forced to collect money that they cannot spend and also forced to spend, in a particular way, money that they do not collect. In many cases, the provincial governments have to stand like 'beggars' at the door of the Centre. Though a formal federal system in all respects, the very system is reduced to a Unitarian model when political parties run the machinery of general and regional governments without federalizing their own character. In this context the case of the Congress Party in India is a striking example. The High Command of this party is the final authority 'h in matters of distribution of tickets, composition of the Union and State ministers, selection of the Prime Minister and Chief Minister, etc. The result is that both the Union and State governments in India are virtually con- trolled by the all-powerful party in away that our federal pattern has become a matter of

form while its spirit has become unitary under the rule of the Congress Party. Carl J. Friedrich envisages, "if the government is federally structural, parties must adapt themselves to such a structure." However; this does not happen in practice.

**Cooperative Federalism**

A federal system not only stands for the distribution of powers between national and regional governments, it also desires sincere cooperation between the two sets of political organizations in order to ensure that the ideal of co-ordination and complete administration of the divided spheres is attained as effectively as possible. It is needed for the obvious reason that there is the area of interregional relationships disallowing any component unit to keep itself completely off from others in the interest of administrative efficiency and nationalist sentiments. KC. Wheare rightly visualizes that if each regional government "keeps completely to itself, many matters win suffer from diversity of regulation and government itself will be less efficient be- cause the experience of other states will have been neglected." Hence, some agencies of inter-governmental cooperation have been devised in various federal systems of the world. Taking the case of the Australian federal system, we find Inter - Provincial Conference and Premiers Conference. The Governors Conference in the United States and Dominion-Provincial Conference in Canada are other cases of similar institutions for federal cooperation.

Granville Austin is of the view that the Constituent Assembly of India was the first assembly which adopted from the very start what is called as the concept of co-operative federalism. This concept is distinct from Wheare's concept of federalism who says that "the general and regional governments of a country shall be independent of each other within its sphere." As against this, the concept of cooperative federalism implies a strong Central Government. This does not, however, mean that the provincial governments are weak. According to Austin, provincial governments are largely administrative agencies for Central policies. He quotes A.H. Birch, who defines co-operative federalism as:

"The practice of administrative co-operation between general and regional governments, the partial dependence of the regional governments upon payments from the general governments, and the fact that the general governments, by the use of conditional grants, frequently promote developments in matters which are constitutionally assigned to the regions."

Inter government level cooperation in different fields has been the most significant aspect of Indian federalism. An instance of co-operation of the States with the Centre in the field of legislation is provided by the Estates Duty Act, 1953. Many of the State legislatures through formal resolutions agreed to empower the parliament to legislate in regard to levy of succession duty on agricultural lands which under the Constitution is a state subject.

Administrative co-operation on a wide scale is a remarkable development in the operation of Indian federalism. Some instances may be given here. For the execution of land reclamation and development schemes under the plans the Central and State tractor organizations function in close co-operation. The Central inspectors help the State inspectors in enforcing the provisions of the Drugs Act. The Union and State organizations work in a spirit of harmony in carrying out community development programmes and above all the state planning departments and the Central Planning Commission work in a spirit of maximum cooperation for all round development of the country. Planning in India is a co-operative enterprise in which the basic norms of development are set by

Centre in discussion with the States, a large amount of finance is provided by the. Centre and the main administrative machinery is supplied by the States.

Another fruitful line of co-operation in India has been in the direction of utilization of the water resources of the country. For instance, the Damodar Valley Scheme is a joint endeavour in which the Centre and the States of West Bengal and Bihar are involved.

A major development has taken place in the field of financial cooperation. This financial assistance to the States entails no doubt a certain amount of Central control; but it also reveals a sincere desire on the part of the Centre to help the States in fulfilling their responsibilities. The States are endowed with inadequate resources. Hence many of the welfare functions of the States would suffer in both quality and quantity, and some would remain unrealized unless large financial cooperation comes from the Centre.

The Indian Federation has also evolved conference techniques facilitating smooth Union - State relations and inter-level cooperation. Periodic conferences between the representatives of the Union and the States have become a regular feature of the operative machinery of Indian federalism. One would come across a stream of regular conferences in India: Conferences of the State t Governors, meetings of the State Chief Ministers, State Ministers conferences and meetings of the Union and State officials.

The value of these meetings lies in adoption of an integrated and co-operative approach towards the solution of the numerous problems which arise under India's federal structure

**Bargaining Federalism**

In the newly independent countries of Asia and Africa the bargaining model of federalism is prevalent. The party system and i federalism are closely related and in the Western countries two party system came into existence for the working of federal system. In Western countries, we find a consensus among political parties on the fundamental issues and, therefore, they can play the role of coordinating agencies in the federal system. But in Third World countries we find a large number of national as well as regional parties. Due to the multiplicity of parties it is natural that a national party rules at the central level and some other national or regional party comes in power at the provincial level. Generally it is seen that the regional parties form the governments in various provinces and they start the process of political bargaining with the party in power at the Centre. We all are familiar that this bargaining process was found after the Fourth, Sixth, Ninth, Tenth, Eleventh and Twelfth Lok Sabha elections in India, when the non-Congress and regional parties came to power in the States.

Morris Jones talks of federalism in India as an example of the concept of competitive bargaining. One illustration may be given from procedures on legislation. The Constitution prescribes that bills passed by State Legislatures may on submission to the Governor be refused assent or returned for reconsideration or reserved for the consideration of the President, and further that bills dealing with public acquisition of property must be so reserved. By convention, however, States send such bills to the Centre for examination and comment in advance, so that the reservation procedure when, reached is merely for- mal; some States go further and submit in this way most bills which deal with subject on the Concurrent List.

Bargaining federalism is- also traceable in the existence, formal as well as tacit, and operation of various institutional agencies such as the Planning Commission, National Development Council, Finance Commission, Inter-State Council, Zonal Councils and a host of statutory bodies for the

adjudication of disputes with respect to use, distribution and control of inter-state rivers, etc. In other words, the Indian Constitution envisages the appointment of a number of high level com- missions, both permanent and ad hoc, for the specific purpose of reconciling diverse and conflicting interests with the co-operation of Union and State Governments.

Hounded by the charges of corruption pending against her, yet buoyed by the resurgence of her party in the 1998 LokSabha elections, AIADMK supreme J. Jayalalitha tried to bargain for a more decisive role in the new government at the centre. For a full 24 hours after Vajpayee received the president's letter asking him to demonstrate support the imperious Jayalalitha kept the BJP leadership dangling. She listed her demands: Dismissal of the DMK Ministry; appointment of S. Swamy as either finance or law minister, bifurcation of the Finance. Ministry and the appointment of V. K. Ramamurthy as minister for revenue and banking and endorsement of the candidature of the AIADMK's M. Thumbi Durai for the post of deputy speaker.

In justifying her refusal to actually put "unconditional" support to Vajpayee into a letter addressed to the President, Jayalalitha has cited the BJP's "total negative attitude" to Tamil demands. Those listed include legal safeguards for allowing Tamil Nadu to continue with 69 per cent reservation, the implementation of the interim Cauvery Waters award and the restoration of the Periyar reservoir. India Today observes:

"With 27 MPs, Jayalalitha can demand a price for support to any government….. Along with N. Chandrababu Naidu's band of 12, Jayalalitha complexion of any government in the 12th Lok Shbha."

An unparallel bargaining for sharing of power at the Centre, apparently for the fulfillment of regional aspirations, was evident in the formation of the Government after the 1998 elections. Whether it was Mamata Banerjee of West Bengal or Jayalalitha of Tamil Nadu, or P. S. Badal of Punjab all tried to extract the maximum share of the spoils and to seek solutions of the problems in their respective states. The way the Lok Sabha Speaker belonging to the TDP was elected has created a new history. The deliberately enacted drama by the TDP to support the BJP led coalition has no parallel in Indian history, and perhaps elsewhere as well. Politics of convenience has thus become a new creed.

Again, in July 2006, DMK threatened to walk out of Government on the issue of disinvestment in the Neyveli Lignite Corporation, the Prime Minister (Dr. Manmohan Singh) was forced to keep all disinvestment decisions and proposals on hold, pending further review.

**Historical Background**

Carlo Schmid in his address to the West German Parliamentary Council in 1948 remarked: "While federalism all the world over implies uniting of what was separated, it is apparently intended to introduce federalism in our case in order to separate what had already been united" Schmid's statement is very much applicable to India. Here also, federalism was intended to meet the exigencies of political situation and it was, introduced by disintegrating a Unitary State. The idea of a Indian federation had its origin in the First Round Table Conference held in London in 1930. There were two difficulties to be overcome for evolving a constitutional settlement for India: one was to meet the aspirations of the Muslims for regional autonomy in respect of provinces in which they were in majority and the other was to integrate the Indian native States with the then British Indian provinces in one common central ad- ministration. A strong Centre is not indispensable for a Unitary State which cannot be reconciled with autonomous provinces nor can autocratic native States be lumped together with semi-democratic

provinces as regional governmental areas of a centralized unitary State. Federalism was the only way out of this imbroglio and it was designed to meet both these necessities at the same time. Participation of reactionary States in the Central administration which was to be run on the model of parliamentary democracy would also operate as a counterpoise to the extremism of Congressmen who were bound to capture power in the new Government and this was the reason which aroused British interests in States' participation in a common federation. The Indian provinces were never enthusiastic about the federal idea though they were willing to work out the scheme for the sake of unifying India under one common government at the Centre.

The federal scheme was embodied in the Government of India Act, 1935 though it could not be put into operation owing to non participation by the requisite number of States and also due to the sudden outbreak of the Second World War Nevertheless, autonomous provinces were created under the Act as the first step towards the establishment of the federation subsequently and spheres of competence were precisely demarcated between the Centre and the Provinces. The framers of the Constitution were conscious that they were running counter to the centuries old tradition of unitarism by erecting a federation through a process of disintegration of the unified national, political and economic system and as such too many un federal features were interposed in order to make it workable. The formalism of a federation was there. The Constitution, being an enactment of the British Parlia1nent, was certainly supreme and unamendable either by the Centre or by the units or by any other authority under the sun. Powers were distributed between the Centre and the Provinces, though the residuary authority was reduced to a minimum by the insertion of a third list known as the Concurrent List and these powers were strictly derived from the Constitution itself. A federal court was set up to decide cases arising out of, by or under the Constitution and the finality of its authority was restricted by permitting appeals in some cases to the judicial committee of the Privy Council in England. These formal features of a federal state started operating from 1937, despite the non-inauguration of the federation itself.

Since then Indian political opinion flowed through the channels of federalism. All subsequent proposals of constitutional reforms took the federal idea for granted and when the Muslims clamored for national self-determination, a minimalist Centre with very strong units was looked upon as the surest next step. It was unfortunate that the contemplated federation was never established; had it been operative for a few years, habits of co-operation developed between the Indian States and the Provinces and among the different communities in limited government at the Centre and considerable autonomy in the province might have minimized separatist tendencies and prevented subsequent partition of India. In fact, all provinces whether they were ruled by the Congress or the Muslim League, had moved in union since 1937 and entered the same categories of social and economic ameliorative legislations. Their co-operation in the interests of the nation was equally sincere as was evident from the various conferences convened by the Government of India for mutual consultation and exchange of views. This was not to be when the Cabinet Mission of 1946 laid down the blueprint for a Constitution to be drawn up by the Constituent Assembly; they provided for a very feeble Centre whose jurisdiction was to be confined to defense, external affairs and communications with powers for raising necessary finances for them. The residual authority was to be vested in the provinces who were required to constitute group governments for themselves and share powers with them. In the three-tier administration thus envisaged, the federation was to have either three components in the form of the three groups or as many units as there were provinces and native States willing to participate in the

federation. From the Act of 1935, it was clearly accepted that the 'Federal centre would not have co-equal Jurisdiction in respect of all the component units; the provinces were to be under the control of the centre in regard to all items enumerated in the Federal list, whereas control over the ascending Indian States would be limited to the items specified in the Instrument of Ac- cession signed and executed by the rulers of those States.

Consistent with the Cabinet Mission Plan, the Constituent Assembly had set up a Union Powers Committee for the purpose of preparing the basic principles for distribution of powers. It was understood that the principles devised would conform to the needs of a very weak centre. But before the committee had submitted its recommendation, India was partitioned and the Constituent Assembly was entrusted with the task of drawing up a constitution which would meet the requirements of the new India; Partition had also achieved the beneficent result of hastening the accession of the Indian States to the Union. Their representatives joined the Assembly and participated in the codification of the Constitution with full knowledge that the document would be applicable to them also. While the Assembly was going through its painstaking and elaborate labors, the picture of the Indian States was changed beyond recognition. The rulers, one and all, handed over their right of administration to the Government of India and in return got privileges and privy purses. A separate homeland for the Muslims in Pakistan and complete merger of the State administrations with the Government of India did not leave any more justification for conforming to the Cabinet Mission Plan.

In presenting the Report of the Union Powers Committee to the Constituent Assembly on August 20, 1947, Jawaharlal Nehru, the Chairman, said:

"We are unanimously of the view that it would be injurious to the interests of the country to provide for a weak central authority, which would be incapable of ensuring peace, of co-coordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere. At the same time, we are quite clear in our minds that there are many matters in which authority must be solely with the units and that to frame a constitution on the basis of a unitary State would be a retrograde step both politically and administratively."

The Committee had thus prescribed a federal structure with a strong Centre. In the meanwhile, certain developments had taken place on the national front which streamlined the need for a strong Centre. The bitterness of the Direct Action of the Muslim League in 1947 had not disappeared when the terrible massacre and the exodus of people in millions out of their hearths and homes, spread lawlessness throughout the country and in some cases retaliation against the Muslims left behind in India was equally poignant. More than five million people sought relief and rehabilitation in India. When the new Government of India was overwhelmed with the colossal magnitude of this unprecedented problem, communal rabidity re-emerged in the country and it led to the assassination of Mahatma Gandhi on January 30, 1948. Repercussions of the Second World War and the transfer of the grain growing areas to Pakistan created an acute food crisis, for which in addition to strenuous attempts and enormous expenditure for growing more food in the country, the Government sought food assistance from other countries. With want of food and growing lawlessness at home and the victory of the communists in the civil war in China, their compatriots in India were emboldened to indulge in aggressive activities. For some time, law and order was in jeopardy in Hyderabad and parts of Madras and West Bengal. Besides, substantial sums of money were being spent in defending Kashmir against an unprovoked aggression from Pakistan. The cumulative effect of these was mitigation of provincial consciousness and over-emphasis on national unity; the cry of emergency arid

'nation in danger' was echoed everywhere. It was clearly perceived that without a strong Central Government to direct and mobilize the united efforts of all segments of the nation, the emergency could not be warded off. A constitution codified in a period of such stresses and strains could not but provide for a centralized federation.

Tradition dies hard. The federation of the government of India Act of 1935 had been characterized by centralizing tendencies. For a country which had nourished a sense of unity as a cherished doctrine of nationalism for more than a century could not all too soon be divided with a consciousness of separatism India is a conglomeration of races, religions, communities, castes and languages, these divisions transcended the artificial boundaries that the provinces and the states possess. Separatism on the basis of this political division could not, therefore, be constructive and solid, on which alone the federal structure rests. An Indian Federation was bound to be centralised and the Act of 1935 had recognized it. The new Constitution of India could not break away from the basic assumptions of that stillborn federation. Immediate redrawing of the boundaries of the units for the purpose of creating rational units for a solid federation would have reawakened centrifugal tendencies lying dormant and created more problems than what such a step was like to solve. Therefore, the most desirable course was to allow the old system to continue and as such the Indian federal union has an overdose of centralism. This is what B.R. Ambedkar wanted it to be. He said: "The word 'Indian Union' indicates two things, viz., (a) that the Indian Federation is not the result of an agreement by the units; and (b) that the component units have no freedom to secede from it." o This vests complete supremacy in the Union Government.

**Historical Development and Features of the Indian Federal System**

There is a view that the federal concept in India was not the product of a gradual process of evolution but represented a decision which was somewhat abruptly taken as a result of the necessity of including the Indian States within the Indian polity. Although the roots of India's present federal system are found in the Government of India Acts of 1919 and 1935, the federal idea was not entirely novel to Indian society.

From the time of the Regulating Act of 1773, which consolidated British possessions in India to Government of India Act, 1935, the process of centralization in India was carried to an extreme degree and the superintendence, direction and control of the whole civil and military Government of India was vested in the Governor General in Council. The Joint Parliamentary Committee of the British Parliament described the constitutional set-up existing before April, I 1937 as "a unitary and centralized government with the Governor-General in Council of the keystone of the whole constitutional edifice" The Montagu - Chelmsford Report (1918) had earlier observed: "Our conception of eventual future of India is a sisterhood of states, self-governing in all matters of purely local or provincial interest. Over this congeries of States would preside the Central Government". The Government of India Act, 1919, provided for a considerable method of devolution of authority to the provinces. Provincial subjects were classified into "reserved" and "transferred" categories, the latter being entrusted to Ministers who were to work in responsibility to their Legislatures. The Act further laid down that the powers of superintendence, direction and control over provincial governments vested in the Government of India in relation to the transferred subjects could be exercised only for certain specific purposes. Although these provisions gave a certain measure of autonomy to the provincial authorities, the Government of India remained in essence a unitary government. The report of the Indian Statutory Commission, 1929, noted: "The ultimate Constitution of India must be federal,

for it is only in a federal constitution that units differing so widely in constitution as the provinces and the States can be brought together while retaining internal autonomy".

A federal polity in India was envisaged for the first time under the Government of India Act, 1935, with a Central Government and Provinces deriving their jurisdiction and powers by direct devolution from the Crown. According to Seervai, the 1935 Act adopted a federal solution as all the parties concerned, namely the British Crown, the Rulers of Indian States, and the leaders of the political struggle, favored it for different reasons. The British favored a federal India as they could protect their trading interests if there was a conservative element in the shape of the Indian States, whose interests coincided with theirs. The rulers of the States welcomed such a structure because it offered them the best chance of retaining their autocratic powers which were protected by their treaties with the British Crown. The leaders of the political struggle thought that it offered the best possibility of an early realization of their goal of political freedom for the whole of India.'

Under this Act, the federation could give .direction to the provinces whenever there was a conflict of any kind between the Federal Government and the Government of the Provinces. The Governor-General as arbiter could exercise his discretion to dissent from, or to overrule, the Provincial Ministry. These reservations considerably diluted the Federal structure and the Central Government and the Legislature had practically no powers to enforce federal policies. Jawaharlal Nehru wrote: The Act provided for some kind of provincial autonomy and a Federal structure but there were so many reservations and checks that both political and economic power continued to be concentrated in the hands of the British Government. The Federal structure was so envisaged as to make any real advance impossible. Thus reactionary as this structure was, there was not even any seed in it of self-government. The Act strengthened the alliance between the Government and the Princes, landlords and other reactionary elements in India it retained in British hands complete control over Indian finances, military and foreign affairs, it made the Viceroy even more powerful than he had been".

The federation envisaged by the 1935 Act was to come into effect only after the princely states had decided in favour of accession. Negotiations which were going on over a draft Standard Instrument of Accession were abruptly terminated by the outbreak of the War.

Thus, when the Constituent Assembly was set up under the Cabinet Mission Plan of 1946, the organization of the Central Government in British India remained the same as it had been under the Act of 1919, with the distribution of legislative and administrative powers between the Centre and the Provinces contemplated under the federal scheme, minus the Federal Executive and the Federal Legislatures.

When the actual framing of our Constitution was taken up, the main model to draw up a federal framework was quite surprisingly the model provided under the 1935 Act. This came in for considerable criticism during the Constituent Assembly debates. Dr. Ambedkar acknowledged that the Draft Constitution had borrowed liberally from the provisions of the 1935 Act and justified this by stating, "I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. No body holds any patent rights in the fundamental .ideas e of a Constitution". Seervai comments- "Little s could the framers of that Act have dreamt that e in the Constitution of a free India, they would find the greatest monument to their, rafting skill and constitutional insigt.

The cabinet mission’s plant of may 1946 was to constitute a Union of India which would include British India and the Indian states Foreign Affairs, defense and Communications were to be

with the Union which could also have powers necessary to raise the finances required s for these subjects. All subjects other that the Union subjects and all residuary powers were to be vested in the Provinces. The Indian states were to retain all subject and power other than those ceded to the Union. The Objectives Resolution moved in the Constituent Assembly on December 13, 1946 envisaged a Republic of India, wherein the various territories could possess and retain the status of autonomous units with residuary powers, and exercise all the power and functions of the government and the administration “save and except such power as are vested in or assigned to the union, or as are inherent or implied to the union or result there from.”

The union powers committee of the constituent assembly submitted a first report which was mainly concerned with enumerated matters falling within the ambit the subject assigned to the union under the cabinet mission plan and of the implied, inherent and resultant power of the union. The report, however, was not placed before the House for consideration because of the prevailing conditions; there was not placed before the House for consideration because of the r prevailing conditions: there was no certainty l whether India was going to remain united or whether it was going to be partitioned. Further consideration of this report was held up and the report was, in fact, never take-up again.

In seeking to present a supplementary report, Jawaharlal Nehru referred to the momentous changes that had since occurred following the partition of the country. He was of the opinion that in the changed circumstances, the severe limitation imposed on the scope of the Central Authority in the Cabinet Mission's plan which was a compromise accepted to accommodate the Muslim League required to be looked into afresh. He emphasized that when partition was a settled fact, it would be injurious to the interests of the country to provide for a weak central authority which would be incapable of ensuring peace, coordinating vital matters of common concern and of speaking "effectively for the whole country in the international sphere". He emphatically said that "the soundest framework for our Constitution is a federation with a strong centre".

While presenting the second report of the Union Powers Committee (which was in fact not a supplementary report but a substituted report) N. Gopalaswami Ayyangar said that since the Committee had been relieved of "the shackle! which we had imposed on ourselves on account of the acceptance of the Cabinet mission P]an" it could now attempt to make the Centre at strong as possible, consistent with leaving a fair wide range of subjects to the provinces in which they would have the utmost freedom to order things as they liked. In accordance with this view the Committee recommended making of there exhaustive lists. In the case of Provinces, residuary subjects which were not included in any o the three long lists appended to the committee second report were to be with the Centre. In the case of Indian States, all subjects not included in the federal list were to be treated as residuary subject and these were to be with the States.

The heritage of the freedom struggle reflected in the commitment of the Congress Party leadership to the federal principles was compromised after partition resulting in elements of unitary Constitution creeping into what in broad outlines and outward forms continued to be federal Constitution. The aftermath of partition the need to integrate the princely states and the diverse linguistic provinces, and the paramount importance of keeping disruptive forces under the control of a strong Union, convinced the founding fathers that federal supremacy in the legislative administrative and financial fields was not only justifiable but also necessary for the successful working of our Constitution.

**Federation with a Strong Centre**

As a logical corollary of the strong centre concept the scheme of distribution of legislative, administrative and financial powers under our Constitution has a strong central bias. The three-tie distribution of legislative powers based on the 1935 Act has been adopted. All important an vital matters have been put either in List I or in List III. Although the States have the utmost freedom to order things as they like in so far as the fairly wide range of subjects included in List II is concerned, there is no doubt that the overall tenor of the scheme of distribution of legislative powers is to give Parliamentary Jaws supremacy over State laws. Parliament is empowered to legislate even in respect of State matters for two or more States by consent a law so enacted shall apply to such States arid may be adopted by any other State by a resolution passed by the State Legislature. Under Article 249, by merely passing a two - third majority resolution, the Council of States may empower Parliament to legislate on any matter in the State List. Although this extraordinary provision has rarely been used, it empowers the Rajya Sabha to virtually transfer any subject in the State List to the Concurrent List.

Federal supremacy in the administrative field has been ensured by giving the Union powers to (i) ensure due compliance with the laws made by Parliament through directions under Article 256, (ii) ensure due that the, executive power of the state shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union (Article 257), (iii) ensure construction and maintenance of communication of military importance by the State and also to ensure protection of railways within a State [Article 257(2) and (3); (iv) entrust Union functions to States (Article 258); (v) create All-India Services (Article 312); (vi) ensure compliance with Central directives under the authority given by Article 365 to treat non-compliance as not carrying on the State Government in accordance with the provisions of the Constitution; (vii) supersede and take over the administration of the State under Article 356.

In emergencies, the Indian Constitution enables the federal government to virtually convert itself into a unitary one. When a state of emergency is declared, Parliament has powers to make laws with respect to any matter in the State List, and the laws made by Parliament prevail over, State Laws in event of repugnancy. The executive power of the Union similarly extends to giving directions to the states regarding the exercise of their executive power and the power of the parliament to make laws extends to conferring or authorizing powers and duties upon the union even in respect of matters not enumerated in the union list.

In the scheme of distribution of revenues between the union and the states, certain duties are levied by the Union but collected and appropriated by the state (Article 268); certain taxes are levied and collected by the union but assigned to the states (Article 269); certain taxes are levied and collected by the stat6es (Article 270); and certain taxes are levied and collection by the union may be' distributes between the Union and the States (Article 272) Article 275 also provides of grants in aid from the union to certain States.

In effect, the States depend largely up or financial assistance from the Union. The Finance Commission constituted under Article 280 i1 expected to play the role of a quasi – arbitral body to do justice between one province and another and between the Centre and the provinces, the uneven distribution of resources and the excessive restrictions even on the minor fields taxation reserved for the States has led to the criticism 'that the Centre has all the affluence and the States only the effluents!'

Our Constitution-makers, while adoption different models suitable for Indian conditions in the light of the experience gained from other countries, had to give final shape to the Constitution on the basis of historical and political factors. In their attempt to create a Republic out of the confused mosaic inherited from the British they had perforce to evolve a Constitution which though federal in general character, had necessarily to have also the strength of a unitary government to control disruptive forces which may endanger the unity and integrity of the nation mentioned specifically in the Preamble.

The object of the framers of the Constitution was thus to build a strong central authority which could resist external aggression and check internal disruptive forces. This object was sought to be obtained by endowing the Union with greater enumerated powers than in any other Federal Constitution, giving it residual powers and also enabling it to assume control of the units whenever there was any threat of disruption, either external or internal. In' the words of Dr. Ambedkar: "Though the country and the people may be divided into different states for convenience of administration, the country is one integral whole and its people a single people living under single imperium derived from a single source".

**Structure of States and Special Provisions**

A large number of princely states, some of them hardly the size of a municipality, and the several small, medium and big provinces had to be admitted into the Union: this required a lot of consolidation, integration and reorganization. The Congress Party had, moreover, during freedom struggle, committed itself to the policy of on linguistic states. With the idea of reorganizing Ice the States into viable administrative units and is also realizing that where the requisite sense of unity was absent, would not be possible to force unwilling co-existence, the state reorganization he Commission was constituted and in exercise of unity its, powers under Article 2 and 3 of the constitution of Parliament enacted the States reorganization Act, 1956.

The existing structure of the States of the Indian Union is thus the product of two historic processes – the integration of former Indian states and the reorganization of states. This process of reorganization of state this process of reorganization is still on and it cannot be asserted that the political map of Indian has been finally drawn up. The view that parliament should now seek to amend the constitution to restrict its own power to reorganize states cannot be accepted. It has to be remembered that in actual practice it is not the union which on its own has tried to re-draw the map of India. On the contrary, most of the state has themselves wanted to be regrouped on a linguistic basis.

Keeping in view the very important consideration that regional interests must not be ignored, the constitution-makers also introduced ck several special provisions such as Article 370 and :ht the 371 group of articles. Article 370 confers certain powers on the President to apply various articles of the Constitution of India to the State of Jammu and Kashmir under certain circum its stances but this power is circumscribed by the In, fact that the concurrence of the State Govern merit has to be taken before the constitutional provision can apply. This Article also limits the power of Parliament to make laws for the State of Jammu and Kashmir on those matters in the Union and Concurrent list which, in consultation with the State, are declared by the President to correspond to matter specified in the Instrument of Accession governing the accession of the State to the union. The policy of the Constitution which appears from this Article is that the instrument of accession governing accession of the state to the union. The policy of the constitution which appear from this article is that the constitution was framed for the entire Union of India but its .al provisions would not apply to the State of Jammu be and Kashmir unless the President makes an of order that they shall apply.

The Sixth Schedule to the Constitution also makes special provisions as to the administration of tribal areas in the States of Assam, Meghalaya and Mizoram allowing a large degree of autonomy to certain districts and regions. Administration of these tribal areas is governed by the provisions of this Schedule which is a self-contained code dealing with all relevant topics and not by other relevant provisions of the Constitution. The scheme of Schedule VI shows that District and Regional Councils are both administrative and legislative bodies with a fair measure of autonomy.

These special provisions reflect awareness that the problems arising from the historical background in which our Constitution was framed had to be solved according to the genius of the Indian people, and cooperation and interdependence between the Union and the States should be the very core of our constitutional framework.

During the first phase of the federal system (1950-67), the issue of Centre State relations was relatively dormant as the Indian National Congress dominated both levels of government. In the first general elections held in 1952, it won absolute majority in 18 out of 22 State Assemblies and even in the remaining 4 States of Madras, Travancore, Cochin, Orissa and PEPSU; it formed the largest single party. In the second general elections in 1957, the Congress secured absolute majority, in 11 States out of 14 and in the third general elections of 1962, in 12 out of 14 States. The party also secured a comfortable majority in Parliament in all three elections. With this dominant position, the party could enthusiastically support and propagate the 'Strong Centre' concept reflected in the scheme of distribution of powers in the Constitution. Further, the three wars-first with Pakistan in 1948 - 49, then with China in 1962 and again with' Pakistan in 1965 - created a favorable response to the idea of a strong Centre and to the sagacity and foresightedness of the framers of the Constitution in providing a distinct pro-Centre bias in Centre - State relations.

As pointed out by one of the most distinguished members of, the Constituent Assembly, K. Santhanam: "The Indian Republic started with a contradiction. While the Constitution established a federal system of government, all the political parties existing at the time it came into force were unitary and highly centralized". This was particularly applicable to the Congress Party. The party high command played a decisive role in the selection of party candidates for elections to parliament and the State Legislatures. It also had a commanding voice in the selection of chief ministers and in the formation of State Minis tries. The Parliamentary Board coordinated party government relations at the State level. The process of subordination of the leadership at the State level to the Central leadership of the party culminated in Nehru centralizing the party leadership and the leadership of the Government in his own hands in August 1963, asking six chief ministers to resign under the Kamaraj Plan to be drafted for party work.

The criticism that the Nehru period left few l guidelines for the federal system as conflicts between the Union and the States were dealt I with at the party level rather than through formally established agencies is, however, not quite fair. The Planning Commission, a brainchild of Nehru, was itself a major step in the direction of cooperative federalism. It was, as .originally conceived, expected to give a lead to the country on broad issues of policy and promote collective thinking and joint action on matters of I national importance. In framing its recommendations, it was expected to act in close understand ling and consultation with the State Governments f who, in turn, were expected to give the fullest measure of help to the Commission so as to ensure maximum coordination in policy and unity 1 in effort. The National Development Council of which all State Chief Ministers are members was formed to strengthen and mobilize the efforts and resources of the nation in support of the plans -an4

to promote common economic policies in all viable spheres and to ensure the balanced and -rapid development of all parts of the country.

The Regional Zonal Council~ set up under e the provisions of the States Reorganization Act e were also expected to provide a forum for discussion on matters of mutual interest cutting -across party lines. That they were devised as experiments in the direction of cooperative federalism would be clear from their functions as defined by Pandit Govind Ballabh Pant at the inaugural meeting of the Zonal Council in April 1957. According to G.B. Pant, their functions were to (i) attain the emotional integration of the country; (ii) help in arresting acute regional consciousness and all divisive trends; (iii) assist wherever necessary in eliminating the after-effects of separation/partition; (iv) enable the Centre and the States to cooperate ill evolving uniform policies in social and economic matters; (v) help effective implementation of the development projects; and (vi) secure some sort of political equilibrium between different regions.

Although the zonal councils which are purely advisory bodies cannot claim many achievements to their credit, it cannot be denied that they have been useful devices towards be development of cooperative federalism.

**Centre State Relations**

Both the Union and the States derive their authority from the Constitution which divides the powers between them. The Centre-State relations can be studied under three heads- legislative, administrative and financial.

**Legislative Relations**

The legislative relations between the Centre and the States are spelt out in Articles 245-254 of Part XI, Chapter I of the Constitution. Article 245 spells out the territorial jurisdiction of the Union and the States: the Parliament can make laws for the whole or any part of the territory of India, while the State legislature can legislate for the whole or any part of the State.

As regards the subjects of legislation, a three-fold distribution of legislative powers between Union and States is envisaged and listed in Schedule VII.

List I or the Union List includes 99 subjects over which the Union has exclusive power of legislation. The subjects include public foreign affairs, banking, currency and coinage, communication, atomic energy, etc.

List II or the State List comprises 61 items over which the State Legislature has exclusive power of legislation. The subjects include public order and police, local government, prisons, public health and sanitation, agriculture, fisheries, State taxes and duties, betting and gambling, money leading, fairs and market, capitation taxes, toils, treasure trove, gas and gasworks, inns, etc.

List III or the Concurrent List gives the subjects on which both Parliament and State Legislature can legislate .The 52 subjects include criminal law and procedure, civil procedure, marriage, contract, torts, trusts, welfare of labour, economic and social planning, forests trad3 unions, family welfare, vital statistics (birth, etc.), price control, factories, boilers, electricity, education, drugs, newspapers, books and printing presses etc.

In case of a matter overlapping between the three Lists, predominance has been given to the Union Legislature. In case of conflict between a Union and a State law relating to the same subject on the concurrent list the former prevails. However, if a law passed by the State Legislature has received presidential assent before the enactment of a law on the same subject by Parliament, the state law

prevails. But it would still be within parliament's power to override such state law by subsequent legislation.

The residual power under the constitution (i.e. Subjects not included in any of the Lists) is vested in the Union Legislature (Article 248). Whether a particular matter falls under the residuary power or not is finally determined by the Courts.

There are certain circumstances under which the above system of distribution is either suspended or Parliament's power is extended over State subjects, {i) Parliament has the power to legislate on a state subject if the Rajya Sabha passes a a resolution by two – third majority that it is in the national interest to do so. The resolution remains in force for a period not exceeding one year. The operation of the law can be extended by one year. The operation of the law can be extended by One year. The law thus passed by ~Parliament ceases to be operative on the expiration of six months after the resolution has ceased to have force (Article 249). (ii) During times of emergency, Parliament can make laws on subjects in the State List. H6'Wever, such a law ceases to have effect on the expiration of a period of six months after the proclamation has ceased to operate (Article 250). (iii) Parliament can also make laws with respect to any subject on the State List if the Legislatures of tyro or more States resolve that it shall be lawful for Parliament to do so (Article 252) (iv) Parliament has the power to legislate on a State subject for the implementation of treaties or international agreements and conventions (Article 253).

**Administrative Relations**

One of the problems in a federation is to maintain a balanced relation between the Union and the States. The success of a federal polity depends on the coordination between the two sets of government. The Indian Constitution makes detailed provisions to ensure this. In normal times the Union and the State Governments are to function as co-ordinates, but in certain circumstances the Union reserves the right to give directions to the State Governments, if it is found necessary in the national interest. So Article 256 lays down the mutual obligations of the State and the Union in such matters, and Article 267 confers powers on the union. Exercise control over the state in certain circumstances. Chapter II of Part XI of the Constitution containing eight Articles (256-263) relates to the Administrative relations between the Union and the States.

On the whole, the Union is responsible for the good governance of the country and it may give directions to the States which are required to ensure compliance with laws passed by Parliament (Article 256). It 'may be noted that the Constitution prescribes a coercive sanction for enforcement or such directions through Article 560 of the Constitution. The President may, with the consent of the State Government, entrust either conditionally or unconditionally to that Government any function relating to a matter to which the executive power of the State extends [(Article 258(1).] Conversely, the State Government may, with the consent of the Union Government, entrust to 'the latter those functions relating to the State subjects.

Another statutory provision (Article 261) facilitating smooth functioning of the administration provides that full faith and credit be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of each State. In order to secure better co-ordination of policy and action between the Union and the States or between States themselves, provision for an inter-State Council - has been made (Article 263}. Article 262 is intended to prevent wrangling between States over. the use, distribution and control of waters of any interstate river or in inter-state river valleys.

In order to ensure uniformity in the administrative system throughout the country, the Indian Constitution provides for creation of All- India services, such as the Indian administrative Service and, the Indian police Service the members of these services with no local allegiance are to hold key positions in the State service and to haring up on the administration an important and 3 non-partisan outlook. In the field of judicial administration, the same is achieved through the appointment of High Court Judges by the President, so that the independence of judges may be maintained above regional and political influence. Finally the establishment of the Election 3 Commission and an auditing organization on and all-India basis comes in an attempt to ensure 7 high standard of efficiency and uniformity in J conducting elections throughout the country.

**Administrative Relations in Emergency**

The administrative relations between the Union e and the States during an emergency assume a different character. The proclamation of emergency in a State by the President means that the y State no longer has any plenary powers to make: laws or to exercise powers. The whole State comes under President's rule, i.e., the State Legislature remains suspended and 'all the legislative and executive functions of the State are carried on for the State by the Centre in the name of the President. Proclamation of emergency in a State maybe made in three situations: (a) breakdown of constitutional machinery in a o State (Article 356); (b) financial crisis in a State s (Article 360); (c) failure on the part of a State -to comply with presidential directions given to '- the State (Article 365).

A close study of the Union - State administrative relations shows that the Union always retains a dominant position; though it does not 1- normally interfere with the State administration n unless the need arises. It is only during an emergency that the Union assumes a unitary d character exercising overriding powers over the States.

**Financial Relations**

Where the plan of distribution of resources was o concerned, the-states had been placed at the mercy of the Union. But a feeling that it was not --desirable to give the Centre unfettered discretion in the matter of making financial assistance available to the states resulted in the provision or the constitution of a Finance Commission to make recommendations to the President on the in distribution of shared and sharable taxes and other assignments.

The taxing powers of the Union and the states have been completely separated and made mutually exclusive. There is thus no area of concurrent jurisdiction. The distribution of subjects between the Union and the states in the two lists demarcates and delimits also their n respective taxing jurisdiction. While - there is no n concurrent taxing power, there is provision for the Union levying and collecting certain specified taxes for the benefit of the states; there is also provision for the yield of certain central taxes being shared with the states. The sates retain the proceeds of their levies wholly and receive in addition certain sums both as of constitutional right and as assignments from the Union.

The state is revenue is distributed between the union and the States as follows.

(i) Taxes belonging to the Union exclusively: 1. Customs, 2. Corporation tax, 3. Taxes on capital value of assets of individuals and companies, 4. Surcharge on income tax, etc. 5. Fees .e in respect of matters in the Union List (List )

(ii) Taxes belonging to the States exclusively: 1. Land Revenue, 2: Stamp duty except in le documents included in the Union List, 3. Success lesion duty, estate duty and income tax on agricultural land, 4. Taxes on passengers and goods carried on inland waterways, 5. Taxes on lands le and buildings,

mineral rights, 6. Taxes on animals and boats, on road vehicles, on advertisement on consumption of electricity, on luxuries and amusements, etc. 7. Taxes on entry of goods into local areas, 8. Sales tax, 9. Tolls, 10. Fees in respect of matters in the State List, 11. Taxes on professions, trades, etc. not exceeding Rs 2,500 In per annum (List II).

(iii) Duties levied by the Union but collected al and appropriated by the States: Stamp duties on Bills of Exchange, etc. and excise duties on le medicinal and toilet preparations containing alcohol, though they are included in the Union List and levied by the Union, shall be collected m by the States insofar as leviable within their; respective territories, and shall form part of the States by whom they are collected (Article 268).

(iv) Service tax levied by Union and collected and appropriated by the Union and the States: Article 268A has been inserted in the Constitution by the Constitution (Eighty-Eighth .Amendment) Act, 2003 which provides that taxes on services shall be levied by the Government of India and such tax shall be collected and appropriated by the Government of India and the States in accordance with such principles of collection and appropriation as may be formulated by Parliament by law.

(v) Taxes levied as well as collected by the Union, but a signed to the States within which they are leviable: (a) Duties on succession to property other than agricultural land, (b) Estate duty in respect of property other than agricultural land, (c) Terminal taxes on goods or passengers carried by railway, air or sea, (d) Taxes on railway fares and freights, (e) Taxes on sales of and advertisements in newspapers, ~ (f) Taxes on the sale, or purchase of goods, other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce, (g) Taxes on inter-State consignment of ~ goods (Article 26P).

(vi) Taxes levied and collected by the Union and distributed between Union and the States: Certain taxes shall be levied as well as collected by the Union, but their proceeds shall be divided between the' Union and the States in a certain -proportion, in order to effect an equitable division of the financial resources. These are (a) Taxes on income other than on agricultural income (Article 270) (b) Duties of excise as are included in the Union List excepting medicinal and toilet preparations may also be distributed, if Parliament by law so provides (Article 272). Article 272 was repealed by the 80th Amendment Act.

(vii) The principal sources of non-tax revenues of the Union are the receipts from Railways; Posts and Telegraph; Broadcasting; opium; currency and mint; industrial and commercial undertakings of the Central Government relating to the subjects over which the Union has jurisdiction of the industrial and commercial undertakings relating to Central subjects may be mentioned the Industrial Finance Corporation; the Air Corporations; industries in which the Government of India has made investments, such as the Sindri Fertilizers and Chemicals Ltd., the Hindustan Shipyard Ltd., the Indian Telephone Industries Ltd.

(viii) The States have their receipts from forests, irrigation and commercial enterprises (like electricity, road transport) and industrial undertakings (such as soap, sandalwood iron and steel in Karnataka, paper in Madhya Pradesh, milk supply in Bombay, deep-sea fishing and silk in West Bengal).

The federal provisions of the constitution relating to taxation do not bear the impress of other federal constitutions but they embody the wisdom of Parliament which evolved and enlarged the scheme of division of power of taxation in successive Government of India Acts. But though the provinces were progressively given larger fiscal authority, they continued to be dependent on central

assignments and assistance for viability. This limited the full play of the political autonomy granted. This subordination of the provinces to the Centre and of the Centre to the British Parliament was, however, the key stone of the Government of India Act 1935. It must however be acknowledged that the financial plan had worked well enough throughout the tenure of the Act. The safeguards and refinements introduced in the Constitution also made the financial provisions more consistent with the federal concept. If there is criticism and some discontent now, it can be attributed to the role gradually usurped by the Planning Commission.

The general principle in all federations is that a federal levy should be uniform through the Union in its incidence and that it should not discriminate between the states. This provision, as mentioned earlier, has been reproduced in the Constitution of India. But in its other provisions, the Constitution differs basically from that of other major federations.

**Differences between various Federalism**

In the USA, the federation has enumerated powers but it power to tax is stated in broad and general terms. It has the right to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States'. There l is, however, a limitation on the levy of direct taxes. "No capitation or direct taxes shall be laid unless in proportion to the census or enumeration here-in-before directed to be. taken", The vague- .ness of this reservation had been seized upon by courts of law to give conflicting interpretations, A constitutional amendment was therefore under- taken in 1913 to place the right of the federal , government to levy income tax for its own purposes beyond any doubt or dispute.

In the United States, the federal and the state governments exercise concurrent power over a large field of taxation. In Australia, both the commonwealth and the provinces have power to impose any and all taxes with the exception of customs and excise duties, two levies over which the commonwealth has exclusive jurisdiction. The provinces, therefore, have theoretically extensive taxing power but in actual practice the exercise of concurrent power by the commonwealth had made heavy inroads on this power. Where sums up the position in these words: The control of the "government of the Commonwealth of Australia over the governments of the states has become so great that some observers would say that in practice the states of Australia are little more than the administrative agencies of the Common wealth. This control has come chiefly from .the greater financial resources of the Commonwealth and has shown itself particularly in the increased reliance of the states upon grants from the Commonwealth for the performance of most of their important functions. It might be said there- fore that the Australian Constitution works in practice like a unitary constitution embodying considerable measure of the decentralization or devolution, although in law it remains federal.

In Canada, the provinces have enumerated powers of taxation. They are limited to the levy of direct taxes and the imposition of certain minor license fees. Even in the levy of direct " taxes: there is a limitation; it has to be solely for the purposes of the provinces. The dominion government is also competent to levy direct taxes. The dominion has thus concurrent jurisdiction over even the limited field of provincial taxation. Despite this limited power, the dependence of the provinces on the doroinion for financial assistance is not so large as that of the states of the Commonwealth of Australia.

In all these major federations, powers of taxation are concurrent over a large field. It created a difficult situation in World War II when federal governments had to incur increasingly heavy expenditure on defense. In Australia, the commonwealth Parliament legislated to give priority to the commonwealth demands over that of the states in the collection of income tax. Though this statute was impugned, it was held that the commonwealth had acted within its constitutional jurisdiction in making this provision. The Act, however, gave option to the states to surrender their right to levy income tax in return for compensatory grants. In Canada also the states were persuaded to give up levy of income tax and receive grants in lieu thereof.

In India, this situation has not arisen and cannot arise as there is no provision for exercise of concurrent power. Subjects over which the Union and the states have exclusive jurisdiction including power of taxation are enumerated in lists I and II of the seventh schedule respectively. No area of concurrent jurisdiction is provided in list III. The, Constitution has however a special section defining the financial relation between the Union and the states. The authority to make federal grants or assignments of federal revenues to the states is derived from provisions in this section.

An unusual arrangement in the Constitution is that the levy of certain taxes, though placed in the central list, are intended solely for the benefit of the states. Their collection is, however, in some cases entrusted to the states themselves land in others retained by the Union. The net .proceeds of the latter are assigned to the states on principles laid down by the President after considering the recommendations of the Finance Commission on the distribution of the collections of each. There are reasons for this distinction which would be evident from the classification made in the Constitution. Stamp duties and excise duties on medicinal preparations included in the Union list are levied by the Union but collected and appropriated by the states directly in other word only the rates are determined by the Union. No difficulties arise in the collection ~ of this levy by the states and this function has therefore been given to them. Duty in respect of succession' to property and estate duty in respect of property, both .relating to non-agricultural land, are levied and collected by the Union. Similarly, taxes on railway fares and freights, terminal taxes on goods or passengers carried by railway, sea or air, taxes on transactions in stock exchanges and future markets and taxes on the sale or purchase of newspaper and on advertise merits published therein may be levied and collected by the Union. It should be obvious that collection of these taxes by the states is not feasible. This function has therefore been retained by the Union.

The net proceeds of such of these imposts as have been introduced are distributed to the states on principles recommended by the Finance Commission; the amounts attributable to union territories as determined by the Commission are however retained by the Union.

Taxes on income have been defined to exclude corporation tax (taxes on the profits of companies) which is retained wholly by the Union. Taxes payable on federal incomes and arising in union territories do not also form a part of the divisible pool. The relevant article'; does not lay down the percentage of the residue which should be handed over to the states nor does it lay down the basis on which the share of the states should be distributed as between, them. These are questions left for determination by the Finance Commission. The Union has been given specifically the power to impose a surcharge on all the imposts mentioned and to retain the proceeds for it$ own purposes.

The Constitution provides that no bills can be moved or amendments introduced on the subject of levy of taxes in which the states are interested except on the recommendation of the president the

purpose of this provision is to reserve power to the executive, and to deny private members the right to initiate any taxation measures.

Article 276 empowers the states to impose a tax which is in the nature of a tax on incomes in respect of professions, trades, callings or employment for the benefit of municipalities~ district boards or other local authorities.

Article 277 gives legal cover to taxes lawfully levied by the states before the commencement of the Constitution which has since become ultra virus the states' powers of taxation. This is a safeguarding clause and the protection holds until Parliament has legislated in these matters.

Article 282 empowers the Union or a state to make a grant for any public purpose when it falls outside the area of their legislative authority. Though this article appears in the section dealing with 'Miscellaneous Financial Provisions', it is being extensively used to regulate financial relations between the Union and the states. Though it was obviously intended to be no more than a permissive provision to meet a situation not otherwise provided, all capital grants to the states by the' Union for implementing their respective shares of the Five Year Plans are now made under this Article as falling within the scope of 'public purposes'. The grants made under this Article are far larger than the total assistance afforded under other provisions governing the 'distribution of revenues between the Union and the states'.

It has also been held by some that the Finance Commission is required to deal only with distribution of revenues and it should not concern itself with capital grants They should be made therefore by the Union government. Doubts have been expressed about the propriety of invoking this Article in the way it has been, for making grants to the states. The wisdom of excluding the Finance Commission in a matter of grants to the states has also been questioned. It has been urged that the capital requirements of a state should also be appropriately covered by grants in aid made on the recommendations of the Finance Commission. In other words, it has been urged that, bearing in mind' the basic concept of the Finance Commission, the total assistance to be given to a state, whether classified as capital or revenue, should be left to be determined by the independent Finance Commission on the review it makes. 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 administration such as education, health and other welfare services.

The Constitution provides that the executive power of the Union extends to borrowing upon the security of the Consolidated Fund of India and to the giving of guarantees within such limits as may be imposed by Parliament. As no limit has so far been imposed, the Union's power to borrow or to give guarantees is unlimited. The states are, similarly, empowered to borrow or give guarantees on the security of their. Respective Consolidated Funds but they can borrow only within the territories of the Union; no foreign loans can be raised by them. The constitution also empowers the union to make loans to any state provided that the limit, if any, fixed by parliament in the pledging of the Consolidated Fund of India is not exceeded. A safeguard has been provided by stipulation that when a central loan is outstanding or a guarantee of the central government is still in operation, no state can raise a loan without its consent.

A convention has now been established under which the loan programmes of the Union and the states are coordinated by the Reserve Bank; and monetary ceilings and rates of interest are determined

by the Bank and the timing of the flotation is similarly adjusted on the advice it proffers. As the Union and the states have to draw from the same reservoir, this coordination is essential to maintain stability in the money market and to ensure that the .loans floated are fully taken up.

Smooth working of the Governments is sought to be achieved through mutual delegation of functions and immunity from mutual taxation. If the Union wants to delegate certain of its functions, the President may, with the consent of the State Government, entrust any executive function to that State. Parliament may confer powers upon a State or its officers while legislating on a Union subject. The Governor of a State, too, may entrust the Union Government or its officers, functions relating to a State subject with regard to that State.

It is provided by Article 285 that the property of the Union be exempt from taxes imposed by a State, unless Parliament by .law provides otherwise. The property of a State, similarly, is exempted from taxes imposed by the Union {Article 289). However, this does not make a State immune from customs duty which is levied on import and export of goods and not on property. The income of a State is also exempted from Union taxation. But Parliament can tax income from a State deriving from commercial activity.

**Inter-State Relations**

All federal constitutions lay down certain rules of comity which the units are required to observe in their treatment of each other. Conflicts of interest are bound to rise between the units. While judicial determination of disputes between States is vested in the Supreme' Court, there are also other means of adjudication by extrajudicial tribunals.

The adjudication of disputes and complaints relating to the use or control of waters in inter-State rivers or river valleys is to. be done by ad hoc tribunals constituted under Parliamentary Act, viz., the Inter-State Water Disputes- Act, 1956.

Zonal Councils Coordination between States may be ensured by setting up Inter State Councils (discussed earlier) Advisory bodies to advise) on inter State matter have also been established under statutory authority Zonal Councils have been set up, by the States Reorganization 1956 in this context. The Act divided the territory, of India into five zones and -provided a Zonal Council for each zone. If properly working these council could foster the "federal sentiment" by resisting separatist tendencies of linguism and provincialism.

(i) The Central Zone comprises Uttar Pradesh and Madhya Pradesh.

(ii) The Northern Zone comprises Haryana, Himachal Pradesh, Punjab, Rajasthan, Jammu and Kashmir, and the Union Territories of Delhi and Chandigarh.

(iii) The Eastern Zone comprises Bihar, West Bengal and Orissa.

(iv) The Western Zone comprises Gujarat, Maharashtra, Goa, and the Union Territories of Dadra and Nagar Haveli, Daman and Diu.

(v) The Southern Zone comprises Andhra Pradesh, Karnataka, Tamil Nadu, Kerala and Union Territory of Pondicherry.

Each Zonal Council consists of.. the Chief Minister and two other Ministers of each State in the zone and the Administrator' in the case of a Union Territory, a Union Minister nominated by the President, and the Union Home Minister as the common chairman of all the Zonal Councils.

The Zonal Councils discuss matters of common concern to the States and Territories in each zone, such as economic and social planning, border disputes, inter State transport and the like" and give advice to the Governments of the concerned States and the Union. Besides the Zonal Councils, there: is a North-Eastern Council set up under the North-Eastern Council Act, 1971, to deal with the common problems of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Mizoram and Sikkim. (Sikkim became a member of the North-Eastern Council in the year '2000. Earlier it was a member of the Ea'stern Zone.)

Trade and Commerce The progress of the country as a whole requires free flow of commerce between different parts without any barrier. This freedom is sought to be secured by the Constitution in Articles 301-307 in Part XIII. It is I stipulated that trade, commerce and intercourse throughout the territory of India hall be free The Imitations may be imposed by Parliament in: public interest.

**Problems in Union-State Relations**

There is little doubt that the Constitution, for whatever reasons, makes the Centre stronger than the States. Besides the legislative, administrative and financial weight age given to the centre the Constitution empowers the centre with the power to dismiss a state ministry impose President's rule. Both the components of development and regulatory administration are .directly in the States' field of action But the resource-yielding 'powers are mostly deposited with the Centre, thereby making the States generally dependent on the former for financial support. This was part of the larger scheme of keeping the States under the Centre's bidding, discipline arid even control. The imbalance between the functions and the resources has been persistently aggravated by the operational realities of the polity. The dependence has become stronger with the adoption of planning in India since 1950 and the long-continued single-party dominance system in the country.

Centralization received a powerful reinforcement from the single party dominance system in India. The fact of the Congress Party being in power at both the levels of Government for along time nearly made the Centre-State relations corresponds to those between the Pradesh congress committees and the 'High Command'. When the same party is in power at the Centre and in the States, the problems between them begin to be examined along the party network, and to that extent the Constitution remains in disuse.

Furthermore, the resource base of the States, never very satisfactory, has suffered abridgement by certain actions of the Centre like merging of income tax paid by companies with corporate tax and preempting to itself large percentage of .the draft on private savings and resources. Though the State Governments are presently getting more than fifty per cent of the total tax revenues, their resources are actually inadequate in terms of their developmental needs. This shortage of funds does not provide relief to the tax-payer; the larger share of revenues remains with the Centre, enabling it to indulge in conspicuous extravagance. There are other anomalies, too. A State Government is entitled to limited overdrafts. But for the Central Government, there is ho such limit, and the rate of interest is also much lower, which plainly a discriminatory arrangement with no apparent justification.

**Reforming Union-State Relations**

The period 1950-66 was characterized by the dominance' of the Congress Party as the ruling party in the Centre and in most States, and as such any major questions of Centre State relations did not arise, at least in the open. The fourth general elections (1967) changed, for the first time, the political complexion, of the country as the Congress was defeated in several States in India. As a

result, other parties came into power, and problems of Centre-State relationship became acute for the first time.

The States mounted a campaign for a re- structuring of relationship in a bid to have a higher measure of autonomy. Just before the election, the Central Government appointed an Administrative Reforms Commission (ARC) whose terms of reference included examination of Centre State re1ations also. The ARC constituted a Study Team under M.C. Setalvad to carry out a comprehensive examination of this problem. The Study Team submitted its Report in 1968. On its basis the ARC finalized its own report on the, subject in .1969. The Central action in setting up a commission to examine inter Governmental relations did not completely satisfy the States. l At any rate, Tamil Nadu constituted, in 1969.a Centre-State Relations Inquiry Committee under .P. V. Rajamannar to inquire into this field and make recommendations for improving the relations. This committee submitted its report in; 1971.

The period 1966-70 was one of extreme political fluidity in the country, making Centre State relations a subject of keen controversy, continuously fanned by the manner of use of Article 356. In a short period of four years (1967 – 71) there occurred eleven instances of President's Rule in .the States. When the Congress became dominant in the seventies, the issue of Centre State relations was shelved. But the coming into power of other parties in a number of States, since 1983, revived this question. Pressed hard, the Central Government announced, in August. 1983, the constitution of a commission under the chairmanship of Justice R.S. Sarkria to go into Centre State relations and recommended appropriate changes within the present constitutional framework. The commission submitted its report in 1988.

The Setalvad Study Team had recommended the constitution of an Inter - State Council. It suggested measures to rationalize the relationship between the Finance Commission and the Planning Commission. Besides, it recommended that' the office of Governor be filled by a person having ability, objectivity and independence arid the incumbent must regard himself as a creation of the Constitution and not as an errand boy of the Central Government.

The Administrative Reforms Commission also noticed that the Central Government had even moved into the fields earmarked for, the States under the Constitution and asked it to withdraw from such areas. It recommended the setting up of an Inter - State Council. The ARC - highlighted the need for formulation of guidelines for Governors in the exercise of their discretionary powers. This would ensure uniformity of action and eliminate all suspicions of partisanship or arbitrariness.

The Rajamannar Centre State Relations Inquiry Committee recommended the setting up of an Inter-State Council which should comprise all the Chief Ministers, headed by the Prime Minister; Further, it observed that the jurisdiction of Article 356 of the Constitution should be restricted and the only contingency which may justify the imposition of President's Rule under Article 356 is the complete breakdown of law and order in a State, when the State Government itself is unable or unwilling to maintain the safety and security of the people and property in the State. It, moreover, wanted residuary power of legislation and taxation to be vested in the State Legislature. The Central Government paid no heed to the report.

The Sarkaria Commission suggested that Article 356 be sparingly used and central armed forces deployed only at the special request of the State. It termed as improper the bulk imposition of President's Rule in 1977 and 1980. Though on the whole in favour of retaining Central superiority in

the cause of unity and integrity, the, Commission suggested the, liberal use of Article 258, viz. the Centre's right to confer authority on the States in: certain matters. It called for the States having a stronger say in the Concurrent List; the Centre should consult the States before legislating on a subject on the Concurrent List. ! Regarding Articles 246 and 254, it recommended, constitutional amendment, giving more powers to the States, such as ability to amend parliamentary low on subjects on the State List under Article 252 with the assent of the President. The States should also be able to prescribe a ceiling of three years for such parliamentary laws.

The Commission political at the frequent misuse of the Governor. It recommends that a Governor should be a non-political person appointed in consultation with the Chief Minister concerned.

It suggested that High Court judges should not be transferred against their will (partially overriding a Supreme Court judgment)

The Commission suggested an increase in the State share in areas of revenue, particularly for financially handicapped States. It suggested a greater control by the States over financial licensing.

It prescribed the setting up of an Inter-State Council under Article 263 as a permanent body, to deal with subjects other than socio-economic development It stated that without this inter-I' State disputes were intractable.

The Commission completely ignored the Anandpur Sahib Resolution that advocated States' autonomy.

All federal systems encounter problems and imbalances in the area of Centre -State relations, no matter how detailed and elaborate the distribution of functions and resources between the two levels. The problem is all the more acute in the case of India for two very important reasons. The framers of the Indian Constitution were not as free as, say, the framers of the constitution, of the United States who had only the declaration. of a few principles to guide them. In contrast, the Constituent Assembly of India functioned closely within the mental framework of' the Government of" India Act, 1935, with its strong unitary bias. This culture was powerfully rein forced by the partition-borne psychology of the time. The partition of India, accompanied by riots in parts of the country, followed by Pakistani 'aggression in Jammu and Kashmir, provided the immediate environment for constitution making in India.

The working of both democracy and development has significantly changed the framework in which the States now find themselves operating, thus signifying a need for a wide ranging reexamination of Centre-State relations. This examination is necessary if the States are to have adequate powers as well as resources to meet 'their growing needs and it is possible without weakening the Centre.

Federalism may be created by a Constitution; but what sustains it is politics itself. On close analysis it will be discovered that the problem of Indian federalism is an exercise in politics. The nuances of this relationship are ultimately political and may not immediately be derived from the constitution. Unless leadership becomes enlightened and wining to rise above party politics, federalism will suffer with dangerous consequences in political, social and economic spheres.

**Recommendations of Sarkaria Commission**

- Ordinarily, the Union should occupy only that much field of a concurrent subject on which uniformity of Policy and Action is required in the larger interest of the Nation, leaving the rest of

the details for State action, within the abroad frame-work of the Policy laid down in the Union Law.

- Parliamentary law passed under clauses (1) of Article 252, on request of two or more States, should not be perpetual but should be for specific period not exceeding three years etc.

**Suggestions for Smooth Centre-State Relations**

The followings are the main suggestions to avoid the confrontation between the Centre and the States. These are:

- The Powers and duties of the President and Governors in regard to the suspension of the state government in case of the breakdown of constitutional machinery needed fuller verification.
- The Planning commission should be made independent and autonomous body.
- The Finance Commission should be a permanent body.
- Governor should not be eligible for future appointment as a Governor after the completion of his term.
- Sarkaria Commission's recommendation should be discussed.
- Art 256 should be explored.

The day situation is that cooperative federalism in India is the need of the hour.

**Punchhi Commision on Centre – States ties**

- A new commission to redefine Centre-State ties was set up on 27 April 2007 to examine the possibility of giving sweeping powers to the Union Government, including suo motu deployment of Central forces in States and investigation of crimes affecting national security.
- The commission, chaired by the former Chief Justice of India, M.M, Punchhi, will also examine what could be the Centre's "role responsibility and jurisdiction" vis-à-vis States during major and prolonged outbreaks of communal violence, caste violence or any other social conflict,

**Terms of Reference**

- Under the terms of reference, which could have far-reaching political implications, the four-member commission would also review other aspects of Centre-State relations, including taxes and linking of rivers.
- The panel, set up two decades after the Sarkaria Commission was formed, has Dhirendra Singh and V.K, Duggal, both former Union Home Secretaries, and N.R. Madhava Menon, former Director of National Judicial Academy as members. The commission will submit its recommendations in two years.
- The commission will explore whether there is a need to set up a Central law enforcement agency to take up suo motu investigation of crimes having inter - State or international ramifications with serious implications on national.

- The feasibility of a supporting legislation under Article 355 for the purpose .of suo mont deployment of Central forces in the States if and when the situation demanded, also figures in the terms of reference of the commission which replaces the Sarkarla pane1

**Devolution of Powers**

- The role, responsibility and jurisdiction of the Centre vis-à-vis States in promoting effective devolution of powers and autonomy to Panchayati Raj institutions and local bodies will be looked into by the new commission.
- Promoting the concept and .practice of independent planning and budgeting at the district level and linking Central assistance of various kinds with the performance of the States also figure in the terms of reference.
- The need and relevance of separate taxes and for freeing inter - State trade to establish a unified domestic market will also be studied. j(i ..The commission will also examine the role of Governors, emergency provisions, financial relations, economic and social planning, Panchayati Raj institutions and sharing of resources, including inter-state river waters.
- The Punchhi Commission, on 3 January 2008, invited views and suggestions from public (individuals, organizations, institutions and associations, etc) on various issues involved.
- The Commission on 5 March 2008, has published a 63-page "draft questionnaire" to be circulated among all states and key Government officials to elicit their views on the choice of questions to be circulated "stakeholders" and set the review rolling.
- While analyzing its task of examining the broad sweep of Centre - state relations, the Commission has remarked, "With the rise or regional parties- and coalitions, states seem to be gaining the upper hand in many matters. Centre's powers of intervention come to be circumscribed by judicial pronouncements in several areas, such as imposition of President's rule. In effect, states feel handicapped in pursuing development programmes of their own for lack of adequate funds while the Centre finds itself hamstrung even when there is a serious breakdown in law and order in some areas".

**Constitution and Government of Canada**

**The British North America Act 1967**

The constitution of 1867 created a federal union, consisting initially of four provinces. The British North America Act embraced New Brunswick, Nova Scotia, Ontario and Quebec {a re-division of the United Province of Canada). It also provided for the adhesion of the remaining provinces, British Columbia entering the union in 1871, Prince Edward Island in 1873, and Newfoundland and finally in 1949. The province of Manitoba was created in 1870, and those of Saskatchewan and Alberta in 1905.

The Quebec Resolutions began with a general statement that "the best interests and present and future prosperity of British North America will be promoted by a Federal Union, under the Crown of Great Britain, provided such Union can be affected on principles just to the several Provinces. This resolution was rewritten in the preamble of the British North America Act; "the Provinces of Canada, Nova Scotia and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom With this as the justification for the clauses that followed, the British North America Act 1867 listed the pro- visions which, it was hoped, would make the new constitution of British North America a viable one.

The enacting portion of the statute was divided into eleven "heads", each of which included two or more clauses. The first head was merely preliminary. Head II dealt with the formation of the union "under the name of Canada", the date at which the union should be proclaimed, and the names of the four original provinces. Head III dealt with the nature of the executive power. Following British precedent, a Privy Council for Canada was to be established, but with no mention whatsoever of the Cabinet or the Prime Minister. These last were part of the conventional constitution. The fourth head dealt with the legislative power including the creation constitution and powers of the Upper House or Senate, and the Lower House or House of Commons. The basis of representation in the latter was to be the respective populations of the several provinces, with Quebec being made the pivot province with sixty-five members. This was the same number which Canada East had provided in the Assembly of the United Province of the Canada. The seats for the other provinces were assigned in the same proportion to their populations as sixty-five bore to the population of Quebec. Head V dealt with the provincial constitutions, defining their executive and legislative powers. Head VI dealt with the distribution of legislative powers between the Federal and Provincial Parliaments. These were the most significant as well as the most controversial clauses of the Act. Head VII touched upon the judicature, the appointment and payment of judges, and the future provision of the General Court of Appeal for Canada. The .remaining heads, VIII, IX, X and XI, dealt with a wide variety of miscellaneous topics, including revenue, debts, assets and subsidies; the oath of allegiance, Canada's treaty obligations towards foreign powers as "part of the British Empire", and the official status of the French and English languages; the intercolonial railway and the adherence of the additional provinces to the Confederation.

The British North America BNA Act has been amended several times since its first enactment in 1867. It was amended first in 1871 to remove doubts with respect to the constitutional validity of the Manitoba Act by which Manitoba was admitted into the Canadian Confederation under s. 146. Subsequent amendments included those of 1875, to remove doubts as to the powers of Parliament to define its own privileges, powers and immunities; in 1886, to provide for the representation in the Senate and House of Commons of the North West Territories; in 1907, to revise the amounts of the federal subsidies; in 1915, 1916, and 1930, to increase the number of senators, to extend for one year the life of the Parliament elected in 1911 and to return the natural resources of the prairie provinces. In 1940 and 1943 there were amendments adding "unemployment insurance" to the classes of subjects upon which the Federal Parliament might legislate, and revising the basis of selection for the number of members for the House of commons An amendment in 1949 gave the Federal Parliament power to amend the Constitution of Canada in all matters except those "coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces". In 1960 an amendment altered the tenure of office of .superior court judges. In 1951 and 1964 amendments provided for the payment of old age pensions by the Federal Government.

The amendments listed above were direct amendments made by the Parliament of the United Kingdom. However, there have been in direct amendments, some of which have been the work of the Federal Parliament and others the work of the Provincial Legislatures in those cases where provisions of the original Act were subject to modification by the federal or provincial leg isolative bodies. In 1952, the Representation Act, passed under the authority of the Amendment of 1949, enacted anew s.51 of the British North America Act setting forth new rules for determining the number of members of the House of Commons. The total membership of the House was to be 263 with each province

represented according to its population as determined by the decennial census. Sections 70, 72, 83 and 84 of the British North America Act have been altered at various times by Ontario and Quebec.

The Confederation which came into existence on 1 July, 1867, consisted of the four original provinces. But it was never intended that it should be limited to these four; and one of the early acts of the Federal Parliament was to enter into negotiations with the Hudson's Bay Company for the acquisition of the Company's western territories. Before the actual purchase was completed, the people of the Red River Settlement, led by Louis Riel, took matters into their own hands, formed a Provisional Government and sent delegates to Ottawa with the demand that the Settlement should be admitted to the Canadian union as a province. This was done in 1870, with the passing of the Manitoba Act by the Federal Parliament. A year later, in 1871, British Columbia entered Confederation, having arranged its own terms with Ottawa. Two years later, in 1873, Prince Edward Island became the seventh province to join the union. In 1905 the North- West Territories, formerly the Hudson's Bay Company Territories, were erected into the provinces of Alberta and Saskatchewan. The last province to become part of Canada was New found land, which entered Confederation in 1949. Today Canada consists of ten provinces, the Yukon Territory, and the North-West Territories. These last do not possess provincial status and are administered, in part, by the Federal Government.

A Constitution Similar in Principle to that of the United Kingdom the preamble to the British north America act stated that Canada was to possess a constitution “Similar in principle to that of the United Kingdom". A.V. Dicey, in his Law of the Constitution, suggested that, more appropriately, the word "States" should have been used instead of "Kingdom". In contending that the Canadian Constitution more closely resembled the Constitution of the United States than that of Great Britain, Dicey was looking at the less apparent, but none the less real, fact of the responsibility of the Executive branch of the Government (the Cabinet) to the Legislative branch (Parliament). This, after all, was the characteristic feature of the British Parliamentary system. There is, admittedly, no specific mention of responsible government in the British North America Act, but responsible government had become established practice some twenty years previously as a result of Lord Grey's instructions to Lord Elgin and to Sir John Harvey and their acceptance of the party Ministries of La Fontaine, Baldwin and Uniacke By 1867 responsible government was as much a constitutional convention in British North America as it was in Great Britain. W.H.P. Clement in The Law of the Canadian Constitution criticized Dicey's view, stating that it was "quite erroneous and wanting in proper regard for the underlying principle in conformity to which the pre Confederate provinces had been governed and the Dominion and its federated provinces have since been governed: the principle of executive responsibility to the people through parliament..."

There were other points of similarity between the. Canadian and British constitutions; some instances being the role of the Crown in the Executive, the non-elective charter of the Senate and the House of Lords, the control exercised by the House of Commons over money bills, and the supremacy of the legislatures. There was also the prerogative of the Crown, that residue of discretionary or arbitrary authority" which still remains in the hands of the monarch. In Canada the prerogative of the Crown is exercised by the Governor-General in the right of the federation, and by the Lieutenant-Governors in the right of the provinces. In 1892, Lord Watson, in the case of the Liquidators of the Maritime Bank v. the Receiver-General of New Brunswick, A.C. (1892) said, "a Lieutenant-Governor, when appointed, is as much the representative of Her Majesty for all purposes of provincial government as the Governor-General himself is for all purposes of Dominion government".

**Recent Constitutional Developments**

In 1931 the British House of Commons approved the enactment of the Statute of Westminster freeing the Provinces and the Dominion from the operation of the Colonial Laws Validity Act, thus removing all legal liabilities on Canada's legislative autonomy.

The Canadian government came to an agreement on an amended constitution in November 1981 which was to replace the BNA Act, with amending power now totally a prerogative of Canada. (Earlier the sole amending authority was vested in the Parliament of the Unite Kingdom) These proposals were adopted by the ii,: Canadian Parliament and enacted by the Parliament of UK as the Canada Act of 1982. This was the last act of the UK Parliament in the development of the Canadian Constitution. Canada added to its Constitution of Charter of Rights and Freedoms, provisions recognizing the multicultural heritage of the country, confirming the principles of equalization of benefits among the provinces and strengthening provincial ownership of natural resources.

Under the Constitution Act 1982, which ~ entered into force on 17 April 1982, executive - authority is vested in the Sovereign (of UK) arid exercised in her (or his) name by Governor- General and Privy Council. Legislative power is exercised by a Parliament of two Houses, the c' Senate and the House of Commons.

**The Government**

The national government operates through three main agencies: Parliament (consisting of the British Sovereign as represented by the cover nor General, the Senate and the House of Commons), which makes the laws; the Executive (the Cabinet or Ministry), which applies the laws; and the Judiciary, which interprets the laws. The Prime Minister is appointed by the Governor-General and is habitually the leader of the political party commanding the confidence of the House of Commons. He chooses the members of his Cabinet from members of his party in Parliament, principally from those in the House of Commons. He chooses the members of cabinet from members of his party in parliament, principally from those in the House of Commons. Each Minister or member of the Cabinet is usually responsible for the administration of a department, although there may be Ministers without portfolio whose experience and counsel are drawn upon to strengthen the Cabinet but who is not at the head of departments. Each Minister of a department is responsible to Parliament for that department, and the Cabinet is collectively responsible before Parliament for government policy and administration generally.

Meetings of the Cabinet are presided over by the Prime Minister. From the Cabinet, signed orders and recommendations go to the Governor- General for his or her approval, and the Crown acts only on the advice of its responsible Ministers. The Cabinet takes the responsibility for its advice being in accordance with the support of Parliament and is held strictly accountable.

**The Federal Parliament:** Parliament must meet at least once a year, so that 12 months do not elapse between the last meeting in one session and the first meeting in the next. The duration of Parliament may not be longer than five years from the date of election of a House of Commons. Senators (normally a maximum of 104 in number) are appointed until age 75 by the Governor-General in Council under the great seal of Canada. They must be at least 30 years of age, residents of the province they represent and in possession of a certain amount of real property over and above their liabilities. Members of the House of Commons are elected by universal adult suffrage by a first-past-the-post system for 5-year terms or the duration of a Parliament.

Under the Constitution, the Federal Parliament has exclusive legislative authority in all matters relating to public debt and property; regulation of trade and commerce; raising of money by any mode of taxation; borrowing of money on the public credit; postal service, census and statistics; militia, military and naval service and defense; fixing and providing fro salaries and allowances of the officers of the Government; beacons, buoys and lighthouses; navigation and shipping, quarantine and the establishment and maintenance of marine hospitals; sea-coast and inland fisheries; ferries on an international or inter provincial frontier; currency and coinage; banging, incorporation of banks, and issue of paper money; savings banks; weights and measures bills of exchange and promissory notes; interest; legal tender; discovery; copyrights; Indians and lands reserved for Indians naturalization and aliens; marriage and divorce the criminal law, except the constitution of courts of criminal jurisdiction but including the procedure in criminal matters; the establishment, maintenance and management of penitentiaries; and such classes of subjects as are expressly excepted in the enumeration of the classes of subject exclusively assigned to the Legislature of the provinces by the Act. Judicial interpretation and later amendments have, in certain cases, modified or clearly defined the respective powers of the Federal Government and provincial governments.

Both the Parliament of Canada and the legislatures of the provinces may legislate with respect to agriculture and immigration, but provincial legislation shall have effect in and for the provinces as long and as far only as it is not repugnant to any Act of Parliament, Both Parliament and the provincial legislatures may legislate with respect to old age pensions and supplementary benefits, but no federal law shall affect the operation of any present or future law of a province in relation to these matters

**Provincial and Municipal Government** In each of the 10 provinces the Sovereign is represented by a Lieutenant-Governor, appointed by the Governor-General in Council, and acting on the advice of the Ministry or Executive Council, which is responsible to the Legislature and resigns office when it ceases to enjoy the confidence of that body. The Legislatures are unicameral, consisting of an elected Legislative Assembly and the Lieutenant-Governor the duration of a Legislature may not exceed five years from the date of the election of its members.

The Legislature in each province may exclusively make laws in relation to: amendment of the constitution of the province, except as regards the Lieutenant-Governor; direct taxation within the province, establishment and tenure of provincial offices and appointment and payment of provincial officers; the management and sale of public lands belonging to the province and of the timber and wood thereon; the establishment, maintenance and management of public and reformatory prisons in and for the province; the establishment, maintenance and management of hospitals, asylums, charities and charitable institutions in and for the province other than marine hospitals; municipal institutions in the province; shop, saloon, tavern, auctioneer and other licenses issues for the raising of provincial or municipal revenue; local works and undertakings other than inter provincial or international lines of ships, railways, canals, telegraphs, etc., or works, which, through wholly situated within the province are declared by the Federal Parliament to be for the general advantage either of Canada or two or more provinces; the incorporation of companies with provincial objects; the solemnization of marriage in the province; property and civil rights in the province; the administration of justice in the province, including the constitution, maintenance and organization of provincial courts both in civil and criminal jurisdiction, and including procedure in civil matters in these courts; the imposition of punishment by fine, penalty or imprisonment for enforcing any law of the province relating to any of the aforesaid subjects; generally all matters of a merely local or private nature in the province. Further, provincial

Legislatures my exclusively make laws in relation to education, subject to the protection of religious minorities; and to non-renewable natural re- sources, forestry resources and electrical energy, including their export from one province to another, and to the right to impose any mode or system of taxation thereon, subject in both cases to such laws not being discriminatory.

**Judicial System**

The Supreme Court of Canada is the ultimate court of appeal in both civil and criminal cases throughout Canada. The Supreme Court is also required to advise on questions referred to it by the Governor-General in Council. Important questions concerning the interpretation of the Constitution Act, the constitutionality or interpretation of any federal or provincial law, the powers of Parliament or of the provincial legislatures among other members, may be referred by the Government to the Supreme Court for consideration.

In civil cases, appeals may be brought from any final judgment of the highest court of last resort in a province. The Supreme Court will grant permission to appeal if it is of the opinion that a question of public importance is involved, one that transcends the immediate concerns of the parties to the litigation. In criminalizes, the Court will hear appeals as of right concerning indictable offences where an acquittal has been set aside or where there has been a dissenting judgment on a point of law in a provincial court of appeal. The Supreme Court may, in addition, consent to hear appeals on question of law concerning both summary conviction and all other indictable offences Constitution and Government of Frances.

**Critical Estimate**

Finally, we may look into the merits and demerits of a federal system. Since it is opposed to the unitary or centralized system of government, the merits of one are the demerits of another and vice versa. First, we discuss the case for federalism

1. Under a federal system, small states may unite them selves into a more powerful commonwealth and thereby obtain certain manifest advantages, both internal and external which flow from the union without at the same time wholly surrendering their separate existences and sacrificing their right to govern themselves in respect to matters which concern them alone. It, thus, combines the advantages of national unity with those or local autonomy and the right of se1f government. In return for this advantage the people are reconciled to the loss of power which they attain through the delegation to the central government of the authority to regu1ate certain affairs of general interest to all the slates composing the union. It furnishes the means of maintaining an equi1ibrium between the centrifugal and centripetal forces in a state of wide]y different tendencies.
2. It is the only political system which makes it possible to have uniformity of legislation, administration and adjudication throughout the country in respect to those matters concerning which uniformity is desirable and, at the same time, makes possible diversity where it is desirable by reason of the: varying conditions and standards which prevail in different parts of the country. It is, therefore, adapted to states of vast area and diversity of conditions and also to those small ones whose people are separated by racial, geographical and other barriers and who can be reconciled to live under a common regime only when they are permitted a certain degree of autonomy.
3. By permitting the inhabitants of each component state a large measure of self-government, their interest in public affairs is stimulated; they are better qualified for determining their own policies

and regulating their own local affairs than uninformed, over-burdened, distantly removed bureaucrats are; and in consequence of the division of competence, the central authorities – legislative and administrative are relieved of the burdens and congestion which oppress them where the unitary system prevails.

4. The component units may experiment with new legislative and administrative approaches to the constantly changing problems presented by a technological age, and often such laboratory experiment by a single state serve as a judge for federal legislation.
5. A federal system provides a model for world government. If the dreams of those who are contemplating a design for one world, one state one government, one citizenship and the like are to be realized, the pattern of international administration would be possible on federal lines.

A federal system has its own weaknesses, inherent as well as circumstantial, that may be enumerated as under:

1. I. It is' a weak government on account of the division of powers between the centre and the units. Thus, in times of national crisis it faces numerous difficulties. The central government is not powerful enough deal with all fissiparous tendencies that entail from the distribution of authority between two co-ordinate governments.
2. Federal system creates a twilight zone that becomes a source of unnecessary complexity and confusion. There is duplicity of legislation, administration, taxation, adjudication and the like. It entails heavy expenditure at the cost of the tax - payer. There arise so many situations when the federal government may lack constitutional authority to act, yet where action by individual states may be futile without concerted action by all of them. Such uniform state action difficult, if not impossible to achieve particularly where individual states see a short run advantage in non-conformity.
3. It is said that many problems of a federal system may be solved by making necessary changes in the constitution of the state. But this can note done so easily because the process of constitutional amendment is deliberately made rigid and cumbersome. Where the amending process is difficult and slow, as in the United States and Switzerland, much time may e]apse before urgent problems are met-if, indeed, the pro- posed amendment *is* ever ratified.
4. A federal government is a weak government and, for this reason, for the fear of disintegration always remains. Any unit may challenge the authority of the Centre and thereby take to the path of secession. Only a strong centre can meet the challenge of the rebels as was done by the government of President early in ear]y 1860s. Congo had a different fate in 1960.
5. A federal state cannot pursue a vigorous foreign policy because of its likely repercussions on the attitudes of the governments of the units. For instance, the American states by virtue of their reserved powers over the rights of person and property may create difficulties for .the central government by making laws affecting the aliens.

It is true that a federal system has its own points of strength and weakness; a plausible conclusion would be that, in spite of several inherent difficulties, it alone is suited for the countries having a vast area and/or diversity in respect of racial, religious, linguistic and cultural factors. It is for this salient reason that several countries of the world have adopted it. In such a country, only a federal system provides solution to the major problems of the people and they feel less danger from the rise of a despotic centralized government, usurping their rights'.

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**Sample Questions**

1. Compare the Federal features of Indian Constitution with those of Canadian Constitution.
2. Discuss the nature of Indian federal system
3. Discuss the problems of federalism.
4. India is neither federal nor unitary; it is quasi-federal-justify.
5. Critically asses the legislative relation between union and state in India.
6. Examine the problems in Union-State relation.
7. Compare and contrast between India and Canadian model of federalism.

**Short Note**

a. National Development Council
b. Sarkaria Commission

LESSON 6

# PARTY SYSTEM IN INDIA IN COMPARISON WITH THAT IN U.K

Modern Democracy is the representative democracy and a representative government, it is now generally agreed, cannot work without political parties. These days candidates are sponsored by the parties, voters vote for the party not for the individual candidates, governments are formed by the parties. Thus political parties are essential in a democratic set up. MacIver has rightly said that without political parties there can be no unified statement of principles, no orderly evolution of policy, no regular resort to the constitutional device of parliamentary elections, nor, or course any of the recognised institutions by means of which a party seeks to gain or to maintain power. Thus party system is the base of the democratic set up these days.

But it looks strange to point out that party system was unknown about 200 years ago. Parties as such were considered bad. Founding fathers of the American Constitution did not favour party system and have no mention of parties in the constitution. Party system emerged with the democracy. As the democratic government became more and more popular the party system became stronger. It was felt a necessity in a responsible government in England. MacIver has pointed out, "It was only when the topic of parliamentary government brought it about that a dispute between the ministry and the representatives was decided by an appeal to the country, involving the retirement of the ministry if defeated or when an unpopular government found it expedient to resign that the importance of parties emerged, and they began to assume a new status." Thus party system developed with the development of parliamentary system of government and today it dominates the whole political field.

Today political parties have become an integral part of political system. Democracy and political parties go together. A democratic government cannot work in the absence of political parties. They dominate in the legislatures and executive. They have given a new dimension to the working of democratic government. They keep a full controlling influence over the representatives in the assemblies. In India Anti-Defection Act was passed in 1985 providing that a representative after being elected on a party ticket cannot defect from it and join another party and if he does so, he can be disqualified. This Act has tightened the grip of the party over it legislators.

**What is Political Party?**

Ordinarily speaking a political party is a group of persons, operating in an organized way to secure the control of the government, so that it may put into practice its own policies and programmes. Various scholars have defined political parties as under:

According to Gilchrist, "A political party is an organized group of citizens who profess to share the same political views, and who by acting as a political unit, try to control the government."

Gettel says, "A political party consists of a group of citizens more or less organized, who act as a political unit, and who, by the use of their voting power aim to control the government and carry out their general policies."

Edmund Burke considers political party "as a body of men united for promoting by joint endeavors the national interest, upon some particular principle in which they are all agreed".

**Function of Political Parties:** As the political parties vary from one political system to another, their functions also differs from a democratic political system to a dictatorial or totalitarian

system. Thus their role and responsibilities differ from one system to the other. But no party can exist without effective functions. so the political parties in general performs the following function.

- **Stabilise the Political Process**: The parties units simplify and stabilize the political process. They bring together sectional interests, over come geographical distances and provide coherence to sometimes divisive government structures. The American Democratic Party provides a bridge to bring together the southern conservatives and northern liberals. The German Democratic Party bridges the gulf between the Protestants and the Catholics in West Germany. In federal systems all political parties emphasize the uniting of different government structures the extreme case being that of the U.S.S.R. In this way political parties tend to provide the highest common denominator.
- **Struggle for Capturing Power**: The political party strives to form order out of chaos. They seek to widen the interests they represent and harmonize these interests with each other. Though interest articulation function is performed by the pressure groups, the work of interest aggregation is done by the parties. For example, the conservative party of Britain, in spite of the nature of the internal organization and distribution of power, depends upon the support of diverse economic, social and geographical sections in English politics. It may be said that all parties strive to extend the area of their support whether it is a bi-party system or a multi-party-system of competitive electorate political or it is a single dominant party system where political process operates under the dominance of a single party and other parties not only reflect division in society but also tend to mitigate them.
- **Provides link between Government and its people**: The political parties seek to educate, instruct and activate the electorate. They perform the job of political mobilization, secularization and recruitment. In a liberal democratic system the parties use means of mass media to give political education to the people. The parties may organize and control some unions or organizations for the purpose, occupational and social implantation. The communist party of France may be said to be it best example. In totalitarian systems, the party in power works for the mobilization of support by activity the population by means of relies uniforms flags and other displays of unitary to emphasize the identification of the individuals with the political party.
- **It recruits the political leaders**: Political parties recruit leaders to widen the base of their party. In weak or ill organized political parties' power remains with those leaders recruited from traditional groups. In totalitarian system this recruitment is made from the rank of the same party. But in democracy, political recruitment is made from various parties.
- **Realization of goals**: Political parties present issues they set value goals for the society. All parties have philosophical bases, no matter how blurred and no matter how divorced from the actual political behavior of the party they are though American political parties have ideological similarity and issue conflict, they have no disagreement on the fundamental goals of the society. The two prototypes of the two parties of the United States in respect of ideological similarity and issue conflict nature single political parties in totalitarian system set more rigid ideological goals for society. For example, the communist parties proclaim socio-economic equality of all after establishing the dictatorship of the proletariat.
- **Broker of Idea**s*:* The political parties act as the broker of ideas. They perform this task by construction of majority. The members of the parties seek to realize their goals. They do not create ideas but only act as middle men-who select the ideas and shape them so as to receive popular

support and win the election. As the states are facing problems, the parties formulate their policies in such a way that an average voter can understand them. The parties act as the vehicle of ideas and opinions of the people and a powerful instrument for holding election without political parties the electorate would be highly diffused various dispersive.

- **Performers the factories of political modernization** : In the newer and developing nations of the world where political units and traditions are yet to grow up political party or parties does or do the job of political modernization. That is, they strive to gave a particular shape to the governments, provide the main link between different social economic groups, constitute the chief agency for political education and socialization, break down traditional barriers and act as the binding force in communities divided by groups based on tribal affiliation, religious denomination or national origin. The role of the congress party in India may be said to be the best example of this type where the great leaders have played a monumental part in the framing of the constitution and running the government on the lines parliamentary democracy.
- **Perform Social Welfare Functions**: The parties work for the alleviation of the sufferings of the people during days of famine, drought epidemic war etc. They also work for the eradication of social evils like illiteracy, untouchability, ignorance, disease etc. An Australia citizen may lead their lives from cradle to grave within the frame of organizations linked to a party which include not only trade union and welfare groups but also stamp collecting societies pigeon clubs and weight lifting associations. The Indian National Congress and Bharatiya Janta Parties have often engaged themselves in massive activities of Social Welfare and Public Service.
- **Organize Public Opinion**: The political parties also organize public opinion. They focus the attention of the people on the various problems facing the country and try to increase their support or base. The ruling party high lights the achievements of the party and the opposition focuses attention on its lapses. As a result, an average citizen is able to form a fair idea about the various social, economic and political problems facing the countries.
- **Check the despotic attitude**: The political parties act as a check against the despotic attitude of the government. They highlight the acts of omission and commission of the government and no political leader is allowed to gain power at the expenses of public interest. In Western democracies like U.K. and U.S.A., there are instances when the head of the government has to quit office before organized criticism of the political parties. The opposition parties checks the despotism of the government by every possible means. It criticizes the faults of the government before the people and in the parliament and the government being faced with political pressures has to check its own design.

By concentrating votes for themselves the political parties concentrate responsibility on themselves. The majority party has the power to implement its promises, to meet problems as they advise, and to administrate laws wisely and fairly. Responsibility in a party-system can be fixed in case of failure of a particular programme. If there were no parties and a crisis arose that was not appropriately men, every body would be equally responsible. If there were only one party, the responsibility would be clear but it could not be brought home because would be no alternative Government.

**Party System in India**

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

Recently the Election Commission amended the election symbols order modifying the criteria for recognition as National and State parties.

A political party shall be eligible to be recognized as a national party if it secures at least six per cent of valid votes polled in any four or more States at the general elections to the Lok Sabha or to the Legislative Assembly and in addition win at least four seats in the Lok Sabha from any State or States.

The other criteria is that a political party wins at least two per cent seats in the Lok Sabha from at least three different States. It clarified there should be a minimum of 11 MPs among the 543—directly elected representatives, thereby giving weightage of party presence in the Lok Sabha.

The Election Commission on May 15, 2005 modified the conditions for recognition of National and States parties by amending the Election Symbols (Reservation and Allotment) Order, 1968. As per modification, a party recognize as a State party in a minimum of four States will also be eligible for the national party status.

The Commission said, the amendment has infused five principles which in its view should govern the polity in the country. One, that legislative presence was a must for recognition as a National or State party. Second for a national party, presence in the Lok Sabha a national party, presence in the Lok Sabha and for a state party in the Assembly, third, that in any election a party can set up a candidate only from amongst its own members, fourth was to grant six years time to a bears, fourth was to grant six years time to a party that loses it recognition to regain the symbol and finally, that recognition be given only on the basis of own performance in elections and not because it is splinter group of some other recognized party.

The revised criteria for recognition shall not be applied to the detriment of any of the existing National and State parties, the Commission said adding that the current status under the pre-revised criteria shall continue till it is modified after any future general elections to the Lok Sabha on State legislative Assemblies.

While there are six recognized national parties, the number of recognized State parties has risen from 23 a decade ago to 55 at last count by the Election Commission in March 2006. The number of registered regional parties with the Election Commission stands at a staggering 781.

National parties are all-India parties. They drew support from different segments of society and put-up their candidates for parliamentary elections across state lines. The Indian National Congress, the Communist Party of India (CPI), The Communist Party of India (Marxist), the Bharatiya Janta Party, Bahujan Samaj Party and National Congress Party were major recognized national parties at the eve of 2004 general elections. The list of recognized parties is revised after every general election, taking into account the number of votes polled by them. Presently, thee are six National Parties (Fadia: 540-541).

**Rajani Kothari's One Party Dominance System**

Prof. Rasheeduddin Khan observes, "India's Party system has been unique. It had revolved around the Indian National Congress Party; hence it has been often described as a dominant one party system. There has been a plurality of parties, but that did not make the Indian Party system a multi-party phenomenon. It reflects rather an environment of multi-party situation with the congress, despite the rise and fall in its electoral support, remaining a dominant single party."

The party system operating in India does not conform to the two party system of Britain and the USA. At the same time, it is basically different from the multi-party model of countries like France and Italy because one of India's several parties has over-shadowed all others by having dominated the political scene ever since independence. The Congress system emerged after the country had attained independence development. The first phase (1947-1967) was the period of the Congress system; the second phase (1967-1977) was characterized by the decline and disintegration of the Congress system and the consolidation of power by a small oligarchy; and the third phase (from 1977-1989) witnessed the development of a new system, which because of its domination by Indira Gandhi became known as the Indira Congress or Congress (I). Until its rout in 1967, 1977, 1989 and 1996 elections, the Congress Party exercised a monopoly of power at the centre and, with a few exceptions, has been in control in most of the states.

Rajni Kothari prefers to call the Indian Party System as 'One Party Dominance System' or 'the Congress system'. He asserts that the Congress Party, based upon a broad consensus, was able to accommodate diverse interests and factions within its fold. These factions competed with each other but usually reached compromises without creating any breakdown of the system. The opposition parties worked outside the system and used the factional leaders of the Congress Party to influence its policy decisions. These parties acted as pressure groups and frequently created informal alliances with the factional leaders of the ruling alliances with the factional leaders of the ruling party. The congress system showed remarkable flexibility and accommodation in withstanding the pressure from within its own ranks as well as from the opposition groups. Often the programmes, policies and even personnel of the opposition parties were absolved by the Congress system, thus leading to the strengthening of the one party system in India. This system operated during Nehru's as well as Indira Gandhi's leadership of the Congress Party (Fadia 2007 : 533).

**A Multiparty System**

Since the disintegration of the consensus-based Congress system in 1967, the Indian parties have fit the category of a multi-party system. "Since 1967 a multiparty situation had emerged, both in the centre and the state, without becoming a formal multi-party system, due to the continuance of effective dominant Congress party rule at the federal level till 1989 (except for two and half years in 1977-79)." The Congress party itself is a coalition of diverse interests, factions, groups and individuals. It has rarely been able to capture more than 50% of the votes, the remainder of which have been won by the opposition parties. At the state level the dominance of the Congress Party is frequently contested by regional and local parties. In some States, as in Tamil Nadu, Uttar Pradesh, Bihar and West Bengal, the Congress has been virtually eliminated as a major political force. The number of parties has increased (Fadia 2007 : 533).

**Coalition Politics in India**

Between 1950 and 1967 there was political stability at the Centre. The Congress(I) got a minority of polled votes ranging from 45 per cent in 1952 to 40.7 per cent in 1967 and secured absolute majority in the Lok Sabha. But the decline in its popular support was evident from the steep fall in the percentage of the parliamentary seats it won during the period. Whereas it won a spectacular 73 per cent of the total strength of the Lok Sabha in 1952, it scraped through with a bare majority in 1967 by getting 54 per cent of the total Lok Sabha seats. (The figures are taken from Myron Weiner's The Indian Paradox, edited by Ashutosh Varshney, New Delhi, Sage Publications.)

The fourth general elections of 1967 can be considered one of the most important events in Indian politics. On the one hand they ended the Congress dominated in many states, and on the other hand, they commenced coalition governments in six states. The Congress had allowed the dissidents to leave the party and this led to fragmentation of the party system.

As the Congress won a majority in each of the four Lok Sabha elections in 1952, 1957, 1962 and 1967, there was no crisis in the running of the Union government. The first sign of a crisis surfaced in 1969 when on account of a split in the Congress Party, the government of Indira Gandhi was reduced to a minority.

During the Nehru era, characterized by the dominant party system, the Congress enjoyed a virtual monopoly of power both at the Centre and in the states, though the Swatantra Party and the Communist Party of India (CPI) ruled in Orissa and Kerala respectively. The general elections held in 1967 when Indira Gandhi was in power ended the dominant party system. The setback suffered by the Congress in that year gave it is a narrow majority in the fourth Lok Sabha.

The Congress (I) lost half the states where coalition governments (Samyukh Vidhayak Dal) were formed. However, the succession of Lal Bahadur Shastri and Indira Gandhi was smoothly affected by Kamaraj. But a run of drought, two wars with Pakistan and growing corruption affected political stability. The Congress split in 1969 because Indira Gandhi nominated V.V. Giri for President against the official candidate, Neelam Sanjiva Reddy. This created a serious crisis at the Centre, since the government of Indira Gandhi became a minority. She, however, managed to continue with the support of the DMK, the CPI and the Muslim League. She rallied around riding on the crest the wave of popularity generated by India's victory in the 1971 war. She won the general elections that gave the Congress (I) a massive victory.

The crisis of 1969 was the outcome of Indira Gandhi's ambition to seize control of the party organization by dethroning the 'syndicate' with a view to strengthening her position in the government against her rivals. This crisis did not affect the stability of her minority government for she continued to enjoy the support of the DMK, the CPI and the Muslim League in the fourth Lok Sabha.

The first coalition experiment at the Centre in independent India took place in 1977. The Congress Party lost the elections in 1977 mainly because of Emergency imposed in 1975. it could secure only 153 seats. The Janta Dal secured 272 seats while the Congress for Democracy led by Jagjeevan Ram secured 28 seats. With the strength of 300 out of 540 seats, the Janata Dal for the first time formed government at the Centre. Though this was a coalition, it was not regarded so, at least in the formal sense, because the constituents had merged into a single party on the eve of elections in 1977.

The coalition era at the Centre can be said to have started in 1989 when a coalition government, in the formal sense, was formed for the first time. With this, as M.P. Singh says, the party system truly acquired a multi-party character. The coalition government at the Centre consisted of the Janata Dal, Lok Dal, Telgu Desam, DMK, Assam Gana parishad and Congress(S). These were collectively called the National Front. V.P. Singh formed the government at the Centre with the help of the BJP and both the Communist parties. These parties gave support from outside, without joining the government. However, with the arrest of Lal Krishna Advani, the BJP president, in October 1990, the BJP withdrew its support to the government and V.P. Singh became the first prime minister to be voted out of office by the Lok Sabha. The Congress then extended its support to the government and Chandra Shekhar became the prime minister. However, this government was also short-lived as the Congress withdrew its support in 1991.

The mid-term elections of 1991 and the general election of 1996 and 1998 have confirmed the coalitionist phase. Now coalition politics has come to stay in the Indian party system.

The fourth general election held in 1967 brought about coalition governments in six states of Kerala, West Bengal, Punjab, Orissa, Uttar Pradesh and Bihar. It was a new experiment in Indian politics. In Kerala, the CPI (Marxist) leader, E.M.S. Namboodiripad formed a United Front (UF) government on March 5, 1967. The UF consisted of CPI (Marxist), CPI, SSP, Revolutionary Socialist Party (RSP), Karashaka Thozhilai Party (KTP), Kerals Socialist Party (KSP) and the Muslim League. In West Bengal, the left-wing parties with their independent supporters formed the United Front and formed the government under the leadership of Ajoy Mukherjee in February 1967. In Punjab, the Akali Dal (Fateh Singh group), CP, Republicans and Samyukta Socialist Party (SSP) and independents formed a coalition government in March 1967 under Sardar Gurnam Singh. In Orissa, a coalition government was formed by R.N. Singh Deo in march 1967. The coalition partners were Swatantra party and Jana Congress. In Uttar Pradesh, with no clear mandate given by the people, the opposition parties formed a United Front. The Congress formed a coalition, with the support of independents and four other MLAs who defected to the Congress, under C.B. Gupta in march 1967. But this was a very short-lived (three weeks) government. The United Front called Samyukta Vidhayak Dal then formed the government under Charan Singh. In Bihar, a coalition government under Mahamaye Prasad Sinha was formed in march 1967, after the Congress declined to form the ministry. The United Front comparised the Jan Sangh, Jan Kranti Dal (JKD), SSP, PSP and CPI. The states of Mdhya Pradesh and Haryana also tasted coalition politics. Initially in these two states the Congress formed the government but due to defections the opposition formed coalition governments though these were short-lived.

The most striking feature of these coalition experiments at the state level was that they were highly unstable. No government was able to stay for long and alternate governments were formed which also proved unstable. This led to frequent imposition of President's Rule. The experience proved that the coalition experiments were a total failure. The aim of the coalition governments seemed only to keep the congress party from forming the government. Another notable thing was that the coalition comprised mostly leftist and rightist groups and in certain cases even included the centrists, making them forget their broad differences. But this exercise often became a game for selfish, opportunist, power-hungry and unscrupulous politicians who looked after their personal interests. Thus, coalition politics was seen with suspicion and at times it even posed a threat to the security of the country (K. Rajaram 2005 : 602-603).

**Emerging Trends of Bipolar Party System in India**

With no party having obtained a clear majority, the election results of 1989, 1991, 1996, 1998, 1999 and 2004 show that India is managing the difficult transition from dominant party democracy to a different but stable dispensation for more swiftly. Single party dominance was a product of the overwhelming supremacy of the the Congress in the decades after India became independent. When, as far back as 1967, the Congress began to lose its dominance the great question in everyone's mind was, what kind of party system would replace it when it lost its dominance. In the sixties and early seventies, when the prospect seemed sufficiently distant, most of the intelligentasia assumed that single party dominance would give way to some form of two party system not unlike that of Britain. However, as the years passed, this remained elusive.

Not only were the non-congress parties unable to cobble together a viable alternative, but by the early eighties the search for one had been further complicated by the rise of a large number of ethno-national-political parties with strong and durable bases in a single state. This completed a transformation of Indian politics that put a two party system forever beyond reach.

With the Congress to continuing to lose ground, it became clear that at the Centre Coalition Governments had come to stay. The question the country then faced was could such coalitions give a strong enough government to maintain the Centre's ascendancy over the states - something that was necessary to maintain India's cohesion and sense of national identity. The experience the country had with 18 months of government by the United Front was anything but reassuring.

Mrs. Sonia Gandhi's entry into active politics has brought the Congress back as an alternative to the one led by the BJP. Before she began to campaign for the party, it was visibly failing to pieces. But by stepping in, she stopped the disintegration. As a result in the states where the Congress had not splintered, and therefore still had an intact party organization, its share of the vote rose. This has enabled the Congress to replace the United Front, that is splitting, the final shape of Indian politics is therefore well in sight : the dominant party democracy of the past five decades is on the point of being replaced by two national coalitions, one somewhat to the Right with the BJP at its core, and the other to the Centre—Left led by the Congress. The whole process is completed with the emergence of United Progressive Alliance (UPA) in comfortable position just after the declaration of the May 2004 Lok Sabha election results. India thus have completed the transition from dominant to bipolar democracy in 15 years, and entirely through the ballot box.

In his first major reaction after his party lost to the Congress in Delhi, Rajasthan and Madhya Pradesh (November, 1998), senior leader and Home Minister L.K. Advani identified a positive aspect in the emergence of the tidied a positive aspect in the emergence of the BJP and the Congress as two poles of the Indian polity. Now under the leadership of Mrs. Sonia Gandhi the Congress has moved to the centre stage and the scenario is moving towards a bipolar polity (Fadia : 535-536).

**Merits and Demerits of Party System**

It is an age of representative democracies. Such democracies can hardly function without the like minded persons working together and acting in concert, unless representatives of people are organized in political parties the assemblies will consists of unattached individuals who will be unable to discharge the deliberative function adequately. In fact, representative's government on the national scale is inconceivable without the existence of organized political parties.

The importance of parties for the success of representative democracies has already been noted. Its merits may briefly discuss in below.

- **Parties are in accord with human with human nature**:The views and opinions of people differ widely. Some are reactionaries and conservative, others are liberals and radicals. If the first two types join and form one party and the last two kinds of persons decide to constitute another, this will be quite in accord with human nature.
- **Success of democracy requires political parties**: Political parties constitute the very essence of democracy, without them, democracy can not function successfully, it is through parties that the electorate organises itself for exercising the right to choose representatives. The party system curbs the high-handedness of majority party. The opposition parties are out to unmask the infirmities of the party in power.
- **Country is saved from turmoil**: Democracy is a Government by discussion and persuation, not coercion. Political parties save the country from coupd etc. If the party in power is not actuated with altruistic motives, the voters can outs it and give power to another party. The party government thrives on sympathetic public opinions. A conflict of ideas any times better than the clash of arms. According to Maciver, 'Without the party system the state has no elasticity, no true self-determination."
- **Risk of direct legislation avoided**: The parties are less susceptible to sudden gusts of passions than individuals. Every measure is thoroughly discussed before it is passed by the legislature. Thus popular prejudices do not colour legislation, and the state is saved from risk inherent in legislation by the people.
- **A check against caesarism**: Party system severs as a great check against possible despotism of the executive. A constant prove into the activities or government by the opposition keeps the government vigilant and prevents it from being arbitrary.
- **Legislative excellence promoted**: Good legislation is possible only. When the law is discussed threadbare before entering the statute book. The opposition parties perform this function fairly well so that all possible defects are removed and legislative excellence is promoted.
- **Elections made easy**:The party system makes elections easy by nominating the candidates well ion advance of the polling date. The candidates and the votes thus get enough time to come in contract with each other before casting their vote for a against a particular candidate.
- **Harmony between the organs of government made possible**: The working of a presidential form of government, believing in the theory of separation of power, would be practically impossible, if the party system was to be discarded. The father of the American Constitution was opposed to party system. The party system never the less developed soon after the constitution came into force. If the American President and the Congress have been able to work harmoniously, the credit for it goes to the existence of the party system.
- Class state transformed into people's state: The credit for the transformation of class states into nation states goes to the party system. The class states were governed either by the nobility whose authority rested upon the ownership of land or leadership in war or by the clergy whose authority was based on spiritual superiority. The masses were completely neglected. The party emerges as a

protest against the vested interests. Thus the government has come to represent the masses rather than the cases.

- **Immense educational value**: Party campaigns are educational campaign. Propaganda through press, public meetings and pamphlets impart political education to the masses and awakens them to their responsibility.
- **It involves great discipline**: The party system enforces a certain type of discipline. it trains the members themselves in loyalty and consistency. Party discipline in Legislatures certainly imposes a needed check on self-seeking and as the greater mischief of corruption.

**Demerits:** The party has also various shortcomings.

- **An unnatural political Phenomenon**: The critics contend that parties set up an artificial agreement among people who profess to have identical views. The disagreement with their opponents is like wise based on artificial grounds. Such artificial agreements and disagreements keep the people divided in to hostile camps.
- **Party system creates factionalism**: Parties create factions within the community. The country is divided into irreconcilable camps which seek to degrade each other. It enfeebles the public administration by accent rating dimensions among those who form the government and those who are on the opposition benches.
- **Talented people from other parties ignored by the party in power**: In Parliamentary form of government, the majority party forms the government. The majority party would like to have its own men in the saddle. The talented persons from other parties are not including in the government as it is against party spirit and the need for political homogeneity. This deprives the nation of the services of talented people, who belong to the opposition parties.
- **Interest of party given procedure over interest of the nation**: The opposition party makes it a point to oppose the party in power without caring for the interest of the nation. Even the good points of the part in power are condemned by the opposition. Thus, the public business suffers a great deal and the interest of the nation is at a discount. The rancor, bitterness and jealousies continue even after the elections and over, and the spirit of rivalry, animosity and antagonism pollutes the social life of the community.
- **It encourages allowance and insincerity**: The parties divide the nation not on basic issues. Quite often, it is a sort of artificial agreement or disagreement. The party members and change sides. The election promises, which often prove hoaxes further, demonstrate the hollowness of the party system. The party system has therefore, been dubbed as organized hypocrisy.
- **Individuality crushed**: The strict party disciplines fiercely the members to the party line. Thus, the member of a party becomes a mere cog in the party machine. The individual member loses his individuality. His initiative is crushed and he ceases to have his individual opinions.
- **It narrows the vision of the members**: The party system narrows the vision of members. The later think in terms of their. Parties rather than the nation. They become partisan. Instead of thinking of the good of the nation, they start thinking in their own.
- **It leads to spoils system**: The party in power usually possesses vast patronage which it likes to confer upon its own adherent even it they are good for nothing. Thus in the United States, the

spoils are frequently distributed in the form of key offices among the supporter of the new president. Merit is ignored. So the quality of administration deteriorates.

- **Excessive Pandering to the masses**: The critics points out that the party system believes in excessive pending to the masses. This result neither in popular legislation, nor for the good of the country but for humoring a large section of voters. Popular legislation of this type is generally and Legislation.
- **Wrong education of people**: it is contended by the critics that party system does not lead to political education of the masses. Instead, the later are misled and misdirected. The parties generally suppress truth and pride, falsehood. The election campaigns are falsification and vilification campaigns. The ignorance of the voter is exploited.
- **It makes the government instable:** A party government weak and unstable. Since a vote of non-confidence by a majority of members in the legislature can out the government. This is particularly true where multiple party systems prevails. In a multiple party system are parties; may not noted majority. As such a coalition government may have to be formed. Such a type of government is generally unstable.
- **Weak in emergencies**: The critics argue that a party government is weak, particularly during emergencies. An emergency requires unified direction and action, which a party government is unable to provide. The opposition parties are out, on the other hand, to find faults with the majority party. Loyalty to the party at the cost of loyalty to the country proves suicidal to the latter.
- **Passage of money**: The parties waste lot of money in the election campaigns Pamphleteering, canvassing, public meetings etc. also entail type expenditure. It is very heart burning.

A critical appraisal of the glorying defects of party system in its practical working must make as pause for reflection. Many of the defects of parties appear in countries where political consciousness has not matured and democracy is in infancy. As the masses become politically mature, it becomes more and more difficult to mislead or hood wink them. And the consequences of those policies prove disastrous to the parties that practise it. In fact, a right type of political education consequent development of public consciousness can mitigate evils of party system to a considerable extent.

**Party System in U.K.**

**Features of British party System: The two party System**

The party system of Great Britain provides a key to the understanding of some of the characteristic features of the country' constitutional system, such as the supreme authority of the cabinet and the almost complete reversal of its relations with parliament in the last hundred years or so. The working of British democracy is, very largely, a function of the country's party system.

The chief characteristics of Great Britain’s party system are the existence of two well organized and more or less evenly balanced parties which dominate the political stage. The two party-systems, it has been aptly observed, is deeply embedded in the political structure and traditions of the country. The Whigs and Tories of seventeenth and eighteenth centuries changed their names into Liberals and Conservatives after the enactment of the Reform Act of 1832. The twentieth century saw the rise of the Labor Party. This was the direct result of the extension of finachise and the growing consciousness of their rights on the part of the working class in Britain.

The rise of Labor Party seemed, for a time, to threaten the traditional two-party system, but the system, was maintained by the simultaneous decline of the Liberal Party. The two-party system is aided, as in the U.S.A., by the practice of voting in single-member constituencies and by the plurality system. In the continent, where the system of proportional representation is widely used, the multiparty system is the general rule. The seating in the House of Commons symbolizes as well as presupposes two parties. The arrangement of seats into two horizontal blocks facing each other marks off the two parties sharply from each other. It also makes it impossible for an M.P. to shift his allegiance "by a gradual circuit through groups differing slightly in their programmes". This transfer is facilitated in the continental legislative chambers wherein seats are arranged in hourse-shoe tiers in which different groups shade into one another. A British M.P. cannot change his party label without having to cross the floor and committing himself definitely and irrevocably. No wonder, this crossing of the floor s exceedingly rare in Great Britain. Procedure in the House of Commons too, has the effect of underlining and strengthening the two-party system. The agenda is proposed by the majority party and is opposed by the minority party. Parliamentary life, therefore, becomes a straight fight between the government and the opposition, offering little or no ground for third parties to stand upon (Bombwall : 124).

**Party Organization : The Labur Party and Conservative party**

We have said above that British parties are strongly organized. This is especially true of the labor party which has an exceedingly complicated structure. This complication is inevitable on account of the federal character of the party which is composed of four types of autonomous organizations. The party has individual members but it draws most of its formal membership from about eight trade unions. In 1951, no less than 4,971,911 members of the party out of its total strength of 5,920,172 came from the trade unions. In 1954, the trade unions provided 70 per cent of the Labor Party's annual ordinary income. There are next, socialist societies (such as the Fabian Society, the Society of Socialist Lawyers, the Socialist medical Association, the National Associations of Labor, Teachers etc.) from which the party draws 'tis intellectual elite'. The other organizations which contribute to the membership of the Labor party are Co-operatives and constituency parties. The latter, which function within each constituency, provide the organizational backbone of the Labor Party's electoral campaign.

**The Labor Party**

The Labor Party, as we have said above, is organized on a federal basis. The highest organ and most representative body in the party organization in the Labor Party Conference. Each of the constituent organizations is represented in proportion to its membership on he principle of one vote for every thousand members of fraction thereof. This means, in effect, that the Party Conference is dominated by the trade unions which hold nearly three quarters of the votes. The party Conference meets once in every year and may meet oftener, whether or not there is an election. The meetings last only five days and most of the time is taken up by the leaders of party is parliament and of the National Executive Committee. The Conference, however, does assure that the leaders are accountable, if indirectly, to the rank and file of the party. During the periods between Conferences, the National Executive Committee manages the affairs of the party and directs its central office. Although the Party Conference is supposed to formulate the policy of the party, the National Executive has a free hand in its execution and is able, frequently, to make the party policy itself. "In form and theory it is the Conference, as the supreme organ of the party, which gives orders to the

Executive and the later is its servant. In practice and in fact, however, it is the Executive which takes the initiative in determining policy". The National Executive consists of 27 members, 12 elected by the trade unions, seven by the constituency parties, one each by the socialist societies, co-operatives and professional organizations. The party Treasurer and five women members are elected by the Conference. Besides, the leader of the Labor party in parliament is an ex-officio member of the Executive. Most members of the Executive are elected from year to year. The chairman is chosen by seniority but holds office for one year only. The Executive meets once a moth for two to three days. Apart from directing any executive party policy and controlling the party's Central office (The Transport House), the Executive approves party candidates for Parliament and has the power to expel individual members or disaffiliate organizations. In this respect, their decision is subject to challenge at the Party Conference.

Members of parliament who belong to the Labor Party constitution the Parliamentary labor Party. The elect their own leader who becomes the Prime Minister if the party is in office and the leader of Opposition if it is not. The Parliamentary Labor Party functions very democratically when in Opposition but, when it is in office, authority is naturally concentrated in the Cabinet. There has been some controversy about the exact relations between the Parliamentary Labor party on the one hand and the Party Conference and the National Executive on the other. In practice, it has been seen that the Parliamentary Party consults the National Executive and is guided generally by the policy formulated by the Conference but is not controlled by either of them, when it is in office, in the formulation and execution of government policy. This is only natural, because the labor M. Ps. are not elected by the votes of party members alone and, in any case, their responsibility is due primarily to parliament.

There is besides, an advisory, coordinating body known as the National Council of Labor. This organization is composed of 21 members (seven from the Trade Union Congress, seven from the Co-operative Unions, three from the National Executive Committee and four from the Parliamentary Labor Party). The Council meets once a year, provides a forum to different sections of the party to understand one another, and frames policies on which they can effectively co-operate. As it is a purely advisory body, it does not reach binding decisions.

**The Conservative Party**

The organization of Conservative Party is far more simple than that of the Labor Party and, in the opinion of its supporters, it is also more democratic. The party draws its members through local party organs (Conservative and Unionist Associations) in the constituencies. At the top, there is the National Union which holds an annual conference, operates on distinctly democratic lines, but it is less powerful than the Labor Conference. It resolutions are purely advisory. The guiding principle of the Conservative Party is that final decisions always rest with its leader who must himself "promulgate policy when the time comes". The National Union has a Central Council and an Executive Committee. The former is the party's governing body but its large size makes it rather in effective. It meets twice a year. The Executive Committee meets once a month. But, like the Central Council, it is primarily advisory in character. The power of direction lies in the Leader and the Central Council and the Executive Committee merely provides him with the medium through which he maintains contact with all sections of the party. The administrative and disciplinary work of the party is conducted by the Central office headed by the Chairman of the party. The Central Office controls the nomination of party candidates and manages the party's financial affairs. it directs the propaganda work of the party and arranges financial and propaganda support for party candidates and local organizations. The

Central Office is dominated by the Leader who, in fact, occupies a pivotal position in the party organization. It is he who nominates the party Chairman and determines the party policy. he becomes the Prime Minister when the party secures a majority in the House of Commons and acts as the Leader of Opposition when it is in a minority. he is elected by a meeting of Conservative members of both Houses of Parliament, Conservative candidates for Parliament and members of the Executive Committee of the National Union. The election, however, is more or less formal because the choice is seldom in doubt.

**Minor Parties in UK**

To say that Great Britain has a two-party system does not mean that there are, literally, only two parties in the country. There are other parties in Britain than the Labor and Conservative but there role in national politics is too insignificant to matter. The present House of Commons (elected in June 1983) contains members of nine parties elected as such - plus the defectors who have set up as Social Democrats.

**The Liberal party**

One of the minor parties, Liberal Party, was once one of the two main parties of the country and even today, it can boast of some outstanding figures among its leadership. The party continues to put up a considerable number of candidates in general elections and wins a sizeable, though falling popular vote, But it wins little representation in parliament. In 1945 it set up 306 candidates and won only twelve seats. In 1959, in put up 478 candidates of whom only nine were elected. The party improved its position marginally by winning thirteen seats in each of the two general elections held in 1974. However, as compared with the February 1974 election when it secured 19.2 per cent of the votes cast, its share of the popular vote fell to 18.3 per cent in the October 1974 poll. In the May 1979 election, the Liberal Party won only 11 seats The Liberal Party maintains old-time faith in free trade and its hostility to the growing authority of the state and the consequent attenuation of the 'individuals liberty'.

**The Communist Party**

The Communist party of Great Britain has little following in the country and has made little showing in the elections. In 1945, only two of its 21 candidates were elected. In 1950, the party set up 100 candidates but none was elected and all but three lost their security deposits. In 1951, the party's record was no better; all of its candidates lost their deposits. The party has made unsuccessful efforts to get a foothold on the trade unions and has succeeded in entrenching itself in some powerful ones. But they are far from controlling the trade union organization and their attempts to secure affiliation with the Labor party have been consistently rejected by the latter.

**The Fascist Party**

The microscopic fascist party organized by Sir Oswald Mosley is in a worse condition than even the Communist Party as far as popular even the Communist Party as far as popular support is concerned. The racist National Union wins newspaper headlines but no parliamentary seats'. A special mention may, however, be made of regional parties such as the Scottish nationalist and the Plaid Cymru of Wales. These parties, which have a strongly 'nationalist' orientation and demand a large measure of aunomy, if not complete sovereignty, for their respective regions, acquired a strong bargaining position in the House of Commons after the February and October 1974 elections because their support played a crucial role in keeping afloat James Callaghan's government. It was the

withdrawal of their support that brought the Government down in March 1979. As a result of the October 1974 election, party position in the House of Commons was : Labor (319), Conservatives (276), Liberals (13), United Ulster Nationalists (10), Scottish Nationalists (11), Plaid Cymru (3), Social Democratic and Labor (North Ireland), Social Democrats, Independent (one each), As a result of defections and bye-election defeats, the Labour government lost its tiny majority in the House and was sustained in power by the support of the Scottish Nationalists till it fell on a vote of censure in March, 1979 (Bombwall : 128-134).

**Conclusion**

In conclusion, we can say that party system are indispensable in democracy. A political party consists of persons who have common political programme to which they have agreed and are prepared to implement that on common, line of action. Each political party wants to seek political power either singly or in co-operation with other political parties. This party system various from state to state and from democracy to dictatorship. Party system is never permanent. It represents from historical, social-economic and ideological factors of a community. The level of economic development and the political process of a country is represented in the party system.

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**Sample Question**

1. Discuss the factors leading to decline of one party dominance in Indian Political System.

LESSON 7

# HUMAN RIGHTS IN INDIA: RIGHTS IN THE INDIAN CONSTITUTION AND SOCIAL PRACTICES COMPARATIVE STUDY WITH SPECIAL REFERENCE TO EXPERIENCE IN CHINA

Human being is born with certain natural rights. Those rights basic to humanity are termed as 'Human Rights'. Broadly speaking they may include right to life, liberty, property and security of an individual. Social scientists from time immemorial have argued in favour of giving these rights to human beings.

It was, however, quite recently that a universal recognition of human rights was articulated and adopted. Atrocities by the Nazis and misgovernance by Fascists in the 1940s which resulted in the suppression of people gave birth to the Universal Declaration of Human Rights. There was broad-based international support for the declaration when it was adopted. It represented a "world milestone in the long struggle for human rights". The declaration was drafted by committee of the UN Commission on Human Rights set up in 1946 and 58 member-states of the UN General Assembly adopted the declaration on December 10, 1948. India was also a signatory. The Universal Declaration of Human Rights has served as a Magna Carta for all humanity. The year 1998 marked the golden anniversary of this Magna Carta.

The declaration recognizes that the "inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world" and is linked to the recognition of fundamental rights which every human being aspires to-the right to life, liberty and security of person; the right to an adequate standard of living; the right to seek and to enjoy in other countries a slum from persecution; the right to own property; the right to freedom of opinion and expression; the right to education; freedom of thought, conscience and religion; and the right to freedom from torture and degrading treatment among others. These rights are to be enjoyed by all human beings of the global village—men, women and children, as well as by any group of society, disadvantaged or not; they are not gifts to be withdrawn, withheld or granted at someone's whims and fancies (K. Rajaram : 2001).

**Idea of Rights**

Rights give expression to how all humans participate fully in civil society, defining the idealized norms against which a society may be measured. As expressions of the civic values that operate within any society, rights derive from the marriage of religious, philosophical, and legal principles that address social justice in the context of worldwide struggles to combat oppression and inequity, they do so out of an underlying, deep-rooted respect for human life, dignity, and diversity.

Rights cannot be thought of in isolation from each other. They are part of an integrated vision of what it means to participate in diverse human experiences. These run from the most basic interaction with the environment to the ways in which people live day-to-day to catastrophic events like war, genocide, or pandemics. Rights affect local and intimate human relationships and the global relations that govern the ways human capital and energy are exchanged, manipulated, and exploited.

Rights typically entail freedom that makes them seen individual-oriented. But they also address the duties and responsibilities that make these freedoms more than simplistic expressions of individual self-interest. Finding the appropriate balance between individual self-interest and broader civic, communitarian interests is the crucial problem at the heart of most rights debates. Rights operate

across disparate cultures, which further make the values and beliefs they express cause for serious consideration. Any simplistic, one size fits all attempt to define them needs careful evaluation, especially in relation to the balance between their universal application and the relative, local way in which they are activated in both diverse historical circumstances and varied cultural, economic, political, or social practices (Fischlin and Martha Nandorfy 2007 : 1-2).

The idea of rights provides for an essential tool of analysis of the relations between individual and the state. The state claims authority over individual, but when the state is viewed as an instrument of society, it is essential that authority of the state is made to depend on the function it performs. In other words, when the state is regarded as a means, and the individual as the end, the state cannot be armed with absolute authority over individual. If the state claims authority, individual must claim rights. Individual owes allegiance to the state and obeys its commands because the state serves his interests. What does individual claim from the state? An answer to this question will elucidate the concept of rights.

Rights essentially belong to the sphere of conflicting claims between individual and the state. Any political theory which holds that an individual cannot have rights 'against the state' is not theory of rights. It is important to note that the benefits which flow automatically from the existence of the state do not constitute rights. Rights come into the picture only when authority of the state is sought to be limited, or when individuals and their groups demand a positive role of the state.

The concept of rights or 'human rights', therefore, originates from the voice of protest against oppression perpetrated by the dominant groups in society. Rights are meant to safeguard the individual from the irresponsible and arbitrary use of power by the ruling class (Gouba 2007: 283).

**Concept of Human Rights**

Human rights are those rights to which an individual is entitled by virtue of his status as a human being. While civil, political and social-economic rights are dependent on an individual's status as a citizen of a particular state, his human rights are not determined by this condition. Thus the scope of human rights is very wide. They set the standards for the provision and expansion of civil, political and social-economic rights. Again, where an individual's civil, political and social-economic rights are exhausted, he can still hope to get some relief under the umbrella of human rights. For instance, a foreigner, a refugee, a prisoner-of-war or a proclaimed offender may have been left without ordinary rights, yet the beneficent hand of human rights will not be withdrawn from over his head.

Human rights constitute the very source of all rights of human beings. They embody the scheme of ideal rights. They provide for moral foundation of any system of rights. In a way they are akin to the concept of justice. As the idea of justice determines the principles on which law should be based, so the idea of human rights sets the standards on which all other rights should be based. Moreover, when ordinary rights are reinterpreted in the light of human rights, they enter the ever-expanding domain of human welfare. For instance, the rights, they enter the ever-expanding domain of human welfare. For instance, the right to life in this context may be interpreted to include the right to live on uncontaminated land, to breathe in clean air and to consume clean water; and government may be held responsible to satisfy these conditions. Nevertheless, human rights can only be realized as 'rights'. In other words, human rights, like any other rights, have to be enforced by a state or an international tribunal who should be capable of enforcing them. Anybody who claims any human rights must prove himself to be law-abiding and must submit himself to law for appropriate justice. In

order to understand the true character of human rights it would be worthwhile to describe the nature of rights as such (Gouba 2007: 282).

**Theories of Human Rights**

If human rights are taken in a wide sense, i.e. as a means of protecting individual from onslaughts or atrocities of arbitrary power, there is hardly any dispute about their status. But if they are viewed as a tool in the hands to individual to safeguard his self-interest against the claims of the state and society, they are likely to receive different treatment from different schools of thought. These divergent views regarding the nature and status of rights or human rights may be called theories of human rights. Of these, liberal, libertarian, Marxist, communitarian and feminist theories are most important.

Liberal theory of rights as expounded by John Loke (1632-1704) focuses on rights of individual against the state. Although Locke makes a distinction between society and state and sees no serious conflict between individual and society, his theory of rights to 'life, liberty and property'. If the state fails in this duty, individuals can ral right to 'life, liberty and property'. If the state fails in this duty, individual can resist it. If it still fails, they can dissolve it. In fact Locke does not make a distinction between state and government. That is why society will not disintegrate with the dissolution of state or government. In short, liberal theory of rights treats individual as the end and state as the means.

Libertarian theory of rights as expounded by Robert Nozick (1938-2002) gives more prominence to the individual. It maintains its faith in the natural rights of the individual and treats the state as a private firm. Individuals 'hire' the state, chiefly for the protection of their property holdings. The state has no authority too engage in redistributive transfers among citizens who were originally its clients. V.I. Lenin (1870-1924) holds that the rights maintained by any society are the rights of its ruling class or dominant class at the expense of the dependent class. So the capitalist society protects the rights and interests of capitalists at the expense of the working class. Workers will have to overthrow capitalists and socialize the major means of production in order to create a new order that would protect the rights and interests of the working class.

Communitarian theory of rights as advanced by Alasdair MacIntyre (1929) focuses on individual's commitment to the community which represents the common interest. This theory refuses to recognize independent interest or rights of the individual.

Finally, feminist theory as represented by Shulamith Firestone (1945) and Sheila Rowbotham (1943-), among others, insists on restoring the rights of women in a mae-dominated society. It seeks to transform the prevalent system of rights which has been responsible for the subordination of women to men in all societies in all ages (Gouba 2007: 307).

**Emergence of Human Rights**

The problem of human rights emerged as a matter of serious concern for the whole world after the Second World War (1939-45). During Nuremberg Trials (1946) some German Nazis were tried for 'crimes against humanity' apart from war crimes. The most barbarous and inhuman atrocities committed by the accused on the jews of their country were termed 'crimes against humanity'. This action was based on the assumption that 'human rights' are valid by themselves; these are above the law of any nation; violation of these rights would be treated as 'crime against humanity'!

In 1948 the United Nations issued an elaborate list of human rights, known as 'Universal Declaration of Human Rights'. It advised its member-nations to give a wide publicity to these rights in

their respective countries, particularly in schools and other educational institutions. This declaration is best suited to building up a free, democratic, welfare state. It embodies the best scheme of human rights.

**The UN and Human Rights Revival**

Since the General Assembly of the United Nations proclaimed its Universal Declaration of Human Rights on 10 December 1948, the concept of human rights has become one of the most potent in contemporary politics. In historical perspective, this fact is astonishing. A concept not long ago discredited has made a remarkable revival, and a concept widely perceived as Western has become global. The period from the French Revolution to the Second World War was the dark age of the concept of human rights. We are now in its second age.

International concern with what we now call human-rights issues had been shown intermittently in modern history in the campaigns against the slave trade and slavery, and in those for humanitarian laws of war, the protection of minorities and the emancipation of women (Robertson and Merrils 1996: 15-23). An international treaty to abolish slavery was drafted in 1926. International concern with human rights between the two world wars limited mainly to some work of the International Labor Organization on worker's rights and certain provisions in the treaties of the League of Nations for the protection of minorities, although the latter applied only to a few countries (Donnelly 1989: 210; Thornberry 1991: 54). The immediate cause of the human-rights revival, however, was the growing knowledge of Nazi atrocities in the Second World War. The allied governments asserted in the declaration by the United Nations on 1 January 1942 that victory was essential 'to preserve human rights and justice' (Nickel 1987 : 1; Morsink 1999a:1). Neither utilitarianism nor scientific positivism - the two philosophies that had undermined the concept of natural rights in the nineteenth century - was well suited to explain the evil nature of Nazism. The language of human rights seemed much more appropriate.

After the war, the United Nations Organization was set up to establish a new world order in accordance with the principles upon which the war had been fought. Support for a strong human-rights commitment came mainly from smaller countries in Latin America, the West and the third world. Opposition came inly from the great powers, especially the USA and the USSR. Partly as the result of determined lobbying by non-governmental organizations (NGOs), the UN's San Francisco conference of 1945 included a number of human-rights provisions in the UN Charter.

The preamble to the charter declares that one of the chief aims of the organization is 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small'. Article 1 state that one of the principal purposes of the UN is 'to achieve international co-operation….in promoting the encouraging respect for human rights and fundamental freedoms for all.' Article 55 provides that the UN shall promote 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to ace, sex, language or religion.' Article 56 tells us that all members of the UN pledge themselves to take joint and separate action in co-operation with the UN for the achievement of the purposes set forth in Article 55. Article 68 required the Economic and Social Council to set up commissions for the promotion of human rights, and on this basis the council set up the Human Rights Commission that was to draft the Universal Declaration. Article 62 said that the council 'may make recommendation for the purpose of promoting respect for, and observance of, human rights', and this

was the basis on which it recommended to the General Assembly that it adopt and proclaim the declaration (Freeman : 2003).

**Universal Declaration of Human Rights**

This declaration contains 30 articles, apart from its Preamble. Its Preamble states that the recognition of the inherent dignity and equality of all human beings and their inalienable rights is the foundation of freedom, justice and peace in the world. Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind. The advent of a world in which human beings shall enjoy freedom of speech and belief in freedom from fear and want is the highest aspiration of the common people. If man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, it is essential that human rights should be protected by the rule of law.

In order to promote the development of friendly relations between nations the United Nations Charter had reaffirmed the faith of the members in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. it had determined to promote social progress and universal respect for observance of human rights and fundamental freedoms.

The present declaration gives prominence to civil and political rights of human beings and legal protection thereof. Then it pays due importance to their social-economic rights. In order to strengthen the foundation of these rights it also highlights individual's duties toward the community.

Articles 1 and 2 focus on rational nature of all human beings and reaffirm faith in their dignity, freedom, equality and fraternity. They rule out any discrimination between them on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other type of status.

Articles 3 and 4 provide for everyone's right to life, liberty and security of person; prohibition of slavery, slave trade and servitude. Article 5 rules out torture, cruel, inhuman or degrading treatment or punishment to any person.

Article 6 to 11 provide for equality before the law, equal protection against any discrimination, legal remedy, freedom from arbitrary arrest, detention or exile, and adherence to fair legal procedure in case a person is accused.

Article 12 rules out arbitrary interference with an individual's privacy, family, home or correspondence, and attacks upon his honor and reputation.

Article 13 and 14 provide for the right to freedom of movement and residence and the right to seek asylum from persecution in other countries.

Article 15 provides for the right to a nationality; Article 16 for the right to marry and found a family with the free and full consent of the intending spouses; and Article 17 for the right to own property.

Article 18, 19 and 20 provide for the right to freedom of thought, conscience and religion; the right to freedom of opinion and expression; and the right to freedom of peaceful assembly and association.

Article 21 provides for the right to take part in the government of one's country through one's chosen representatives and the right of equal access to public service. It also recommends that the will of the people, expressed in periodic and genuine elections, by universal and equal suffrage, by secret

voting, shall be the basis of authority of government. In this way this Article regards democratic from of government as an essential feature of human rights.

It is worth-noting that Articles 1 to 21 of the present declaration embody an elaborate schele to provide for civil, political and legal rights of all human beings world over.

On the other hand, Articles 22 to 26 provide for social and economic rights of the individual. These include the right to social security, right to work, to free choice of employment, to just and favourable conditions of work, equal pay for equal work, just and favourable remuneration, right to form trade unions, right to rest and leisure, adequate standard of living, special care and assistance during motherhood and childhood, and right to education.

Article 27 provides for cultural rights including the right to participate freely in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, and author's right to the protection of the moral and material interests resulting from his scientific, literary or artistic production.

Article 28 focuses on everyone's entitlement to a social and international order in which all these rights and freedoms can be fully realized. This article is concerned with the sphere of application of the rights in question.

Finally, Article 29 and 30 focus on everyone's duties to the community to ensure full development of his personality. And individual would be entitled to the aforesaid rights and freedoms on the condition of recognizing similar rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. No state, group or person would have any right to engage in any activity involving the destruction of any of these rights and freedoms (Gouba 2007: 30-302).

**Rights: As in the Indian Constitution**

The provisions of Part III of our Constitution which enumerate the fundamental fights are more elaborate than those of any other existing written constitution relating to fundamental rights, and cover a wide range of topics.

The Constitution itself classifies the fundamental rights under seven groups as follows:

(a) Right to equality (b) Right to freedom (c) Right against exploitation (d) Right to freedom of religion (e) Cultural and educational rights (f) Right to property (g) Right to constitutional remedies.

Of these the Right to Property has been eliminated by the 44th Constitutional Amendment Act (1978) so that only six rights now remain as fundamental rights.

**(i) Equality before law**

Article 14 of the Constitution provides that "the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

**(ii) Prohibition of discrimination on grounds of Religion, race, caste or place of birth**

Prohibition of discrimination on the grounds of Religion, Race, Caste, Sex or Place of Birth : According to the Article 15, "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex place of birth or any of them. Further, on the basis of any of these grounds a citizen cannot be denied access to shops, pubic restaurants or the use of wells, tanks, bathing ghats,

roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public."

**(iii) Equality of opportunity in Matters of Pubic Employment**

Article 16 guarantees equality of opportunity in matters of public employment. The state is prohibited from showing any discrimination against any citizen on grounds of religion, caste, race, sex, descent, place of birth or residence.

**(iv) Abolition of Untouchability**

Article 17 abolishes 'untouchability' and its practice in any form is made an offence punishable under the law. Parliament is authorized to make a law prescribing the punishment for this offence (Article 35).

**(v) Article 19(1)**

In the original Constitution, there were seven freedoms in Articles 19(1) but that one of them, namely, 'the right to acquire, hold and dispose of property' has been omitted by the Constitution (44th Amendment) Act, 1978, leaving only six freedoms in that article. These are:

(a) Freedom on Speech and Expression (b) Freedom of Assembly (c) Freedom of Association (d) Freedom of Movement (e) Freedom of Residence and Settlement (f) Freedom of Profession, Occupation, Trade of Business.

**(vi) Freedom of Press**

There is no specific provision in our constitution guaranteeing the freedom of the press because freedom of the press is included in the wider freedom of 'expression' which is guaranteed by Article 19(1). Freedom of expression means the freedom to express not only one's own views but also the views of others and, any means, including printing.

**(vii) Protection in respect or conviction for offences**

Article 20 affords protection against arbitrary and excessive punishment to any person who commits an offence.

**(viii) Protection of life and liberty**

Article 21 of our Constitution provides that “No person shall be deprived of his life or personal liberty except according to the procedure established by law”.

**(ix) Protection against Arrest and Detention**

Article 22 guarantees three rights: First, it guarantees the right to every person who is arrested to be informed the cause of his arrest; Secondly, his right to consult and to be defended by a lawyer of his choice; Thirdly, every person arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours and shall be kept in continued custody only with his authority.

**(x) Preventive Detention**

Preventive Detention means detention of a person without trial. The object of Preventive detention is to prevent a person from doing something and the detention in this case takes place on the apprehension that he is going to do something wrong which comes within any of the grounds specified by the Constitution.

**(xi) Right against exploitation**

Article 23 and 24 deal with right against exploitation. This right seeks to ban traffic in human beings, beggar or any other form of forced labor. Employment of children below 14 years of age in any factory or mine or other risky occupation is also prohibited by law.

**(xii) Right to freedom of Religion**

India is a secular state, a state which observes an attitude of neutrality and impartiality towards all religions. The attitude of impartiality is secured by the Constitution by several provisions (Articles 25-28).

**(xiii) Cultural and educational rights**

The Constitution provides that a minority shall have the right to conserve its own language, script, literature and culture. Admission to any state aided educational institution shall not be refused to anybody on grounds of religion, race, caste or language (Article 29). Article 30 provides that all "minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice".

**86th Amendment Act 2002**

By 86th Constitutional Amendment Act, 2002 for Article 45 of the Constitution, the following Article is substituted:

"45. The state shall endeavor to provide early childhood care and education for all children until they complete the age of six years" (Fadia 2007: 114-123).

**Human Rights in Independent India: An eyebird view**

We got freedom. We framed our own Constitution and system of administration. Most of the human rights listed in the Universal Declaration of Human Rights by the United Nations on December 10, 1948 are incorporated in Part III of the Constitution of India. This part on fundamental rights declares that all laws inconsistent with them are void and these fundamental rights are enforceable in courts of law. Some important rights are enforceable in courts of law. Some important rights of India citizens are - right to equality (Articles 14-18), right to freedom (Articles 19-22), right against exploitation (Articles 23-24), right to freedom of religion (Articles 25-28), cultural and educational rights, of religion (Articles 25-28), cultural and educational rights, protecting the interests of minorities (Articles 29-30). Our Constitution incorporates a vast range of political, social, economic, cultural and religions rights of citizens. For ensuring the rights of all citizens, our Constitution allows for some special provisions for scheduled castes, scheduled tribes and other weaker and backward classes of society through the policy of reservation and other means. Untouchability is banned and is an offence. Primary education is free and secondary and higher education is subsidized and is being made progressively free. Physical and mental health is recognized as one of the social rights. India has recognized that human rights and democracy are inseparable and we cannot secure one without the other.

Over fifty years have passed since we attained independence. What is the real status of human rights in post-independent India?

In the region of civil liberties, some tangible improvements have been brought about. The judiciary, free press and voluntary non-governmental organizations have succeeded to a considerable extent in protecting and promoting the fundamental rights (civil liberties) of the people. The broader

interpretation given by the Supreme Court of Article 14 (equality before law) and Article 21 (liberty of the person and of the life of individuals) and the system of public interest litigation have succeeded to a noticeable extent in establishing the rule of the rule of law and checking the arbitrary behavior of politicians and public authorities. The role of the judiciary in the protection and promotion of civil liberties and human rights is impressive. Notable achievements have been made in science and technology, economic development, attainment of self-sufficiency in food, and improvements in health parameters - all leading to better human conditions. Efforts have also been made through the land reform movement and various developmental programmes to enable the weaker sections of society get possession of land. Labor legislation has been passed to ensure fair wages and healthy conditions of work to the working class.

However, the contradictions of the socio-economic order in our society have remained almost the same even after fifty years of independence. Half a century is a considerable period of time in the history of a society to correct its mistakes and imbalances, but unfortunately in India neither the society nor the state has been able to resolve the contradictions. The socio-political scenario is marked by a sharp escalation in human rights violations by dominant groups. Despite the constitutional commitment of the state towards achieving the goal of equality, liberty and justice, the age-old structure of inequality has not been dismantled. The ideas of grass root social democracy and distributive justice remain elusive. A considerable proportion of the Indian population is subjected to multiple deprivations.

The fruits of development have not been shared equitably. Poverty still remains a formidable challenge, with about 40% of the people living below the poverty line. Along with this this, the basic amenities of the like health, education and drinking water are not available to one and all. Child labour and bonded labor exist in many areas, despite laws having been bonded labour exist in many areas, despite laws having been passed to prevent them. Children are engaged in many hazardous industries. Women do not enjoy equal rights with men. There are many instances of violation of human rights of dalits, tribes, and ethnic and religious minorities. The right to information is a right only on paper and legislation in that regard is yet to be passed. Legislation is also necessary for protecting the right only on paper lation is also necessary for protection the right to privacy.

Moreover, there are instances of violation of human rights by the state machinery itself. During the emergency period, there was widespread violation of human rights by the state itself. There are many instances of police torture during investigation into offences, sometimes resulting in custodial deaths. The Terrorism and disruptive Activities (Prevention) Act (TADA) was misused. In many cases, TADA was used against the members of the weaker sections of the society such as adivasis and Muslims. In September 1989, one-third of those facing prosecution under TADA in Andhra were advasis. In Gujarat, the Act was also used against trade unionists and agitating landless labourers.

At present, the movement for human rights has been overshadowed by a dismal political scenario characterized by an all-pervading corruption in the political and administrative apparatus of the country, criminalization of politics and the inability of political parties to form a stable government. Due to criminalization of politics, several sections are unable to use their rights to vote. To abolish these evils, there is an immediate need for electoral reform.

A positive feature is that the citizens of the country are becoming conscious of their rights and are demanding an end to all kind of exploitations. The role of the Indian judiciary in the protection and promotion of civil liberties and human rights is impressive and inspiring. A large number of human

rights organizations (HOs) have come up. Young men and women inspired by the spirit of human freedom are working in these HROs at grass root level among the deprived and exploited sections of the people, such as the tribals, dalits, women and landless laborers, to make them fearlessly fight for their rights. There has been an increased concern for protection of environment, itself a valuable human right. The National Commission for Human Rights has been set up to document, assess and act on human rights violations in the country (K. Rajaram : 2001).

**Human Rights in China**

**Fundamental Rights in the Constitution:** Contrary to the practice followed in other constitutions, the constitution of the people's Republic of china states the Fundamental Rights and Duties of the Citizens not in the beginning, but after the description of the administrative structure. Citizens of China are equal before the law; those citizens who have reached the age of eighteen have right to vote and stand for election irrespective of their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence. Insane persons and those deprived by law of the right to vote and stand for election are disqualified from the enjoyment of this general right.

The other rights guaranteed by the Constitution are:

(i) Freedom of speech, freedom of press, of assembly, of association of procession and demonstrations;

(ii) Freedom of religious belief;

(iii) Inviolability of home, privacy of correspondence, freedom of residence and change of residence;

(iv) Freedom of person, no one to be arrested except by decision of a people's court or with the sanction of a people's procurators;

(v) right to rest and leisure, by the prescription of working hours and holidays for workers and employees, and better facilities for building up of health;

(vi) right to work for the enjoyment of which the state creates, through planned economy, more employment and better conditions of work and wages;

(vii) right to material assistance in old age and in cases of illness or disability, by providing for social insurance, social assistance and public health services;

(viii) right to bring complaints against any person working in organs of state for transgression of law or neglect of duty, provision for payment of compensation in case of loss suffered by citizens by reason of infringement by sate officials.

(ix) right to education, the state establishing various types of schools and other cultural and educational institutions;

(x) freedom to engage in scientific research, literary and artistic creation and other cultural pursuits, the state providing facilities for the purpose and necessary encouragement;

The state protects the rights of the Chinese nationals resident abroad; it grants asylums to any foreign national persecuted for supporting a just cause, for taking part in the peace movement or for engaging in scientific activity.

The constitution imposes certain duties on the citizens. They have to abide by the Constitution and law, uphold discipline at work, to keep public order and respect social ethics, to treat public

property as sacred and invalid able, to pay taxes, to defend the homeland and perform military service according to law (Ghai 2007 : 291-292).

**Rights and Duties**

The Fundamental Rights can be categorized as economic, social, cultural, political and the civil.

Article 33 of the new Constitution lays down that all citizens are equal before law and enjoys all the fundamental rights. Equality before law symbolizes a true democracy.

**Economic Rights**

Most of the economic rights in China are similar to the rights once enjoyed by erstwhile Soviet citizens.

Right to work as been guaranteed by Article 42 of the Constitution. The State tries to find work for every able-bodied person. No one is to remain without work. Every citizen in China is assured of five necessities – food, clothing, shelter, primary education and decent burial.

**Rights to rest (Article 43)**

In China, the State provides facilities for 'rest and recuperation of working people'. Hours of work are fixed by the State. The workers can avail enough vacation.

**Right to Material Security (Article 45)**

The Chinese enjoy material security in the old age and in case of physical incapacity.

Article 45 lays down, "the people have the right to material assistance from the state and society when they are old, ill or disabled".

**Social and Cultural Rights**

The Constitution has guaranteed a number of social and cultural rights as follows:

1. Rights to Education. (Article 46) Citizens have the right as well as the duty to receive education. This applies only to the early school education. Higher education is available only to very few. Education has been made compulsory at the earlier levels.
2. Freedom to Engage in Scientific Research and Cultural Pursuits. (Article 47) The State promotes scientific research and other literary activities. People have been authorized to engage in scientific research, literary and artistic creation and other cultural pursuits.

**Political Rights**

China is governed by the ideology of Marxism-Leninism and Mao Zedong's thoughts. Hence political activities are permitted to the extent they do not contravene these ideologies. Political rights allowed to the people in fact are limited.

1. Right to Vote and Contest Election. (Article 34) This right is allowed to all citizens who are at least to eighteen years of age without discrimination on the basis of nationality, race, sex, occupation, family background, religious belief of educational attainment. Likewise, any individual of twenty-one years of age or more can contest elections without any discrimination.
2. Right to Criticise and make Suggestions. (Article 41) According to Article 41 the citizens have been provided with the "right to criticize and make suggestions to any state organ or functionary."

**Civil Rights and Personal Liberties (Article 35)**

The citizens have been assured a number of civil rights and personal liberties. Freedom of speech, press, Assembly, association, procession, and demonstration fall in this category. These freedom are assured to the citizens in all democratic countries but in china these Freedom they can be enjoyed within a limited sphere. Moreover, the actual provision or negation of these rights is determinable by the Communist Party.

**Freedom of Religion (Article 36)**

Freedom of religion is guaranteed to the Chinese citizens. This right is more real in China than in some socialist countries. Article 36 states, "No state organ,…or individual may compel citizen or believe in any religion…." No person is discriminated against on the ground of religious belief. The State safeguards normal religious activities.

**Personal Freedom (Articles 37 to 40)**

Personal freedom is allowed in China. The freedom of person is inviolable. No person can be arrested except with the approval of a competent authority. Unlawful detention or deprivation is prohibited.

**Woman Equality (Article 48)**

Women in China enjoy parity with men in all fields-political, economic, cultural and family life. The principle of equal pay for equal work for both men and women is followed in China. The State protects the marriage, the family and the interests of the mother and the children.

**Fundamental Duties**

Rights and duties are co-relative. They are in fact two sides of the same coin. A number of fundamental duties have been incorporated in the Constitution. They are as follows:

1. According to Article 42 right to work is a duty also. 'He who does not work neither shall be eat' is the maximum with the communists, Chinese being no exception.
2. Education is not only a right but it is also a duty. Every citizen is supposed to seek education.

**According to Article 49**

3. (i) It is the duty of husband and wife to keep family planned. (ii) It is the duty of parents to rear non-adult children. (iii) To help the parents is the duty of adults who have come of age.
4. According to Article 51, it is the duty of the citizens to exercise their rights in a manner that the interests of the State and society do not suffer and the rights of liberties of other citizens are not abrogated.
5. It is the duty of the citizens to safeguard the unity of the country and the unity of all its nationalities (Article 52).
6. To abide by the Constitution and the laws is another important duty of the Chinese people. They are required to keep secrets, protect public property and observe labor discipline. They have to maintain public order and respect social ethics.
7. It is the sacred obligation of every citizen to defend their land and resist aggression.
8. With the above aim in view, it is the honorable duty of people to perform military service and join the militia in accordance with the law.

It is evident from duties in paragraph (vii) and (viii) that to defend the country and for that purpose to serve in the armed forces is one of the fundamental duties in China.

The list of duties enumerated above reflects that the Chinese have not left any thing to chance or whims of the people. There are certain imperative which the Chinese citizens are expected to keep in mind for all times to come. Such type of duties had been enumerated in erstwhile Soviet constitution as well. The Indian constitution has also incorporated duties through an amendment in the recent past. This amounts to pinpointing obligations a citizen owes to the State and aged parents. It is a healthy trend. It is unlike India where old parents have to seek shelter in 'ashrams' or die a lingering death (Ghai 2007 : 293-300).

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**Sample Question**

1. Compare and contrast Human Rights Practices in India and China.

LESSON 8

# RELIGION IN POLITICS: SECULARISM AND COMMUNALISM

## Secularism

The constitution of India describes the state as sovereign, socialist, secular and democratic. The expression 'secular' has special significance in the context of the historical development of Indian polity. Indeed, it is of pivotal importance particularly in the context of political realities on the ground as they exit now. In a plural society like ours with a multiplicity of religions, creeds and cultures, democracy cannot survive, much less, flourish unless it is based on the principle of secularism. A secular state as defined scientifically, means a state which recognizes any social or religious stratification as vehicles for existing political rights.

According to Dr. Radhakrishnan "Secularism does does not mean irreligion or atheism or even stress on material conforts. It proclaims that it lays stress on the universality of spiritual values which may be attained by a variety of ways".

The concept of secularism implying anti-religious ideology cannot be applied to India which is a multireligious society. According to Indira Gandhi "Secularism is neither a religion nor indifference to religion but equal respect for all religions", not mere tolerance but positive respect without it, there is no future for the nation". Even western writers have supported this view, for instance, Harvey Cox has stressed that secularism does not exclude religion; on the contrary, it breeds religious peaceful co-existence. What is important to note is that in a secular polity the state has nothing to do with religion (Fadia 2007: 104-105).

## Secularism: An Overview

The word 'secular' in dictionary refers to things which are not religious or spiritual. The concept of 'secular' in fact was first used in Europe where the church had complete control over all types of properties and nobody could use property without the consent of the church. Some intellectuals raised their voice against this practice. These people came to be known as 'secular' which meant "separate from church" or "against church". In India, this term was used in a different context after independence. After the Partition of the country, the politicians wanted to assure the minority communities, particularly the Muslims that they would not be discriminated against in any way. Hence, the new Constitution provided that India would remain 'secular' in the Constitution, which meant that: (a) each citizen would be guaranteed full freedom to practise and preach his religion, (b) state will have no religion, and (c) all citizens, irrespective of their religious faith, will be equal. In this way, even the agnostics were given the same rights as believers. This indicates that a secular state or society is not an irreligious society. Religions exist, their followers continue to believe in and practise the religions exist, their followers continue to believe in and practise the religious principles enshrined in their holy books, and no outside agency, including the state, interferes in the legitimate religious affairs. In other words, two important ingredients of a secular society are: (a) complete separation of state and religion, and (b) full liberty for the followers of all religions as well as atheists and agnostics to follow their respective faiths.

In secular society, the leaders and followers of various religious communities are expected not to use their religion for political purposes. However, in practice Hindu, Muslim, Sikh and other religious communities do use religion for political goals. Each political party labels other political parties as non-secular. After the demolition of babri masjid structure at Ayodhya in December 1992, a case (popularly called S.R. Bommai case) was filed in a court for the dismissal of the State governments run by the Bharatiya Janata party (BJP). The judges constituting the nine-judge bench dwelt upon the term 'secularism' and averred that though the term was embedded in the constitution it was wisely left undefined because it was not capable of any precise definition. Secularism in the Constitution guaranteed equal treatment to the religions, and state governments were to regulate the law in order to enforce secularism. As such, on legal consideration the plea for dismissal of BJP governments was not accepted. No wonder, some people say that S.R. Bommai's case in the Supreme Court was just ganging up against one political party (BJP). In an another case involving the Chief Minister of Maharashtra, the Supreme Court had held that an appeal to Hindutva was permissible under the Representation of the People Act. What was banned was the criticism of the other party's religion. it may thus be said that secularism for political parties has implied the creation of a vote bank comprising Muslims and the scheduled castes and scheuled tribes. In the elections for the Lok Sabha in may 1996 and for Uttar Pradesh Vidhan Sabha in October 1996, when the BJP emerged as the largest single party at the centre as well as in Uttar Pradesh, political parties with vested interests joined together in describing the BJP as a communal party. The cry against communalism was raised only to seek votes and attain political power. A coalition of 13 parties at the Centre (in June 1996) was based not on any common acceptable minimum programme but only on one and programme of preventing a so-called "Hindu party" from forming a government.

Communalism, thus, is neither a political philosophy nor an ideology nor a principle. It came to be imposed on the Indian society with a political objective. The communal-secular card is now being played for political motives only. The bogey of communalism is being kept alive not for checking national disintegration but with a view that minority vote bank does not dissipate itself into the larger Indian ethos. Even those political leaders who are too corrupt and who extensively practise casteism accuse political leaders of opposite parties for being communal. The power seekers thus use secularism as a shield to hide their sins, thereby ensuring that people remain polarized on the basis of religion and India remains communalized (Ahuja 2003 : 147-149).

**Indian Culture, Tradition and the Concept of Secularism**

It has also to be borne in mind that secularism is not an exotic concept planted in India from the west. It grew out of its past history of a wide and general movement in thoughts and feelings which emerges gradually from the intermingling of different groups and communities in consequence of the impetus given to it by changes in social, economic and political life. It has made Indian culture a 'composite' one which means blending of various separate elements into a single whole. The Sufi and Bhakti movements in medieval India gave a tremendous impetus to bringing the people of various communities closer. The leading lights of the movement were Khwaja Moinuddin Chisti, Baba Farid, Kabir, Guru Nanak Dadu, Tukuram and Mirabai who contributed to the development of composite culture in such measure that was not really possible only through a political or administrative system.

**Gandhi and Nehru on Secular State**

The principal advocates of secular ideology in India were Jawaharlal Nehru and Mahatama Gandhi. Nehru's secularism was based on a commitment to scientific humanism tinged with a

progressive view of historical change. On the other hand, Gandhi's Secularism was based on a commitment to the brotherhood of religious communities based on their respect for and pursuit or truth.

Jawaharlal Nehru has been a leading champion of the concept of the secular state. Indeed, the creation of India as a secular state may in time come to be accepted as 'one or his greatest achievements', to use the words of Chester Bowles. Nehru has a great aversion to the intrusion of religious factors into politics and he is especially concerned with transforming India from a 'caste-ridden society' in which communalism constitutes a major threat to all the values that the cherishes to "a national state which includes people of all religions and shades of opinion and is essentially secular as a state". "Religion is all right," he has said "when applied to ethics and morals, but it is not good mixed up with politics".

This statement seems to be in direct contrast to the views of Mahatma Gandhi, whom Nehru himself once described as "essentially a man of religious, a Hindu to the innermost depths of his being." Nehru insisted that the free India should be a non-communal, secular state. "The Government of a country like India". Nehru declared "with may religions that have secured great and developed following for generation, can never function satisfactorily in the modern age except on a secular basis". He boasts of facts that "our constitution is based on secular conception and gives freedom to all religions".

**Secularism: As in the constitution of India**

Our constitution has adopted a system of political philosophy that rejects all forms or religious facts and worship and has accepted the view that public education and other matter or public policy should be conducted without the introduction of religious elements. Explaining the secular character of the Indian constitution the Supreme Court said, "There is no mysticism in the secular character of the states. Secularism is neither anti. God nor pro-God, it treats alike the devout, the antagonistic and the atheist. It eliminates God from the matters of the state and ensures that no one shall be discriminated against on the ground of religion". In S.R. Bommai Vs. Union of India, the Supreme Court held that 'secularism' is a basic feature of the constitution.....politics and religion cannot be mixed up.

The basic outlines of the Secularism are enshrined in the following articles of the constitution:

**1. Preamble**

It is true that the word 'secular' did not first occur either in Article 25 or 26 or in any other article of Preamble of the constitution. By the 42nd Amendment Act, 1976, the preamble was amended for the words' Sovereign Democratic Republic' the words 'Sovereign, Socialist, Secular, Democratic, Republic were substituted.

**2. No State Religion**

There shall be no 'state religion' in India. The state will neither establish a religion of its own nor confer any special patronage upon any particular religion. Article 27 provides that the state will not compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution. Article 28 prohibits religious instruction in any educational institution wholly maintained out of state funds whether such instruction is given by the state or by any other body.

**3. Freedom of Conscience:**

Every person is guaranteed the freedom of conscience and to freedom to profess, practice and propagate his own religion, subject only:

(i) to restrictions imposed by the state in the interests of public order, morality and health.

(ii) to regulations or restrictions made by state relating to any economic, financial, political other secular activity which may be associated with religious practice, but do not really appertain to the freedom of conscience;

(iii) to measures of social reforms and for throwing upon of Hindu religious institutions of a public character to all classes and sections of Hindu.

**4. Freedom to manage Religious Affairs:**

There is not only the freedom of the individual to profess, practise and propagate his religion, there is also the right guaranteed to every religious group or denomination:

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

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

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

(iv) to administer such property in accordance with law (Article 26).

**5. Equality before the law:**

Article 14 grants equality before the law and equal protection of the laws to all. Article 15 enlarges the concept of secularism to the widest possible extent prohibiting discrimination ion grounds of religion, race, caste, sex or place of birth. Article 16(1) guarantees equality of opportunity to all citizens in matters of public employment and reiterates that there would be no discrimination on the basis of religion, race, caste, sex, descent, place of birth and residence.

**6. Cultural and Educational Rights:**

Under Article 29 and 30, certain cultural and educational rights are guaranteed. Article 29 guarantees the right of any section of the citizens residing in any part of the country having a distinct language, script or culture of its own, to conserve the same. Article 30 provides that "all minorities, whether based on religion or languages shall have the right to establish and administer educational institution of their choice".

**Propagation and Conversion**

It is amazing that some Christian Leaders asserted that the 'word' propagates in Article 25(1) gives then a fundamental right to convert people or other faiths into Christianity by any means. The Supreme Court, while examining the M.P. and Orissa Acts in 1977 held that, "If any such right to convert be conceded, such right would belong to every religion, so that there would inevitably be a breach of the public peace if every religions community carried on a campaign to convert people belonging to other faiths, by the use of force, force, inducement or allurement. The state was, therefore, constitutionally authorized to maintain public order by prohibiting and penalizing conversion (including attempt to convert) it force, fraud, inducement or allurement was used by the person or person advocating conversion in any particular case'.

**Secularism in Practice**

In practice we have followed the path or secular polity, of the twelve Indian presidents since the constitution was enforced in January 1950, as many as four were non-Hindus, three Muslims, they are Dr. Zakir Hussain, Fakhruddin Ali Ahmed and APJ Abdul Kalam and a Sikh Giani Zail Singh. Three Mulsims have been chief justice of India, one of whom, M. Hidayatullah, was also vice-president for a term; a Muslim was Air force chief, Air Chief marshal I.H. Lateef. One Anglo-Indian (tiny minority)

has been the chief of the IAF and two Christians have been Naval Chiefs. Two Sikhs have headed the air force.

**Pseudo-Secularism**

The Bharatiya Janta Party (BJP) maintains that our present secularism is pseudo-secularism as it amounts to 'appeasement' of the minorities. Our political leaders have become helpless prisoners of electoral politics and vote arithmetic. Their fast concern has been to create favorable vote banks and vote combinations. According to their understanding Muslim constitute the biggest vote block as they generally vote as a religious community while the Hindu consciousness at political level gets fragmented along caste, linguistic and regional lines. And, therefore, these politicians, under the cover of secularism, try to appeal to the religious sentiments of the Muslim by raising the bogey of 'majority communalism', and 'Hindu Chauvinism', etc. Their secularism has always been negative in character.

**Failures and Challenges of Secularism in India**

1. **Constitutional contradiction**: The constitution has failed secularism as Article 48 is conclude in secular phrases but sanctioned ban on cow slaughter, a religious sentiment.Kripan , a weapon ,is allowed for Sikhs as a religious practice. Polygamy is allowed for Muslims and discrimination against women is not yet struck down by the court all because of religion at the root.

2. **Society is Non-Secular:** For the sake of brevity, one may move on from the philosophy of secularism and the law of neutrality to secular humanism, manifest in the special concern for women and children and for backward classes.

3. **Growing Fundamentalism:** The growing fundamentalism both amongst Hindu and Muslim is a serious threat to the secular character of our polity. One can understand the growth of fundamentalism amongst Muslims because the minorities wish to preserve their identity.

4. **Political Parties & their vested interests:** The political parties, including the national parties, do not allow secularism to take precedence over their political interests. Some of the political parties have vested interest in communism & communal violence to gain power, other tolerate it to retain power.

5. **Growth of communalism & communal riots:** Communalism has continued to grow even after independence. During the 10 years from 1954 to 1963, when the position of the congress party was almost unassailable there were an average of 62 communal riots annually and the number of these killed around 40 a year. The seven period from 1964 to 1970, the country had a average of 425 communal riots and an average of 467 killed each year. However, there had been 779 communal incidents in the year of 2005.

6. **Content of Text-books:** Most of the prescribed text book glorify the good features of one and not all the communities according to Professor Pannikar, President Indian History congress, 3% NCERT books read by the student in country rest 97% are communal books (Fadia 2007 : 106-111).

**Is India a Secular State?**

Although, the intention of the constitution makers to establish a secular polity in the country was clearly implied in the constitutional document and was writ large over the recorded discussions of the Constituent Assembly, India was not specifically describe as of the country as a "sovereign democratic republic", in the Preamble, the commitment to the goal of secularism has been spelled out in clear terms. A secular state has negative and positive aspects. It is the antithesis of a communal or theocratic state which officially identifies itself with a particular religion. Pakistan, for instance, has proclaimed itself an Islamic state. In a secular state, on the other hand, there is no official or state

religion. Such a state is not guided in the formulation of its policies by the principles of a particular religion or creed, nor does it allow its authority to be used for the propagation of a particular fait. This, of course, does not mean that a secular state is an irreligious or anti-religious state, if it does not adopt any religion as its own. It also does not discount o discourage the practice of religion by its citizens. Under a secular polity the state as such "is neither religious, nor irreligious, nor anti-religious but is wholly detaches from religious dogmas and activities and is, thus, neutral in religious matters". A secular state, therefore, does not patronize any religion, nor does not patronize any religion, nor does it discriminate against any. It is concerned with the social, economic and political welfare of the people, leaving religious and spiritual matters to individuals and private organizations. The secular state does not discourage morality or spiritual values; it merely stands outside the field of religion. To keep the state aloof from religion in India, the constitution provides that no person can be made to pay taxes for the promotion of any particular religion. It provides further that no religious instructions may be imparted in educational institutions financed entirely out of public funds and that even in privately managed educational institutions which receive financial and from the state; no one may be compelled to participate in any religious instruction on worship conducted in it.

In its positive aspect, a secular state treats all its citizens alike and gives them equal opportunities of following their respective religions and enjoying other rights and benefits of citizenship. If in a country whose people follow different religions, the state identifies itself with one particular faith, those who do not second-rate citizens. To prevent such a development, the Indian constitution confers a common citizenship on all its people and makes all citizens equal in the enjoyment of all rights and privileges, irrespective of religion or caste. To quote Dr. Radhakrishnan: "No group of citizens shall arrogate to itself rights and privileges which it denies to others. No person should suffer any form of disability or discrimination because of his religion but all alike should be free to the fullest degree to share in the common life". An important manifestation of secularism in India is the abolition of communal electorates and the adoption of the provision that elections are to be held on the basis of universal franchise and joint electorates.

According to Professor Alexandrowics, "India as a secular state guarantees, constitutionally, freedom of religion to all persons, and does not assign a special position to any particular religion". The constitution recognizes the fundamental right of every citizen to profess, practise and propagate any religion (subject only to the requirements of public order, morality and health) or to follow no religion at all if he so chooses. It guarantees to religious minorities the right to maintain their own language and to establish educational institutions of their choice. In this way, safeguards are provided for the culture of every religious minority. The Constitution assures freedom of religion by giving every religious denomination the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property and to administer such property in accordance with law. The constitution guarantees, further, that in recruitment to public services equal opportunities are to be given to all citizens except that special provisions may be made for women and children and for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes and that no discrimination can be made on grounds of religion (Bombawall : 1998).

**Communalism**

Communalism today poses a great danger to Indian society and polity. It undermines the concept of 'secularism' so carefully nurtured by the leaders of the Indian National Movement.

Communalism has risen in alarming proportions since the late 1970s, disrupting the pattern of co-existence in our multi-religious fraternity.

Communalism is an ideology which states that society is divided into different communities whose interests differ from, and at times oppose, each other. The antagonism practiced by the people of one community against the people of another community can be termed as communalism. It can take the form of political communalism. It can take the form of political communalism religious communalism, and economic communalism. Communal violence usually occurs when communal thinking reaches a certain level of intensity and the atmosphere is vitiated by the building up of communal fear, suspicion and hatred.

According to Bipin Chandra, communalism is an ideology based on the belief that the Indian society is divided into religious communities whose economic, political, social and cultural interests diverge and are even hostile to each other because of the religious differences. He further says that it is a belief system through which society, economy and polity are viewed and explained, and around which effort is made to organize politics. As an ideology it is akin to racialism, anti-Semitism and fascism, with concrete social base. Jawaharalal Nehru described communalism as the Indian version of fascism.

Being a pluralistic society, India consists of not only religious groups of Buddhists, Christians, Hindus, Jains, Muslims and Sikhs but also various sub-groups like Arya Samajis, Shaivites, Sanatanis and Vaishnavas among Hindus, Shias and Sunnis among Muslims and so on. There have been strained relations between the religious groups and sub-groups: between the Hindus and the Muslims, the Hindus and the Sikhs, the Sunnis and the Shias, for instance.

Communalism is different from secularism in the western sense means 'separate from church'. In the Indian context, secularism means being neither irreligious nor anti-religious but being non-religious. Thus, in India, complete separation is envisaged between the state and religion, and there is full liberty to follow any religion.

Communalism in India was born, nurtured and promoted by British imperialism. There was a deliberate design on the part of the colonial power to bring dissensions in the society and thereupon gain political advantage. The British thereupon gain political advantage. The British adopted the 'divide and rule policy' which divided the Indian society on communal (Christian, Hindu, Muslim and Sikh) and feudal (rajas, nawabs and zamindars) lines.

The allocation of separate electorates for minorities furthered the feelings of communalism. Thus, 'communal politics' was initiated into the Indian body politic. It worked against the notion of national identity or national interests by attaching too much importance, to one's own religious community and that impact on the minds of people and proved damaging to the emerging body politic of India. The partition of India in 1947 testifies the fact.

Even after India's independence, no concrete measures were taken to contain communalism. The inequalities in society - evident in large-scale poverty and unemployment - brought frustration among the deprived classes who, in turn, took on the mentle of communalism to get solace. The initial years after 1947 were relatively calm because of improvements in all fields but such calm was short-lived. Hindu and Muslim communalism revived in the 1970s and once again politics began to develops around a religious issued. The Babri Masjid-Ram Janambhoomi issue gave a fresh impetus to the rise of communalism. Like all communal issues the Babri case is also a religious issue only at a

superficial level; the real motive of the communal forces involved is manipulation and exploitation of religion for political ends.

Similarly, in the Shah Bano case, the law-makers yielded to the pressure of fundamentalist Muslim opinion and much against the letter and spirit of constitutional precepts of secularism and equal justice for all. The Muslim Women (Protection of Right of Divorce) Act, 1986 was brought in to nullify the Supreme court Judgment.

The elements of opportunism displayed by the so-called secular political parties, absence of any radical programme to check communalism by the government, failure of left parties to keep themselves aloof from communal politics and electoral compulsions are factors that have encouraged the growth of communalism in independent India. Added to this is the laxity of state apparatuses, mainly the police, in combating communalism.

Communalism is a social malady which needs to be countered so that principles of unity, integrity, secularism, democracy, equal rights and a just and humane society can be restored. Bipin Chandra gives certain long-term and short-term measures to meet the challenges of communalism.

**Communalism was a dream in India before British Rule**

The Muslim rulers found the Hindus with a difference. They were attracted with the Hindu religion and Social System. They did indulged in religious conversion. But Akbar was quite different. He was in favor of Hindu-Mulsim unity. The great Indian concept of tolerance of "many roads to the same truth", helped mutual adjustments and mutual influences which made them live like good neighbors. Rajput and Hindu Ministers got high ranks in the Moghal Courts. Period to the British regime, there is no record of Hindu Muslim tension affecting the masses of the people. Wars were there no doubt to persecute persons belonging to certain religious faith but fell essentially in the category of oppression by the rulers against a section of the subject.

**Growth of Communalism In India**

It is widely realized that communalism in India was born, nurtured and promoted by the British imperialism as a deliberative design to sow dissensions. It served the colonial administration to 'devide and rule' and therefore the prevailing religions differences were first used to project the social and cultural variations and then to promote political divisions by treating Indian but as members of religious communities.

The British India was divided into the feudal principalities and religious communities. The British administrators created division and tensions between these communities. The communal politics was encouraged by them. A voter was classified as a Hindu or a Muslim etc. and so was a candidate and representative. It is in this historical context that communalism came to acquire the meaning of being apposed to national identity, of being against the secularization process, of being too narrowly and negatively attached to one's own religious.

Muslim Deputation of 1906 and Separate Electorate : Sir Syed in this way left a good legacy for the Muslim league and organized in 1887 the Muslim Educational conference which began to hold its sessions like the congress every year. This was all due to the influence of Mr. Beck who misled Sir Syed. By their policy of 'divide and rule' the British Government tried to derive a wedge between the two communities through the partition of Bengal in 1905. The British bureaucracy in India was busy planning to destroy from within political progress by introducing communalism in Indian Politics. This was doing by making separate communal electorate part of projected political reforms.

Formation of Muslim league: Some time after the formation of the Muslims Educational conference, the patriotic association, and the upper India Defense Association, the educated Muslims began to discuss the desirability of starting some political association on the lines of the congress. Sir Md. Shafi had advocated the formation of Indian Muslim League in 1901 but nothing tangible came out of it. On Dec. 30, 1906, exactly ninety days after the Shimla deputation, the Muslim league was formed at Dacca.

Alienation of Jinnah: The ambassadors of third Muslim Unity, M.A. Jinnah couldnot get a position or accommodation in the congress. The dillema was that the traditional Muslim were basically anti-secular, the modernist like Jinnah had no sympathy for Gandhiji political style & no patience for the later goals of social regeneration.

Pakistan Resolution: According to Rajni Kothari "The concept of a separate state for Muslim in place of demands for special protection was the result of a radical reappraisal of the political situation on the part of the league leaders and altered the whole context of Hindu-Muslim relations in India - Jinnah became the fervent supporter of the 'two nation theory' and the exponent of India's partition into two". At its session in 1940, under Jinnah, the Muslim league adopted the Pakistan Resolution.

**Basis of Communalism**

Asghar Ali Engineer analyzed the socio-economic basis of communalism. The fight between Shivaji and Aurangzeb was not religious in nature but a political struggle reflecting crisis of the feudal system in that epoch. The emergence during the British period was mainly centered around the question of share in the loaves of offices from the very beginning the Muslim league was fighting basically for greater share in the power structure and not on any substantial issue of theological or even broadly of religious nature.

In order to understand the socio-economic basis of communalism in post-partition, India it must be remembered that the Muslims in India failed to produce a viable capitalist class. The ruling classes among the Muslim were predominantly feudal and feudalism continued to loose ground in independent India. The capitalist class in India remains almost exclusively Hindu. Thus, there was no question of competition with concerned. However, the expanding economy did throw up a class of petty - burgeoise among the Muslim in Muslim-Seized towns.

**Communalism in India**

The pluralistic society of India is composed not only of religious groups such as Hindus (82.41%), Muslims (12.12%), Christians (2.40%), Sikhs (1.94%) Buddhists (0.69%), Jains (0.44%), and so on (Paper I of 1995-Religious-Census Report of India. Cf. The Hindustan Times, July 8, 1005) but these groups are further divided into various subgroups. Hindus are divided into sects like Arya Samajis, Shivites, Sanatanis, and Vaishnavas, while Muslims are divided into Shias and Sunnis on the one hand, and Ashrafs (aristocrats), Azlafs (weavers, butchers, carpenters, oilmen), and Arzals on the other. The strained relations between Hindus and Muslims have existed for a long time, whereas some Hindus and Sikhs have started viewing each other with suspicion only for the last fifteen years so. Although in one state in South India, we now hear of some coflicts between Hindus and Christians and Muslims and Christians too, but by and large, Christians in India do not feel deprived or exploited by other communities. Amount Muslims, Shias and Sunnis too bear prejudicial attitudes towards each other. Here, we will mainly analyze Hindu-Muslim and briefly Hindu-Sikh relations.

**Hindu-Muslim communalism**

Muslim attacks on India started from the tenth century, but early Muslim conquerors like Mohammad Ghani and Mohammad Gori were more interested in looting rather than establishing religious dominance. It was when Qutubdin became the first Sultan of Delhi that Islam found a footing in India. Later, it was the Moghuls who consolidated their empire and Islam in the process. Some of the policies, proselytisation efforts, destruction of Hindu temples and construction of mosques over these temples by Moghul rulers aroused communal bickering between Hindu and Muslim communities. When the British established their dominance in India via the East India Company, they initially adopted the policy of patronizing Hindus, but after the First War of Independence in 1857 in which Hindus and Muslim fought shoulder to shoulder, the Britishers adopted the policy of 'divide and rule' wehich resulted in fostering communal clashes deliberately for keeping intact their hegemony. The relations between Hindus and Muslims were further strained when during the freedom struggle, power politics came into play. Thus, though antagonism between Hindus and Muslims is an old issue, Hindu-Muslim communalism in India can be described a legacy of British rule during the freedom struggle. This communalism operates today in a significantly changed social and political milieu. It is now perceived as a problem that impedes and warps the process of development of our country. It is the single largest threat to the secular ideals that are enshrined in our Constitution. The sectarian interests keep on fanning the flames of communal hatred.

Let us examine the genesis and historical roots of Hindu-Muslim communalism after the Second World War in order to provide some understanding of this phenomenon in its contemporary context. What were the religious and political ideologies and aspirations of the political parties that participated in the freedom struggle? Given the diversity of Indian society, the nationalist movement had to accommodate the interests of all groups - economic, linguistic, and religious. The nationalist appeal was to address itself to two important factors to unite the diverse groups; first, freedom from the exploitation of colonial rulers, and second, democratic rights for all citizens. Did major political parties such as the Congress, the Muslim League, the Communist Party and the Hindu Maha Sabha share these sentiments in thirties and forties of the twentieth century? Perhaps not. What was the policy of the Congress Party towards communalism and communal parties? According to Bipan Chandra (Communalism in Modern India, 1984), the Congress from its very inception adopted a policy of "unity from the top" in which the effort was to win over the middle-class and upper-class Muslims who were accepted as leaders of the Muslim community, leaving it to them to draw the Muslim masses into the movement, instead of making a direct appeal to the anti-imperialist sentiments of both the Hindu and the Muslim masses. This 'unit from the top' approach could not promote Hindu-Muslim cooperation in fighting imperialism. The Khilafat movement launched b the Muslim League against the British interference in Turkey hinged on a religious issue. The Congress only extended its support to this movement. All the serious efforts between 1918 and 1922 at bringing about Hindu-Muslim unity were in the nature of negotiations among the top leaders of the Hindi, Muslim and Sikh communities and the Congress. Quite often, the Congress acted as an intermediary among the different communal leaders instead of acting as an active organizer of the forces of secular nationalist. There was, thus, an implicit acceptance within the early nationalist leadership that Hindus, Muslims, and Sikhs were distinct communities which shared only the political and the economic concerns but not the religious, social and cultural practices. This is how seeds of communalism were sown in the first and second quarters of the twentieth century. However, the Muslim League and the Hindu Maha

Sabha remained fairly weak organizationally till 1936. In the 1937 elections, the Muslim League won only 22 percent of the total seats reserved for Muslims (482) in the provincial assemblies. It did not fare well even in the Muslim-majority provinces. It was only after 1942 that the Muslim league emerged as a strong political party and claimed the right to speak for all Muslims. M.A. Jinnah described the Congress as a 'Hindu' organization, a claim that the British supported. Within the Congress itself, some leaders like Madan Mohan Malaviya, K.M. Munshi and Sardar patel took up pro-Hindu positions. Thus, the Congress could not purge its ranks of communal element.

The slogan of Pakistan was first articulated by the Muslim League in Lahore in 1940. Different sections of the Muslim population had different perceptions of Pakistan. For the Muslim peasant, it meant freedom from the exploitation of the Hindu Zamindar; for the Muslim business class, it meant freedom from a well-established Hindu business network; and for the Muslim intelligentsia, it meant better employment opportunities. Later, when the Congress leaders accepted the partition in 1946, it led in 1947 to the displacement of millions of Hindus, Muslims and Sikhs amid bloodshed and carnage. About 2 lakh persons were estimated to have been killed in the 1947 partition riots and about 6 million Muslims and four and a half million Hindus and Sikhs became refugees. Even after the partition, the Congress failed to come to grips with communalism. It could, therefore, be said that Hindu-Muslim communalism in India had politico-social origins, and religion glone was not the cause of the conflict between Hindus and Muslims. Economic interest and cultural and social mores (such as festivals, social practices and lifestyles) were factors that further divided the two communities.

**Hindu-Sikh Communalism**

The Sikhs constitute less than 2 per cent (1.3 crore) of India's population. Though dispersed widely over the entire county and even abroad, their largest concentration is in Punjab, where they from the majority of the state's population. Sikhism started as a reform movement against the dogmas of Hindu religion. After the tenth guru, the tradition of gurus among Sikhs ended and the Granth Sahib was accorded utmost reverence. The Sikh shrines (gurudwaras) remained under the control of priests, some of whom misused their position and amassed personal wealth. In the early years of the twentieth century, some young Sikhs started a movement against the hegemony of the Sikh mahants. These people—called Akalis—wanted shrines to be managed by a body of democratically elected representatives. The SGPC (Shiromani Gurudwara Prabhandak Committee), thus, came into existence in 1925 after the Sikhs waged a hard struggle to liberate their gurudwaras from the corrupt mahants. Since its inception, the SGPC has been a seat of great power. its president has always played a major role in Sikh affairs. At one time he was even described as a maker or demolisher of the Chief Minister of Punjab. Few Akali elite survived without his support.

Another group (sect) called the Nirankaris started a movement against the dogmas, rituals and traditions which had crept into Sikhism. Thus, he Nirankari movement was a reformist movement (purely religious in character) against the induction of Hindu religious practices in the Sikh system of Hindu religious practices in the Sikh system of worship. it emphasized the elimination of the worship of several deities and revived simplicity, austerity and purity in rituals and ceremonies. The Nirankaris remained within the Sikh fold till 1943 after which there arose conflict. in 1973, the undivided Akali Dal under the leadership of Master Tara Singh demanded 'autonomous status' for Punjab dominated by Sikhs. On 17 October, 1973, the Akalis passed a resolution, now popularly called the 'Anandpur Sahib Resolution', in which they made 45 demands. Later, the Akalis came to be divided into extremists and moderates. One militant group led by Jarnail Singh Bhindranwale emerged as a powerful group in the

early eighties. Initially, he launched a movement against the Nirankaris to purify the Sikh religion but ultimately he started a Sikh separatist movement and began a demand for Khalistan. Though a small section of Sikhs continues to work for this demand, the majority of the Akalis are for a state in which the authority of the Centre is to be confined to defense, foreign relations, communications, railways and currency.

**Ethnic Violence**

Besides the Hindu-Muslim conflicts and Hindu-Sikh skirmishes, how do we perceive the relations between different ethnic groups, say between the Sinhalese and the Tamils, or between the Assamese and the non-Asameese In Assam, for nearly 150 years the economic development of the state was fuelled by the labour and enterprise imported from outside the state. Over this period spanning a century and a half, Assam has been home to generations of the so-called 'outsiders', who have known no home, no land other than the soil of Assam itself. Some have indeed grown rich, but most have remained desperately poor. The Assamese have now raised the question of nationality. The All Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad (AGSP) agitation (which fathered the AGP as a political party) confused 'outsiders' with 'foreigners' (including Bengali refugees from the Bangladesh). Fantastic figures were brandished ranging from five million at one stage, six million of foreigners (bahiragat) illegitimately lurking in the state. This issue of ridding Assam of foreigners held the state to ransom for six years - from 1979 till the Assam accord on 15 August, 1985. Hatred was stoked up against the Bodos, the Bengalis, the Marwaris and the non-Assam Muslims. This secessionist movement was responsible for thousands of innocent deaths. The massacre of 1,383 woman and children and some men in ten villages in and around Nellie in Nowgong district was a part of this ethnic violence. The AGSP which remained in power between 1985 and 1990 could not contain the ethnic tension.

The ULFA militants launched a movement and the President's rule was imposed in the state in November 1990 instead of holding elections due in January 1991. The army and the security forces launched an operation to round up the rebels and recover weapons. The President's rule was lifted ion 30 June, 1991 when the new Congress government assumed power in the state. But the ULFA militants jolted new government by kidnapping 14 government servants including eight top ONGC officials from different parts of the state on the very first day of government's tenure. The may 1996 elections have also not prevented the reprisals from the Bodos. The militants are yet to realize that Assam is like all other states in India, and it belongs to all the legitimate citizens of India, whatever language they speak, whatever religion they follow and whatever rites and rituals they practise. The Bodos—a tribe which comprised about 49 per cent of Assam's population in 1947 and about 29 per cent in 1991 and which ruled over Assam until around 1825—are now demanding autonomy. Though an accord was signed by the Assam Government and the Bodo leadership represented by the All Bodo Students Union (ABSU) and the Bodo People's Action Committee (BPAC) on February 20, 1993 but the problem still remains unresolved. The Bodo leaders and the state government have failed to arrive at an agreement on the boundary issue and transfer of about 3,000 villages to the Bodoland Autonomous Council. The Bodos also do not want that Assamese language should be thrust upon indigenous tribes. The Bodo movement in the 1960s, the 1970s, and the 1980s took place in fits and starts but today it has gathered momentum. Bodos now demand a union territory called 'Udayachal'. Violent activities like bomb blast of Brahmputra Mail in Assam on December 30, 1996 (in which 32 persons were killed and 49 injured) and blowing up of the road and railway bridges by the Bodo

militants in lower Assam in the last week of December 1996 point out the domestic and 'foreign' aid to the militants and the need for firm action by the government to contain insurgent activities (Ahuja 2003 : 121-129).

**Long-Term Remedy for Communalism**

The long-term remedy includes the following points:

1. There is a need to initiate the process of de-communalization of the people at all levels, say, by exposing communal assumptions, by exposing communal assumptions, by explaining to them the socio-economic and political roots of communalism, and by letting them know that what the communalists project as problems are not the real problem and what they suggest as remedies are not the real remedies.
2. Communalism of state and of the political elite in power has to be checked because it leads to inaction against communal violence and covert or overt political and ideological support to communalism by the state apparatuses, including the media under state control.
3. Communalization of civil society also needs to be checked because it leads to more communal roots and other forms of communal violence. It is here that intellectuals, political parties and voluntary organizations can be the most effective.
4. The role of education, particularly value oriented education, both in schools and colleges is important in preventing communal feelings.
5. The media can prove to be significant in preventing communal feelings. Communal press can be banned and legal action can be taken against communal writers.
6. The ideology that economic development, industrialization, growth of capitalism and the growth of the working class would automatically weaken and ultimately eliminate communalism should not be overplayed.

**Bipin Chandra's Immediate Measures for Containing Communalism**

The immediate measures for containing communalism and communal riots as suggested by Bipin Chandra are as follows:

1. Peace committees need to be set up consisting of people belonging to different religious communities.
2. The state has to plan and use new strategies in dealing with communal violence.
3. The role of media is immensely significant during communal violence as they can keep fear and haltered in check.
4. The government in power has to treat the extremist communal outfits as the immediate targets and cripple their capacity to disrupt law and order.

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**Sample Question**

1. Assess the nature or challenges posed by communism to parliamentary democracy in India.

**LESSON 9**

# STRATEGIES OF DEVELOPMENT IN INDIA SINCE INDEPENDENCE

The British conquest which started in 1757 with the better of Plassey as completed only by 1858. During this period England was passing through the period of changes in the techniques of production which revolutionized Manufacturing. The coming of industrial revolution which synchronized with the period of British conquest helped the British to sell machines made to goods in India in competition with Indian handicrafts. The New England system and the commercial agriculture meant untold exploitation of the Indian peasantry. The British were not interested in developing India as such. The growth of railways or the spread of irrigation or the expansion of education or the creation of revenue settlements over all initiated with one Supreme goal, i.e. To accelerate the process of economic drain from Indian. In 1947, when the British transferred Power to India, we inherited a crippled economy with a stagnant agriculture and a peasantry stepped in poverty.

After achievement of independence, of India became a republic. She chose to follow a path of 'planning for social and economic development' which meant that the state would play a proactive role in deciding about 'what, how, how much, where and whom' in economic and social activities or the system while respecting, by and large institution of private property and market. Our constitution itself gave scope for market to function and yet asked the state to intervene in the functioning of the market.

Thus, we adopted the middle path, the concept of mixed economy, with public and private sectors playing complementary roles, remaining active partners in the common tasks or development. We adopted for democratic planning aiming to achieve a high and sustained rate of growth, a progressive improvement in the standards of living of the people, eradication of poverty and unemployment to lay the foundation for a self – reliant economy. Planning strategy and envisaging the role of state vis-à-vis market has drastically shifted ion favor of market in the 1990.s.

**Problems and challenges of India at the eve of independence**

At the eve of independence India is known for its underdeveloped economy. Poverty is not only acute but is also chronic malady in India. Some characteristics of the Indian economy are :

**1. Low percapita income:** During the British imperialism the per capita income was gradually declined the per4capita income moved down by about 9% during 1905-06 to 1945-46.

**2. Low living level: Due** to the low per capita income the living level of people were inseparable. They ate a very inadequate and unbalanced diet. Their clothing was scanty; their housing was primitive and suffered ill health. Another aspect of their poverty was the prevalence of high birth rate and death rate.

**3. A Weakened Economy:** During the British rule, the Indian economy has become incapable of a higher growth rate. With low growth in national income, there was very little that was added to the stock of real capital of the country.

**4. Predominance of the agricultural economy :**The weak economy of the British India was able to change the occupational structure. Unlike a growing economy where the percentage of workers in agricultures decline and that in manufacturing, transport and other services increases, reverse happened in the case of India.

**Common elements of development strategy**

The common elements of development strategy are as follows.

(a) A comprehensive planning is envisaged which includes policies and programmes for economic development as well as for institutional change and social welfare.

(b) A mixed economy is essentially a planned economy. An integrated developmental programme is to be prepared where the role of the private sector, while not explicitly defined, is expected to fall within national priorities of development.

(c) Priority to the development of the public sector is envisaged, especially in crucial sectors such as defense, telecom, core industries and banking.]

(d) Accelerated growth— with emphasis on stepping up the rate of capital formation — is another feature.

(e) Balanced growth for a pattern of development where there is a balance between industry and agriculture, consumer goods and producer goods industry and services sector is emphasized.

(f) There is emphasis on employment, particularly with the development of the labour-intensive industries, e.g., small-scale and cottage industry.

(g) Accelerated development of the backward regions is emphasized.

(h) Upliftment of the backward classes and social welfare programmes has been given importance.

**Post Independence Developments**

Towards the end of 1938, National Planning Committee was setup under the J.L. Nehru. The Committee produced a series of studies on different subjects relating to economic development. Besides the National Planning Committee, eight leading industrialists of India conceived A Plan of Economic Development. It is popularly known as Bombay Plan. There was also a Gandhian Plan prepared by Shriman Narayan. All these plans were only of historical importance because they were just paper plans which were never implemented. Immediate after independence, nothing perceptible took place except announcement of a resolution of industrial policy, 1948. This resolution gives, besides static's role in vital sectors of economy, the mind of the Government with regard to establishment of a National Planning Commission, which would formulate Programmes of development and secure their execution. The Planning Commission, however, was constituted on March 15, 1950 by a Cabinet resolution — well much after independence and fifty days after promulgation of the constitution— as an extra- Constitutional body. With a view to knowing the tasks of the commission, it is important to read the cabinet resolution.

The Planning Commission as asked to prepare a six year development plan covering the period of July, 1951 to June 1957 for the Colombo Plan (For Co-operative Economic Development in South and South East Asia), as was desired by its member countries in May, 1950. However some times later, the Government of India chooses to go independent and asked it to submit a blue print of a five year plan at its earliest. The plan was to start and was started in April 1951 but the Draft Outline was ready only in July 1951. The final plan (Report) came out in December 1952.

The Draft outline (of the first plan) was meant, it was said to arouse a lively debate in the whole country among different sections. In a democratic state, planning is a social rather than just technical process. It was reported that intellectuals and industrialist, people and parties, press and Parliamentarians all participated in the debate. But more importantly, this draft outline suggested formation of the National Development Council with Prime Minister as the Chairman and Chief Ministers as members.

**Salient Features of India's Strategy for Development**

The features of Indian strategy for development are:

**(1) Planning**:India has adopted planning as a medium for development. The most important reason for adoption of planning was that it was considered a Superior way of developing the economy.

**(2) Mixed Economy**:The concept of mixed economy admits the possibility of the existence of private enterprise side by side with public enterprise. India is regarded a good example of mixed economy. In India, the state demarcated the areas for the promotion of industries in the public and the private sector.

**(3) Role of the public sector:** The develop and strategy assigned a dominant role to the public sector. As investment in the heavy sector was very high and as the gestation period was too long and also with low profitability.

**(4) Heavy industry strategy:**The core of the Strategy adopted by Indian Planners for the second plan and with minor modification for the subsequent three plans was rapid industrialization through lumpy investment on heavy, basic and machine building industries.

**Basic Requirements for Planning**

For proper planning, requirements are as follows:-

(a) Statistical Data for the success of planning, reliable and adequate statistical data are required. This helps in setting and achieving targets for future.

(b) **Economic Structure** : The economic structure in the country must be conducive to planned progress. It is the responsibility of the state to bring structural changes in the society so that the plans may be successful. Land reforms, community development programmes, etc., are to be initiated and implemented by the government.

(c) **Administration** : The administrative set-up should be competent and actuate. The country needs honest, sincere, dynamic, efficient and experienced officials for the success of planning. The Constitution and Centre-state relations also play an important role in the implementation of plans.

(d) **Institutions:** The process of combining resources and potentialities primarily through human resources in a reasonable manner is called an institutional structure. For the success of planning some institutional changes are required.

(e) **People's Cooperation** : Cooperation is very essential for the success of plans. The government should take steps to inspire the people to take part in the plan programmes. They should be educated and enlightened regarding the value and benefits of various plans.

(f) **Basic Objectives** : All the objectives cannot be achieved at a time. Hence, the more important objectives should be given priority and the others made complementary to it.

**Democratic Socialism**

When India became independent in 1947, it was gripped by mass poverty, unemployment and underemployment, illiterate and unskilled labor, static agriculture, semi-feudal relations, poorly developed industry and inadequate infrastructure.

There was a need to put in huge efforts on a national scale if progress was to be made on the social-economic front. It may seem strange that a democratic country front. It may seem strange that a democratic country should adopt central planning as a development strategy, but Indian planning is adapted to a democratic polity.

Jawaharlal Nehru, the architect of Indian planning, was greatly influenced by the achievements of Soviet planning. However, he also regarded the democratic values of capitalism as indispensable for a full economic and social growth. Therefore, to take advantage of both these societies he described 'democratic socialism' as the vision of the new India. The idea of democratic socialism is based on a holistic vision of society. Material benefits need to be accompanied by equal opportunities and enrichment of life.

The first and foremost feature of democratic socialism is the emphasis on the freedom of democracy as opposed to the restrictions of a totalitarian regime. The individual has the freedom of self-expression. At the same time, the aim of a socialist society to remove inequalities of income and opportunities was to be promoted. A national minimum in respect of basic needs of an individual was to be an ideal.

The philosophy of democratic socialism was to check concentration of economic power and the growth of monopolistic tendencies. The private sector would have a free play but the public sector was set to grow. Above all, private profit was not to be the main goal of economic decisions, social gain would be the ruling criterion.

The disintegration of Soviet Russia in 1991 and political and economic upheavals in some East European socialist countries resulting in the introduction of a market economy prove that Nehru's holistic approach was the right approach for India's development.

Since 1991, India has been liberalizing its economy and reducing the role of the state in the economic activity. But the state still has a very important role to play in social development and regulation of the market economy.

What is necessary for democratic socialism to succeed is a clear demarcation of the roles of the private, public and joint sectors.

**Planning Within A Mixed Economy**

It is through planning in a mixed economy that the merits of a socialist economy are imparted and defects of capitalism are sought to be removed. Planning provides all the freedom of capitalism such as that of production, consumption, occupation, ownership of factors of production etc. At the same time, the state regulates the working of the private sector through measures like taxes, subsidies, power, credit, etc. in keeping with the nation's interests. Moreover, planning also seeks to prevent activities such as hoarding and black marketing and even resorts to rationing in case of shortages.

Planning also has a social role to play. It seeks to protect the labor from capitalist exploitation through laws on minimum wages, working hours, conditions of work, provident fund, maternity benefits, and compensation and so on. It also seeks to remove the overall inequalities in income distribution.

The main challenge for planning in a mixed economy is ensuring the cooperation of both the private and public sectors to achieve the targets of the plan. Moreover, there is also a need today to divert the attention of the private sector into playing a more active social role for overall development of the economy.

**Planning Strategies**

During the last more than 50 years we can not claim to have followed one single strategy. Infact, we find, there has been a sort of evolution and in the view of some of us, a metamorphosis since the need – 1980 are early 1990 of the century just gone by. The shift in emphasis is eloquent and noticeable. The period could be divided by broad congruence in approach. The strategies characteristic of each phase, which may call as phase of control and phase of regulation, as follows:

(a) **Phase of Control** : During the phase – I, starting from the early fifties to late eighties, the common element that run across the plans were : expansion of public sector, industrialization and import substitution, self-sufficiency in food grains, state control on financial resources, control on foreign capital, protection of small scale industries, regulation of large scale industry, curb on monopolistic practices, security to labor in organized in sector, provision of public help measures and spread of education and literacy, redistribution of assets like land and curb on concentration of economic power.

(i) **Interventionist State**: State will intervene in the market processes so that it secures adequate livelihood for the poor and brings down disparity among classes. It will make laws whereby intermediary interests in land are abolished and concentration of wealth is avoided. It will create institutions, which will promote agriculture, industry and trade. It will adopt such fiscal policy, which would promote growth and social justice both.

(ii) **Expansion of Public Sector**: Role of the state particularly in relation to the industries was debated in the 1930, itself. While there was unanimity in the National Planning Committee that defense industries should be owned and controlled by the state, state control was considered in other key industries as well. Much before we thought of formulating a plan, an industrial policy (Resolution, 1948) was already in place, which delimited the scope of public ownership of certain industries.

(iii) **Nationalization** : Many private industries for one or other reasons were nationalized, presumably in overall national interest. Coal mining and exploration, extraction, refining and distribution of crude oil, not within the exclusive public sector, were nationalized for spurring growth. Many textiles Mills were nationalized to protect labor. Banks were nationalized in many phases in 1956, 1969 and 1980 to make available credit to priority sector and to expand branches in unserved areas.

(iv) **Development of Heavy Industries**: The development of heavy industries like engineering and machine-making industries, universal intermediaries like electricity, basic industries such as cement, heavy chemicals including fertilizers, metallurgy like iron and steel, aluminum and manganese, was accorded & priority.

(v) **Import Substitution**: Substitution of home produced goods for imported goods whenever we could was the common refrain at least since the mid-fifties of the twentieth century. Indigenous production of both capital goods needed by producers, and consuming goods, needed by the

masses as given priority. It was viewed that development of some of these industries might require a kind of protection for some time from competition from foreign goods.

(vi) **Self-reliance**: Though nothing in the statement that Nehru made in April 1949 in the Parliament on foreign capital should have dissuaded flow of direct foreign investment but it was not coming for a variety of others restrictions varying from the field of operation to seeking strategic partnership with India firms to restrictions on repatriation on account of shortage of foreign exchange reserves etc.

(b) **Phase of De-regulation**: The distinctive features of the phase two derive partly from the base, we have achieved by mid- 1980's and partly for global trends of our general policy in the second phase has been one of reforms. They are characterized in two ways. One is in terms of stabilization and structural adjustment and the other, in terms of liberalization, privatization and globalization, often referred to as LPG model.

**Development Strategy: Objectives and Goals:**

Planning in India derives its objectives and social premises from the Directive Principles of State Policy enshrined in the Constitution. Based on this, the Planning Commission set out the following four objectives of planning.

(1) to increase production to the maximum possible extent so as a achieve higher level of national and per capita income;

(2) to achieve full employment;

(3) to reduce inequalities of income and wealth;

(4) to set up a socialist society based on equality and justice and absence of exploitation.

The basic Objectives of India's Planning are: Growth, Modernization, Self Reliance, Employment and Social Justice

1. **Growth:** Economic growth, reflected in a rapid and continuous increase in real national income and per capita income, is an important goal of planning. The targets set for raising the national and per capita incomes have ranged from 2.1 per cent in the First Plan to 6.5 per cent in the Ninth Plan. The Ninth Plan recognizes the link between high growth and quality of life of the masses besides the need to dovetail the high growth policies with the pursuit of improving pro-poor policies aimed at correcting historical inequalities.
2. **Modernization:** It is another objective is to modernize the economy. This means such structural and institutional changes in economic activities that can change the feudal and colonial economy, into a progressive and independent economy.
3. **Employment**: The plans have recognized that employment is a crucial factor in the removal of inequalities and raising growth rate. Each plan has tried to find jobs during the plan period so as to absorb part of the backing of unemployed and the increased labor force in that period. The approach to the problem of unemployment has been changing from plan to plan.
4. **Social Justice**: One aspect of social dimension is to improve the living standard of the poorest groups in society. The other aspect is the reduction is inequalities in asset distribution. From the first phase (the 1950s and the 1960s) of a frontal attack on poverty through an emphasis on redistribution of land (and non-renewable assets) and other land reforms, the strategy shifted in the late 1960s to a target-group oriented approach. The emphasis in this second phase was on creating

employment opportunities and distributing renewable assets among the poor. Food subsidies and 'dual pricing' of essential commodities were indirect measures to transfer income to the poor. In the third phase — the latest which began in the 1960s— the dominant idea is to create more wealth and to enable the poor to benefit from the secondary effects of growth which, it is presumed, will reach down to the poor.

5. **Self-reliance**: Self-reliance is not self-sufficiency; what it implies is that a country has sufficient foreign exchange reserves to pay for its imports. In the present scene of globalization, a country can hardly be self-sufficient, but it can certainly be self-reliant. Self-reliance came to be an objective of planning from the Third Plan onwards, but at that time it was adopted to do away with the need for external aid. The goal was concretized in the Fourth Plan.

**Five Year Plans and Strategy for Development**

*First Five-Year Plan (1951-56)*: In July 1951, the Planning Commission issued the draft outline of the First 5 year Plan for the period April 1951 to March 1956. It was presented to the Parliament in December 1952 by the Planning Commission.

At the time of the First Five- Year Plan, India was faced with the problem of include of refugees, severe food shortage and mounting inflation. Moreover, there was disequilibrium in the economy caused by the Second World Ware as well as the partition. The highest priority was given to agriculture to overcome the food crisis and to curb inflation.

*Second Five-Year Plan (1956-61)*: More ambitious than the First Plan, the Second Plan was to set India on the path of industrialization. P.C. Mahalanobis was the moving spirit behind the Second Five-Year Plan. He gave the highest priority to strengthening the industrial base of the economy. It was in this light that the 1948 Industrial Policy Resolution was revised and the new resolution of 1956 was adopted. There was an emphasis on the expansion of the public sector and establishment of a socialistic pattern of society.

*Third Five-Year Plan (1961-1966)*: The emphasis in the Third Plan was on long-term development. The Third Plan report stated that during the five-year period, the Indian economy "must not only expand rapidly, but at the same time become self-reliant and self-generating".

Plan Holiday or Period of Annual Plans : The period between 1966 and 1969 is sometimes called 'Plan Holiday'. This is so because the Indo-Pak conflict (1965), two successive years of severe drought, devaluation of currency and high levels of inflation delayed the Fourth Plan. Instead of a full-fledged five year plan, three Annual Plans were formulated within the draft of the Fourth Plan.

*Fourth Five-Year Plan (1969-74):* The dismal performances of three five-year plans led the planners to evolve a more realistic approach. The objective of self-reliance was not given up, but the main emphasis shifted to rapid economic growth. There was a distinct departure from the Mahalanobis model and preference was given to quick-yielding projects as well as to light industry at the expense of heavy industry.

*Fifth Five-Year Plan (1974-79)*: A major attack on the Mahalanobis strategy came from the World Bank economists in the early seventies. They argued that the most important problem of the Third World countries was that of the removal of poverty, and that growth, by itself, could not be relied upon to achieve this objective. Therefore, the highest priority was given to the removal of poverty.

*Sixth Five-Year Plan (1980-85)*: The draft of the Sixth Five-Year Plan (1978-83) was presented in 1978. However, the plan was terminated with the change of government in January 1980. The new Six Five-Year Plan was effected in April 1980. The plan stated, "The basic task of economic planning in India is to bring about a structural transformation of the economy so as to achieve a high and sustained rate of growth, a progressive improvement in the standard of living of the masses leading to the eradication of poverty and unemployment and provide the material base for a self-reliant socialist economy".

*Seventh Five-Year Plan (1985-90)* : The draft of the Seventh Plan was approved on November 9, 1985 by the National Development Council. It was set with a 15 year perspective. The aim was to create, by the end of the century, the conditions necessary for self-sustaining growth, and to provide basic minimum needs for all.

*Eighth Five-Year Plan (1992-97* : The Eighth Five-Year Plan was launched immediately after the initiation of structural adjustment policies and macro stabilization policies which were necessitated by the worsening balance of payments position and inflation position during 1990-91. Keeping these facts in view, the Eight Plan had to reorient some of the development programmes. It was realized that the problem of poverty could not be tackled through growth alone which itself was low over a long period of time. Hence, direct intervention through poverty alleviation programmes became necessary. The Eighth Five-Year Plan was formulated in the face of these challenges. It was a plan for managing the transition from a centrally planned economy to market-led economy through indicative planning.

*Ninth Five-Year Plan (1997-2002)*: The Eighth Plan period ended in 1997. Implementation of the Ninth Plan was to begin from the same year. But a series of political crises in the country delayed the formulation and approval of the plan by two years. The NDC finally approved the plan in February 1999, envisaging a GDP growth rate of 6.5 per cent peer annum. Though delayed by two years in approval, the plan will run its period through to 2002.

*Tenth Five-Year Plan (2002-2007)*: The National Development Council (NDC), headed by Prime Minister Atal Behari Vajpayee, approved unanimously in December 2002 the Tenth Five-Year Plan, envisaging an 8 per cent annual GDP growth.

The NDC decided to constitute four sub-committees to remove trade and investment barriers and improve governance one to deal with governance reforms as the "best policies and programmes can flounder on the rocks of poor governance and implementation"; the second to consider all barriers to internal trade on merits and to decide what would be the most appropriate steps that could be taken; the third to look into the wide range of controls and restriction from the past which hindered the creation of an investor-friendly climate and work out ways to dismantle such barriers; and the fourth to look into problems faced in transferring functions and resources to the panchayati raj institutions. The NDC also accepted the proposal of Prime Minister to formulate a priority agenda for action in the coming years.

**Planning Machinery**

At the national level there are two bodies: (i) The Planning Commission, which is appointed by the Union Government. It formulates the plans for the whole country in which states plans are dovetailed. The other is the National Development Council, which consists of Chief Ministers of all states, members of Planning Commission and some Union Ministers. This body gives a go ahead

single to the Commission for formulation of a particular plan with some broad parameters. It also considers and approves the plan before it is placed in the Parliament.

The Prime Minister is the Chairman of the Commission in ex-officio capacity. However the Deputy Chairman is the executive head looking after day to day affairs of the Commission. There are few ministers – members including invariably ministers for Finance and Planning, and Several Full – Time members, each with a charge of a group of subjects. There are several divisions, which could be categories as : General Divisions (like agriculture, industry, housing, education, health, labor, science and technology, Social Welfare, trade, project appraisal, etc.), area division (for states or zones like hill area), and service divisions (concerned with administration, accounts and general services like computer service division, publicity etc.). The subject divisions keep in tough with concern ministers, state governments and other official/non-official agencies, organize research studies on their own or through outside institutions / organization.

**Planning Policy Frame Work**

When we are embarking on the course of planning for our social and economic development, the developed world seemed to be divided into two major blocks— one was completely market oriented, essentially capitalistic in nature but an interventionist state for course correction and the other was pursuing socialistic goals through socialistic means using the state as the major instrument of change. While there were launched programmes and projects in the capitalistic world by the state in larges interest where the private enterprise would not entry the socialistic world adopted a comprehensive approach with dominance of the state sector. In such scenario, India opted for a policy framework of mixed economy. Further, while private sector was supposed to have full freedom in many spheres and qualified freedom in several others areas it was divided that India would opt for comprehensive planning — Comprehending all sectors and all regions, mixed economy significances the co-existence on phase sector and private sector with respect to business enterprises— industrial, commercial, and financial. It is believed that public sector enterprises shall primarily be guided by public interest, private sector enterprises will not be solely guided by profit consideration.

**Problems in Indian Planning**

The following problems are inherent to the Indian planning system : lack of transparency and accountability; gap between projected annual Plan size and realized plan; inefficient delivery mechanism; and unbalanced development.

**Relevance of Planning Today**

Planning has been one of the pillars of our approach to economic development and growth since independence. Today, however, the relevance of and need for planning is being debated against the backdrop of globalization, liberalization, the growing role of market forces in economic decision-making, the increasing share of private sector in investment, and the generally changing economic circumstances in the country. Views on the subject have been expressed from time to time not only by experts and observers, but also within the government.

Free market fundamentalists portray planning as antithetical to market reforms. They believe that the market mechanism is sufficient to coordinate all agencies involved in development and other economic activities. They also think that if the market fails to control the activities of various agencies, the government can never succeed in doing so either.

There is also a feeling that in effect budgetary priorities now seem to determine investments, particularly at the state level. The initiative for determining development priorities is *de facto* with the finance departments rather than the planning departments. Hence, it is budgets, not plans that determine development priorities. This raises the issue of whether there is any need or relevance in formally planning for development at all.

However, in a country like India, which needs large development expenditure spread over many areas and years, plans are needed to allocate and coordinate this expenditure. What is more, planning as a function can never go out of style. It is not just government, everyone needs to plan to a lesser or greater extent. Corporate planning is required in the private sector as much as in the public sector.

**Conclusion**

The development strategy adopted in the various five year plans reveals that it has been one of balanced growth and its main constituents have been a structural transformation of the economy. The strategy has been instrumental in increasing substantially industrial and agricultural output, in providing considerable infrastructural facilities and in modernizing the economy. But the growth of rte of national income has been lower than the target rates of the plans. The strategy has failed to bring growth with stability and social justice. Nehruvian development failed in five areas of the economy. It cared little to develop India's greatest potential wealth- its massive human resources.

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**Suggested Questions**

1. Do you agree with the view that the development policies followed in post–globalization period have not made much difference to lives of poor in India? Give reasons for your answer.
2. Discuss the planning strategy in a mixed economy.
3. Discuss the features of India's strategy for development.

**LESSON 10**

# SOCIAL MOVEMENTS

A social movement can be defined as a voluntary association of people engaged in a concerted effort to change attitudes, behavior and social relationships in a larger society. Social movement has been defined as "a conscious, collective, organized attempt to bring about or resist large-scale change in the social order by non-institutional means". Social movements are highly organized and are relatively long-term collective efforts. hey often have unlikely beginnings and are spontaneous. They occur mainly due to social unrest, sense of deprivation, structural strains and an urge for revitalization.

**Peasant Movements**

After five decades of independence nearly 63 per cent of the population still depends on agriculture for its livelihood, though industrial growth is significant. The agrarian structure has undergone a change from a feudal and semi feudal structure to a capitalist one. Agricultural production has increasingly become market oriented since the 1960s. Non-farm economic a activities have expanded in the rural areas. In the process, not only has the rural-urban divide become blurred, but the nature of peasant society in terms of composition, classes/strata and consciousness has undergone considerable changes.

Those who depend on agriculture are differentiated in terms of their relationship with the ownership of land, such as, absentee landlords, supervisory agriculturists, owner-cultivators, sharecroppers, tenants and landless laborers. In local parlance they are known as kisans or kheduts. Thanks to the influence of western scholarship, kisan is often translated as 'peasant' in the academic literature published in English. The term 'peasant' in the academic literature published in English. The term 'peasant' is ambiguous and used differently by different authors or variously by the same author in different studies. On the one hand, it is used for those agriculturists who are homogeneous, with small holdings operated mainly by family labor, and on the other hand, it includes all those who depend on land including landless laborers, as well as supervisory agriculturists. To club together agricultural laborers and the peasantry raises some problems. An agricultural laborer in contemporary India is generally no longer tied down to the same master, as was the case during the colonial and pre-colonial periods in pre-capitalist agriculture. In capitalist agriculture, a vast majority of the laborers are not attached or bonded. The process of proletarianisation of agricultural laborers has accelerated during the last few decades, and they are more dependent on 'wage labor while losing the extra-economic relations with their employers (old or new) which govern the conditions of their work and life (Shah 2004: 35-36).

**Classification**

Peasant movements in India are generally classified on the basis of periods into pre-British or colonial, and post-independence. The post-independence period is classified by some scholars into pre-Naxalbari and post-Naxalbari periods, or pre-and post-green revolution periods (Desai 1986). The latter periods, or pre-and post-green revolution periods (Desai 1986). The latter period is further divided into pre-and post-Emergency (Balagopal 1988). Oommen (1985) observes that there are certain movements which have continuity despite the change in political power. These are movements which started during the pre-independence phase but have continued till today, though their goals have changed. The classification is based on a time span, because it is believed that the agrarian structure has undergone changes during different periods, and that the nature of peasant movements varies under different agrarian structures. A.R. Desai (1986) classifies colonial Indian into ryotwari areas under British territory, zamindari areas under princely authority, and tribal zones. The struggles in these areas had different characteristics, raised different issues, involving different strata of the peasantry and tribes. Desai prefers to call struggles in the colonial period 'peasant struggles' and those of the post-independence era 'agrarian struggles'. The phase 'agrarian struggles' is meant to convey that they involve not only peasants but others as well. He further divides post-independence agrarian struggles into two categories. 'The movements launched by the newly emerged proprietary classes comprised rich farmers, viable sections of the middle peasant proprietors and the streamlined landlords and the movements launched by various sections of the agrarian poor in which the agrarian proletariat have been acquiring central importance' (Shah 2004 : 41).

**Aims and Objectives**

The objectives of the peasant movements prior to independence were:

1. Abolition of landlordism in all its forms.
2. Achieving full freedom from economic exploitation.
3. Ultimate economic and political power for the producing masses.

There were many peasant agitations in the 19th century—the famous Santhal and indigo revolts in Bengal and others in the Punjab and Maharashtra—but none of these survived in the form of organized groups that could continue to exert influence on administration or legislators. Gandhi and his supporters organized the peasants of Champaran (Bihar), against the exactions of indigo planters in 1917; and in Gujarat, Gandhi led the famous Khera satyagraha against the realization of land revenue in 1918. In 1928, the Bardoli satyagraha against the enactment of land revenue was organized by Sardar Patel.

**Aims and Objectives**

There has been a shift in the objectives of the peasant movements in the post-independence era, but the basic spirit has remained the same.

1. Struggle for radical reform.
2. Remunerative prices for agricultural produce and assistance to peasantry to increase agricultural production.
3 Establishing party between prices of agricultural produce and industrial goods so that industrial goods required by the peasants and other sections of the working people are made available at reasonable prices.
4. Adequate minimum wages for the agricultural laborers.

**Peasant Movement in Post-Colonial Period**

There have been a number of peasant revolts in independent India. The Telengana peasant movement started in mid-1946 and continued till the October of 1951. The movement engulfed the whole of the Telengana region of the Hyderabad state and the adjoining districts of the Andhra delta. It has been regarded as the most revolutionary of all the movements in India, in its character and political objectives. The CPI through its peasant wing, the Kisan Sabha, launched the movement. The objective of the movement, from the very beginning, was a broad one and was concerned with the whole of the peasantry against illegal and excessive extraction by the rural feudal aristocracy. The most powerful demand was that all peasant debt should be written off. The second stage of the movement began when in order to counter the oppression let loose by the aristocracy the peasantry launched the armed struggle. In September 1948 Indian troops took over the State and moved against the Communists in Telengana. The leadership of the movement was jailed and the communist Party was outlawed in the State. It was an agrarian struggle in which many peasants were killed by the army of the landed gentry and later by the Indian army after the takeover of the Hyderabad State. "The demands raised were broad ones and the nature of the struggle itself makes this movement one of the most revolutionary agrarian struggles of India unmatched so far in the Indian history".

**Naxalbari Peasant Uprising**

The Naxalbari peasant uprising that occurred in the northern part of West Bengal is the last of the major uprisings India has witnessed. It took place in post colonial India and was led by a faction of

the CPI(M). The most prominent leaders of the CPI(M) who disagreed with the official position of the party and led the movement were kanu Sanyal and Charu majumdar. it erupted in the foothills of the eastern Himalayas in West-bengal, in a place called Naxalbari falling within subdivision of Siliguri in Darjeeling district. It is in Naxalbari, Kharibari and Phansidewa, the three police station areas where the movement took a militant turn. The landless peasants in this region had since long claim that their land was being encroached by the tea estates and also by the rich peasants. The agrarian revolt arose by the rich peasants. The agrarian revolt arose in the month of April 1967 and continued till June in full swing in the whole Siliguri sub-division (Fadia 2007 : 661).

In contemporary India some prominent movements of the rich rural peasantry are; one led by the Bhartiya Kisan Union (BKU) in western Uttar Pradesh, Punjab, Haryana and the Shetkari Sangathan (SS) which represents primarily the interests of the sugarcane, cotton, tobacco, grape and onion growers in south-west Maharashtra though it also had its base in Gujarat.

The findings of the studies, clearly bring out that the peasants in the Indian studies, clearly bring out that the peasants in the Indian subcontinent were and are not docile. Caste and religion do not necessarily always blur their militancy; though they are double-edged instruments depending on who uses them and for what purpose. The initiative for the struggles has not always come from outside and the peasants have not merely reflected and responded to outside forces. They have their own consciousness to determine the course of their action. How far their consciousness is autonomous is, of course, debatable and requires more analysis. The studies also forewarn those scholars who have romanticised the middle peasants for their ability to lead struggles. A number of studies point out the poor peasants and landless laborers have also 'successfully' launched heroic struggles against the state, the zamindars and the rich peasants. In the 960s and 1970s scholars widely discussed the role and potentialities of the peasants in revolutionary transformation. In the 1990s such issues are no longer on the agenda of academic discourse. In fact one has begun to wonder about the relevance of 'peasant' as a social category in a situation there capitalism has penetrated into many parts of the country (Shah 2004 : 75).

**Women Movement**

In Indian society caste, class, religious and ethnic differences distinguish the life and problems of women in different parts of the country. The process of development and change affects various sections of women variously. it is in the context of a culturally diverse and stratified or unequal society that the emergence of women's movement needs to be understood. Also, the temporal aspect of this movement needs to be considered. For example, the early movements were reform movements guided largely by male reformers whereas the post-independence scenario is marked by movements guided by women.

In the early phase of the social reform movement during the 19th century, the initiative came from the male reformers like Raja Ramohan Roy. The issues that were taken up by them were sati, ill-treatment of widows, ban on widow remarriage, polygamy, denial of property right to women, child marriage and the need to educate women. The struggle for women's education initiated by men resulted in the setting up of women's schools, hostels, colleges, widow homes, etc.

**Typologies**

Different scholars classify women's movements according to their theoretical perspective. Neera Desai observes that 'the women's movement is the organized effort to achieve a common goal of

equality and liberation of women and it presupposes sensitivities to crucial issues affecting the life of women. For a concerned action to move towards the objective, there has to be some unifying ideological thread for various units' (1988:ix). On the basis of the ideological paradigm Gail Omvedt (1978) classifies women's movements into two types: (1) women's equality movements; and (2) women's liberation movements. The former may not directly challenge the existing economic or political of family structure, but rather aim at attaining an equal place for women in it, and at abolishing the most open remnants of feudal partial or family structure, but rather aim at attaining an equal place for women in it, and at abolishing the most open remnants of feudal patriarchy, whereas the women's liberation movements directly challenge the sexual division of labor itself. Jana Everett (1979) classifies women's movements on the basis of two different ideologies of feminism. They are (1) Corporate Feminism claiming a larger role in politics for women on the grounds that they have a special contribution to make as women; and (2) Liberal Feminism, claiming that the rights of men should be extended to women on the grounds that women are equal to men and thus should have the same rights.

**Social Reform Movements and Women**

The origin of the contemporary women's movements in India is often stressed to the social reform movement within the Hindu fold in the last century. (Social reform movements among the Muslims, Christians, Parsis, Sikhs, etc. have not received attention from social scientists.) Social reformers like Rammohan Roy, Ishwarchandra Vidyasagar, Mahadev Govind Ranade, Behramji Malbari, raised their voices against the prevailing religious and social customs subjugating women (Heimsath 1964; Mazumdar 1976; Sen 1979; Chaudhari 1990). Their influence encouraged the British government to enact certain laws against the sati system, permitting women to remarry, abolishing the custom of child marriage, etc. Efforts were also made to spread education among girls. Some of these issues continue to affect women even in this century. The difference is that till the turn of the last century, very little effort had been made by the reformers to mobilize women for participation in public life in general around the issues concerning them.

Political rights—equal franchise and representation in legislatures—for women were demanded by women leaders, who were supported by the Congress party (Heimasath 1964; Desai 1977; Everett 1979; Shah 1984). Women's organizations, such as the Women's Indian Association and the All India Women's Conference (AIWC), came into existence in the 1920s to spread education among women. These organizations raised similar issues and carried out welfare programmes during the post-independence period. They enjoyed an all-India status with branches in all states. Social reformers, as well as women's organizations, raised women's issues which primarily affected Hindu ideology, based on the notion of Vedic times. Most social reformers believed in the separation of the roles played by the male and female in society. Though they were not against women working outside their homes, they were not in favor of independent careers for women in the wider world. They believed that women should not complete with men in all spheres (Basu 1976). The reformers 'continued to demand that women should be pure, firm and self-controlled. They should be pativarata, i.e. devoted and chaste wives who should view the vices of her husband with tolerance.

**Freedom Struggle and Women**

Kamaladevi Chattopadhyay (1958), Aparna Basu (1976, 1984), Manmohan Kaur (1980) Rajani Alexander (1984), Uma Rao and Meera Devi (1984) and a few others, examine the role of women in the freedom struggle. Some scholars assert that the freedom movement helped women in

their struggle for 'liberation', as feminism and nationalism were closely interlinked. Gandhi's ideology of recruiting women in public life without disturbing their social role as housewives, and his efforts at mobilising women, were also responsible for women's participation in the freedom struggle. Subhash Bose also formed a women's organisation called Mahila Rashtriya Sangh which played an active part in the freedom struggle (Mehta 1982). Besides describing women's participation in the freedom struggle at the macrolevel, the micro-level studies, such as Aparna Basu's (1984) and Pravin Sheth's (1979) on Gujarat,Sarojini Shintri and Raghavendra Rao's (1983) on Karnataka, Uma Rao and Meera Devis (1984) on Uttar Padesh, widen our horizons in terms of regional variation. According to Aparna Basu (1976), women were accepted in India's freedom struggle as 'political comrades and given equal opportunities for participation'. Such conclusions are arrived at on the basis of stray instances rather than being based on adequate evidence. Govind Kelkar (1984) argues that women were mobilised in the freedom movement because they were suited to carry out the non-violent struggle. She asserts that women's role in the freedom movement was that of the 'helpers' rather than that of comrades, Rajani Alexander makes an interesting observation for further investigation, particularly in the present context of communal mobilization. She observes,

Women's participation in the Independence movement too diverse forms and was not always organized and orchestrated political protests….For example, especially in western India, in Maharashtra and Gujarat, the Prabhat Pheri was used during the freedom struggle as a medium for rousing patriotic fervor. All over India, countless women provided food and shelter for fugitives and underground activists, visited political prisoners - relatives and strangers - during their long terms, and in myriad ways dealt with the introduction of new and external stimuli into a domain normally insulated from all those, the home. Much of women's involvement in the Independence movement was of this nature - based on community and home (Shah 2004: 155-156).

**Women's Movements on Women's Issues**

During the last three decades a number of micro and macro struggles initiated by autonomous women's groups have taken place around the issues directly affecting women and addressing the question of emancipation of women (Kishwar and Ruth 1984; Desai and Patel 1985; Rohini et al., n.d.). The issues of rape, sexual harassment in the workplace, violence against women in the family and public sphere have been major issues on which women at micro and macro levels have struggled. Demonstrations, dharmas, public mass petitions, etc. of the urban middle-class women were sparked off with the Mathura rape case in 1978. Mathura, a 14-year old girl from Maharashtra was raped in a police station. Two policemen accused of raping her were acquitted by the lower court and later by the Supreme Court. The Judges believed that Mathura had willingly submitted to sexual intercourse. Women in different cities protested against the incident and the court's judgment. They organized processions, public meetings, signature campaigns, etc (Shah 2004 : 164).

**Women's Movements in the Post-Independence Era**

The first two decades after Independence were full of optimism. The overall feeling was that as far as women's issues are concerned, the problem is to make de jure equality into de facto equality. As a result, the Special marriage Act (1954), the Hindu Marriage Act and Divorce Act (1955), the Hindu Marriage Act and Divorce Act (1955), the Adoption Act (1956), Inter-state Succession Act (1956) and Dowry Acts were enacted. Organizations like "All India Women's Conference' still continues to exist. However, there are two more national organizations of women, i.e "National Federation of Indian Women' which was formed in 1954 and All India Democratic Women's Association formed in 1981.

Thus, there are three major women organizations in India : AIWC; NEIW and AIDWA. Neither of them has direct political affiliations. But the AIWC in known to have close links with the Congress party, the NFIW with the CPI and AIDWA with the CPI (Marxist). All the three organizations have different views about the role of woman as a social group. They also respond differently to issue articulated in the political process.

The AIWC, formed in 1927, was very active in the national movement. The NFIW, formed in 1954 projects a different view about women's role in Indian society. The NFIW was active along with other women organizations in the Anti-Price Rise Movement between 1972-1974. The AIDWA, which came into existence as a national organization in 1981 has emphasized successfully the social roots of the dowry problem and brought pressure on the government to formulate and implement anti-dowry legislations. Its campaigns have revolved around basic issues like civil amenities, water supply, regular transport to resettlement colonies and around women's economic and legal oppression.

The Chipko Movement of the hill regions of Uttarakhand, which is now internationally known because it embodies the eco-feminist perspective, drew its strength from a traditional form of resistance which was put to telling effect in the mid-seventies, primarily by women, in saving timber forests in the region from being felled.

In spite of these achievements, the journey of the women's movement is not smooth. Since the movement challenges the very basis of inequality, naturally those who are on seats of power are not ready to forego their positions. Today women's movement faces a formidable challenge both from forces outside the movement and from those within the movement (Fadia 2007 : 669-671).

**Workers Movement**

Modern powered industries, based on western technology, came to India in the mid-1950 of the nineteenth century. Railways were constructed around Bombay and Calcutta; the former linked Bombay and Baroda in Gujarat and the latter Calcutta and Raniganj, the coalmining centre. The first textile mills started production in Bombay in 1855. Almost simultaneously, a jute factory was established in Calcutta. Industrialization was mainly confined to cotton and jute industries till the beginning of the twentieth century. Large-scale tea plantation also began during this period, but the workers employed therein were generally treated as non-industrial workers. The cotton textile industry expanded in Bombay and spread out to other centers such as Ahmedabad in Gujarat, Sholapur and Nagpur in Maharashtra, and Kanpur in Uttar Pradesh. In 1914, there were 264 cotton mills employing 2, 60,000 workers. In Bengal, 60 jute mills employed 2, 00,000 workers in 1912. By 1914 the railways employed about 6, 00,000 persons (Karnik 1966). The iron and steel industry at Jamshedpur, which began in 1911, was a major landmark in industrial development, though it did not employ a large workforce. Besides this, by 1910, about 1, 50,000 workers were employed in mines, and 7, 00,000 were employed in plantations. According to the survey of industries there were 281 lakh workers employed in private and public sector industries in 1999. This covers both urban and rural areas and includes those employed in plantations, mining, construction, utilities, transportation and communication.

It is difficult for us to accept Homstrom's contention that the worker employed at the Tata Iron and Steel Company (TISCO) was not better paid and less secure than the worker employed in a small firm in an urban area, or the bidi worker in rural areas, before independence. The advantage that the

former had might be because of the union. But what facilitated the textile industry or TISCO workers to form unions? (Shah 2004: 180-181)

**Workers Movement in Pre-independence Period**

Trade Unions are voluntary organizations of workers formed to promote and protect the interests of workers through collective action. The first quarter of the 20th century saw the birth of the trade union movement in India ,through the germs of the movement were to be found in the last quarter of the 19th century .S.S. Bangalee ,M.Lokhande and others succeeded in forming trade unions,organising strikes and in general in bettering the conditions of the working classes.However,it was not until the close of First World War that the modern trade union movement took permanent roots in Indian soil.

In the 1920s, soon after the First World War the Indian working classes realized the effectiveness of strike as a means of obtaining concessions, higher wages and improvement of working conditions. A series of strikes were declared. The textile workers of Madras formed the Madras Labor Union which led the strike in 1918. Almost at the same time, the textile workers of Ahmedabad went on strike and Gandhi intervened and provided leadership to the workers as a result, the Textile Labour Association was founded in 1920. Another important strike during this period was that of the workers of TISCO in Jamshedpur in 1920. Besides this, there were a number of strikes in Bombay, Nagpur, Calcutta and other places which gave birth to unions. The 1920s began with a large number of strikes. According to official data, there were 396 strikes in 1921, involving 6,00,000 workers and the number reached a peak in 1947; there were 396 strikes in 1921, involving 6,00,000 workers and the number reached a peak in 1947; there were 1,811 strikes involving 1,840 thousand workers. The number of strikes declined between 1947-1960. However, the number of conflicts, including strikes and lockouts increased in the 1960s and 1970s.

The success of most of these strikes led to the organization of many unions. In 1920, the All India Trade Union Congress (AITUC) was set up to represent the interests of the workers and also to coordinate the interest of the workers and also to coordinate the activities of all labor organizations in the country. The setting up of the AITUC gave a great fillip to the rapid formation of unions throughout the country and in big and small industries. In 1926, the Trade Union Act was passed, which was a landmark in the history of the trade union movement in the country. The Act gave a legal status to the registered trade unions and conferred on them and their members a measure of immunity from civil suits and criminal prosecution. Towards the end of 1920's there was a split in the trade union movement on account of ideological differences between trade union leaders. The AITUC was captured by the communist while the moderates started a new central labor organization known as the All India Trade Union Federation. The 1930's started with a climate which was not favorable to the growth of the trade union movement. The prosecution of the communities involved in the Meerut conspiracy case and the failure of the Bombay Textile strike of 1929 brought a lull in trade union activity (Fadia 2007 : 663-664).

**Political Parties and Workers Organization:**

With independence and partition, the country was plunged into growing unemployment. The high hopes of the workers for securing better wages, service conditions and amenities from the national government were shattered. A series of strikes swept the country and the number of strikes and mandays lost during the period were the highest ever recorded in the country. The disunity in the

trade union ranks was aggravated by the starting of three central organizations during this period. The Indian National Trade Union Congress (INTUC) was started in 1947 and was controlled by the Congress Party. The Hind mazdoor Sabha was started in 1948 by the Praja Socialist Party and the United Trade Union Congress (UTUC) was formed in 1949 by some radicals. All these labor organizations have been working for the betterment of labor. Moreover, there is no unity between them nor do they follow common policies or ideologies.

According to provisional figures relating to 31st December, 1989, as released by the Chief Labor Commissioner, in August 1994 Bhartiya Mazdoor Sangh (BMS) which is an affiliate of Bhartiya Janta Party has secured the top position in terms of membership by having a total membership of 31.17 lakh. This is followed by INTUC-Congress afiliated union with a total membership of 27.6 lakh, followed by CITU affiliated to CPM with a total membership of 17.98 lakh and HMS with a membership of 14.77 lakh. The left organizations like CITU and AITUC have been baffled by the rise of BMS to the top position—a right wing trade union (Fadia 2007 : 664).

**Workers Movement and Freedom Struggle**

The working class supported the freedom struggle by the end of the 1920s and the beginning of the 1930s. Workers participated in meetings and organized demonstrations and processions against the British Raj. The workers of Bombay, Sholapur, Calcutta, Ahmadabad and other places went on strike to support the Civil Disobedience Movement. The workers of Ahmadabad went on total strike to protest against the arrest of Gandhi.

**Workers Movement in Post Independence Period**

The workers supporting the Communist Party launched strikes in the mid-1950 as a form of political struggle. Political issues figure prominently in working class strikes in post-independence India. Ramaswami observes, "In the fifties and sixties non-congress unions routinely attributed averse government decisions, as when an award went against labor or police intervened in an industrial dispute, to the alleged anti-labor policies of the Congress Party. The textile workers in Kanpur in 1955 and TISCO workers in 1958, protested against the industrial policy of the government and it was the major issue in their strikes. The workers of Bombay, Ahmadabad and other cities participated in the bandh in the 1960s on the issue of price rise and scarcity of essential commodities. The 1960s witnessed a series of commodities. The 1960s witnessed a series of militant struggles by workers, white collar employees and school and college teachers. The Central Government employees struck work on 19th September, 1968 to demand dearness allowance in basic pay, need based minimum wage, full neutralisation of the rise in prices, while these agitations gained in prices, while these agitations gained momentum, the 1.7 million railway workers gave call for a strike in May 1974. The demands of the workers included a doubling of wages, additional dearness allowance, payment of annual bonus and provision of foodgrains and other essential commodities at subsidized rates.

To conclude, the trade unions are closely linked with various political parties. Regional parties like DMK and the ADMK have their own trade unions. During the early phase of the working class struggle, strikes were spontaneous and their leadership emerged from within the working class. Later on, leaders came from outside. It is argued by some that these leaders use the working class for their political interests (Fadia 2007 : 665).

**Environment Movement**

## Introduction

The United Nations conference on Human Environment, Stockholm, 1972 paved the way for a number of studies and reports on the condition of the environment and its effect on the present and future generations. It expressed concern to protect and improve the environment for present and future generations. The development of 'green politics' or 'eco-greens' or the 'green movement' in Germany and North America in the early 1980s boosted the formation of the 'green network' and the 'green movement' throughout the world, including India. A number of action groups, research institutes, documentation centres have been established to study and mobilise public opinion on environmental issues (Spretnak and Capra 1985). By now the material on the environmental situation in general and in certain sectors such as air land, forest, water, marine resources, etc. has proliferated in different forms from popular literature to 'scientific' studies. The reports on India's environment but also people's resistance and struggles. The media also frequently reports on struggles of the people at the local level on the issues of land, water, marine resources, forest products, etch. However, systematic analytical research-based monographs on environmental movements are few and far-between different classes of landowners. Studies on the struggles over forest resources are treated as tribal movements. Guha and Gadgil rightly observe, 'The agrarian history of British India has focused almost exclusively on social relations around land and conflicts over distribution of its produce, to the neglect of the ecological context of agriculture- for example, fishing, forests, grazing land and irrigation - and of state intervention in these spheres' (1989:142).

Guha and Gadgil provide a very valuable overview delineating conflict over forest produce, forest land and pasture land in different parts of colonial India. They discuss the resistance of hunter-gathers and shifting or jhum cultivators to the state intervention in settled cultivation. The forest dwellers launched satyagrahas during the 1930s against the forest departments on the issue of encroachment of land. Similar confrontations increased during the post-independence period. Shiva and bandopadhyaya (1986, 1988) inform us that about three centuries back the Vishnois of khejri village in Rajasthan sacrificed more than 200 lives in a passive resistance to the felling of green trees by the royal forces from Jodhpur. There were similar instances in which farmers and forest-dwelling communities resisted the destruction of forest resources. These evidences show a wide range of conflict between the authorities, particularly the forest department, and the communities residing in the forests. Shiva and Bandopadhyaya argue that 'these conflicts may not always take the form of people's ecology movements which hold the possibility of resolving these conflicts in just manner. They may also get distorted to take the form of other social conflicts like communal politics, which may not hold the possibility of resolution of the material conflicts' (1986:85). Forest struggles may be divided into two phases - those that were a response to direct commercial exploitation, and those that were a response to commercial exploitation legitimized as 'scientific forestry'. The dominant strata use scientific forestry as a political weapon to legitimize the overexploitation of resources for profit. There is conflict between the profitability and survival imperatives (Shah 2004 : 249-251).

## Some Environmental Movements

The environmental movements have succeeded in getting environment politics into the mainstream agenda in practically all countries. Environment is now an important part of policy focus, and the strategies offered by the green movements are taken seriously.

In India too there have been environmental movements, though not of such political influence as the Greenpeace. Many of them, however, have achieved success in a localized way.

One famous movement was the Chipko Andolan, a movement by tribes, mainly women activists, led by Sundarlal Bahugana; to prevent large-scale logging in the Tehri region.

The fishing communities of Dakshin kannada launched a movement in 1989 against industries causing marine pollution. They achieved partial success with an agreement being drawn up on effluent treatment and waste recycling.

Sanitation is a huge problem in India and the Sulabh movement has made an impact in this sector with its campaign and installation of inexpensive 'sauchalayas' in slums and remote areas. A related movement took place in a village near Thiruvananthapuram in Kerala to set up dry compost toilets so that people would not have to defecate in the open.

Drinking water has always been a severe problem in Rajasthan. The Tarun Bharat Sangh initiated a movement for water harvesting in some villages in the Aravalli ranges in 1986. The check dams (johad) created as a result have transformed the region into a water surplus one.

Activists successfully launched a movement to stop the Silent Valley project which would have damaged a unique ecosystem.

The Narmada Bachao Andolan led by Medha Patkar has achieved international fame as a movement to stop the dam being built on the Narmada at the cost of human and ecological factors. Though only partially successful, it has created a new questioning on whether large dams are necessary at all.

In all these environmental movements, women have played an important mobilising role.

**Environmental Degradation in India**

Environmental degradation has been recognized as a challenge only recently, even though rapid and extensive erosion of the natural resource base of the country has been continuing for a long time now. Since independence, the pressure for economic development has been such that little heed has been paid to the resulting impact on ecology or the human-environment relation. Added to economic development has been the demographic pressure which has degraded the resource base further.

Environmental degradation directly leads to social disruption. Developmental activities not in accordance with sound ecological principles lead to increase in the incidence of natural disasters, destruction of habitat of several species, destruction of natural environment, greenhouse effect etc. These, in turn, lead to spread of diseases and related health problems, unplanned growth, congestion, over-exploitation of remaining resources, and migration of the locals – all of which are forces destabilizing in nature. These social effects also have huge economic costs, which are not generally quantifiable, apart from the direct ‘visible’ costs of developmental activities. Social and economic disruption leads to social imbalance and unrest.

There is also a strong link between environmental damage and poverty, as erosion of the natural base almost inevitably leads to loss of the sources of livelihood of the people affected.

Projects undertaken by exploiting (or which lead to exploitation or degradation of) natural resources have an unequal impact. While some sections may be said to have benefited, at least in the short run, others are definitely losers in both the short and long run. Thus, there is a conflict of interests – and, contrary to the principles of democracy, the more influential side winds. And in the majority of cases, the influential side wins. And in the majority of cases, the influential side is the already rich minority which stands to gain economically from the project. The victims are more often

the residents of the area (the site of the projects) who are uprooted from the land which they had been inhabiting for ages. Experience has shown that the displaced sections usually comprise people of subordinate position in the social hierarchy because of their low caste and weak economic strength. This also implies that they have little economic and political bargaining power to exert vis-à-vis other interest groups and the government.

There is also the question of the fundamental rights of the natives over the land, and whether the state has any right to displace people in the name of economic development.

There is also the question of the fundamental rights of the natives over the land ,and whether the state has any right to displace people in the name of economic development.

The rights of the displaced are also infringed in other ways. The foremost amount these rights is the right to information. In the majority of projects, the process of arriving at the project design is opaque; it rarely made public for scrutiny and verification. No alternative options for satisfying the same objectives are considered. Further, the environmental and equity/distributive justice impacts are rarely divulged. Participatory democracy implies that all citizens play a central role in all spheres of life and gain for themselves access to a much broader range of opportunities. But the displaced are hardly a part of the decision-making process. Thus, the democratic norm of participation in decision-making is flouted.

Then, there is the question of human rights. A number of development projects actually accentuate the daily sufferings of the displace. Though the law provides that those adversely affected by a project be compensated, for the victims, rehabilitation is almost always inadequate and cannot-neither materially nor psychologically-compensate for lost land and resources. Many families are pushed into distant areas, and the relationship with the host community in the resettlement area is uneasy; some groups are forced into totally unfamiliar environments. The rehabilitation package is almost forced upon the displaced; they do not have the 'choice' to reject it.

It is ironical that environmental degradation is caused by a minority elite but engulfs the majority poor. Though the minority elite, who tend to legitimize their urban-industrial control over resources of satisfy consumerist tendencies, are not immune to the long-term effects of environmental damage, they at least have better access to resources that better access to resources that mitigate the impact. For instance, they have adequate money to ensure alternative shelter and medical facilities. The poor, on the other hand, are forced to overstrain the meager resources that are left in their control, and are the first to succumb to the dangers of environmental damage. This creates an unequal society, and is against the principle of social equity and justice (K. Rajaram 2007 : 627-628).

**Conclusion**

Besides the above studies several documents on the struggles of fish workers are available. There are also reports of the struggles of urban-based groups against pollution. These groups get involved in creating awareness among people, campaign and advocacy and occasionally mobilizing directly affected victims of the urban environmental hazards in programmes like processions, dharmas, etc. They resort to legal measures through the judiciary to pressurize the state and industrialists. However, except by investing journalists in newspapers, a systematic study of urban-based environmental movements is still not available. Though there is an assertion that the environmental movements are non-class and non-economic issue based, empirical data on social and economic

background of the participants, their perception of the issue and their objectives for their involvement, etc. have not yet been studied? (Shah 2004 : 260)

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**Suggested Questions**

1. Do you agree with the view that workers struggle has been a steady decline in India? Comment.
2. Write a short note on future of women movement In India.
3. Write a short note on environmental degradation in India.
4. Discuss the peasant movements in post-colonial India.
5. Discuss the issues of women movement in India.
6. Development becomes a major threat to environment-Do you agree? Examine the statement in the context of India.