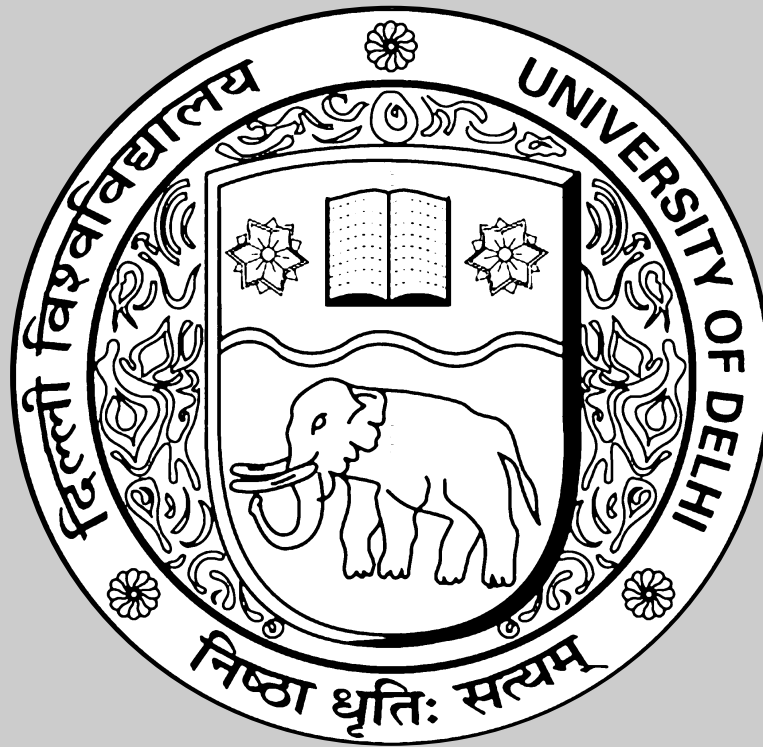


**B.A. (Prog.)**

**Semester-II**

**Political Science**

**DISCIPLINE SPECIFIC CORE COURSE**  
**Indian Government and Politics**  
**Study Material : Unit 1-8**



**SCHOOL OF OPEN LEARNING**  
**UNIVERSITY OF DELHI**

**Department of Political Science**

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## Graduate Course

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**APPROACHES TO THE STUDY OF INDIAN POLITICS AND  
NATURE OF THE STATE IN INDIA:  
Liberal, Marxist and Gandhian**

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Zinat Ara

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**APPROACHES TO THE STUDY INDIAN POLITICS**

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Approach means dealing with a situation or a problem. It means to understand a situation from a perspective. An approach is a way to analyse a subject. To comprehend and study Indian politics too—different ways are there. Things are not what they appear to be. One needs a clear understanding to know the inside of the system. In fact, application of an approach enhances the importance and credibility of the analysis as well as discipline.

Politics is an unavoidable process, an on-going activity. The perspective of looking and understanding at politics is not restricted. It is as old as Aristotle's Politics (book 1) where it is said that a human individual is a 'zoon politikon' or political being. One of the most ancient spheres of intellectual enquiry, politics was originally seen as an arm of philosophy, history and law. Its central purpose was to uncover the principles upon which human society should be based. From the late nineteenth century onwards, however, this philosophical emphasis was gradually displaced by an attempt to turn politics into a scientific discipline.

Since Greek political thought scholars, political scientists and philosophers have analysed, investigated various types of political issues and incidents from the standpoint of their own perspective and on the basis of the study they have arrived at conclusions and prescribed recommendation. This has inevitably led to the emergence of a number of approaches to the study of politics.

Approaches to the study of Indian politics may be broadly classified into three categories – traditional, modern and contemporary. Different approaches and methods have been taken for understanding politics. Traditional approach is said to be 'value laden', the modern is known for being 'value free'. It is characterised by a normative and ethical evaluation. Traditional approaches have historical philosophical descriptive and prescriptive character while modern approaches are empirical in nature. Thereby philosophical, historical, institutional and legal approaches are in the category of traditional approaches. The modern approaches are – sociological approach, psychological approach, economic approach, quantitative approach. However contemporary approaches are – the power approach, behavioural approach, post – behavioural approach, system approach, structural – functional approach, communication approach, decision making approach.

Politics is clearly shaped by the long-term structural features of a society. It has a long historical tradition. Social hierarchies, economic possibilities and historical legacies influence the nature and character of a political society. India is no exception to that. The study of

Politics in independent India began under difficult circumstances, after a long struggle with complex legacies which influenced its post-Independence course in multiple ways. Most important are the long period of British rule and various institutions ideas and practices introduced by them. To mention few are social structure and social conflicts which influenced political movements and ideas and most importantly Government of India act of 1935. The challenge of partition created a problem for the Constituent Assembly to write a constitution unambiguous positive and accepted by all. The writing of a constitution led political scientists to address questions of state formation—not only the structure and powers of a union Government, but also the structure and powers of states and local governments in a federal system, a Supreme court an independent Judiciary, rights of citizens and various other issues of governance. Though Indian politics is critical and crucial in nature, at the same time it is also very interesting to study by using various approaches as it has been changing from time to time. However different scholars have applied different approaches at the same time.

### **Historical Approach**

The historical approach to the study of politics is one of the traditional approaches. History means the records of past incidents and facts. These took place at different periods. It also means what people have thought or imagined. “History as a record consists of documentary and other primary evidences” which occurred in the past. History is not simply the record of past events and achievements, but the interpretations, comments and explanations made by the historians. They also arrange the events chronologically. All these are regarded as suitable materials for political scientists. Originally this method was advocated by Aristotle, Montesquieu, Marx and Hegel. There is a vast body of political literature written by Indian scholars also following the historical method such as R.C. Majumdar (Ancient India), Jawaharlal Nehru (Discovery of India) Romila Thapar (The History of India). However, it can be criticised for not explaining the actual phenomenon and only stresses the historical development of a particular institution which makes it a superficial approach.

### **Philosophical Approach**

Philosophical approach is another traditional approach of studying politics. Philosophy “is the study of principles underlying all knowledge and being.” It means that philosophy or philosophical approach attempts to find the truth of political incidents or events. It explores the objective of political writings or the purpose of political writer.

The purpose of philosophical approach is to analyse the consequences of incidents in a logical and scientific manner. According to Van Dyke “philosophy denotes thought about thought. Somewhat more broadly it denotes general conceptions of ends and means, purposes and methods.” The purpose of philosophical approach is to clarify the words and terms used by the political philosophers. The enquiry started by the philosophical approach removes confusion about the assumptions. The supporters of this approach are Plato, Rousseau Mill, Bradley Sidgwick Kant etc.

There is a reflection of this approach on the politics of India which goes back to the ancient times of Kautilya's Arthashastra, Manusmriti, the epics of Mahabharata. The intellectual journey from Raja Ram Mohan Roy to Mahatma Gandhi in Indian politics is 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 to imitate the west. They protested against the growth of science at 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 Gokhale 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, Gokhale Gandhi and even Nehru had a spiritual – approach to politics. Their approach to politics and political problems was rooted in moral values.

So, there has been a continuous tradition of philosophical approach to politics in India from the ancient times to modern. However Philosophical approach helps us to understand the contemporary history and the nature of politics suggested by philosophers, but it is abstract and speculative also.

### **Psychological Approach**

Politics and psychology have close relation. Psychologists normally study the political behaviour of individuals and factors leading to such behaviour. They also study why certain individuals behave in a certain way. This studies the behaviour, attitude etc. of the voter and the researchers after studying various aspects draw conclusions which very often serve the purpose of political leaders. It is not an exaggeration to hold that the foundation of behaviouralism is psychology of the individuals. Political scientists of today's world are extremely curious to know how motives and emotions work in the field of political activity. Sometimes the psychologists focus their attention upon the group behaviour.

### **Institutional Approach**

Institutional approach to the study of politics is very common and important. Readers, scholars, researchers and even ordinary people are accustomed to view politics in term of the institutions. The institutional approach is also called structural approach. According to MacIver institutions are established forms of procedure. Institution relates the structure and machinery through which human society organises, directs and executes multifarious activities required to satisfy human needs. According to this definition family, government and state and all types of organisations which have flourished within the states are

institutions. Institutions are, therefore, created to meet human requirements. Political parties, pressure and interest groups, legislature all are institutions.

The traditional political thinkers were primarily concerned with the activities and role of the different types of institutions and they viewed politics in terms of the institutions. The emphasis of institutional or structural approach is that the institutions their rules and procedures are important for the analysis of political phenomena and not the individuals constituting the institutions. The advocates of institutional approach do not even consider the impact of institutions or rules upon the individuals. They are inclined to say that the institutions in political analysis are of prime importance.

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.

### **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 behaviour 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 subsets 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.

### **Behavioural Approach**

The roots of the behaviouralism may be 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 behavioural 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<sup>th</sup> 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 behavioural movement with certain assumptions and objectives. He regarded eight points as the intellectual foundation stones for the behaviouralism: (1) regularizes (2) verification, (3) techniques, (4) quantification (5) values, (6) Systematization (7) pure science and (8) integration.

The behaviour approach focuses on political behaviour. It calls for the study of acts, attitudes, preferences and expectations of man in the political context. It lays emphasis on the collection actual behaviour 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 behaviour, *i.e.*, the behaviour of actual actors in the political field like power – holders and power – seekers as well as voters.

Various approaches have been discussed to the study of Indian politics. These approaches are categorized into two 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. Both approaches has the relevance much or less as per the time frame so it is important to take the help of an approach as desired.

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".

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## **NATURE OF THE STATE IN INDIA: LIBERAL, MARXIST AND GANDHIAN**

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'State' is the most commonly used term in politics. Up to the first half of twentieth century, political science was concerned with the study of the phenomenon of the state in its varied aspects and relationship, as distinct from family, tribe, and nation and from all private associations and groups. As Garner put it, political science begins and ends with the state'. Gettle, Gilchrist etc. have also 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 state is a central player in the modern drama of development, and nowhere is it more important than 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 formed 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 specifications.

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 sever 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 politics of 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.

### **Liberal Approach**

The liberal approach stressed on institution and processes as the key to understanding the state and political power. It recognises the need for development and social change. To study the nature of any particular state, it is necessary to analyse the relation between state, power, and social classes and the purpose of the state. The liberal democratic form stands on



the foundation of democracy. It sees the state as a democratic state where rule of the people is implemented with freedom of speech and expression, free and periodic elections, a responsible and accountable government, independent judiciary, rule of law etc. Through rule of law it prevents chaos and anarchy in the society which restricts absolute freedom but creates freedom within the law for all citizens. This approach emphasised the primacy and independence of political processes. This is evident from the writings of Rajni Kothari, S. Rudolph and F. Frankel. Liberal scholars have stressed the need of acceptance of the centrality of state as an autonomous actors or relative autonomy, where state has to play a highly Interventionist developmental role. Further rule of one party in India i.e. Congress party's dominance for nearly four decades had helped to strengthen the political base for the emergence of a strong state. It emerged as Independent from colonial rule under Indian national Congress which transformed itself into a ruling party and acquired the characteristic of an accommodating party.

Political scientists like Rajni Kothari, Norman Palmer and Morris Jones have subscribed to the Liberal modernist perspective. Rajni Kothari commented on Indian model as a society of 'dominant political centre' which is characterised by plural identities. He considered the existence of pluralist tolerance and a genius for integration as the important factors for the successful establishment of Democracy in India. Morris Jones focus was on the working of political institutions and processes to understand the nature of state in India. He gave the importance to Democratic institutions in bringing the transformation at different levels. He stressed on the "capability of political institutions in bringing about economic and social change". (1) It was assumed that "with a liberal democratic constitutional system and universal suffrage, the Indian political system would gradually develop its own processes of democratic decision- making, rational administration, and modern citizenship". (2) This combination of "democratic ideology, economic development, 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. (3) This shows the optimistic picture of political institutions and democratic processes. The liberal critique of the Indian state can be read in the writings of Rajni Kothari, Atul Kohli, The Rudolphs, Gunnar Myrdal. Gunnar Myrdal criticized the inability of the state to enforce public policies to eradicate poverty or to enforce laws and dubbed the institutional model of the Indian state as "soft state". According to Myrdal, the Indian state was soft as it had no power to rectify institutions that stood in the way of reform and development. As a result, it could not tackle the institution of caste directly, take measures of effective land reform, eradicate corruption or enforce ideas of development effectively through the people. One consequence of this softness has been the growth of left-wing extremism, which Manmohan Singh called the "gravest internal threat" to the country's security. Myrdal's 'hard state' would have been able to tackle Naxalism which has gravely affected the nation. The liberal approach focuses on institutions and processes to understand state and political power in India. The state is considered the central instrument of social progress and principal agent of transformation. According to the Rudolphs, there are two groups characterised in the Indian state, one being the 'owners of production' and the other

being the 'labourer' group. They analysed the state as a mediator between these two conflicting groups, and in doing so, must remain autonomous in order to maintain structural unity of the state. The role of the state would hence be the "third actor". The Rudolphs believe in the Indian state as a weak –strong state. It is strong because of large basic industries, ideology of secularism Democracy, Socialism and mixed economy that has minimized conflicts. It is weak because of caste class conflicts, religious fundamentalism and communalism, rising levels of political mobilization etc.

### **Marxist Approach**

Then there is Marxist approach where political economy is the vital factor. State is the most important vehicle of economic development. It ascribes a partisan role to the state in the ongoing class struggle between the ruling class and the ruled. Marxist would have described the Indian state responsible for constituting a social order which maintains hegemony of capital over labour and seeks to reproduce this relationship. This was the main intellectual counterpoint of western political thought, beginning with Plato and Aristotle. This considered the state essential to the maintenance of order and civilisation. Marxist argued that the state emerged historically along with the division of society into a ruling class that enjoyed leisure and privilege, while the mass of people were limited to make a living and were exploited as slaves and proletarians in the overall evolution of society from the ancient period to the modern one. Later Marx was convinced that the state could be abolished when the proletariat had won the class struggle, something that he believed was inevitable.

Communist party of India describes India as a national bourgeoisie state which has the possibility of moving peacefully towards socialism by following a non-capitalist path of development. **The Indian capitalist class is today, after more than five decades of post independence, a class which has expanded and undergone some important changes. At the time of independence itself, there was a big bourgeoisie, which dominated this class as a whole. But the outlook of this big bourgeoisie has undergone a significant change. It was the big bourgeoisie which spelt out the type of capitalist development that was undertaken in India from the 1950s: (a) a class which understood the international situation and its own base in Indian society. It needed the Indian State to accumulate capital and develop capitalism. The State capitalism, which the Indian ruling classes sponsored, played a two-fold role. It enabled the development of capitalism within a constrained framework. A model of capitalist development without a thoroughgoing agrarian revolution, which necessitated a compromise with landlordism and the development of agrarian capitalism from above relying on landlords and the rich peasants. (b) The subordinate position of the Indian bourgeoisie vis a vis world capitalism required the organic link with foreign finance capital and reliance on this imperialist capital to advance the path of capitalist development. (c) Such a capitalist development could have a relative degree of autonomy in a situation where there was the existence of the Soviet Union and a socialist bloc; the bourgeois-landlord classes in India could utilise the conflicts**

**between the two blocs and manoeuvre to strengthen its own position to a limited extent.**

Academic Marxist like A.R. Desai called India a capitalist state. (4) A “bourgeoisie constitution” as he named the Indian constitution, argued that initially inclusion of right to property in the constitution was to give the right to income through ownership which resulted in social inequalities. Further Indian Planning based on mixed economy accepted a class structure based on private ownership as the basis for economic development. He said the tilt of mixed economy is towards private sector. On the same lines, C.P. Bhambari has highlighted the conflict within the ruling classes and a relative weakening of the state. Hamza Alvi has argued that India as a post-colonial state had relative economy in mediating the competing interests of the ruling classes. There exist some specific conditions which helped the state to play an autonomous role in post-colonial states. He contends that there is no class-based politics in India and there are multi- class parties like Congress, the weakness of indigenous propertied class allows the Indian state a great measure of relative autonomy.

On the same lines another scholar Partha Chatterjee says that there has been a coalition of dominant classes since independence. The power was shared with landed elites to exercise control over the state.

A Marxist understanding of the Indian state shows the class character of the state, serving the dominant classes and using coercive means to safeguard their socio- economic structure, if need be.

### **Gandhian Approach**

Gandhian approach to study the nature of state is based on the concept of Swaraj. It means absence of alien rule and establishment of self- Government. He considered state a necessary evil and supported Thoreau’s dictum that “that Government is the best which governs the least”. It says that Government is best when interference with people’s liberties and rights is minimum.

In Gandhi’s assessment, the state (Western type) was the symbol of violence in concentrated form. In order to ensure allegiance from the citizens the state (which means its authority) applies coercion or violent measures mercilessly.

Once he said, “the individual has a soul but the state is a soulless machine, the state can never be weaned away from violence to which it owes its existence”. In other words, Gandhi treated both state and violence or coercion synonymous. He further says that there is a state but not violence or coercion in any form cannot be imagined.

He gathered experience in South Africa that more and more power to the state meant more and more violence or greater amount of coercion. In the name of the maintenance of law and order the South Africa’s white government acquired enormous power and this led to the ruthless administration, exploitation and curtailment of individuals’ liberty.

He once said that a political organisation based on violence would never receive his approval. Rather, he is always afraid of such an organisation. What he felt about the Western state system is quite explicit in a comment which he made, “I look upon an increase in the power of the state with greatest fear, because although while apparently doing good by minimising exploitation, it does the greatest harm to mankind by destroying individuality which is at the root of progress”.

From the above analysis it is absolutely clear that Gandhi rejected the state of Western model on the ground that it represented violence or coercion. Now the question is why did he oppose violence so much? The modern state, according to Gandhi, was about to destroy individuality—that individual freedom and spontaneous urge to work.

Secondly, the individualism is the root cause of progress. Gandhi believed that nothing could be done by applying coercion. Again, the individual cannot be forced to do any work against his will or spontaneous desire. To put it in other words, according to Gandhi the progress of the society can be achieved through the functions which the individuals perform willingly.

But Gandhi appears to us as more aggressive. Under any circumstances the individual’s freedom cannot be sacrificed. Gandhi’s love for individual’s freedom ranks him with the great anarchist philosophers the central idea is that to Gandhi state is an undesirable political organisation because of its close connection with violence.

Gandhi’s Swaraj means Government by the consent and participation of the people. For him direct democracy is impossible in a large country like India. After independence the constitution makers of India adopted some features of Gandhian state. Some of these are stress on egalitarian Society, untouchability and special care towards the weaker sections of society. In fact, they wanted to establish decentralization of power through Panchayat Raj System all over India. Further he justified the existence of state in terms of the functions it performs, so long as and to the extent it performs the functions which lead to the good, welfare and upliftment of all human beings.

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**BASIC FEATURES**

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Duryodhan Nahak

Besides being a political document, the constitutional government tries in improving socio-economic standards of the citizens to live with dignity and honour. It is a legal document that provides a set of rules for the governance of the country. A commentator has rightly stated that the constitution is a living document keeps on changing with the changing needs and circumstances. The constitution is reflection of the political aspiration of people of a country. It lays the needs and objectives which the country desires to accomplish in the long run. During last seventy years, the constitution of India has been amended more than hundred times. However, its basic structure remains intact and regarded as guiding principles for the country's governance. The constitution is essentially a guide for the executive, legislature and judiciary. In India the constitution is essentially sovereign. May be sports organisations, the association like Football club or for that matter Board of Control for Cricket in India (BCCI), trade unions or peasant associations all function within the framework of the constitution. The demand for constitution basically arises in three critical situations. Firstly, out of an armed rebellion or civil war secondly, from foreign yoke and thirdly, outbreak of a socialist revolution. Undoubtedly, Indian constitution falls in second category. The constitution of India was written through constituent assembly who were elected by the people in July 1946. Despite boycott by Muslim League, the first meeting of Constituent Assembly was held on 9<sup>th</sup> December 1946. They took almost two years eleven months 13 days to write the constitution. Finally, it was adopted on 26<sup>th</sup> November 1949 and came into 26<sup>th</sup> January 1950. This chapter can be summed up into three sections to have a clear-cut idea on the topic. First it tries the basic features of Indian constitution which are crucial to the students of Indian polity. Secondly, it makes a critical analysis of the basic features and thirdly, it discusses the idea of basic structure as interpreted by Indian judiciary in different historic cases.

The basic features of Indian constitution are mentioned below;

1. **Written constitution**– Like most of the modern democracies United States of America, Britain, Australia, France, China, Germany, India too has a written constitution. It is true that Britain does not have an unwritten constitution, but it does not mean that it does not have any written documents. Since the Magnacarta of 1215, Britain is ruled by several charter, statutes, acts, rules and regulations that are enacted by its parliament from time-to-time. The founding fathers have provided a written document that remains an important political encyclopaedia for the country.
2. **The longest constitution**– The country of India is known for its longest constitution as it the founding fathers have tried provided a detailed document that touched all aspects of the country's governmental system. While the constitution of United States has the

shortest constitution having only seven articles. The constitution of China has only 138 articles, the Canadian constitution has 11 parts and 147 sections the constitution of India, however, has originally 395 articles and it is also important to note that the structure of the constitution has been expanding through various amendments. There are a host of reasons that prompted the framers to write a lengthy constitution. (i) pluralist character and multiculturalism of Indian states is responsible for the big constitution. The people of different languages castes religions ethnics live in India. (ii) The enormity of the country has largely contributed in making it the largest constitution in the world. (iii) India is a large country with an agrarian economy. At time of independence, large number of people was suffering from poverty, mal-nutrition and illiteracy which might have led the architects to ventilate those problems within the constitutional parameters. (iv) Although the directive principles are not enforceable by the court of law, but these are indispensable for the centre and the units to implement to win elections and trust of the people. Over the years, the governments launched myriad socio-economic programmes to improve the conditions of people. (v) In 1947, India had a number of princely states. The country had to accommodate their interests. (vi) The constitution makers thought India to remain a mixed economy where both public and private sectors to exist. For instance, besides allowing big-industrial houses to carry out business activities, the government launched Five-Year Plan in 1951-52, and Indira Gandhi government nationalised fourteen banks in 1969 which were largely functioning in private hands. Perhaps, these were nationalised by Indira Gandhi by keeping the socialist spirit in mind. (vii) North-Eastern Agency (NEFA), of the country was a disturbed region even before independence in the British regime. It is consisted of tribal population of different ethnics. This region composed of Assam, Tripura, Mizoram and Meghalaya were exclusively dealt by schedule-VI. This was being governed by British-Bengal Frontier regulation act of 1873. That's why, VI schedule was added in article 244 and article 275. For other tribal regions, schedule V was included in the constitution. (viii) India is a country of diverse languages spoken by different regions. While North Indian people speak Hindi, Punjabi, Western Indian people use Gujarati and Marathi, the South Indian people speak Telugu, Tamil, Kanada and Kerala people use Malayalam, the Eastern Indian people speak Odiya and Bengali. It was necessary for the constitution makers to provide necessary clauses to address the dilemma of the people that are likely to arise in future. The schedule-VIII was added for the aforesaid reason.

3. **Sovereign-Democratic-Republic**– India is sovereign in the sense that the power rests with the people and they are supreme. Even though constitution was not put to vote, the first general elections of 1951-52 the people did not reject the constituent assembly and voted for the Indian National Congress Party to power. Nevertheless, this party had played vital role in making the constitution. In every five years, people vote for the Lok Sabha and state Assemblies. The political parties adopt all means to woo the voters. If the government of the day loses the majority in the legislature, the government resigns.

The mid-term poll is declared to conduct fresh elections. Furthermore, the constitution of India is democratic because the government is made for the people by the people. The initial words of the preamble states “We the People of India” that strictly makes it clear the people are supreme. It is explicitly clear that constitution derives its power from the people. In the end of the preamble it mentions gives and adopt enact on the 26<sup>th</sup> November 1949 the date on which the constitution was completed and adopted. India is also a republic where head of the country is elected whereas the head of some countries like Britain is hereditary one.

4. **Secular character of the state**—The British-India got divided on the basis of religion India and Pakistan. Although Pakistan declared itself an Islamic state, Indian stalwarts wished India to remain a secular country consists of many religions viz. Hindus, Islam, Christianity, Sikhs, Buddha’s, Jains, Parsi. In the original constitution, the secular character of constitution is reflected from article 25-to-article 28. India permits people of all religions to practise, propagate and profess religion of their choice. Although initially, India did not mention the term secular in its preamble, in 42<sup>nd</sup> amendment act the term secular was added in preamble. India allows all the people to carry procession in the festivals of their choice. The central or the state governments do not make any discrimination on the basis of religions. The awards, titles, prizes are not awarded in religious line.
5. **Socialist state**—The word socialist was not found place in the original constitution of 1950, but socio-economic principles were made part of chapter IV of the Indian constitution. Indeed, the framers realised the democracy is meaningless without improving the conditions of the poor and the weaker sections. That’s why, the realising the significance of Indira Gandhi government added the term socialist in the preamble of the constitution through 42<sup>nd</sup> amendment act of 1976.
6. **Supremacy of Constitution**—The constitution of Indian is supreme in the sense that it has made clear in various cases interpreted by the Supreme Court from time-to-time. The Keshavananda Bharti case resolved the issue once and for all. While the court recognised the amending power of constitution, it also cautioned the union parliament that like Britain, Indian parliament is not supreme parliament has to work within the parameters of the constitution.
7. **Compromise between parliamentary supremacy and judicial review**—After constitution came into force on 26<sup>th</sup> January 1949, constitution has been amended many times. When it affected the interest of the landlords, big industrial houses, they challenged those cases in the Supreme Court. In Shankari Prasad vs Union of India and Shajjan Singh vs Rajasthan case, the court recognised the unlimited power of the amending power of the parliament in the Golaknath case of 1967, the court tried to strike a balance between parliament and judiciary, a larger bench heard Keshavananda Bharti case in 1973. The court in its majority decision put several restrictions on the parliament and pronounced the basic structure. Even the amending power of parliament



is limited under article-368 of the constitution of India. Now it is clear that in India, neither parliament is supreme nor the judiciary. While the parliament can discuss about judges only if case of impeachment is debated, then at the same time, the Supreme Court has the right to review all the previous and existing acts whether they are in accordance with the constitution.

8. **The federal in form but unitary in spirit**—Like the countries of Canada, Australia, Germany, United States of America, the framers have provided a constitution for India. Although Indian constitution resembles to the Canadian federation in several respects, it has borrowed from other federations like Australia and United States. In India there is dual sets of governments. In the power is divided between centre and the states. Again, in order to have harmonious relations between centre and the states, in VII schedule the power is divided by giving three lists like central, state and concenter. The supremacy of constitution, independence of judiciary, written constitution, division of power are essentially federal characteristics have also been adopted by Indian constitution. As India has emerged as an independent nation from a peculiar situation and British yoke as well, the founding fathers have given a constitution with strong unitary features. Single citizenship, single judiciary, Indian Administrative Service (IAS) and Indian Police Service (IPS), for which examinations conducted by the central government but these personnel are deployed in the states. The President rule in the time of extraordinary situation in the states has been used by the centre against the states was a recurring phenomenon during the heyday of Congress rule and even Janata government dismissed nine state governments during its brief tenure of two and half years from 1977-to-1980. Here an important fact is to be noted that while the constitutional body like the central Finance Commission sees the allocation of resources and taxation between centre and the states which constitutes only 30 per cent of the total resources, The Planning Commission or the NITI Ayog an extra-constitutional body is appointed by the Central government which allocates resources between the centre and the states. The NITI Ayog takes care of atleast 70 per cent of country's resource.
9. **Fundamental rights**—The citizens of Britain, were granted rights under the bill of rights in 1689. The US granted the rights to its citizens in initial 10 amendments through bill of rights. In India the constitution makers gave rights to the Indian citizens. These rights are described as fundamental as the violation of those rights can be challenged in the court of law. There are were originally seven rights in the chapter-III of Indian constitution covering from article 12-to-35 like right to equality, right to freedom, right against exploitation, right to freedom of religion, right to education and culture, right to property and right to constitutional remedy. Out of this, in the 44<sup>th</sup> amendment act, right-to-property has taken away and put in 300(A). These rights are fundamental in the sense that any violation of those rights by the governmental institutions and any institutions can be challenged in the Supreme Court and state High courts. There are many positive rights that do not make any discrimination between Indian and the foreign citizens. Since the adoption of the constitution, it has been amended several

times to include certain rights like right to elementary education which has been included in Right to Life. The Supreme Court and Indian Parliament have also expanded this citizen's charter by interpreting and enacting several acts and laws from time-to-time. In Keshavananda Bharti case Supreme Court made it clear that the Fundamental Rights can be amended but cannot be abridged, contravened or taken away in any circumstances. Now the fundamental rights are the part of basic structure of the constitution.

10. **Directive principles of state policy**—In matters of including Directive principles of State Policy (DPSP), the constitution stalwarts were influenced by Irish Republic. (DPSP), has been placed in the chapter-IV of the Indian constitution. If the fundamental rights are the part of political democracy, the directive principles are in form of socio-economic rights that are quite necessary for the upliftment of the poor and downtrodden. It is the true that these rights are not enforceable by the courts, but these are fundamental in the governance of the country. The Minerbha Mills case of 1980 and Asoka Kumar Thakur vs Union of India 2008, the Supreme Court held that the Fundamental Rights and Directive Principles are not contradictory rather they are complimentary and supplementary to each other.
11. **Fundamental duties**—Despite the fact that fundamental duties were not the part of original constitution. Indian National Congress led by Indira Gandhi, appointed a committee under the chairmanship of Swaran Singh that submitted its report for including fundamental duties in the chapter-IV just after Directive principles of state policy these were added in article 51(A) of 42<sup>nd</sup> amendment act of Indian constitution in 1976. The government was inspired by constitution of USSR in this matter. These duties cannot be imposed by the courts. Meanwhile, these duties are important for the citizens of the country as rights and duties go hand in hand, through the various acts some duties have been made compulsory for the Indian citizens. For example, to respect national anthem, national flag, and the Indian constitution, protecting wildlife and forest are some obligations that are to be observed by the all the citizens of the country.
12. **Local Self-government**—Mahatma Gandhi the father of India had dreamt of empowering the rural India through decentralisation. Article-40 of Indian constitution clearly talks about local self-government. The 73<sup>rd</sup> and 74<sup>th</sup> amendment acts of 1992 created three-tiered local government in at rural and urban areas which aimed at decentralisation of power and involving people in decision-making process. The participation of people at grass-route level and election of 3.2 million representatives is instrumental in empowering people at bottom and strengthening democracy in India. This is perhaps the largest local-self-government in the world.

The constitution of India has been criticised on several grounds

1. **The constitution of India is of a huge elephant size**—There are 395 articles in the original constitution of India but through the subsequent amendments a number of

articles have been added by taking the number of articles more than 440. For 230 years the US constitution has been amended only 29 times whereas within 70 years the constitution has been amended more than hundred times. So many amendments in 70 years raises question on the credibility of constitution makers.

2. **It is a borrowed one**—The critiques point out Although credit lies with the learned members of constituent assembly for assembling good provisions from different established constitutions, but so much reliance upon other constitutions is not easily digested by the Western scholars. The constitution makers have borrowed from the existing constitutions of the world like US, Britain, Wemer Republic, USSR etc. The constitution can be described more Western than Indian.
3. **The constitution can be only understood by the legal luminaries**—Various provisions cannot be understood by the ordinary citizens. In case of violation of fundamental rights and other rights of the citizens, it is difficult for them to go to the courts without taking help from the lawyers.
4. The constitution of India is also criticised for cupping most of its provisions from the Government of India Act 1935.
5. **Frequent amendments**—The constitution has been amended more than hundred times only within seventy years to accommodate various interest. Now critiques question why constitution cannot be written in the changed circumstances and social conditions? Even National Democratic Alliance government led by Atal Behari Vajpayee (from 1999-2004) appointed M.N. Bhenkat Chelaya commission to review the constitution to study and suggest the measures for reviewing the constitution after five decades of adoption of Indian constitution.

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## **BASIC STRUCTURE**

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At the time of framing the constitution, the framers have not spelt out the basic features of Indian constitution. In due course of time through several interpretation the highest court of the country the Supreme Court pointed out several basic features. In the year 1951, the first amendment was challenged in Shankari Prasad Vs union of India in the year 1951 in the Supreme Court. The court held that the parliament has right to amend any part of the constitution. In the matters of difference between article-13 which defines the term law and article-368, the Supreme Court held that under article 368, the union parliament has unlimited power to amend the constitution. After a few years, the constitution was emended further. The 4th amendment act was challenged in the Supreme Court in Shajjan Singh Vs Rajasthan in 1964. Even the court retreated to its earlier verdict and opined that the parliament of India can amend any part of the constitution including the fundamental rights. The article 13 which defines the “Law” does not extend to restrict the parliament from amending the constitution which it enjoys under article 368. The three amendments 1st, 4th and 17<sup>th</sup> amendments were challenged in Golaknath vs state of Punjab in 1967. The court

held that according to article 368, the parliament has amending power. However, the amending power of parliament is limited. It does not vest exclusive power with the Indian parliament to contravene, abridge or take away the fundamental rights mentioned in chapter-III. It further held that under article-368, the amending power of the union parliament is limited. Indira Gandhi who succeeded Lal Bahadur Shastri as the Prime Minister in 1966, of course won fourth general elections but she was greatly worried for the rejection of different constitutional amendments that impeded her will to bring social revolution in the country. After Golaknath case she went for 5<sup>th</sup> general elections in 1970 and gave the slogan for garibi Hatao (removal of poverty). Even before this, she nationalised fourteen banks and abolished privy purses. She got landslide victory by winning thumbing majority of seats. She proposed 24<sup>th</sup> and 25<sup>th</sup> amendments in the parliament. In 24<sup>th</sup> amendment The Parliament tried to resolve the dispute between article 13 and 368. Now the parliament can amend any part there off. In the 25th amendment act of the constitution, the parliament made it clear that fundamental rights are subordinate to directive principles. Both the 24<sup>th</sup> and 25<sup>th</sup> amendments were challenged in the Keshavananda Bharti vs state of Kerala. The verdict came in 1973 on 24<sup>th</sup> April 1973. The case was decided by larger Supreme Court bench which consisted 13 judges. The court held by majority 7-6 parliament has amending power under article 368. It can amend any part of constitution including preamble and fundamental rights. However, it cannot abridge or damage the basic structure of the constitution. No amendment cannot remain out of purview of Supreme Court's judicial review. All the amendments can be challenged in the Supreme Court. The founding fathers have made Supreme Court final interpreter and protector of constitution and fundamental rights. The Kasavananda Bharti and Minerbha mills case are the landmark judgements in this regard. In Keshabananda Bharti vs state of Kerala in 1973 Justice Sikri pointed out several features like federal character of Indian Union, Parliamentary government, republican government, fundamental rights, directive principles of state policy etc. In Minerbha mills case of 1980, the Supreme Court considered federalism, supremacy of constitution as the basic features of the Indian constitution. In S.R. Bomai vs Union of India, the secular character of the state was added within the basic structure of the Indian constitution.

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## **LEARNING OUTCOME**

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Constitution is a legal document essentially a set of rules and regulations essentially meant to govern the country. India drafted a constitution through a constituent assembly that drafted a constitution for the country in three years from 1946-49. The constitution arises from certain social situation that help in arousing sentiment for thinking of a constitution. War/rebellion, revolution, and colonial yoke are the propelling circumstances that can help in writing the constitution. The constitution of India was written after country witnessed a prolonged struggle for at least two hundred years and thirty years hectic movement under the leadership of Mahatma Gandhi. The Drafting committee consisted of eight members headed by B.R. Ambedkar. The constitution was finally completed and adopted on 26<sup>th</sup> November 1949 and came into force on 26<sup>th</sup> January 1950. The original constitution consists of eight

schedules, 22 chapters and 395 articles. The constitution has been amended more than hundred times. The constitution of India is a written one. While US constitution is the shortest constitution in the world, the constitution of India is the longest one in the world. Given the size of the country, greater diversity in the matters of language, castes, religion, poverty, illiteracy malnutrition, it is obvious that constitution tried to address those problem under its ambit. It is a sovereign, democratic Republic constitution where power is essentially vested with the people. The head of the country is elected. Although socialist and secular were not the part of preamble, later these terms were added in the 42<sup>nd</sup> amendment act of the constitution in 1976. There are some essential basic features of Indian constitution such as written constitution, longest constitution, unitary state, federal government, socialist state, secular state, fundamental rights, directive principles of state policy, fundamental duties, sovereign-democratic-Republic, supremacy of constitution, compromise between Parliamentary supremacy and judicial review, socialist state, secular character of state, local self-government are the essential features of Indian constitution. The basic features or the structure were not originally given in the constitution by the framers. For the interpretation, the Supreme Court was empowered to as final interpreter and guardian of the constitution. In Shankari Prasad vs union of India in 1951, and Shajjan Singh vs state of Rajasthan in 1964 while Supreme Court held that the Parliament has unlimited power to amend the constitution, in Golaknath case, the Supreme Court reversed its own decision. It held that the amending power of Parliament under 368 is limited. In the Keshavananda Bharti case of 1973 resolved the issue once and for all. The judiciary pointed out certain features like Fundamental Rights, Directive Principles of State policy, parliamentary government, federalism, secular character of the state, republican form of government so on and so forth. In Minarbha Mill vs state of Kerala, Bamana Rao case and S.R. Bomai case, the Supreme Court retreated its standby making it clear that the basic structure cannot be abridged, contravened or damaged. Thus, all the institutions including government, or private or corporate bodies and the people of the country have to remain loyal to the constitution and respect its sanctity with letter and spirit.

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## **PROBABLE QUESTIONS**

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1. Discuss the constitution of India is federal in form and unitary in spirit.
2. Explain the basic features of Indian constitution.
3. Critically analyse the basic structure of Indian constitution. .
4. Explain the constitution of India is a bag of borrowings?
5. Discuss composition, and the role of Constituent Assembly.

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## Lesson 2

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# DEBATE ON FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

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Duryodhan Nahak

Rights are those conditions which are essential for the citizens to live with dignity and honour. In the chapter-III and chapter-IV, the founding fathers of Indian constitution enunciated political rights and socio-economic democracy respectively. Hundred years ago, in England many peaceful revolutions were launched by the people to achieve equality, right to life, dignity and honour. The constitution of United States in its Declaration of Rights (1791), declared liberty, equality and pursuit of happiness for all its citizens. In the constitution of India, the fundamental rights are placed in the chapter-III of the constitution. These rights have been classified into seven categories: 1. Right to equality, 2. Right to freedom, 3. Right against exploitation, 4. Right to freedom of religion, 5. Educational and cultural rights, 6. Right to property, and 7. Right to constitutional remedy. Out of these, right to property has been abolished through 44<sup>th</sup> constitutional amendment in 1978 and put in 300(A) of Indian constitution. Now it is a legal right. Endeavours have been made by the constitution to create dignified conditions to achieve equality and social justice by giving benefit to the different sections of population. For that matter, they have been influenced by the constitution of Ireland from where they have borrowed Directive Principles. The chapter is divided into three sections. First section describes about fundamental rights. The second portion discusses the directive principles of state policy. The third part analyses the difference and complementarities between fundamental rights and directive principles of state policy.

Before analysing the fundamental rights in detail it is essential to discuss briefly the features of the fundamental rights.

Firstly, the fundamental rights are both positive and negative. It means there are certain rights which are available for both citizens and aliens. This includes right to life in article 21 and right to article 22 right against exploitation in articles 23 and 24 freedom of religion from 25-to-28, educational and cultural rights. These are rights because they can be suspended in the time of emergency of course, articles 20-21 enjoy certain exceptions.

Secondly, there are certain rights which are enjoyed by only Indian citizens. Particularly, most of the articles in right to equality and Right to Freedom are the part of this type of right.

Thirdly, fundamental rights are the integral part of Indian constitution. Violation of any of these rights can be challenged in the court of law. In Keshavananda Bharti case, it was made explicitly clear that fundamental rights are part of basic structure of the constitution that cannot be abolished and abrogated.

Fourthly, fundamental rights are not natural and subjected to reasonable restrictions. May be right to equality, right to freedom, all are visited by certain limitations. Fourthly,

some rights are available to foreigners also. Most of rights are part of Universal Declaration of Human Rights announced by the United Nations on 10<sup>th</sup> December 1948. There cannot be any discrimination whether somebody is from foreign soil. Right to life is one such example that substantiates to this argument.

Fifthly, fundamental rights have political dimensions. The question of political justice or procedural justice is broadly laid in the scope of fundamental rights.

Sixthly, Fundamental rights are justiciable. Any violation of those fundamental rights can be challenged in the Supreme Court and high courts under articles 32 and 226 respectively. In some cases, violation of fundamental rights can be directly challenged in Supreme Court.

The fundamental rights are briefly touched that are mentioned in different articles of the constitution.

Right to equality is an important right that covers from article-14 to article-18. Article 14 states the state shall not deny any citizens equality before law and equal protection of law within the territory of India. This article purports two notions. While first notion owes to the British origin, which exclusively talks that starting from the Prime Minister to the common citizens all are equal before law. They cannot be exempted from procedure established by law. However, there are two notable exceptions to this general rule. (I) The President and the Governors shall not be accountable for their acts during tenure. (II) No criminal proceedings can be instituted against them during their tenure. Another aspect of article is derived from US constitution which signifies due process of law. It denotes positive aspect of law. While giving rights to the citizens, the state has to see justice to be delivered to all sections of the citizens according to their level. For example, a rickshaw puller can demand equality with his fellow partners. The rickshaw puller of West Bengal and rickshaw puller of Delhi cannot be discriminated on the ground that former belongs to a state or later belongs to the National capital region. It means equality among equals. Similarly, there cannot be discrimination while central government declares any scholarship or award on the basis of merit.

Article 15 prohibition on the grounds of sex, race, caste, religion or place of birth—the state shall not discriminate the citizens on the grounds of caste, race, religion, sex or place of birth. The part-II of this article is also applied on the individuals and the state. The hotels, bathing-ghats, restaurant and public places are allowed for every section of population as they are funded by the states. This article is applied on both state and the individuals. However, there are certain limitations to this general rule to ensure better standard of living for each section of population. State makes special provision for women and children. The state can make special provisions for schedule castes and schedule tribes. The state can make exclusive provisions for the backward section of the population. 15 € provides 10 per cent reservation for weaker section of general caste in public educational or aided educational institutions in the recent constitutional amendment 103<sup>rd</sup> constitutional amendment act.



Article-16 Equality of status and opportunity in the matters of public employment—The state cannot discriminate any citizen on the basis of castes, religions, race, sex or place of birth in giving employment. However, state can make special conditions for giving employment. The states can impose residence and descent in the matters of giving jobs. Recently the parliament passed 103<sup>rd</sup> amendment act that created gives 10 per cent reservation to the people belonging weaker section within general category. The state has already created reserved seats in public sector for schedule castes schedule tribes and other backward classes.

Article-17 abolition of untouchability—The constitution makers have tried visualised a country free from any ill-treatment and discrimination anywhere in the country. Even Mahatma Gandhi considered untouchability a big offence. The parliament passed Untouchability Offences act in 1955. In protection of civil rights act was also passed in 1976 to protect the interest of schedule caste who were suffering from age old social evil.

Article-18 Abolition of titles The Congress government had instituted the civilian awards like Bharat Ratna, and Padma awards like Padma Bibhusan, Pdmabhusan and Padmasri. Bharat Ratna being the highest award given to the excellent persons who commit themselves for the country. In the field of science, literature, music, sports, dance politics the awards have been given. The Janata government however abolished when it came into power in 1977. Again, Indira Gandhi government re-instituted those titles in 1980 when she came into power in 1980s. This award cannot be used as before names. This cannot be used for academic purpose or in public domain. Recently, many persons who have made significant contribution for the country have been awarded Bharat Ratna and Padma awards. The name of Sachin Tendulkar, C.N.R. Rao, Pranav Mukherjee, can be mentioned in this regard.

**Right to Freedom**—this right consists of four articles from article-19-to-22. Article-19 describes six freedom such as freedom of speech and expression, freedom to form association, freedom of assembly, freedom of movement, freedom to carry out any trade, occupation, profession or commerce and (f) freedom to hold, acquire and dispose up property. The freedom to hold, acquire and dispose up property has been abolished as a Fundamental Right in 44<sup>th</sup> amendment act of 1978 by the Janata government.

Freedom of speech and expression means all the citizens have right to discuss, debate, criticise and expression on any matter that are important in the interest of the country. This also implies freedom of press including print and electronic media. Meanwhile, this right of the citizens suffers from several obstacles.

Everybody has right to form association or to become the part of any trade union or club. Although the political parties to carry out political activities are not directly mentioned in the constitution, they derive tacit right to form political parties within the framework of the constitution. There are several limitations on this right. Defamation, Contempt of court, public order, incitement to an offence, security of the state and friendly relation with the

friendly countries and sovereignty and integrity of the country, are some stumbling blocks on the way of this right.

Any citizen can go to any part of the country unless it is restricted by the central or the state government. Visiting North-Eastern part of India and tribal region of the country or disturbed region of Jammu and Kashmir are strictly prohibited for the citizens those who are not residing in those areas. Every citizen has right to assembly peaceably in any part of the country. However, in the times of emergency, or where 144 is imposed or special armed force special power act is in force, the state governments or the central government can prohibit the citizens from having assembly which likely to affect law and order.

Freedom of residence and settlement is another right that is enjoyed by the citizens of the country. The citizens have right to settle in any part of the country However, this right is also can be restricted by the central and the state governments. The Jammu and Kashmir and North-Eastern part of India including tribal dominated states the governments impose several restrictions on the settlement and residence. Furthermore, this also makes it sure that the citizens can use their right to carry out any business, trade, or profession in any part of the country.

Article-20 Protection in the respect of conviction to an offence—the citizens enjoy several protections under this article. (i) A person can be punished more than what he deserves under the law which is in operation. (ii) Double jeopardy—A person cannot be punished more than once for the same offence. (iii) A person cannot be compelled to be witness for any offence.

Article-21—right to life and personal liberty—No citizen shall be deprived of life and personal liberty except the procedure established by law. Right-to-privacy, right-to-education have also come within the purview of law. Right-to-education has become the part of Fundamental Right since 86<sup>th</sup> Amendment Act of 2002. Before that Supreme Court in Mohini Jain vs state of Karnataka said that every child has right to elementary education. Article-22—Preventive detention—this article gives three essential rights to the citizens. Firstly, The accused has right to be informed the cause of his arrest. Secondly, the prisoner should be produced before magistrate within 24 hours. And thirdly, He must have right to be defended by the lawyer of his choice. In Addison to this, the parliament has brought several acts from time to time keeping in view the threat that create harm to the national interest of the country. Preventive detention act of 1950, Maintenance of Internal Security Act (MISA) 1971, Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA) 1974, National Security Act (NSA) 1980, Terrorist and Disruptive Activities Act (TADA) 1985, Prevention of terrorist Act (2002) have been passed by the Indian Parliament to curtail threats to the sovereignty and territorial integrity of the country.

Article-23 and 24 right against exploitation—these two articles direct the state to abolish trafficking in human beings in any form or any manner. The government The Parliament has passed many acts from time-to-time.

Right-to-freedom of Religion from 25-28—Article 25 grants freedom of conscience and allows citizens to propagate, profess and practise religion of their choice. However, public order, health and decency are the major handicaps on the way of implementing this right. Article -26 the state allows the citizens to manage religious affairs.

Article-27 prevents the state to impose taxation in organising religious festivals. Article-28 prevents the state from issuing religious instructions to the educational institutions run by the state or partly aided by the state.

Educational and Cultural rights from article 29-30—Article-29 allows the minorities to have their educational institutions allows teaching instructions in their own mother tongue. Article-30.

Article 29 makes provision allows minorities to establish educational institutions and to be educated in their preferred language. Article 30 allows education in the schools and other institutions in mother tongue or any special script or local language.

Right to constitutional Remedy-article 32—This article is regarded as the “Heart and Soul” of the constitution by the father of constitution by B.R. Ambedkar. The Supreme Court and the state High Courts under articles 32 and 226 are empowered to issue writs in the nature of Habeas, Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto. These writs are issued by the Supreme Court and High courts to the inferior courts or to the administrative tribunals against violation of these writs. Habeas Corpus whose literary meaning is to have a body. It is a command issued by the Supreme Court or the High Court against a corporation, company who has illegally detained a person or a group of persons. Mandamus is a ministerial order issued to the administrative authority who is not performing its duty. Prohibition means restricting inferior courts those which exercise their authority beyond what they should exactly do. Certiorari transfer of the case from lower courts to the higher courts. Quo Warranto—issued against those who have illegally occupied the public office at the expiry of his tenure.

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## **INTERPRETATIONS OF FUNDAMENTAL RIGHTS BY THE JUDICIARY**

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At the time of framing the constitution, the framers have not spelt out the basic features of Indian constitution. In due course of time and later in the several interpretations the highest court of the country the Supreme Court pointed out several basic structure. In the year 1951, the first amendment was challenged in Sankari Prasad Vs union of India in the Supreme Court. The court held that the parliament has right to amend any part of the constitution including Fundamental Rights. In the matters of difference between article-13 which defines the term law and article-368, the Supreme Court held that under article 368, union parliament has unlimited power to amend the constitution. After a few years, the constitution was emended further. The 4<sup>th</sup> amendment act was challenged in the Supreme Court in Sajjan Singh vs Rajasthan in 1964. Even the court retreated to its earlier verdict and opined that the parliament of India can amend any part of the constitution including the fundamental rights. After the death of Pt. Nehru in 1964, the three amendments 1<sup>st</sup>, 4<sup>th</sup> and

17<sup>th</sup> amendments were challenged in Golaknath vs state of Punjab. The court held that according to article 368, the parliament has amending power. However, the amending power of parliament is limited. It does not vest exclusive power with the Indian parliament to contravene abridge the fundamental rights mentioned in chapter-III. It further held that under article-368, the amending power of the union parliament is limited. Indira Gandhi who succeeded Lal Bahadur Shastri as the Prime Minister in 1966, of course won fourth general elections but she was greatly worried for the rejection of different constitutional amendments that impeded her will to bring social revolution in the country. After Golaknath case she went for 5<sup>th</sup> general elections in 1970 and gave the slogan for Garibi Hatao (removal of poverty). Even before this, she nationalised fourteen banks and abolished privy purses. She got landslide victory by winning thumbing majority of seats. She proposed 24<sup>th</sup> and 25<sup>th</sup> amendments in the parliament. In 24<sup>th</sup> amendment the parliament tried to resolve the dispute between article 13 and 368. Under article 368, the parliament can amend any part of constitution. In the 25<sup>th</sup> amendment act of the constitution, the parliament made it clear that fundamental rights are subordinate to directive principles. Both the 24<sup>th</sup> and 25<sup>th</sup> amendments were challenged in the Keshavananda Bharti vs state of Kerala. The verdict came in 1973 on 24<sup>th</sup> April 1973. The case was decided by larger Supreme Court bench which consisted 13 judges. The court held by majority 7-6, no doubt, parliament has amending power under article 368. It can amend any part of constitution including preamble and fundamental rights. However, it cannot abridge or damage the basic structure of the constitution or the chapter III enshrined in the Indian Constitution. No amendment cannot remain out of purview of Supreme Court's judicial review. The founding fathers have made Supreme Court final interpreter and protector of constitution and fundamental rights. The Kasavananda Bharti and Minerbha Mills case are the landmark judgements in this regard.

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## **DIRECTIVE PRINCIPLES OF STATE POLICY**

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Chapter-IV exclusively deals with directive principles of state policy which largely affirms to the socialist idea and economic democracy. The framers of the constitution in adopting the Directive Principles, influenced by the constitution of Ireland. This is described from article-36-to-article 51 taken together sixteen articles in Indian constitution. The founding fathers have been inspired by the Irish Republic in declaring India is not only a political democracy, it also would work for it's the poor people and depressed section of the population. The fact of this chapter lies for the states to govern the will and aspiration of the people in making a vibrant nation. It is to be noted that these rights are not enforceable by the judiciary but in the changed political and socio-economic circumstances and global conditions to implement these directives have become indispensable for the states. The preamble of the constitution explicitly and implicitly declares India as welfare state. Even prior to the independence of the country, Jawaharlal Nehru, Subhash Chandra Bose, M.N. Roy were influenced by the idea of socialism and participated in different conferences organised in different parts of the world. There was consensus in giving and creating favourable conditions for the minorities and schedule castes and schedule tribes and other

weaker sections in the country. Although these rights are not enforceable by the courts are fundamental for governance. These are also regarded as policy statements, aspirational goals, policy objectives etc.

The directive principles have been grouped by the different scholars into various categories like liberal, socialist and Gandhian. For having a precise idea on the directive principles those can be categorised or classified into four major sections.

Firstly, directives related to socialist and economic ideas which largely aim at establishing India as a welfare state. Secondly, the directive principles related to Gandhian ideas. Thirdly, directives that largely aim at Liberal-intellectual principles those are scattered in different articles of the chapter-IV. Fourthly, Directives related to the international peace and understanding.

Since 1991, although India declares itself as a liberal and globalised state, at the time of framing the constitution, several ideas have been given by constitutional makers in various articles that strongly prove that India is committed to the welfare of the poor and backward sections. Article-38 aims at reducing inequality and disparity among the workers and the poor. Article-39 has various provisions which prove India is willing to bring down inequality in the state. (a) Adequate means of livelihood, (b) Equitable distribution of material resources, (c) Prevention of concentration wealth to the common detriment, (d) Equal pay for equal work, (e) Protecting youth against moral abandonment, (f) Protecting children and women against hazards. Article 41 makes provision for the assistance to the old aged, unemployment and disablement. Article 42 asks the state to create honourable and humane condition for women and give maternity relief. According to article 43, besides creating favourable conditions in the factories, the importance of workers was further recognised by Janata Party when it came to power in 1977. It added 43 (A) in 44<sup>th</sup> constitutional amendment in 1978 to ensure the participation of workers in the management of industries. Article 45 has made provision of universalisation of primary education. It aims at providing free and compulsory education to all children within 6-14. Of course, now it has been converted into a fundamental right in the 86<sup>th</sup> amendment act of Indian Constitution in 2002. Article 46 makes special provision for the education for the schedule castes and schedule tribes and other weaker sections. It makes special provision for the protection of women and minority sections of the population.

**Gandhian Principles**—Mahatma Gandhi's commitment and determination was instrumental to achieving independence for the country. The attempt was made by the constitution makers to accommodate his ideas in the constitution. Gandhi was of opinion that unless the development of rural India the growth of the country is not possible. He truly, understood the problems of the vast mass and wanted to address through the concept of Sarvodaya movement. He was interested in having Khadi which can be waived by the people and large-scale employment in the country. Instead of having large scale industries he was favouring cottage industries and spinning by hands. Gandhi was in favour of decentralisation of power where people can take the decision for themselves in their own villages. The

government should not be imposed on them from Delhi rather he was interested the central government should be influenced by the people of villages. Article 40 describes about local self -government in rural areas. Keeping this in view, the parliament enacted 73<sup>rd</sup> and 74<sup>th</sup> amendment acts in 1992 for three-tiered government in rural and urban areas respectively. Article 42 allows expansion of cooperative movement in different parts. Article 47 describes prevention of drugs and intoxication. Naturally, Gandhi was source of inspiration in including this article in the constitution. In article 48 the constitution makers left upon the state to frame rule to ban cow slaughter. Even several states like Uttar Pradesh, Madhya Pradesh Karnataka etc have brought acts for banning cow slaughter in their respective states.

**Liberal Principles**—Article 44 commits to have a uniform civil code for the whole country. This article is debated by the intelligentsia, political parties and academia for years. Recently, National Democratic Alliance government has brought a Law related to the diverse, compensation and marriage of the Muslim women. The Congress party and other opposition parties and several Islamic organisations are against the uniform civil code in the country. Article 49 has made provisions for the state to take steps for the protection of monuments which are of historical importance. Here it is to be noted that the Supreme Court has been giving directions to the central and the state governments to safeguard Taj Mahal, Qutab Minar and other monuments from time-to-time. Article 50 describes separation of judiciary from the executive. In the matters of maintaining impartiality and neutrality it is highly essential in reposing trust of the citizens on judiciary. Implementation of this article is the crying need of the hour.

**Article related to international Peace and Understanding**—Article 51 is related to international peace and understanding. It aims at settlement of disputes through negotiation. It aims at settlement of disputes through arbitration. It is further committed to international peace and security. Even before independence, India was part of United Nations and was one of the original signatories in 1945. Despite its independence from British rule, it remains an important member of Commonwealth. It has worked for the promotion of international peace. It has supported the freedom struggle in different parts of the world like Africa, South-East Asia and Latin America. India wishes to settle all outstanding disputes with its neighbours Pakistan and China through dialogue and discussion. Simla pact and Lahore declarations are the landmark to boost the process the further.

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## **DIRECTIVE PRINCIPLES AN EVALUATION**

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It is true that directive principles are not enforceable by the courts. Over the years the governments have tried to achieve a welfare state by implementing various provisions of the constitution. The Community development programmes was a milestone in this regard which was launched in 1952. Five-Year Plan is water said also launched in year 1951-52. Now India is going to complete 13 five-year plans by 2022. Indeed, name of Five-Year Plan has been changed into NITI Ayog. There is no significant difference between Planning Commission and NITI Ayog. Sometimes, focus on agriculture, often focus on heavy industries, or Green Revolution or implementing TRYSEM, DWCRA or IRDP all aimed at improving the

conditions of the rural poor and making India a vibrant economy. The central government also implemented Mahatma Gandhi National Rural Employment Guarantee Act (MGNAREGA) in 2005, Ayushman Bharat in 2018, Ujala Scheme which basically targets to provide gas cylinder for the women in the rural area. Despite all this, there are several criticisms levelled against chapter-IV as it creates so much confusions.

Firstly, the directive principles are not enforceable by the courts. In case of violation of any of these rights the citizens can not challenge in the courts unless the principles are guaranteed by enacting certain laws. The implementation of directives is not binding upon the states as implementation of those require upon the state to devote adequate resources.

Secondly, according to some scholars, the directive principles are like new year's resolution which break on the next day. It indicates in the time of elections the state governments make promise certain things but fail to fulfil those after end of elections. In a recent development, the government of Odessa failed in implementing its promise which it assured the farmers to provide rupees 10,000 through KALIA scheme which is regarded as game-changing for 2019 elections. At this point of time it is willing to reduce the amount under the scheme from 10,000 rupees to four thousand rupees which it assured to the farmers before elections in 2019. Even the Bharatiya Janata Party government lost elections in Chhattisgarh in 2013 as it abysmally failed to fulfil the promise which it made to farmers in elections manifesto in 2008.

Thirdly, the directive principles create so much confusions as these are not arranged and not put in orderly and logical manner.

Fourthly, Gandhian principles only remain on the paper as the real empowerment of the rural people has not yet taken place. In the name of free-market economy, there is huge unrest among the youth because of the failure of the central government and state governments to provide employment to the educated youth and women. The problem of dalits, disabled and women are aggravating day by day as states have failed to ensure healthy social conditions for them to lead descent standard of living.

Fifthly, despite constitutional provisions to settle disputes through peaceful way and dialogue process, India is surrounded by neighbours particularly, Pakistan and China with whom border disputes have not yet been resolved.

Finally, the states have not been able to create a sustainable environment in several parts of the country. A point is to be noted that even Delhi the capital of the country where people do not get good air to breath and they are forced to search their livelihood elsewhere. The lives of wild animals are in complete danger. Some of them are on the verge of extinct.

### **Interpretations of Directive Principles by the Supreme Court**

The first major case came before Supreme Court in Champakam Dorai Rajanvs state of Madras. The Supreme Court held that the Directive Principles are subsidiary to the Fundamental Rights. Even in Golaknath case in 1967, the court recognised the primacy of

Fundamental Rights over Directive Principles. In Keshavananda Bharti case in 1973, the Supreme Court made both Fundamental Rights and Directive Principles as the part of basic structure. In Minerbha Mills case of 1980, the Chief Justice Chandra Chud held both Fundamental Rights and Directive Principles are essential, and one cannot be imagined without another. In N.M. Thomas vs state Kerala in 1977 and In Asoka Kumar vs Union of India, the Supreme Court held that both Fundamental Rights and Directive Principles are not contradictory, rather supplementary and complimentary to each other. Now

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## **SUMMARY**

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Fundamental rights and directive principles are essential chapters that have been included in the constitution of India. While the chapter-III lays the foundation for political democracy, the chapter-IV sows the seeds of social and economic democracy. The former speaks about both positive and negative rights the is committed to make India a welfare state and creating conditions for all sections of population to live with dignity and honour. Although initially, there were seven rights covering from article-12-to-35 total 24 articles. Directive principles fall in the chapter IV from article-36-51 divided into 16 articles. It can be said in case of fundamental rights this chapter have been influenced by the UN Charter that came in 1945 two years before India's independence. The six Fundamental Rights in the constitution are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Educational and Cultural rights and Right to Constitutional Remedy. Right to Property which was part of Indian constitution has been taken away by the 44<sup>th</sup> Amendment act in 1978 by the Janata government. Fundamental Rights other than articles 20 and 21 can be suspended in the time of emergency. The chapter III has further been expanded by the Indian parliament and the interpretation by the highest court of India Supreme Court from time-to-time. The Directive Principles are positive by nature and put in chapter IV of the Indian Constitution. Although these rights are not enforceable by the courts but fundamental in the governance of the country. The local self-government from article 40, compulsory primary education from article 45, MGNAREGA which owes its origin from article 41 have now turned into important Fundamental Rights and acts by the parliament. Even Muslim women have given protection under article and a law has been enacted by the parliament related to their marriage, compensation and diverse. In several interpretations, the Supreme Court has also held that the Fundamental Rights and Directive Principles are supplementary and complimentary to each other. Fundamental Rights and Directive Principles are part of the basic structure of Indian Constitution without which the constitution can be considered as mere a dead body.

### **Probable Questions:**

1. Discuss rights are granted in one hand and taken in another hand?
2. Critically analyse fundamental rights are political but directive principles are social and economic in nature?



3. Discuss Fundamental Rights and Directive Principles are not contradictory but supplementary and complimentary to each other.
4. Fundamental rights are the blend of both positive and negative rights explain?  
Explain right to equality and right to freedom by sighting various examples in the life of an ordinary citizen?  
Critical analyse right to freedom sighting examples from present situation of India?

**Suggested Readings:**

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**PRIME MINISTER**

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Vishal Kumar Gupta

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**INTRODUCTION**

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Every modern state has three organs of government; Legislature, Executive and Judiciary. Every organized society has certain rules and regulations. The legislative body of the government is called the legislature. The increasing complexity of modern society has resulted in an increased burden on the legislature to enact law for social interest. Another important part of government; Executive, which implements the law. Laws need to be implemented in an equitable manner, otherwise they are of no importance to the common people. The function of the judiciary is to decide on the basis of the existing laws under different circumstances. The judiciary is the custodian of justice in society.

There was no difference between these works in the ancient and medieval states. The king was sovereign and supreme lawmaker, head of the executive and source of justice. Over time, as society developed and changed, the need for specialization and division of work arose. The king started delegating his powers to various institutions. Therefore, a three-pronged division of power came into existence. It is a means of completing the increasingly complex tasks of the state with ease and ease.

You will read about the Prime Minister, Parliament and Judiciary in unit three institutional functioning. In this chapter, we will study the role, appointment, tenure, powers and relationship between the Prime Minister and the Council of Ministers, Prime Minister and President, Prime Minister, Party and Parliament in Indian governance.

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**OBJECTIVE**

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After reading this chapter you will be able to;

- Understand the role of the Prime Minister as the de facto executive head.
- Know the appointment, tenure and powers of the Prime Minister.
- Understand the inter-relation between Prime Minister and Council of Ministers, Prime Minister and President and Prime Minister, Party and Parliament.
- In this chapter we will also know what is the role of the Prime Minister in coalition politics?

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**PRIME MINISTER**

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Parliamentary democracy has been established in India by the Constitution. Its main feature is the responsibility of the government, which remains constant towards the

constitution and the people through elected representatives. This system consists of two executive heads; First, nominal or formal or constitutional which is the President and second, actual which is used by the Prime Minister and the Council of Ministers.

In India, the President is the constitutional head, or rather the nominal executive head. All executive functions are formally done in the name of the President. All executive powers are formally vested in the President. But decisions made in the name of the President are actually decisions of the Council of Ministers under the leadership of the Prime Minister. In other words, the Council of Ministers, headed by the Prime Minister, plays the role of de facto executive head. The Prime Minister is the head of the Council of Ministers, the leader of Parliament, the leader of the country, the leader of the party and the symbol of supreme political power. According to Dr. B. R. Ambedkar, “In fact, the Prime Minister is the axis of the entire system.” The Prime Minister is the focal point of the Indian political system. The post of Prime Minister has been mentioned only three times in the Indian Constitution–

First, Article 74(1) states that “There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President.”

Second, according to Article 75(1), “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.”

Third, Article 78 provides that “The Prime Minister shall have the responsibility in the context of giving information to the President that he;

- 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 decision has been taken by a Minister, but which has not been considered by the Council.”

**Deputy Prime Minister** – There is no provision for the post of Deputy Prime Minister in the Constitution, but in practical politics, Deputy Prime Ministers are appointed. The person to be elected as Deputy Prime Minister is similar to a Cabinet Minister. So far, several Deputy Prime Ministers have been appointed, these are – Sardar Ballabhbai Patel, Morarji Desai, Jagjivan Ram, Chaudhary Charan Singh, Y.V. Chavan, Chaudhary Devi Lal (twice) And LK Advani.

### **Prime Minister’s Appointment**

The role of the Prime Minister has been prominent in the Indian political history of the last seven decades. The constitution lacks any clear procedure for the election and appointment of the Prime Minister. Article 75 only mentions that the President will appoint the Prime Minister. However, this does not mean that the President can appoint any person.

Under the parliamentary system when general elections are held in the country, the head of the majority party in the Lok Sabha is called by the President for appointment to the post of Prime Minister and the oath of Prime Minister is administered. In this situation the President cannot exercise personal discretion. The President exercises his personal discretion in the event, that no party has a clear majority in the Lok Sabha. In such a situation, the President appoints the leader of the largest party or coalition as the Prime Minister.

For example, in 1989, when no party got a clear majority in the Lok Sabha, Vishwanath Pratap Singh, the leader of the National Front, was appointed Prime Minister, then Narasimha Rao in 1991, Atal Bihari Vajpayee was appointed Prime Minister in 1998 and 1999. The exercise of personal discretion of the President is another situation when the Prime Minister dies accidentally and has no clear successor.

The constitution is silent in terms of appointment and qualification for the post of Prime Minister. The Prime Minister can be a member of any House of Parliament and if he is not a member of either House at the time of appointment, then he is required to take membership of any House within 6 months, otherwise he will not remain in the office of Prime Minister. In other words, we can say that for the post of Prime Minister it is mandatory to have all those qualifications which have been prescribed in the Constitution of India to be a member of Lok Sabha or Rajya Sabha. According to Article 75(4), "Before the Prime Minister enters upon his office, the President shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule."

### **Tenure**

This provision has been made under Article 75 of the Constitution; the Prime Minister shall hold office during the pleasure of the President. This does not mean that the President can remove the Prime Minister from his office at any time. The Prime Minister's term is not fixed. The Prime Minister is appointed for 5 years, as long as he has a majority in the Lok Sabha. As long as he stays in office. The Prime Minister can also be removed by a motion of no confidence in the Lok Sabha. On July 10, 1979, Yashwant Rao Chattaan, leader of the opposition Lok Sabha, moved a motion of no confidence against Prime Minister Morarji Desai. Prime Minister Desai resigned on July 15, 1979, just before the vote, as many members of the Janata Party had renounced the membership of the party.

### **Functions and Powers of the Prime Minister**

In Parliamentary system of governance, the Prime Minister is the de facto Head of the Executive. Like the Prime Minister of Britain, he has such powers that he is also called the axis of administration. Describing the powers of the Prime Minister, Lord Morley wrote that "primus inter pares (first among equals)" and "Key stone of the Cabinetarch." While Jennings compares him to the Sun, he writes that "He is, rather, a sun around which planets revolve. He is the keystone of the constitution. All roads in the constitution lead to the Prime Minister."

The post of Prime Minister remains the main focus of power and responsibility in the Indian parliamentary governance system. There is no such post in the administration who has so many powers. Following is the description of the work and powers of the Prime Minister:

- **Formation of Council of Ministers** – According to Article 75 (1) of the Constitution, the President appoints the Prime Minister and constitutes the Council of Ministers with the advice of the Prime Minister. In practice, all ministers are indirectly appointed by the Prime Minister and he can take anyone in the Council of Ministers. The Prime Minister tries to give representation to different parts of the country, Scheduled Castes, Scheduled Tribes, Minority Castes etc. by selecting his associate ministers.
- **Distribution of Portfolios** – The Prime Minister not only chooses his colleagues, but also distributes portfolios of ministers. He can give any department to any member of Parliament and can also change it. Changing or reshuffling of departments often depends on the personality of the Prime Minister and his position in the party.
- **In Parliament** – Like the UK, the Prime Minister of India represents the Lok Sabha (lower house). It is in consultation with the Prime Minister that the President orders the session of Parliament to be convened and prorogued. He makes important announcements related to government policy in the House and responds to the criticisms of the opposing party, defending the government's policies. He sends orders and instructions to his team members through whips and monitors and controls them. The Prime Minister can recommend the President to dissolve the Lok Sabha at any time. The Prime Minister has the exclusive right to dissolve the Lok Sabha by giving written consultation (44th constitutional amendment) to the President.
- **Link between the President and the Cabinet** – In the Indian parliamentary system of governance, the Prime Minister acts as a link between the President and the Council of Ministers. He informs the President of the decision taken by the Council of Ministers and puts the President's view before the Cabinet.
- **Cabinet Leader** – The Prime Minister is the leader of the Cabinet. He presides over cabinet meetings. The cabinet performs all functions under the leadership of the Prime Minister.
- **Link between different departments** – The Prime Minister performs important functions as the head of the cabinet. It resolves mutual problems, conflicts and differences arising in various departments. It is an essential condition for efficient and effective administration that there should be cooperation and coordination among these departments. The Prime Minister works hard in various departments to achieve this objective. He also acts as an intermediary for resolving interdepartmental differences.
- **With reference to the President** – The Prime Minister is the Chief Advisor to the President. The President takes advice from the Prime Minister on almost every issue

and works according to the advice given by him. If the President wants to get any kind of information about the administration, he gets the information from the Prime Minister.

The President appoints various officers in consultation with the Prime Minister and the Cabinet; Such as the Attorney General of India, the Controller General and Auditor General of India, the Chairman and members of the Union Public Service Commission, the Election Commissioners and the Chairman of the Finance Commission and its members and other appointments.

- **Leader of the Nation** – The Prime Minister is the leader of the nation. The entire nation is looking towards the Prime Minister for good governance and guidance. Normally elections in India are also fought in the name of the Prime Minister. For example, Indira Gandhi won the election in 1980, in 1998 Lok Sabha elections, the slogan was ‘Ab ki Bari Atal Bihari’, similarly in 2014 Lok Sabha elections the slogan was ‘Abki Bar Modi Sarkaar’. In this way we can say that the voters give importance to the party, but they give more importance to the leader of the party.
- **Prime Minister and Policy Formation** – The position of the Prime Minister as the creator of India’s foreign policy and domestic policy is very important. The Prime Minister is a key spokesperson of the Cabinet as well as a policy maker. Today, the Prime Minister’s Office is a major source of policy making of the country. All the revolutionary decisions taken such as nationalization of banks, constitutional amendment, etc., were mainly decisions taken by the Prime Minister.

Generally, the Prime Minister determines all important policies. In all these policies, he is the chief spokesperson of the government. He participates in important international conferences. In his message to the nation, he presents his government’s policies to the public.

- **Prime Minister and Emergency** – The President is given three types of emergency powers under Articles 352, 356 and 360 of the Constitution of India. But in reality, the President exercises these powers only as per the advice of the Prime Minister; For example, the Emergency was declared by the President in consultation with the Prime Minister under Article 352 at the time of the Chinese invasion in October, 1962 and the invasion of Pakistan on December 3, 1971 and on June 26, 1975. Similarly, under Article 356, President’s rule in the states is also imposed according to the advice of the Prime Minister. According to the 44th Constitutional Amendment, the President can declare emergency under Article 352 only if the Cabinet gives written advice to declare the Emergency.
- **As the Chairman of various Commissions and Councils** – the economic policy of the nation is determined by the NITI (National Institution for Transforming India) Aayog and the Prime Minister is the chairman of NITI Aayog. Along with this, the Prime Minister is also the chairman of National Development Council, National

Integration Council, Inter-State Council and National Water Resources Council and many more.

- **Powers of Grace** – All high officials of India are appointed by the President on the advice of the Prime Minister. In the context of national service in important areas honourable titles ‘Bharat Ratna’, ‘Padam Vibhushan’, ‘Padmashree’ etc. are distributed on the recommendation by Prime Minister to the President.

Thus, we can say that the post of Prime Minister is the most important post in the parliamentary governance system. In this context, Dr. Bhimrao Ambedkar says that, “If any functionary under our constitution is to be compared with the US President, he is the Prime Minister and not the President of the Union.”

### **Council of Ministers and Cabinet**

The Council of Ministers is a large body, consisting of about 60 to 70 ministers. There are three types of ministers in the Council of Ministers, Cabinet Minister, Minister of State and Deputy Minister. While the Cabinet is a small body consisting of 12 to 25 ministers. It consists only of cabinet ministers. It is a part of the Council of Ministers.

#### **Size of Council of Ministers**

In practice, the number of council members varies from 35 to 70 and from 12 to 25 in the cabinet. By amending Article 75 of the Constitution by the 91st Constitution Amendment (2003), the provision was made that the maximum size of the Council of Ministers would be only 15 percent of the total number of Lok Sabha.

#### **Types of Ministers in Council of Ministers**

According to the Constitution, there will be a Council of Ministers to advise the President. The size of the Council of Ministers has changed from time to time and at the will of the Prime Minister. There are three types of ministers:

- **First, the Cabinet Minister** – They are head of their respective departments i.e. Finance, Defence etc. This is the most important part of the Council of Ministers. The meeting of the Cabinet is chaired by the Prime Minister. The proceedings of its meetings are kept secret. Decisions are taken collectively by them. On the advice of the cabinet ministers, the President declares Article 352, National Emergency.
- **Second, the Minister of State** – These are the junior ministers of the Council of Ministers. They can also be given independent departments. Only on receiving the invitation do they participate in the proceedings of the cabinet meeting.
- **Third, Deputy Minister** – This is the third category of ministers in the Council of Ministers. He works as an assistant minister. The ministry allocates work to the minister under whom he works. They do not participate in cabinet meetings.

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## PRIME MINISTER AND COUNCIL OF MINISTERS

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Like the Prime Minister of Britain, the Prime Minister of India is also the focal point of the conception, life and death of the Council of Ministers and the Cabinet. India has adopted a system of parliamentary governance. In which the President is only a constitutional executive and the Prime Minister, and his Council of Ministers are the real executive. According to Article 75(1) of the Constitution, the President appoints the Prime Minister and constitutes the Council of Ministers in consultation with the Prime Minister. We can also say that the Prime Minister's role is important in the formation of the Council of Ministers. The Prime Minister has the right to allocate the portfolios of ministers, to establish, promote or demote them. The Prime Minister leads all the activities and proceedings of the Council of Ministers. Thus, it can be said that in the parliamentary system of government, the Prime Minister has been given a lot of powers by the Constitution of India. But his power is dependent on his personality, the position achieved in his political party, the position of the Prime Minister's party in the country's politics, the successes and failures achieved in the then national and international practical politics.

A powerful prime minister can choose ministers willingly. If there is another powerful person in the party who can challenge him, then in that case the Prime Minister may face difficulties in the formation of the cabinet, the division of departments. This type of situation happened during the reign of Pandit Jawaharlal Nehru when Sardar Patel was alive. After his death, Nehru emerged as a charismatic leader because there was no other leader of his stature then.

Political experts say that Indira Gandhi also did not let any other member reach her stature during her reign and her position became very strong after the creation of Bangladesh. She held key portfolios of the cabinet under her jurisdiction. The situation changed when the Janata Party gained power in 1977. A joint cabinet is formed in this coalition government, in which the Prime Minister's authority is limited in the selection of ministers. The Prime Minister's position has changed even more after the 1989 general elections, now minority coalition governments have come under governance and the Prime Minister's position has become even more weak.

In general, the Prime Minister's position in India has been similar to that of the captain of a cricket match team in the Cabinet. In the contemporary era, where the workload and responsibility of the ministers has increased due to continuous expansion in the functions of the government, due to which the size of the cabinet has increased. At the same time, the question of leadership in the formation of cabinet committees has come up as a complex problem in the last few decades. The Prime Minister's post has again become powerful to solve the confusion of expansion of works and leadership of committees. Therefore, we can say that the Prime Minister supervises and controls the entire Council of Ministers and administration. If an influential person gets appointed to this post, then the importance of this post increases continuously.



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## PRIME MINISTER AND PRESIDENT

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Articles 52 to 78 of section 5 of the Indian Constitution describe the executive of the Indian Union. The federal executive includes the President, Vice President, Prime Minister, Cabinet, Attorney General. The head of the executive is called the President. Under the Indian parliamentary system of governance, the President is the formal head of the executive, who exercise his duties with aid and advice of the Cabinet and the Prime Minister. The prime minister is the real head of the executive. As a formal head, we have not given real powers to our President, but made his office dignified. Instead of being a powerful ruler of the state, he is a symbol of unity and integrity of the Indian state. Even though his position is that of the Statutory Speaker, his position in governance is similar to a pivot that can balance the constitutional system in times of crisis. Political experts are of the view that even after proper constitutional provisions, the office of the President of India, his constitutional and political responsibilities and his role as a political institution still remain a matter of debate.

As we have discussed earlier, under the constitutional provisions, it is the provision that the Prime Minister should inform all decisions of his cabinet to the President (Article 78). The Prime Minister acts as a link between the President and the Cabinet. He also acts as a link between the President and Parliament. In this context, there was a tradition in India that the Prime Minister used to visit the President every week to Rashtrapati Bhavan. After Indira Gandhi's return to power in 1980, the tradition came to an end due to some contradiction that arose between the President and the Prime Minister. In 1987, the President accused Prime Minister Rajiv Gandhi of violating the constitution and traditions associated with democracy. Rajiv Gandhi, refuting the charge, made it clear that the Prime Minister will have an duty to inform the President about the government's work (Article 78). The President only has to give his approval. This argument of Rajiv Gandhi can theoretically be considered a violation of Article 78. Because the word duty is used in it. In other words, it is the responsibility of the Prime Minister to give information about governance related work, consult with them. With the 42<sup>nd</sup> and 44<sup>th</sup> constitution amendments, the previous tradition in India became part of the written constitution. As a result of these amendments, the scope of presidential privileges became limited. Article 74(1) clarifies that the President shall act only as advised by the Cabinet. The President can at most ask the Cabinet to reconsider the advice 'generally or otherwise' and after that he is compelled to accept that advice constitutionally.

An analysis of the relationship between the President and the Prime Minister from 1950 to 2019 revealed that the real status of these two depends to a large extent on their personality, the situation and their position in administration. If the President have an influential personality, he can influence the decision of the Cabinet to a great extent, but if the personality of the Prime Minister is more effective than that, as the opinion of the political scholars, President Fakhruddin Ali Ahmed And Giani Zail Singh in front of Mrs. Indira Gandhi remained as a Signing Machine.

Another important fact in the relationship between the President and the Prime Minister is that as the leader of the ruling party or coalition, the Prime Minister plays an important role

in the election of the President. Usually, there is mutual harmony between the two for this reason. This phase of the alliance of Indian politics has revived the relationship between the two.

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### **PRIME MINISTER, PARTY AND PARLIAMENT**

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In parliamentary democracy, the Prime Minister is a member of the Lok Sabha. Being the leader of the majority party, he has to face government pressure due to ideological differences with other political parties i.e. opposition leaders and being prime minister. The Prime Minister has an important role in determining the bills, proposals and annual budget to be presented on the floor of the Parliament. Similarly, at the time of question hour, vote of confidence or motion of no confidence, the Prime Minister has to answer the questions in the role of both the real executive and the ruling. It is difficult for any Prime Minister to face the allegations and criticisms of the opposition. In the role of the Prime Minister, he also has to solve the regional and personal problems of his own party, allies and MPs of opposition parties. The Prime Minister also plays an important role in sitting with the Speaker of the Lok Sabha and preparing the agenda and establishing order in the House. The President dissolves the Lok Sabha in consultation with the Prime Minister. According to Article 85(2) of the Constitution, the Prime Minister can recommend the dissolution of the Lok Sabha to the President and demand a general election. The Prime Minister has a weapon that can intimidate members of the Lok Sabha and the members of Lok Sabha can counter check the Prime minister with no confidence motion.

The Prime Minister is the declared and undisclosed universal leader of his party. The general election is the election of the Prime Minister. He holds the right to select candidates. Party members decide political activities under the guidance of the Prime Minister and The Party programs also receive its support. The entire power of the Prime Minister is based on whether he is able to have an important place in his party, capable of party leadership and getting the support of the majority of the party. If his party loses its majority in Parliament or revolts against it, all its powers become zero.

If we analyze the relations of party system and executive in India since the establishment of parliamentary democratic system, we will find that the role of the Prime Minister has been a long-disputed topic of Indian political system. The position, role of the party and its relationship with the Prime Minister has not been defined in the Constitution and it has not been clarified. Traditions, political requirements and circumstances have been developed and defined as this additional constitutional structure. Sometimes these disputes have been openly exposed to both the government and the party head between the Prime Minister versus the party president through the media.

According to political experts, during the tenure of Pandit Jawaharlal Nehru, the power of the party was concentrated in the hands of the government, but the situation changed after his death. Till now practically the Prime Minister was elected as the party president, but after the death of Pandit Nehru, the party president Kamaraj played a key role in the selection of

Lal Bahadur Shastri and Indira Gandhi as the Prime Minister. After the Partition of the Congress Party, Indira Gandhi's dominance over the Congress Party was established. In 1977, when the Janata Party government was formed under the leadership of Morarji Desai, the party's president Chandrashekhar was aware of his powers and rights as the president of the party.

After the short-lived rule of the Janata Dal, in 1980, Indira Gandhi again became the Prime Minister with a large majority and the post of the party president became unaffected in the same way as it was after 1971. After his death, his son Rajiv Gandhi became Prime Minister and President of the party. His role in the running of the party was decisive. Prime Ministers after Rajiv Gandhi could not emerge as powerful prime ministers in the absence of a strong hold on their party and in the era of coalition short-term government.

In the UPA government of 2004, due to not having support of the people for Dr. Manmohan Singh, the party president influence on decision making very visible. On the other hand, in the NDA's BJP government in 2014, Prime Minister Narendra Modi has a direct influence on the party and other subjects. Thus, it can be said that the role of the Prime Minister depends on his position in the party and charismatic personality, electoral role and the support of the people. Pandit Jawaharlal Nehru, Indira Gandhi, Rajiv Gandhi, Atal Bihari Vajpayee and Narendra Modi appeared on the basis of these characteristics as a strong Prime Minister in their party and nation which was lacking among other Prime Ministers.

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### **PRIME MINISTER AND THE ERA OF COALITION POLITICS**

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The Indian political system is going through a coalition phase. The beginning of coalition politics in India has been a gradual development process and is still developing. Coalition politics has given a new look to the multi-party system. The powers and functions of the Prime Minister have also been affected. In 1977, the first non-Congress coalition government at the Center was formed under Morarji Desai. At that time, the leadership of Prime Minister Morarji Desai and Charan Singh faced direct challenges due to factionalism in the cabinet and eventually they had to lose their post. Since 1989, coalition politics weakened the importance of national parties due to no party getting a clear majority in the general election. During the tenures of the 1996 National Democratic Alliance (NDA) government and the United Progressive Alliance (UPA) two coalition governments, the prime minister's position appeared to be weak. According to the constitutional provisions, the appointment and promotion of ministers is done by the President on the advice of the Prime Minister, but in reality, the Prime Minister is appointed by the presidents of various parties involved in the alliance according to their own interests. In this situation the Prime Minister always appears frightened and weak. Parties in the coalition have been successful in getting the Prime Minister to take decisions according to his and party interests, which is a serious concern for democracy. Morarji Desai, Charan Singh, Chandrasekhar, I.K. Gujral, H.D. Deve Gowda, P.V. Narasimha Rao Personalities like are recorded in Indian democratic history as the image of a weak Prime Minister due to the weakness of his party. On the other hand, Prime Ministers like Rajiv Gandhi, Atal Bihari Vajpayee, Narendra Modi have taken over

and served as authoritative Prime Ministers due to their strong hold on the party and public due to party majority. Thus, it can be said that the position of the Prime Minister in the parliamentary governance system depends on his personality in coalition government and his direct relationship with the people.

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## CONCLUSION

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The powers of the Prime Minister are unlimited, but he cannot act like a dictator. He works only by being subject to the restrictions as per the constitutional rules and laws and his existence is in danger if he disobeys these restrictions. Accountability of people opinion, restriction of majority of people opinion, curbs by fellow ministers, party ban, opposition parties' governments in different states, pressure of chief ministers of states, pressure of parties joining coalition, presidential consultation, multi-party system, opposition parties, independent. No Prime Minister of India can become a dictator by having a judiciary and a fair election commission. He can use his powers within the constitutional limits.

Based on the above discussions, we can say that in the Indian parliamentary democratic system, the post of Prime Minister is the most important post of the government. The position of the Prime Minister is more dependent on his personality, the position achieved in his party, the position of his party in the politics of the Country and the successes and failures achieved in national and international politics. In India, the chances of the Prime Minister working as a dictator is almost not possible. In the 1977 Lok Sabha elections, totalitarian Indira Gandhi had to face defeat. In short, it can be said that the basis of the power of any Prime Minister is just how much he can serve the nation. The constitutional parliamentary history of the past years has proved that the Prime Minister of India cannot become an autocratic ruler against public opinion even after his unlimited powers.

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### **Some important questions**

1. Describe the functions and powers of the Prime Minister as the real executive?
2. Highlight the role of the Prime Minister in the Indian parliamentary democratic governance system?
3. Comment on the relationship between the Prime Minister and his Cabinet?
4. Critically review the relationship between the President and the Prime Minister in the Indian parliamentary democratic governance system?
5. Critically analyze the composition, power and functions of the Council of Ministers?
6. Study the role of the Prime Minister in the party and Parliament?
7. Write an essay on the role of the Prime Minister in the era of coalition politics?

## Lesson-2

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# PARLIAMENT

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Manish Kumar

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## INTRODUCTION

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The parliament equally known as Union Legislature. It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government. The Constitution of India provides for a Parliamentary form of Government. The parliamentary government is also known as cabinet government or responsible government or Westminster model of government and is prevalent in Britain, Japan, Canada, and India among others. **Ivor Jennings** called the parliamentary system as 'cabinet system' because the cabinet is the nucleus of power in a parliamentary system. The parliamentary government is also known as 'responsible government' as the cabinet (the real executive) is accountable to the Parliament and stays in office so long as it enjoys the latter's confidence. It is described as 'Westminster model of government' after the location of the British Parliament, where the parliamentary system originated.

Indian Parliament did not emerge overnight; it evolved gradually during the British rule, particularly since 1858 when the British Crown assumed sovereignty over India from the East India Company. By the Government of India Act of 1858, the powers of the Crown were to be exercised by the Secretary of State for India assisted by a Council of India. The Secretary of State, who was responsible to the British Parliament, governed India through the Governor-General, assisted by an Executive Council consisting of high government officials. There was no separation of powers; all the powers—legislative, executive, military and civil—were vested in this Governor-General in Council.

The Indian Council Act of 1861 introduced little bit of popular element as it included some additional *non-official* members in the Executive Council and allowed them to participate in the transaction of legislative business. The Legislative Council was neither deliberative nor representative. Its members were nominated and their role was limited only to the consideration of legislative proposals placed by the Governor-General.

Indian Councils Act of 1892 made two important improvements. First, non-official members of the Indian Legislative Council were henceforth to be nominated by the Bengal Chamber of Commerce and the Provincial Legislative Councils, while the non-official members of the Provincial Councils were to be nominated by certain local bodies such as universities, district boards, municipalities. Secondly, the Councils were empowered to discuss the budget and address questions to the Executive.

Indian Councils Act of 1909 based on Morley-Minto Reforms, for the first time, introduced both representative as well as popular features. At the Centre, election was introduced in the Legislative Council though the officials still retained the majority. But in

the Provinces, the size of the Provincial Legislative Council was increased by including elected non-official members so that the officials no longer constituted the majority. This Act enhanced the deliberative functions of the Legislative Councils and provided them opportunity to move resolutions on the Budget and any other matter of public interest bearing certain specified subjects, such as the Armed Forces, Foreign Affairs and the India States. The Government of India Act of 1915 consolidated all the previous Acts so that the executive, legislative and judicial functions could be derived from a single Act.

The next phase of legislative reforms emerged out of the Government of India Act of 1919 brought further legislative reforms in the form of responsible government in the Provinces. At the Centre, the legislature was made bicameral and elected majority was introduced in both The Houses. However, no element of responsible government was introduced at the Centre. The Governor General in Council continued to be responsible as before to the British Parliament through the Secretary of State.

The Government of India Act of 1935 came into being after several parleys between the Indian national leaders and Britain. It contemplated a federation consisting of British Indian Provinces and native states. It introduced bicameral legislatures in six Provinces. It demarcated legislative power of the Centre and the Provinces through three lists: the Central List, the Provincial List and the Concurrent List. However, the Central Executive was not made responsible to the legislature. The Governor General as well as the Crown could veto bills passed by the Central Legislature. The Governor-General besides the Ordinance-making powers had independent powers of legislation or permanent Acts. Similar limitations existed in case of Provincial Legislatures existed as well.

The international political scene and the conditions in India and Britain led the British government to an unequivocal acceptance of India's claim to freedom. The Indian Independence Act of 1947 was passed setting up two independent dominions, India and Pakistan. The legislature of each dominion was to have full legislative sovereignty. The powers of the legislature of the dominion were exercisable without any limitations whatsoever by the Constituent Assembly formed in 1946. This Constituent Assembly adopted the Constitution of India, which received the signature of the President on 26<sup>th</sup> November 1950.

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## **COMPOSITION OF PARLIAMENT**

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Under the provision of Article 79, the Parliament of India consists of the President and the two Houses - the Lower House or Lok Sabha (House of the People) and the Upper House or Rajya Sabha (Council of States). While the Lok Sabha is subject to dissolution, the Rajya Sabha is a permanent chamber which cannot be dissolved. The office of the President also never remains vacant.

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## THE PRESIDENT

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While the American President is not a part of the Legislature (Congress), the President of India is an integral part of the Indian Parliament. However, he cannot sit and participate in the deliberations in any of the two Houses.

The President of India performs certain important role vis-à-vis the Parliament. The President summons and prorogues the House from one session to another and has the power to dissolve the Lok Sabha. No bill passed by both the Houses can become a law without the President's assent. Further certain bills can be introduced only after the recommendation of the President has been obtained. The President also has the power to promulgate Ordinances when both the Houses are not in session. These Ordinances, though temporary in nature, have the same force and power as a law passed by Parliament.

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## LEGISLATIVE POWERS

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The President is an integral part of the Parliament of India and enjoys the following legislative powers.

- (a) He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
- (b) He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
- (c) He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
- (d) He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
- (e) He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.
- (f) He can nominate two members to the Lok Sabha from the Anglo-Indian Community.
- (g) He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
- (h) His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.
- (i) When a bill is sent to the President after it has been passed by the Parliament, he can:
  - (1) give his assent to the bill, or



- (2) with hold his assent to the bill, or
  - (3) return the bill (if it is not a money bill) for reconsideration of the Parliament. However, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.
- (j) He can promulgate ordinances when the Parliament is not in session. These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time.
  - (k) He lays the reports of the Comptroller and Auditor General, Union Public Service Commission, Finance Commission, and others, before the Parliament.
  - (l) He can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu. In the case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.

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## LOK SABHA

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### Composition of Lok Sabha

The Lower House or the House of the People is popularly known as Lok Sabha. Its members are directly elected by the people. The maximum strength of the Lok Sabha is fixed at 552. Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union territories and 2 members are to be nominated by the president from the Anglo-Indian community. At present, the Lok Sabha has 545 members. Of these, 530 members represent the states, 13 members represent the union territories and 2 Anglo-Indian members are nominated by the President.

- 1. Representation of States**—The representatives of states in the Lok Sabha are directly elected by the people from the territorial constituencies in the states. The election is based on the principle of universal adult franchise. Every Indian citizen who is above 18 years of age and who is not disqualified under the provisions of the Constitution or any law is eligible to vote at such election. The voting age was reduced from 21 to 18 years by the 61<sup>st</sup> Constitutional Amendment Act, 1988.
- 2. Representation of Union Territories**—The Constitution has empowered the Parliament to prescribe the manner of choosing the representatives of the union territories in the Lok Sabha. Accordingly, the Parliament has enacted the Union Territories (Direct Election to the House of the People) Act, 1965, by which the members of Lok Sabha from the union territories are also chosen by direct election.
- 3. Nominated Members**—The president can nominate two members from the Anglo-Indian community if the community is not adequately represented in the Lok Sabha. Originally, this provision was to operate till 1960 but has been extended till 2020 by the 95th Amendment Act, 2009.

## **System of Elections to Lok Sabha**

The various aspects related to the system of elections to the Lok Sabha are as follows:

**Territorial Constituencies**—For the purpose of holding direct elections to the Lok Sabha, each state is divided into territorial constituencies. In this respect, the Constitution makes the following two provisions:

1. Each state is allotted a number of seats in the Lok Sabha in such a manner that the ratio between that number and its population is the same for all states. This provision does not apply to a state having a population of less than six million.
2. Each state is divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it is the same throughout the state.

In brief, the Constitution ensures that there is uniformity of representation in two respects: (a) between the different states, and (b) between the different constituencies in the same state. The expression ‘population’ means the population as ascertained at the preceding census of which the relevant figures have been published. After every census, a readjustment is to be made in (a) allocation of seats in the Lok Sabha to the states, and (b) division of each state into territorial constituencies. Parliament is empowered to determine the authority and the manner in which it is to be made. Accordingly, the Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002 for this purpose.

The 42<sup>nd</sup> Amendment Act of 1976 froze the allocation of seats in the Lok Sabha to the states and the division of each state into territorial constituencies till the year 2000 at the 1971 level. This ban on readjustment was extended for another 25 years (*i.e.*, upto year 2026) by the 84<sup>th</sup> Amendment Act of 2001, with the same objective of encouraging population limiting measures. The 84<sup>th</sup> Amendment Act of 2001 also empowered the government to undertake readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census. Later, the 87<sup>th</sup> Amendment Act of 2003 provided for the delimitation of constituencies on the basis of 2001 census and not 1991 census. However, this can be done without altering the number of seats allotted to each state in the Lok Sabha.

**Reservation of Seats for SCs and STs**—Though the Constitution has abandoned the system of communal representation, it provides for the reservation of seats for scheduled castes and scheduled tribes in the Lok Sabha on the basis of population ratios. He must be a member of a scheduled caste or scheduled tribe in any state or union territory, if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them. Originally, this reservation was to operate for ten years (*i.e.*, up to 1960), but it has been extended continuously since then by 10 years each time. Now, under the 95<sup>th</sup> Amendment Act of 2009, this reservation is to last until 2020.

Though seats are reserved for scheduled castes and scheduled tribes, they are elected by all the voters in a constituency, without any separate electorate. A member of scheduled castes and scheduled tribes is also not debarred from contesting a general (non-reserved) seat. The 84<sup>th</sup> Amendment Act of 2001 provided for re-fixing of the reserved seats based on the population figures of 1991 census as applied to rationalisation of the general seats. Later, the 87<sup>th</sup> Amendment Act of 2003 provided for the re-fixing of the reserved seats based on the 2001 census and not 1991 census.

### **Qualifications**

The Constitution lays down the following qualifications for a person to be elected as a member of Lok Sabha:

1. A person must be a citizen of India.
2. A person must be not less than 25 years of age.
3. A person must possess other qualifications prescribed by Parliament.

### **Speaker of Lok Sabha**

The Speaker is elected by the Lok Sabha from amongst its members. Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President. Usually, the Speaker remains in office during the life of the Lok Sabha.

The Speaker is the head of the Lok Sabha, and its representative. He is the guardian of powers and privileges of the members, the House as a whole and its committees. He is the principal spokesman of the House, and his decision in all Parliamentary matters is final. He is thus much more than merely the presiding officer of the Lok Sabha. In these capacities, he is vested with vast, varied and vital responsibilities and enjoys great honour, high dignity and supreme authority within the House. The Speaker of the Lok Sabha derives his powers and duties from three sources, that is, the Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha, and Parliamentary Conventions.

Altogether, speaker has the following powers and duties:

1. To maintain order and decorum in the House for conducting its business and regulating its proceedings. This is his primary responsibility and he has final power in this regard.
2. To adjourns the House or suspends the meeting in absence of a quorum. The quorum to constitute a meeting of the House is one-tenth of the total strength of the House.
3. Does not vote in the first instance. But he can exercise a casting vote in the case of a tie. In other words, only when the House is divided equally on any question, the Speaker is entitled to vote. Such vote is called casting vote, and its purpose is to resolve a deadlock.
4. Presides over a joint sitting of the two Houses of Parliament. Such a Sitting is summoned by the President to settle a deadlock between the two Houses on a bill.

5. Can allow a 'secret' sitting of the House at the request of the Leader of the House. When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.
6. To decide whether a bill is a money bill or not and his decision on this question is final. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.
7. Decides the questions of disqualification of a member of the Lok Sabha, arising on the ground of defection under the provisions of the Tenth Schedule. In 1992, the Supreme Court ruled that the decision of the Speaker in this regard is subject to judicial review.
8. Acts as the *ex-officio* chairman of the Indian Parliamentary Group which acts as a link between the Parliament of India and the various parliaments of the world. He also acts as the *ex-officio* chairman of the conference of presiding officers of legislative bodies in the country.
9. Appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning. Act as the chairman of the Business Advisory Committee, the Rules Committee and the General-Purpose Committee

### **Speaker Pro Tem**

As provided by the Constitution, the Speaker of the last Lok Sabha vacates his office immediately before the first meeting of the newly elected Lok Sabha. Therefore, the President appoints a member of the Lok Sabha as the Speaker Pro Tem. Usually, the senior-most member is selected for this. The President himself administers oath to the Speaker Pro Tem. The Speaker Pro Tem has all the powers of the Speaker. He presides over the first sitting of the newly elected Lok Sabha. His main duty is to administer oath to the new members. He also enables the House to elect the new Speaker. When the new Speaker is elected by the House, the office of the Speaker Pro Tem ceases to exist. Hence, this office is a temporary office, existing for a few days

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## **RAJYA SABHA**

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### **Composition of Rajya Sabha**

The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president. At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president. The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories. Unlike Lok Sabha, Rajya Sabha has no reserved seats for SC and ST.

1. **Representation of States**—The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies. The election is held in

accordance with the system of proportional representation by means of the single transferable vote. The seats are allotted to the states in the Rajya Sabha on the basis of population. Hence, the number of representatives varies from state to state. For example, Uttar Pradesh has 31 members while Tripura has 1 member only.

2. **Representation of Union Territories**—The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose. This election is also held in accordance with the system of proportional representation by means of the single transferable vote. Out of the seven union territories, only two (Delhi and Puducherry) have representation in Rajya Sabha. The populations of other five union territories are too small to have any representative in the Rajya Sabha.
3. **Nominated Members**—The president nominates 12 members to the Rajya Sabha from people who have special knowledge or practical experience in art, literature, science and social service. The rationale behind this principle of nomination is to provide eminent persons a place in the Rajya Sabha without going through the process of election.

### **Qualifications**

The Constitution lays down the following qualifications for a person to be chosen a member of Rajya Sabha

1. A person must be a citizen of India.
2. A person must be not less than 30 years of age.
3. A person must possess other qualifications prescribed by Parliament.

### **Chairman of Rajya Sabha**

The presiding officer of the Rajya Sabha is known as the Chairman. The vice-president of India is the *ex-officio* Chairman of the Rajya Sabha. During any period when the Vice-President acts as President or discharges the functions of the President, he does not perform the duties of the office of the Chairman of Rajya Sabha. The Chairman of the Rajya Sabha can be removed from his office only if he is removed from the office of the Vice-President. As a presiding officer, the powers and functions of the Chairman in the Rajya Sabha are similar to those of the Speaker in the Lok Sabha. However, the Speaker has two special powers which are not enjoyed by the Chairman:

1. The Speaker decides whether a bill is a money bill or not and his decision on this question is final.
2. The Speaker presides over a joint sitting of two Houses of Parliament.

Unlike the Speaker, the Chairman is not a member of the House. But like the Speaker, the Chairman also cannot vote in the first instance. He too can cast a vote in the case of an equality of votes. The Vice-President cannot preside over a sitting of the Rajya Sabha as its

Chairman when a resolution for his removal is under consideration. However, he can be present and speak in the House and can take part in its proceedings, without voting, even at such a time (while the Speaker can vote in the first instance when a resolution for his removal is under consideration of the Lok Sabha). During any period when the Vice-President acts as President or discharges the functions of the President, he is not entitled to any salary or allowance payable to the Chairman of the Rajya Sabha. But he is paid the salary and allowance of the President during such a time.

### **Check your progress exercise 1**

- 1) What are the qualifications and disqualification for a member of Indian Parliament?
- 2) What are the powers of the Speaker of Lok Sabha?

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## **LEGISLATIVE PROCEDURE**

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Law making is the primary function of the Parliament. As modern society is very complex in nature, law making also becomes a complex process. The Constitution of India prescribes the following stages of legislative procedure.

The first stage of legislation is introduction of a bill which embodies the proposed law and is accompanied by the "Statement of Objects and Reasons". The introduction of the bill is also called the first reading of the bill. There are two types of bills: ordinary bills and money bills. A bill other than money or financial bill may be introduced in either House of Parliament and requires passage in both the Houses before it can be presented for the President's assent. A bill may be introduced either by a Minister or a private member. Every bill that is introduced in the House has to be published in the Gazette. Normally, there is no debate at the time of introduction of a bill. The member who introduces the bill may make a brief statement indicating broadly the aims and objects of the bill. If the bill is opposed at this stage, one of the members opposing the bill may be permitted to give his reasons. After this the question is put to vote. If the House is in favour of the introduction of the bill, then it goes to the next stage.

In the second stage, there are four alternative courses. After its introduction, a bill (I) may be taken into consideration; (II) may be referred to a Select Committee of the House; (III) may be referred to a Joint Committee of both the Houses; (IV) may be circulated for the purpose of soliciting public opinion. While the first three options are generally adopted in case of routine legislation, the last option is resorted to only when the proposed legislation is likely to arouse public controversy and agitation.

The day one of these motions is carried out, the principles of the bill and its general provisions may be discussed. If the bill is taken into consideration, Amendments to the bill and clause by clause consideration of the provisions of the bill is undertaken. If the bill is referred to the Select Committee of the House, it considers the bill and submits its report to the House. Then the clauses of the bill are open to consideration and amendments are

admissible. This is the most time-consuming stage. Once the clause by clause consideration is over and every clause is voted, the second reading of the bill comes to an end.

In the third stage the member in charge moves that "the bill be passed". At the third reading, the progress of the bill is quick as normally only verbal or purely formal amendments are moved and discussion is very brief. Once all the amendments are disposed off, the bill is finally passed in the House where it was introduced. Thereafter, it is transmitted to the other House for its consideration.

When the bill comes up for considered by the other House, it has to undergo all the stages as in the originating House. There are three options before the House (I) it may finally pass the bill as sent by the originating House; (II) it may reject the bill altogether or amend it and return to the originating House; (III) it may not take any action on the bill and if more than six months pass after the date of receipt of the bill, this means rejection.

The originating House now considers the returned bill in the light of the amendments. If it accepts these amendments, it sends a message to the other House to this effect. If it does not accept these amendments, then the bill is returned to the other House with a message to that effect. In case both the Houses do not come to an agreement, the President convenes a joint-sitting of the two Houses. The disputed provision is finally adopted or rejected by a simple majority of vote of those who are present and voting.

A bill that is finally passed by both the Houses is presented with the signature of the Speaker to the President for his assent. This is normally the last stage. If the President gives the assent, the bill becomes an Act and is placed in the Statute Book. If the President withholds his assent, there is an end to the bill. The President may also return the bill for the reconsideration of the Houses with a message requesting them to reconsider it. If, however, the Houses pass the bill again with or without amendments and the bill is presented to the President for his assent for the second time, the President has no power to withhold his assent.

Thus, law-making is a long, cumbersome and time-consuming process; it becomes difficult to pass a bill within a short time. Proper drafting of the bill saves time and skilful soliciting of opposition support makes the task easier.

**Money Bills:** Financial bill may be said to be any bill which relates to revenue and expenditure. But the financial bill is not a money bill. Article-110 states that no bill is a money bill unless it is certified by the Speaker of the Lok Sabha. A money bill cannot be introduced in the Rajya Sabha. Once a money bill is passed by the Lok Sabha, it is transmitted to the Rajya Sabha. The Rajya Sabha cannot reject a money bill. It must, within a period of fourteen days from the date of receipt of the bill, return the bill to the Lok Sabha which may thereupon either accept or reject all or any of the recommendations. If the Lok Sabha accepts any of the recommendations, the money bill is deemed to have been passed by both Houses. Even if the Lok Sabha does not accept any of the recommendations, the money bill is deemed to have been passed by both the Houses without any amendments. If a money

bill passed by the Lok Sabha and transmitted to the Rajya Sabha for its recommendations is not returned to it within fourteen days, it is deemed to have been passed by both the Houses at the expiry of the said period in the original form.

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## **PARLIAMENT PRIVILEGES**

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For free and efficient functioning of the members of Parliament it is important that they are granted some privileges. There are two types of privileges for the members of Parliament: enumerated and unremunerated. The important privileges a member enjoys under the enumerated category are: (i) Freedom of speech in each House of the parliament; (ii) Immunity from proceedings in any Court in respect of anything said or any vote cast; (iii) Immunity of liability in respect of publication by or under the authority of either house of Parliament of any report, paper, votes or proceedings; (iv) Freedom from arrest in civil cases for duration of the session for a period of 40 days before and after the session; and (v) Exemption from attending as a witness in a Court.

In the unremunerated category fall similar privileges and immunities which are granted to the members of the House of Commons of British Parliament. Like the House of Commons, the Indian Parliament has power to punish a person, whether a member or a non-member, in case of contempt of Parliament.

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## **PARLIAMENT DEVICES TO CONTROL THE EXECUTIVE**

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As observed, one of the important functions of the Parliament is to control the executive. A number of mechanisms are available to it for this purpose. The rules of procedure and conduct of business in parliament provide that unless the presiding officers otherwise direct, every sitting begins with the Question Hour, which is available for asking and answering questions. Asking of questions is an inherent parliamentary right of all the members, irrespective of their party affiliations. The real object of the member in asking the question is to point out the shortcomings of the administration, to ascertain the thinking of the government in formulating its policy and where the policy already exists, in making suitable modifications in that policy.

In case the answer given to a question does not satisfy the member who raised it and if he feels the need for detailed 'explanation in public interest' he may request the presiding officer for a discussion. The presiding officer can allow discussion, usually in the last half an hour of a sitting.

Members can, with the prior permission of the presiding officer, call the attention of a Minister to any matter of public importance and request the Minister to make a statement on the subject. The Minister may either make a brief statement immediately or may ask for time to make the statement at a later hour or date.

Members can take the government to task for a recent act of omission or commission having serious consequence by resorting to adjournment motion. This motion is intended to draw the attention of the house to a recent matter of urgent public importance having serious



consequences for the country and in regard to which a motion or a resolution in the proper notice will be too late. Adjournment motion is an extraordinary procedure which, if admitted, leads to setting aside the normal business of the house for discussing a definite matter of public importance. Adoption of an adjournment motion amounts to the censure of the government.

Besides these devices, Parliament exercises control over the executive through various house committees.

**Parliamentary Committees**—The accountability of the executive to the Parliament and the Parliament's right to oversee and scrutinise the way in which the executive functions are accepted as axiomatic. But in practice due to some unavoidable factors, such as the pressure on Parliament and its operational procedures, it is difficult for parliament as a body to undertake thorough scrutiny of the multifaceted and complex details of day to day administration and its financial transactions. Parliament has solved the problem by establishing a series of committees with necessary powers to scrutinise the working of the different departments of the government.

Among the important Committees, which scrutinise the government's works, particularly in the area of public finances, two committees need special mention: Public Accounts Committee and Estimates Committee. These and other Committees are expected to keep the executive on its toes. They ensure an effective and comprehensive examination of all the proposed policies. Often, Committees provides an ideal context for discussing controversial and sensitive matters in a non-partisan manner, away the glare of publicity. They provide a useful forum for the utilisation of experience and ability that may otherwise remain untapped. They also constitute a valuable training ground for future ministers and presiding officers.

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## **POSITION OF RAJYA SABHA**

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The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:

1. Where Rajya Sabha is equal to Lok Sabha.
2. Where Rajya Sabha is unequal to Lok Sabha.
3. Where Rajya Sabha has special powers that are not at all shared with the Lok Sabha.

**Equal Status with Lok Sabha**—In the following matters, the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:

1. Introduction and passage of ordinary bills.
2. Introduction and passage of Constitutional amendment bills.
3. Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
4. Election and impeachment of the president.

5. Election and removal of the Vice-President. However, Rajya Sabha alone can initiate the removal of the vice-president. He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
6. Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
7. Approval of ordinances issued by the President.
8. Approval of proclamation of all three types of emergencies by the President.
9. Selection of ministers including the Prime Minister. Under the Constitution, the ministers including the Prime Minister can be members of either House. However, irrespective of their membership, they are responsible only to the Lok Sabha.
10. Consideration of the reports of the constitutional bodies like Finance Commission, Union Public Service Commission, comptroller and auditor general, etc.
11. Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

**Unequal Status with Lok Sabha**– In the following matters, the powers and status of the Rajya Sabha are unequal to that of the Lok Sabha:

1. A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2. Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations.
3. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.
4. A financial bill, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, with regard to its passage, both the Houses have equal powers.
5. The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
6. The Speaker of Lok Sabha presides over the joint sitting of both the Houses.
7. The Lok Sabha with greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both the Houses is less than that of the opposition parties.
8. Rajya Sabha can only discuss the budget but cannot vote on the demands for grants.
9. A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.

10. The Rajya Sabha cannot remove the council of ministers by passing a no confidence motion. This is because the Council of ministers is collectively responsible only to the Lok Sabha. But, the Rajya Sabha can discuss and criticise the policies and activities of the government.

**Special Powers of Rajya Sabha**—The Rajya Sabha has hardly any control over the ministers who are individually and jointly responsible to the Lok Sabha. Though it has every right to seek information on all matters which are exclusively in the domain of Lok Sabha, it has no power to pass a vote of no-confidence in the Council of Ministers. Moreover, the Rajya Sabha has not much say in matters of money bills.

Nevertheless, the Constitution grants certain special powers to the Rajya Sabha. As the sole representative of the States, the Rajya Sabha enjoys two exclusive powers which are of considerable importance.

First, under Article 249, the Rajya Sabha has the power to declare that, in the national interest, the Parliament should make laws with respect to a matter enumerated in the State List. If by a two-thirds majority, Rajya Sabha passes a resolution to this effect, the Union Parliament can make laws for the whole or any part of India for a period of one year.

The second exclusive power of the Rajya Sabha is with regard to the setting up of All-India Services. If the Rajya Sabha passes a resolution by not less than two-thirds of the members present and voting, the parliament is empowered to make laws providing for creation of one or more All-India Services common to the Union and the States.

Thus, these special provisions make the Rajya Sabha an important component of Indian Legislature rather than just being an ornamental second chamber like the House of Lords of England. The constitution makers have designed it not just to check any hasty legislation, but also to play the role of an important influential advisor. Its compact composition and permanent character provide it continuity and stability. As many of its members are "elder statesmen" the Rajya Sabha commands respectability.

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## CONCLUSION

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The Parliament of India, the supreme legislative organ in the country, has a long historical background. The Parliament consists of the President, the Lok Sabha and the Rajya Sabha. To get elected to the Parliament, one has to fulfil certain qualifications prescribed by the Constitution and the Parliament. Members of the Parliament have certain privileges to enable them to function better. Each house has its own presiding officer to conduct the meetings of the House and to protect the dignity and honour of the House. The primary function of the Parliament is to enact laws. In addition, it holds the Council of Ministers responsible for its policies and criticises the policies wherever necessary. It also has the powers to amend the constitution and to impeach the President. There are several Committees appointed from among its members for effective functioning. Devices like the question hour, adjournment motion, calling attention motion, etc. are available for Parliament to check the government. Passing of the budget, an important function of the Parliament provides it with

an opportunity to scrutinise the activities of the government. There is a declining trend in the position of the legislature all over the world. Delegated legislation, ascendancy of the executive over the other organs of the government, emergence of strong party system, etc. are some of the reasons for such a trend. Despite these trends, the Parliament still commands respect and is able to maintain its position vis a vis the other organs of the government.

### **Some useful books**

- ❖ G. Austin (2010), *The Indian Constitution: Cornerstone of a Nation*, New Delhi: Oxford.
- ❖ University Press, 15<sup>th</sup> print (Chapter 7: *The Judiciary and the Social Revolution*, pp. 164-185).
- ❖ Chakravarty, B. & Pandey, K. P. (2006) *Indian Government and Politics*. New Delhi: Sage.
- ❖ Singh, M.P. & Saxena, R. (2008) *Indian Politics: Contemporary Issues and Concerns*. New Delhi: PHI Learning.
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- ❖ Chandra, B., Mukherjee, A. & Mukherjee, M. (2010) *India after Independence*. New Delhi: Penguin.
- ❖ Singh, M.P. & Saxena, R. (2008) *Indian Politics: Contemporary Issues and Concerns*. New Delhi: PHI Learning.
- ❖ Vanaik, A. & Bhargava, R. (eds.) (2010) *Understanding Contemporary India: Critical Perspectives*. New Delhi: Orient Blackswan.
- ❖ Jayal, N. G. & Maheta, P. B. (eds.) (2010) *Oxford Companion to Indian Politics*. New Delhi.

### **Some sample Question from this chapter**

- 1) What do you understand by the Parliamentary form of Government?
- 2) Explain the law making procedure by Parliament?
- 3) Discuss the special power of Rajya Sabha?

## Lesson-3

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# JUDICIARY

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Manish Kumar

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## INTRODUCTION

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Any political system which is based on constitutional government, there are three organs of government like the legislature as rule maker, the executive as rule implementer and the judiciary as interpreter. Judiciary is an important organ of the Indian government. In any society, disputes are bound to arise between individuals, groups and between individual and groups with government. All these disputes must be settled by an independent body in accordance with the principle of rule of law. This idea of rule of law implies that all individuals — rich or poor, men or women, forward or backward castes — are equal before the law. The principal role of the judiciary is to protect rule of law and ensure supremacy of constitution. Judiciary safeguards rights of the individual and settles disputes in accordance with the law. It ensures that democracy does not give way to individual or group dictatorship. In order to do all this, it is necessary that the Indian Judiciary is independent of any political pressures. The Indian Constitution has established an integrated judicial system with the Supreme Court at the top and the High Court below it. Under a high court there exist a hierarchy of subordinate courts, that is, district courts and other lower courts. Judiciary is the third house of legislature. It keeps the check and balance on governance.

**Objective:** In this unit we will deal with the structure, composition, jurisdiction and functions of the Indian Judiciary system. After going through by this unit, we should be able to understand:

1. Describe the composition of the supreme Courts in India;
2. Explain the functions and jurisdiction of the Supreme Court, High Court and the Subordinate Courts; and
3. Explain the concept of judicial review and its importance in safeguarding fundamental rights.
4. Describe the concept of Judicial activism

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## THE SUPREME COURT

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The Indian Constitution has established an integrated judicial system. The entire Indian judicial system has been divided into three tiers in hierarchy. At the top there is a Supreme Court, after that High Court and lowest tiers is Session's Court. This single system of courts, adopted from the Government of India Act of 1935, which enforces both Central laws as well as the state laws.

The Supreme Court of India was inaugurated in January 28, 1950. It replaced the Federal Court of India, established under the Government of India Act of 1935.

However, the jurisdiction of the Supreme Court is more powerful than that of its predecessor. This is because the Supreme Court has replaced the British Privy Council as the highest court of appeal. The Supreme Court was established to make it the final authority in the interpretation of the Constitution.

The Indian Constitution in Part V, Chapter 4, Articles 124 to 147 deals with the organisation, independence, jurisdiction, powers, and procedure so on of the Supreme Court.

### **Organisation of Supreme Court**

The Supreme Court consists of Chief Justice of India (CJI) and number of other judges. The number of judges is decided as per [Article-124(1)] of the constitution of India. When the Supreme Court was inaugurated, there were only eight judges (1+7). At present, the Supreme Court consists with thirty-four judges (one chief justice and thirty-three other judges).

By the Parliament the number of other judges has increased progressively to ten in 1956, to thirteen in 1960, to seventeen in 1977, to twenty-five in 1986, to thirty-one in 2009 and to thirty-four in 2019.

### **Appointment of Judges**

All Judges of the Supreme Court are appointed by the president of India. The chief justice of India is also appointed by the president. During appointment he consults with judges of the Supreme Court as he deems necessary. The other judges of Supreme Court are also appointed by president after consultation with the Chief Justice of India and two senior most judge of Supreme Court. The consultation with the chief justice India is obligatory in nature in the case of appointment of a judge other than Chief Justice India. In spite of this clear constitutional provision, the appointment of the Chief Justice has become a matter of political controversy. Since 1950 to 1973, the practice has been to appoint the senior-most judge of the Supreme Court as the Chief Justice of India (CJI). First time this established convention was violated in 1973 when Ajit Nath Ray was appointed as CJI by superseding three senior judges. Secondly in 1977 Mirza Hameedullah Beg was appointed as the CJI by superseding the then senior-most judge H.R. Khanna.

**Controversy over Consultation**—The Supreme Court has given different interpretation of the word ‘consultation’ in the above provision time to time. In the First Judges case of 1982, the Court held that consultation does not mean concurrence and it only implies exchange of views. But, in the Second Judges case of 1993, the Court reversed its earlier decision and changed the meaning of the word consultation to concurrence. Hence, it ruled that the advice by the Chief Justice of India is binding on the President in the matters of appointment of the judges of the Supreme Court. But, the Chief Justice would advice on the matter after consulting two of his senior-most colleagues. Similarly, in the Third Judges case (1998), the Court opined that the consultation process to be adopted by the Chief justice of India (CJI) requires ‘consultation of plurality judges’. The single opinion of the Chief Justice of India does not constitute the consultation process. CJI should consult a collegium of four

senior-most judges of the Supreme Court. Even if two judges give an unfavourable opinion, he should not send the recommendation to the government. The court held that the recommendation made by the chief justice of India (CJI) without complying with the norms and requirements of the consultation process are not binding on the government.

By 99th Constitutional Amendment Act of 2014 with the National Judicial Appointment Commission Act of 2014 has been replaced the collegiums system of appointment judges to the Supreme Court and High Court with a new body known as National Judicial Appointment Commission (NJAC). Later on, in 2015, the Supreme Court has declared both NJAC as well as the 99<sup>th</sup> Constitution Amendment as void and unconstitutional. There upon, the earlier collegium system become operative again. This verdict of Supreme Court called as Fourth Judges case (2015).

### **Qualification of Judges**

Any person can be appointed as a judge of the Supreme Court with having the following qualification [Article-124(3)].

1. He should be a citizen of India.
2. He should have been a judge of a High Court for 5 year;

Or

He should have been an advocate of a High Court for 10 year;

Or

He should have be a distinguished jurist in the opinion of the President.

Note: From the above, we can say that Constitution has not prescribed a minimum age for appointment of a judge of the Supreme Court.

### **Removal of Judges**

A judge of the Supreme Court can be removed by the impeachment there after an order of the president. There are two grounds those are mentioned in the Indian Constitution for the removal of judge of the Supreme Court. 1. Proved Misbehaviour (OR) 2. Incapacity. The removal procedure of a Judge of the Supreme Court can be initiated either in the Lok Sabha or in the Rajya Sabha.

#### **If the procedure begins in Lok Sabha.**

A removal motion of a Supreme Court judge is signed by 100 members of Lok Sabha.  
➔ The signed removal motion is submitted to the speaker of Lok Sabha. Either the Speaker may admit or refuse to admit the same. ➔ If it is admitted, the Speaker constitutes a three-member committee to investigate into the charges.

### **The committee should consist of**

1. The CJI (OR) a judge of the Supreme Court
2. A chief justice of a high court
3. A distinguished jurist.

If this committee finds the judge to be guilty of misbehaviour or Suffering from incapacity, then Lok Sabha take up the consideration of the motion ➔ There after it is passed in Lok Sabha with a special majority the motion is presented to the Rajya Sabha. If that motion also passes in the Rajya Sabha with a special majority, an address is presented to the President for the removal of the judge. ➔ The President passes an order removing the judge.

### **If the procedure begins in Rajya Sabha.**

A removal motion of Supreme Court judge is signed by 50 members in the case of Rajya Sabha. ➔ The signed removal motion is to be given to the Chairman of Rajya Sabha. Either the Chairman may admit or refuse to admit the same. ➔ If it has been admitted, the Chairman constitutes a three member committee to investigate into the charges.

### **The committee should consist of**

1. The CJI (OR) a judge of the Supreme Court.
2. A chief justice of a high court.
3. A distinguished jurist.

If this committee finds the judge to be guilty of misbehaviour or Suffering from incapacity the Rajya Sabha can take up the consideration of the motion. ➔ There after it is passed in Rajya Sabha with a special majority the motion is presented to the Lok Sabha. If that motion also passed in the Lok Sabha with a special majority, an address is presented to the President for the removal of the judge. ➔ The President passes an order removing the judge.

### **Check Your Progress Exercise-1**

- 1) Explain what are the qualifications required for appointment as a judge of the Supreme Court?
- 2) Explain the procedure for removing a judge of the Supreme Court?

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## **JURISDICTION OF SUPREME COURT**

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The Supreme Court of India is one of the most powerful courts anywhere in the world. However, it functions within the limitations imposed by the Constitution. The functions and responsibilities of the Supreme Court are defined by the Constitution. The constitution has conferred a huge extensive jurisdiction and vast powers to the Supreme Court. It is not only a Federal Court but also a final court of appeal like the British House of Lords. Supreme Court is also the final interpreter and guardian of the Constitution as well as the guarantor of the



fundamental right of the citizen. The power and jurisdiction of the Supreme Court can be classified into the following:

1. Original Jurisdiction
2. Appellate Jurisdiction
3. Advisory Jurisdiction
4. Power of Judicial Review
5. Other Powers

### **1. Original Jurisdiction**

Article 131 of the Constitution of India gives Original jurisdiction to Supreme Court, means certain cases which can be directly considered by the Supreme Court without going to the any lower courts. Supreme Court as a federal court, decides the disputes between different units of the Indian Federation. In simple words any dispute between:

1. The Centre and one or more states; or
2. The Centre and any state or states on one side and one or more states on Other side; or
3. Between two or more states.

In the above federal disputes, the Supreme Court has exclusive original jurisdiction to resolve that matter. In another words exclusive means, no other court can decide such disputes and original means, the power to hear such disputes in the first instance, not by way of appeal.

The Supreme Court also has non- exclusive original jurisdiction known as protector of Fundamental Right of Citizen. Article 32 of Indian Constitution gives citizen the right to move the Supreme Court directly for the enforcement of any of the fundamental right given in part III of the Indian constitution.

### **2. Appellate Jurisdiction**

Likely mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal. Article 132 provides for an appeal to the Supreme Court from any Judgement of a High Court. The appellate jurisdiction can be classified under four heads:

#### **1. Appeals in constitutional matters. [Article-132.]**

In the constitutional matter, an apple can be made in the Supreme Court against the judgement of a High Court. If the high court certifies that the case/matter involves a substantial question of law that requires the interpretation of the Constitution.

## **2. Appeals in civil matters. [Article-133]**

In civil matter an appeal can lie to the Supreme Court from any high court if the high court certifies – in case that a substantial question of law of general importance and the question needs to be decided by the Supreme Court.

## **3. Appeals in criminal matters. [Article-134]**

The Supreme Court hears appeals against the judgement in a criminal matter of a high court, if the high court- 1. has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or 2. has taken before itself any case from any subordinate court and convicted the accused person and sentenced him to death; or 3. certifies that the case is a fit one for appeal to the Supreme Court.

In the first two cases, an appeal lies to the Supreme Court as a matter of right. But if the high court has reversed the order of conviction and has ordered the acquittal of the accused, there is no right to appeal to the Supreme Court.

## **4. Appeals by special leave. [Article-136]**

Finally, the Supreme Court has the special appellate jurisdiction. It has the power to grant, in its discretion, special leave appeal from any judgment, decree sentence or order in any case or matter passed or made by any court or tribunal.

This provision of constitution contains the four aspects as motioned–

1. It is the discretionary power of Supreme Court and hence, can't be claimed as a matter of right.
2. It can be granted in any judgement whether interlocutory or final.
3. It may be related to any matter i.e. constitutional, civil, criminal, labour, advocates, income tax, revenue etc.
4. It can be granted against any court or tribunal but not necessary against a high court.

The scope of this provision is very wide, the Supreme Court with a plenary jurisdiction to hear appeals. On the exercise of this power, the Supreme Court itself held that 'being an exceptional and overriding power, it has to be exercised sparingly and with caution and only in special extraordinary situations. Beyond that it is not possible to fetter the exercise of this power by any set formula or rule'.

## **3. Advisory Jurisdiction**

Article-143 of Indian constitution provided the president to seek the opinion of the Supreme Court in the two categories.

1. On any question of the law or fact of public importance.
2. On any dispute arising out of any pre-constitution treaty, covenant, agreement, engagement, etc.

In the first case, the Supreme Court may give or may refuse to give its opinion to the president. But, in the second case, the Supreme Court 'must' give its opinion to the president. In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement. Hence, it is not binding on the president. He may follow or may not follow the opinion. However, it facilitates the government to have an authoritative legal opinion on a matter to be decided by it.

#### **4. Power of Judicial Review**

Indian Supreme Court has power to review any judgement or order made by it. In simple words the Supreme Court may review its own judgement order. Judicial review is power of the Indian Supreme Court to examine the constitutionality of legislative norms and executive orders of both the Central and state governments. On examination, if they are found to be violative of the Constitution (ultra-vires), it can be declared as, unconstitutional, illegal and invalid (null and void) by the Supreme Court. Thereafter, they cannot be enforced by the Government. The Supreme Court apart from interpreting the Constitution as well as functions as the court of appeal in the country in cases of civil and criminal matter. Supreme Court can entertain appeals without any limitation upon its discretion from the decisions not only of any court but also of any tribunal within the territory of India. Despite these powers, the Supreme Court is a creature of the Constitution and depends for the continuation of these powers on the Union legislature which can impose limitations on them by amending the Constitution. Furthermore, all these powers can also be suspended or superseded whenever there is a declaration of emergency in the country.

#### **5. Other Powers**

Besides the above, the Supreme Court has many other powers:

- (a) Supreme Court has power to decide the disputes regarding the election of the President and the Vice-President. In this regard, it has the original and final authority.
- (b) Supreme Court is authorised to withdraw the cases pending before the High Courts and dispose them by itself. It can transfer a case or appeal pending before one high court to another high court.
- (c) Article-141 provides that the law, order and judgement of Supreme Court are binding on all courts in India. Its decree or order is enforceable throughout within the country. All civil and judicial authorities in the country should act in aid of the Supreme Court.
- (d) Supreme Court has power of judicial superintendence and control over all the courts and tribunals functioning in the country.

Its jurisdiction and powers with respect to matters in the Union list can be enlarged by the Parliament. Further, its jurisdiction and powers with respect to other matters can be enlarged by a special agreement of the Centre and the states.

## Check Your Progress Exercise-2

- 1) Explain the original power and jurisdiction of the Supreme Court. How it resolve the federal dispute in the entire territory of the country?

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### JUDICIAL ACTIVISM AND PIL

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The concept of judicial activism innovated and developed in the USA. In India, the doctrine of judicial activism was introduced in mid-1970s by Justice V.R. Krishna Iyer, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy and Justice D.A. Desai.

**MEANING:** Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and in the promotion of justice in the society. In other words, it implies the assertive role played by the judiciary to force the other two organs of the government i.e. legislature and executive to discharge their constitutional duties.

The chief instrument through which judicial activism has flourished in India is Public Interest Litigation or Social Action Litigation. In normal matter of law, an individual can approach the courts only if he/she has been personally aggrieved. That is to say, a person whose rights have been violated by any authority/person or who is involved in a dispute, could move the court of law. From 1979, the Supreme Court set the trend when it decided to hear a case where the case was filed not by the aggrieved persons but by others on their behalf. In that case involved a consideration of an issue of public interest, that and such other cases came to be known as public interest litigations. On the same time, the Supreme Court also took up the cases about rights of prisoners. Judicial Activism opened the gates for huge number of cases where public spirited citizens and voluntary organisations sought judicial intervention for protection of existing rights of person, betterment of life conditions of the poor, protection of the environment, and many other issues in the public interest. Public Interest Litigation (PIL) has become the most important instrument of judicial activism. Judiciary, which is an organisation that traditionally confined to responding to cases brought before it, began considering many cases only on the basis of newspaper reports and postal complaints received by the court. Consequently, the term judicial activism became the more popular description of the role of the judiciary. Through the PIL, the court has expanded the idea of rights of citizen like clean air, unpolluted water, decent living etc. These rights are for the entire society. Therefore, it was felt by the supreme courts that individuals as parts of the society must have the right to seek justice wherever such rights were violated. Secondly, through Public Interest litigation (PIL) and judicial activism of the post-1980 period, the judiciary has also shown readiness to take into consideration rights of those sections who cannot easily approach the courts. For this object, the judiciary allowed public spirited citizens and social organisations and lawyers to file petitions on behalf of the needy and the deprived.

Judicial activism has had multifarious impact on the political system. It has democratised the judicial system by giving not just to individuals but also a group access to the courts. It has forced executive accountability as well. Judicial Activism has also made an attempt to

make the electoral system more free and fair likely the court asked candidates contesting elections to file affidavits indicating their assets and income. As well as candidate disclose by affidavits their educational qualifications so that the people could elect their representatives based on accurate knowledge.

There is however a negative side to the large number of Public Interest Litigations and the idea of a pro-active judiciary. In the first place it has encumber the courts. Secondly, judicial activism has blurred the line of distinction between the judiciary on the one hand and the executive and legislature on the other. The court has been involved in resolving questions that is belonging to the executive.

Thus, for example, environment, reducing air, sound pollution and investigating cases of corruption or bringing about electoral reform is not exactly the duty of the Indian Judiciary. These are matters to be handled by the administration under the supervision of the related legislatures. Therefore, some people feel that judicial activism has made the balance among the three organs of government and state. According the constitution of India democratic government is based on each organ of government respecting the powers and jurisdiction of the others.

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## **HIGH COURT**

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The constitution provides for a High Court at the apex of the State judiciary system. Chapter V of Part VI of the Constitution of India contains provisions regarding the organisation and functions of the High Court from Article-214 to 231. According to Article 214 which says “there shall be a High Court for each state”, every state in India has a High Court and these courts have a constitutional status.

At present, there are 24 High Courts in India. Out of them, six High Court are common. The parliament has the power to establish a common High Court for two or more states by 7<sup>th</sup> Constitution Amendment. For example, Punjab and Haryana have a common High Court. Similarly, for Assam, Nagaland, Meghalaya, Manipur and Tripura have common High Court. Likely we have six common High Court in India. In case of Union Territories, the Parliament may by law extend jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from any Union Territory. Parliament can also create a High Court for a Union Territory as well. Like, Delhi, a Union Territory, has a separate High Court of its own while, the Kerala High Court has jurisdiction over Lakshadweep, the Madras High Court has jurisdiction over Pondicherry, the Mumbai High Court over Dadra and Nagar Haveli, the Punjab Haryana High Court over Chandigarh, the Kolkata High Court over Andaman and Nicobar Islands,.

### **Composition of the High Court**

In High Court, there is no minimum number of judges. The President decide the number of judges in each High Court time to time. The Chief Justice of the High Court is appointed by the President of India in consultation with the Chief Justice of India (CJI) and the Governor of the State, who is actual and real executive head of the State. In appointing the judges, the President is required to consult the Chief Justice of the High Court also. The

Indian Constitution also provides for the appointment of additional judges to cope with the work. However, these appointments are temporary not exceeding two years period and there age should not be more than Sixty-two year.

A judge of a High Court normally holds office until he attains the age of sixty-two years. He can vacate the seat by resign to the president. He can also vacate the seat being appointed a judge of the Supreme Court or by being transferred to any other High Court by the President. A judge can be removed by the President on grounds of misbehaviour or incapacity same as Supreme Court judge.

### **Qualification of Judges**

Any person can be appointed as a judge of the High Court by having the following qualification [Article-217(2)].

1. He should be a citizen of India.
2. He should have held a judicial office in the territory of India for at least ten years;

Or

He should have been an advocate of a high court for at least ten years.

Or

Note: From the above, we can say that Constitution has not prescribed a minimum age for appointment a judge of the High Court.

### **Removal of Judges**

A judge of the High Court can be removed by the impeachment there after an order of the president. There are two grounds those are mentioned in the Indian Constitution for the removal of judge of the High Court. 1. Proved Misbehaviour (OR) 2. Incapacity. The removal procedure of a Judge of the High Court can be initiated either in the Lok Sabha or in the Rajya Sabha

#### **If the procedure begins in Lok Sabha.**

A removal motion of a High Court judge is signed by 100 members of Lok Sabha. ➔ The signed removal motion is submitted to the speaker of Lok Sabha. Either the Speaker may admit or refuse to admit the same. ➔ If it is admitted, the Speaker constitutes a three-member committee to investigate into the charges.

#### **The committee should consist of**

1. The CJI (OR) a judge of the Supreme Court
2. A chief justice of a high court
3. A distinguished jurist.

If this committee finds the judge to be guilty of misbehaviour or Suffering from incapacity the Lok Sabha can take up the consideration of the motion. ➔ There after it is

passed in Lok Sabha with a special majority the motion is presented to the Rajya Sabha. If that motion also passes in the Rajya Sabha with a special majority an address is presented to the President for the removal of the judge. ➔ The President passes an order removing the judge.

**If the procedure begins in Rajya Sabha.**

A removal motion of a High Court judge is signed by 50 members in the case of Rajya Sabha. ➔ The signed removal motion is to be given to the Chairman of Rajya Sabha. Either the Chairman may admit or refuse to admit the same. ➔ If it has been admitted, the Chairman constitutes a three-member committee to investigate into the charges.

**The committee should consist of**

1. The CJI (OR) a judge of the Supreme Court
2. A chief justice of a high court
3. A distinguished jurist.

If this committee finds the judge to be guilty of misbehaviour or Suffering from incapacity the Rajya Sabha can take up the consideration of the motion, ➔ There after it is passed in Rajya Sabha with a special majority the motion is presented to the Lok Sabha. If that motion also passed in the Lok Sabha with a special majority an address is presented to the President for the removal of the judge. ➔ The President passes an order removing the judge.

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**JURISDICTION OF HIGH COURT**

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The original jurisdiction of a High Court includes enforcement of Fundamental Rights and settlement of disputes relating to the election to Union and State legislatures and jurisdiction over revenue matters also. High Court appellant jurisdiction extends to both criminal and civil matters. In criminal matters, all appeals from decisions of a session’s judge or an additional sessions judge where a sentence of imprisonment exceeds seven years and other specified cases other than petty crimes constitute the appellant jurisdiction of the High Court. In civil matters, by law, the High Court is either a first appeal or a second appeal court. In addition to these normal original and appellant jurisdictions, the Constituent vests the High Court with some additional powers. These are:

The power of the High Court to issue writs or orders for the enforcement of the Fundamental Rights.

1. The writ jurisdiction of a High Court is wider than that of the Supreme Court. It can not only issue writs not only in cases of infringement of Fundamental Rights but also in cases of an ordinary legal right as well.
2. High Court has the power of superintendence over all other courts and tribunals except those dealing with the armed forces like court marshal.

3. It can frame rules and also issue instructions for guidance from time to time with directions for effective and speedier judicial remedy.
4. It has the power to transfer cases to itself from subordinate courts concerning the interpretation of the constitution. It has also the power to appoint officers and servants of the High Court.
5. In certain cases, the jurisdiction of High Courts is restricted. For example, High Court has no jurisdiction over a tribunal and no power to invalidate a Central Act or even any rule, notification or orders made by any administrative authority of the Union, whether it is volatile of Fundamental Rights are not.

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## **SUBORDINATE COURTS**

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There is a hierarchy of courts under the High Court which are referred as subordinate courts. Since these courts have come into being because of enactments by the state government, their nomenclature and designation differs from one state to another state. Every state is divided into districts and each district has a district court which has an appellate jurisdiction in the district. Under the district courts, there are several lower courts such as the Additional District Court, Sub-Court, Munsiff Magistrate Court, Court of Special Judicial Magistrate of Class-II, Court of Special Judicial Magistrate of Class-I, Court of Special Munsiff Magistrate for Factories Act and Labour Laws, etc. At the bottom of the hierarchy of Subordinate Courts are the Panchayat Courts (Nyaya Panchayat, Gram Panchayat, Panchayat Adalat etc). They are not considered as courts under the purview of the criminal court's jurisdiction.

The function of the District Court is to hear appeals from the subordinate courts. Also, the courts can take cognisance of original matters under special status for example, the Indian Succession Act, the Guardian Act and Wards Act and Land Acquisition Act.

The Constitution of India ensures independence of subordinate judiciary. Appointments for the District Courts are done by the Governor in consultation with the High Court. To be eligible for appointment, one should be either an advocate or a pleader of seven years standing, or an officer in the service of the Union or the State Government. Person appointment other than the District Judges to the judicial service of a State is done by the Governor in accordance with the rules made by him in that behalf after consultation with the High Court judge and the State Public Service Commission. The High Court exercise power over the District Courts and the courts subordinate to them, in matters related to posting, promotions and granting of leave to all persons of the State Judicial Service.

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## **CONCLUSION**

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In this chapter, we have studied the role of the judiciary in our democratic country. In spite Of the issues that arose from time to time between the judiciary and the executive and the legislature, the reputation of the judiciary has increased significantly. At the same time, there are many more expectations from the judiciary. Normally citizens also wonder how it is



possible for many people to get easy acquittal and how witnesses change their testimonies to suit the wealthy and the mighty. These are some issues about which our judiciary is concerned too. In this chapter, you have seen that the judiciary in India is a very powerful organ. This power has generated much awe and many hopes from it. Judiciary in India is also known for its independence and fairness. Through various decisions, the judiciary has given new interpretations to the Constitution and protected the rights of persons. As we saw in this chapter, democracy hinges on the delicate balance of power between the judiciary and the Parliament and both organs have to function within the limitations set by the Constitution. You have learned about Judicial Review also. Judicial review is a technique by which the courts examine the actions of the legislature, the executive and the other governmental agencies and decide whether or not these actions are valid and within the limits set by the constitution. The basis of judicial review is (a) that this law is superior in status to the laws made by the legislature that is itself set up by the constitution, and (b) that the constitution is a legal instrument. It is now well established in India that judicial review constitutes the basic structure or feature of the Constitution of India.

#### **Some Useful Books**

- ❖ G. Austin (2010), *The Indian Constitution: Cornerstone of a Nation*, New Delhi: Oxford.
- ❖ University Press, 15th print (Chapter 7: *The Judiciary and the Social Revolution*, pp.164-185).
- ❖ Chakravarty, B. & Pandey, K. P. (2006) *Indian Government and Politics*. New Delhi: Sage.
- ❖ Singh, M.P. & Saxena, R. (2008) *Indian Politics: Contemporary Issues and Concerns*. New Delhi: PHI Learning.
- ❖ Austin, G. (1999) *Indian Constitution: Corner Stone of a Nation*. New Delhi: Oxford University Press.
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- ❖ Chakravarty, B. & Pandey, K. P. (2006) *Indian Government and Politics*. New Delhi: Sage.
- ❖ Chandra, B., Mukherjee, A. & Mukherjee, M. (2010) *India after Independence*. New Delhi: Penguin.
- ❖ Singh, M.P. & Saxena, R. (2008) *Indian Politics: Contemporary Issues and Concerns*. New Delhi: PHI Learning.

- ❖ Vanaik, A. & Bhargava, R. (eds.) (2010) *Understanding Contemporary India: Critical Perspectives*. New Delhi: Orient Blackswan.
- ❖ Jayal, N. G. & Mahta, P. B. (eds.) (2010) *Oxford Companion to Indian Politics*. New Delhi:

**Some Sample Question from this Chapter**

1. Explain the original power and jurisdiction of the Supreme Court. How it resolves the federal dispute in the entire territory of the country?
2. Explain in what areas does the Supreme Court have original jurisdiction?
3. How we can say that public interest litigation helps the poor?
4. Do you agree that judicial activism can lead to a conflict between the judiciary and the executive? Why?
5. How is judicial activism protect fundamental rights? Has it helped ever in expanding the scope of fundamental rights?
6. What is Writ jurisdiction? do you agree that the writ jurisdiction of a High Courts is wider than that of the Supreme Court?

**Lesson-1**

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**CASTE**

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Vishal Kumar Gupta

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**1.0 ABSTRACT**

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In order to get understanding regarding the Indian politics, first of all, we need to understand the power-structure in India *i.e.*, Caste, class, patriarchy. All these are inherited in traditions of India for long span of time. Thus, it becomes necessary to understand these structures in our society and how it is interpreted by many scholars over the time and how it is functioning with the changing scenario of social-economic-political milieu. We need to understand the emerging politics in relations with these tenets to understand the converted Indian politics. In this chapter, we analyze the power structure in India in terms of caste and its relationship with politics and will interpret that how caste politics have been an important and inalienable part of Indian government and politics.

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**2.0 OBJECTIVES**

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- 1) To know the power structure in India particularly in the context of caste.
- 2) To get knowledge about how the Caste is structured in social perspectives.
- 3) Imbibe with the structure of caste in political terms.
- 4) How the Caste associations reflect the Indian democracy, how it has been emerging and how it has influenced the bottom of Indian society as well.
- 5) Constitutional safeguards for backward caste and;
- 6) We will be able to know how caste have been emerged in the political structure of India and its impacts on Indian society as well.

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**3.0 INTRODUCTION**

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Prior to the government of India act, 1935, the “schedule” caste was classified as the ‘depressed classes’. “This social group is categorized amongst the poorest and most subordinated in terms of human development in Indian society. In five states of India *i.e.* UP, West Bengal, Bihar, Tamil Nadu and Andhra Pradesh, more than half of SC population is concentrated. The historical processes of economic and social exclusion, and discrimination based on caste are responsible for the depreciation of this group”.

“Schedule” refers to a schedule to the Constitution, and “scheduled caste” belongs to such castes, races, “tribes, or parts of groups within castes, races, or tribes as deemed under article 341 of the Indian Constitution” for the purpose of the constitution. Government of

India act 1935, considered these scheduled caste population to be determined on the basis of following deprivation, particularly socio-economic; that they:

- Occupy low position in Hindu social structure
- Have inadequate representation in government services
- Are inadequately represented in the trade, commerce and industrial sector
- Suffer social and physical exclusion from the rest of community
- Lack educational development amongst the whole community.

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#### **4.0 POWER STRUCTURE OF CASTE: A SOCIAL PERSPECTIVE**

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The nomenclature of 'caste' is derived from the Portuguese word 'casta' 'which means 'breed' or 'lineage' or 'race'; known as 'jati' in Indian context that refers 'birth'. The structuralists define caste as a 'closed rank group' and cultural system viewed this as a 'set of values, beliefs and practices'.

**KETKAR** – “A caste as a social group having two characteristics: -

- First, membership is confined to those who are born of the members *i.e.*, hereditary membership
- Secondly, members are forbidden by an inexorable social law *i.e.*, endogamy.”

**C. H. COOLEY**– “when class becomes strictly hereditary, then it is a caste.”

Caste as a form of social stratification that is associated with ritual status in hierarchical system of society, which is based on the concept of purity and pollution. According to Manuscript, the Brahman occupies uppermost rank followed by Kshatriyas, Vaishya and Shudras and untouchables stands even below the Shudras and made them to be discriminated with various disabilities as follow:

- Denial of access to public facilities *i.e.* roads, Wells, courts, post offices, schools.
- Restriction of access to temples or where their presence was sought to pollute the higher class.
- Not allowed to learn Vedas and cannot become a holy man.
- Excluded from honorable and profitable occupation and therefore, restricted to do menial job.
- Remain outside the village due to residential segregation.
- Denial of using comforts and luxury goods and were denied to right to ride on horseback or bicycle, umbrella, gold, silver ornaments and palanquins to carry brides.
- Restrictions of access to services.
- Uses of different utensils were compulsory requirement

- Not allowed to do movement within prescribed distances of residences of higher caste.
- Imperatives of deference in forms of address, language, sitting and standing in the presence of higher castes.

“Caste as an epitome of the Indian ‘traditional’ society, represent a ‘closed system’ in which generation after generation opt for similar kinds of work” that is in contrast of the modern Western industrial societies as ‘open system’ of the social stratification, where individuals can opt for their occupation according to their abilities and could move up in the hierarchy system of society. Such mobility was impossible in the caste system. It is different from class system. While caste is traditional, class has emerged with the process of secularization of occupation and industrialization.

#### **4.1 NON - DALITS: WHO THEY ARE**

Two perception about non-Dalit community, are predominantly famous:

- First, the non-Dalit are the one which are Dwija-born (twice-born); the Brahmins, Kshatriyas, Vaishyas and Shudras.
- Second, racially different and historically outsiders- the Aryans. This Aryan theory, invented by Friedrich Max Muller (1823-1900), considered Shudras, untouchables and tribal as the ‘natives’- the original inhabitants of the land called ‘Bharat’, and the Dwija-born as outsiders.

#### **4.2 AMBEDKAR ON CASTE**

B.R. Ambedkar viewed the rigidity of the caste system as it is based on graded inequality that is inherited in society “as a fundamental principle beyond any kind of controversy. These four classes are not only different but also unequal in status in the hierarchical social system and does not recognize equal need, equal work or equal ability as the basis of distribution of reward for labor”. It is founded on the prescribed graded occupation that is inherited from generation to generation. There is confinement of interaction of people in the Hindu social order to their respective classes that is reflected in the “restriction on inter-dining and inter-marriages between people of different classes. He says that Hindu social order is primarily based on the ‘Varna’ or class as the unit of society rather than an individual. There is no room for individual merit and no consideration of individual justice.

He decries the division of society into varnas as it has failed to uphold liberty, equality and fraternity- the three pillars of a free democratic social order. He adds—“the most extensive manifestation of this spirit of isolation and separation is that castes are divided into sub castes. So, what fraternity can there be in a social order based upon such sentiments?” He considered “Hindu social order as against the ‘equalitarian temper’ that do not allow equality of a circumstances, institutions and lifestyle to develop. There is absence of ‘liberty of action’ because the occupation and status of the individuals are all fixed on the basis of their birth in a particular family. He was of the opinion that Hindus believe in the law by which people are

to be governed, already exist in the Vedas and no human being is empowered to bring about a change in the existing laws”.

According to Ambedkar, “this subdivision of a society is quite natural. But the unnatural thing about these subdivisions is that they have lost the open-door character of the class system and have become the self-enclosed units called castes. The question now arises were they compelled to close their doors and become endogamous, or did they close themselves of their Accord? For this, Ambedkar answered some have closed their doors, others found it closed against them. The one is a psychological interpretation and other is mechanistic, but they are complementary”.

Ambedkar recites GABRIEL TARDE's laws of imitation in this context—“imitation flows from higher to lower. The intensity of imitation varies inversely in proportion to distance.....and distance is understood here in the context of sociological meaning. By criticizing the caste and its division of labor or stratification of occupations; Ambedkar was of the opinion that caste system does not permit the readjustment of employment and hence caste becomes a cause of much of the unemployment in the country. It is based on the dogma of predestination”.

Furthermore, he questions the wisdom of socialists and suggest that “religion, social status, and property are all sources of power and without bringing reform in social order, one cannot bring about the economic change. He also cautioned the socialists that the proletariat or the poor do not constitute a homogeneous category. Indeed, they are divided or categorized not only on their economic status but also on the basis of caste and creed. Therefore, they cannot unite themselves against those who tend to exploit them. Communities in a graded order in the Hindu religion makes it impossible to organize a common front against the caste system. Castes form a graded system of sovereignty, high and low which indicates the jealously inherited of their status and are feared about the general dissolution of caste. They have fear about if this dissolution would happen, some of them would lose more prestige and power than others. Hence, it is not possible to organize a mobilization of the Hindus”.

He was of the opinion in his “Annihilation of caste” that caste is a notion; it is a state of the mind. It is essential to attack on the sacredness and divinity of the caste in order to abolish or annihilate the caste system. In other words, the real way to annihilate the caste system is “to destroy the belief in the sanctity of the Shastra”. Thus, he emphasized on the need to formulate political laws in a constitutional way in order to dismantle the caste system to promote the wellbeing and to empower the vulnerable people owing lower status.

#### **4.3 The constitutional approach towards Dalit empowerment**

The approaches and intervention of government towards the uplifting scheduled caste are primarily based on the following two considerations: -

- First, to overcome the deprivation, that the backward castes have inherited due to historical exclusion and, to possible extent, to bring them at par with others in the society.

- Finally, encouraging their effective participation in the social, economic and political processes of the country by providing them protection against exclusion and discrimination in the society.

In order to achieve these ends, government institutions needed a two-fold strategy consists of:

- Anti-discriminatory or protective measures;
- Development and empowering measures through their participation in the decision-making process of the country.

Therefore, the educational development of these vulnerable castes is thrust area for the government as these communities have a “low literacy rate; high dropout rate at the primary, secondary and higher qualification level; low quality education and the existence of highly discriminatory and exclusionary practices, which are deterrent to their participation in the participatory empowerment”. Therefore, the government entails:

- Improved qualitatively the educational infrastructure, especially in those areas inhabited predominantly with these backward castes;
- to ensure implementation of reservation system in educational institutions;
- providing financial support in terms of scholarships and fellowships at local, regional, national and international level;
- providing coaching facilities to these vulnerable social groups to build their qualitative capability;
- providing special hostels for the boys and girls;
- promote equal opportunities to these vulnerable social groups by ensuring and emphasizing particularly on girl/ women education.

The safeguards have been provided in Indian Constitution to facilitate the implementation of the directive principles contained in Article 46 “The state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the scheduled castes and the scheduled tribes, and shall protect them from all social Injustice and all forms of exploitation.” For this purpose, various provisions related to SCS are contained in part 3(fundamental rights);4 (The Directive Principles of the state policy); 6,14,16, and 19 (appointment of ministers for the welfare of the SCs) of the Constitution. The Constitution of India guarantees-

- Article 14 – Equality before law
- Article 15(4)–Advancement of any socially-and educationally backward class or for SCs
- Article 16(4)–Empowers the state to make provisions for reservation in appointments or posts in favor of any backward castes as citizens.

- Article 17–Untouchability stands abolished and its practices in any form is forbidden.
- Article 46–Promote, with special care, the educational and economic interests of the weaker sections of society and promises to protect them from social injustice and all forms of exploitation.
- Article 330–Reservation of seats for SCs in democratic institutions and article 335 in the services, is a measure of positive discrimination.
- Article 340–Empowers the state to appoint a commission to investigate the conditions of the socially and educationally backward classes; and
- Article 341(2)–Specify the castes to be deemed as SCs.

The reservation policy plays an important role in the government services, state-run and state-supported “educational institutions, and various democratic political bodies; is part of the anti-discriminatory or protective measures”. This is to ensure proportional participation of backward castes in public sector as well as in various political democratic bodies and institutions. This proportional participation of backward castes might not have been realized without this “positive discrimination” or “affirmative action” due to the prevalence of historical existing discrimination and exclusion. Thus, reservation policy is to ensure social justice to the disadvantaged groups by providing: -

- Safeguards for public employment/ services,
- Provisions regarding entry into government educational institution
- Provision related to reservation of seats in Central and state legislation in political bodies and institutions.

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## **5.0 CASTE, MODERNITY AND DEMOCRATIC POLITICS IN DEVELOPING INDIA: A POLITICAL PERSPECTIVE**

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Caste as an important variable, the functioning of the Indian political process; determine the electoral outcomes; work as pressure groups a; influence in governance agenda of the Indian state and local, regional, international levels and structure political parties, their leadership and programs. MARC GALANTER in “Competing Equality: Law and the Backward Classes in India” (1984) describes that the leaders of the independent India decried the caste as foundation of nation not just only because of the moral position against this ‘traditional’ institution, but, also recognized the crippling impact of the caste system over the centuries on the subordinated sections of the Indian people and hence, its implications on building a true democracy and individual citizenship. Thus, Indian constitution ensured legal and institutional measure to empower the “communities of disadvantaged people to participate in the game of Democratic politics on equal basis”.

G. S. GHURYE in ‘Features of Caste System’ (1991) has “identified basically six features of the Hindu caste system as follow:

1. Segmental division of society



2. Hierarchy
3. Restriction on feeding and social intercourse
4. Civil and Religious disabilities and privileges of different sections
5. Lack of unrestricted choice of occupation and
6. Restriction on marriage”

Thus, cast as a unitary system.

DUMON, L. (1998) in “How Hierarchicus: The Caste System and its Implications” describes about the specific relationship “between status and power in Hindu society. Unlike the West, where power and status generally exist simultaneously; in the caste system there is divergence between these two that reflects in caste society, status as foundation of social organization is superior to power”. In other words, “Status encompassed power”.

There is an ideological unity and cultural consensus across caste groups. However, M. N. SRINIVAS talks about “Sanskritization” that denotes a “process by which a 'low' Hindu caste, or tribal or other group, changes its customs, ritual, ideology and way of life in the direction of high and frequently, 'twice-born' caste. So, now they claim the higher position in the caste hierarchy”. This is reflected in the modern Indian self- image where the “Indian past is constructed as an unchanging ‘tradition’ and its future is imagined in an evolutionary schema as a model for imitation in the name of modernization”. It is believed that in an evolutionary imagining of India, caste will be disappeared with the emerging processes of the industrialization, urbanization and modernization.

In “spite of completely replacing the traditional ‘ascriptive parochial structures’ of caste society with an open system of social stratification based on individual choice, new modes of governance and growing use of modern technology could strengthen caste”, to some extent at least, while weakening its structural logic.

GHURYE, G.S in “Caste and Race in India” (1932) comments on this “nature of change was experienced in southern provinces with the rise of non-Brahmin movements; and argued that this attack on hierarchy by such mobilization does not mean the end of caste. Instead these mobilizations have generated a new kind of collective sentiment, ‘the feeling of cast solidarity’ or in other words”, it is a “caste patriotism”.

SRINIVAS, M. “Caste in Modern India and Other Essays” (1962) has talked about the “consequences of modern technology and the representational politics, which were introduced by the colonial rulers in India” that cast is experiencing a “horizontal consolidation” instead of disappearing with the process of modernization. In the context of impact of modern technology, he wrote- “the introduction of printing, regular postal service, vernacular newspapers and books, telegraph, Railways and buses, has enabled the representatives of a caste living in different areas to meet and discuss their common problems and interests. Western education gave a new political value such as liberty and equality. The educated leaders started caste journals and held caste conferences. Funds were collected to

organize the caste, and to help the poorer members. Caste hostels, hospitals, co-operative societies etc., became a common feature of urban social life. In general, it may be confidently said that the last hundred years have seen a great increase in caste solidarity.”

Similarly, in the context of representation in politics done by British, helped in the horizontal consolidation of caste. “British gave certain amount of power to local self-governing bodies, preferences and concessions to backward castes; provided new opportunities to cast and in order to take advantage of these opportunities, caste group entered into the alliances with each other to form bigger entities”. However, this “horizontal solidarity of caste also meant a kind of ‘competition’ among different castes at the political-economic plane and therefore, eventually has weakened the vertical solidarity of caste”.

DUMONT, LOUIS (1998) also followed Srinivas and argued that caste did not disappeared with the “process of economic and political change, but their logic was altered from ‘structure’ to ‘substance’ *i.e.*, substantialization of caste, refers – the transition from a fluid, structural universe in which emphasize is on interdependence, in which there is no privileged level, no firm units; to a universe of self sufficient and competition with one another and caste appears as a collective ‘individual’ as a ‘substance’”.

### **5.1. CASTE ASSOCIATIONS**

LLOYD RUDOLPH and SUSANNE RUDOLPH “study the phenomenon of caste associations in a democratic India and viewed it as agents of modernity in a traditional society like India. The caste associations work as a pressure group and have an important role in the upward social mobility of the caste communities”.

RAJNI KOTHARI in “Caste in Indian Politics” (1970) “argued against the famous ideology that the democratic politics is helping traditional institutions like caste to resuscitate and re-establish their legitimacy”. Instead, this could lead to “disintegrative tendencies” and could “disrupt the democratic and secular framework of Indian polity”. In his words, “the consequences of caste politics and interaction are reverse of what is generally stated. However, it is not politics that gets caste - ridden; it is caste that gets politicized. It is because the competitive politics has brought caste out of its apolitical context and given it a new status that the ‘caste system’ hitherto has eroded and has begin to disintegrate and has made caste federations on the basis of caste identities but acquire non- caste functions, become more flexible in organization, started to accept members and leaders from castes other than those with which it is started, stretches out to new region and find common cause with voluntary organizations, interest groups and political parties and hence, over the time, these federations becomes a distinctly political group.”

SHAH, GHANSHYAM also make similar view that, albeit, “in the long run the cast associations did promote competitive politics and participation, it also exacerbated parochialism. ARNOLD argued - notwithstanding this deviation into the democratic politics, caste associations has played an important role in spreading the culture of Democratic politics in those areas that were hitherto governed by tradition”. The caste association as a social

adaptor connecting social and political forums at the same time. While reconciling the values of traditional society by using “caste as the basis for social organization; also introducing new objectives i.e. education and Supra- local political power”. He analyzed the caste associations in South India where the “leaders of these associations did not come from the traditional caste authorities but from the most enterprising of the misfits- the Western educated, the lawyer, urban businessman, the retired government servants to establish themselves more firmly in their non traditional careers”.

“Two most important developmental initiatives taken by Indian state during the post-independence period, that has changed the power structure in India in terms of caste patterns particularly:

1. Land reforms legislation, designed to weaken the hold of the non cultivating intermediaries by transferring ownership rights to the tillers of the land.
2. Rural social change, such as the Community Development Programme, Panchayati Raj, and Green Revolution; that directly helped the rich and powerful in the village, who belonged to the mostly locally dominant castes groups, to further consolidate their hold over local and regional politics.”

So, “when electoral politics based on the principle of universal adult franchise was offered them new opportunities, these locally middle level dominant caste groups were able to politicize themselves rather easily. The decade of 1980s and 1990 transformed the caste politics relationship from the Politics of ideology to the Politics of representation” (YADAV, YOGENDRA and PALSHIKAR, SUHAS)

The geopolitics of the world was transformed such as “collapse of the Soviet Union, end of the Cold war, unleashing of new technology of communication; which saw the beginning of New phase of global capital known as, ‘globalization’ that was not parochialized merely to the economy alone but also influenced culture and politics” and led new possibilities for networking and therefore, social action was possible on large scale. It was the phase when new political questions like environment, human Rights, gender rights, were emerged simultaneously across the world and most importantly, these new movements found a new kind of legitimacy and strength due to networking across national boundaries with the help of growing technologies. For instance, Narmada Bachao movement against the dam construction “invested considerable amount of energy in mobilizing internal public opinion and global funding agencies”. Thus, as JODHKA views that “these new social movements questions the wisdom of developmental agenda promoted by post colonial state in India and saw the beginning of liberalization policies and withdrawal of state from the sphere of economy and gradually disenchantment with the Nehruvian framework of social change and development”.

As SUDIPTA KAVIRAJ put this in a new context that due to these new social movements, the question of caste and politics was framed in the “language of Identity politics particularly by Dalit groups. Thus, the Identity of scheduled castes or ex- untouchable

communities is a constructed, modern identity, mobilized by new leadership arose from within the Dalit groups itself and used the language of equality and democratic representation. Over the years, due to the reservation policy in government jobs and educational institutions, Dalit middle class numbers grew and hence become easy in articulating their experiences of discrimination” at the workplace or The prejudices against their communities at large in the society; that helped them to form themselves in separate associations to mobilize their caste- fellows. ZELLIOT, E. in “From Untouchable to Dalit: Essays on the Ambedkar Movement” (2001) poor it as–“this was the period when Ambedkar was re-discovered as a universal icon of Dalit identity and a symbol of their aspirations.”

SHAH, S. in “Caste and Democratic Politics in India” (2002) supports this–“the new class of political entrepreneurs such as Kanshi Ram and Mayawati has “emerged from amongst the ex-untouchable communities used the idea of Dalit identity and mobilized the schedule Caste community as a United block on the issues of development with dignity”.

All these transformations were termed as ‘development in ideological and social environment’. The continued participation in the democratic political process has led the “upper segments of the rural economy to look towards cities for further mobility and also gave a sense of self worth to those at the bottom segments of society”. However, it is argued that it did not lead to a “democratization of rural society because in the context of the caste, the rural power revolved around the land-owning dominant caste; and in the context of class, the rich land owners and money lenders used to control the rural economy. In rural India, the panchayats too became an arena of influence and power of the dominant groups”.

Here, one question arises that whose caste and politics are we talking about? Because “notwithstanding the rise of autonomous Dalit politics and their substantial empowerment in certain context and in some arena of the country, the realities regarding power and dominance have not disappeared. Albeit, caste has weekend ideologically and older forms of untouchability are receding on one hand, atrocities committed on Dalit by the locally dominant caste remained unaltered”.

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## **6.0 DECLINE OF BACKWARD CASTE POLITICS IN NORTHERN INDIA**

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Backward Caste politics in North India took a significant change during the 1980s and 1990s as a result of ‘Second democratic upsurge’ as YOGENDRA YADAV has talked about political entrepreneurs such as Kanshi Ram and Ram Manohar Lohia were able to achieve backward caste homogenization only partially because backward caste politics took a new trajectory with other marginalized groups i.e. subaltern class to displace ‘caste-politics’ by ‘class politics’, where ‘economic’ phenomenon is predominant over the ‘social’ and the ‘political’. It reflects that caste groups are no more threatened by ‘identity crises’, instead they have learnt to reassert themselves in their respective caste identities. In fact, they are disappointed with their caste based political parties which have capitalized on their identity but without addressing their economic problem that has necessitated restructuring new social coalitions through inclusive politics.

One of the most important reason for decline of the backward movement in North Indian states may be the rise of elite based leadership of backward caste and this failed to become a mass based radical movement. A.K. VERMA has stated that the focus in North Indian states has been shifting from inter caste exploitation to intra-caste exploitation, as caste relations in India are governed by relative caste superiority- inferiority in caste hierarchy and each caste is in conflictual relationship. Verma put that Western liberal societies insist upon ideology based political contestations where mobilization is possible only on the basis of the political, i.e. ideology; while India accepted Western liberal Democratic model for its polity based on the society which is Rich in diversity, multiculturalism and heterogeneity, that means, we had primordial factors such as caste, religion, language, ethnicity and so on. But we had also ideologies, and at the time of independence we could use either of these two factors as instrument of effective political mobilization. However, we opted for the social (caste) over political (ideology). Why it is so? For this VERMA argue that was because of historical reasons, means, during the period of independence struggle, all social denominations came up in the rainbow social umbrella of the Indian National Congress and acquiring common political orientation. So, it was ideological homogenization.

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## **7.0 CONCLUSION**

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Notwithstanding the pan-character of the structure of caste, it varies from regions to regions due to having the different structures in different societies with different specifications. They vary from one caste structure to another caste structure even ideologically. Their understanding regarding the participation in the political institutions and structures are not identical for everyone and hence, caste is not arigid or unidirectional unit, after all, instead it is of a dynamic identity. SUDIPTA KAVIRAJ argued, that “instead of crumbling with historical embarrassment, caste group, in fact, adapted themselves well to the demands of the parliamentary politics and in this sense, it created a democracy of castes in place of a hierarchy”.

Hence, we can say that caste represents the core of India in the power structure, and this is not only such institution which give characteristics of the structure of social stratification. Instead, it is both an institution as well as an ideology. When we see this institutionally, then caste provides a definition for managing and organizing the socially organized groups in terms of their status in the socio-economic-politico milieu. On the other hand, when it is looked from the lenses of an ideology, then caste becomes a system of beliefs that provide legitimacy and reinforcing the prevailing framework of social inequality and discrimination. However, the transformation and alteration of existing realities of caste has led many possibilities for dynamic relationship between caste and the democratic political processes. Ergo, political scientists, with the coming up of 1960s, began talking about caste and politics in a different way. The eventual process of the institutionalization of Democratic politics has altered the caste equations from the so-called ‘traditionally pure upper castes’ to the ‘middle level dominant castes’ and thus, established a process of ‘different power structure of caste in India’.

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## SOME IMPORTANT QUESTIONS FROM THIS CHAPTER

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- 1) Describe the power structure in India particularly with reference to caste context.
- 2) How does the caste is structured in a social perspective as well as in a political perspective?
- 3) Write a short note on:
  - a. Constitutional safeguards for backward castes
  - b. Rajni Kothari on caste
  - c. Relationship between Caste and politics
  - d. From caste-politics to class politics in Northern India

- 4) How did the caste was emerged in the political structure of India and what are its implications on caste in society?
- 5) How caste associations reflect the caste politics in India? To what extent it has Empowers the caste communities on the bottom level?
- 6) Write a summary on what Ambedkar has imbibed in his “Annihilation of caste”.

## Lesson-2

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# CLASS

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Rahul Mishra

### Contents

- I. Introduction and Overview
- II. Class as a concept
- III. Determinants and nature of class
- IV. Theories of class
- V. History of class in India
- VI. Class structure in India
- VII. Class-caste nexus
- VIII. Conclusion

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## I. INTRODUCTION AND OVERVIEW

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Society naturally consists of different social groups and so there has been not a moment in history of human kind when different classes did not constitute the socio-political reality of Indian society. Classes are distinguished on various accounts like economic, social, and cultural or on other ethnic lines. The source of friction in society comes from any of these distinguishing factors and thus evolves a struggle among the class groups to prove their supremacy over others or challenging subordination by others and this shapes the power structure in society. In this chapter, we shall make an attempt to discuss the concept of class, theories on class and important scholarly viewpoints on class. We then will move on to discuss the history of class and class structure in India and lastly, we shall discuss class in relation to caste, both caste and class are important factors influencing power structure in Indian socio-political context.

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## II. CLASS AS A CONCEPT

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An attempt to understand and define class must recognize that classes do not occur in vacuum rather they are a result of social and political dynamics influenced by historical churn of events or are influenced by certain contexts. A simple understanding of the term class can be drawn by an economic account where class relates to a system of social stratification or hierarchy drawn on economic lines like upper class, middle class or lower class. However, such a class configuration also has differences within these classes, making it a highly heterogeneous category. Class has come to occupy a key place in works of scholars. It has been defined differently by different scholars. Some of these definitions are stated below:



Ogburn and Nimkoff define class by stating that "the fundamental attribute of a social class is associated with 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". Gerth and Mills refer to term class as related to a group of people found in same situation.

John Harris writes that the concept of class "whether derived from Marx or from Weber, refers to the **significance of economic endowments**—whether **material** means of production or possession of particular skills ('human capital'), or **cultural** traits (referred to as 'symbolic capital'), or **social** connections (sometimes described as 'social capital'), which influence person's power in the markets vis a vis labor or money".

Class has come to occupy a key area of interest while understanding the structure of society and the dynamics of power involved therein, in space and time continuum, determining the class itself and its nature as well.

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### **III. DETERMINANTS AND THE NATURE OF CLASS**

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A person's class is largely determined by factors like occupation, property, education or qualification, income of the household or individual income, wealth, family background and situation. Class is necessarily not treated or traced in terms of hereditary or descent but is surely affected by such factors when one traces a person's upbringing or parent's class. It affects one's aspirations and sets limit in terms of resource access and aspirations that one can make in life. However, it must be understood that class allows greater social mobility as people are not bounded by the determinants of the class in strict sense as one's occupation is not fixed by birth and they can challenge these determinants in an effort to push their boundaries. Also, class system allows greater space to socialize with other classes and so mobility remains highly possible.

As understood, the determinants are largely related to one's access to resource base and the struggle involving this underlines the concept of power, making **class a political category**. The class distinction which serves as most foundational involves two categories—first, relating to powerful, one who enjoys power and the second is powerless who does not enjoys power. This also makes class a relative concept as a person's position on hierarchy of class or social stratification depends on the relative positioning of others.

The nature of class is largely determined by the above discussed determinants. Therefore, each class has got associated with certain crucial privileges and responsibilities, both defining and getting defined by their position and power. As a results, class marks subordination and superiority over others. As stated earlier, class is a resultant of social stratification. Raymond W. Murray, a sociologist, stated that social stratification is a

horizontal division of society into ‘higher’ and ‘lower’ social units. This stratification can occur due to differences in occupation and other categories. Such classes share a feeling of association or sympathy for others belonging to same class. Class helps in forming a set of beliefs and influences one’s awareness and responsiveness to one’s surrounding resulting in class consciousness. Members belonging to a certain class share in most ways’ similar standard of living, the choices they make are also similar, drawn on class lines. **Class as a social category** therefore results in creating a society within a society by aligning people from same class.

#### **IV. THEORIES OF CLASS BY MARX, WEBER, VEBLEN AND WARNER**

Class serves as an important tool for analysis in Marxism. In the *Poverty of Philosophy*, while elaborating on the emergence of the working class, Marx explains that economic conditions transform masses into workers. Common interests and common situation are being created because of the domination of capital and therefore a class comes into being in relation to and in response to the capital. This class unites and forms itself into a *class for itself* i.e. when the groups of people as defined by the class structure actually start thinking of themselves as sharing commonalities thus involving *class consciousness* and the interest which it stands to defend becomes the *class interests*. The historical and political factors and processes lead to *class formation*—relating to collective organization amongst people sharing same class position which finally culminates into class struggle i.e. when classes pursue their interests in opposition to those of others. John Harris writes that a Marxian interpretation of history actually traces the essential dynamics of societal change over time through above stated processes.

Also, in *The 18<sup>th</sup> Brumaire of Louis Bonaparte*, Marx gave a viewpoint of **what constitutes class**. He writes that, “In so far as millions of families live under economic conditions of existence that separate their mode of life, their interests, and their culture from those of the other classes, and put them in hostile opposition to the latter, they form a **class**.”

Karl Marx stated that there are two principal categories of classes in a capitalist society and they are bourgeoisie and proletariat. The society is categorized in terms of ownership of means of production and distribution or access to resources which creates a distinction between haves and have-nots—former relates to those who owned the means of production and have access to resources while the latter relates to those who do not have such an access or rather say are deprived of it. Therefore, for Marx class consciousness serves to be the most important factor for class struggle as until the workers are not conscious of their rights they cannot achieve their purpose of an egalitarian society and so in Communist Manifesto Marx writes “workers of the world unite”. He further stated that the feudal class and capital class had derived their consciousness from feudal and capitalist societies, the working class does not has consciousness in a concerted manner and to gain this consciousness consistent effort has to be made.

Economic reasons were the basis of the creation of class and the interests of the owners and workers were antagonistic to each other in a capitalist economy and unless both come to recognize their rights, the exploitation was bound to exist and continue.

### **MAX WEBER'S THEORY OF SOCIAL CLASS**

Max Weber, a German sociologist, had distinct opinion on what constitutes class. According to Weber, class constitutes only one dimension of power relationships, the other being status or honour and party. It is worth noting that for Weber change comes as a resultant of complex interactions of power.

Weber understands class in terms of economic sphere i.e. in domain of markets which means for him classes are distinct from being groups or communities. Class for Weber is a diverse category including people engaged in different professions unlike Marx's distinction of society into two categories. Also Weber underlines the idea of class situation which is related to the relationship of people or group of people to market which underlines and affects important areas of their lives. Weber categorizes four different classes in society namely:

- (i) The propertied class
- (ii) The intellectual, managerial and administrative class
- (iii) The traditional petit bourgeoisie class of small businessmen and shopkeepers
- (iv) The working class

Weber underlines three key features of class—first is life chances which relates to fundamental aspects that “a number of people have in common a specific causal component of their life chances”, second is economic interests- represented exclusively in form of economic interests and is related to possession of goods and income opportunities, and third is markets that is related to commodity or labor markets. (Adams and Sydie 2001)

However, Weber came very close to Marx's viewpoints when the former mentioned that *property and lack of it* serves as a fundamental category of all class situations.

### **VEBLEN'S THEORY OF SOCIAL CLASS**

Thorstein Veblen in his book titled *The Theory of the Leisure Class*, mentions about leisure class—as a unique category of class. Veblen explains that leisure class comprises of the wealthiest people in society, who control, dominate and exploit people from other sections. Veblen takes into account the colonial time which was a dominant factor marking the history at the time of his writing. He makes a comparison between the conquerors and the conquered where he associates the conquerors with the leisure class while the low-status people are compared to those who are conquered.

The leisure class can afford the leisure only because all of the other necessities are fulfilled for them. Veblen says that they made no significant contribution in terms of social production as they never engaged in significant economic production activities by putting

effort of work from their end. They only had wealth to meet their essential needs and it was other sections who worked for them.

### **LLOYD WARNER ON CLASS IN SOCIETY**

Lloyd Warner, an anthropologist, treated class as a 'multi-factored' phenomenon. Although, for Warner the economic factor was most fundamental to social differentiation and stratification, he also stated about 'evaluated participation' factor. Evaluated participation factor was linked to the manner in which an individual participates in community life or social life and his fellow beings in the community evaluate him. The evaluation criteria can include varied counts of evaluation like knowing the right people, being a member of association, a place where one resides and how one spends the money and so on.

Warner came up with a six fold classification on familiar categories like upper, middle, and lower, and each of them was further categorized into an upper and a lower sub-section. Thus, there is an upper-upper class, composed of the community's longstanding elite, families with strong ruling lineage and also a lower-upper class which comprises families with newly acquired wealth, looking forward to a general acceptance in society. Furthermore, the upper-middle class category will consist of people from established business houses and people with professional backgrounds. The lower middle class comprises people of varied white-collar jobs i.e. those with managerial or administrative works, also people engaged in skill-based works and small businesses. It is the upper-lower classes which include people who are skilled and also other workers who work hard. However, they are largely poor but do receive respect in society. It is the lower-lower class which consists of the most depressed people and their way of life is not treated as respectful by other sections of society.

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### **V. HISTORY OF CLASS IN INDIA**

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The theories of class definitely help us examine the concept of class from a theoretical perspective. However, to understand and analyze the class in the Indian context it becomes imperative for us to trace the class characteristic of Indian society. Class inherently carries with it the notion of economic, money or wealth and thus differs from caste which is decided by the accident of birth. In India caste and class do overlap to a certain extent especially in rural India where caste limits the role and occupation one can practice. The caste-class overlap has been also influenced by larger turn of events which history stands to record.

The Indian class character is visible throughout Indian history—although the degree and sharpness of class character varies.

### **CLASS IN PRE-INDEPENDENCE ERA**

In pre-independence era the Indian society was configured in accordance with caste structure which designated different occupations and roles for persons of each caste. The society was divided into four castes—Brahmana, Kshatriya, Vaishya and Shudra—leaving behind a large section of population which comprised outcastes, foreign people, conquered people, slaves and others which were referred to as *panchamas*. This division actually led to

class character of society where the priestly class was Brahamans, the ruling class included Kshatriya by and large and Brahmans as well, the vaishya constituted the merchant and rich peasant class like Kunbis, Vokkaligas, Jats, Vanniyars and so on and lastly the shudras were the people from artisans and service class. The constitution of these classes and castes was highly heterogeneous in the sense that there were numerous categories and subcategories within these classes.

Such a categorization of society became stringent with caste being associated with restricting social mobility. Furthermore exploitation of the people got accentuated as class was overlapping with caste meaning that the division of society into the ruling class and the ruled created a division in opportunity in life, choice of occupation, access to learning and education and social differences in marriage, customs, behavior and so on. Therefore, social stratification—division of people of society ranked in hierarchy—shaped people's orientation, relations within their caste-class and outside their caste-class category, their identity, experiences and most importantly their access to resources and opportunities in life also restricting social mobility across spectrum.

Also coming of British adversely affected classes like people engaged in handicrafts and handloom, artisans, craftsmen, small farmers, peasants among others. Furthermore, the taxation system during British era also led to creating a segment of *zamindars* and middle men with access to wealth and capital, serving role of collecting taxes. The exploitation at hands of zamindars and colonial government policies led to many instances of civil uprisings by tribals, peasants and people from lower sections of society.

The pre independence era also witnessed the emergence of a section of population who received the English medium education, were largely foreign educated intellectuals, consisting of professionals like lawyers, Indian Civil Services, doctors and so on. This formed the emergence of the middle-class intelligentsia serving key role in national movement.

It was since the mid nineteenth century that the emergence of Indian capitalist class comes to the fore. The period of 1914-1947 actually marked the emergence of Indian capitalist class rapidly. The capitalist class created a space for itself by waging a constant struggle against colonialism and colonial interests, *i.e.*, by wrenching space from colonialism itself. (Chandra 1989)

The capitalist classes also lend its support to Indian national movement seeing the long-term interest of capitalist class-as it became a class for itself. People like Vadilal Lallubhai Mehta, Samuel Aaron, Jamnalal Bajaj fully identified with Indian national movement and even joined congress, went to jails and so on while others like G.D. Birla, Ambalal Sarabhai who gave financial and other aid to national movement.

The Indian working class also emerged when India was still a nation in making as they were largely engaged in British owned companies and working under inhumane conditions, were paid low wages and long hours of work. The Indian national movement witnessed a

class consciousness within the Indian working class and efforts were made to organize their struggle in challenging the imperialistic and capitalist forces. Lala Lajpat Rai was among the first leaders who successfully established a linkage between the phenomenon of capitalism that with imperialism and stressed the importance of working class in fighting the menace.

### **CLASS IN POST INDEPENDENCE ERA**

The classes in post independence era took forward the legacy of the national movement. The independent India abolished the *zamindari* system and the 'land to the tiller' policies also got strengthened with the land reform policies enacted since first five-year plans. The consolidation of agrarian interests through mobilization of tenants and poor farmers resulted in grant of land to the tenant farmers who became owners of the land and in recent years they emerged as an economically and politically powerful section of rural India.

The working class also emerged as a key force in Indian politics. Here, it becomes essential to note a unique feature of Indian society as highlighted in works of Barbara-Harris White where it is estimated that the around approximately eighty three percent of the population of India work or are engaged in informal sector. Therefore, this highlights that what is generally remarked as the Indian 'working class' is a highly variant and diverse category and achieving class mobilization then is not easy. Only around seven percent of working population forms the 'organised working class'. The organized working class was successful in exerting pressure on capitalist forces. However, the Indian formal class also is not a homogenous class, it too involves large variations within its fold and is seen to be fragmented and weak. Such a analysis is drawn from the fact that the working class unions have been appropriated and incorporated within dominant political parties lines and party allegiance and party politics loyalty has deeply divided and fragmented the worker unions by associations like Indian National Trade Union Congress (INTUC) and All India Trade Union Congress (AITUC).

The interest of the capitalist class is taken into account by organizations like Federation of Indian Chambers of Commerce and Industry (FICCI), the Associated Chambers of Commerce and Industry (ASSOCHAM), Confederation of Indian Industry (CII).

The most important factor for class becoming a political variable is related to the class consciousness which is churned through mobilization and is always developed against a dominating force of power structure, creating a society structured on class lines.

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## **VI. CLASS STRUCTURE IN INDIA**

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Class structure in India is a highly variable. It is associated with the formation of class in India i.e. *class formation* which is influenced largely by factors like historical events and changes, the caste factor and the mobilization of class interests. Most importantly, in a country like India the analysis of class essentially requires an understanding of the cultural context of class which relates to the historical tracing of habits, behavior, thoughts and actions of a particular group of people and also class becomes more complex when seen with

respect to intersectional ties of class, party and status—the key aspects as highlighted by Weber.

The Indian society can be broadly categorized into three broad class structures and it must be noted that class structures is deeply variant in India.

### **THE AGRARIAN CLASS**

India is dominantly an agrarian society and has since historical times reflected characteristics of class differentiation. Daniel Thorner, an American-born economist in his book—*The Agrarian prospect in India* outlined the model of agrarian class structure in India as highlighted below:

- I. Maliks or Landowners: The Maliks were those who received their income from the land and kept high levels of rent and wage level was sharply low. The rent was paid by peasants, sharecroppers and sub-tenants. This section basically included big landlords and rich landowners.
- II. Kisans and Rich peasants: This was the section which included working peasants who had property affiliations however the actual rights whether legal or customary is associated with landlords.
- III. Mazdoors or Agrarian Laborers constituted the third category that derived and earned their livelihood primarily by working on land or plots. This includes poor tenants who lacked security as they had no access to tenancy rights and earned very less income. Sharecroppers also fall in this category who cultivated land on sharecrop basis and had lease of the land but without any security. Lastly, the landless laborers were the ones who worked on land for wages. (Thorner 1956)

The land reform policies and abolition of zamindari system in dependent India actually benefited largely the rich peasants. In decades of 1960s the Indian agriculture came to realize the panacea of high yielding variety seeds as part of Green Revolution which was implemented in states like Punjab, Haryana and Uttar Pradesh. This led to creation of class differentiation of rich and poor farmers rather say class polarization was evident and agrarian conflict took its hold in India's countryside.

John Harriss in his essay on Class underlines key changes in rural society with three main propositions:

- (I) there is significantly less differentiation and polarization of peasant classes than it was in 1970s.
- (II) The Land no longer is the most important deciding factor of status and power and it has also to an extent failed to set livelihood limitations on the poor particularly in wake of the surge in non-agricultural employment in nearby and also in distant areas. Also, as profit accruing from agriculture has declined people and mostly the younger generations are choosing to opt out of agriculture.

(III) The poor is loosening the ties of dependence and so is exercising little leverage over political space where the poor constitutes numerous rural laborers and small peasant petty commodity producers. Also, there has been an increase in number of armed insurgency in rural society making it a great internal security challenge for the Indian state to overcome. (Hariss 2010)

The agrarian class has always played a key role in exerting claims for favorable agrarian policies and concessions from the state. The farmers have remained a key section for electoral gains in eyes of the political class. In contemporary times, the rural to urban migration and the crisis of agricultural economy, however, is changing the rural landscape with people opting out from agriculture. This may result to an extent to make agrarian class a less dominant force politically.

### **THE WORKING CLASS**

The Indian working-class emerged as a prominent political force since the nineteenth century when India was still battling against exploitative colonial rule. The working-class agitations in pre independence era involved numerous cases of mill strikes, strikes in factories, railways strike among others. Initially the congress did not come out in full support of representing these issues taking place in corners of India however with rise of economic nationalism, drain of wealth theory and with greater clarity between colonialism and nationalism, the Congress party and Communist Party of India played important roles in mobilizing and channeling the angst of population against the alien rule.

Vivek Chibber writes that in post independence era the organized working class was very effectively co-opted by Congress through formation of Indian National Trade Union Congress (INTUC) in opposition to the Communist supported All India Trade Union Congress. The common view prevalent was that the working class has been fragmented and so weak however it was countered by scholar E. Teitelbaum, where he suggested that the functioning unions have remained constant and are increasing in size and there was less fragmentation at level of the firm where the industrial company negotiates with one or two unions. However, it needs to be understood that the Indian society has witnessed significant changes in its political economic sphere and thus the level of industrial disputes remains high and failure of state to reform labor friendly policies results in strengthening of the labor unions.

The large number of informal workers exerts larger pressure targeted towards the state rather than the industrial sectors or the employers, as pointed out by Agarwal, further the demands are specifically for welfare benefits rather than worker rights. Agarwal also writes that informal workers “struggling not against informality but for rights within this status.” It invokes the spirit of rights of women, right to livelihood, and housing among other crucial welfare benefits. Such a mobilization infuses a unique character to larger framework of democracy as these movements take form of social movement unionism as highlighted by P. Waterman (1993).



## THE CAPITALIST CLASS

This class includes the capital or the big business class. Rudolph and Rudolph stated that in India the business class interests are better represented than the interests of organized labor. Vivek Chibber analyzed the relationship of the Indian state and the business class where the Indian state failed to an extent in disciplining the big business class and the Indian state was ambiguous to the private-sector development. It was only with the change in political mood and attitude of the political class that the investment started to pour in and the business class responded to it positively. Also there have been efforts from both the sides—the Indian state and the business class to come to a point of consensus and the institutions like FICCI, ASSOCHAM, CII have helped to locate the meeting grounds in case of diverging goals of balancing growth and equity while achieving new heights of development.

## THE MIDDLE CLASSES

The middle classes have an important role to play in country's politics as it takes a form of a continuum between the big bourgeoisie and the middle class. The middle classes constitute variant group in society mainly comprising the petite bourgeoisie who own small capital. It was Michael Kalecki who used the '**intermediate classes**' term for referring to a class of small landowners, rich and middle peasants, merchants of rural and semi-rural township, small scale manufacturers and also retailers.' Barbara Harris-White uses the concept of intermediate classes and terms it as the 'local capital' as this class takes leverage of cultural, co-operative and philanthropic and trade association factors rather than direct channels of political parties.

The other category of the middle classes which is more dominant is '**the new middle class**' in words of Fernandes and Heller. This is the class which constitutes people with advanced professional credentials or accumulated cultural capital occupying positions of recognized authority in various fields. (Fernandes and Heller 2006)

Deshpande describes this middle class as one which is "dependent on cultural capital including English speaking skills and practicing cosmopolitan behavior of upper castes and the fraction of the middle class which articulates the hegemony of the ruling bloc in Indian society of giving voice to and linking or connecting the relations between the ruling bloc and the rest of society." (Deshpande 2003)

Another section of the middle class is the **subordinate middle class** who are salaries employs, having education capital which aspire to and try emulating to the practices of the dominant section of society as highlighted by Fernandes and Heller. Deshpande characterizes this section as "the 'mass fraction' engaged in exemplary consumption of ideologies which are produced by the elite fraction, thus investing them with social legitimacy". (Deshpande 2003)

With the neo-liberal economy becoming a widespread phenomenon, the middle classes who have reaped benefits with growing economy and most importantly proliferation of the

service sector, they are now playing dominant role in electoral politics of the country, as contemporary developments stand to record.

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## **VII. CLASS-CASTE NEXUS**

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The Indian society presents a unique case of caste-class nexus as they cut across each other. Caste-class intersections sharpen our understanding about the various social, economic and political relations we observe around them. The caste-class nexus does make the picture complex yet help us to grasp a more comprehensive and broader outlook of the power structure in context of India. Class plays out with caste as observed the dominant castes acquire more respect and social acceptance than the lower castes. Gough used the concept of caste and class nexus to in her analysis of mode of production as is reflected there are significant interconnections between caste, class, kinship, family and marriages with the forces of productions and the production relations. Joan Mencher highlights that the caste system serves as effective system of economic exploitation of the lower castes and they in turn remain strangled into lower classes of the society. (Jha 2012)

There is a section of popular opinion which seeks to understand caste and class differently. D'souza used the rigidity-fluidity dimension of social stratification where it was implied that caste belongs to the rigid framework whereas the class represents fluidity. But it must be understood that both caste and class are actually inseparables and both have contributed to social formation and gave shape to power structure in India.

The caste-class overlap was more significant at the time of the independence when there were largely three broad classes including the landowners the cultivators, and the landless. However there have been significant developments since then with the universal adult franchise granting political right to each individual thereby serving as a great weapon of political assertion, the green revolution made ramifications in rural agrarian society, the economic reforms of 1991 and the Other Backward Class reservations have played huge role in changing the dynamics of caste class overlap. However, if seen in a broader perspective, the upper castes largely constitute the upper classes and the lower castes still occupy lower class positions in the class structure and so the caste and class are interactional and not opposite to each other.

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## **VIII. CONCLUSION**

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This chapter has highlighted the various theories of class which further help us understand the nuances of the concept of class. The chapter also explains the dynamics of the class structure in Indian by tracing the class structure and its formation historically—in pre independence and post independence period. Therefore, it can be summarized that class has played a dominant role in Indian politics as it functions as a power structure by stratifying the society and also mobilizing class interests, showcasing the struggle for power in society. It must also be recognized at the same time that class does not acts in vacuum rather it asserts itself more strongly when seen in relation to the dynamics of caste. It must be finally

acknowledged that any comprehensive attempt of studying Indian politics cannot remain oblivious to the dynamics of the class.

### **SUGGESTED QUESTIONS:**

1. Write a short note on Caste and class nexus in India.
2. Define Class and also discuss two important theories to understand class.
3. Critically examine the agrarian class structure and the changes it has witnessed in pre independence and post Independence era.
4. Critically examine the class structure in India and highlight two characteristics for each.
5. Describe the nature and the determinants of the class.
6. Critically examine class as a factor of power structure in India.

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## Lesson-3

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# PATRIARCHY

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Anju

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## STRUCTURE

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- 1.1 Introduction
- 1.2 Origin of the Institution of Patriarchy
- 1.3 Modern Patriarchy's Features and Aspects
- 1.4 Features Arising Out of the Practice of Patriarchy
  - 1.4.1 Patriarchy generate public private dichotomy
  - 1.4.2 Patriarchy encourages patrilineage and patrilocality
  - 1.4.3 Patriarchy entails patriarchal influence over the sexuality of women
  - 1.4.4 Patriarchy controls the fertility of women
  - 1.4.5 Patriarchy controls the labor of women
- 1.5 Marriage and Patriarchy
- 1.6 Feminism in a World of Patriarchy
- 1.7 Feminist Challenge to Patriarchy
- 1.8 Summary
- 1.9 Exercise

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## 1.1 INTRODUCTION

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India has been and continues to be a patriarchal society, with women's general subordination and disempowerment usually indicated by patriarchy. It is a form of social organization in which the father is the supreme authority in the male lineage of the family, clan, or tribe and descent, with the children of the clan or tribe of the father. Negatively, patriarchy can be said to be a social system in which men hold power by cultural norms and practices that favor men and preserve women's opportunities. Aristotle called active men, womenpassive. For him, "mutilated man" was a female, someone who has no soul. Throughout his opinion, women's biological inferiority often renders them inferior throughout her intelligence, her ability to reason, and hence her ability to make decisions. Since men are superior and women are deficient, men are born to rule and women are to be ruled.

Patriarchy can be viewed and understood in many respects. If men hear the word ' patriarchy, ' most of men will be on the defensive; and with its mention, most women will

feel oppressed and dominated. As Allan B. Jonson states, "force and violence are promoted in a patriarchal society; it is because women are regarded as attractive and valid objects of male domination, and because in a society structured around authority, coercion, and violent labor." In fact, power, supremacy, hierarchy, and rivalry define the patriarchal system. According to him, patriarchy is "a type of society that is more than a set of men and women and cannot be understood simply by observing them."

Therefore, patriarchy is a kind of society structured around certain types of social ties and ideas. Paradoxically, both our engagement affects our lives and gives us the chance to be part of changing or perpetuating it.

Patriarchy is an issue that is complex. It is not just its character, male-dominated, male-identified and male-centered. There's a lot more to it than this and the link between its various parts. There is a collection of symbols and concepts at its heart patriarchy that constitute a society represented by everything from the substance of everyday conversation to literature and film. Patriarchal culture involves ideas about the nature of things, like men, women and society, with manhood and masculinity more closely associated with being male and womanhood and femininity relegated to the "other" marginal role. It's about how social life is and how it should be; about what people are expected of and how they behave. It's about feminine beauty standards, and masculine resilience, feminine vulnerability images, and male defense. The notion that women are weak and men are strong is believed by the patriarchy. In patriarchal societies, if they do not confine themselves to their positions, both men and women are ridiculed.

In pre-patriarchal times, the experience, intelligence and virginity of a woman was respected and positively treated against the negative treatment and impotence associated with women in the present patriarchal times. Abeda Sultana says in her article, "Patriarchy conducts those social customs, rituals and social roles through socialization mechanisms to keep women under the rule of men. Patriarchy developed 'masculine' and 'feminine' characteristics to maintain male supremacy, private-public spheres through the cycle of gendered socialization. Socialization is considered to occur mainly during childhood, when boys and girls learn the right behavior for their specific gender. The foundations of a patriarchal system and culture are all agents of socialization structures such as family, faith, legal system, economic system and political system, educational institutions and media.

Walby's patriarchal ideas clearly speak to patriarchy's private and public spheres. Whereas private patriarchy is practiced at home on the basis of materialism; where a woman has no power because she does not earn money in the form of services and emotional support despite the work and her contribution to the household. Public patriarchy is practiced at workplace and state. More often than not, the patriarchal system poses obstacles to the growth and development of women in their professions, in society and in personal life. Patriarchy is dividing women without their legal rights. Patriarchy is a system whereby in a number of ways women are kept subordinate. The subordination they experience on a daily basis, regardless of the class to which they belong, takes different forms – bigotry, disrespect,

provocation, power, abuse, injustice, aggression – within the family, at the workplace and in society.

Marxist feminists have tried to investigate not only 'patriarchy' but the association between patriarchy and the capitalist method of production. This is because they do not accept that women's subordination can be isolated completely from the other forms of exploitation and inequality that occur in capitalist societies. Like, class exploitation and racism; but they deny the ways in which orthodox marxism and socialist organizations have historically and literally exploited women and treated women's oppression as merely a side effect of class exploitation. Generally speaking, authority power lies in the male's hands in family, culture, and state. In a society where men consider themselves superior to their female counterparts, women find it difficult to educate themselves; their families give priority to male child education, particularly in developing societies where resources are scarce, and government is unable to provide all children with good quality free education. The male and the female child are classified differently, with preference for the male child. Most household women so unknowingly accept the patriarchy system that they themselves promote the system in their own households.

In the second half of the twentieth century, feminist ideas modified and widened the definition of Patriarchy. In fact, precisely because it was considered only to apply to and characterize ancient civilizations, the social sciences had left it behind. But for many feminists, patriarchy is much more than empires that existed in the ancient past and goes beyond "the unequal distribution of power in certain areas of our society between men and women," as many dictionaries often describe it. Most forms of feminism, on the contrary, characterize Patriarchy as an unjust social system that subordinates, discriminates or oppresses women today. As Carole Pateman writes, "The political difference between freedom and subjection is the patriarchal construction of the difference between masculinity and femininity."

The Patriarchy definition encompasses all the socio-political structures which is called Patriarchal Institutions that perpetuate and assert male dominance over women. Patriarchy is usually defined by feminist theory as a social construction that can be resolved by disclosing and critically analyzing its manifestations and institutions.

Combining all these elements of Patriarchy, it can be described as:

It refers to a historical process by "*gradual institutionalization*", which shows that Patriarchy is not universal, has not always existed, and is not equivalent in all cultures and generations. This, in effect, means that while men have power over women in all institutions that are considered important in every society, it does not mean that women have no power or rights, influence or wealth, nor does it mean that all women have or practice the same power. Therefore, as the Patriarchy becomes more complex, more women from specific groups are allowed access to certain institutions, even though they are almost never the most powerful people in those institutions.

Through "*sex-based political relationships*" which mean, as Kate Millet explained so well, that Patriarchy accepted sexual and other relationships between the two sexes are political relationships through which men dominate women.

By "*Consensus on Women's Lesser Quality*", It refer to a tacit and implicit consensus between each community member that women and everything related to women are worth less than men and everything related to men. We see this mirrored in the Sexist Language Institution, which defines the feminine as "the other," the male as the standard, and the feminine as reflecting or containing the feminine. Through "consensus," which often refer to an ideology and its language usage that directly devalues women through assigning less importance and/or power to them, their roles, their jobs, their goods and their social environment than to men.

By "*patriarchal institutions*", which refer to the collection of processes, traditions, values, theories, and relationships that coordinate relatively stable patterns of human activity in terms of resource distribution, individual reproduction, and the type of social structures within a given patriarchy. Such institutions are closely linked, developing, sustaining and transferring injustice from generation to generation. Many sociologists consider social structures such as states, families, human languages, universities, hospitals, businesses, and legal systems as institutions.

The "appropriation of the reproductive power of women" and the influence over their bodies and sexuality is the result of radical feminism. For instance, Shulamith Firestone explains how human reproduction, which happens in women's bodies, is legally manipulated and controlled by men and is used to benefit men or to keep women at men's mercy.

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## **1.2 MODERN PATRIARCHY'S FEATURES AND ASPECTS**

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1. Patriarchy had a beginning, so it can stop. Even though we still don't know how precisely this came about, we know that it came about after centuries of new, more democratic human organization. Patriarchy's earliest manifestations only began at most 6 millenniums ago.
2. We also know that at various times and in different societies and locations there are different patriarchal models, but in all models the lower value given to women and their roles compared to men and their roles remains constant. Patriarchy, in other words, coexists with very different forms of government and socio-religious political organization such as empires, kingdoms, theocracies, republics, democracies, etc. and can very well coexist with capitalism, socialism, etc. However, due to the globalization of neoliberal capitalism, it is possible to categorize almost all existing patriarchies as capitalist patriarchies today.
3. Negative meanings are attributed to women and their activities by means of symbols and myths in all known patriarchy (not always expressed explicitly). Across different cultures, these representations and stereotypes are different because they assign negative associations to women or the feminine within each culture.



4. Patriarchy consists of systems or organizations that exclude women from inclusion in, or interaction with, higher-power spaces, or what are deemed socially, politically, culturally, and religiously to be the spaces of greatest power.
5. Despite the above, in Patriarchy, women are not treated equally, nor are all women excluded from spaces of power in the same way. In reality, this separate treatment is a mechanism that promotes the lack of women's solidarity and competitiveness. This lack of women's unity and ambition often escalates into utter disrespect for each other, thus ensuring their allegiance to men and male values.
6. At the same time, patriarchy is produced by and promotes a mindset based on dichotomous, hierarchical, and sexual thinking. This mentality divides reality into two dichotomous categories that either put all perceived truth into nature-related things and acts or culturally created things and acts. In fact, everything in the "culture" category is overvalued while everything relevant to nature is undervalued. Through putting men and men in the higher category of culture, and women and women in the less valued category of nature, "man" and masculinity become humanity's criterion, model or template, whereas women's subordination is justified on the basis of their supposedly inferior "natural positions."
7. Gender roles and stereotypes that vary in each social class, age, and culture in Patriarchy, but it makes these roles and stereotypes appear normal and universal through the processes, systems, and institutions.
8. All men will not have the same rights in any given hierarchy or have the same power. Nevertheless, certain men's history of superiority over women has traditionally served to expand the supremacy over other men's groups, setting up a hierarchy among men that is more or less the same in every culture or area today. The male at the top of the patriarchal hierarchy has great economic power; is an adult and almost always capable; has a well-defined masculine gender identity and a well-defined heterosexual identity, incorporating a few more regional features. Like, in Latin America, in addition to the other characteristics shared with Patriarchy's counterparts across regions, in order for a man to be at the top of the patriarchal hierarchy, that man must be white and Christian.
9. Women are exposed to different degrees and forms of violence throughout the different models of Patriarchy, some common to all and others unique to each cultural, religious or economic model embraced by the Patriarchy.
10. Patriarchy was the first form of dominance, subordination and exclusion that History with a capital H (recognized patriarchal history) acknowledges as such and remains a central system of domination. Interestingly, while being the most dominant and persistent mechanism of oppression, even by women themselves, it is hardly ever viewed as such. Nevertheless, since Patriarchy's invisibilization is one of its structures, it is rejected even by some feminists.

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### 1.3 ORIGIN OF THE INSTITUTION OF PATRIARCHY

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It is assumed that patriarchy originated from the male - female biological differences. In particular, women's biological advantages in bringing children created unequal social roles and assigned them duties such as motherhood, parenting, teaching and raising children by becoming fully dedicated to families. For women, "anatomy is destiny," to quote Sigmund Freud, and it is the biology of women that determines their psychology, productive ability, and roles. In the same vein, Heywood suggests that men and women's social differentiation basically emerges from their biological distinction. Patriarchy is a problem for feminism. They argue that the biological difference in their positions can contribute to some discrepancy, but the former should not become the foundation of a sexual hierarchy in which men are dominant. The feminists are arguing patriarchy is man-made and the socio-economic and political structures of society have evolved historically.

The interpretation indicates that colonization and expansion ventures have reinforced the patriarchy. People were deemed suitable for rugged journeys and harsh fighting conditions. In order to defeat enemies and extend their territories, their physical prowess was best remembered. Therefore, men were asked to come out and women were asked women to nurture their children.

In addition, dependence for livelihood on agriculture and hunting required male labor. The male became the "bread winners" and the caretakers were the women. Gender-based social cleavages promoted patriarchy. All the differentiations, however, emanate from the biological differences and variations in women's psychological make-up to be compassionate and loving.

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### 1.4 FEATURES ARISING OUT OF THE PRACTICE OF PATRIARCHY

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Therefore, the above discussions clearly indicate that a patriarchal society is dominated by men, defined by men, and based by men. Women's inequality and subordination is fundamental to the concept of patriarchy. The main characteristics that arise from patriarchy experience can be discussed as follows:

- 1.4.1 Patriarchy generate public private dichotomy**—It simply implies that the private realm should be women's operating area, and men should decorate the public realm.
- 1.4.2 Patriarchy encourages patrilineage and patrilocality**—The ancestry line goes from father to son named patrilineage. In addition, the patriarchal order is patrilocal where the wife and off springs remain at the home of the parent.
- 1.4.3 Patriarchy entails patriarchal influence over the sexuality of women**—Men decide women's dress code. Women are denied chores that require versatility in body movements and their effectiveness is derecognized and their employability is limited in non-conventional occupations. The women who run devices or riding vehicles are filled with animosity. Women are treated as the rituals, practices, and cultural treasurers. Cultures highly value and encourage their involvement as

devdasis, fasting practice. She is produced in securities, and she becomes dependent on the patriarch.

**1.4.4 Patriarchy controls the fertility of women**—Women are treated by men as machines who produce children. Customary practices include male child preference and encourage female feticide, female infanticide and girl child negligence. The wishes and decisions of a woman are rarely respected in terms of the time of conception, the frequency of conception and the number of children that the family wishes to have. Her fertility is at the direction of man.

**1.4.5 Patriarchy controls the labor of women**—Patriarchy demands a male order, male supremacy, and division of labor based on gender. Men rationalize leading, manipulating, and yielding roles while women are given subordinate, executing, and non-paying positions. The labor market favors men as opposed to women. Females are replaced by unpaid labour-power.

Therefore, patriarchy gives centrality to men by relegating command and control to men and subordinate positions in all aspects of life to women.

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## **1.5 MARRIAGE AND PATRIARCHY**

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It is important to get married as soon as possible so that she can go and settle in the house of her husband and take care of her in laws. Sometimes, even if, due to lack of family support, the woman wants to study and pursue a career, unfortunately she has to give it up for her parents or husband's sake. After marriage, the family name of the wife will be changed to that of her husband, or the husband's family name will be added to the wife's name, while the husband's name will remain the same. Likewise, their father's family name is given to children. Often her own desires and needs are sacrifices. When, in keeping with the patriarchal social system, a woman goes forward and neglects what she is expected to do, she is blamed and sometimes not recognized as a good woman. On the other side, the man was able to do whatever he wanted. A woman may be lucky to find a husband who is loving and caring. If not, at the hands of her partner, she is a survivor of physical, mental or sexual violence. According to research carried out by the television series 'Satyamev Jayte,' which highlighted some very significant evils, issues and processes in Indian society, at least 70 percent of women in India are subject to domestic violence. It is not only for poor or uneducated families; it happens in every part of Indian society regardless of class and caste.

At home, under the patriarchal system, the word of the man is the last word in most households. Women are often regarded as stupid, unaware of what is happening in the world. The man is therefore in charge. The woman is there to take care of everybody's needs without ever having to feel as much as her household men as a human being. The man can taunt her whenever he likes; he can tell her off and treat her in the way he wants because she is his property. When there is a divorce, the wife is often blamed for being unable to adapt, and her mother for being unconsidered about her children's so-called 'healthy' upbringing.

A woman is rarely paid equally at the workplace and is often not given equal opportunities for growth. On the workplace, there is sexual harassment; and it is considered better to remain quiet and not complain about it considering the patriarchal system, where men have the right to even abuse women sexually. In marriage, physical relationships are not considered rape in our country without the permission of a woman. Does that mean her husband's a married woman is a slave? She can't just say 'no' because she's a woman. Women feel uncomfortable going out alone at night in most countries, whether developed, emerging or underdeveloped. What's the reason? Because the male species, under the patriarchal social order, sees itself as a 'king' and a woman as a subordinate, an object of its desire, which he is unable to control, because that is not essential. It's the women who have to protect themselves or their men, their owners have to take care of them and protect them if they don't want harm to come their way.

Jonson distinguishes a person from a structure by providing detailed descriptions of a company and the game of monopoly. When a person joins a business or operates in that company, he / she acts in the manner anticipated in that company. Nevertheless, the person may not actually act in a corporate environment as he / she does; and behave entirely differently outside the workplace. Likewise, when he / she plays a monopoly game, he / she behaves in accordance with the rules of the game, making him / her a greedy person. In real life, the same person may not be a covetous selfish being.

We co-exist with the patriarchy. The behavior determines the social system, and the behavior is determined by patriarchy. Patriarchy is dynamic; as we observe different regions, cultures, communities and groups, it subtly changes its shape and color. Patriarchy is also continuously being transformed and re-formed. We should change some rules as individuals; and change the social order for good and prevent ourselves from behaving like 'men' or 'women' and make our society less hierarchical, less aggressive and more respectful. Some find that there has been always patriarchy and that it is a way to maintain order in a society.

There is another school of thought, on the contrary, according to which patriarchy is manmade and can be modified. Hierarchy has been established through historical processes; it has not always existed. Patriarchy and monogamy evolved with the idea of private property as a historical process, according to Frederick Engels. According to Lerner, patriarchy was not an occurrence but a mechanism that evolved over a span of nearly 2500 years (from about 3100 BC to 600 BC) and a number of factors and forces responsible for establishing male supremacy as we see it today.

Patrilocal residence refers to the woman's travel to her husband's house after marriage. Because of this, there is no interest for the girl in her room. She is treated as a burden to be sent away to the house of her husband. When they grow older, the only son will take care of the parents. The moment the woman goes to the house of her husband, she becomes a burden and the husband's wealth. She relies on her husband economically. There is no interest in her contribution to the household. From birth to death, this subordination undermines the self-respect, self-confidence and self-esteem of girls / women and restricts their ambitions. Even

the state does not support women in most cases of female subordination and does not deal with them, except in exceptional cases. In India and the political support that women enjoy is a farce, at least on paper. Which women need in terms of equal treatment, not reservations, but equal opportunities both domestically and socially? It is imperative that men and households be sensitized and made aware of the fact that their girls are human and have as much right to life and happiness as the boys.

Mahi Pal wrote an article 'Caste & Patriarchy in Panchayats.' We're going to take a look in this region through his article. Panchayati Raj has become a self-government institution in India. Reservation was made both for women and lower castes. Both the government of the state and the government of the union made a serious effort to elevate and treat women equally. To make this attempt, they called meetings and organized workshops. The government of Haryana invited women in power at the level of Panchayati Raj to attend a workshop to discuss their problems and challenges in the process of effectively performing their duties. At the local level, these women in power had many issues. Surprisingly, not one of them said about women, their safety, female rights and domestic violence. These women were unaware of schemes related to the development of women, children and dalits. Some of the women sarpanches faced issues from the upper caste and upper-class men; these sarpanches failed to fulfill their duties and to carry out development work in their areas, mostly because they were women.

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## 1.6 FEMINISM IN A WORLD OF PATRIARCHY

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Feminism is the idea that women should be equal to men's political, financial, cultural, intellectual and economic rights. This involves different campaigns, ideas, and ideologies, dealing with gender inequality concerns, promoting women's equality and advocating rights of women and interests. The history of feminism may be split into three waves, according to Maggie Humm and Rebecca Walker. The first wave was in the nineteenth and early twentieth centuries, the second was in the sixties and seventies, and the third stretches from the nineties to the present.

"First-wave feminism refers to a phase of nineteenth and early twentieth-century feminist activism ... It centered on *de jure* (officially mandated) inequality, primarily women's suffrage (the right to vote)". Feminists battled for the first wave thus: "civil rights and political rights. This included legal rights relating to education and citizenship, among other issues. As a result, this opportunity was exploited by many Western societies, and women could climb up the social ladder a little higher. Finally, the human race would embrace the fact that women were also human beings who were supposed to have the same rights as men. "First-wave feminism is a social phenomenon much more significant than normal. The great feminist movement has changed the course of history. Though, this did not contribute to the abolition of all forms of inequality, which it tried to eradicate, patriarchy shifted in nature, turning some of the hard-won changes into new women's traps. Some of these pitfalls came to life with the second wave of feminism, advocating for the expanded freedom of the sexual expression of women. Nowadays, this freedom of expression has contributed to the fact that

pornography has been encouraged, and some might argue that it has led to a new kind of subordination to the above-mentioned "public arena sexualization."

The Feminist Movement's "second-wave" refers to an era of feminist activism that began in the early 1960s and continued in the late 1970s. While first-wave feminism focused primarily on addressing legal barriers to equality, second-wave feminism tackled a wide variety of issues, including unofficial inequalities, official legal inequalities, sexuality, family, job, and reproductive rights. The second wave of feminism came out with the saying, "Personal is political." In all battlefields, women fought for equal rights. We found out that there was no movement on equal rights. Women asked to be judged in and out of the home for their true value. By the early 1980s, when patriarchal sex-based laws were gradually repealed, it was considered that women had achieved their targets and succeeded in changing social attitudes about gender roles. It's right that there were legal changes, but perchance the social changes were not as significant as they might be. Feminism with the aid of gender studies has demonstrated that we play our gender roles in society where men are supposed to behave like men and women like women. Feminist scholars have created all sorts of powerful principles in an effort to explain and battle women's subordination with the priceless support of women's studies that later developed into gender studies. One of these ideas is essentialism, which is the kind of philosophy that encourages men to behave as men and women as women, as well as telling us that men and women are total opposites and placing this disparity on our innate nature. Since traditionally throughout history, this essentialism has infected many of us, characteristics such as power and aggressiveness have been linked to men, while at the same time women are expected to be sweet and passive in some cases. This ideology has brought us books such as: "Men are from Mars, Women are from Venus," written in 1992 by John Gray. Feminist writers have pointed to the bad influence of essentialism by noting that not all men and women are the same. In fact, "the duality that characterizes the Western way of thinking divides the world into distinctions such as man-woman, culture-nature, and individual-society. But feminists have pointed out that the state of society is being overly simplified. Where, for example, do hermaphrodites fit in this dualism? Sex / gender binary are another key concept of feminist thinking. Feminists described the difference between sex and gender in this way: "sex refers to biological sex, but gender is used to define the cultural meaning that society gives to biological sex, that is to say, the perceptions that we have about masculinity and femininity. In fact, these requirements limit our freedom of action because all those who do not comply are at risk of persecution or even socially cut off from society. In formulating these concepts and many more, feminists have tried to influence the thoughts of society of people by showing us how since antiquity the patriarchy has dictated our thoughts and actions.

Feminism and subsequent studies on sex and gender have certainly been a great help in the battle of women for equal rights. As a result, this world's once-vast divide between the two sexes is shrinking with time and effort. Nowadays, as most people know, women have ascended the social ladder to unprecedented heights, leading some of them to become no less than prime ministers, cabinet ministers and other influential positions have fallen into their

capable hands. Despite this; "it's hard to describe the third wave of feminism because we're in the midst of it ... the third wave is about globalization, the sexualization of the public space and the new field of studies called ' gender studies' many feminists now struggle so that women can be seen as something other than sexual beings and accessories. The sexual freedom that some of us desired for women has become a major issue in today's world, and the mainstreaming of pornography, as described before, has only taken women's abuse to an increasingly dangerous level. This development has become very alarming, where very young or vulnerable women are often exploited through prostitution, sex industry or women trafficking.

There are many different branches of feminism that cross the three waves to complicate things more. The first wave produced radical, marxist and revolutionary feminism, where liberalism movements battled on behalf of women for formal and legal rights, and the second two, which grew stronger with the second wave, explored how the economic situation in society represented the inferior position of women. The second wave saw the rise of radical feminism that blamed liberal feminists for closing their eyes to the fact that traditional gender equality did not actually represent real equality. In short, radical feminists blame the patriarchy for the inferior status of women in society, where the word ' politics ' in their minds applies to power-structured relationships and structures, whereby one group of people is dominated by another, and in this context the abuse of men against women is seen as a significant reason for the dominance of men over women.

Since the state is seen as an 'instrument' of patriarchal dominance and it is assumed that its non-intervention is part of the patriarchal system's rationale. Third wave feminists have changed the landscape in recent years with their growing participation in research and scholarships that seem to have resulted in engaging in political organizations and issues. It has been argued that "postmodernism, along with post-structuralism, is the idiom of much of feminism in the 1990s," but "postmodernism rejects master narratives" and "the quest for the underlying causes of inequality, exploitation, the revolution of history is removed from court.

The second wave is selecting a conservative feminist's point of view when there are new points of view. This might be because the personal is political as a second wave feminist. Although there have certainly been many significant changes towards may women's equality, I do agree that many events occurring in our homes ' privacy, and other issues that some would find private, should also be researched in more detail. For example: the physical and sexual abuse of women and children, pornography, prostitution, trafficking in human beings, and finally the massive sexualization of the public arena that has undoubtedly had its devilish effects. The second wave was an advocacy movement, and I agree the constant review of society is dispensable if not accompanied by concrete action to improve.

Walby has clarified these standpoints rather extensively:

There are discrepancies between radical feminists on the basis of male supremacy, but this is often seen to include the exploitation of female sexuality and bodies, while male

violence is seen as the root cause in some accounts. It is seen that sexual activity is built socially around male notions of desire, not female.

Furthermore, sexuality is seen as a major site of male domination over women, whereby men impose on women their notion of femininity. In contemporary society, heterosexuality is socially institutionalized and organizes many other aspects of gender relationships. In contrast to the conventional view that rape and battering are isolated instances triggered by psychological problems in a few people, male violence against women is considered to be part of a gender control system.

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## **1.7 FEMINIST CHALLENGE TO PATRIARCHY**

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Patriarchy is a problem for feminists. I argue that the biological difference in their positions may contribute to some discrepancy, but the former should not become the foundation of a sexual hierarchy in which men are superior. The feminists are arguing patriarchy is man-made and the socio-economic and political structures of society have evolved traditionally.

Many feminist scholars conceptualize and examine patriarchy in various ways. We are contesting the hierarchy. We claim that the biological difference in their positions may result in some discrepancy, but the former should not become the foundation of a sexual hierarchy in which men are superior. Feminists challenge patriarchy as a tool to serve the males' interest. Patriarchal philosophy manifests itself to them in society's dominant awareness, culture, beliefs and practices. Feminists reject the use of the word "patriarchy" and prefer the term "gender oppression" to replace it. Michele Barret argues that we sometimes use the term patriarchy hedonistically to indicate its unchanged presence. But the feminist attempt to ensure gender equity will soon challenge the continuity of patriarchy with the current efforts to gender mainstreaming. Patriarchy is changing, although continuity of certain features is still being noted today.

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## **1.8 SUMMARY**

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Understanding patriarchy explains why women sometimes fight for their rights and sometimes just struggle to survive free of men's power and authority that threatens them. Women professionals have been dramatically successful in questioning patriarchal norms as being educationally, politically, socially as well as in terms of their abilities. Millennials have gained financial independence, more bargaining power within the family, and a sense of empowerment outside the society, strengthening their position in decision-making that their older generation never had. Even then, they see their duties to their husbands, children, friends, and other close relatives as the most important and continually prioritizing their families over their jobs. It can be concluded that although women have entered the public domain and become part of market forces, they remain consistent with their private sphere affiliation and related patriarchal standard obligations. Only from the understanding of their unequal state of being can a feminist perspective be built that allows men and women to



liberate their minds from patriarchal thinking and traditions and eventually build a world free from domination and patriarchy, a world that is truly human.

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### **1.9 EXERCISE**

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1. What is Patriarchy? What role do social institutions play in maintaining the Patriarchal system?
2. Describe the Features and Aspects of Modern Patriarchy.
3. Define Patriarchy according to feminine theories.
4. What are the challenges faced by women in Patriarchal Society?

### **Suggested Readings**

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Sultan A. (2011). *Patriarchy and Women's Subordination: A Theoretical Analysis*. *The Arts Faculty Journal*

Walby, W.1990, *Theorising Patriarchy*, Oxford: Blackwell.

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**DEBATES ON SECULARISM**

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Kuver Pranjali Singh

**Outline**

Introduction

Secularism: The Western Way

Secularism and Indian Constitution

Indian Secularism: Key Features

Diverse Understanding of Secularism

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Conclusion

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**INTRODUCTION**

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Defining secularism has been a tough task as there has been no fixed definition used in theory or in practice. Broadly, secularism has been defined as a system of belief that essentially rejects religion or at least forwards the notion that religion should be separated from politics; affairs of the state. The idea aims at creating a social system which accommodates people of all religion, that they live peacefully. It does not allow discrimination in the hands of state on the basis of people's religious beliefs. Secularism is understood differently in diverse Indian political structure. There exists a variety of stands among policy makers, the judiciary and the election campaign politics. Sometimes, the ideas of secularism practised even go beyond the constitutional vision which creates tensions. To understand Indian secularism, we will have to evaluate the relationship between state and religion in all spheres of political life of a citizen.

**SECULARISM: THE WESTERN WAY**

The western notion of secularism is different from what Indian secularism connotes. The west separates religion from state. Western democracies have made this principle the core of their Constitutions. This works by giving the state authority to rule and the state accepts the right of individuals to any religion and the right to pursue it. The law for every individual is the same regardless of different religions.

Thomas Pantham in Indian Secularism and its critics: Some Reflections, states that, "Secularism in the west is usually taken to be emphasising the separation of the state and religion, where as Indian Secularism stresses the equal tolerance of all religions (sarva

dharma sambhav) even though it also upholds a certain differentiation and relative separation of the political and religious spheres.” (Pantham, 1997)

Pantham also gives a sharp meaning of the term secularism as understood in the west; A clear separation of the religious sphere and the political sphere. He goes on to say that beyond the separation of religion and politics, secularism also means diminution of the role of religion, worldly and not supernatural orientation, the understanding that the world is rationally manipulated or socially engineered rather than sacred and mysterious and lastly, that religions are institutions which are constructed by humans and not ‘divinely ordained mysteries’. Thus, a clear meaning of secularism brings out what western secularism means; state separation from religion and indifference towards religion. Indian secularism is also different from the French understanding of the term. The French notion of secularism which is called ‘laïcité’ demands that the government and its institutions such as schools should have complete absence of religion and vice versa. In contrast, Indian secularism diverges from this form of secularism of clear separation, for eg. Indian state provides support to religious educational institutions. This will be discussed later in the chapter.

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## **SECULARISM AND INDIAN CONSTITUTION**

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The word secularism was not included in the Indian Constitution, neither did the founding fathers explicitly defined the term. It was only in the 42nd Amendment to the Indian Constitution in 1975 that the term was incorporated into the Preamble of our Constitution. It was interesting that the Congress party which had its number in then Rajya Sabha in 1978, couldn’t define the word in its attempt to the meaning as "equal respect to all religions" although the bill that had been cleared in the Lok Sabha. It is a different question to think if the Constitution needed the definition at all.

The Constituent Assembly had a vision which aimed at securing the citizen of India justice, equality and liberty. While these three political remains at the core of the Constitution, fraternity remains the basic aim, assuring unity and integrity of the nation with dignity. Religious harmony is one such aims that goes along with the idea of fraternity and most particularly in the Indian context. The Constitutional mandate therefore can be said to promote religious harmony and promotion of fraternity on face of the huge diversity of Indian society. It was thus imperative to make positive actions to promote fraternity. It is very important to be familiar with the text of the Constitution as to understand what it tries to say and do. The following are the Articles of the Constitution with respect to Indian secularism:

Art. 25: Freedom of conscience and free profession, practice and propagation of religion

- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion
- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law

- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
- (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus Explanation I The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion Explanation II In sub clause (b) of clause reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly

Art. 26: Freedom to manage religious affairs Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law

Art. 27: Freedom as to payment of taxes for promotion of any particular religion No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religions denomination

Art. 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions

- (1) No religion instruction shall be provided in any educational institution wholly maintained out of State funds
- (2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution
- (3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto Cultural and Educational Right.

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## **INDIAN SECULARISM: KEY FEATURES**

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Indian Secularism, is a variant of western secularism but it does not blindly follows it. It is a result of Indian diversity and its social experiences. While the original western idea was based on the separation of politics and religion, Indian secularism goes beyond such a

definition. Indian secularism is in practice an idea of respect and equality on religious grounds.

To understand how Indian secularism is different from its western form is easy to find in the matters of personal law. Religious affairs in India continue to have authority over people in that way. It is a unique feature of Indian politics where different laws are applicable to individuals of different religions. Indian secularism gives incentives to support different institutions even as financial aids. Some of the key features of Indian secularism are as follows:

1. Every citizen has the freedom to choose their religion and faith
2. The state cannot discriminate on the grounds of citizen's religion
3. The state shall not make communal electorates
4. The state can regulate economic activity related to religious affairs
5. The state can make social schemes for welfare and reform.
6. Article 17 abolishes untouchability on the grounds of religion
7. Every religion denomination has the right to form institutions for religious and charitable purposes.
8. State gives right to religious minority to establish educational institutions of their choice.
9. These institutions cannot be discriminated against by the state in relation to the grants given by the state.
10. In the matters of employment or office under the state cannot discriminate against citizens on the grounds of religion.
11. In the matters of admission into educational institutions maintained by the state, it cannot discriminate against citizens on grounds of religion.
12. The state cannot use public revenues to promote any religion.
13. In schools run by the state, no religious preaching or instruction can be given
14. By constitutional amendment in 1976, all citizens are enjoined to consider it their fundamental duty to "preserve the rich heritage of our composite culture". (Pantham, 1997)

The citizens are thus not only given right to profess their religion but also to propagate their faith. They are free to establish and maintain educational institutions. In the sense this gives right to communities and thus the idea of secularism goes beyond the notion of rights of individuals. Indian society is essentially diverse and with this multi religious society, Indian secularism has become unique, the acceptance of community rights makes character of Indian politics multicultural and pluralistic and in a way beyond liberal framework of individualism. On top of that Indian secularism is concerned with both inter religious and intra religious

domination among citizens. Therefore, Indian secularism is nothing like western secularism and does not have a clear separation of religion and politics. Rather, it has 'principled distance' between religion and politics.

Rajeev Bhargav has given the concept of principled distance. He explains, 'principled distance' by taking the example of Indian secularism which does not create a wall of separation but a proposed principle distance between state and religion. By that, it does not say that there are no boundaries, but these boundaries are essentially porous. Indian state intervenes in religious matters as mentioned above. Grants to educational institutions, state interference on religious institutions that deny equal dignity such as denying temple entry and cases of untouchability are some of the examples of how there is no clear wall. The separation that Indian secularism talks about is based on principles distance and not strict exclusion or neutrality. (Bhargav, 2011)

Indian state does not identify any religion as its official religion, but religions are recognised officially. Religions in India are actively respected and Indian secularism disrespect hostility. With this idea of principle distance, comes the notion of state distancing itself from public and private religious institutions, be it individual or community. This is done to foster values like peace, dignity and liberty. In this sense, Indian secularism becomes essentially sensitive, it negotiates plurality in groups and value. Bhargav terms it Indian secularism as 'contextual secularism'. (Bhargav, 2011) Contextual secularism quite literally would mean that it depends on the context and would vary from one place to another. Bhargav invokes this model because it contextualizes moral reasoning. It comes from the character of secularism which values a number of doctrines, namely equality and liberty and it is essentially committed to principled distance. This way, Indian secularism is deeply committed to constitutional values. But the part which enhances contextual character of secularism in India, is the internal conflict which are frequently observed. There are instances of instability and discord and contextual secularism recognises that there exists conflict among citizens; individuals as well as groups. Thus, there is a need for fresh interpretation and adjustments. Bhargav argues that secularism cannot be adjudicated by general principles, rather it can be seen as different cases and a process of balancing of different claims. It will then accommodate or at least encourage to do so.

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## **DIVERSE UNDERSTANDING OF SECULARISM**

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### **Sarva Dharma Samabhava**

Indian secularism is often associated with Sarva Dharma Sambhava. It is essentially a Hindu concept. It believes that religions might have different paths but they have to reach an equal destination. Well known social reformers and political thinkers followed and embraced this concept. People like Ramakrishna, Vivekenanda and Gandhi embraced it. It is believed that Indian secularism draws from this traditional concept and therefore does not follows complete separation of state and religion, rather respects all religions.

## **Pseudo secularism**

Another understanding of secularism in India is that the policies have been made to appease the minority. The pseudo secularism has been used to describe such policies. Congress is often charged with such allegations. Policies in the matters of personal law such as Shah Bano case, where the Parliament overturned Court's judgement and reservations based on religion on educational institutions are seen as examples of pseudo secularism. On the other hand, BJP has been accused of presenting a communal narrative in Indian politics. Indian secularism has been affected with electoral politics and it remains such in current times too.

## **Problems with vague definitions**

It is evident that there is a lack of clear definition of Indian secularism. It has essentially created problems. It has created troubles understanding what is secular in actuality and what is communal. Political parties use different definition of both these terms at their own convenience.

The practice of secularism as a concept in India has been essentially reduced to a viewpoint which believes that Indian secularism is anti-Hindu and is pro-Muslim. These differences in opinion about the concept is created because there is no strict definition of it. There exists a debate among the political thinkers in Indian discourse as well which will be dealt with in the next section.

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## **DEBATES ON SECULARISM IN POLITICAL THEORY**

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Uphadhyay and Robinson in *Revisiting communalism and Fundamentalism in India*, writes about the four strands of debates of secularism in academic discourse in India; classical, soft Hindu state, hard Hindu position and attempts to go beyond secularism and religion. The classical, looks at it in terms of modernity and individuals who emerged to be secularized. They were basically leaving aside identities and participated in the modernist project. Nehru's vision of secularism covers in this branch. Uphadhyay writes, "Akeel Bilgrami calls Nehru vian secularism 'Archimedean', that is legislated as priori from above and beyond the socio-political fray, rather than the outcome of the negotiations and debate within civil society among various religious and other communitarian groups." (Uphadhyaya, 2012) Secondly, thinkers such as Madan forward an argument of secularism which talks about attachment to religion identify and that it has to be acknowledged in public sphere. According to Madan, Uphadhyaya writes, "Madan asserts that secularism is a social myth. Madan argues that in India a secular state cannot survive because the recognition of secularism as a social and political value is limited." Such positions can be understood as soft Hindu positions. Hard Hindu position includes the vision which problematizes secularism. Nandy calls 'Secularism is dead'. He essentially refers to the philosophy of secularism and the gaps there exist in theory and practice.

In theory, secularism is seen as nonpartisan and nonreligious, the problem arises in practices such as in India. In practice its alignment with grouping and politics of community

creates issues in secularism. Here communalism implies identity based on religious community but secularism gains when they are seen as group rights.

We have already discussed about Sarva Dharma Sambhava, when we talk about secular identities, acting as nonpartisan way towards all religions, becomes the traditional concept of Sarva Dharma Sambhava. Thus, this can be seen as the process of Secularization without which secularism is impossible to understand. Upadhaya writes, “The challenge of actualizing it through concrete social, political, economic and educational measures is an enormous task.” (Upadhyay, 2012) Imagining secularism with nonreligious language terms and symbols is important. Groups and individuals have to learn their ‘primordial identities’ and narrow communitarian groupings and see themselves as subjects of a nation.

Thinkers such as Ashish Nandy, Partha Chatterjee and T.N. Madan have a strong criticism of Hindu nationalism as well as present a critic of secularism in Indian state in theory and practice.

Partha Chatterjee and TN. Madan have talked about ‘positive secularism’. They criticize the ideology by saying that setting up of a positively secular state, India has been brought to a ‘potentially disastrous’ political impasse. This positivism is seen along with the campaign of the Hindu right. Chatterjee questions the modernist mission of secularization. The mission included two projects; separation of politics and religion and reformist intervention of state in the sphere of socio-religious of mostly Hindu politics. (Pantham, 1997)

Chatterjee sees, this intervention as a violation of the principles of secularism. Thus, the claim based on non religiousness cannot be made by the state which decides to reform personal laws of Hindu and cannot be justified as public interest. Another such contradiction is that the principle of equality of religion is essentially compromised when the people of some religion benefit from state sponsored positive discrimination which is provided to Scheduled caste.

The point that Chatterjee is trying to make is that, the positive secularism deflects being anti secular and rationalizes intolerant interventions by state which is modernly against religious, cultural or ethnic minorities. The state here can be seen as rationalising a 'national culture' in a mission to homogenise the notion of citizenship. Thus, the secular state in India has a 'potentially dangerous nature' when it practices the politics of 'positive secularism'. According to Chatterjee, India needs toleration of religious, cultural and ethnic differences.

In this sense Indian secularism promotes religious communalism and religious intolerance. The argument of politics of interventionist secularisation made by Chatterjee is also agreed by Nandy. They differ when they make different alternatives to positive secularism. Nandy gives an ‘anti-secular manifesto’ of religious tolerance which is non modern, preciberal philosophy, symbolism and presents the idea of theology of tolerance in every faith. (Nandy, 1988)

Nandy reaches to this alternative by discussing problems with Indian secularism which separates state and religion which has been imposed on people. He calls it a Western package



of scientific growth, nation building, National security and development. In the name of these ideologies, secularism is demanding dilution of people's faith to become a part of nation state, while guaranteeing no safeguards from state's intervention. In this way, the state becomes elitist and helps emitted to legitimise themselves as the role albiters among traditional community and try to claim monopoly on religious and ethnic tolerance. Nandy writes, "to accept the ideology of secularism is to accept the ideologies of progress and modernity as the new justification of domination, and the use of violence to achieve and sustain the ideologies as new opiates of the masses" (Nandy, 1988).

Nandy criticises Nehruvian secularism as he believes that Nehru sought to impose a Western rational scientific secularism on Indian society. This has essentially failed to eliminate religion from politics or to promote greater religious tolerance. Indian secularism according to Nandy, no longer pretend to guide moral or political action. On the other hand, Nandy does not legitimise communalist ideology. In his view, communalism is a pathological by-product of modernity and are the dialectical 'other' or counter players of modernity's secular state. They are condemned as the perverse gifts or inevitable product of western modernity. Nandy forwards an alternative which is ethico-politically appropriate in the non modern, presecular conception of religions where religions are accommodative, tolerant ways of life like the ones practiced by Ashok, Akbar and Gandhi. (Nandy, 1988).

According to T.N. Madan in *Secularism in Its Place*, published in Journal of Asian Studies, religiousness that contribution to fanaticism by making it a mere political bickering and doing so because they give no importance to religion in social life. Secularism thus becomes an impossible credo which is not practical for state action and cannot solve the problem of fundamentalism. Madan mentioned that there lies an underlying threat that things might go the wrong way as there will be a threat of establishment of Hindu state. For Madan, the only way secularism can succeed is if it takes both religion and secularism seriously and does not reject religion as superstition also not use secularism merely to reduce communalism. (Madan, 1987)

He also talks about Gandhi who emphasised that religion and politics cannot be separated as it opens an understanding of interreligious harmony.

In Chatterjee's view, an appropriate alternatively or rather the way forward has to be built a proper relationship between the state and the religious, ethnic and cultural groups. Thus, in a way, moving towards acknowledging group rights and moving beyond the 6-state sovereignty vs individual rights dominant in liberal discourse. Chatterjee in calling for toleration recognises it as, "would be premised on autonomy and respect for persons, but it would be sensitive to the varying political salience of the institutional contents in which reasons are debated." (Chatterjee, 1994)

Amartya Sen defends the idea of secularism and sees it as a part of a more comprehensive idea. The plurality of the state comes from diverse beliefs and practices. The project of secularism according to him is a recognition of heterogeneity of India. The

commitment to secularism includes symmetrical treatment to every religion and religious communities as well as balanced political treatment. (Chandhoke, 2010)

Neera Chandokhe believes that secularism can only be understood as an important part of historical, constitutional, and political practices of democracy, equality, freedom and rights. She writes, “secularism is not an autonomous concept. Therefore, in order to unravel the meaning of secularism, we should first try to unravel the implications of the attendant concepts that give it meaning-equality, freedom and democracy.” (Chandhoke, 2010)

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## CONCLUSION

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The idea of secularism cannot be abstracted from the historical context of the practice of secularism. It has to be evaluated vis-a-vis the ideas which are formulated in other contexts as well as recognizing the Indian way of secularism in practice and theory. The idea of secularism embedded in the Constitution is quite close to what Chandhoke writes; the practices of democracy and the core political values of equality, freedom and rights. Secularism doesn't need to be followed; we can simply give allegiance to the provisions of the Constitution.

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## **LEARNING OUTCOME**

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After reading the above chapter, the students will be familiar with the basic tenets of secularism; the idea and its various definitions. The students will get clarity of how and why secularism has a rich political theory debate around it. The chapter also tries to accommodate the features of Indian secularism as understood in the Constitution of India and practice of the term in Indian politics.

### **Questions**

1. What do you understand by the idea of Secularism in India? What are the debates around it in academic discourse?
2. How do you think the idea of secularism is contested in Indian politics? Give a brief account presented by Indian political thinkers.
3. How do you think Indian secularism differ from western idea of secularism?

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**PARTIES & PARTY SYSTEMS IN INDIA**

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Madhusudan

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**EVOLUTION OF PARTY SYSTEM: PRE INDEPENDENCE ERA**

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The growth and emergence of political parties are closely related with parliamentary democracy and electoral system. Ernest Barker considered the British system as ‘mother of parties’ and hence, mother of all parliamentary system of the world. Political parties are found in the majority of countries and most political system. Parties may be authoritarian or democratic, they may seek power through elections or through revolution by the late 1950s, some 80 percent of world’s states were ruled by political parties.

According to the argument put by Rajni Kothari the party system of India has evolved from a political centre. The institutional manifestation of this centre was Indian national congress established on 29 December 1885 in Bombay by A O Hume. It was congress which formed the indigenous base for political system in the country. After the Gaya session of 1922 Swaraj Party was formed by C R Das and others over issue of sudden withdrawal of the Non Cooperation Movement and issue of participation in the provincial assemblies. In 1934 formation of congress socialist party group in by Acharya Naryan and other leaders opposed the Gandhi a strategy led to evolution of congress as multi stream and multi ideology party. The formation of communist party if India in 1920 by MN Roy and this party did not play significant role in the freedom movement. The creation of the All India Forward Bloc in 1939, by Subash Chandra Bose, was his protest against the undemocratic politics of congress party. The INC became the foundation for the emergence of party system in India. The formation of Muslim League in 1906, by Syed Ahmed Khan remained part of the pre independence Indian party system.

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**INTRODUCTION**

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Political party a group of persons organized to acquire political power. Political parties originated in their modern form in Europe and the United states in the 19th century. Edmund Bark defines “A political party is a body of men united for promoting by their joint endeavours the national interest upon some political principle in which they agreed”. Political parties were significant institutions before independence. Political party is a means which the people can speak to the government and a say in the governance of any country. So every political party must have three key components: Leaders, Active members, followers. India has a multiparty system which is unique in the world. In Indian political system one can find the rightist, centrist, leftist, regional, even local political parties to deal with the political issues. When congress was in power for a long time, it was observed as the era of one party dominance by Morris Jones or the congress system as viewed by the Rajni Kothari.

Today, under democracy we observe the festival of elections in India after the term of every five year at central and state level and also at the local level but this journey of a stable electoral system and a democracy has a long process of evolution; Indian politics has passed different phases and reached to become a stable democracy. The Congress system emerged after the country had attained independence. From 1947 to 1967 and from 1971 to 1977 as well as from 1980 to 1989, this system was at the centre of Indian Politics, spanning three distinct stages in its post-independence development. The Congress, which functioned as broad-based nationalist movement before independence, transformed itself into the dominant political party of the nation. That is why the observers of Indian politics like Morris Jones described the Indian Party system as a system of “one party dominance”. While Rajni Kothari went to the extent of calling “One Party Dominance System” or “The Congress System”. Political parties play a major role in any democracy, as they are the ones forming the government and working for the welfare of the people, the party system in India first came with the formation of Indian national congress by A.O Hume in 1885, it was formed under the Pressure cooker theory where British felt that some recognition to Indians will lead to less revolutions by the Indians therefore congress was formed, after the end of colonial rule in 1947 the first general elections of Lok Sabha were held from- 25 October 1951 to 21 February 1952, making Indian national congress victorious, it was a land slide victory by congress this was because of major participation of INC in the freedom struggle of India and also the Gandhi factor, many other charismatic leaders were part of INC since its formation.

Now here the biggest question that what do we understand by the left wing and the right wing parties, the difference is of ideology and goals, in general notion is that right wing focuses on development and bringing FDI's (foreign direct investment) aggressively, whereas the focus of left wing is on the roots focusing on the poor section of the society and minority more. These are the major players when we talk about the government at the centre as India has a quasi-federal structure, the division of power is among the centre and the states, further we see the decentralisation (73rd and 74th amendments) forming local governments at the village as well as town level. The NDA and UPA coalition has been the major two candidates in the centre government. In the 1990's there was a different kind of set up emerged in the national and state level political parties which is called as Coalition Party system which is prevalent in 2014 national elections (coalition among NDA members such as Shiv Sena, BJP, RPI, LJP etc) and many state level elections such as Maharashtra (coalition between Shiv Sena and BJP), J&K (coalition between PDP and BJP). The political parties are not democratically elected and represented with the system of Indian politics.

Political parties represent different sections among the Indian society and regions and their core values play a major role in the politics of India.

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## **CONSTITUTION AND LEGAL PROVISION OF POLITICAL PARTIES**

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- The tenth schedule of the constitution added by the constitution fifty second amendment act 1985 deals with the disqualification of a person for being a member of either house of

parliament or the legislative assembly or legislative Council of a state on ground of defection.

- According to Article 29A(1) and (2) of the representation people act 1951 any association or body of individuals of India calling itself a political party need to make an application to the Election commission for its registration as a political party.
- Every political party in India has to register with the election commission. The election commission registers political parties for the purpose of elections and grants them recognition as national or state parties on the basis of their poll performance.

### **The development of Indian party system according to Yogendra Yadav**

- Single party dominance (1947-67) congress party dominated nationally and the state level. In this time congress party dominance at the centre and state level.
- Congress opposition system (1967-93) congress remained the most prominent party at national level but faced competition at the state level. After the 1967 rise of many regional or state party playing important role in Indian politics. In some states like Kerala and other states state party formed the government.
- Multiparty system onwards 1993 congress no longer at the national level and growth of regional parties. After the 1989 regional parties playing important role in formation of government in the centre.

### **Characteristics of Indian party system**

- After 1990 rise of many regional parties in and played very important role in formed government at the national and state level.
- Rise of effective opposition parties.
- Existence of many regional and non-recognised parties.
- India has been a multi-party system.
- Large numbers of regional political parties.
- Power sharing between the national and regional political parties, from 11<sup>th</sup>loksabha election a coalition and consisting of some regional parties and some national parties has been ruling at the centre.
- Factionalism and group are present in the most of the political parties.
- Personality cult dominates party politics in India.
- Rise of the proper functioning of federalism

### **Function of a political party**

- A political party contest elections by putting up candidates.

- In countries like the USA, the candidates are selected by members and supporters of party.
- On the other hand, in countries like India, the candidates are chosen by top party leaders.
- Every party has different policies and programmes. Voters make a choice according to the policies and programmes liked by them.
- Political parties shape public opinion. With the help of the pressure group, the parties launch movements for solving problems faced by the people.
- Political parties play a decisive role in making law for the country. As most of the parliamentarians belong to political parties, so a political party has direct say in law-making for the country.
- Formation of Government: Political parties form and run governments. The executive body is formed by people from the ruling party.
- Political parties provide people access to government machinery and welfare schemes implemented by governments. Parties need to be responsive to people's needs and demands.
- Political parties represent the interest of people of the country and specific regions. They represent groups as well as individuals.
- To mobilise the people to participate in the decision making and party programmes.
- Critically evaluate the policies and programmes of the other parties.
- Political parties are not only expected to come up with goals but also to modify them with changing demands and circumstances.

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## **REGIONAL PARTIES AND COALITION POLITICS**

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The presence of a number of ethnic, cultural, linguistic, religious, and caste within the society responsible for the origin of regional parties. In India regional parties are based on the identity, statehood, and autonomy. Regional parties based on regional-ethnic character include the TDP in Andhra Pradesh, the Dravida Munnetra Kazhagam (DMK), and the All India Anna Dravida Munnetra Kazhagam (AIADMK) in Tamil Nadu, Asom Gana Parishad (AGP) in Assam and the Akali Dal in Punjab. For example the Akali Dal represents only the Sikhs and the AGP represents caste Hindu Assamese. The regional parties formed governments in several states and tried to give concrete shape to their policies and programmes. Some of the regional parties which formed governments in various state include DMK and AIADMK in Tamilnadu; National conference in Jammu Kashmir, Telgu Desam in Andhra Pradesh, Asom Gana Parishad in Assam, INLD in Haryana.

The presence of a number of ethnic, cultural, linguistic and caste groups within the Indian society is responsible for the origin and growth of regional parties. In India regional parties are based on themes like-Identity, statehood, Autonomy and development. Autonomy

consists of demanding greater powers to the states like national conference in Jammu and Kashmir. Statehood consists of fighting for an independent state within the country like Telangana Rastra Samiti demanded a separate state of Telangana. Identity consists of fighting for recognition of cultural rights of a group like the Shiv Sena in Maharashtra or the DMK fighting for the identity of Dalits. Evolution of the regional political parties over the last four decades the number and strength of regional parties has expanded. Regional political parties have emerged to fulfil regional aspirations.

Further, talking about different states and region then we can see several parties having monopoly in particular regions this party dominate a particular state or region and hold seats and power in state assemblies, some of the example of such party are:

1. Biju Janata Dal – Odisha, BJD has been regional player in the state of Odisha it was formed in 1997 and as of today (November 2019) Naveen Pataki belonging to the BJD, is serving his 5<sup>th</sup> term as chief minister of Odisha.
2. Another strong example of regional politics is the Jammu Kashmir PDP; JKDPDP has been playing a strong role in the region of Jammu and Kashmir before article 370 was scrapped.
3. Maharashtra Navnirman Sena popular as Shiv Sena has been major regional dominant party in the state of Maharashtra.
4. Shiromani Akali Dal strong base in Punjab state and emerged as a single largest party in 1971 and 1977.

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## **DIFFERENT PARTY SYSTEMS**

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### **One party system**

In some countries, only one party is allowed to control and run the government, China. These are called one-party systems. It is not considered democratic since a democratic system must allow at least two parties to compete in elections and provide a fair chance for the competing parties to come to power. The congress government was famous for its umbrella system as every religion and region was connected by the party many scholars. The political scene in India was dominated for a long period by the congress. Rajni Kothari, call the Indian party system as ‘one party dominance system’ or the ‘congress system’.

The change in trend can be seen during the year 1977 when Janata Party came in power at the centre. This phase can also be called as the two party phase , which broke this winning election chain of the Indian national congress but not for a longer span as Janata Party itself failed as a party because of internal issues within the party . This failure granted an opportunity to congress and Indian national congress came back to power, but later congress party also became prey to internal conflicts under the leadership of Indira Gandhi. There was split among the congress. In India after independence congress was dominant party at the national and states level till 1967.



## **Two-Party Systems**

In some countries, power usually changes between two main parties. Such a party system is called two-party system. The United States of America and the United Kingdom are examples of a two-party system. A two party system is a party system where two major political parties dominate the political landscape. A two party system exists in a state where there are either only two very popular political parties or there are two main political parties along with several other minor less influential political parties. Each of the two main parties gets the opportunity to rule from time to time. In a state with two party systems, two political parties dominate in USA, UK, Belgium, and Ireland. The two party systems present voters a simple choice.

## **Multi-party System**

If several parties compete for power, and more than two parties have a reasonable chance of coming to power either on their own strength or in alliance with others, we call it a multi-party system. Thus in India, we have a multi-party system. After the 1996 general elections, no single party has been able to secure even a simple majority. The multi-party system is apparently very messy and it often leads to political instability. In India after 1989 multi-party coalition model has emerged at the national level. In multi-party system the party has several equally popular political parties. A multi-party system means the existence of several popular political parties three or more than three political parties in the political process. India, Switzerland, Japan, Italy, France examples of multi-party system. The congress, BJP, CPI, BSP, NCP, BJD, DMK, SP and other political parties have been played important role in Indian politics. In India the multi-party system has been responsible for the emergence of coalition politics. The diverse geographical and cultural concerns, India has the growth of the multiparty system. Over a period of time, national and regional political parties became the vital constituents of the world largest democracy.

## **Challenges of political parties**

- We have seen how crucial political parties are for the working of democracy. All over the world people express strong dissatisfaction with the failure of political parties performs their function.
- The main challenge is lack of internal democracy within parties, in India there is a tendency in political party's concentration of power in one or few leaders at the top.
- Most political parties do not practice open and transparent procedures for their functioning.
- The major challenge is about the growing role of money and muscle power in parties, especially during elections.
- The main challenge is that very often parties do not seem to offer a meaningful choice to the voters.
- Dynastic succession leads to the accumulation of power in some hands (especially family members) which further results in unqualified members to misuse power.

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## POLITICAL PARTIES IN INDIA

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### National Parties

National parties have a nationwide broad base structure and they function on the concept of popular appeal. After independence congress was the party that established its dominance in the country leading to its rule to be termed as the congress system or one party dominance. National parties mostly are the big umbrella under which all communities; all interest and ideologies get a place. Recent trend shows that when a national party doesn't achieve majority in the Lok Sabha then they form a coalition government by partnering with the regional parties. But coalition government can be seen obstructing the process of decision making. Formation of coalition government reflects transformation in the Indian politics away from the national parties towards smaller more narrowly based regional parties.

- A registered party is taken in as a National Party only when it fulfils any of the following conditions:
  - If the party wins 2% of Lok Sabha seats from at least three different states in India.
  - The party is recognized as a state party in four or more states in India.
  - If the party polls 6% of votes in 4 states in addition to four seats in the Lok Sabha, at the general election to Lok Sabha or Legislative Assembly.
- National party has influence in not limited states but in the whole country and it deals with the national interest and not some regional one.
- When a national party gains majority in the Lok Sabha it runs the government at the centre and holds all the crucial matters of national importance.
- We have the following seven National Parties in India:
  1. **Indian National Congress (INC)**– It was founded in 1885 during the colonial rule. INC stands for the ideology of social democracy, democratic socialism, liberalism, social liberalism, secularism, progressivism, Indian nationalism and civic nationalism. This party once dominated the Indian political scenario. It holds centre-left political position. From 2004-2014 it had a coalition with several regional parties under the name of United Progressive Alliance.
  2. **Communist Party of India (CPI)**– It is the oldest communist political party in India. This party broke into two when CPI (Marxist) in 1964. It stands for the ideology of communism, Marxist- Leninism, socialism and secularism. It maintains left-wing political position.
  3. **Bharatiya Janata Party (BJP)**– It is one of the two major political parties in India, along with the INC. This is a right wing party and presently holds country's largest representation. It stands for the ideology of conservatism, integral humanism, Hindutva, Hindu nationalism, cultural nationalism. BJP also had alliance named NDA.

4. **Communist Party of India (Marxist) (CPI-M)**– This party adheres to the Marxist-Leninist philosophy and was formed in 1964 after its split from communist party of India. Apart from the Marxist-Leninist ideology it reflects the ideas of communism, anti-capitalism and anti-imperialism. It holds left-wing political position.
5. **Bahujan Samaj Party (BSP)**–This party was formed to represent the Bahujan the scheduled castes, scheduled tribes and other backward classes along with the religious minorities. It was founded by Kanshi Ram in 1984. It professes social equality, social justice and self respect. Political position of this party is centre-left.
6. **Nationalist Congress Party (NCP)**–It is one of the national parties in India and it is a split from Indian National Congress. It stands for the ideology of secularism, liberalism, progressivism, civic nationalism, social justice and federalism. It holds centre-left political position.
7. **All India Trinamool Congress (AITC)**–After the 2019 general election it emerged as the fifth largest party in the Lok Sabha. It was founded by Mamata Banerjee. It adheres to the ideas of democratic socialism, left-wing populism and secularism. Its political position is that of being Centre-left.

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#### **STATE PARTY OR REGIONAL PARTIES IN INDIA**

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Regional parties propagates the ideology of regionalism or regional pride and party that are able to get support in only one state are also the part of the state party. The presence of a number of ethnic, cultural, linguistic, religious and caste groups within the Indian society is greatly responsible for the origin and growth of state parties and they are commonly called regional parties. Internal conflicts of the big national parties have also led to the rise of regional parties. In India regional parties are based on themes like-autonomy, statehood, identity, development and sometimes regional parties create cultural specificities for electoral gains. Over the last four decades the number and strength of regional parties have increased and this has made India politically more diverse. Regional parties are more inclined towards the fulfilment of regional interest in the area they are active in order safeguard the interest of that region which was not properly addressed. They have been filling the vacuum for protecting minorities. Many times asserting the regional interest leads to violence and chaos. But regional parties are also responsible for bringing out the true federal feature and have prevented the authoritarian intentions of the single party dominance. Regional parties have been seen opposing any move of the central government which according to them were considered to be harming the interest of their people. Regional parties not only promote their regional interests but also promote their culture and traditions. In rise of the regional or multiparty system the regional political parties in terms of votes and the elected members has increased. The percentage share of votes of the national parties is on the decline. Their share of votes was around 78 percent in the 1984 general elections which declined to 64 percent in the 2009 general elections. And the share of regional parties increased from 12 percent to 31 percent during the same period. Further the share of the national political parties in the

elected members of parliament has decreased from 85 percent to 69 percent and that of the regional parties increased from 12 percent to 29 percent in 1984 and 2009 respectively.

Many times activities of regional parties lead to the stalling of the development activities of the centre. Regional parties are also seen dividing the people on the lines of language, culture and tradition etc.

- To be called as a State Political Party, a political party needs to fulfill any of the following conditions:
- The political party needs to win a minimum of 3% of the total number of seats in the legislative assembly.
  - For every 25 seats in the Lok Sabha, the political party must win at least one seat. Alternatively, it needs to win any fraction thereof allotted to that State.
  - The political party should win at least 6% of the total valid votes that are polled during the general election towards the Lok Sabha or State Legislative Assembly. And, in addition, it should win at least one Lok Sabha seat and two Legislative Assembly seats in that election.
  - As per the liberalized criteria, if a political party fails to win a seat in the State general elections to the Legislative Assembly of the State or the Lok Sabha, then, it needs to secure 8% or more of the total valid votes polled in the State. We have the following some Regional Parties in India:
    1. **Aam Aadmi party (AAP)**– It was formed as a result of the India against the corruption movement. This party is currently ruling the national territory of the country. It was founded in 2012 and promotes the ideas of anti-corruption, participatory democracy, populism, soft nationalism with the political position of being center-left. In Delhi AAP party played very important role in Indian politics.
    2. **AIADMK**–The All India Anna Dravida Munnetra Kazhagam is the regional political party in the region of Tamil Nadu and Puducherry. It was founded in 1972 by M.G Ramachandran. In Tamilnadu AIADMK and DMK played very important role in south Indian states.
    3. **AIMIM**–The All India Majlis-E-Ittehad-Ul-Muslimeen is an Islamic regional party with a political base is Telagana. It was founded in 1927 and holds the ideology of Islamism. It holds a right wing political position.
    4. **AGP**–The Asom Gana Parishad is a state political party in Assam. It was formed after the accord of 1985 in the same year.
    5. **BJD**–Biju Janata Dal is a state political party in the state of Odisha and was founded in 1997. It professes the ideology of social democracy, liberalism, secularism and social justice.

6. **DMK**– Dravida Munnetra Kazhagam is a political party in the state of Tamil Nadu and U.T Puducherry. It stands for the ideology is democratic socialism, social democracy, secularism, regionalism and social justice.
7. **INLD**–The Indian National Lok Dal is a party active in the state of Haryana and it was founded in the year 1996. It stands for the ideas of social liberalism and regionalism. On the political position this party holds a centre position.

### **Is the rise of regional parties disturbing the political stability?**

The question whether the rise of regional parties has undermined the national parties can be ruled out as a myth because standing of regional parties in the election pattern has indicated towards the stability of balance of power. Another myth that needs to be address here is that if or not regional parties are ruling the region. Regional parties are far away from being dominant as they might rule in the area or the state but national parties still come out ahead as majority of people in India today lives in the state that is controlled by the national parties like the congress or BJP. Another myth can be regarding the transformation of governance- have the regional parties redefined governance? This can be answered by observing limited institutionalisation of the most regional parties which calls in question their ability to transform governance. The myth of regional parties growing influence on foreign policy also needs to be pointed out here and can be termed as limited due to the requirement of centre's approval. The emergence of regional parties has changed the political scenario but it should not be overstated here. Political parties and the party system in India have been influenced by cultural diversity, ethnic, caste, community and religious pluralism

Regional parties may point out the shortcomings of the national parties or come up with the concerning issues but it cannot be said that they have undermined the popularity and charisma of the national parties. Though regional parties have been successfully pointing out the issues that central government have failed to put their attention at. After 1980s regional parties playing very important role in formation of government at centre and state level. The regional parties are parties whose main holds are in one certain state and participate in the elections only within that state. In Tamil Nadu two main state parties are (AIADMK) and (DMK). The origin of these parties is prior to India's independence. The main ideology of this party is Tamil national pride. Another one state party is Akali Dal and its main hold is in Punjab and north India. This party is a state party but it is a religion oriented party whose followers are the Sikhs.

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### **CONCLUSION**

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Party system is one of the many factors of a healthy democratic process. It enables the people to be represented to the government. In India political parties played very important role in Indian politics. Between 1952 and 1967 the congress party dominated Indian politics both at the center and state level. National and regional parties have shaped the ideas of people in many ways which can be seen in the rise of people's participation during elections. After 1980 rise of many regional parties led to a dramatic change Indian politics and transformed the electoral

politics. India has a multi-party system which is observed as a unique process and experienced recent developments such as in May 2014 BJP was claimed as the first single party majority in Lok Sabha in three decades. We can see Indian politics was coalition politics between 1989-2014 following decades of congress party dominance at the national level. The modern era of coalition politics has come development of the multi-party system. Indian politics was coalition politics between 1989 and 2014, following decades of congress party congress party dominance at the national level. Whereas in the two general elections of 2014 and 2019 saw a single party on its own getting the full majority. Every political party has its own set of vision and ideologies, which are often aligned with the needs and concerns of the state or region they belong to one people choose them during the elections, they become legitimate rulers of the country. The party has certain responsibilities which are the national and regional parties work together to become a platform for common people to put forward their views. The main objectives of political parties is the fulfil their promises during the elections. Political parties played very important role in democratic country. The party system in India is an evolving one and it has been changing with the changing time and is also giving rise to the success rate of participatory democracy. Growth of regional parties during the late 1980s and early 1990s has not disturbed the balance of power but has instead enhanced the stability in balance of power. The Election commission recognizes seven national parties and 52 state parties. Also there are more than 1900 unrecognized political parties at present. One of the significant features which we can see throughout all the national parties is there lack of commitment to their ideology. The use of ideology in the public statements by parties is no more than rhetoric. As mentioned by Partha Chatterjee every party in Indian party system reluctantly or happily have endorsed the policies of neo liberalism. Even the communist party of India (Marxist) which is regarded by many as the only party sticking to its ideology has also its action supported the policies of capitalism.

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**STRATEGIES OF DEVELOPMENT IN INDIA SINCE INDEPENDENCE:**  
Planned Economy and Neo-Liberalism

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Priyanka Bairwa

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**OBJECTIVE OF THE CHAPTER**

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**After studying this chapter you will be able to understand following points:**

- Brief discussion on India's future vision about development.
- On the eve of Independence.
- Definition of the term 'Development' and its various other models.
- Brief History of Planning.
- Planning commission; and later replaced with NITI Aayog and its objectives.
- Role of the 'state' in the planning process.
- Planning experience in India and different parts of the world.
- Phases of Planning development.
- Analysis the performance of planning commission: success and failure.
- Economic crisis: causes and debates around it.
- Embracing the policies of Neo liberalism
- Adopted the policies of liberalization, globalization and privatization
- Reforms in various sectors
- Consequences of reforms Advantages as well as Disadvantages: An Assessment

In this chapter we will discuss the objectives and strategies of development envisioned immediately after the independence, and how the nature and objectives have changed over the period of time. And at end the evaluation have been done. We will be read the socio-economic context under which process of formulation of development took place.

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**ON THE EVE OF INDEPENDENCE**

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India, in August 1947 emerged as an independent nation with its pledge to abide by its "tryst with destiny" which means that we made a secret deal now time has come to fulfill the pledge. At that time Indian had many difficulties for state formation and some of were as these:

- nation building
- socio-economic development

The first objective of the nation building was to be achieved by integration of dispersed princely states and satisfying the aspiration of the people of India to accommodate them. The Second task before India was socio economic development challenges were many before India after having long colonial exploitative experience rule. India had to overcome from various challenges such as eradication of poverty social economic justice to the people. Economic development sustained economic growth progressive improvement in the living

standard of people. There were multiple players and contested groups such as environmentalist, tribal and itself people to whom they have to reconcile through the planning and that its strategies should not have to prioritize one interest over the others. They opted for a democratic way so and one decision was not independent from others. Decisions were involve measuring the interests of one social groups. All these decisions bound together with the shared vision of the economic development. One another debate was the over what should be the role of the state vis-à-vis market, but market at that time was in nascent stage. Neither the industries had capital to invest nor the people had consumption capacity. It is the government had to undertake the leading role in promotion of market. In addition, the decision of the government to make base of economy on socialist line led state control and ‘command height of the economy’. Thus, finally that public and private sector should have played a complimentary role to make the sustain growth.

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### **THE TERM ‘DEVELOPMENT’ AND IT’S VARIOUS OTHER MODELS**

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The project of development was seen as post second world war phenomena. Where exploitative, ravaged, destroyed countries had to adopt the Truman project of modernization as an essential feature in order to become modernized and industrialized. Every country would have to go through this unilinear path of development which is often referred to westernization project whereby development was all about heavy infrastructure, large scale production thus, high rate of economic growth. And prosperity in the lives of the people. At the time of cold war there were two models of development, one the socialist model of development which was led by USSR and another one was the capitalist model of the development which was led by the US. In the socialist model of development, all the means of production (resources and property) owned by the state, and its commitment to the socio economic redistribution of resources and this model gave larger responsibility to the welfare of the people but little political liberty, capitalist model of development is about let market left free to the economic sphere. There were many in India who deeply impressed with the socialist model of development. These include not just the leaders of the communist party of India but within the congress who believed in socialism like Nehru and others. Indian Nationalist were leaned towards the socialist model of development because of its pledge which they were committed during the nationalist struggle like to eradication poverty, socio economy ideals which they envisioned in the constitution of India in the provision of fundamental Rights complementary with directive principle of state policy. Thus, there was different contestation over the issues of strategies of development but had consensus on the state led development at the same time socio-economic justice to the people of its country.

#### **Questions**

- Q.1** On the eve of independence, what objectives India set for its people?
- Q.2** What do you understand by the idea of development?
- Q.3** What were the models of development? Why India lean towards the socialist model of development?



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## **MIXED ECONOMY**

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The debates around the strategies that had to opt for India's development were finally settled. India had adopted the path of 'mixed economy' model of development. Where state would control major means of production, provided impetus to public sector through investment and regulations over trade. Suitable intervention in agriculture means providing necessary subsidies. State further embraced PSUs (Public Sector Undertakings) in which state was the major stakeholder with the regulation and administration over it.

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## **BRIEF HISTORY OF PLANNING**

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### **The National Planning Committee**

National planning committee was set up under the chairmanship of the Nehru, architect of the planning commission. The national planning committee was set up towards the end of 1938. The committee laid down the following recommendations:

- The state should own or control all the key industries and service such as mineral, railways, waterways and other public utilities and produce a series of studies on different subjects concern with the economic development.
- Agriculture is crucial to draw up a scheme of national planning.
- The planning should uplift the standard of living of people.

### **The Gandhian Model**

Mahatma Gandhi was not a professional economist he didn't develop a formal model of economic growth but advocated certain policies with regard to rural development such as small scale industries and agriculture innovation and development. There were many gandhian ideologues such as JC Kumarappa proposed an alternative blueprint that put greater emphasis on rural industrialization. Another leader was Chaudhary Charan Singh vigorous supporter of agriculture at the centre of development planning.

### **Bombay Plan**

One another section of industrialist who sought the industrial development should led by the state, got together in 1944, and drafted a proposal for setting up planned economy, known as Bombay plan.

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## **PLANNING COMMISSION**

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The Planning Commission was set up in March 1950 by a simple resolution of government of India. It came into being after fifty days of independence after promulgation of the constitution it came as an extra constitutional body. This commission was consisting of chairman, deputy chairman six members, headed by the prime minister and deputy commissioner was its full time member. It has an advisory role and its recommendation become effective only when the union cabinet approved it. The planning commission was asked to prepare a draft for plan in a phase manner. Priority was set to spend government income and expenditure on the plan budget fixed by the plan for the next five years. One

another proposal was also put forth by for the formation of national development council (1952), prime minister as its head and chief minister as its members.

The planning commission was asked to function within the constitutional framework and its values. These are as follows:

### **Resolution for Planning Commission**

The constitution of India has guaranteed certain fundamental rights to the citizens of India and enunciated certain directive principles of state policy, in particular, that state strive to promote the welfare of the people by securing and protecting social order in which justice – socio, economic and political and shall direct its policy towards securing among other things:–

- That the citizens, men and women equally, have the right to an adequate means of livelihood;
- That the ownership and control of the material resources of the community are so to distribute to subserve the common good;
- That the operation of the economic system does not result in the concentration of wealth and of means of production to the common detriment;
- Objective was to raise the level of standards of live

Having regard to these rights and furtherance of these principles as well as of declared objectives of the government to promote a rapid rise in the standard of living of the people by the efficient exploitation of the resources of the country and increase production, and offering the opportunities to all of employment in the service of the community, the planning commission will:

- Make an assessment of the material, capital and human resources of the country, including technical, Personnel and investigate the possibilities of augmenting such resources as are found to be efficient in relation to the nation's requirements;
- Formulate a plan for the most affective and balanced utilization of the country's resources;
- On the determination of priorities, define the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage,
- Indicate the factors which are trending to retard economic development, and determine the conditions which, in view of the current social and political situation, should be established for the successful execution of the plan.
- Determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of plan in all its aspects.
- Evaluation from time to time the progresses achieved in the realization of each stage of the plan and recommend the adjustments of the policy and measures that such assessment may secure to be necessary.
- Make such interim or additional recommendations as appear to it be appropriate either for facilitating to discharge of the duties assigned to it; or, a consideration of the prevailing

economic conditions , current policies measures and development programme ; or on an examination of such specific problems as may be referred to it for advice by central and state government .

### **Function of National Council**

- To review the working of the nation plan from time to time;
- To consider important questions of socio and economy policy affecting national development; and
- To recommend measures for the achievement of the aim and targets set out in the national plan, including measures to secure the active participation cooperation of the people, improve the efficiency of administrative services, ensure the fullest development of the less advanced regions and sections of the community
- To ensure balanced and rapid development of all parts of the country.

### **Questions**

Q. 1 Define the planning commission. And what are its major objectives?

Q. 2 How national council is different from the planning commission?

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### **NITI AAYOG (National Institutional of Transforming India)**

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On the 13 of August 2014, the government scrapped the 65 years old planning commission and replaced it by a new body. Accordingly, on the January 2015, the NITI Aayog was established as the successor to the planning commission. It was constituted by the executive resolution. Hence, it was an extra constitutional body. The NITI Aayog is a foremost a policy ‘think tank’ of the government providing both directional and policy inputs. While designing strategies and long-term policies and programmes for the government of India, NITI AAYOG also provides relevant technical advices to the centre and states.

It is assumed to be a shift pragmatic approach from the command height of the past to accommodate diverse points of views, in another words it is being argued, it is a bottom- up approach rather than top- down. It is said to be junction in the spirit of cooperative federalism.

### **Composition**

The composition of the NITI Aayog is as follows:

- Chairperson: The prime minister of India
- Governing council: It comprises the chief minister of all states, chief minister of all union territories, with legislatures (Delhi, Puducherry) and Lt Governors of other union territories
- Regional council: these are formed to address specific issues and contingencies impacting two or more states or regions. These are formed by specified tenure, these are convened by the prime minister and consists chief ministers of the states and Lt Governors of the UTs in the region. These are chaired by the chairperson or his nominee.

- Special invitees: experts, specialist and practitioners with relevant domain knowledge as special invitees by the (PM).
- Full time organizational framework it comprises, in addition to the prime minister as the chairperson.
- Vice chairperson: He is appointed by the prime minister. He enjoys the rank of a cabinet minister.
- Part time-members: maximum of 2, from the leading universities, research organizations other relevant institutions in ex officio capacity
- Ex-officio members: Maximum of 4 members of the union council of members to be nominated by the PM.
- Chief Executive officers: He is appointed by prime minister for a fixed tenure, in the rank of the secretary to the government of India.

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## **ROLE OF THE STATE IN THE PLANNING**

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Here, in this section we are discussing about the state's role in the planning. State plays main role in the planning of the economic development of any nation. Since India had a long historical experience of British rule, during the national struggle nationalists were committed to many principles which they will uphold after independence. They had acquired considerable degree of legitimacy that was contrary to the illegitimate colonial state. It was the time when nationalists represented a critique to colonial exploitative structural rule. They were committed to the economic development which would cater to all section of the society. There were many dominating classes who still had considerable influence on the ruler economy, other the industrialists, who wants state's intervention role Industrial development of planning. State had leading role because of its commitment to socio economic development of the nation which includes, well-being of the people, eradication of poverty, equitable redistribution of resources. The state at that time was connected to the people because of its national freedom struggle. Thus, state was in position who had the main role in the planning formulation. Therefore, it is assumed state as a domain of rational and conscious selection for adopting the policies that they thought affecting the whole and general interest but subsumed the particular interests of the society.

Q. 1) What was the expected role of the 'state' in the context of post- colonial societies?

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## **IMPLEMENTATION OF THE FIRST FIVE-YEARS PLAN PHASES**

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### **First five-year plan (1951-1956)**

The first year plan was about to get rode off country from the cycle poverty. K N Raj economist had drafted the plan. The first plan majorly focused on investment in the agriculture sector which included the dam and irrigation, Funds were allocated for the projects like Bhakra Nangal dam.

## **Land Reforms**

Within the socio- economic context, there were drastic need of reform in agriculture sector. During the colonial era British government had adopted policies in the field of agriculture to extract revenues such as: a) zamindari, b) Mahalwari, c) Rayotwari system.

These all policies were very exploitative in its nature. So, after independence, in the 1950, through the 1<sup>st</sup> Amendment Act, Land Reform act has been passed and the idea of land reform policy was to first, ceiling the appropriation of land, and redistribution the surplus land to the landless farmers. 'Land to the tiller.' Second, attempt was made to consolidation of small parts of land and promotion of cooperative farming. Intermediaries has been abolished. Tenancy act had also been passed in order to protect arbitrary eviction of the farmers and grant them permanent Rights over the land.

**Community Development Programme**—Community Development Programme started in the year 1952. The committee was consisting of experts. The committee had been asked to examine reasons as to why the food production is low and how it can be enhanced. This committee states that the development of community can't be seen only from economy point of view rather their life inextricably linked to social life as well. So, attempts had been made in order to promote overall development of villages as whole for this purpose multipurpose agency has been set up but even these efforts did not succeed because of many loophole at the implementation and administrative corruption.

## **Second Five-Year Plan (1956-1961)**

Second five-year plan, focused on rapid and heavy industrial growth and it was based on idea of self-reliant economy. The draft was prepared by a team of economist headed by P.C Mahalnobis. Under the second five-year plan main objective was to give impetus to exist infant domestic industries, protected them through various mechanism like- high tariffs and quota duty on imports.

In the second year of plan government owned public sector industries and developed by providing environment to industries to grow. Bulks of the industries were developed by the government such as- Railways, Electricity, steel machinery and communication. Several policies were enacted in this regard as follows:

### **Industrial Policy Resolution**

In accordance with the state's controlling and command height of the economy', the Industrial policy resolution in 1956 was adopted. Under it, industries are categorized First, category of those exclusive control of the state. Second, category consists of those industries where the sole responsibility would be for the state for starting a new unit. Third, sector consists of private sector units, this unit was control through the permit licenses raj system. This policy means that no industry could be operated unless a license was obtained from the government. In, addition tax concession benefit and low tariff were given to them. Major focus was on diversifying the domestic industries.

## **Small-Scale Industries**

In, 1956, Karve committee was called for observed the possibility of rural development through small scale industries development. It was believed that the small-scale industries are more labour intensive than the heavy industry. Therefore, protection was provided to small scale industries from the big firms. Numbers of products were reserved for the small-scale industries. Import substitution industry policy (ISI) was adopted to substitute foreign made products by the domestic products. This mechanism was advised in order to reduce imports.

However, India lacked the modern technology for industrialization, It, had to spend its foreign exchange reserves to buy technology from the international market.

## **Third Five-Year Plan (1961-1966)**

The first five-year plan attempted to induce investment in the agriculture however, it was not succeed as it was expected, land reform was not implemented properly. It was left to the state government for its implementation and nexus between local leaders with the dominated landed class, found way to evade from this act to be implemented. Various methods had also been devised to evade from the act. State bureaucracy effort did not bring any real change in ruler economy. Electoral politics and considerable influence of landed class made difficult to realize the objective of the policy to bring equality, growth, production or redistribution. Another scenario was two major external shocks, two droughts and wars led to the situation of food crisis and we had to depend on food aid from the united state (PL 480). Another reason was due to over emphasis on industry without much input from the agricultural sector. Unequal access to market to agriculture products. In 1960s, there was contradiction in the strategies of development in that situations made need to seek immediate solution. All these conditions forced the government to take initiatives in order to overcome from this crisis. During the Indira Gandhi government, she adopted many policies to regard this problem. These are as follows:

- 1) **New Agrarian Strategy**–This policy was also known as green revolution; it was assisted by world bank this policy was to about develop large scale quantities of raw materials and food production to increase the size of home market and increase fertile production, focus on irrigation project and shift from major irrigation to minor irrigation, Advanced and high technologies were provided, HYV (high yielding of variety seeds) along with commercial sources such as diesel oil and electricity etc. unlike earlier policy that focused to all farmers, this one giving support to farmers who are already in a well off position in rural society. It was assumed that those who already had some capacity could increase the rapid production through a boost by the governments, but this policy was remained benefit for the big landlords and rich peasants. This development led to create regional disparity for instance, it focused to northern states such as (Uttar Pradesh, Haryana and Punjab) other remained backward and another argument was this policy provided to raise the production mainly one crop (wheat) to make country food sufficient.

**2) MRTP (Monopoly Restrictive Trade Act, 1979)**—The aim and objective of the act

- To ensure that the operation of the economic system does not result in the concentration of economic power in the hands of few.
- The act extends to the whole of India except Jammu & Kashmir
- To prohibit restrictive and monopolistic trade policies

It was felt that control over production by some companies hampering the growth.

**Period of Economic Crisis**

In the year, 1991, India was going through a severe economic and political crisis at that time. At political front, assassination of Rajiv Gandhi, beginning of the coalition government era, no stability at the centre and that was the when one party domination (congress party) came to end. At the economic front, India met an economic crisis, it was not able to repayments on its borrowings from abroad. It had foreign reserve only of few months to financing the oil, acute shortage of foreign reserve led to balance of payment crisis and fiscal deficit problem.

In the same year, India had to approach IMF for loan to tackle this fragile condition. IMF had approved the loan accompanied the package of structural adjustment programme. The (SAP) was implemented by following heads—

- a) Embracing the policy of liberalization, privatization and globalization.
- b) Devaluation of the currency to encourage export.
- c) Government had to reduce the expenditure in public sector to bring down fiscal deficit.
- d) Disinvestment in public sector
- e) De-regulation and De-licensing, tax concession to private firm, loan to private actors, opening of new venue hitherto reserved for public sector.
- f) Removed of import tariff and quota system.
- g) FDI regime liberalized and many restriction were eased.

**An Assessment of Planning**

There were many other reasons for India's economic crisis. In the first two decades India invested in public sector or basic infrastructure development. The proportion of GDP increased in the industrial sector. The achievement in the first seven years of plan impressed indeed. Protection from the foreign market gave the opportunities to infant indigenous industries to develop themselves in the areas electronics, automobile which otherwise they could not develop. But despite being progressed in the initial years now it is being felt among economist the state should lease restriction to the areas where their services have been proved slow. The state tendency of control over economic activities through the permit license system whereby any private enterprise had to take a long route to start a business. The process proved to be hampering the competitiveness because there was no incentive for creativeness and innovation and no improvement in the services and quality. Another reason the was the rent-seeking behavior of the bureaucracy in other words input of resources but

not giving output in form of GDP growth. Thus, partially for this reason state became in debt and fiscal deficit.

At that time changes had taken place in the international scenario. In the 1991, same year, the collapse of soviyat union. Soviyat union has been a important trade partner of India, sharp decline in the exports to Russia. Losing of military and political ally. All those reasons made India to shift to their position towards the US and need of availability of foreign exchange Reserve.

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## NEO- LIBERAL POLICIES

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- a) **Policy of LPG** (Liberalization, Privatization and Globaliztion)–Liberalism as ideology support to ' individualism' in every sphere socio, political and economic. And this ideology is supplementary with the capitalism. Triumph of US ideology after the end of cold war. In political sphere they advocated individual liberty, minimum role of the state. In economic sphere laissez faire (no intervention of the government in the market, let market decide production and distribution. state should only collect the tax and maintain rule and regulation. This policy had shifted the state role from regulator or controller to facilitator.
- b) **Privatization**–Privatization is about discharge the ownership or management of the ownership of a government. In privatization share of public sector/PSUs has to be sold off to private enterprises in order to improve the efficiency and overcome from the financing debt. This process also known as disinvestment.
- c) **Globalization**–Globalization is a process whereby the world is integrating. Integration of the world economic to the national economy. It is based on the agreement to set out policy that aimed transforming a world towards greater inter dependence world. This policy aimed transcending the social, geographical and political boundaries.

Some policies are formed in this regard through the organization. Such as

**WTO (World Trade Organization)**–World trade organization is a successor of the GATT (General agreement on trade and tariff) it was formed in 1995. It laid downs certain principles in forms of rules and regulations for multilateral and bilateral trade among the member countries.

### Reforms in the Agriculture

Public sector investment in the agriculture sector especially infrastructure, which includes irrigation, power, road, market linkages and research which played a significant role to the green revolution. This input had to reduce in this reform period. Further, subsidies has been reduced, reduction In providing the minimum support price, and lifting the quantitative restrictions on agriculture products, these have adversely affected Indian farmers as they now have to face the international market and competition moreover, there has been shift on agriculture production strategies from domestic consumption crops to export oriented cash crops.



## **Reform in Industry**

India's industrial environment was not conducive for competitiveness and innovative for the entrepreneurs to flourish. Economy was exclusive under the control of the government. By the 1991, for the promotion of private investment many steps have been taken such as dismantled the control of the state either in form of license permit raj or quota. Domestic market has been opened up for the foreign direct investment with providing conducive environment for the entrepreneurship. Tariff and import duties have been consistently reduced. Amendment has been made in the previous laws and acts. MRTP has now been replaced with competitive act, keeping the view the economic development in the country, to promote the sustain competition in the market, to ensure qualitative services being provided to the consumer and controls over the private sectors has been reduced. FERA (Foreign Exchange Regulation Act) of 1973, the idea behind this act was regulation over foreign exchange payment and dealing with foreign securities. RBI had authorized to investigate a person or company to deal with foreign exchange. Later this has been replaced with FEMA (Foreign Exchange Management Act) that changed the role of RBI from regulating with the facilitating the external trade and payments and for promoting the orderly development and maintenance of foreign exchange.

### **Impacts of Reforms: A Critical Analysis**

In the reform period, there has been mixed reactions of the success and failure of the impact on the economy and society.

### **Evaluation of Reform**

India was able to rebuilds its foreign exchange reserves. Its GDP growth has increased since 1991 to 1996. Export has grown significantly, but for certain period of time. It was able to achieve food security. There has been improvement in the investment, saving and growth and expanded its market however, India had to reduce its role in public redistribution programme. The growth story was uneven it was urban bias. Rural people have not been able to get the benefit. Absolute poverty has reduced however, the overall economic development in the education, health and quality of the people have not been satisfactory. Another aspect was poverty which is closely related to employment, but the rate of unemployment continuously increased with the pace of growth, further the quality of the employment has also been deteriorated. Increased in the Casualization of the labour. Declined in the organized sector with the social security. Low wage workforce has been increased. Overall, it created disparities and widen the inequity between the rich and poor, urban and rural.

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## **WHAT WE HAVE LEARNT SO FAR**

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- After Independence India had many challenges before of nation building and one of them was to ensure economic development and well being its people.
- Planning commission had been set up to draft plan proposal for the next five year. Resolution was prepared defined the scope of its function; they were asked to prepare draft in keeping the values envisaged in the constitution.

- On the eve of independence, India had two models of development. One socialist model and another capitalist model. India chose the middle path of development (Mixed economy). Major sectors were controlled by the state and whereas others to private sectors.
- The plan had been set to implement for the period of five years. This experiment has already been implemented in the USSR.
- Simultaneously focus on the sectors was not possible due to weak economic conditions at the time of independence. So, five-year plan targets each sector in one phase.
- Weak implementation due to political unwillingness, nepotism, corruption, local ties of politicians with local landholders and rent-seeking behavior did not allow to reach the fruit to the real beneficiary.
- State's role in the post-colonial countries like ours and its commitment to democratic values in the economic development incorporation of various interests of the society without conflicting with each other.
- We faced economic crisis at the end of 1991, balance of payment, availability of foreign exchange reserves for few months, move towards the international agencies for loans to pay its debt and financing the import of oil. India became a member of WTO.
- IMF and WTO put conditions in lieu of financial aid to developing countries such as adoption of structural adjustment programme.
- Neo-liberalism (Liberalization, privatization and globalization) as an ideology is about complex interdependence of the world, integration of the national economy to the world economy and advocating the laissez faire (open market). Minimum role of the state.
- NITI Aayog has been replaced with the planning commission with the objective making a shift from top-bottom approach to bottom up. Step towards more cooperative federalism.
- Impact of the reform is uneven, promote urban bias development, reduce in the self employment, and increased in the existing inequities and disparities.

## QUESTIONS

**Q-1** What do you understand by the India's planned development in the first five-year plan?

**Q-2** What is the difference between planning commission NITI Aayog?

**Q-3** What are the neo liberal policies. How it has changed the role of the state?

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**SOCIAL MOVEMENTS**

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Kamlakant Raul

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. They often have unlikely beginnings and are spontaneous. They occur mainly due to social unrest, sense of deprivation, structural strains and an urge for revitalization.

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**PEASANT MOVEMENTS**

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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 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 Kheda 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 parity 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 where capitalism has penetrated into many parts of the country (Shah 2004 : 75).

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## **WOMEN'S MOVEMENT**

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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 compete 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 Pradesh, 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 is 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).

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## **WORKERS MOVEMENT**

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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 20<sup>th</sup> 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 19<sup>th</sup> 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 affiliated 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).

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## **ENVIRONMENTAL MOVEMENT**

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### **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, etc. 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 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 among 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 displaced. 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).

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## CONCLUSION

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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

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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.