GAUHATI UNIVERSITY
Centre for Distance and Online Education(GUCDOE)

M.A. First Semester
(Under CBCS)

MASS COMMUNICATION

Paper: MMC 1015
Indian Society and Politics

CONTENTS:

BLOCK: I (Indian Society)
Unit 1: Making of India – Formation of the Nation State, Freedom Struggle; Post Independent Development (Economic and Political History)
Unit 2: Indian Society : Nature, Meaning and definitions; Indian Social Structure; Caste, Religion, Language in India
Unit 3: North East India : History, Culture and Politics

BLOCK: II (Constitution of India)

Unit 1: Historical Background, Constituent Assembly of India; Philosophical Foundations of the Indian Constitution; Salient Features, Preamble
Unit 2: Fundamental Rights, Fundamental Duties
Unit 3: Directives Principles of State Policy
Unit 4: Sixth Schedule, Autonomous Council and North East India

BLOCK: III (Indian Governments)

Unit 1: Union Government: Structures of the Union Government and Functions
Unit 2: President
Unit 3: Prime Minister, Cabinet, Parliament, Parliamentary Privileges
Unit 4: Supreme Court of India, Judicial Review
Unit 5: State Government: Structure and Functions

Unit 6: Governor, Chief Minister, Cabinet, State Legislature

Unit 7: Judicial System in States, High Courts and Other Subordinate Courts

Unit 8: Panchayati Raj

BLOCK: IV(Indian Politics)

Unit 1: Problems of the Indian Political System: Linguism, Regionalism, Communalism, Insurgency, Terrorism, Casteism Corruption and Criminalisation of Politics
Unit 2: Nation Building in India: Problems and Prospects

Course Structure

Master of Arts (MA) in Mass Communication (MAMC) in the CBCS Mode

GUCDOE

Course Code	First Semester
MMC1015	Indian Society and Politics(C)
MMC1025	History of Media and Global Media Scenario(C)
MMC1035	Perspectives on Communication Theory(C)
MMC1045	Basics of Journalism(C)
MMC1054	Practical and Project(C)
	Second Semester
MMC2015	Electronic Media(C)
MMC2025	Advertising(C)
MMC2035	Public Relations and Corporate Communication(C)
MMC2045	Media Laws and Ethics(C)
MMC2054	Practical and Internship/Project(C)
	Third Semester
MMC3016	Film Studies(C)
MMC3024	Media and Communication Research(C)
MMC3035	Specialisation-I (ICT and Educational Media-I)(S.CC)
MMC3045	Specialisation-II (ICT and Educational Media-II)(S.CC)
MMC3054	Practical and Portfolio(C)
	Fourth Semester
MMC4016	Alternative Media & Journalism(C)
MMC4024	Communication for Development(C4D)(C)
MMC4034	Specialised Communications(C)
MMC4044	Current Affairs and Communicative Language(C)
MMC4056	Dissertation and Comprehensive Viva Voce(C)

ABOUT THE PROGRAMME AND GENERAL GUIDELINES

The primary objective of this programme is to plan for an all-round development of the media students that would comprise imbibing correct media education principles, inculcating modern media perspectives, understanding professional ethics and determining the pathway for media growth. Keeping all this in mind, the syllabus here has been designed keeping room for further modifications in order to adapt to the changing dynamics of the media world.

OBJECTIVES
The programme is designed to:
- Introduce various aspects of mass communication.
- Acquaint and train the learners on different uses of media strategies.

- Develop the skills of the learners on handling of different mass communication tools.

LEARNING OUTCOMES
 After completion of this programme, the learners will be able to:
- Discuss the various theoretical and practical aspects of mass communication.
- Enumerate the existing and emerging trends of journalism and mass communication.
- Explain the methods of appropriate use of mass communication tools.
- Inherit the ethical values related to the mass media.
- Develop their skills on ICT and Educational Media
- Encourage media entrepreneurship

TEACHING PEADAGOGY
The teaching pedagogy shall consist of counselling sessions, tutorials, practical, interpersonal counselling, group activities, seminars, special lectures, workshops and field visits in addition to the Self Learning Materials (SLMs).

COUNSELLING SESSIONS
The counselling sessions are designed to encourage the learners to express their opinions, observations, share experiences, and ask questions. The learners should use this time to clarify their understanding of the concepts encountered in the Self Learning Materials(SLMs). Learners with these concerns should follow the guidelines presented in the syllabus for grievances.

COURSE COMMUNICATION
Learners are expected to show respect for instructors, action according to policies set by the University. The instructor will post lecture notes and learners may post their reports and other messages of interest on the official social media group, blog/group, email of the institute to be notified at the beginning of the academic session. When you e-mail to instructor or any faculty, make sure you put your full name, roll no, subject code and title of the paper/assignment in the subject line. All learners should provide their contact details at the time of admission.

COURSE PREPERATION AND PARTICIPATION

Learners are expected to read Self Learning Materials(SLMs)s prior to and post counselling. They should be ready with acquired ideas on the relevant topics which would be further discussed in the counselling sessions by the concerned counsellor with the aid of new teaching techniques, books and discussions.

Course Structure

Semester-I

Course Code	First Semester
MMC1015	Indian Society and Politics(C)
MMC1025	History of Media and Global Media Scenario(C)
MMC1035	Perspectives on Communication Theory(C)
MMC1045	Basics of Journalism-- Print Media(C)
MMC1054	Practical and Project(C)

Master of Arts (MA) in Mass Communication(MAMC)(CBCS), GUCDOE

First Semester; Paper- MMC-1015(C): Indian Society and Politics

End Semester Examination will be of **3 Hours** duration with 80 marks;
Internal Assessment will be of 20 Marks.

OBJECTIVES OF THE COURSE
The course is designed to:
- Introduce various aspects of the Indian society.
- Acquaint on the Constitution of India.
- Introduce the learners about the Indian government and politics.

LEARNING OUTCOMES
 After completion of this course, the learners will be able to:
- Discuss the Indian socio-cultural structure.
- Enumerate the Constitution of India.
- Comprehend the Indian government and politics.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Indian Society and Politics(5 Credits)
MMC 1015 C	1	**Indian Society** • Making of India- formation of the nation state, freedom struggle, post independent development (economic and political history). • Indian society: Nature, Meaning and Definition; • Indian Social Structure; Caste, Religion, Language in India. • North East India: History, culture and politics
	2	**Constitution of India** • Historical Background, Constituent Assembly of India; • Philosophical foundations of the Indian Constitution; Salient

		Features, Preamble,
		• Fundamental Rights, Directive Principles of State Policy, Fundamental Duties.
		• Sixth schedule, Autonomous Council and North East India
	3	**Indian Governments**
		• Union Government: Structures of the Union Government and Functions, President, Prime Minister, Cabinet, Parliament, Parliamentary privileges; Supreme Court of India, Judicial Review.
		• State Government: Structure and Functions, Governor, Chief Minister, Cabinet, State Legislature, Judicial System in States, High Courts and other Subordinate Courts. Panchayati Raj.
	4	**Indian Politics**
		• Problems of the Indian Political System: Linguistic, Regionalism, Communalism, Insurgency, Terrorism, Caste, Corruption and Criminalisation of Politics.
		• Nation building in India: problems and prospects,
	5	Practical: The learners are suggested to read daily newspapers and magazines to keep themselves updated on various Socio-Political issues.

Key Readings(Paper Code--MMC-1015 C)

1) **Basu, Durga Das, *Introduction to the Constitution of India*-New Delhi: Wadhwa and Company Law Publishers, 2002**
2) **Basu, Durga Das, *Introduction to the Constitution of India*—New Delhi: Prentice-Hall of India Pvt. Ltd. 1995.**
3) **Pylee, M.V., *Constitutional Amendments in India*-Delhi: Universal Law, 2003.**
4) **Mathew, P.D., *Fundamental Rights in Action*-New Delhi: Indian Social Institute, 1996.**

E-Resources
□ https://india.gov.in/
□ http://presidentofindia.nic.in/
□ http://www.pmindia.gov.in/en/
        □ http://loksabha.nic.in/

First Semester; Paper- MMC 1025(C) : History of Media and Global Media Scenario

End Semester Examination will of **3 Hours** duration with 80 marks;
Internal Assessment will be of 20 Marks.

Objectives of the course

1. To trace the history and evolution of the modern media.
2. To acquaint the learners with the changing scenario of media growth.
3. To get a brief understanding of the structure of the global media scenario.

Learning Outcomes:
At the end of the course the learners will be able to:

1. Comprehend the concept of global media dynamics.
2. Develop a critical thinking on the global media scenario.

3. Build their perspectives on media evolution.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		History of Media and Global Media Scenario(5 Credits)
MMC 1025 C	1	**History of Communication and Media** • Early Communication Modes, the Oral Tradition, Written Language, Introduction to traditional and folk media with reference to India and North East. • Origin and growth of press in India and the World, History of Press in India in the Pre and Post Independence Period • Pioneers in Indian journalism, Growth of Indian language media, Media and social reforms, Media facilitating freedom struggle and mass awakening • History of Press in Assam, Role of press in Assam in the Freedom struggle.
	2	**Growth and Development of Electronic Media, Alternate Media and New Media** • Growth and Development of Radio as a Mass Medium in the World, The Golden Period of Radio, Radio during the World War, Growth of Public Service Broadcasting in the World, The Indian Radio Scenario – All India Radio to Private FM Broadcasting, Community Radio, Issues of News and Current Affairs in Private Radio, History of Prasar Bharati. • Growth and development of Television as a Mass Medium in the World, Growth of Satellite Television in the World, History of Indian Television: Doordarshan, Growth of SITE, Kheda Experiments, emergence of Satellite TV, DTH or Digital Broadcasting Service(DBS), HDTV, Conditional Access System (CAS) • History of Computer and Internet, Development of New Media, New Media and Mobile Telephony Services
	3	**Global Media Scenario—Some key aspects** • Importance of the study of Global Media Systems, The Information Rich West and the Information Poverty in the Underdeveloped countries. • Historical Dimension of the International Information, their Closed situation in the Socialist countries • Concept of Free Flow of Information and Imbalance, Origin of the concept of Imbalance, Information Imbalance between the Developed and Developing countries, the Western Bias in Free Flow of Information, Contemporary trends in the Media and International Relations. • NWICO, NIEO, NAMEDIA, NANAP, MacBride Commission Report, The Algiers Summit,UNESCO,UNO,G-20,G-10, ITU
	4	**Global Media—An Overview** • Newspapers and Magazines of different countries, Radio and Television of different countries, International Broadcasters—

		BBC,CNN etc. and their current status, Growth and Status of Community media in the Global Perspective, • International Media Conglomerates and their current status • Transnational News Agencies—Reuters, AP, AFP, TASS-ITAR, DPA, Xinhua, UPI, PTI, UNI and their current status, Alternatives to 'Globals'---IANS, IRNS, PANA , CANA, NANAP etc. • Media Commercialisation Boom in Global Media, McDonaldization, Paid News Syndrome in the Global Media Scenario, Rupert Murdoch, 'News of the World' • International Film Industry—Hollywood, Canadian Film Industry etc., Satellite Television—Animated films, documentaries, short films etc.
	5	Practical: The learners are suggested to regularly read newspaper and magazines of various countries, to watch the national and international TV Channels and to listen to the national and international radio broadcasters to have a wider scope of knowledge of the overall global media scenario.

Key Reading (Paper Code—MMC-1025 C)

1. **Arvind M. Singhal & Everett M. Rogers. (2001).** *India's Communication Revolution: From Bullock Carts to Cyber Marts.* **Sage**

2. **Brigs, A. (2008).** *Social History of the Media: From Gutenberg to Internet.* **Polity Press.**

3. **Bagdikian, H. Ben. (2004).** *The New Media Monopoly.* **Boston: Beacon Press.**

4. **Harman, S. Edward and Noam Chomsky. (1995).** *Manufacturing Consent, the political economy of the mass media.* **RHUK.**

5. **Howard, Phillip N. (2013).** *Democracy's Fourth Wave?: Digital Media and the Arab Spring.* **New York: Oxford University Press.**

6. **Kovarik, B. (2011).** *Revolutions in Communication: Media History from Gutenberg to the Digital Age.* **Continuum International Publishing Group.**

7. **Jeffry, Robin. (2000).** *India's Newspaper Revolution: Capitalism, Technology and the Indian-language Press* **(3rd), Oxford**

8. **Mehta, Nalin. (2008).** *Television in India: Satellites, Politics and Cultural Change.* **Routledge**

9. **Nataranjan, J. (2000)** *History of Indian Journalism.* **Publication Division**

10. **Ninan, Sevanti. (2007).** *Headlines from the Heartland: Reinventing the Hindi Public Sphere.* **Sage**

11. **Sarma, P. Gobinda. (2007).** *150 Years of Journalism in Assam.* **Media Trust**

E-Resources
☐ **Agence France Presse: http://afp.com**
• **Associated Press: http://www.ap.org/**
• **Brief History of Indian Media: http://masscommnow.blogspot.in/2012/04/briefhistory-ofindian-**
• **media.html**
• **Indian Press: http://www.pressreference.com/Gu-Ku/India.html**
• **Indian Television: http://www.indiantelevision.com/television**
• **PTI News: http://www.ptinews.com/**
• **Press Information Bureau: http://pib.nic.in/newsite/mainpage.aspx**

First Semester :: Paper-MMC 1035 C: Perspectives on Communication Theory
End Semester Examination will of **3 Hours** duration with 80 marks;
Internal Assessment will be of 20 Marks.

OBJECTIVES
The course is designed to:
- Introduce the basic aspects of communication.
- Correlate the theoretical aspects of communication.
- Introduce the learners to the target audiences and recent development in communication field.

LEARNING OUTCOMES
After completion of this course, the learners will be able to:
- Discuss the morphology of communication.
- Illustrate the audience pattern.
- Interpret growth, development and changing trends of communication in the contemporary world.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Perspectives on Communication Theory(5 Credits)
MMC 1035 C	1	**Basics of Communication** • Communication: Definitions, meaning and scope, elements, processes and functions. • Different forms of communication, oral, written, upward, downward, horizontal communication, intra-personal, inter-personal, group, crowd, public, mass communication and their characteristics. • Feedback and barriers of communication. Verbal and Non-verbal communication, Effective communication. Listening in Communication, Public Opinion and Propaganda
	2	**Models of Communication** • Need and significance of Models and Theories, Various Schools of Theory: Chicago School, Frankfurt School, Columbia School, Toronto School etc. • Communication models: SMR, SMCR, Harold. D. Lasswell, Charles. E. Osgood, Wilbur Schramm, George Gerbner, Newcomb, Westley & MacLean, Berlo's model, Johnson's model, Frank Dance's Helical model, and other new models of communication.
	3	**Communication Theories** • **Sociological Theories:-** Cultivation, Agenda Setting, Uses and gratification, Dependency Theory. • **Normative theories:** Authoritarian, Free Press theory, Social Responsibility theory, Communist Media theory, Development Communication theory. Democratic Participant Media Theory, Media Hegemony; Emerging perspectives in Communication Studies: Alternatives to the dominant and the classical. Political economy perspective; Intercultural communication.

	4	**Understanding Audience**
		- Media Effect theories: Magic Bullet theory, Limited -Effects; Psychological difference theory, personal influence theory **Structuralism, Cultural Theory, Post** Modernism, Feminist Media Theory - Indian theories of communication
	4	**Understanding Audience** - Audience Formation and Experience, - Audience as public, Audience as Market, Media Effect and Audience Media Content and Audience**:** Freedom and gate-keeping, Content production- cultural production, Standardization and Gender Issues: Bias, Representation, Commercialization - Analyzing media content: Range of methods - Media Convergence
	5	**Communication at the post- modern period** - Communication as power relationship, media as a source of new political power, Modernity and new political thought, Press and political leadership, Political communication in India: Post independence movements, Emergency, rise of regional parties, economic reforms. - Media organizations of the State and Central Governments, Press Council of India(PCI), Registrar of Newspapers in India(RNI), Central Board of Film Certification(CBFC) etc. - Media imperialism, Media in troubled times- War and Conflicts, Media, security and terrorism.

Suggested Readings:

1. **McQuail, D. (2010).** *McQuail's Mass Communication Theory.* **New Delhi: Sage Publications.**
2. **Stevenson, N. (1997).** *Understanding media culture: Social theory and mass communication.*
3. **Singhal, A. & Rogers, E M. (2001).** *India's Communication Revolution: From Bullock Carts to Cyber Marts.* **New Delhi: Sage Publications.**
4. **DeFleur, M.L. and S. Ball-Rokeach.,** *Theories of Communication.* **Longman, New York.**
5. **McQuail, Denis and Windhl.** *Communication Models for the Study of Mass Communication.* **Longman, London.**
6. **Werner, Severin J. and Tankard W. James.,** *Communication Theories. Origin, Methods,Uses.* **Longman, London.**
7. **Kincaid, D. Lawrence,** *Communication Theory – Eastern and Western Perspectives,* **Academic Press Inc., San Diego, 1987.**
8. **Kumar. J. Keval,** *'Mass Communication in India,* **Jaico Publishing house, Bombay, (New Ed.)**
9. **Rogers M. Everett.** *A History of Communication Study,* **New York, Free Press, 1997.**
10. **Littlejohn, W. Stephen.** *Theories of Human Communication,* **3rd ed., Belmont, California,**

1989.

11. Barlow, David M and Mills B. *Reading Media Theory: Thinkers, Approaches,*
Contexts.
Pearson: Longman, London

E-RESOURCES
 Communication Theory: http://communicationtheory.org
• **Mass Communication Theory: https://masscommtheory.com/**

First Semester; Paper- MMC 1045(C): Basics of Journalism- Print Media

End Semester Examination will of **3 Hours** duration with 80 marks;
Internal Assessment will be of 20 Marks

OBJECTIVES
The course is designed to:
- Introduce the various aspects of Journalism.
- Introduce with the basics of reporting and editing for print media.
- Introduce the learners about the basic concepts of related knowledge of journalism with special emphasis on print media.

LEARNING OUTCOMES
 After completion of this course, the learners will be able to:
- Discuss the basic journalistic style, types and functions for print media.
- Get an idea about the basics of reporting and editing for print media.
- Get an idea about the other related knowledge required for good reporting and editing.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Basics of Journalism- Print Media(5 Credits)
MMC 1045 C	1	**Basics and concept of News** • Concept of news; Sources of News; News sense and nose for news; authenticity, objectivity • Different types of news; 5Ws and 1H; NEWS; Exclusive news; Breaking News; News flow; Dateline, credit line and By-line, Deadline; • News writing- Basics, structure and know how, Leads: different types of leads • Structure of a newspaper: Components and design
	2	**Concept of reporting** • Different types of reporting; Objective , Interpretative

		Investigative; Reporting beats;
		• Background research for reporting; Essentials of good reporting;
		• Responsibilities and liabilities of a news reporter; Qualities of a news reporter;
		• Difference in reporting for print and other mass media; Language of report writing; Inverted Pyramid and other styles;
	3	**Basics of Editing** • Concept of editing for print media; Meaning of editing; process and steps of editing for print media; • Newsroom setup; Editorial team and functions at each level; • Headlines- various types and language of headline. Art of Headline writing; Reference section; • Typesetting, layout and design, page makeup; supplements and special pages; Basics of Typography • Essential qualities and responsibilities of Editor
	4	**Agency and photojournalism** • News agency- purpose, function, structure and importance in mass communication; various services of news agency; syndicated services • Photojournalism as an integral part of news; Science and arts of Photography; Photo editing styles and software; caption writing,
	5	**Practical**: The learners are suggested to contribute write ups to the newspapers, magazines or blogs on any relevant issue.

Key Reading (Paper Code MMC 1045 C)
1. *Handbook Of Journalism And Mass Communication*- **VB Agarwal+ VB Gupta(concept)**
2. *Journalism*- **N Jayapalan(Atlantic)**
3. *Journalism and mass communication*- **Amit Desai(reference press)**
4. *Radio and TV journalism*- **JR Hackmoulder, PP Singh, FAD Jonge(Anmol books)**
5. *Ethics and journalism*-**Karen Sanders(sage)**
6. *Broadcast news producing*- **Brad Schultz(sage)**

E-Resources
• **Centre for Investigative Journalism in India: http://cij.co.in/index.php**
• **Daily Writing Tips: http://www.dailywritingtips.com/the-art-of-writing-news/**
• **How to write news story: http://www.mediacollege.com/journalism/news/writestories. html**
• **Press Information Bureau: http://pib.nic.in/newsite/mainpage.aspx**
• **Press Trust of India: http://www.ptinews.com/home.aspx**
• **Reuters: http://handbook.reuters.com/?title=Reporting_and_Writing_Basics**
• **Reporting and Writing Basics: The Hoot: http://www.thehoot.org**
• **Reuters Institute for Study of Journalism: http://reutersinstitute.politics.ox.ac.uk/**
• **United News of India: http://www.uniindia.com/**
• **Writing Centre: https://writingcenter.gwu.edu/**

First Semester; Paper- MMC 1054(C) : Practical and Project

(For GUCDOE students, they will have to submit a report with their practical expertise gathered in the areas covered in Units 1, 3 & 4. A Written Practical and a Viva Voce on the report submitted for claiming their expertise and involvement in the practical will be held in the GUCDOE after the end semester theory examinations. Detailed guidelines will be provided along with the SLMs)

End Semester Project Work will carry 60 Marks, Written Practical will carry 20 Marks and the Comprehensive Viva-Voce will be of 20 Marks. There will be no Internal Assessment for this Paper.

OBJECTIVES
The course is designed to:
- **Introduce the basics of reporting including the field reporting**
- **Introduce the learners to the art of journalistic writing and technical know how**
- **Introduce the basics of folk art and dissemination of messages through traditional folk media**

LEARNING OUTCOMES
After completion of this course, the learners will be able to:
- **Develop the concept of writing news stories**
- **Determine on field applicability of news techniques**
- **Acquaint themselves with the technical skills required in news making**

Course Outline

Paper Code	Unit	Subject Title / Content of the Unit
		Practical and Project(4 Credits)
MMC 1054 C	1	**Traditional Folk Media** Tools of Community Communication, Puppetry, Street Play, Folk performances, Wall Magazine, Mobile Communication, Community Meetings, Workshops, Modernisation of Traditional Folk media, Awareness campaigns.
	2	**Reporting and Editing** Reporting for GU Times/Lab Journal/Blogs, Editing for GU Times/ Lab journal/Blogs, Designing and Layout
	3	**Opinion Writing & Photojournalism** Letters to the Editors, Feature, Article, blog, photo feature, writing Photo caption and catch line, News Photography, Book Reviews, Film Reviews.
	4	**Technical Operations** Basics of Computer, Internet, DTP, MS Office, Pagemaker, Quark Express, Photoshop, CorelDraw.
	5	**Presentation and Viva Voce** Learners will present their collected report Portfolio on the practical

		assignments given with SLM and a Viva Voce will be conducted on the practical experiences.

E-Resources
Press Trust of India (PTI): http://www.ptinews.com/
United News of India (UNI): http://www.uniindia.com/
Associated Press (AP): http://www.ap.org/
Reuters: http://in.reuters.com/
Agence Frence Presse (AFP): https://www.afp.com/en
Community Radio Management Information System:
http://www.cronlineindia.net/defaultEng.asp?
World Association of Community Radio Broadcasters: http://www.amarc.org/

LEARNING OUTCOMES:

PAPER-MMC-1015 (INDIAN SOCIETY AND POLITICS)

By means of this particular **Paper-MMC-1015 (Indian Society and Politics**), the Learners will be able to acquire a great deal of pertinent knowledge and perspicaciously fathomable ideas about the diverse aspects of the Indian Society, Indian Social Structure, History of the Indian Society and its diverse systems such as the Caste Systems, Languages, Culture, Politics, Religious Dimensions etc. In addition, after reading the contents of this particular paper, the Learners will be able to acquire some relevant knowledge about the North East India and some of its pertinent or relevant aspects such as the History, Culture and Politics etc. Also by means of this particular **Paper-MMC-1015 (Indian Society and Politics)**, the Learners will be able to accumulate a wide array of knowledge about the Constitution of India & its frameworks, diverse aspects of the Indian Governments and also about the diverse aspects of the Indian Politics and the Indian Political System overall.

More specifically, after skimming through the contents of this **Paper-MMC-1015(Indian Society and Politics),** the Learners will be deeply benefitted in terms of gathering a wide spectrum of knowledge about the diverse aspects under the Broad Study Area of the **Indian Society and Politics.** In a nutshell, the Learners, after having a thorough study of the contents of this **Paper-MMC-1015(Indian Society and Politics)**, will be able to—

- Discuss the various theoretical aspects of the formation of the Indian Nation State, specifically elucidating upon the Indian Freedom Struggle as well as the Economic and Political History of the country.

- Grasp a perspicaciously fathomable idea about the various relevant aspects of the Indian Society and the overall Indian Social Structure, with special focus upon the aspects such as the Indian Caste System, Indian Religious Systems, Indian languages, Indian Culture etc.

- Acquire some precious knowledge about the History, Culture and Politics of North East India.

- Know about the multiple dimensions of the Constitution of India, such as its historical background, Constituent Assembly of India, Philosophical Foundations of the Indian Constitution and some other Salient Features of it.

- Be enlightened about the diverse aspects of the Indian Governments.

- More specifically, be able to know about the overall structure of the Union Government of India and the State Governments of the counry.

- Be aware about the diverse aspects of Indian Politics and the Indian Political System overall.

BLOCK: I (Indian Society)

Unit 1: Making of India – Formation of the Nation State, Freedom Struggle; Post Independent Development (Economic and Political History)

Unit 2: Indian Society : Nature, Meaning and definitions; Indian Social Structure; Caste, Religion, Language in India

Unit 3: North East India : History, Culture and Politics

UNIT: 1

Unit Structure:

1.1 Introduction:

The making of India as a nation-state is a complex and multifaceted process that spans centuries of history, encompassing various social, cultural, political, and economic dynamics.

India's independence in 1947 marked the dawn of a new era, infused with a fresh vision and a sense of optimism. Liberated from colonial rule, the nation embarked on a journey to overcome the deep-seated challenges of economic stagnation, widespread poverty, rampant illiteracy, prevalent diseases, and glaring social inequalities. While August 15, 1947, signified the end of colonial domination, it was merely the beginning—a pivotal moment signaling the start of a concerted effort to surmount centuries of backwardness and fulfill the aspirations of the freedom struggle.

The mantle of nation-building was embraced by the Indian populace and its leaders with vigor, determination, and a profound belief in their ability to succeed. Jawaharlal Nehru's iconic "Tryst with Destiny" speech on the eve of independence epitomized this buoyant spirit. With a solid foundation of social consensus on core principles such as nationalism, secularism, and democracy, along with a shared commitment to rapid economic progress and transformative social change, India was poised for greatness. These guiding principles and objectives had been meticulously charted over decades of struggle by the national movement.

However, it was recognized that this consensus needed continual nurturing and expansion. Nehru played a pivotal role in this endeavor, advancing and advocating for progressive ideas that propelled the nation forward. His leadership was instrumental in fostering a broader consensus and charting the path towards realising India's lofty ideals.

The foremost imperative lay in safeguarding, consolidating, and fortifying India's unity, advancing the nation-building process, and erecting a robust national apparatus for development and societal change. Recognizing the vast regional, linguistic, ethnic, and religious diversity within India, it was imperative to reinforce Indian unity by embracing and accommodating these multifaceted identities within the Indian Union. This endeavor was understood to be an ongoing, long-term process, with the concept of Indianness continuously evolving.

Central to this effort was the promotion of a secular ethos, undeterred by the scars of Partition and communal strife. India's transformation necessitated not merely political change but also economic and social upliftment. Emerging from a state of profound economic deprivation, India sought to elevate agricultural and industrial productivity, while pursuing self-reliance in the global economic landscape. This transition, requiring meticulous planning and substantial public involvement, aimed at establishing an independent national economy.

The societal landscape demanded rapid overhaul. Despite sporadic lower-caste movements and Gandhiji's anti-untouchability crusades, caste hierarchy persisted, and gender disparities remained entrenched. Illiteracy prevailed, particularly among women, who faced pervasive social oppression. The founding leaders envisioned two groundbreaking initiatives: fostering a democratic ethos among a largely illiterate populace and orchestrating economic progress within a democratic framework.

Democratization was not just a political necessity but also crucial for national integration and social transformation. Rejecting notions that economic concerns outweighed democratic principles, leaders championed the idea that democracy was indispensable for societal

progress. Economic development and democratic governance were envisaged as catalysts for eradicating inequalities and uplifting marginalized sections, steering the nation towards a more egalitarian social order.

Expectations soared following Independence, fueled by promises of prosperity and social justice. The aspiration to achieve in decades what others had taken centuries to accomplish underscored the urgency of meeting rising expectations while preserving democratic values and accommodating diverse interests. Agrarian reforms, centralized planning, and a robust public sector were identified as key drivers of this transformative agenda.

Amidst these aspirations, maintaining political stability emerged as a critical imperative. Balancing stability with growth, social change, and deepening democratic processes, India sought a gradual, non-violent revolution anchored in political cohesion.

1.2 Objectives:
The objectives aim to provide students with a comprehensive understanding of India's historical journey, its struggle for independence, and the challenges and achievements in the post-independence era, particularly focusing on economic and political dimensions.

a. **Understanding the Making of India:**
- To comprehend the geographical, cultural, and social diversity of India.
- To explore the historical processes that contributed to the formation of the Indian subcontinent as a unified entity.

b. **Formation of the Nation-State:**
- To analyze the colonial impact on India's political, social, and economic structures.
- To investigate the emergence of nationalist movements and their role in advocating for self-governance.
- To understand the significance of key events such as the partition of Bengal, the formation of the Indian National Congress, and the rise of Mahatma Gandhi in shaping India's path towards independence.

c. Freedom Struggle:

- To study the strategies, ideologies, and leaders of the Indian freedom movement.
- To evaluate the role of various socio-political groups, including peasants, workers, women, and intellectuals, in the struggle for independence.
- To analyze the impact of non-violent resistance, civil disobedience, and mass movements in achieving India's freedom.

d. Post-Independent Development:

- To examine the challenges and opportunities faced by India in the aftermath of independence.
- To assess the policies and initiatives undertaken by the Indian government to promote socio-economic development, nation-building, and inclusive growth.
- To understand the implications of partition, the integration of princely states, and the drafting of the Indian Constitution on nation-building efforts.

e. Economic and Political History:

- To explore the evolution of India's economic and political systems from colonial rule to independence and beyond.
- To analyze the impact of economic policies, including socialism, liberalization, and globalization, on India's development trajectory.
- To examine the role of political institutions, parties, and leaders in shaping India's democratic governance and socio-economic policies.

1.3 Formation of the Nation State:

On the historic night of August 14-15, 1947, India marked its long-awaited moment of independence. Jawaharlal Nehru, serving as the inaugural Prime Minister of the liberated nation, delivered the iconic 'tryst with destiny' speech to the Constituent Assembly, symbolizing the dawn of a new era.

This pivotal juncture embodied the culmination of aspirations nurtured by generations of Indians. Despite the diversity of voices within the national movement, there was a shared consensus on two fundamental objectives: the establishment of a democratic

governance system and the prioritization of the welfare of all citizens, particularly the marginalized and disadvantaged.

However, the path to realizing these aspirations was strewn with formidable challenges. India's birth occurred amidst unparalleled adversity, notably marked by the traumatic partition of the country. The year 1947 bore witness to unprecedented violence and mass displacement, casting a shadow over the euphoria of independence.

Despite the tumultuous circumstances, the leaders of independent India remained resolute in their commitment to confront the multifaceted challenges ahead. The journey of the new nation commenced amidst the echoes of turmoil, yet the vision for a brighter future remained undimmed.

In the early years of independence, India grappled with three distinct challenges. Firstly, it confronted the task of forging a unified nation while respecting its diverse societal fabric. With its vast size and multitude of languages, cultures, and religions, India faced skepticism about its ability to remain united. The partition underscored these concerns, sparking doubts about India's cohesion. Questions arose about whether national unity would necessitate suppressing regional identities and how territorial integration could be achieved.

Secondly, India embarked on the journey of establishing a democratic system. The Indian Constitution, as you have learned, enshrined fundamental rights and universal suffrage. Embracing a representative parliamentary democracy, India ensured that political competition would unfold within a democratic framework.

Merely possessing a democratic constitution is insufficient for establishing a true democracy. The task at hand was to cultivate democratic norms and practices in alignment with the constitutional framework.

Another challenge lay in ensuring comprehensive societal development and well-being, extending beyond select sections. The Constitution delineated principles of equality and provided special safeguards for marginalized groups and diverse communities. Additionally, it outlined welfare objectives in the Directive

Principles of State Policy, setting the agenda for democratic governance. The real test was in devising effective policies for economic progress and poverty alleviation.

How did independent India tackle these challenges, and to what degree did it accomplish the constitutional objectives? This unit endeavors to address these inquiries by chronicling India's political trajectory post-Independence, empowering readers to formulate their own insights. The initial focus is on the formative years after Independence, particularly addressing the central challenge of nation-building. By delving into the historical context surrounding Independence, we gain insight into why national unity and security emerged as paramount concerns. Subsequently, we examine India's approach to crafting a unified nation, reflecting the diverse aspirations of its populace and addressing regional disparities. The subsequent units delve into the challenges of democratic establishment and economic development with a lens toward equity and justice.

The process of nation-building continued beyond Partition and the integration of Princely States, shifting focus towards delineating internal boundaries within Indian states. This task transcended mere administrative divisions; it required careful consideration to encompass the linguistic and cultural diversity of the nation while maintaining national unity.

During colonial rule, state boundaries were often arbitrarily drawn for administrative convenience or based on British annexations and princely rule territories. However, our national movement had long rejected these artificial divisions, advocating instead for the linguistic principle as the basis for state formation. This principle gained significant traction, with the Congress party reorganizing itself along linguistic lines after its Nagpur session in 1920.

However, post-Independence and Partition, concerns emerged that linguistic-based state divisions might exacerbate disruptions and distract from pressing social and economic challenges. Thus, the central leadership chose to postpone any decisive action, especially given the unresolved status of Princely States and lingering memories of Partition.

This decision faced resistance from local leaders and the populace, notably in Telugu-speaking regions formerly part of the Madras province. The Vishalandhra movement, advocating for a separate Andhra province, gained momentum, fueled by the perceived indecisiveness of the central government. Potti Sriramulu's tragic death following a prolonged fast amplified tensions, leading to widespread protests and violent confrontations, including police shootings and legislative resignations.

Eventually, bowing to the mounting pressure, the Prime Minister announced the establishment of a separate Andhra state in December 1952. The establishment of Andhra Pradesh ignited a wave of movements across the country advocating for states to be organized along linguistic lines. These movements compelled the Central Government to establish a States Reorganization Commission in 1953 to address the issue of redrawing state boundaries. The Commission, acknowledging the importance of linguistic boundaries, recommended restructuring states accordingly. Subsequently, the States Reorganization Act of 1956 was enacted, resulting in the formation of 14 states and six union territories based on the Commission's recommendations. In the nascent years, a significant apprehension revolved around the potential threat to national unity posed by demands for separate states. Concerns arose that linguistic divisions might fuel separatist sentiments and strain the cohesion of the newly formed nation. Despite initial hesitation, the leadership eventually yielded to public pressure and endorsed the concept of linguistic states. The decision was motivated by the belief that accommodating regional and linguistic aspirations could mitigate the risk of division and foster a more democratic environment.

Over fifty years since the inception of linguistic states, it's evident that this paradigm shift in state formation has profoundly influenced democratic politics and leadership dynamics. The emergence of linguistic states broadened avenues to political participation beyond the English-speaking elite, paving the way for a more inclusive political landscape. Moreover, the reorganization based on linguistic lines provided a more coherent framework for delineating state boundaries, contrary to fears of national disintegration.

Most importantly, the advent of linguistic states underscored India's embrace of diversity as a fundamental principle. Democracy in India transcended mere constitutional structures and electoral processes; it signified a commitment to acknowledging and embracing differences, even those that may at times seem conflicting. This embrace of plurality became the cornerstone of democratic governance, shaping political discourse and practices in the subsequent years.

1.4 Freedom Struggle:

The Indian struggle for independence stands as one of the most monumental mass movements in global history. Post-1919, it centered around the belief in active citizen participation in politics and liberation, effectively mobilizing a significant portion of the Indian populace into political action. Mahatma Gandhi, a pivotal leader in this movement, consistently emphasized that mass movements were born from the collective will of the people rather than individual leaders, though he acknowledged the importance of leadership quality in determining success.

Nonviolent resistance, exemplified by Satyagraha, relied on widespread public participation and passive support, unlike violent revolutions which could be led by committed minorities. The long-standing involvement of common people in political activities laid the groundwork for the Indian republic's founders to trust in their political capabilities, evident in their introduction of adult franchise despite challenges like poverty and illiteracy.

The movement ardently advocated for a polity grounded in representative democracy and individual civil liberties, nurturing these ideals among the populace. The Indian National Congress, the movement's primary political entity, operated democratically, fostering open discussion and voting on policies and resolutions. Dissent was not only allowed but encouraged within its ranks, reflecting a commitment to democratic principles.

Prominent leaders staunchly supported civil liberties, understanding their pivotal role in nation-building. Their views underscored the necessity of free speech and association for a thriving democracy. The consensus on nonviolence further cultivated a democratic ethos, prioritizing dialogue and persuasion over authoritarianism.

Defending civil liberties extended beyond partisan lines, with disparate political groups advocating for each other's rights. The movement's success in ingraining democratic values countered colonial ideologies that deemed India unfit for democracy, paving the way for a democratic post-independence era.

In essence, the nationalist movement crafted an alternative to colonial and precolonial authoritarian political cultures, championing democracy, civil liberties, and tolerance for dissent. Its legacy shaped India's democratic foundation and distinguished it from its neighbor, Pakistan, where such values faced greater challenges.

The nationalist movement recognized India's nascent nation-building process, acknowledging colonialism's role in both economically unifying and politically dividing the country. Despite critiquing colonial policies that exacerbated divisions, the movement aimed to promote national unity through the shared struggle against colonial rule.

From its inception, the movement emphasized its pan-Indian character. For instance, the Indian National Congress, founded in 1885, prioritized nationwide mobilization rather than federating existing provincial organizations. Its leadership, supporters, and agenda spanned across India, highlighting the movement's commitment to national unity. This unity facilitated the integration of princely states into independent India post-independence, showcasing the effectiveness of an all-India nationalist movement.

This pan-Indian approach wasn't unique to the Indian National Congress; other political parties and grassroots organizations adopted similar strategies.

Nationalist leaders recognized and celebrated India's diverse cultural, linguistic, religious, and ethnic tapestry, viewing them as sources of strength rather than obstacles. They believed that fostering a strong national identity alongside diverse regional identities would reinforce each other positively, contributing to the nation's cultural richness.

Despite class divisions in society, the movement neither ignored nor exacerbated them. Instead, it allowed for the existence of class organizations and struggles while maintaining a unified front against colonialism.

Over time, the nationalist movement developed the principles of unity in diversity and national integration. Unity in diversity aimed at fostering cultural interaction and diversity within a federal political structure, while national integration focused on establishing a robust central government and blending various cultural elements into a cohesive Indian culture.

1.5 Post Independent India Development :

A comprehensive evaluation of India's developmental journey post-independence necessitates placing it within both a historical and comparative framework. It is imperative to consider the starting point and the distinctive endeavor to embark on industrial transformation within a democratic structure. Assessing achievements requires benchmarking against other nations at similar stages of development.

Centuries of colonial exploitation had left the economy and society in shambles, devoid of opportunities for modern industrialization experienced elsewhere. Beyond rampant poverty and illiteracy, the colonial-era structural imbalances, including severed economic links and dependency on the metropolis, compounded the challenges of achieving self-sustained growth.

Undoing this colonial legacy was paramount for India to pave the way for rapid industrial progress. Undertaking such a monumental task, two centuries after the industrial revolution and considerably later than other nations, was daunting. Coupled with colonial legacies were dynamic shifts in political and economic landscapes, necessitating innovative strategies for success.

Despite these challenges, India possessed certain advantages compared to other post-colonial societies. Notably, an indigenous industrial base had emerged pre-independence, propelled by Indian capitalists seizing opportunities amidst global turmoil. By 1947, Indian entrepreneurs had established dominance in various sectors,

laying a foundation for independent industrialization. Unlike many counterparts, India didn't succumb to neo-colonial economic dominance post-independence, thanks to its mature indigenous entrepreneurial class.

Moreover, India benefited from a broad societal consensus on the developmental trajectory, encompassing diverse ideological factions. This consensus advocated for a self-reliant, equitable, and democratic approach to development, emphasizing state intervention and the empowerment of marginalized sections. Crucially, India's commitment to pursuing rapid industrialization within a democratic framework set it apart from other models of authoritarian development seen elsewhere.

In essence, India's unique post-independence journey, shaped by historical legacies and ideological consensus, facilitated the establishment and sustenance of a vibrant democracy amidst the challenges of rapid industrialization.

Starting from the late nineteenth century, early nationalist figures such as M.G. Ranade and Dadabhai Naoroji began advocating for a significant role of the state in India's economic development. This inclination towards state intervention gained momentum during the inter-war period, influenced by Keynesian economics, the New Deal in the US, and the Soviet model. By 1934, N.R. Sarkar, the president of the Federation of Indian Chambers of Commerce and Industry (FICCI), declared the end of laissez-faire economics, emphasizing the necessity of comprehensive economic planning under a "National Planning Commission" to propel India towards modernization.

The sentiment for state intervention was echoed in the 1938 formation of the National Planning Committee (NPC) under Jawaharlal Nehru's leadership. This committee laid the groundwork for a detailed development plan spanning various sectors of the economy. Alongside state planning, there was a growing consensus among policymakers and business leaders regarding the importance of public sector involvement in the economy. This sentiment was reflected in the Karachi Resolution of Congress in 1931, which advocated for state ownership or control over key industries and services.

The business community, aligning with Nehru and the NPC, supported the idea of a public sector to address India's reliance on foreign capital goods. This support stemmed from the belief that developing capital goods industries through the public sector would reduce external dependence and stimulate industrial growth. However, there were differing opinions on the extent of public sector involvement, with Nehru's camp viewing it as a step towards socialism and capitalists seeing it as a means to promote independent capitalism.

Despite initial resistance from capitalists, subsequent industrial policies revealed a gradual accommodation between public and private sectors, culminating in the concept of a "mixed economy" where both sectors coexisted. Nehru's approach emphasized democratic consensus-building in economic planning, ensuring that steps towards socialism were taken gradually and with societal support.

The Planning Commission, established in 1950, operated with Nehru's consensus-driven approach, focusing on immediate post-independence challenges like refugee rehabilitation and industrial development. The Nehru-Mahalanobis strategy, outlined in the Second Plan (1956-61), prioritized heavy and capital goods industries in the public sector to achieve self-reliance and economic growth. This strategy also aimed to promote labor-intensive small industries and community projects to address unemployment and achieve equitable growth.

However, the implementation of state-controlled economic policies led to bureaucratic complexities and resistance from vested interests, hindering efforts to dismantle the rigid regulatory framework established by the Industries Development and Regulation Act of 1951. Despite challenges, Nehru's approach underscored the importance of balancing state intervention with democratic consensus-building and gradual economic reforms.

1.6 Post Independent India Economic history:
Despite significant achievements in the initial three Plans, the Indian economy encountered a substantial crisis by the mid-1960s,

tarnishing its image as a model developing nation. This crisis was exacerbated by consecutive monsoon failures in 1965 and 1966, causing a 17% drop in agricultural output and a 20% decline in foodgrain production. Inflation, previously low, surged to 12% annually between 1965 and 1968, with food prices escalating nearly 20% per year. Factors contributing to inflation included droughts and the costly wars of 1962 and 1965. By 1966–67, the government's fiscal deficit peaked at 7.3% of GDP.

The balance of payments situation worsened, with foreign exchange reserves averaging $340 million from 1964–65 to 1966–67, covering less than two months of imports. Dependence on foreign aid escalated due to food shortages and balance of payments weaknesses. External assistance utilization rose from 0.86% of Net National Product (NNP) in 1951–52 to 3.8% in 1965–66. Debt service ratio climbed sharply, reaching 27.8% in 1966–67.

Long-term planning was temporarily abandoned, leading to three annual Plans between 1966 and 1969 before the Fourth Five Year Plan began in April 1969.

During this vulnerable period, marked by high inflation, low foreign exchange reserves, and imminent famine threats, the US suspended aid due to geopolitical tensions and policy disagreements. Pressure mounted from the US, World Bank, and IMF to liberalize trade, devalue the rupee, and reform agriculture. Though there was local support for agricultural reforms, skepticism surrounded trade and industrial liberalization, particularly devaluation.

The devaluation of the rupee and trade liberalization initiated in the mid-1960s coincided with industrial recession and inflation, partly due to external factors like droughts and partly due to flawed policy implementation. The perceived failure of these policies, coupled with external pressure, triggered an economic nationalist response, advocating a return to state intervention.

To address the balance of payments crisis and reduce fiscal deficit, severe austerity measures were implemented, primarily targeting government capital expenditure, leading to a 50% real-term decrease by 1970–71. This contributed to industrial slowdown, with growth rates dropping from 7.8% per year (1951–1966) to 4.99% per year

(1966–1974).Furthermore, during this period, the political landscape underwent significant shifts that reverberated in economic policymaking. The 1967 elections marked a significant setback for the Congress party both at the Centre and in various states. In response, the Prime Minister adopted a more radical stance, causing divisions within the Congress, eventually culminating in a split in November 1969. Following this split, Mrs. Gandhi's government relied on the support of Communist and regional parties, resulting in a pronounced shift towards leftist policies. The call for a general election in December 1970, under the banner of "garibi hatao" (eradicate poverty) and with promises of radical socialist reforms, led to a resounding victory in March 1971.

Subsequently, the post-1967 era witnessed the introduction of a series of radical economic policies with profound and lasting implications for India's development trajectory. While some of these policies exacerbated existing shortcomings dating back to the early phases of planning in the 1950s and 1960s, others introduced fresh distortions. Notably, the major private commercial banks were nationalized in 1969, coinciding with the passage of the Monopolies and Restrictive Trade Practices (MRTP) Act, aimed at curbing the activities of large business conglomerates. Following the landslide victory in 1971, further measures were enacted with the enthusiastic backing of leftist intellectuals, including the nationalization of the insurance sector in 1972 and the coal industry in 1973. An ill-fated attempt to nationalize wholesale wheat trade in the same year was swiftly abandoned.

Additionally, the Foreign Exchange Regulation Act (FERA) of 1973 imposed stringent restrictions on foreign investment and the operations of foreign companies in India, rendering the country a challenging destination for international capital. The government also embarked on the management of financially distressed companies, such as numerous textile mills, rather than permitting their closure.

While the long-term repercussions of these policies on the economy were debilitating, it's crucial to acknowledge that they addressed pressing challenges confronting the nation at the time. These measures commendably steered India away from economic crisis and reinstated its autonomy and dignity in relation to advanced

nations.During the significant economic advancements from the mid-1960s to the late 1980s, Indira Gandhi, often underestimated as a populist figure, played a pivotal role. These accomplishments need to be understood against the backdrop of numerous challenging internal and external events during that period. For instance, following the mid-1960s crisis, there was the East Pakistan (Bangladesh) genocide, resulting in over 10 million refugees seeking shelter in India, the 1971 war with Pakistan, two severe droughts in 1972 and 1974, the substantial oil shock of 1973 leading to a fourfold increase in international oil prices, another oil shock in 1979 doubling prices, a disastrous harvest in 1979–80 due to severe drought, and widespread droughts in 1987 and 1988.

Efforts were concentrated after the mid-1960s to enhance the balance of payments, ensure food security, implement anti-poverty measures, and reduce reliance on imports, especially for crucial resources like oil. These measures enabled India to withstand the impact of droughts, war, and oil shocks without plunging into debt crises or recessionary cycles, as witnessed in several developing countries, particularly in Latin America during the 1980s. India also avoided serious famine conditions, contrasting sharply with the massive famine deaths in Communist China during the late 1950s.

Food production saw rapid improvement, notably with the adoption of the Green Revolution strategy, which introduced high-yield variety seeds, fertilizers, and other inputs in specific areas, leading to immediate gains in food security and poverty reduction. Between 1967–68 and 1970–71, food grain production rose by 35%, while net food imports dropped significantly. Food availability continued to increase substantially in subsequent years, accompanied by a buildup of food stocks, eliminating India's image of dependence and ensuring considerable food security even in times of crisis. For example, despite the massive droughts of 1987–88, the economy managed to absorb the shock without significant pressure on food prices or imports. Rural poverty indices also declined during these crisis years, as government programs utilized surplus food stocks to maintain rural employment and incomes.

Besides food self-sufficiency, other indicators pointed toward greater economic autonomy and self-reliance. Fiscal deficits were substantially reduced, the balance of payments situation improved

markedly, and foreign exchange reserves grew significantly, aided by remittances from Indian workers in the oil-rich Middle East. The emphasis on self-reliance aimed to diminish dependence on foreign aid, not only during crises but also as a means to develop key capabilities, as per the earlier Nehru–Mahalanobis strategy. Consequently, foreign aid declined rapidly, and the debt service ratio became more manageable, reflecting a shift in perspective towards economic independence and sustainability.The rapid expansion of India's indigenous capital goods industry during the Nehru years significantly reduced the country's reliance on external sources for investment and growth. From 1960 to 1974, the proportion of imported equipment in India's total fixed capital investment plummeted from 43% to just 9%.

Unlike many Latin American and East Asian countries, India saw minimal involvement of foreign capital or multinational corporations. In 1981–82, foreign firms, including those operating under the Foreign Exchange Regulation Act (FERA) with diluted foreign shareholding, contributed only about 10% to the value added in the factory sector of mining and manufacturing. Most foreign collaborations were in technology transfer without foreign equity involvement.

Foreign capital's influence in the financial sector was marginal, with negligible presence in insurance and foreign banks holding just 8.9% of total deposits in the organized banking sector in 1970. Despite bank nationalization in 1969 leading to a significant expansion in branches, the number of branches of foreign banks remained minimal compared to domestic banks.

Throughout the 1970s, while foreign private investment and aid declined, domestic savings and investment rates surged. By the late 1970s, both savings and investment rates nearly doubled compared to the 1950s, and this trend continued into the 1980s and 1990s, aligning India's rates with those of high-growth economies.

A notable development in the 1980s was the remarkable rise in new stock market issues, with the stock market becoming a vital source of funds for industry. From constituting just 1% of domestic savings in 1981, the capital market's share surged approximately sevenfold by the end of the 1980s. The primary stock market witnessed

unprecedented capital raising by Indian companies in the late 1980s and early 1990s.

Additionally, the 1980s marked significant progress in India's import substitution program for oil, spearheaded by the Oil and Natural Gas Commission (ONGC). With assistance from the IMF, domestic oil production surged, achieving targets set under the Sixth Plan (1980–85). By 1984–85, India's net oil imports decreased significantly, easing the burden on export earnings. In the mid-1970s, India witnessed a surge in industrial growth, rebounding from a low of approximately 3.4 percent between 1965 and 1975 to around 5.1 percent from 1975 to 1985. Excluding the crisis year of 1979–80, industrial growth averaged about 7.7 percent annually during 1974–75 to 1978–79 and 1980–81 to 1984–85. The 1980s saw a sustained industrial growth rate averaging around 8 percent annually, marking a significant departure from the stagnant growth of the preceding decades, commonly referred to as the 'Hindu rate of growth' ranging from 3 to 3.5 percent. This period witnessed an impressive average real GDP growth rate of 6 percent between 1980 and 1989.

However, alongside this apparent economic success, structural weaknesses began to accumulate, culminating in a major crisis by 1991. Three main problems surfaced, demanding urgent reform. Firstly, the import-substitution industrialization (ISI) strategy, initially effective in bolstering India's industrial base and reducing foreign dependence, led to inefficiency and technological stagnation over time due to excessive protectionism.

Moreover, a regulatory framework known as the 'Licence Quota Raj' stifled entrepreneurship and innovation, hindering economic dynamism. Measures like the Monopolies and Restrictive Trade Practices (MRTP) Act and reservation of sectors for small-scale industries curtailed efficiency and inhibited growth by restricting market access and hindering economies of scale.

Furthermore, the dominance of the public sector, crucial for early industrial development, became a source of inefficiency due to political interference, overstaffing, and irresponsible management practices. State-run enterprises, including utilities and financial

institutions, incurred substantial losses, contributing to economic inefficiency.

Additionally, restrictive policies and bureaucratic hurdles made it difficult for businesses to enter or expand, while stringent labor laws and powerful trade unions further impeded efficiency and flexibility in the market. Consequently, India experienced low investment efficiency, reflected in high capital-output ratios, hindering overall economic growth despite increased investment rates.

Moreover, India's inward-oriented developmental approach persisted, failing to adapt to changing global economic dynamics. The country missed opportunities for export-led growth, remaining entrenched in outdated policies unsuitable for the evolving international landscape.

In summary, India's economic success in the 1980s was overshadowed by deep-seated structural weaknesses, necessitating urgent reforms to address inefficiencies, regulatory barriers, and the inefficacy of the public sector. Failure to adapt to changing global trends further compounded these issues, highlighting the imperative for a comprehensive overhaul of India's economic policies.

Outlined below are several crucial transformations that require attention: Firstly, there was a notable shift in the nature of foreign investment and multinational corporations. A process termed as the 'internationalization of production' emerged, where multinational corporations began seeking cheaper production areas rather than merely focusing on markets or raw material sources. Instead of establishing isolated enclaves in underdeveloped nations, as was typical during colonial times, they started making investments with significant multiplier effects on local economies, including technology transfers. It became common for multinational corporations to obtain a significant portion of their product components from various developing regions and even relocate entire production facilities to these countries. This, coupled with massive capital transfers between nations, resulted in an unprecedented surge in global trade. Despite this, India failed to capitalize on these opportunities, adopting a protectionist stance in the late 1960s and early 1970s instead of embracing globalization.

The East Asian Miracle, characterized by rapid industrialization in countries like South Korea, Taiwan, and Singapore since the 1960s, capitalized on these shifts in capital and market accessibility. Meanwhile, India's failure to adapt to the changing global dynamics led to stagnation. Despite a promising start with an inward-oriented strategy until the mid-1960s, India couldn't replicate the success of East Asian nations. While South Korea and China surged ahead with economic liberalization and participation in global trade, India lagged behind, experiencing slower growth rates and diminishing export shares. This disparity underscored India's inability to leverage global opportunities for industrial transformation and economic development, exacerbating income disparities and poverty levels.

Furthermore, India's poor export performance had ramifications for its productivity levels. Unlike Japan and South Korea, which enforced export obligations to maintain competitiveness and productivity, India lacked effective mechanisms to incentivize productivity. Political factors further complicated economic matters, as increasing demands on state resources led to fiscal imprudence. Governments succumbed to populist measures, such as subsidies and loan waivers, exacerbating fiscal deficits and hindering economic stability. This profligacy persisted through the 1980s, characterized by escalating fiscal deficits and a widening gap between public investment and savings. Despite repeated fiscal challenges, governments prioritized borrowing over fiscal discipline, exacerbating economic imbalances and hindering sustainable growth.The widening gap between government savings and investments, coupled with the fiscal deficit, exerted a detrimental effect on the balance of payments and debt scenario. In 1977–78, there was a surplus of $1.5 billion (1.4% of GDP) in the current account, but by 1980–81, a deficit of $2.9 billion (1.7% of GDP) had emerged. This deficit escalated to $9.9 billion (3.5% of GDP) in 1990–91, despite a favorable trade balance in the late 1980s. The root cause of this imbalance lay in the economy's overall savings-investment gap, which averaged about 2.5% of GDP between 1985 and 1990.

Despite robust economic growth averaging over 5.5% annually from 1985 to 1990, driven by various sectors like industry, capital goods, and consumer durables, this growth was unsustainable. It relied

heavily on borrowing and excessive government spending rather than genuine increases in savings and investments. This pattern of growth resembled the debt-led growth witnessed in Latin America during the 1970s.

The deteriorating fiscal and balance of payments situation led to a mounting debt crisis by the late 1980s. Both domestic and foreign debt surged significantly, with the debt service ratio becoming alarming. The over-reliance on short-term commercial borrowing exacerbated the debt burden, worsened by a decline in concessional debt. Furthermore, the reluctance to attract foreign direct investment contributed to the excessive dependence on foreign debt rather than equity capital.

India's foreign exchange reserves dwindled sharply, exacerbated by external factors such as the Iraqi invasion of Kuwait. This led to a downgrade in international credit ratings and a rapid withdrawal of non-resident Indian deposits. To alleviate immediate financial pressures, the government was compelled to sell a significant portion of its gold reserves.

By mid-1991, India's foreign exchange reserves were perilously low, posing a risk of default. The situation prompted urgent action from the newly elected Congress government under Narasimha Rao, with Manmohan Singh as finance minister. This administration embarked on sweeping economic reforms, aiming to address the underlying structural issues and stabilize the economy.The long-term constraints that were building up over a few decades and debilitating the Indian economy combined with certain more recent and immediate factors led to a massive fiscal and balance of payments crisis that climaxed in 1991. The crisis pushed India into initiating a process of economic reforms and structural adjustment. The reforms, which in the Indian context were almost revolutionary in nature, were ironically started by a minority government led by Narasimha Rao, and guided by one of the most distinguished economists of post-independence India, Manmohan Singh, as finance minister.

1.7 Post Independent India Political history :

The pivotal event during this era occurred with the Congress party's defeat in the 1989 elections. From securing a landslide victory of 415 seats in the Lok Sabha in 1984, the party saw a significant drop to just 197 seats in this election. Although the Congress managed to regain power after the mid-term elections of 1991, the 1989 elections marked the demise of what political analysts have termed the 'Congress system'. Despite remaining a formidable force and governing the nation more than any other party post-1989, the Congress lost its previous central position in the political landscape.

Simultaneously, the emergence of the 'Mandal issue' reshaped national politics. Triggered by the National Front government's 1990 decision to implement the Mandal Commission's recommendation of reserving central government jobs for the Other Backward Classes (OBCs), the country witnessed widespread 'anti-Mandal' protests. This controversy surrounding OBC reservations, termed the 'Mandal issue', became instrumental in shaping politics since 1989.

Furthermore, there was a profound shift in economic policy adopted by successive governments, known as the initiation of the structural adjustment programme or the new economic reforms. Originating under Rajiv Gandhi's leadership, these reforms began to manifest prominently in 1991, fundamentally altering the economic trajectory India had pursued since Independence. Despite facing criticism from various quarters, subsequent governments continued to adhere to these policies, perpetuating their implementation.Fourth, Several occurrences led to the destruction of the contested structure at Ayodhya, commonly referred to as Babri Masjid, in December 1992. This incident not only represented significant symbolism but also ignited numerous transformations in the political landscape of the nation. It sparked heightened discussions surrounding the essence of Indian nationalism and secularism. These shifts are intricately linked with the ascent of the BJP and the propagation of 'Hindutva' ideology in politics.Finally, the assassination of Rajiv Gandhi in May 1991 led to a change in leadership of the Congress party. He was assassinated by a Sri Lankan Tamil linked to the LTTE when he was on an election campaign tour in Tamil Nadu. In the elections of 1991,Congress emerged as the single largest party. Following Rajiv Gandhi's death, the party chose Narsimha Rao as

the Prime Minister.The 1989 elections marked the Congress party's defeat without granting a clear majority to any other party. Despite being the largest party in the Lok Sabha, the Congress lacked a decisive mandate, prompting its decision to assume the role of opposition. The National Front, comprising the Janata Dal and various regional parties, garnered backing from divergent political factions: the BJP and the Left Front. Utilizing this support, the National Front established a coalition government, yet the BJP and the Left Front refrained from participating in it.he decline of the Congress party marked the conclusion of its long-standing dominance within the Indian political landscape. Previously, during the late sixties, challenges to Congress' supremacy arose, yet under the leadership of Indira Gandhi, the party managed to reassert its predominant position. However, subsequent challenges in the nineties did not result in the emergence of a singular replacement; instead, they ushered in an era of a multi-party system. This shift led to the emergence of numerous parties, preventing any single party from securing a clear majority in Lok Sabha elections since 1989 until 2014, thereby initiating a period characterized by coalition governments at the Centre. The nineties also witnessed the rise of influential parties representing Dalits and Other Backward Classes (OBCs), contributing to the formation of governments like the United Front in 1996, supported by various regional parties and the Congress. Political equations remained unstable, evident in the shifting alliances and opposition strategies to keep specific parties out of power. Despite attempts by the BJP to consolidate power in the elections of 1991 and 1996, its governance faced opposition, leading to the formation of coalition governments. This trend continued, with successive governments relying on the participation or support of multiple regional parties, as seen in various coalitions formed from 1989 onwards, until a departure from this pattern occurred in 2014.

1.8 Summing Up:
- In the early years of independence, India faced a trio of challenges: navigating nation-building post-Partition and integrating Princely States, which transitioned into delineating internal state boundaries.
- The establishment of linguistic states showcased India's commitment to embracing diversity as a core value.

- The success of the freedom movement in instilling democratic principles countered colonial notions that India wasn't suited for democracy, ushering in a democratic post-independence era.
- The nationalist movement emphasized unity in diversity and national integration as guiding principles.
- Centuries of colonial exploitation left India's economy and society in disarray, lacking the opportunities for industrialization seen elsewhere.
- Despite significant progress during the initial three Plans, India faced a severe economic crisis by the mid-1960s, tarnishing its reputation as a model developing nation.
- By the mid-1991, India's foreign exchange reserves were critically low, prompting urgent action from the newly elected Congress government led by Narasimha Rao, with Manmohan Singh as finance minister.
- Successive governments initiated a significant shift in economic policy, marked by the introduction of the structural adjustment program or new economic reforms.
- The 1989 elections signaled the decline of the 'Congress system,' as noted by political analysts.
- The 1990s saw the emergence of influential parties representing Dalits and Other Backward Classes (OBCs), leading to the formation of governments like the United Front in 1996, supported by various regional parties and the Congress.

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UNIT: 2

Contents:

2.1 Introduction :

During the colonial period, a distinct Indian consciousness began to emerge. Colonial rule brought about a unified India for the first time, ushering in modernization and capitalist economic shifts. The changes it introduced were profound and irreversible, reshaping society permanently. Despite the heavy toll of colonial exploitation and domination, it paradoxically spurred the rise of Indian nationalism.

Under British colonialism, the shared experience of subjugation served to unite and invigorate various segments of society. The burgeoning middle class, empowered by Western education, began to challenge colonial authority. Interestingly, colonialism, alongside Western education, spurred a reconnection with traditional values, leading to cultural and social developments that solidified national and regional identities.

Colonialism also gave rise to new social classes and communities that would play significant roles in India's future. The urban middle class emerged as fervent advocates for national independence, while colonial interventions crystallized religious and caste-based communities, further shaping the socio-political landscape. The

intricate evolution of contemporary Indian society, marked by these historical legacies, will be further explored in subsequent sections.

The purpose of this unit is to provide an introduction to Indian society through a sociological lens, rather than relying solely on common sense perspectives. To preface this introduction, it's pertinent to highlight the broader processes that have influenced the shaping of Indian society.

For the Indian civilisation, the encounter with the West was a major challenge as the principles which this civilisation represented diverged greatly from the traditional principles of Indian civilization. The encounter between Indian civilization and the West posed a significant challenge, given the stark differences in their respective principles and values. Traditional Indian civilization, rooted in Hinduism, emphasized hierarchy, holism, continuity, and transcendence. While some aspects, like hierarchy and holism, were shared with non-Hindu traditions, the emphasis on communal bonds and social strata segregation was widespread, except among certain tribal communities. In contrast, Western civilization, born out of events like the French and Industrial Revolutions, espoused principles of equality, individuality, historicity, and utilitarian rationality, which contradicted traditional Indian norms.

This encounter initiated a process of change in India, predominantly leading to adaptive transformations, thanks to its centuries-old cultural assimilation and internal resilience. Despite the diversity within Indian traditions, there existed unity at various levels before Western influence. Cultural and technological exchanges facilitated unity, with travelling mendicants, traders, artisans, and storytellers acting as cultural bridges between regions. Pilgrimages, fairs, and festivals also served as crucial points of cultural communication amid diversity.

Moreover, India's social structure and economy fostered reciprocity and interaction among regions, groups, and cultural traditions. This dynamic interaction extended to both folk and elite levels, with cosmopolitan and local traditions influencing each other. This cultural exchange was mirrored in social and cultural mobility within the system, exemplifying the localization of administration and the cosmopolitanization of local traditions.

Although never fully comprehensive, the political economy of the imperial system in traditional India fostered the development of administrative, educational, technological, and cultural institutions and personnel with a cosmopolitan orientation rather than a strictly local focus. These institutions acted as crucial links among various local social systems and cultural traditions. This cosmopolitan approach was evident in the inter-structural autonomy within traditional Indian social hierarchies, where cosmopolitan institutions of governance, cultural norms, and social stratification provided space for diversity, freedom, and creativity within local institutions.

For instance, traditional caste panchayats and occupational groups like artisans, craftsmen, and service communities (such as washermen, barbers, potters, etc.) operated autonomously within the framework of the jajmani system, governing themselves and enforcing reciprocity rules with the larger society. The involvement of cosmopolitan political and administrative institutions was limited to appellate roles in exceptional circumstances. There was a constant circulation and mobility of technical and artistic personnel from local to cosmopolitan levels, with progression from village to small town to capital city being a natural trajectory for achievers in various fields.

Unity amid diversity in traditional India was manifested through shared social and cultural institutions, occupational domains, technology, trade, markets, and transportation networks, fostering functional interdependence among diverse cultural identities. This unity was balanced by factors such as a relatively stable population size, abundant land resources available through reclamation or other means, and slow technological innovation in cultural and economic realms. These features promoted both the preservation of cultural and social identities and facilitated communication processes that forged formal and substantive unity.

2.4 Indian Social Structure :
The social structure and cultural fabric of India exhibit both unity and diversity. Throughout history, India has welcomed immigrants from various regions, whose cultures have melded into the intricate mosaic of Indian society. The caste system, emblematic of this paradox, illustrates distinct ways of life within a cohesive social

framework across regions and religious groups, including Hindus, Muslims, Christians, Sikhs, Jains, and Jews. This ubiquity of caste underscores an ideology tolerant of diversity.

Diversity is palpable across multiple dimensions: racially, with India hosting elements from six main racial types; religiously, with representation from all major world religions; linguistically, boasting fourteen major literary languages; and in various aspects of social life, including settlement patterns, community dynamics, land tenure, and kinship customs.

However, amidst this diversity, unifying factors persist. India, as a political entity under a single Constitution, embodies political unity, fostered historically by influential rulers and solidified during British colonial rule. The concept of Indian unity finds expression in Hinduism, with sacred pilgrimage sites scattered across the nation, and in shared cultural aspects found throughout the country, including certain Sanskritic elements. Additionally, the secular nature of the Indian state, enshrined in its Constitution, underscores its commitment to embracing diversity.

Economic development initiatives, such as the Five Year Plans, and the propagation of egalitarian ideals have catalyzed transformative changes in India's social fabric. A centralized government, uniform legal system, burgeoning economy, and secular governance approach bolster India's identity as a cohesive nation, characterized by its ability to embrace diversity while fostering unity.

In India, more so than in any other part of the world, individuals often adopt multiple identities based on factors such as region (e.g., North India, North East India, Deccan, and South India), language (e.g., Hindi, Tamil, and Telugu), and religion (e.g., Hindu, Muslim, Christian, Buddhist, Jain, and Sikh), among others. Each of these identities corresponds to a unique set of social relations, essentially forming distinct social structures. However, amidst this diversity, there exist common threads that bind many of these identities together. Therefore, delving into the intricacies of Indian social structure becomes imperative as it elucidates our interpersonal dynamics within society.

The concept of tribe stands as one of the earliest identifiable ethnic and social organizations. Across India, numerous tribes such as Munda, Ho, Oraon, Bhil, Gaddi, Santhal, Kol, Kandh, Khasi, Garo, Mizo, and Naga are scattered in various regions. Recognized collectively as Scheduled Tribes within the Constitution of India, they raise important questions about tribal identity and what sets them apart from other social groups based on caste or varna.

The distinction lies in the functioning of the institution. Tribes typically exhibit several defining features: (i) kinship ties through blood relations among all members, (ii) equal status among members, (iii) belief in descent from a common ancestor, (iv) equitable access to resources, (v) minimal emphasis on private property, and (vi) social differentiation primarily based on age and sex. Tribes often comprise multiple clans, with clans being exogamous while tribes remain endogamous.

These tribal formations trace back to the Vedic period, with prominent tribes such as the Bharatas, Yadus, Turvasas, Druhyus, Purus, and Anus. Within these tribes, leadership typically resided with a Raja or King, who held a primus inter pares position. However, the Vedic society also harbored a hierarchical differentiation based on varna or color. Those outside the Vedic tribes were termed dasa varna, often characterized by a different language, darker complexion, and distinct religious practices.

Over time, this initial differentiation evolved into the complex varna system, dividing society into Brahmana, Kshatriya, Vaishya, and Shudra categories. These divisions stemmed from inter-tribal and intra-tribal conflicts, the subjugation of defeated groups, accumulation of wealth by leaders, and unequal distribution of resources. Brahmanas typically served as priests, Kshatriyas engaged in political functions, Vaishyas were predominantly involved in agriculture, and Shudras formed the servile class. The higher varnas enjoyed privileges such as the sacred thread ceremony (upanayana) and were known as dvijas (twice-born), while collectively exploiting the labor and resources of the lower varnas.

During the post-Vedic era, significant economic shifts prompted the emergence of new ideological movements. These movements, such as Buddhism, challenged the traditional Hindu social structure,

albeit without entirely eradicating the caste system. Within Buddhism, Kshatriyas retained their esteemed position, while Vaishyas, who had been marginalized under Brahmanism, sought acceptance through adopting these new religions. Interestingly, within Buddhist and Jain monastic communities, there was no hierarchy based on caste.

Further changes unfolded with the arrival of various groups like the Shakas, Kushanas, Parthians, and Indo-Greeks, altering the landscape of the Varna/Jati system. Economic developments like urbanization, craft production, and trade led to the rise of guilds or 'shreni,' eventually solidifying into castes. These guilds regulated the behavior of their members and wielded significant authority, even functioning as financial institutions. Meanwhile, a distinct category of merchants known as 'shreshthins' undertook roles such as banking and trusteeship.

Between 500 BC and 500 AD, the caste system underwent crystallization, witnessing a proliferation in the number of castes due to various factors like the growth of crafts, inter-caste marriages, and the assimilation of tribes. Dharmashastras and Smritis attempted to delineate the duties of each caste, while relations between castes were governed by rules of endogamy and craft exclusivity.

In subsequent centuries, the organization of varna/caste underwent further changes, particularly with the transformation of Vaishyas into servile peasants and the enrollment of tribal cultivators as Shudras. This period also saw the emergence of new caste dynamics in regions like Bengal and South India, where only Brahmanas and Shudras were prominent.

During medieval times, especially in South India, Shudras were categorized into 'pure' and 'impure' groups, and distinctions like 'left-hand' and 'right-hand' castes arose. The proliferation of mixed castes further complicated the social fabric.

The emergence of castes like the Kayasthas, who were originally scribes but evolved into a separate caste, exemplifies how occupational roles contributed to caste formation. Many castes claimed high-caste origins but faced social demotion due to

economic pursuits or other factors. This trend persisted until the 1950s when the Indian Constitution introduced reservations for lower castes in government jobs, marking a significant shift in social policies.

Regional variations have significantly shaped the caste system, particularly with the emergence of regional consciousness after the eighth century AD. In North India, Brahmanas are not only divided by gotra but also by their place of residence, leading to distinctions such as Kanyakubja, Sarayuparier, and Maithila Brahmanas. Similarly, many Rajput sub-castes retain their tribal names like Tomaras, Kacchavahas, Hadas, and Chauhanas, alongside adopting gotras, resulting in a proliferation of castes and sub-castes during medieval times. Additionally, the Marathas emerged as a distinct caste.

In modern times, new features like 'surnames' have been incorporated into the caste system, with specific castes or sub-castes adopting one or more surnames. Furthermore, caste and anti-caste movements have led to the formation of new castes, such as the Brahma-samajis attaining a status similar to a caste.

The intricate workings of the caste system exhibit substantial regional variation, making it challenging to define precisely. Factors such as region, sub-region, economic status, proximity to political authority, occupation, devotion to particular deities, all contribute to its formation and evolution over time.

Despite efforts by medieval egalitarian religious reformers like Basava, Ramanand, and Kabir to eradicate caste among their followers, their sects eventually adopted caste-like characteristics. Even within Sikhism, caste feelings persisted, and Muslims formed caste groups. Similarly, Syrian Christians in Kerala, originally divided into sections, acquired caste-like distinctions, as Christian converts brought their caste biases with them, leading to hierarchical divisions within the community.

2.5 Caste in India :
As an Indian, you're likely familiar with the concept of 'caste', a longstanding social institution deeply rooted in the history and culture of India. However, in the modern era, you're also aware that

'caste' continues to be a significant aspect of Indian society today. But are these two manifestations of 'caste'—one historical and the other contemporary—truly the same? This section aims to explore this question with empathy and understanding.

Caste in Historical Context:

Caste is a unique institution closely associated with the Indian subcontinent. While similar social structures exist elsewhere, none precisely mirror the form found in India. Although traditionally linked with Hindu society, caste has also permeated into major non-Hindu communities across the subcontinent, including Muslims, Christians, and Sikhs.

The term 'caste', borrowed from the Portuguese 'casta', originally denoted a concept of purity or lineage. In Indian languages, notably Sanskrit, caste is represented by two distinct terms: 'varna' and 'jati'. Varna, translating to 'colour', delineates a four-fold societal division into Brahmins, Kshatriyas, Vaishyas, and Shudras. However, it's important to note that this classification often excludes various marginalized groups, including outcastes, foreigners, slaves, and conquered peoples, referred to as the 'panchamas' or fifth category. On the other hand, 'jati', a more generic term, refers to species or kinds, encompassing everything from inanimate objects to humans. Increasingly, Indian speakers are adopting the English term 'caste', though 'jati' remains prevalent.

The relationship between 'varna' and 'jati' has sparked much scholarly debate. While 'varna' is seen as a broad nationwide classification, 'jati' is regarded as a more localized and intricate system, comprising numerous castes and sub-castes, sometimes numbering in the hundreds or thousands. This implies that while the four-fold 'varna' classification is consistent across India, the 'jati' hierarchy exhibits regional variations, reflecting the diverse social fabric of the country.

There are varying opinions regarding the antiquity of the caste system, with a general consensus that its four varna classification dates back approximately three thousand years. However, it's important to note that the nature and meaning of the caste system evolved over time, making it inaccurate to perceive it as a static institution spanning millennia. Initially, during the late Vedic period

(circa 900-500 BC), the caste system was more fluid, resembling a varna system with four main divisions. These divisions were relatively simple and flexible, not strictly determined by birth, allowing for frequent movement between categories.

It wasn't until the post-Vedic period that the caste system solidified into the rigid structure commonly recognized today. Key defining characteristics of the caste system include:

1. **Birth-based determination:** Caste affiliation is inherited and cannot be chosen, altered, or refused, although expulsion from a caste is possible in certain cases.

2. **Marriage restrictions:** Caste membership dictates strict rules regarding marriage, typically limiting unions to within the same caste group (endogamy).

3. **Dietary regulations:** Caste membership entails guidelines on permissible foods and food-sharing practices, specifying what can be eaten and with whom food can be shared.

4. **Hierarchical structure:** Castes are organized into a hierarchical system of rank and status, with each caste occupying a designated position. While specific caste rankings may vary by region, a hierarchy exists universally.

5. Segmental organization: Castes often contain sub-divisions, with sub-castes and even sub-sub-castes, contributing to a segmented structure within the system.

6. **Occupational ties:** Traditionally, castes were linked to specific occupations, with professions being hereditary within caste lines. Conversely, occupations were exclusive to particular castes, barring members of other castes from entry.

Overall, the caste system has undergone significant transformation over time, reflecting shifting social, cultural, and historical contexts.

These features represent the prescribed regulations outlined in ancient scriptures. However, because these guidelines weren't

consistently adhered to, it's difficult to ascertain their true impact on the practical realities of caste life during that time. Notably, many of these regulations imposed prohibitions or limitations of various kinds. Historical evidence indicates that the caste system was highly unequal, with certain castes benefiting significantly while others endured a life of perpetual labor and subservience. Once caste became rigidly determined by birth, individuals were essentially trapped in their social circumstances indefinitely. Regardless of merit, individuals born into upper castes perpetually enjoyed high status, whereas those born into lower castes were relegated to low status.

Conceptually, the caste system can be viewed as a fusion of two fundamental principles: differentiation and segregation on one hand, and holism and hierarchy on the other. Each caste is expected to maintain its distinctiveness and remain strictly segregated from others. Scriptural rules governing caste aim to prevent intermingling through regulations on marriage, food consumption, social interaction, and occupation. However, while castes are distinct entities, they only exist within the broader societal framework encompassing all castes. This societal structure is hierarchical rather than egalitarian, with each caste occupying a specific rank within a ladder-like hierarchy from highest to lowest.

The hierarchical arrangement of castes is rooted in the notions of 'purity' and 'pollution,' which dictate social status. Castes perceived as ritually pure hold high status, while those deemed less pure or impure occupy lower positions. As in any society, material power, such as economic or military might, correlates closely with social status, resulting in powerful individuals typically belonging to higher castes. Historically, defeated groups in wars often faced demotion to lower caste status.

Additionally, castes are expected to complement one another and operate non-competitively within the system. Each caste is assigned a specific role that cannot be usurped by others. Linked with occupation, the caste system effectively delineates social divisions of labor, albeit without allowing for mobility in principle.

In contrast to ancient times, our understanding of caste dynamics has significantly evolved, particularly in the context of recent

history. Modern history, typically traced back to the nineteenth century, presents a notable transition point with Indian Independence in 1947 marking the shift from colonial rule to post-colonial governance. The intricate structure of caste as a social institution has been profoundly influenced by both the colonial era and the subsequent transformations in independent India.

Scholars widely acknowledge that the colonial period instigated significant alterations in all major social institutions, particularly caste. Some argue that the contemporary notion of caste owes more to colonial influence than ancient Indian tradition. The British administration initially sought to comprehend the complexities of caste to streamline governance, employing meticulous surveys and reports on the customs of various tribes and castes across the nation. Notably, the census, initiated in the 1860s and institutionalized from 1881 onwards, became a pivotal tool for collecting caste-related data. The 1901 Census, spearheaded by Herbert Risley, was instrumental in documenting the social hierarchy of caste, prompting numerous petitions from caste representatives vying for higher status based on historical and scriptural evidence. This systematic categorization and recording of caste status fundamentally altered societal perceptions and solidified caste identities.

Furthermore, colonial authorities exhibited a concern for the welfare of marginalized castes, referred to as the 'depressed classes' at the time. The Government of India Act of 1935 granted legal recognition to lists or 'schedules' of castes and tribes earmarked for special state assistance, giving rise to terms like 'Scheduled Tribes' and 'Scheduled Castes.' This legislative framework aimed to uplift castes facing severe discrimination, including those considered 'untouchable.'

In essence, colonialism catalyzed profound changes in the caste system, marking a shift towards more rigid categorization and hierarchical structures. This transformation was not unique to India but mirrored the global upheavals of the era, driven by the forces of capitalism and modernity.The contemporary landscape of caste in India reflects a complex interplay of historical legacies and modern dynamics. Following independence in 1947, efforts to address caste disparities were underway within the nationalist movement. Figures

like Mahatma Gandhi and Babasaheb Ambedkar led initiatives against untouchability, signaling a broad consensus to eradicate caste-based discrimination. However, the post-independence state faced challenges in translating these aspirations into meaningful reform.

While constitutional commitments were made to abolish caste distinctions, the state hesitated to implement radical measures that could disrupt entrenched economic hierarchies. Government job appointments were ostensibly caste-blind, yet reservations for Scheduled Castes and Scheduled Tribes were a notable exception. Economic development and urbanization brought new opportunities, but caste-based recruitment persisted in industries and urban settings.

Despite these changes, caste continued to exert a powerful influence, particularly in cultural and political spheres. Endogamy remained prevalent, and caste affiliations remained central to electoral politics. The rise of explicitly caste-based political parties underscored the enduring significance of caste identities in democratic processes.

Sociological concepts like "sanskritisation" and "dominant caste" emerged to analyze evolving caste dynamics. Sanskritisation described the aspiration of lower castes to elevate their social status by adopting practices of higher castes, while dominant castes wielded economic and political power, often through control of land.

Interestingly, for privileged upper-caste urbanites, caste appeared to recede in importance as economic and educational advantages shielded them from its effects. However, for marginalized communities, caste remained a visible marker of identity, compounded by discrimination and reliance on affirmative action policies.

In summary, while India has made strides in addressing caste disparities, its complexities persist, shaping social, economic, and political landscapes in intricate ways.

2.6 Religion in India:

India, renowned for its embrace of religious diversity, boasts a tapestry of faiths with Hindus constituting the majority, alongside significant populations of Muslims, Christians, Sikhs, Buddhists, Jains, and others. Recent interest in the demographic trends of these communities has gripped the Indian populace.

A recent study by the Pew Research Center delves into India's religious landscape, tracing its evolution since the partition of 1947, which cleaved the subcontinent into Hindu-dominated India and Muslim-majority Pakistan. Spanning six decades from the first post-partition census in 1951 to the latest in 2011, the report sheds light on several notable trends:

India's population has surged over the decades, ballooning from 361 million in 1951 to 1.2 billion in 2011. Hindus remain the largest religious group, numbering 966 million, followed by Muslims at 172 million, Christians at 28 million, Sikhs at 20.8 million, Buddhists at 8.4 million, and Jains at 4.5 million. Interestingly, the Parsi community, a minority group, experienced a significant decline, shrinking to 60,000 in 2011 due to a combination of high median age and low fertility rates.

Population growth has slowed since the 1990s, a departure from the exponential increases witnessed in previous decades. Hindus, Muslims, and Christians have experienced notable declines in growth rates. While Hindus constitute nearly 80% of India's populace, Muslims make up around 14%. The share of Muslims has marginally increased over the years, while the Hindu majority has slightly diminished.

Fertility rates play a significant role in demographic shifts. Muslims, despite higher fertility rates historically, have witnessed a substantial decline in recent decades, narrowing the gap with Hindus. Education emerges as a key factor, with Christian women, on average, having more years of schooling, correlating with lower fertility rates.

Migration has had minimal impact on India's religious composition, with only a fraction of the population being foreign-born or residing abroad. Unauthorized immigration remains contentious, though high estimates lack substantiation.

Religious conversion appears rare, with the majority of individuals adhering to the faith of their upbringing. Hindus, Muslims, and Christians exhibit remarkable continuity in religious identity.

India's religious landscape reflects its rich diversity, with Hindus dominant across most states. However, pockets exist where other faiths predominate, such as Muslims in Lakshadweep and Jammu and Kashmir, Christians in Nagaland, Mizoram, and Meghalaya, and Sikhs in Punjab.

Overall, India stands as a testament to religious pluralism, accommodating myriad faiths within its vast and dynamic tapestry of culture and society.

2.7 Language in India:

India, a tapestry of diversity unparalleled in the world, stands as a testament to the rich mosaic of cultures and communities. With a staggering population of approximately 1.21 billion as per the 2011 Census, India is poised to claim the title of the world's most populous nation. Within this vast populace, a staggering array of 1,632 languages and dialects find expression, reflecting the kaleidoscope of linguistic heritage.

Official recognition has been accorded to twenty-two of these languages, enshrining their legal status within the constitutional framework. Religion, too, paints a vibrant picture of India's societal fabric. Hindus constitute around 80% of the population, characterized by regional nuances, diverse beliefs, and intricate caste and linguistic divisions. Muslims, comprising 14.2% of the populace, position India as the world's second-largest Muslim country, trailing only behind Indonesia and Pakistan. Additionally, Christian, Sikh, Buddhist, and Jain communities contribute to the religious mosaic, albeit in smaller proportions, yet significant in their presence.

The relationship between the Indian nation-state and its myriad community identities defies simplistic categorization. It neither adheres to a rigid assimilationist model nor espouses a doctrine of integrationism. While the constitution proclaims India as a secular state, the public sphere retains space for religion, language, and cultural expressions. Minority religions enjoy robust constitutional

protections, highlighting India's commitment to pluralism. Despite challenges in implementation, India epitomizes the concept of a 'state-nation', albeit not immune to the tribulations common to nation-states.

Regionalism in India finds its roots in the intricate tapestry of languages, cultures, and religions. Geographical concentrations of these identities coupled with feelings of regional disenfranchisement fuel regional sentiments. Federalism emerges as a mechanism to accommodate these sentiments, tracing back to the post-Independence era when India retained the British-Indian administrative structure. However, the burgeoning demands for linguistic and ethnic self-determination necessitated the reorganization of states within the Indian union, reshaping the political landscape in response to popular upheavals.

The implementation of the States Reorganisation Commission (SRC) report on November 1, 1956, marked a significant milestone in reshaping the political and institutional landscape of India.

The genesis of the SRC can be traced back to the 1920s when the Indian National Congress restructured itself along linguistic lines, a trend influenced by Gandhi and other leaders' promise of linguistic-based provinces upon achieving independence. However, the trauma of partition in 1947 led to hesitance within the Congress leadership, fearing further fragmentation based on linguistic identities.

Despite this, grassroots movements advocating for linguistic states gained momentum, particularly among Marathi, Kannada, and Telugu speakers, culminating in Potti Sriramulu's sacrifice and the subsequent formation of Andhra Pradesh. This unrest propelled the establishment of the SRC, which officially endorsed linguistic states as the new administrative units in 1956.

Contrary to initial apprehensions, linguistic states have not only preserved Indian unity but also reinforced it. Individuals proudly identify as both Indian and belonging to their linguistic heritage, fostering a sense of national cohesion.

While linguistic states occasionally engage in disputes, these conflicts pale in comparison to the turmoil seen in neighboring

countries like Sri Lanka and Pakistan, where language-based discrimination sparked civil unrest and division.

The creation of linguistic states averted a potentially dire scenario, preventing India from splintering into numerous smaller nations. Language, coupled with regional and tribal affiliations, has emerged as a potent force in shaping India's ethno-national identity, surpassing religious divisions.

However, the path to statehood isn't solely dictated by linguistic considerations. Instances such as the formation of Chhattisgarh, Uttarakhand, and Jharkhand in 2000 demonstrate that factors like ethnicity, regional disparities, and ecological concerns also influence state formation.

India's federal structure, characterized by Constitutional provisions delineating powers between the Centre and States, ensures the autonomy and viability of regional units. Committees like the Finance Commission oversee fiscal relations, while the GST Council includes state representation, exemplifying a collaborative approach to governance.

Despite the successes of federalism, challenges persist, particularly concerning inter-regional economic disparities exacerbated by liberalization. The dominance of private investment often favors already developed regions, widening the gap between prosperous and backward areas. Addressing these disparities requires proactive public initiatives to rebalance regional development and ensure inclusive growth.

2.8 Summing Up :

a. Colonialism also gave rise to new social classes and communities that would play significant roles in India's future.

b. Unity amid diversity in traditional India was manifested through shared social and cultural institutions, occupational domains, technology, trade, markets, and transportation networks, fostering functional interdependence among diverse cultural identities.

c. India, as a political entity under a single Constitution, embodies political unity, fostered historically by influential rulers and solidified during British colonial rule.

d. In India, more so than in any other part of the world, individuals often adopt multiple identities based on factors such as region, language, and religion among others.

e. Caste is a unique institution closely associated with the Indian subcontinent.

f. The hierarchical arrangement of castes is rooted in the notions of 'purity' and 'pollution,' which dictate social status.

g. India's population has surged over the decades, ballooning from 361 million in 1951 to 1.2 billion in 2011. Hindus remain the largest religious group, numbering 966 million, followed by Muslims at 172 million, Christians at 28 million, Sikhs at 20.8 million, Buddhists at 8.4 million, and Jains at 4.5 million.

h. Regionalism in India finds its roots in the intricate tapestry of languages, cultures, and religions.

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UNIT: 3
NORTH EAST INDIA: HISTORY, CULTURE AND POLITICS

Unit Structure:

3.1 Introduction

In this unit Dear learners you will learn about the northeastern region of India. This unit will focus on the history, demography, culture and politics of Northeast India. The northeastern region lies at an extension of the sub himalyan region surrounded by Tibet, China and Bhutan in the north, Bangladesh and Myanmar in the south, China and Myanmar in the east and West Bengal and Bangladesh in the west. The region comprises of seven states known as the seven sisters namely, Arunachal Pradesh, Assam, Meghalaya, Tripura, Manipur , Nagaland and Mizoram, and also a Brother, which is the state of Sikkim.

With it's unique geographical features the region has it's own unique population composition, culture and is very strategically placed politically sensitive region.

3.2 Objectives

This unit aims at fulfilling the following objectives which will be helpful for the learners:
- to understand the population of Northeast India
- to get a vivid background about the northeastern region of India

- to study the population of northeast india
- to present a background about the culture of northeast India
- to understand the political background of Northeast India

3.3 Demographic Profile of Northeast India

North-East India, has a population of over 45 million, which is 3.76 % of India's population. The overall density of population is 159 persons/km2, though Assam, the principal state of the region, has a population density of 397 persons to a km2. In contrast, the state of Arunachal Pradesh, occupying the foothills of the Himalayas, has an average density of 17 persons to a km2. The distribution of population is highly irregular that reflects the sequent of occupancy, the agricultural potential of a state and the ruggedness and accessibility of the terrain. The most densely populated parts of the region are the plains of Brahmaputra and Barak, the Imphal plain in Manipur and the western part of Tripura.

According to the 2011 Census, the region is home to 3.8 percent of India's population and nearly 8 percent of the total geographical area of the country. The region hubs numerous ethnic communities speaking different mother-tongues belonging to language groups, but mostly belonging to the Mongoloid racial stock. One remarkable demographic feature of the region is the presence of diverse ethno-lingual communities, having more than 100 distinct mother-tongues, some with a population less than 5,000 while others having more than 10,00,000.

An unique demographic feature of North East India is very rapid growth of its population. At the beginning of the 20th century, the total population of North East India was 4271978 (1901), which increased to 10260371 in the mid of the 20th century (1951) and recorded an increase of about two and a half times, while in the latter half of the 20th century (1951-2001), the population of the region increased to 38409793 and 44980294 in 2011 which showed an increase of about 3.71 times. In the demographic history of North East India, the decadal growth of the population is always higher in comparison to that of the nation as a whole. The growth rate between the period 1901-1941 was recorded as 101.73% as against 33.67% for the nation as whole. During the period 1941-1981, the growth rate in the region was187.20 %, whereas the growth rate for

the nation in that period was 114.44 %.On the other hand between the period 1981-2011, the growth rate in the region was recorded as a decline growth rate 81.72 % while the corresponding figure for the nation as a whole was 77.10%. North East India recorded an average annual growth rate 1.79% where the whole country recorded 1.04%. During that period due to influx of large number of land hungry immigrant peasants from erstwhile East Bengal especially to flood plain of Assam and Tripura, the region recorded high growth of population.

According to census year 2011, Assam ranks first among all the states of North East India in terms of density of population in the region with 397 person per sq. km followed by Tripura (350 person per sq. km), Meghalaya(132 person per sq. Km), Manipur (122 person per sq. km), Nagaland (119 person per sq. Km), Mizoram (51 person per sq. Km) and Arunachal Pradesh (16 person per sq. Km) . In context of North East India, the physiographic density of population is highest in Manipur followed by Mizoram and Tripura in 1991 and Manipur remain at the top of physiological density in 2001. Arunachal is only the state which has the least density of population in the country.

STOP TO CONSIDER

Northeast India has a total population of is 46 million with 68 per cent of that living in Assam alone. Assam also has a higher population density of 397 persons per km2 han the national average of 382 persons per km2.

CHECK YOUR PROGRESS
1. how many states comprises the region of northeast India?
2. which is the least populated state in northeast India?
3. Why Assam and Tripura witnessed hih population growth?

3.4 Historical Background of Northeast India

This part of your chapter will discuss the historical background of the states . Each state and it's history will be discussed separately for

your better understanding. Let us now learn about the states in details:

1. Arunachal Pradesh : Arunachal Pradesh, also known as the land of the rising sun With an area of 83,743 sq. km,this state is the largest among the north-eastern states of India.The state is situated in the great Himalayan ranges with height ranging from 900 ft to 14000 ft height at Sela Pass. Arunachal Pradesh is blessed with breath takingly beautiful hilly terrains; deep gorges beautiful valleys and plateaus, dense and lush green forests with unique varieties of flora and fauna.

Arunachal is a sparsely populated state. Before it got its statehood on 20 February 1987, Arunachal Pradesh was a Union Territory (UT) for 15 years since 1972. Prior to that, it was known as the North East Frontier Agency (NEFA) and was under the direct administration of the Ministry of External Affairs, Government of India. Arunachal is a home of 26 major indigenous tribes and 110 sub-tribes and minor tribes each having distinctive tradition and culture, custom and language and thus this hilly State is predominantly inhabited by tribal population belonging to Indo-Mongoloid group. The major rivers passing through the state include Siang, Kameng, Dibang, Tawang, Dihing and Tirap. Besides, there are innumerable tributaries. There are only two seasons — winter and rainy.

The state shares international borders with four countries — Bhutan in the west, Myanmar in the east and Tibet and China in the north. Only Assam and Nagaland are its entry points to the rest of India.
Written references to local people in Arunachal first appeared in Ahom Burunjis (chronicles) and later in the Mughal Chronicles during the medieval period. The state was popularly known as NEFA (North-East Frontier Agency) till January 21, 1972. It was administered by the President of India through the Governor of Assam acting as his Agent. NEFA attained the status of Union Territory from 21st January, 1972 under the provision of the North-Eastern Areas (Re-organization Act of 1971) with the new name , under the charge of a Chief Commissioner with its Headquarters at Shillong, the capital of the State of Meghalaya. From 15th August, 1975 this Union Territory was endowed with a Legislative Assembly having Chief Minister with a cabinet of four Ministers to assist the

Lieutenant Governor appointed on the same day as the Administrator of the union Territory.

The first General Election to the 30 member Arunachal Pradesh Legislative Assembly was held in 1978, constituting a landmark in the political history of the Territory. The Headquarters of this Union Territory was then shifted from Shillong to Itanagar under then Subansiri District in 1978.

Arunachal Pradesh had attained the status of a State on 20 February, 1987. Till May 1980, Arunachal Pradesh consisted of five districts; thereafter numbers of districts were added after passing of the Arunachal Pradesh Reorganization of Districts Acts, 1980, thus there are twenty districts at present in the State, namely, Tawang, West Kameng, East Kameng, Papum Pare, Kurung Kumey, Kra Dadi Lower Subansiri, Upper Subansiri, West Siang, East Siang, Upper Siang, Siang, Dibang Valley, Lower Dibang Valley, Lohit, Anjaw, Namsai, Changlang, Tirap & Longding.

2. Assam: Bestowed with scenic beauty and immense natural resurces Assam's human landscape is as colourful and varied as her physiography. The state is dominated by Brahmaputra and Barak, geographically, Assam is connected to the rest of India via a 22-km land strip in West Bengal, popularly known as 'Chicken's Neck', near Siliguri. Assam shares an international border with Bhutan and Bangladesh.Assam is mainly an agricultural state. Silkworm rearing, reeling, spinning and weaving have been age-old practices in Assam. Besides Assam has a rich tradition of crafts. Cane and bamboo craft, bell-metal and brass. The state is surrounded by beautiful tea gardens. The state of Assam is one of the oldest oil producing states.

Assam was earlier named as 'Pragjyotisha' and its capital 'Pragjyotishpur' means 'Eastern Light.' The region came to be known as 'Kamrup' later during the Puranic times after the name of Kamdeva, the God of Love. Some attribute the origin of the word Assam to the Ahoms, who ruled the state for 600 years, while some believe that its 'uneven' (asam) topography, comprising hills and plains, gave it the name Assam. Hiuen Tsang's travel accounts reveal that Pusyavarman of the Varman Dynasty ruled Kamrup during that period. He was followed by other kings till the seventh century, when Bhaskaravarman (the contemporary of

Harshavardhan) came to rule as the last king. After the Varmans, three other dynasties ruled Kamrup, beginning with Salastambha, followed by the Palas and then, the Khens. It is during the rule of the Khens that the Mughals first invaded Assam. After the fall of the Khens, the Koches rose to power in 1515 A.D. By that time, the Ahoms were also expanding their rule from the east. The Sutiyas were ruling in the extreme north-east, the Kacharis in mid-Assam and in between them a number of chieftains called 'Bhuyans' were exercising hold over the Brahmaputra plains. The Ahoms defeated them and they ruled for almost 600 years.

Before the invasion of the british, the Mughlas invaded Assam. In January 1668, Aurangzeb dispatched a large army under Raja Ram Singh's command to reoccupy Assam. Raja Ram Singh, encouraged by his initial success, launched a massive naval assault. Thus ,The Battle of Saraighat was fought in 1671 between the Mughal Empire led by Kachwaha king Raja Ram Singh I and the Ahom kingdom led by Lachit Borphukan on the Brahmaputra river at Saraighat, now in Guwahati. The battle lasted one full day , and the Mughal army succumbed to defeat against the contingent led by Lachit Barphukan.

Assam's contribution to the freedom struggle was evident from the days of Sepoy Mutiny of 1857.After Independence, Gopinath Bordoloi was elected the first Chief Minister of Assam.

3. Manipur: The beautiful state of Manipur is also named as 'The jewel of India'. The state has an area of 22,327 sq. km, and is bounded by Nagaland in the north, Assam in the west, Mizoram in the south-west and Myanmar in the east and south-east. Manipur comprises 16 districts—Imphal East, Imphal West, Thoubal, Bishnupur, Jiribam, Kakching in the valley, and Ukhrul, Churachandpur, Chandel, Senapati, Tamenglong, Kangkpokpi, Kamjong, Tengnoupal, Noney and Pherzawl in the hills.

The state is blessed with rich natural resources. Manipur's economy is based on agriculture, forest produce, industries, mining, business and tourism. Agriculture has a significant share in the state's domestic product and provides the largest share of employment. Handicraft is another important industry in the state. Women play a vital role in the socio-economic and political life of the state.

Reference of the state of Manipur has been made in the great Mahabharata. The literature of the Meiteis, the largest community of the state, preserved in the form of Chietharol Kumbaba or the royal chronicles, claims an uninterrupted line of kings since 33 A.D. The state of Manipur have emerged as a well-established kingdom under King Kyamba in 1467-1506.

The association of Meiteis with the kingdom of Pong, located between the frontier of Yunnan in China and Burma, finds a mention in the Royal Chronicles of the early fifteenth century. The first notable king who extended the frontiers of Manipur to the Banks of Irawadee river in Burma was Pamheiba or Raja Garib Niwaj (1714-55). Raja Garib Niwaj was credited with the cultural transformation of Meitei people by accepting Vaishnav Hinduism.

Burmese king, Alungpaya, invaded Manipur in 1752 and occupied the kingdom. Manipur regained its freedom with the help of the kingdoms of Tripura and Assam. The British gained initial foothold in Manipur, following requests of the kings for help in their hostilities with Burma.The relations between Manipur, Burma and the British came to be determined largely by the Treaty of Yandaboo (1826) signed between the British and the Burmese, under which the king's title to Manipur's throne was recognised.

4. Meghalaya: The state of Meghalaya got it's name from Sanskrit which means the adobe of clouds. Meghalaya was formed on 21 January 1972, and was carved out of the state of Assam. Meghalaya comprises the United Khasi Hills, Jaiñtia Hills and Garo Hills. The total geographical area of the state is 22,429 sq. km with a population of 29.67 lakh (Census 2011). Meghalaya is one of the most beautiful states of India; Meghalaya is a favoured tourist destination. Earlier Sohra (Cherrapunjee) and now Mawsynram are known to be places with highest rainfall on earth.

The state is a home to three major tribes, The khasis, Garos and Jaintias. Meghalaya is largely an agrarian state. The state has rich mineral resources such as coal, limestone, silimanite, iron ore, uranium, etc. Earlier, coal was an important commodity for mining and trade in the state.

It was not until 1972 that Meghalaya gained statehood after a firm but largely peaceful agitation, the Hill State Movement. A major reason for the struggle was the imposition of Assamese as an official

language on the tribal areas (1960), something which the fiercely autonomous indigenous communities were against as it eroded their linguistic and cultural distinctiveness. Captain Williamson A Sangma, who was one of the leaders of the Hill State Movement, was the first chief minister of Meghalaya.

5. Mizoram: Mizoram with the highest tribal population among all indian states is situated in the extreme south of North East India. It shares international boundary with Myanmar in the south and east, and Bangladesh in the west, thus, occupying an area of great strategic importance. It is bounded in the west by Tripura, and in the north by the states of Assam and Manipur. The state has an area of approximately 21,087 sq. km. According to the Census 2011.

Many of the rivers and streams run between the hill ranges and in plain areas. Rivers like Tlawng also known as Dhaleshwari, Tuirial and Tuivawl drain the northern portion of the land and fall into the Barak.Mountain peaks lnamed Phawngpui also known as Blue Mountain at 2,157 metres is the highest peak. Lakes such as Palak Lake, Tamdil, Rungdil and Rengdil are also located here.

Mizoram has 57 per cent of the geographical area covered by different species of bamboo.

Christianity is the major religion in Mizoram, people inhabiting in the state of Mizoram are known as Mizos, consists of Hmar, Lushai (or Lusei), Paite, Lai (Pawi), Mara (Lakher) and Ralte. These groups are subdivided into numerous sub-clans, for example the Hmars are divided into Thiek, Faihriem, Lungtau, Darngawn, Khawbung, Sote, and others. Mizo and its kindred people are found across North East India, Burma and Bangladesh. The Bru (Reang) and Chakma are the other tribal groups in Mizoram. There are also sizeable numbers of Nepalis scattered in various parts of the state. The economic life of the people of Mizoram has always been centered around jhum or shifting cultivation. According to historians it is believed that the Mizos are a part of the great wave of the Mongolian race spilling over into the eastern and southern India centuries ago. Their sojourn in western Myanmar, into which they eventually drifted around the seventh century, is estimated to last about ten centuries.

6. Nagaland: The state of Nagaland also known as the land of festivals is a tribal state with a population of 19.78 lakh (Census 2011). It is bounded by Myanmar and Arunachal Pradesh in the east, the state of Assam in the west and north, and Manipur in the south. It covers a geographical area of 16,579 sq. Km . Nagaland is inhabited by 16 major tribes along with a number of sub-tribes. Ao, Angami, Chang, Konyak, Lotha, Sumi, Chakhesang, Khiamniungam, Kachari, Phom, Rengma, Sangtam, Yimchungru, Kuki, Seliang and Pochury are the major tribes. Nagaland is an agrarian state with over half of its population dependent on agriculture. Horticulture is another main activity in the state. '. The tallest tree of the world, Rhodendendron, and the largest electric guitar ensemble of the state have been recorded by the Guinness Book of World Records.

Nagaland was part of Assam during the time of Independence. Nagaland became a full fledged state in December 1, 1963. Owing to its unique socio-cultural setup, the state enjoys special provision for its autonomy under Article 371(A) of the Constitution.Nagaland become the 16th state of the Indian Union. Kohima became the state capital. The state has 11 districts.

7. Tripura: the origin of the name of the state Tripura has often been debated by scholars. Though the word means three cities in Sanskrit Some scholars trace its origin to king Tripur, believed to be a powerful ruler of this region, who is also mentioned in the chronicle Rajmala. While other group of scholars are of the view that etymologically the word 'Tripura' is a compound of two words used in the local language, 'tui' meaning 'water' and 'pra' meaning 'near'.

With a total area of 10,486 square km, the state's population is 36.74 lakh (Census 2011). The Tripuris constitute the largest tribal community in the state. Various Socio-economic factors, political factors also led a large number of Bengalis to take refuge in the state.

The population of Tripura are followers of both Shakti and Vaishnavism, besides revering their own local deities accompanied by indigenous customs and rituals. The Tripuris mainly practise jhum cultivation. Agriculture constitutes the primary sector of the

economy. More than half of the population is dependent on agriculture.

Tripura finds it's references in ancient texts such as the Mahabharata and the Puranas. It also finds a mention in the pillar inscriptions of Emperor Asoka. The information on early history is largely based on oral traditions contained in the Rajmala, a court chronicle belonging to the fifteenth century and is the earliest documentary evidence written in Bengali, during the rule of the Manikya kings. The Tripuri kings who were of Indo-Mongolian origin adopted the title of Manikya and ruled Tripura for an uninterrupted period of 350 years. It was under the rule of the Manikya dynasty that the kingdom of Tripura reached the zenith of its power and most glorious period in its evolution during the sixteenth century. Following the death of the last ruling king Bir Bikram Kishore Manikya, Tripura acceded to the Indian Union in 1949 through a Merger Agreement signed by Queen Kanchan Prava Devi.

Initially administered as a Union Territory, Tripura gained full statehood on 21 January 1972 as per the North-East Reorganisation Act, 1971.

8. Sikkim: The state of Sikkim was known originally as 'Nye-mae-el' or 'heaven'. Sikkim is bounded to the north by China (Tibet), the kingdom of Bhutan to the east, Darjeeling district in West Bengal to the south, and Nepal to the west. The capital of Sikkim is Gangtok. The three principal ethnic communities of Sikkim—Lepchas (Rongs), Bhutias (Khampas) and Nepalese are nature-worshippers, while also practising Buddhism and Hinduism.

Sikkim became a full-fledged state of the Indian Union on 16 May 1975. Kazi Lhendup Dorjee became the first Chief Minister, and the institution of Chogyal came to an end in 1982, with the passing of the last consecrated ruler.

STOP TO CONSIDER
The region of Northeast India comprises of states namely , Arunachal Pradesh, Nagaland, Manipur, Assam, Mizoram, Tripura, Meghalaya and Sikkim.

3.5 Culture of Northeast India

Let us now learn about the vibrant culture of northeast India. Each state has there own unique culture which will be discussed in this section of the unit:

1. Arunachal Pradesh: Each tribe residing in Arunachal Pradesh have their own festival, which provides a creative forum for expressing the distinctness of their art forms, dresses, designs, dance

musical instruments, etc. The major tribes of Arunachal are Adi, Galo, Aka, Apatani, Nyshi,tagins, Bori,Bokar etc.

Many tribes worship the sun and the moon and practise the religion of Dony Polo.Monpa and Shedukpen tribes residing in west kameng and tawang districts are inhabited by followers of Tibetan culture. In the Lohit district, the Kahmpti and the Singpho tribes also practise Buddhisim. The rest of the population of the state practise animal worshipping. A large portion of the Arunachal's population are nature worshipers. also quite pre-ponderous. Some of the local festivals are —'Solung' celebrated by the Adis in Siang and Dibang valley, 'Nyokom' celebrated by Nyishis, 'Mopin' by Gallongs, 'Lossar' by Monpas, 'Dree' by Apatanis, 'Loku' by Noctes and 'Boori-Boot' celebrated by the Hill Miris, etc.

2. Assam: Bihu is the most popular festival and represents the essence of Assam. Bihu is derived from the language of the Dimasa Kacharis, who have been agrarian since time immemorial. Rongali Bihu' marks the advent of spring and the first day of the Hindu solar calendar. The first day of 'Rongali Bihu' is called 'Gorubihu', where the cows are worshipped. Rongali Bihu is celebrated with great pomp. The Bodos are the oldest tribe residing in Assam. The traditional dance of the Bodos is Bagurumba. The Bodos worship Bathou or Shiva, a girl must perform the religious dance in front of the altar. Likewise in 'Deodhani' dance, a girl dances on the beat of

the kham (drum) and siphung (flute), propitiating many deities from Shiva to Lakshmi.

The 'Dimasa' dance form is called 'Baidima'. 'Bishu' is an important festival celebrated by Dimasa. Tiwas in Dimoria have a traditional Bihu dance called 'Lalilang'.

For Karbis, 'Rongker' is one festival held around January-February, in which entire village participates thanking various gods for the prosperity and well-being of the community.

The main festival of Mishing people is 'Ali-Ayé-Ligang'. It is a spring festival associated with agriculture. The Ahom community of the state, celebrate Me-Dam-Me-Phi' It is celebrated by the Ahom people on 31 January every year in memory of their ancestors.

3. Manipur: The state of Manipur is a land of diversity. The most popular celebration in Mnipur is 'Yaoshang' (Holi), which is celebrated for five days, commencing from the full moon day of Falguna (February- March). 'Thabal Chongba', a type of Manipuri folk dance, where boys and girls hold hands and sing and dance in a circle, is performed during holi. Kut', also known as 'Chawang Kut' or 'Khodou'among , is a festival of harvest of Kuki-Chin-Mizo groups.

'Gang-Ngai' is the festival of Kabui Nagas, which is celebrated for five days in December or January and comprises common feasts, dances of old men and women, boys and girls, and presentation of farewell gifts, etc.

'Lui-Ngai-Ni', a sowing festival is the collective festival of the Nagas, observed on the fifteenth day of February and marked by gatherings, songs, dances and rejoicing. 'Cheiraoba' is the Meitei New Year, which is celebrated by offering special festive dishes to the deities.

'Kang' (Rath Jatra),similar to the Rath Yatra in Puri, is one of the greatest religious festivals of Hindus and is celebrated for 10 days in July. 'Heikru Hitongba', a celebration in the month of September when narrow boats carrying idols of lord Vishnu are rowed by a number of rovers in rivers or canals, is also popular.

'Chakouba', celebrated on the second day in the month of Hiyangei (November), is a special festival of the Meiteis, when Ningol or

married sisters or girls are invited to feast and offered gifts in their parental homes.

4. Meghalaya: The state of Meghalaya clebrates four major festivals which are 'Shad Suk Mynsiem', also known as 'Weiking dance' and 'Nongkrem dance' (Khasis); 'Wangala dance', also known as 'Hundred Drums festival' of the Garos, and 'Behdeiñkhlam festival' of Jaiñtia Hills. Wangala is the most popular festival among the Garos of Meghalaya. It is a harvest festival held in honour of Saljong, the Sun-god of fertility.

5. Mizoram: In Mizoram festivals such as Chapchar Kut and Alphaloni celebrated by the Mizos and Chakmas, respectively, revolve around the stages of jhum cultivation or the seasons. Chapchar Kut is celebrated at the state level every year on the second Friday of March. It is the most joyful traditional festival celebrated by the Mizos.

6. Nagaland: In Nagaland most of the festivals revolve around agriculture. 'Sekrenyi' is the main festival of the Angami tribe, which is celebrated in the month of February. 'Moatsu' is the main festival of the Ao tribe, which is celebrated in the month of May for three days (1-3 May). This festival is held after the sowing is done and the earth begins to show signs of fertility.

'Sukrenye' is the main festival of the Chakhesang tribe, which is celebrated on 15 January. 'Naknyülüm' is the main festival of the Chang tribe, which is celebrated in July. This festival is marked by exchange of gifts and food items among friends and relatives. 'Miu' is the main festival of the Khiamniungamtribe, which is held in the first week of May. The importance of this festival is to build cordial relations between the maternal uncle and his sister's children.

'Mimkut', the main festival of the Kuki tribe, is the harvest festival. 'Aoleang Monyuis', the main festival of the Konyak tribe, is observed in the first week of April. 'Bushu' or 'Bushu Jiba' is the main festival of the Dimasa Kachari tribe It is a post-harvest festival. 'Tokhu Emong' is the main festival of the Lotha tribe, which is celebrated on 7 November after the harvest. 'Monyu' is the main festival of the Phom tribe, which is celebrated in April, soon after the begining of the sowing season. Yimshe' is the main festival of the Pochury tribe, which is celebrated in the month of October. It is the festival welcoming the new harvest. 'Ngadah' is the main

festival of the Rengma tribe, which is celebrated towards the end of November just after the harvest. 'Tuluni' is the main festival of the Sumi tribe, which is celebrated in the month of July .

Mongmong' is the main festival of the Sangtam tribe, which is celebrated in the first week of September. Mongmong is observed on the occasion of a good harvest .'Metumniu' is the main festival of the Yimchunger tribe, which is celebrated from 4-8 August every year after the harvest of millet.

'Hega' is one of the most the biggest festival among the Zeliang tribe. It is observed in the month of February every year when God's blessings for prosperity, luck, protection, guidance and courage.

The annual 'Hornbill' festival envisioned to showcase the Naga culture, both traditional and contemporary, is held for 10 days, starting 1st December (Statehood Day). The festival is a tribute to the great hornbill revered by the Nagas for its qualities of alertness and grandeur. The feathers of the hornbill are used in the headgear.

7. Tripura: In Tripura Hinduism is the major religion followed by its residents. Some of the other religions that are practised here are Buddhism, Christianity and Islam. Most of the tribes are followers of Hinduism and worship their own tribal deities. Some of the significant deities worshipped here are 'Buraha', 'Bonirao', 'Uma', 'Goraiya', 'Jampira', 'Mangisiri', 'Lampra', 'Khulma', etc.

Tripura Sundari is one of the most popular deities who is revered by many and is popularly known as 'Sharoshi' or 'Rajarajeshwari'. The Chakmas, Uchai and Mogs practices Buddhism.

8. Sikkim: The people of Sikkim celebrates Lord Buddha's birthday every year on the tenth day in the month of Vaishakha (April-May). On this day, village people observe the Bhutia festival 'Chhechu', when the lamas, lamis and lay Buddhists visit monasteries. At the end of January every year, a big festival is held at Lachen where lamas dance to the tunes of sacred music in their colourful robes. This wonderful spectacle of dance, lasting three days is known as 'Chham'.

On the full moon day of the first month of the year (around 14 March) the 'Bumchhu' festival is held at the Tashiding Monastery with great pomp and show. 'Losoong', which is the New Year festival of the Bhutias, is celebrated in Sikkim.

3.6 Politics of Northeast India

The present States of Nagaland, Meghalaya and Mizoram constituted a district each of Assam, whereas Arunachal Pradesh, (then NEFA), consisted of several 'frontier tracts' administered by the Governor of Assam and was, therefore, deemed to be a part of that State. The States of Manipur and Tripura were princely States which, after merger with India in 1948, became part C States, the earlier name for Union Territories.

Dear learners we in this section will discuss the various political conflicts in the northeastern states of india. Insurgency has been a prominent political conflict in this part of the country. Insurgency has taken a toll of thousands of lives, both of security forces and citizens.

Ninety-eight per cent of the borders of the region are international borders, pointing to the region's conflicting geographical connectivity with the rest of India. The main cause of insurgency in the North Eastern region are in its geography, history and socio-economic factors.

Arunachal Pradesh: The state has witnessed numerous political conflicts however the state has remained peaceful after the cease-fire with NSCN which was active in Tirap District. The policies initiated under the guidance of Verrier Elwin in the 1950s have resulted in considerable cohesion in the area with Hindi emerging as its lingua franca. There was some conflicts in relation with the settlement of relatively more enterprising Chakma refugees from Bangladesh in the State in large numbers which appears to have subsided. Growing income disparities and constriction of employment opportunities could be a potential source of conflicts.

Assam: Undivided Assam had the longest history of insurgency. Naga and Mizo insurgencies were the earliest to flare up. The affected areas formed two districts of the State. Even in the present truncated Assam, there are a number of extremist outfits led by the United Liberation Front of Assam (ULFA). It has also been argued that there have been several contributing factors for the youth to join the cadres of ULFA such as unemployment, corruption in Government machinery, influx of illegal migrants, dominance of non-Assamese in the business sector, perception of exploitation of Assam's natural resources by the Centre and alleged human right violation by the Security Forces. It became active from the 1980s and till the late 1990s, enjoyed considerable public support. Ethnic Conflict: The major ethnic conflict in the State is the grievance against the perceived influx of 'foreigners' i.e. people with a language and culture substantially different from the Assamese from across the border (i.e. Bangladesh). The 'foreigners' agitation' of 1979-85 brought Assam to the centre stage of attention.

Manipur: Manipur is currently, most insurgency ridden state with about fifteen violent outfits representing different tribes/communities active in the State and has become a selffinancing extortion activity particularly in the Valley. The Meitei influence declined in the socio-economic spheres after Independence with the tribals coming into the forefront largely because of reservations. Insurgency in Nagaland and Mizoram also spilled over to the State. The 'cultural distance' of tribals from the Meiteis widened with almost all the tribes coming under the Christian fold by the 1930s. There is considerable tension among the tribes over land and boundaries and violence between Nagas and Kukis took a toll of more than 2000 lives during the 1990s. There is considerable tension among the tribes over land and boundaries and

violence between Nagas and Kukis took a toll of more than 2000 lives during the 1990s.

Meghalaya: The State is fortunately free from violence of the intensity that prevails in many other parts of the region. The state has some areas of concern which are , Increasing clash of interest between the State Government and the Sixth Schedule District Councils – the entire State is under that Schedule, Increasing inter-tribal rivalry, emerging tensions about infiltration from Bangladesh particularly in the Garo Hills.

Mizoram: The State with its history of violent insurgency and its subsequent return to peace is an example to all other violence affected States. Following an 'accord' between the Union Government and the Mizo National Front in 1986 and conferment of statehood the next year, complete peace and harmony prevails in Mizoram.

Nagaland: The state of Nagaland is considered to be the hotspot of insurgency with conflicts by the NSCN.The lingering issue of a final political settlement including the demand for 'greater Nagaland' or 'Nagalim' which as already noted is causing disquiet in the neighbouring areas, particularly Manipur. Growing competition over the limited resources of the State and the problem of unemployment of the educated youth.

Tripura: Tripura's demographic profile was altered since 1947 when mass migrations from the newly emerged East Pakistan converted it from a largely tribal area to one with a majority of Bengali speaking plainsmen. Tribals were deprived of their agricultural lands at throw-away prices and driven to the forests. The resultant tensions caused major violence and widespread terror with the tribal dominated Tripura National Volunteers (TNV) emerging as one of the most violent extremist outfits in the North East.

CHECK YOUR PROGRESS

1.Aanalyse the major reason for conflict in Assam.

2. Describe the conflict situation of Tripura.

3. Which state is considered as the hotspot of insurgency?

3.7 Summing Up

Northeast India is blessed with unique geographical and socio-ethnic profile. The shape of Northeast India evolved historically from the colonial period to the reorganization of the Assam state and the formation of the different states. The states of this region share international borders with neighbouring countries such as Bangladesh, Myanmar, China, Bhutan and Nepal. The northeastern region has its own vibration customs and traditions. The state has its history of political conflicts. The identity of Northeast India as a region has evolved over the years following the Treaty of Yandabo in 1826 between the British and the Burmese.

3.8 Check Your Progress

1. describe the demographic profile of Northeast India.

2. What are the major tribes of Arunachal Pradesh?

3. briefly write about the history of the state of Tripura.

4. What are the major political conflicts in the state of Mizoram?

5. Briefly write about the festivals celebrated in Nagaland.

3.9 References and Suggested Readings

1. A Handbook of Folklore Material Of Northeast India , (Birendra Nath Datta, Nabin Chandra Sarma, Prabin Chandra Das)

2. Northeast India, People History and Culture (NCERT)

3. Demographic Profile in North-East India (Ed. Sanu Mukherjee, Fatima Imadad Hussain, Parjit Chakravorty, Gurudas Das)

4.Politics and Reorganization of North-East India (B.C. Bhuyan)

Block: II (Constitution of India)

Unit 1: Historical Background, Constituent Assembly of India; Philosophical Foundations of the Indian Constitution; Salient Features, Preamble

Unit 2: Fundamental Rights, Fundamental Duties

Unit 3: Directives Principles of State Policy

Unit 4: Sixth Schedule, Autonomous Council and North East India

UNIT: 1
HISTORICAL BACKGROUND AND PHILOSOPHICAL FOUNDATIONS

Unit Structure:

1.1 Objectives

This is the first unit in our discussion of the Constitution of India in which we will go into its historical background and philosophical foundations. We will follow the Constituent Assembly as it undertook the historic task of drafting the Constitution for free India, how the aims and philosophical values of the Constitution are stated clearly at the outset in its Preamble, the salient features of the Constitution, and its basic structure which must be protected. No course of media studies can be complete without learning about media laws and their constitutional basis. Media students need to appreciate how the Constitution as the basic law of the land forms the bedrock of other laws. They will find that a sound understanding of various constitutional and legal issues is indispensable in their professional work.

1.2 Introduction

The dictionary meaning of the word 'constitution' is the set of basic rules, laws and principles that govern an organisation, a social group, a state or nation. It is usually codified in the form of a written

instrument, as in India, or it may be un-codified or oral, as in Britain. All other laws subsequently enacted and rules formulated must conform to the constitution.

Whether a small group of people come together in an organisation, or a large group of people constitute a nation, what is certain is that all members will differ from each other in different ways. However, they must also get along with each other and live together peacefully. They need to trust and depend upon each other, cooperate and work closely in collaboration. At each step, differences will arise, which must then be amicably resolved.

This is why a constitution is absolutely necessary — it makes possible coordination among group members, specifies who will have power and authority to make decisions, and also spells out the limits of such powers and the rights of members. At the basic level, the constitution of a nation will lay down how the country will be organised, how its government will be formed, how power will be distributed and accountability fixed between various organs of the government, and how the nation will be governed. But at a higher level, the constitution will also outline the vision with which the nation has been founded, the ideals with which it will move forward, and the system and conditions which will allow its citizens to enjoy rights and liberties, perform duties and fulfil their aspirations.

The constitution of a nation is thus a basic component of its overall body of laws. Law is a wider concept which includes the nation's constitution, various laws made by its legislative bodies, the legal precedents established and decisions handed down by its courts, and the customary practices of its people. For citizens, the body of laws is important because it regulates what they can do and cannot do in various fields of life and work. As the basic law of the land, the constitution makes the 'Rule of Law' possible — that all citizens are governed by the same set of laws and are accountable to it, that they are not subject to the arbitrary whims and rules imposed by those holding power. No one, whether leaders, rulers, lawmakers, law enforcers or judges, can be above the law. A sound constitution is therefore essential for the rule of law, through which a nation can ensure a just and fair society.

1.3 Historical Background

After the British Crown assumed sovereignty over India from the East India Company in 1858, the British Parliament enacted the Government of India Act, 1858 for direct and absolute colonial rule. This was followed by the Indian Councils Acts of 1861, 1892 and 1909, and the Government of India Act of 1919 to grant some degree of legislative representation and self-government to Indians. None of these Acts could satisfy the growing nationalistic aspirations of Indians led by the Indian National Congress. More comprehensive was the Government of India Act of 1935 which sought to give greater autonomy to the provinces while retaining the control of the Central government under the continuing system of 'Dyarchy'.

Back in 1922, Mahatma Gandhi had raised the demand that India's political destiny should be chalked out by the Indians themselves. This demand was formulated more precisely in 1938 by Pandit Jawaharlal Nehru that the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise. The Working Committee of the Congress party endorsed this demand in 1939. After the Second World War, the British government had to solve the Indian constitutional problem on an urgent basis. The British Parliament passed the Indian Independence Act of 1947, which came into force on July 18 of that year. Two independent Dominions — India and Pakistan — were created whose Constituent Assemblies were vested with unlimited powers to frame and adopt any new constitution, as well as to repeal any law made earlier by the British Parliament (Basu, 2018).

Stop to Consider

The task of forming a Constituent Assembly for undivided India had already begun in 1946 under the British Cabinet Mission Plan. Its total membership had been fixed at 389, of which 292 members were indirectly elected by the provincial assemblies of British India, 93 were representatives of the princely states, and four represented chief commissioner provinces. The Congress won 208 seats while the Muslim League won 73 seats. The idea was that this Constituent Assembly would serve as a 'temporary' Legislature of India and write its Constitution, under which a sovereign Parliament would

later be elected by the people. The Constituent Assembly first met on 9 December, 1946, but following the partition of India, a separate Constituent Assembly for Pakistan was formed on 26 July, 1947.

Check Your Progress
Q.1. What is a Constituent Assembly?
Q.2. How is the constitution of a nation related to its laws?

1.4 Constituent Assembly of India

After India became free at the stroke of midnight on 15 August, 1947, the task of drafting its Constitution began in earnest, with the Constituent Assembly of India now a sovereign body. Dr. Rajendra Prasad was elected its President. It reassembled on 31 October, 1947 with 299 members. The Congress, which had spearheaded the Indian struggle for freedom, dominated both the Interim Government and the Constituent Assembly, although there were a multiplicity of views within the party itself, and proceedings were conducted democratically. It took nearly three years (2 years, 11 months and 17 days) for the Constituent Assembly to complete its historic task, spread over 11 sessions marked by stirring debates over various constitutional provisions.

There were eight major committees in the Constituent Assembly dealing with matters like Union Constitution, Provincial Constitution, Union Subjects, Rules etc., but the most important committee was the Drafting Committee, the chairman of which was Dr. Bhimrao Ambedkar. The final draft of the Constitution was introduced in the Assembly in November 1948, and after three readings, it was adopted on 26 November, 1949, and formally signed by the Members on 24 January, 1950. The Constitution of India came into force on 26 January, 1950 with India declaring herself a Republic. The Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952 following the first general elections.

Stop to Consider
Every year in India, November 26 is celebrated as Samvidhan Divas or Constitution Day to commemorate the adoption of the Indian

Constitution, and promote constitutional values in the country. January 26 as the Republic Day of India carries added historical significance, for it was on 26 January, 1930 when the Congress at the end of its Lahore session, declared 'Purna Swaraj' or Complete Sovereignty for India as its goal.

Check Your Progress

Q.1. Chart the progress of the Constituent Assembly in drafting India's Constitution.

Q.2. How is November 26 celebrated across India?

1.5 Philosophical Foundations: Preamble

Shortly after the Constituent Assembly was constituted, Pandit Jawaharlal Nehru on 13 December, 1946, moved the Objective Resolution which laid down the philosophy and fundamental principles of the desired constitutional structure. Its major objectives were:

- Free India will be an Independent Sovereign Republic where supreme power and authority would be derived from her people
- Social, political and economic democracy would be guaranteed through JUSTICE, social economic and political; EQUALITY of status and opportunity (before law); and FREEDOM of thought, expression, belief, faith, worship, vocation, association and action (subject to law and public morality)
- Adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes
- The integrity of the territory of the Republic and its sovereign rights on land, sea and air will be maintained according to justice and the law of civilised nations

These ideals were broadly reflected in the Preamble to the Constitution, which in its amended form in 1976, stands as:

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

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity *and integrity* of the Nation;
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The Preamble therefore summarises the aims and objectives of the Constitution of India and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice, equality and liberty for the people. The Constitution is not a gift of the British Parliament, it is ordained by the people of India through their representatives assembled in the sovereign Constituent Assembly. Sovereignty means India is not subject to the control of any other State or foreign power, she is free to manage her affairs and make laws on any subject. However, India's sovereignty is not narrow exclusivism or isolationism, instead it is consistent with international peace and amity.

As a Democratic Republic, India guarantees not just political democracy through universal suffrage and equality before law, she also seeks to provide economic and social justice as a Welfare State, and create a democratic society infused with the spirit of justice, liberty, equality and fraternity.

The Preamble does not grant substantive rights and is not legally enforceable. However, various Indian courts have engaged with the Preamble and have treated it as the guiding light in finding out the intention of the makers of the Constitution and thereby interpreting it. So the Preamble is often regarded as the 'key' to the Constitution.
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Stop to Consider

The words 'secular', 'socialist', and 'and integrity' were not originally in the Preamble. These were added in 1976 by amending the Constitution. Passed during the Emergency years 1975-77, the Constitution (42nd Amendment) Act, 1976 has occasionally attracted controversy. Critics have argued that the added words make the Preamble more rigid and seek to impose values which are already implicit in it. Interpolation of the word 'socialist' was

challenged in 2008 in the Supreme Court, but the apex court upheld the validity of the amendment by remarking that socialism should be interpreted in the broader sense as welfare measures for citizens.

Check Your Progress

Q.1. Why is the Preamble to the Indian Constitution considered important?

Q.2. What changes were made to the Preamble in 1976?

1.6 Salient Features

Some salient features of the Indian Constitution are:

- **Lengthiest written Constitution** with 25 Parts containing 448 Articles and 12 Schedules

- **Drawn from various sources** e.g. Parliamentary form of government, Bicameral Legislature and Rule of Law have been drawn from the British Constitution; Fundamental rights, Federal structure, independent Judiciary with powers of judicial review from the US Constitution; Directive Principles of State Policy from the Constitution of Ireland; Ideals of Indian Republic in the Preamble, viz. Liberty, Equality, Fraternity from the Constitution of France; Suspension of Fundamental Rights during Emergency from the erstwhile Weimar Republic (German Reich); Quasi-federal government and the provision of residual powers vested with the Union government from the Canadian Constitution; Centre-States jurisdiction in Concurrent List subjects and freedom of trade between the States from the Australian Constitution; Procedure of amending the Constitution from the Constitution of South Africa; Fundamental Duties from the Constitution of the erstwhile Soviet Union, etc.

- **Blend of rigidity and flexibility:** Amending the Constitution requires a detailed procedure laid down by Article 368 which shows rigidity, while the 100 plus amendments of the Constitution show its flexibility.

- **Federal system with Unitary bias or Centralising tendency:** The characteristics of a federation are present

with two governments (at Union and State levels), bicameral structure of Parliament with two Houses, one of the people's representatives (Lok Sabha) and the other of the States (Rajya Sabha), and division of law-making powers between the two governments (on subjects grouped in Union list, State list and Concurrent list). However, there are other characteristics which show that India is not a perfect federation, rather it is 'quasi-federal' with a strong Centre. The States have not been given equal representation in the Rajya Sabha. If both the Centre and a State pass laws on the same subject, then the Central law will prevail. The constitutional head of the State is the Governor who is appointed by the Centre. The Centre can declare an emergency in a State, and the Governor will take over administration of that State. The revenue and financial structure of India is such that the States are mostly dependent upon the Centre.

- **Parliamentary form of government:** India has adopted the British Westminster model of government with the Prime Minister leading the Council of Ministers, rule by majority party or alliance, and collective responsibility of the Executive to the Legislature. As the Executive springs from the Legislature, cooperation and coordination is a must between these two organs. The Constitution specifies that India is a Democratic Republic — it is a democratic country with a republican form of government, in which the Prime Minister is the Head of the elected government and holds executive power, while the President as the constitutional Head of State is indirectly elected and is not a hereditary monarch (Britain and India are democracies, but Britain is *not* a republic because its constitutional Head is the British monarch).

- **Parliamentary sovereignty balanced by Judicial supremacy:** The Parliament has the sovereign power to make or scrap laws and amend the Constitution, while the Supreme Court (as apex court of the independent Judiciary) can exercise its power of judicial review to strike down any law as unconstitutional.

- **Single citizenship:** Unlike some federations which offer double citizenship both of the Union and the State, India provides every citizen with single citizenship and the rights associated with it, no matter which State the citizen belongs to or resides in.

- **Universal adult franchise:** Every person who is a citizen of India and is not otherwise disqualified to vote, is entitled to be registered in the electoral roll and can vote. This follows the principle 'One Citizen One Vote'.

- **Fundamental Rights:** The Indian Constitution provides a long list of fundamental rights to the people, like the right to equality, right to various freedoms including the right to free speech and expression, right to freedom of religion, cultural and educational rights, right against exploitation, and the right to constitutional remedies, However, no fundamental right is absolute, rather every right is limited by 'reasonable' restrictions. Besides, the fundamental rights can be suspended during an Emergency when the very existence of the State can be in danger.

- **Directive Principles:** With the goal of making India a Welfare State, the Constitution sets out the aims and objectives for the State in the governance of the country. It seeks to guide government policy-making along socialistic, Gandhian and liberal-humanistic lines. Although the directive principles are not legally enforceable, they serve as a moral obligation to the State to formulate policies and make laws for the good of the people.

- **Rule of Law:** People will be ruled by laws with the Constitution as basic law, not by the arbitrary whims of rulers.

1.7 Basic Structure

The Constitution allows itself to be amended by Parliament, but to what extent? Can its key provisions be altered or erased? This is a very important question which the Supreme Court has answered through judgments in some landmark cases. The Court has laid down that the Indian Constitution has a basic structure which cannot be changed. These elements include:

- Supremacy of the Constitution and Rule of Law
- Democratic, Federal and Secular character of the Indian Republic
- Parliamentary form of Government
- Universal adult franchise with free and fair elections
- Separation of powers between the Executive, Legislature, and Judiciary
- Independent Judiciary, Judicial Review and Access to Justice
- Fundamental Rights in Part III
- Directive Principles in Part IV to build a Welfare State
- Constitutional Remedies through Articles 32 and 226
- Unity and Integrity of the Nation
- Freedom and Dignity of the Individual

Stop to Consider

The Supreme Court's position on the basic structure of the Constitution has evolved through cases like *Sankari Prasad vs Union of India and State of Bihar (1951)* and *Sajjan Singh vs State of Rajasthan (1965)*, in which the Court held that Parliament has broad powers to amend any part of the Constitution, including fundamental rights. But in *Golaknath vs State of Punjab (1967)* the Court ruled that Parliament cannot amend fundamental rights enshrined in the Constitution. The then Central government responded with a series of major amendments to the Constitution, which were challenged in the case *Kesavananda Bharati vs State of Kerala (1973)*. The question was referred to the Supreme Court's 13 judge Constitutional bench, which ruled by a split margin of 7-6 that while Parliament has wide powers to amend the Constitution, it cannot alter essential features or basic structure of the Constitution. The Supreme Court reiterated its position on basic structure in 1994 in the case *SR Bommai vs Union of India*.

Check Your Progress

Q.1. Why is the Centre-States relationship in India regarded as quasi-federal?

Q.2. What do you understand about the basic structure of the Constitution?

1.8 Summing Up

The constitution lays down how a nation will be organised, how its government will be formed, how power will be distributed and accountability fixed between various organs of the government, and how the nation will be governed. At a higher level, the constitution will also outline the vision with which the nation has been founded, the ideals with which it will move forward, and the system and conditions which will allow its citizens to enjoy rights and liberties, perform duties and fulfil their aspirations. The constitution is thus a basic component of a nation's overall body of laws.

It was a long standing demand of Mahatma Gandhi, Pandit Jawaharlal Nehru and the Congress that the Constitution of free India must be framed, without outside interference, by an elected Constituent Assembly. Even before India threw off the yoke of British colonial rule to become independent on August 15, 1947, the Constituent Assembly had been formed with Members elected by the provincial legislatures, as well as representatives of princely states and chief commissioner provinces. After nearly three years of research, debates and readings, the Constituent Assembly of India adopted the Constitution on November 26, 1949. The Constitution of India came into force on January 26, 1950 with India declaring herself a Republic. The Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952 following the first general elections.

The Preamble to the Constitution summarises its aims and objectives and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice, equality and liberty for the people. Ordained by the people of India through their representatives, the Constitution guarantees not just political democracy through universal suffrage and equality before law, it also seeks to create a democratic society and foster a Welfare State through economic and social justice. Regarded as the 'key' to the Indian Constitution, the Preamble is often interpreted by the courts to determine the intention of the Constitution makers.

The Indian Constitution has several remarkable features as the lengthiest written Constitution; its provisions drawn from various sources; its rigidity as well as flexibility; establishing India as a

democratic country with a republican form of government; setting up the country's federal system with strong centralising tendency; adopting the parliamentary form of government based on rule by majority party or alliance and collective responsibility of the Executive to the Legislature; Parliamentary sovereignty balanced by Judicial supremacy through power of review; single citizenship; universal adult franchise; fundamental rights for the people; directive principles for State policy to make India a Welfare State; and lay the foundations for Rule of Law.

While the Indian Constitution can be suitably altered to keep in step with the times and meet its challenges, there is a limit to its amendment. Through a number of landmark cases, the Supreme Court has taken the position that the basic structure of the Constitution cannot be changed. Elements of this basic structure include:— supremacy of the Constitution and Rule of Law; democratic, federal and secular character of the Indian Republic; parliamentary form of government; single citizenship; universal adult franchise with free and fair elections; separation of powers between the Executive, Legislature and Judiciary; fundamental rights for the people; directive principles of State policy; right to constitutional remedy; unity and integrity of the nation; and freedom and dignity of the individual.

Self Assessment Questions

Q.1. How is Separation of Powers ensured in the Indian Constitution? (150 words)

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Q.2 Compare the status of the President of India vis-a-vis the Prime Minister. (200 words)

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Q.. 'Ensuring clean elections is vital for the success of Indian democracy.' Do you agree? (300 words)

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1.9 Glossary

Adult franchise: Citizens above 18 years free to vote

Concurrent List: List of subjects on which both Parliament and State Legislatures can make laws

Constitution: The basic principles and laws about how a nation is organised and run

Constituent Assembly: The body of representatives assembled for the purpose of drafting a constitution

Directive Principles: Guidelines for the government to formulate policies and make laws for the welfare of people

Dominion: A territory controlled by another country or State

Drafting: To write the first version of a document

Executive: The branch of the government which puts into action decisions, policies and laws

Federal: Relating to a nation in which the constituent states are partially self-governing with a large degree of autonomy, but are controlled by the central government in national decisions and actions

Fundamental Rights: Basic human freedoms and rights granted to citizens and protected from government encroachment by being legally enforceable by the court

Judiciary: The branch of government consisting of courts of law and the judges who interpret and apply the laws and administer justice

Legislature: The deliberative body of a country or state vested with the authority to make, change or scrap laws

Republic: A State in which supreme power rests in the body of citizens entitled to vote and is exercised by representatives elected directly or indirectly by them, and notably, the Head of the Government or State is not a hereditary monarch.

Resolution: An official decision taken, or a formal statement of an opinion agreed upon, at a meeting especially by means of a vote.

Rule of Law: The practice or mechanism that supports the equality of all people before law, prevents the arbitrary use of power, and legally regulates the making and enforcement of laws.

Separation of Powers: The separation of legislative, executive, and judicial powers of government among independent bodies, so as to prevent the concentration of power

Socialist: Relating to social ownership of natural resources and means of production

Sovereign: Free to govern itself and having supreme power

State List: List of subjects on which State Legislatures can make laws

Union List: List of subjects on which only Parliament can make laws

1.10 References and Suggested Reading

Austin, G. 1972. *The Indian Constitution: Cornerstone of a nation.* OUP

Basu, D.D. 2013. *Introduction to the Constitution of India.* LexisNexis

Kashyap, S.C. 2021. *Our Constitution*: *An introduction to India's Constitution and constitutional law.* NBT

1.11 Answers to check Your Progress

Q 1.1(a). What is a constituent assembly?
Ans: A constituent assembly is an elected body of representatives tasked with the making of a country's constitution.

Q 1.1(b). How is the constitution of a nation related to its laws?
Ans: The constitution of a nation is its basic law, it is the bedrock upon which other laws are made and the rule of law is established.

Q 1.2(a). Chart the progress of the Constituent Assembly in drafting India's Constitution.
Ans: Formed under the British Cabinet Mission Plan, the Constituent Assembly first met on 9 December, 1946. Following partition, separate Constituent Assemblies were formed for India and Pakistan. After India became free, the Constituent Assembly for India re-assembled on August 31 1947. The first draft of the Constitution was ready by November 1948, and after three readings, the Constitution was adopted on 26 November, 1949. After the members signed the Constitution on 24 January, 1950, the Constituent Assembly ceased to exist, having taken nearly three years to complete its task.

Q 1.2(b). How is November 26 celebrated across India?

Ans: November 26 is celebrated every year in India as Samvidhan Divas or Constitution Day to commemorate the adoption of the Indian Constitution, and promote constitutional values in the country.

Q 1.3(a). Why is the Preamble to the Indian Constitution considered important?

Ans: The Preamble summarises the aims and objectives of the Constitution of India and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice, equality and liberty for her people. For the courts, the Preamble serves as the key to understand the intentions of the Constitution-makers and interpret its provisions.

Q 1.3(b). What changes were made to the Preamble in 1976?

Ans: In 1976, the Parliament through the 42nd Amendment Act, made some changes in the Preamble, adding the words 'Secular' and 'Socialist' to the declaration that India will be a Sovereign Democratic Republic, as well as the words 'and integrity' to the original 'unity of the nation'.

Q 1.4(a). Why is the Centre-States relationship in India regarded as quasi-federal?

Ans: While India is a federation under the Constitution, there are some characteristics which show she is only 'quasi-federal' with a strong Centre. The States do not have equal representation in the Rajya Sabha. If both the Centre and a State pass laws on the same subject, the Central law prevails. The constitutional head of the State is the Governor who is appointed by the Centre. The Centre can declare an emergency in a State, and the Governor will take over its administration. The States are also mostly dependent upon the Centre for their finances.

Q 1.4(b). What do you understand about the basic structure of the Constitution?

Ans: The Supreme Court has ruled that the basic structure of the Constitution cannot be changed. The elements of this basic structure include: supremacy of the Constitution and Rule of Law; democratic, federal and secular character of the Indian Republic; parliamentary form of government; single citizenship; universal

adult franchise with free and fair elections; separation of powers between the Executive, Legislature and Judiciary; fundamental rights for the people; directive principles of State policy; right to constitutional remedy; unity and integrity of the nation; and freedom and dignity of the individual.

UNIT: 2
FUNDAMENTAL RIGHTS AND DUTIES

Unit Structure:

2.1 Objectives

In this unit, we will have a brief overview of the fundamental rights enshrined in the Constitution since its inception, as well as the fundamental duties added to the Constitution by amending it in 1976. Fundamental rights are inherent and essential human rights guaranteed to every individual, fundamental duties are ethical and moral obligations owed to the nation for getting to enjoy those rights. While all citizens need to be aware of rights and conscientious of duties, media students have to go deeper to appreciate how these issues impact the socio-political-economic realities of the country. People's rights have to be protected from encroachment by the State, but some rights must also be asserted against other citizens indulging in practices like untouchability. Reasonable restrictions must be placed upon rights for their proper enjoyment, but the 'reasonableness' will be for the courts to judge. The objective of this unit is to highlight such issues which could be relevant to budding media professionals.

2.2 Introduction

The founders of modern India writing her Constitution in 1947-50 had three major goals, writes the eminent political historian and constitutional scholar Granville Austin. As a newborn nation

emerging from the throes of partition and facing huge internal and external challenges, India's unity and integrity had to be ensured. The British colonial rule over India had been overthrown with a national revolution which ended with independence, but the social and economic revolutions had to continue to eradicate a host of socio-economic ills. And democracy as a spirit and way of life had to be constitutionally established in India through suitable mechanisms, processes and institutions. Austin sees the three goals of unity, social-economic revolution and democracy form 'three strands of a seamless web' because the founders believed that these goals were 'mutually dependent and had to be sought together'. The Indian Constitution is 'first and foremost, a social document', and the Fundamental Rights and Directive Principles of State Policy form its 'conscience'.

At every stage, the Constitution makers had to be careful that if India did not stand united, then no government could be stable, which would mean no economic progress, and no government initiative for social change. The political institutions to be established would also have to foster the desired social revolution. In the Constituent Assembly, the sub-committee on Fundamental Rights considered negative and positive rights guaranteed by various foreign constitutions. Pointing out that the Indian Constitution lays down negative injunctions to the State not to interfere with some liberties granted to citizens, as well as positive obligations to protect some of their rights from 'encroachment by society', Austin writes:

> *The Fundamental Rights, therefore, were to foster the social revolution by creating a society egalitarian to the extent that all citizens were to be equally free from coercion or restriction by the state, or by society privately; liberty was no longer to be the privilege of the few.* (Austin, 1972)

2.3 Fundamental Rights

The fundamental rights are essential human rights and civil liberties enshrined in **Part III** of the Indian Constitution, contained within **Articles 12 to 35**.

This part begins with **Article 12**, which defines the term 'State' as 'the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.' So, when we say 'State', it includes the Union and State Governments; Parliament and State Assemblies; local authorities like municipalities in urban areas and panchayats in rural areas; statutory authorities like the National Human Rights Commission, the National Commission for Women, and the National Green Tribunal; non-statutory authorities like Lokpal and Lokayuktas, and the Central Bureau of Investigation.

Next, **Article 13** safeguards fundamental rights and vests the Judiciary with the power of judicial review. It states that all laws in force immediately before the commencement of the Constitution, if inconsistent with the fundamental rights under Part III, shall be void. The State shall not make any law which takes away or abridges the fundamental rights, and if any law is so made, then these will be void. However, Article 13 *will not apply* to any amendment of the Constitution made under Article 368.

Thus, Article 13 empowers the Supreme Court and High Courts to declare any law, whether a statute, ordinance, order, rule, or notification, as unconstitutional if it violates fundamental rights. Article 13, therefore, serves as a protector or guardian of the people's rights.

Stop to Consider

- **Amendment of fundamental rights:** To keep the Constitution flexible so as to adapt to changing conditions, the provision to amend it, as and when necessary, is incorporated in **Article 368** of Part XX. There are three types of constitutional amendments requiring — **simple majority** of members present and voting; **special majority** by a majority of the 'total membership' of a House (vacancies and absentees not considered), along with a majority of not less than two-thirds of the members present

and voting; and **special majority** in both Houses of Parliament, **plus ratification by at least half the State Assemblies**. While fundamental rights can be amended through special majority in Parliament, the Supreme Court has ruled that any such amendment *cannot alter* the **basic structure** of the Constitution.

Fundamental rights are classified in **six** broad groups. We shall now discuss them briefly:

I) Right to Equality (Articles 14 - 18)

This begins with **Article 14** which states: 'The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'.

The first part is a *negative* right — it commands the State not to deny to any person 'equality before law', .i.e. it prohibits discrimination; while the second part is a *positive* right — it requires the State not to deny the 'equal protection of the laws' to any person. The operative principle to understand this provision is: *Equals should be treated equally, whilst unequals would need to be treated unequally*. Therefore, special treatment provided by the State, like affirmative action or reservation, to help persons in unequal situations, is allowed — in order to establish equality.

The Right to Equality ensures that every person, irrespective of religion, race, caste, gender, or place of birth, is treated equally *(Article 15)*. This right grants equality of opportunity in matters relating to employment or appointment to any office under the State *(Article 16)*. Further, this right abolishes untouchability and forbids its practice in any form *(Article 17)*. The State cannot confer any titles, neither can any award or distinction conferred by the State be used as titles *(Article 18)*.

II) Right to particular Freedoms (Articles 19 - 22)

Freedom is an essential element of democracy, a fundamental value in every democratic society. The Indian Constitution guarantees various aspects of freedom to the people. The group of freedoms

enshrined in the Constitution begins with **Article 19**, which grants six freedoms to all citizens, viz.

- Right to freedom of speech and expression *[Article 19(1)(a)]*
- Right to assemble peaceably and without arms *[Article 19(1)(b)]*
- Right to form associations or unions or cooperative societies *[Article 19(1)(c)]*
- Right to move freely throughout the territory of India *[Article 19(1)(d)]*
- Right to reside and settle in any part of the territory of India *[Article 19(1)(e)]*
- Right to practise any profession, or to carry on any occupation, trade or business *[Article 19(1)(g)]*
- *(NOTE: Originally, the Indian Constitution also granted the Right to Property, i.e. 'the right to acquire, hold and dispose of property' as a fundamental right under Article 19(1)(f). It was removed by the 44th amendment of the Constitution in 1978. Presently, right to property is a legal right under Article 300-A in Part XII of the Constitution, which states: 'No person shall be deprived of property save by authority of law')·*

Stop to Consider

- **Freedom of the Press:** The Indian Constitution has no separate provision to explicitly guarantee a free press (In contrast, the First Amendment of the US Constitution states: *'...Congress shall make no law, abridging the freedom of speech, or of the press'*). However, the Supreme Court of India ruled as early as 1950 that freedom of the press in the Indian Democratic Republic is *implicit* in Article 19(1)(a) granting freedom of speech and expression. Without the right to free speech, people cannot voice their opinions freely, which is indispensable in a democracy. Opinions in turn are formed only if the citizen is informed and knowledgeable about issues, which is facilitated by a free press. Hence the citizen's right to know, the right to be informed, and the right to a free press — are all inbuilt in the

right to free speech and expression guaranteed by Article 19(1)(a).

- **Reasonable Limitations:** The fundamental rights granted by the Indian Constitution are not absolute. Through Article 19(2), 'reasonable' restrictions have been placed upon the freedoms specified in Article 19(1). These restrictions are in the interests of the sovereignty and integrity of India; the security of the State; friendly relations with foreign States; public order, decency or morality; and to avoid contempt of court, defamation, or incitement to an offence.

Article 20 grants protection in certain respects against conviction for offences:

- Article 20(1): No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. *(NOTE: This means that when a Legislature declares an act to be an offence or specifies a penalty for that offence, it cannot apply that law to an act committed before the law was enacted, or to punish the person who had committed it.)*
- Article 20(2): No person shall be prosecuted and punished for the same offence more than once.
- Article 20(3): No person accused of any offence shall be compelled to be a witness against himself. *(NOTE: The Supreme Court has extended the meaning of this provision further — that no person can be compelled to provide any kind of evidence which could support a prosecution against himself. However, such evidence can be seized from his possession, he can be subjected to medical examination, and his specimen signature or thumb impression can also be collected.)*

One of the most important fundamental rights is guaranteed under **Article 21**, which grants protection of life and personal liberty (to citizens as well as non-citizens). It states: 'No person shall be deprived of his life or personal liberty except according to the

procedure established by law.' *[NOTE: The Supreme Court's settled position is that if the State makes a law to deprive a person of his personal liberty, then the procedure so prescribed 'must not be arbitrary, unfair or unreasonable'. Once the 'test of reasonableness' is applied, the principles of natural justice will hold.]*

The Supreme Court has further held that the right to life means 'more than survival or animal existence' and would include the 'right to live with human dignity'. It would include 'right to minimum subsistence allowance during suspension' and all those aspects which go to make a man's life 'meaningful, complete and worth living' (Basu, 2018). It is because of this larger interpretation of the right to life that the Court has been protecting the right to education, right to reputation, right to privacy and so on.

Article 22 provides protection against (arbitrary) arrest and detention in certain cases, so that no arrested person shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. Every person arrested and detained in custody must be produced before the nearest magistrate within a period of 24 hours since arrest (excluding the time necessary for the journey from the place of arrest to the court of the magistrate), and no such person shall be detained in custody beyond that period without the authority of the magistrate. *(NOTE: These provisions will not apply to any person who for the time being is an enemy alien, or any person arrested or detained under any law providing for preventive detention.)*

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Stop to Consider

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- **Right to Education:** Article 21 (A) declares that the State shall provide free and compulsory education to all children of the age 6 to 14 years. This provision, added by the 86th Constitutional Amendment Act in 2002, makes only elementary education a fundamental right and not higher or professional education. Prior to this amendment, the Constitution in Part IV contained a directive to the State to formulate and implement policies for free and compulsory education of children. The right to education was added

under the fundamental right to life, because without education, the quality of life is poor.

- **Preventive Detention:** Although the Constitution grants protection against *arbitrary and unlawful* detention, it also authorises the Legislature under *Article 22* to make laws for *preventive* detention of a person without trial. The rationale for such a provision is that even if the authority concerned does not have sufficient evidence that a person is preparing to commit an act which will harm the security of the State, public order, maintenance of essential supplies and services, defence or foreign affairs — he may still be detained on suspicion to prevent him from doing something wrongful. Such preventive detention is allowed for three months; detention for a longer period will need a report by an Advisory Board. The detained person will have the right to be provided with relevant papers about the grounds of his preventive detention, and will get the earliest opportunity to make a representation against the detention order.

III) Right against Exploitation (Articles 23 - 24)

The Right against Exploitation encompasses the prohibition of activities like traffic in human beings and forced labour *(Article 23)*, as well as the employment of children below 14 years in any factory or mine or hazardous work *(Article 24)*.

IV) Right to Freedom of Religion (Articles 25 - 28)

The Constitution has established India as a 'Secular State' which observes neutrality and impartiality towards all religions. This does not mean that the State will be opposed or hostile to religion, rather it shall treat all religions and religious groups equally, and with equal respect, without in any manner interfering with the individual right of religion, faith and worship. There will be no 'State Religion' in India — the State will neither establish a religion of its own, nor give patronage or special treatment to any particular religion.

Every person is entitled to freedom of conscience, and is guaranteed the right to freely profess, practice and propagate his religion *(Article 25)*. However, freedom of religion will be subject to

restrictions imposed by the State in the interests of public order, morality and health (so that this freedom is not used to perpetuate evil practices or commit criminal acts like human sacrifice). Neither shall this freedom affect the operation of any existing law or prevent the State from making any law regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice (but does not really concern the freedom of conscience). Nor shall this freedom prevent the State from providing for social welfare, or undertaking reform, or throwing open Hindu religious institutions *of a public character* to all classes and sections of Hindus (to counteract caste-based discrimination or untouchability).

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 *(Article 26)*. The State will not compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious denomination *(Article 27)*.

No religious instruction shall be provided in any educational institution *wholly maintained out of State funds*. However, religious instruction will not be forbidden in an educational institution *administered by the State but established under any endowment or trust* which requires that such religious instruction be imparted in the institution. In case religious instruction is imparted in any educational institution *recognised by or receiving aid from the State*, then no person attending such institution shall be compelled to receive or take part in that religious instruction, without the consent of himself or that of his guardian if the person is a minor *(Article 28)*.

V) Cultural and Educational Rights (Articles 29 - 30)

The Constitution grants cultural and educational rights to protect the interests of religious, cultural, and linguistic minorities. These rights ensure preservation of their culture and heritage, while also promoting education without discrimination.

Any section of citizens having a distinct language, script or culture of its own shall have the right to conserve the same. No citizen shall be denied admission into any educational institution maintained by or receiving aid from the State on the grounds of religion, race, caste, language or any of them *(Article 29)*.

All religious or linguistic minorities shall have the right to establish and administer educational institutions of their choice *(Article 30)*. If the State makes a law to compulsorily acquire the property of such an institution, then it shall ensure that the amount fixed by or determined under such law for the acquisition of such property — is such as would not restrict or abrogate the right granted under Article 30. Further, the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a religious or linguistic minority.

VI) Right to Constitutional Remedies (Article 32)

Article 32 is called the 'cornerstone' or 'heart and soul' of the Indian Constitution, for it grants the right to constitutional remedies. Through Article 32, fundamental rights — if violated — can be enforced by moving the Supreme Court, which can then issue directions, orders or writs as a remedy. High Courts too can be moved for the same reason through Article 226.

The Court can issue five kinds of **writs** to enforce fundamental rights, viz. writ of **habeas corpus** commanding a person in unlawful detention to be produced in court; writ of **mandamus** ordering a public official, failing or refusing to perform his duty, to resume his duty; writ of **prohibition** against a lower court ordering it not to exceed its jurisdiction; writ of **certiorari** commanding a lower court or tribunal to transfer a pending case to itself, or quashing their order passed in a case; and writ of **quo warranto** to examine the legality of claim of a person to public office.

2.3.1 Features of Fundamental Rights

Granted to establish the Rule of Law in the highest tradition of political democracy, Fundamental Rights have the following features:

- **Protected:** These rights are guaranteed, and hence protected, by the Constitution.
- **Inviolable:** These rights cannot be curtailed or repealed by ordinary law, but only through a rigorous procedure of amending the Constitution — it must be approved through special majority by both Houses of Parliament, i.e. not less than 2/3rd of the Members present and voting as well as a majority of the total Membership of the House.
- **Justiciable:** These rights, if violated, can be enforced by the aggrieved person by moving the High Court or the Supreme Court.
- **Limitation:** These rights are not absolute, rather they come with 'reasonable' limitations.
- **Suspension:** These rights can be suspended (except the rights under Articles 20 and 21) when a national Emergency is in force over the country
- **Restriction:** The Fundamental Rights of members of the armed forces, paramilitary forces, police forces, intelligence and other security agencies can be restricted by the Parliament (under Article 33). These rights can also be restricted in areas under martial law or military rule.

Stop to Consider

- **Rights for Foreigners:** Some fundamental rights guaranteed by the Indian Constitution to citizens are also available to foreigners. These include the rights to equality, protection of life and personal liberty, protection in respect of conviction for offences, right against arbitrary arrest and detention, prohibition of traffic in human beings and forced labour, prohibition of employment of children in hazardous work, right to education, freedom of conscience and freedom to profess, practise and propagate one's religion, freedom to manage religious affairs, freedom from taxes to promote any religion, and freedom from attending any religious instruction or worship in educational institutions established by a trust or endowment but recognized or receiving aid from the State.

2.4 Fundamental Duties

If rights are to be enjoyed, then duties must be performed — they are like two sides of the same coin. Since Indian citizens are granted fundamental rights under the Constitution, they ought to take moral responsibility and perform corresponding fundamental duties.

Fundamental Duties were incorporated in Part IV-A of the Constitution under Article 51-A through the 42nd Constitutional Amendment Act in 1976 on the recommendations of the Swaran Singh Committee. The idea was taken from the Constitution of the erstwhile Soviet Union.

Originally 10 in number, one more duty was added through the 86th Constitutional Amendment Act, 2002.

The 11 fundamental duties are:—

- To abide by the Constitution, and respect its ideals and institutions, the national flag and the national anthem
- To cherish and follow the noble ideals that inspired the national struggle for freedom
- To uphold and protect the sovereignty, unity & integrity of India
- To defend the country and render national service when called upon to do so
- To promote harmony and the spirit of common brotherhood amongst the people of India — transcending religious, linguistic and regional or sectional diversities, and to renounce practices derogatory to the dignity of women
- To value and preserve the rich heritage of the country's composite culture

- To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
- To develop scientific temper, humanism and the spirit of inquiry and reform
- To safeguard public property and to abjure violence
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement,
- To provide opportunities for education to one's child or ward between the age of 6 and 14 years *(added by the 86th Constitutional Amendment Act, 2002).*

The 11 fundamental duties are *non-justiciable* — however, the courts can take cognizance in the matter to give effect to these constitutional obligations. The Supreme Court has ruled that although fundamental duties are *not enforceable like fundamental rights, they cannot be overlooked*. Rather, fundamental duties are equally important as fundamental rights.

Stop to Consider

Fundamental Rights vis-a-vis Fundamental Duties
- The fundamental rights are constitutional rights protecting individual interests, while the fundamental duties are moral and ethical obligations towards the nation for collective welfare
- Fundamental rights are justiciable, i.e. these can be enforced through court of law, while fundamental duties are non-justiciable
- Fundamental rights are inherent and essential human rights granted by the Constitution since its inception, while fundamental duties were introduced in 1976 by the 42nd Amendment Act

Q2(a).What is the rationale of fundamental duties added to the Constitution?

Q2(b). Which fundamental duty was added in 2002?

Self Assessment Questions

Q.1. Examine the constitutional basis for reservation with respect to the Right to Equality. (200 words)

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Q.2. Comment on the relevance of Fundamental Duties in today's context. (200 words)

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2.5 Summing Up

The framers of the Constitution had three major goals — to ensure the unity and integrity of India, to foster a social-economic revolution in line with the ideals that powered the political struggle for independence, and to establish democracy in the country. The Indian Constitution is primarily a 'social document', and the Fundamental Rights and Directive Principles of State Policy form its 'conscience', writes Granville Austin. Part III of the Constitution grants six major groups of fundamental rights relating to equality, particular freedoms, right against exploitation, freedom of religion, cultural and educational rights, and right to constitutional remedy. These rights are not absolute, they come with a set of 'reasonable' restrictions. Although the Parliament can amend fundamental rights, it cannot change the basic structure of the Constitution. While a free press is indispensable for a democracy to thrive, the Indian Constitution makes no explicit provision for freedom of the press. However, the courts consider this freedom to be implicit in the right to freedom of speech and expression. If fundamental rights are violated, then the higher courts can be moved under Article 32 to exercise their power of judicial review and grant relief by issuing writs. Since Indian citizens enjoy fundamental rights granted by the

Constitution, they must also take moral responsibility and perform corresponding fundamental duties. Adopting this idea from the Constitution of the erstwhile Soviet Union, the Fundamental Duties in the Indian Constitution were incorporated in Part IV-A under Article 51-A through the 42nd Constitutional Amendment Act in 1976. While the fundamental duties are not justiciable, they enjoy the moral force of social sanction.

2.6 Glossary

Judicial Review: The power of the Court to examine any law or action of the Legislature or the Executive, and decide whether these are consistent with or violative of the Constitution.

Writ: A written order by the Supreme Court or a High Court commanding constitutional remedy for violation of fundamental right.

2.7 References and Suggested Reading

Austin, G. 1972. *The Indian Constitution: Cornerstone of a nation.* OUP

Basu, D.D. 2013. *Introduction to the Constitution of India.* LexisNexis

Kashyap, S.C. 2021. *Our Constitution*: *An introduction to India's Constitution and constitutional law.* NBT

2.8 Answers to check Your Progress

Q 1(a). Which provision in the Constitution is called the 'guardian' of fundamental rights?

Ans: Article 13 under Part III of the Constitution is called the 'guardian' of fundamental rights because it invalidates all laws contravening fundamental rights — whether such laws were in force before the commencement of the Constitution, or enacted afterwards by the State. The Supreme Court or the High Courts, vested with the power of judicial review, can declare such a law void. However, Article 13 will not apply if the Constitution is amended under Article 368 to pass a law contravening fundamental rights.

Q 1(b). How is 'freedom of the press' provided for in the Indian Constitution?

Ans: The Indian Constitution does not explicitly provide for a free press. However, the Supreme Court has interpreted Article 19(1)(a) granting the fundamental right to free speech, to implicitly contain the right to a free press. This is because in a democracy, people should have the right to form and voice their opinions freely, but this can happen only if the people already have the right to know and the right to be informed — which can be satisfied only by a free press.

Q 1(c). What are the grounds for limitation of fundamental rights?
Ans: The grounds for 'reasonably' limiting the fundamental rights are provided in Article 19(2), viz. in the interests of the sovereignty and integrity of India; the security of the State; friendly relations with foreign States; public order, decency or morality; and to avoid contempt of court, defamation, or incitement to an offence.

Q 2(a). What is the rationale of fundamental duties added to the Constitution?
Ans: If citizens of India get to enjoy fundamental rights granted by the Constitution, then they must be morally ready to perform fundamental duties for the collective benefit of their country. This is the rationale with which fundamental duties were incorporated in the Constitution in 1976 through the 42nd Constitutional Amendment Act.

Q 2(b). Which fundamental duty was added in 2002?
Ans: The fundamental duty of providing opportunities for education to one's child or ward between the age of 6 and 14 years, was added in 2002 through the 86th Constitutional Amendment Act.

UNIT: 3
DIRECTIVE PRINCIPLES OF STATE POLICY

Unit Structure

3.1 Objectives

Our topic of discussion in this unit will be the Directive Principles of State Policy, which along with the Fundamental Rights constitute the core of the 'conscience' of the Indian Constitution. Both are indispensable if the people of India are to live life to the utmost potential and fulfil their aspirations. Although the Fundamental Rights get more prominence because these are enjoyed at the individual level and can be enforced through the Court if encroached upon, the Directive Principles illustrate how the 'good life' has a collective dimension in which an enlightened and empowered State must work for the people's welfare. This despite the often misplaced criticism that the Directive Principles are but a mishmash of sentimental wishes and pious declarations about the moral obligations of the State to make laws and policies for the public good. The media student must learn from how a 'conflict' was created between Fundamental Rights and Directive Principles which raised serious constitutional issues, they should appreciate the dynamic picture where some Directive Principles are getting converted to Fundamental Rights as the Indian State grows stronger, and they ought to critically examine how far India has progressed on the road to socio-economic revolution whose ideals gave birth to the Directive Principles.

3.2 Introduction

The commitment to social revolution in the Indian Constitution is clearly and strongly spelt out in the Directive Principles of State Policy (DPSP) enshrined in Part IV from Articles 36 to 51. In these positive directions to the Legislature and the Executive, the Constitution lays down how the State should exercise its law-making and governing powers for the good of the people. The ideals of social and economic democracy pledged in the Preamble are sought to be established by the Directive Principles. These principles seek to strike a balance between the individual rights (guaranteed through Fundamental Rights under Part III) and the public good.

The idea of the Directive Principles was taken from the Irish Constitution which allows the Government to carry out social engineering to create a Welfare State, although the roots can be traced to the 1931 Karachi Resolution of the Congress, and even earlier to the 1920s as the nationalist and the socialist streams in the Congress articulated their distinct views. When India gained independence, the grand endeavour began to frame a republican Constitution for a 'Welfare State', not just a 'Police State'. In the Constituent Assembly, the Fundamental Rights sub-committee initially made no distinction between 'positive obligations' which were about the possibilities of necessary action (in a mostly collective sense), and 'negative liberties' which dealt with freedoms in the absence of barriers or restrictions (primarily in the individual sense).

As they began drafting the rights into the Constitution, the Members realised that some rights are more enforceable legally. Thus the right to equality became a *justiciable* right, while rights like the ones to free primary education or adequate livelihood were included among *non-justiciable* rights. The Members had to consider the numerous priorities their new-born nation had to address in the immediate future, the host of enormous and complex challenges ahead, and the scarcity of financial resources. In order not to overwhelm the State's capacity, they made the Directive Principles non-justiciable — unlike Fundamental Rights. While no court can bind a government in shaping its policies through the Directive Principles, no government can also afford to ignore the political sanction behind

these principles and the social objectives underlying them. "If any government ignores them, the party in power will certainly have to answer for them before the electorate at election time," warned Dr.BhimraoAmbedkar in the Constituent Assembly.

The set of positive directions to the Government are based on *socialistic, Gandhian and liberal humanistic governing principles*. According to Granville Austin, while the Fundamental Rights and the Directive Principles form the core of the conscience of the Indian Constitution, 'an even clearer statement of the social revolution' is found in the Directive Principles. He saw these principles as a declaration of 'economic independence', that the Indian people had assumed 'economic as well as political control' of their country. He writes:

> *'By establishing these positive obligations of the State, the members of the Constituent Assembly made it the responsibility of future Indian governments to find the middle way between individual liberty and the public good, between preserving the property and the privilege of the few and bestowing benefits on the many in order to liberate the powers of all men equally for contributions to the common good.'* (Austin, 1972)

Stop to Consider
Directive Principles and Fundamental Rights: A Comparison
- Directive Principles work at the macro level for the common good, promoting political, social, and economic welfare of the people. Fundamental Rights work at the individual level to protect the rights and freedoms of citizens and non-citizens.
- Directive Principles are affirmative directions to the State for its guidance. Fundamental Rights are negative/prohibitive in character, with limitations put upon the State not to encroach upon them.
- Directive Principles are not enforceable through the courts (therefore non-justiciable), while Fundamental Rights are justiciable.

- Directive Principles require legislation to be implemented, while Fundamental Rights as Constitutional guarantees are directly applicable and implementable.
- Directive Principles are not subject to direct restriction, nor to direct judicial remedy. Fundamental Rights under certain circumstances can be restricted, and judicial remedy is available.
- Directive Principles primarily apply to the State and its institutions and are considered to be political and moral obligations. Fundamental Rights apply to citizens and non-citizens, while they are binding upon the State and its institutions.

3.3 Directive Principles of State Policy

As the gateway clause to Part IV, *Article 37* makes it clear that the Directive Principles 'shall not be enforceable by any court, but the principles therein laid down are nevertheless *fundamental* in the governance of the country and it shall be the duty of the State to apply these principles in making laws'. The resolve of the framers of the Constitution to adhere to the vision of India encapsulated in the Preamble is manifestly stated in *Article 38(1)*: 'The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life'. *Article 38(2)* adds: 'The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.'

We shall now undertake a brief survey of the Directive Principles, and the progress made in applying them in Government policy-making for the common good. At the very outset, it has to be kept in mind that these principles were repeatedly invoked while making five-year plans for the country to chart a route for balanced economic development and raise living standards of the masses. At the Union as well as State levels, these principles helped guide the legislative process.

Article 39 begins by stating that the State shall particularly direct its policy towards securing —

    a.   that citizens, men and women equally, have the right to an adequate means of livelihood;

    b.   that the ownership and control of material resources of the community are so distributed as best to subserve the common good;

    c.   that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment;

    d.   that there is equal pay for equal work for both men and women;

    e.   that the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

    f.   that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and against moral and material abandonment;

- Through *Article 39A*, the State is directed to ensure that the operation of the legal system promotes justice on the basis of equal opportunity, that opportunities for securing justice are not denied to any citizen due to economic or other disabilities, and free legal aid will be provided.

Article 40 directs the State to take steps to organise village panchayats, and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Article 41 calls upon the State (within the limits of its economic capacity and development) to make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42 enjoins the State to make provision for securing just and humane conditions of work and for maternity relief.

Article 43 calls upon the State to secure to all workers a living wage, and a decent standard of life through suitable work conditions as well as full enjoyment of leisure and social and cultural opportunities, and in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. Through *Article 43A*, the State is urged to take steps to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry. Through *Article 43B*, the State is called upon to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies

Article 44 urges the State to secure for the citizens a uniform civil code throughout the country.

Article 45 directs the State to seek to provide early childhood care and education for all children until they complete the age of six years.

Article 46 calls upon the State to specially promote the educational and economic interests of the weaker sections, in particular the scheduled castes (SCs) and the scheduled tribes (STs), as well as to protect them from social injustice and all forms of exploitation.

Article 47 urges the State to raise the nutrition level and standard of living of people, to improve public health, and to ban the consumption of intoxicating drinks and drugs injurious to health.

Article 48 directs the State to organise agriculture and animal husbandry on modern and scientific lines; and to prohibit the slaughter of cows, calves and other milch and draught cattle and improve their breeds. Through *Article 48A*, the State is urged to protect and improve the environment, and to safeguard the forests and wildlife of the country

Article 49 calls upon the State to protect every monument or place of artistic or historic interest, declared or legislated by Parliament to be of national importance.

Article 50 directs the State to take steps to separate the Judiciary from the Executive in the public services of the State.

Article 51 declares that the State shall endeavour to promote international peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by arbitration.

Stop to Consider

Directive Principles: Changes and Additions

The Directive Principles as enshrined originally in the Indian Constitution have undergone some changes while a few have been added through constitutional amendments. These are:

42nd Constitution Amendment Act, 1976
- *Article 39(f):* Children to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity *[NOTE: This part added to the original sub-clause (f) of Article 39]*
- *Article 39A:* State to promote equal opportunities for securing justice, and provide free legal aid to the poor *[NOTE: New Directive Principle]*
- *Article 43A:* State to secure the participation of workers in the management of industries, and to promote cottage industries in rural areas *[NOTE: New Directive Principle]*
- *Article 48A:* State to protect and improve the environment, and to safeguard the forests and wildlife of the country *[NOTE: New Directive Principle]*

44th Constitution Amendment Act, 1978
- *Article 38(2):* The State shall strive to minimise inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, amongst individuals and amongst groups of people residing in different areas or engaged in different vocations. *[NOTE: This new sub-clause was added to Article 38, which presently has sub-clauses (1) and (2)]*

86th Constitution Amendment Act, 2002

- *Article 45* in its amended form presently reads: 'The State shall endeavour to provide **early childhood care and education***for all children until they complete the age of **six years**.' In its original form, this Directive Principle called upon the State to provide free and compulsory education for all children until they complete the age of fourteen years. *[NOTE: This amendment also inserted a new Fundamental Duty as clause (k) under Article 51-A, enjoining a parent or guardian to provide opportunities for education of his child or ward between the age of six to fourteen years]*

97th Constitution Amendment Act, 2011
- *Article 43B*: State to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies *[NOTE: New Directive Principle]*

3.4 Directive Principles in Action

Since the Indian Constitution came into force in 1950, several Directive Principles have been enshrined as rights and laws, and have inspired vast public welfare programmes. These prove that the Directive Principles are not just 'pious declarations'. Some successes are:

- Ensure a living wage *(Article 43)* — this became the **Minimum Wages Act, 1948**
- Protect monuments and places of artistic or historic interest *(Article 49)* — the **Ancient Monuments and Archaeological Sites and Remains Act, 1958** to protect places, monuments and objects of national importance
- Make provisions for maternity relief *(Article 42)* — the **Maternity Benefit Act, 1961**
- Protect and improve the environment, safeguard forests and wildlife *(Article 48A)* — the **Wildlife (Protection) Act, 1972**, the **Forest (Conservation) Act, 1980**, and the **Environment (Protection) Act, 1986**
- Secure a living wage and suitable work conditions for all workers *(Article 43)* — the **Bonded Labour System**

(Abolition) Act, 1976 which unilaterally freed all bonded labourers with simultaneous liquidation of their debts

- Ensure equal pay for equal work *(Article 39)* — the **Equal Remuneration Act, 1976**
- Protect childhood from exploitation and ensure that the tender age of children is not abused *(Article 39)* — the **Child Labour Prohibition and Regulation Act, 1986** (renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986 in 2016)
- Promote equal opportunities in justice and provide free legal aid *(Article 39A)* — the **Legal Services Authorities Act (1987)** under which a nationwide network provides free legal aid to the poor and organises LokAdalats for promoting equal justice
- Protect SCs and STs from social injustice and all forms of exploitation *(Article 46)* — **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989** (amended in 2015, 2018 and 2019)
- Organise village panchayats *(Article 40)* — this became **Panchayati Raj** system of 3-tier local self-government involving the village, block and district levels (through the 73rd Amendment Act, 1992 that also added a new Part IX to the Constitution)
- Several *land reform laws* have been enacted by various State Assemblies to fix land ceilings and distribute land among the landless poor, scheduled castes and scheduled tribes; ensure fair land rents and tenant security; abolish feudal landlords like *zamindars* and remove intermediaries etc.
- The Directive Principle under *Article 45* originally read: *'The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years'*. In 2009, this Directive Principle became the **Fundamental Right to Education** under *Article 21(A)* guaranteeing free and compulsory elementary education for all children till 14 years of age
- Develop cottage industries in rural areas *(Article 43A)* — Establishment of **Khadi and Village Industries Commission (KVIC)** under an Act of Parliament in 1956
- Improve public health *(Article 47)* — The **National Health Mission (NHM)** encompassing two sub-missions **National**

Rural Health Mission (NRHM) and *National Urban Health Mission (NUHM)* to strengthen health systems, the *Pradhan MantriSwasthya Suraksha Yojana (PMSSY)* to correct imbalances in availability of affordable healthcare facilities and augment quality medical education etc.

- The Directive Principle on international relations, law, peace and security *(Article 51)* has influenced *India's foreign policy* and peace-keeping activities under the United Nations
- The emphasis on rural development given in Directive Principles like *Articles 40 and 43* has driven national programmes like *Community Development Programme* of 1952, *Integrated Rural Development Programme* of 1978 (later renamed Swarnjayanti Gram SwarozgarYojana) and *Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)* of 2005
- Directive Principles like *Article 47* enjoining the State *'to improve public health'* have been invoked in the recurring demand for a **right to health**, and *Article 39* seeking *'right to an adequate means of livelihood'* and *Article 41* for securing *'right to work in cases of unemployment'* in the emerging debate on a **universal basic income** for all citizens.

Stop to Consider

Can Directive Principles outweigh Fundamental Rights?

The Directive Principles and the Fundamental Rights enshrined in the Constitution should ideally go hand in hand for the overall benefit of India and her people. However, conflicts over which of the two exerts supremacy over the other, required the Supreme Court to consider the question over the course of several landmark cases.

- In *ChampakamDorairajan v the State of Madras (1951)*, the Supreme Court ruled that the Fundamental Rights would prevail over the Directive Principles, in case of any conflict between the two. Further, Parliament can amend the Fundamental Rights by amending the Constitution.
- In *Golaknath v the State of Punjab (1967)*, the Supreme Court overturned its previous ruling in the 'ShankariParsad' case to declare that the Fundamental Rights cannot be

amended by Parliament on the ground of implementing the Directive Principles.

- In *KesavanandaBharati v the State of Kerala (1973)*, the Supreme Court overruled its Golak Nath verdict to take the position that Parliament through Article 368 can amend any part of the Constitution including the Fundamental Rights, the 'basic structure' of the Constitution cannot be altered. *[NOTE: The Right to Property was eliminated from the list of Fundamental Rights through this verdict]*

- In *Minerva Mills v the Union of India (1980)*, the Supreme Court reiterated that while Parliament can amend any part of the Constitution, it cannot change the Constitution's 'basic structure'. In particular, the Court ruled against the attempt by Parliament to give primacy to Directive Principles over Fundamental Rights through the 42nd Amendment Act of 1976. Through this amendment, Parliament sought to set up a mechanism whereby it could make laws to implement any of the Directive Principles in Part IV, and if such laws contravened Fundamental Rights under Articles 14 and 19, then the Court *cannot* declare them unconstitutional. Disagreeing with this provision, the Supreme Court held that such exclusion of laws from judicial review would offend the 'basic structure' of the Constitution [although a law will be protected if the Parliament makes it to implement the two Directive Principles in Article 39 (b-c)]. The Supreme Court clarified that the Directive Principles are 'subsidiary' to the Fundamental Rights; however, there is a 'fine balance' between the two, which requires 'harmonious reading' so that both can be given effect.

Check Your Progress

Q1(a). From which source was the idea of Directive Principles taken?

Q1(b). Compare the 'justiciable' nature of Fundamental Rights with Directive Principles.

Q1(c). What are the three classes in which Directive Principles can be grouped?

Q1(d). Are the Directive Principles subject to change?

Q1(e). Between Fundamental Rights and Directive Principles, which is subsidiary to the other?

3.5 Summing Up

The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution from Articles 36 to 51, are a set of positive directions to the State on how it should exercise its law-making and governing powers for the common good. These principles seek to strike a balance between individual rights guaranteed through the Fundamental Rights under Part III, and public welfare on macro scale. Unlike Fundamental Rights, the Directive Principles cannot be enforced through the Court. Rather, their authority lies in the moral obligation that India should be a Welfare State. These principles can be grouped into three classes — socialistic, Gandhian and liberal-humanistic. Directive Principles have been altered and new ones added by amending the Constitution. Several laws and rights have been crafted from Directive Principles; reforms and public welfare programmes have been carried out to implement them. This proves that these principles were not mere pious declarations by the Constitution makers. However, attempts by Parliament to make laws to implement Directive Principles by contravening Fundamental Rights — created a conflict between the two. The Supreme Court has settled the issue by holding that although Directive Principles are subsidiary to Fundamental Rights, the two go harmoniously hand in hand.

Self Assessment Questions

Q. Examine the role of the Right to Property in the 'conflict' between Fundamental Rights and Directive Principles. *(200 words)*

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Q. Comment on the public good brought about through the Directive Principles. (300 words)

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3.6 Glossary

Police State: A country in which the government exerts repressive control over the people through intelligence agencies and security forces to maintain law and order.

Socialistic: Relating to social control over resources and means of production.

Gandhian: Relating to Mahatma Gandhi's socio-economic ideals like truth, non-violence, self-reliance, trusteeship, egalitarianism and welfare of all, and self-governing village republic.

Liberal-humanistic: Relating to a philosophy which gives primacy to the value of the human being as an individual, his free will, and his right to liberty and happiness.

3.7 References and Suggested Reading

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3.8 Answers to Check Your Progress

Q 1(a). From which source was the idea of Directive Principles taken?

Ans: The idea of the Directive Principles of State Policy was taken from the Irish Constitution whose objective was to carry out social engineering for the establishment of a Welfare State.

Q 1(b). Compare the 'justiciable' nature of Fundamental Rights with Directive Principles.

Ans: The Fundamental Rights are justiciable, which means these can be enforced by the Court if they are violated. On the other hand, the Directive Principles are non-justiciable, rather these are moral obligations placed upon the State to frame laws and policies for the public good.

Q 1(c). What are the three classes of ideals in which Directive Principles can be grouped?

Ans: The Directive Principles can be grouped into 3 classes of ideals — socialistic, Gandhian, and liberal-humanistic.

Q 1(d). Are the Directive Principles subject to change?
Ans: Like any part of the Indian Constitution, the Directive Principles are also subject to change through constitutional amendments. Four such amendments have been done to change or add new Directive Principles, viz. The 42nd, 44th, 86th and 97th Constitutional Amendment Acts.

Q 1(e). Between Fundamental Rights and Directive Principles, which is subsidiary to the other?
Ans: According to the Supreme Court's settled position presently, the Directive Principles are subsidiary to the Fundamental Rights. This means that except the two Directive Principles in sub-clauses **b** and **c** of *Article 39*, Parliament cannot make laws to implement the other Directive Principles by contravening Fundamental Rights.

UNIT: 4
SIXTH SCHEDULE, AUTONOMOUS COUNCIL & NORTH EAST INDIA

Unit Structure:

4.1 Introduction

4.2 Objectives

4.3 Sixth Schedule

    4.3.1   Areas Under the Sixth Schedule in Assam

4.4 Autonomous Councils & North East India

4.5 Powers of the Sixth Schedule Councils

4.6 Sixth Schedule Administration & Democracy

4.7 Summing Up

4.8 References and Suggested Readings

4.1 Introduction

With the rise of the modern welfare state, there has been a big increase in administrative work in all the states. In a poor country like ours, it's harder because these countries were controlled by other countries for a long time. When they became free after a long time, they chose democracy and progress to make sure everyone in India would benefit and be well. The Indian government is working according to the rules of the constitution. Unfortunately, the Indian government has many problems like corruption, favoritism, bureaucracy, poverty, and unemployment, which make it hard for the country to develop. So we really need to work on fixing these problems as soon as possible. The Indian government is trying very hard to solve these problems so the country can develop. In this section, we will try to talk about the problems Indian administration faces, especially related to the 6th schedule of the Indian Constitution.

This unit deals with 6th schedule of Indian Constitution and challenges to Indian administration. Here we will discuss in detail about the various provisions of the 6th schedule, areas under the 6th schedule, powers of the 6th schedule councils etc. Here we will also focus attention on areas under the 6th schedule in Assam.

4.2 Objectives

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

- *know* about the states in the 6th schedule,
- *analyse* the powers of the 6th schedule councils,
- *understand* the village level democracy in 6th schedule administration.

4.3 Sixth Schedule

The Sixth Schedule is an important part of the Constitution of India and plays a big role in how the North-Eastern states are run. The Sixth Schedule of the Constitution aims to save the democratic tradition and cultural diversity of the North East. It addresses the special problems of the tribes in North East India by setting up a special type of self-governing system in the constitution. These self-governing groups are responsible for keeping tribal traditions and customs alive, while also working on plans to help them grow and improve. The Sixth Schedule of the Constitution of India helps create independent councils in Assam, Meghalaya, Mizoram and Tripura. These rules have been made using the powers given in Article 244(2) and 275(1) of the Constitution. The tribal areas in Assam, Meghalaya, Mizoram, and Tripura will be governed according to the rules of the Sixth Schedule, as mentioned in Article 244(2). The rules in other parts of the Constitution, like Part IX of the Constitution of India, do not apply to the management of these areas. Article 243M in Part IX of the Constitution of India says that the Panchayati Raj system does not apply to the areas under the Sixth Schedule. Among the provisions stated by the Article, the following is the noteworthy in this regard:

'Nothing in Part IX shall apply to the Scheduled Areas referred to in clause (1),
and the tribal areas referred to in clause (2), of article 244.'
[Article: 243M (1)]

Areas Under The Sixth Schedule In Contemporary North-East India

Currently, ten Autonomous Councils are functioning in four states of North-East India under the Sixth Schedule of the Constitution of India.

(a) Assam

- The North Cachar Hills District Autonomous Council (NCHAC)
- The Karbi Anglong District Autonomous Council (KAAK)

- The Bodoland Territorial Areas District (BTAD)

(b) Meghalaya
- Khasi Hills District Autonomous Council (KHAC)
- Jaintia Hills District Autonomous Council (JHAC)
- The Garo Hills District Autonomous Council (GHAC)

(c) Mizoram
- The Chakma District Autonomous Council (CDAC)
- The Mara District Autonomous Council (MDAC)
- The Lai District Autonomous Council (LDAC)

(d) Tripura
- Tripura Tribal Areas District Autonomous Council (TTADC)

4.3.1 Areas Under the Sixth Schedule in Assam

The three Autonomous Councils in Assam constituted in terms of the Sixth Schedule of the Constitution of India are not homogeneous; rather they are diverse in terms of historical background, population size and pattern, geographical area and structure, Constitutional provisions etc.

4.4 Autonomous Councils & North East India

A. The Karbi Anglong and North Cachar Hills Autonomous Councils In Assam

Historical Background:

Both Karbi Anglong Autonomous Council and North Cachar Hills Autonomous Councils have a long history of progress from a monarchy to a district. At times, they were in a kingdom and then in other areas. For instance, before 1832, the North Cachar Hills Autonomous Council was originally a part of the Kachari Kingdom. The Dimasa Kachari kings had their capitals at Dimapur, Maibang, Kashpur and finally at Horitikor, one after the other. In 1830, the Dimasa King Gobinda Chandra was killed by his own general Gambhir Singh. After that, the British took over the southern part of the kingdom on 14th August 1832 using the Doctrine of Lapse. General Tularam ruled over the rest of the area. In 1837, some of Tularam's land was added to the British Empire and made into a part of Nagaon District, with the main office located in Asalu. In 1854, when general Tularam died, the rest of his kingdom was taken over by the British Empire and became part of the Asalu sub-division. In 1867, Asalu sub-division was stopped and divided into three parts among the districts Cachar, Nagaon and Khasi and Jaintia Hills.

Creation of United Mikir and North Cachar Hills District

On November 17, 1951, the 'United Mikir and North Cachar Hills District' was formed. Before this new district was made, the area was a part of Nagaon district, Sivasagar district, United Khasi and Jaintia Hills district, and Cachar district. The District was created by merging some areas of Nagaon and former Sivasagar (Mikir Hills Tract), Block-I and Block-II of United Khasi and Jaintia Hills District and North Cachar Hills (excluded area) Sub-Division of Cachar District.

Status of Mikir and N.C.Hills

Under British rule, the way the government was organized in the Northeast frontier and hill districts was not the same as in the flat areas. They decided to have a small government and not get involved in the tribal chiefs, village groups, or traditional laws. The Government of India Act in 1919 labeled these places as underdeveloped. Alternatively, under the Government of India Act 1935, the British Administration separated the tribal areas in Assam into Excluded Areas or Partially Excluded Areas.

Excluded Areas

i. North-East Frontier (Sadiya, Balipara, Lakhimpur District)

ii. Naga Hills District

iii. Lusai Hills District

iv. North Cachar Hills Sub-division of Cachar District.

Partially Excluded Areas

i. Garo Hills District

ii. Mikir Hills in Nagaon and Sibsagar District

iii. The British Portion of the Khasi and Jayantia Hills District other than Shillong Municipality and Cantonment areas.

In places where the law didn't apply, the Governor had to give permission for the law to be followed. The Governor used his authority to make decisions about areas that were completely excluded on his own, but for areas that were only partially excluded, he could ask for advice from the Ministers. The British government decided not to get involved in the social and cultural issues of these places. The people in these areas had their own way of living and the British policy did not change it at all. They made almost everything they needed to live and took care of their own affairs, both inside and outside their community.

The British government made rules that said people from the plains couldn't go into the hills without getting permission from the district authorities. The inner line was meant to protect tribal people from being taken advantage of and losing their culture. But it ended

up keeping the hill people separate from the rest of society, and they didn't have the same opportunities for education and money.

According to the Sixth Schedule, two Councils were created in the United Mikir and North Cachar Hills District within a year of its formation. The North Cachar Hills District Council started on April 19, 1952 and the Mikir Hills District Council began on June 23, 1952. They are both based in Diphu.

On February 2nd, 1970, the government announced a new administrative district that is separate and not controlled by another. The area of land that the North Cachar Hills District Council is responsible for. Starting from June 1st, 1970, most of the government departments in the Mikir Hills District were now controlled by the Mikir Hills District Council.

In the years following 1972, Assam had two self-governing councils in the hills called Mikir Hills District and North Cachar Hills District. In 1976, the Karbi Anglong District Council Cachar Hills District Council was given new names - the 'North Cachar Hills Autonomous Council' and the 'Karbi Anglong Autonomous Council' by a change in the Constitution.

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B. The Bodoland Territorial Areas District: Sixth Schedule From Hills to Plains

In 2003, the Bodoland Territorial Areas District (BTAD) was created and included in the Sixth Schedule of the Constitution of India. This schedule usually applies to tribal areas in the hills, but now it also applies to BTAD, which is in the plains. This change to the Constitution made some special rules for the Bodoland Territorial Council. The second paragraph of the Sixth Schedule was changed to say that the Bodoland Territorial Council can have a maximum of forty-six members. Out of 46 members, 40 will be chosen by adults voting. 30 will be for Scheduled Tribes, 5 for non-tribal communities, and 5 for all communities. 6 members will be chosen by the Governor from unrepresented communities in the Bodoland Territorial Areas District, including at least 2 women. These members will have the same rights as others, including voting rights.

4.5 Powers of the Sixth Schedule Councils

The Sixth Schedule endows Councils with legislative, judicial, executive and financial powers.

Legislative Powers of the District and Regional Councils

Under Para 3, District and Regional Councils are empowered with the assent of the Governor, to make laws with respect to:

a. The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town;

b. The management of any forest not being a reserved forest;

c. The use of any canal or water-course for the purpose of agriculture;

d. The regulation of the practice of jhum or other forms of shifting cultivation;

e. The establishment of village or town committees or councils and their powers;

f. Any other matter relating to village or town administration, including village or tow police and public health and sanitation;

g. The appointment or succession of Chiefs or Headmen;

h. Inheritance of property;

i. Marriage and divorce; and

j. Social Customs.

The District or Regional Council can make rules about creating smaller local councils or boards, and how they should operate, with the governor's approval. Additionally, District Councils can make rules for overseeing money-lending and trading by people who are not from the local tribe (Para 10).

Judicial Powers of the District and Regional Councils

Paragraph 4 says that Regional and District Councils can make Village Councils or Courts that will handle legal cases for Scheduled Tribes in their areas. Other courts in the state won't handle these cases, except for some special situations. The Council of the region can choose the members and leaders of the Village Councils. The Regional and District Council can also act as their own separate appeal courts.

Executive Powers of the District and Regional Councils

The jobs that District and Regional Councils do are different for each Council, because they have changed some rules in the Sixth Schedule. In paragraph 6, it says that District and Regional Councils can set up and take care of things like schools, clinics, markets, animal shelters, ferries, fisheries, roads, transportation, and waterways in their area. They can also make rules to manage and

control these things. It can decide how kids are taught in primary schools in the district. Councils can also take care of things like farming, taking care of animals, community projects, co-ops, helping people in the community, and planning for villages.

Financial Powers of the District and Regional Councils

Constitution of District and Regional Funds: Section 7 says that every independent district will have a District Fund and every independent region will have a Regional Fund. These funds will hold all the money received by the District and Regional Councils. The District and Regional Councils need to keep their accounts as per the rules of the Comptroller and Auditor-General of India. The Comptroller and Auditor-General also checks their accounts.

Powers to Collect Taxes and Fees: Para 8 gives Regional and District councils the power to collect money from people who own land and buildings, have certain jobs, own animals, vehicles or boats, and bring goods to sell in the market. They can also charge people for using ferries and use the money to maintain schools, dispensaries, and roads.

Entitlement to Royalties: Paragraph 9 allows the District Council to get some of the money made from mining licenses granted by the State Government in an autonomous district. Any arguments about this will be sent to the Governor to be resolved.

Indication of resources to be credited to Councils: In Paragraph 13, the money earned and spent by autonomous districts will be discussed by the District Council and then shown in the State's annual budget for the Legislature to review.

STOP TO CONSIDER

The Nagaland Village Council Act, 1990 :

According to the Nagaland Village Council Act 1990, every village that the people in the area have agreed upon must have a Village Council that serves for five years. This group includes members picked by villagers following the traditional rules approved by the State Government. The Act says that village chiefs will automatically be members of the Councils and can vote. The Act also said that traditional village groups like the 'Putu Menden' in Ao Area, which is like a village council, can keep running in their own way. The Village Council picks someone to be the Chairman and can also choose a Secretary who may or may not be a Council member. If the Secretary is not on the Council, he can't vote. The Village Council has to have a meeting every three months. The village council's job is to make plans for the village's progress, make sure the water supply, roads, forests, schools, and other services are well taken care of, and assist

the government with development projects in the village. They can also start their own projects or help with ones the government asks for. The village council can borrow money from different places like the Government or banks, and can also get help from the Government or other agencies. They can also raise money for village services by making a decision and getting approval from the State Government. However, you must do all money transactions at a Scheduled bank or the Nagaland State Cooperative Bank. The Village Council can make and enforce rules to keep the village running smoothly according to local customs. They can also handle any problems or issues within the village.

4.6 Sixth Schedule Administration & Democracy: An assessment

The rules in the Sixth Schedule were made to keep the customs and traditional ways of the tribes in the North-East India hills. In the beginning, the Constitution didn't have elections for local leaders in the Sixth Schedule areas. This was not unexpected, because the idea of giving more power to local governments started in 1957, but it didn't really happen until the 73rd Constitutional Amendment of the Constitution of India.

In the hills of Karbi Anglong and North Cachar in Assam, there are no village leaders or representatives. It's noticed that only the District level has elected leaders, and unlike the Panchayati Raj system, the district level doesn't have support from lower levels in these two areas. A Panchayati Raj structure is made up of Village, Intermediate and District Panchayats. But in the two hills districts of Assam, there are no Village and Intermediate levels.

The committee suggested that local village councils should create their own laws for creating representative bodies for village development, without taking power away from traditional village level bodies. The way things are set up in Assam is similar to how things are set up in Nagaland. Both places have a traditional Council and a development body working together, and public services are managed by Village Development Boards.

The Committee also noticed that the grass root level groups can be different in size and area, depending on the local land and where people live. For example, in North Cachar Hills, they may group scattered homes together to make village councils. Because the councils would make their own laws to create these bodies, their size and reach could match well with the traditional village councils. This will help ease the worries of the traditional Chiefs who think that Panchayati Raj is being forced on them. "We should share

success stories of people working together in villages through NGO projects to show how this helps development. " Plans and methods used for organizing and carrying out projects in villages for NREGA can also be used for organizing and carrying out other programs.

In some parts of North-East India, special measures have been taken to create elected Village Councils under the Sixth Schedule. For instance, in Tripura, changes are made for the chosen Village Councils. In the North-East, the Tripura Territorial Autonomous District Council has village councils by law, unlike some other councils. The District Council has set up 527 self-governing villages in the Sixth Schedule Area, which are the same as revenue villages. The Village Committees' election happened in February 2006 according to the Tripura Tribal Areas Act 1994. There are a total of 4165 elected members in 527 Village Committees. One third of them are women. Seats are set aside for Scheduled Tribe and Scheduled Castes based on their population percentage.

In Meghalaya, some Village Executive Committees are being tried out to help with the National Rural Employment Guarantee Act. This shows that people are starting to understand how important it is to have local leaders in villages. In areas of Nagaland that don't have a set schedule, the Village Area Development Boards have been created. They are made up of both traditional village leaders and elected representatives, and play a part in governing the village.

Check Your Progress:

1. Discuss the different types of powers of the Sixth Schedule Councils.

2. Discuss in detail about the village level democracy as reflected in the Sixth Schedule administration.

3. What are the different areas included under the Sixth Schedule in contemporary North-East India. Discuss.

4.7 Summing Up

From what we talked about, you can see that the Sixth Schedule is very important in the Indian Constitution. You learned about the places that are part of the Sixth Schedule of the Indian Constitution in this unit. You have learned about the government of

Karbi Anglong and North Cachar Hills in Assam, and the Bodoland area in Assam. After studying this section, you have also learned about the management of North-East India, which is important for us to understand. This unit helped you understand the rules in the Sixth Schedule and how the Sixth Schedule Councils work. You have learned a lot about democracy in the village in the Sixth Schedule administration.

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Block: III (Indian Governments)

Unit 1: Union Government: Structures of the Union Government and Functions

Unit 2: President

Unit 3: Prime Minister, Cabinet, Parliament, Parliamentary Privileges

Unit 4: Supreme Court of India, Judicial Review

Unit 5: State Government: Structure and Functions

Unit 6: Governor, Chief Minister, Cabinet, State Legislature

Unit 7: Judicial System in States, High Courts and Other Subordinate Courts

Unit 8: Panchayati Raj

UNIT: 1

UNION GOVERNMENT: STRUCTURES OF THE UNION GOVERNMENT AND FUNCTIONS

Unit Structure:

1.1 Introduction

Hello learners, Welcome to this module on the Union Government: Structure of the union government and Functions. This unit will act as the facilitator for the activities of Block 3 Unit 1. In this lesson we will explore the structure and functions of the Union Government, which plays a crucial role in governing the country. Understanding how the Union Government operates is essential for anyone interested in Indian politics and governance. The union government means central governments which has lot of ministries , for governing the whole of India.

1.2 Objectives

The current unit will have the following objectives for your better understanding about the Union Government:

- to understand the meaning of Union Government.
- to analyse the role of Union Government in running the nation.
- to get a clear understanding about the different branches of Union Government.
- to get a overall understanding about the functions of the union Government.

1.3 Understanding the Union Government

The Union Government of India, also known as the Central Government, is responsible for governing the entire country. It operates from the national capital, New Delhi. Part V of the Indian constitution deals with the union government and its functions. The Union Government is headed by the Prime Minister, who is the leader of the ruling party or coalition. The Union Government refers to the central government of a country. The central government in a unitary state is the government that exercises control over the state. The Union Government of India is the official name for the country's government. The Central Government is another name for it. In 1950, the Indian Constitution established it.

The Republic of India, which consists of 29 states and seven union territories, is governed by the Central Government. The Indian Central Government is based in New Delhi, the country's capital. There are three levels of governance in India, The union level, state level and local level.

According to constitution expert Subash Kashyap, the word, 'centre' indicates a point in the middle of a circle, whereas 'Union' is the whole circle. In India, the relationship between the so-called 'Centre' and States, as per the Constitution, is actually a relationship between

the whole and its parts and that is the primary reason behind the usage of the word 'Union' despite of the word Centre. The word 'Centre' is not used in the Constitution; the makers of the Constitution specifically discarded it and instead used the word 'Union'.

The Union Government of India performs several essential functions, including policy formulation, administration, legislation, defense and security, diplomacy, and resource allocation. It is responsible for formulating national policies on various issues, administering and implementing these policies through its executive machinery, making laws through the Parliament, ensuring national security, representing India internationally, and managing the allocation of resources for national development.

There are three branches of the Union Government which are : are the Executive, Legislative, and Judicial branches.

- The Executive branch is headed by the President and includes the Prime Minister and the Council of Ministers. It is responsible for implementing laws and policies.
- The Legislative branch consists of the Parliament, which comprises the Lok Sabha and the Rajya Sabha. It is responsible for making laws and overseeing the government's functioning.
- The Judicial branch includes the Supreme Court of India and various high courts. Its role is to interpret laws, ensure their enforcement, and safeguard citizens' rights.

STOP TO CONSIDER

Article 1(1) of the Constitution of India says "India, that is Bharat, shall be a Union of States."

In common parlance, the terms "union government" and "central government" are used interchangeably in India. However, the Constituent Assembly did not use the term 'Centre' or 'Central government' in all of its 395 Articles in 22 Parts and eight Schedules in the original Constitution.

1.4 Structure of the Union Government

Let us now understand the structure of the Union Government. The following branches comprises the structure of the Union Government in India:

1. Legislative Branch: This branch consists of the following:

- **Parliament:** The Parliament of India is the supreme legislative body. It consists of two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). Members of Parliament (MPs) are elected by the people (Lok Sabha) or indirectly elected by state legislatures (Rajya Sabha).
- **Lok Sabha:** The Lok Sabha is the lower house of Parliament. It has 545 members, including two nominated

members from the Anglo-Indian community. Members are elected through general elections.

- **Rajya Sabha:** The Rajya Sabha is the upper house of Parliament. It has 245 members, including 12 members nominated by the President. Members are elected by the elected members of state legislative assemblies.

The legislative branch is also known as Parliament. The Indian Parliament, which is the most important part of the legislative branch, is made up of two houses: the Lok Sabha (House of People) and the Rajya Sabha (Council of States), with the President of India at its head.

The Legislative branch creates laws and policies that affect the entire country. Its responsibilities are as follows:

- Drafting of all principal legislation for the Central Government

- Ordinances to be announced by the President

- Regulations to be made by the President for Union Territories

- Framing of election laws

- To decide on bills to be introduced in the Parliament

- Measures to be taken for states under the President's rule and

- Deals with certain matters like personal law, contracts, evidence, etc.

The legislature does not have absolute power. The reason for this is that its laws are open to judicial scrutiny by the Indian judiciary or the Supreme Court.

2. The Executive

The executive branch consists of the following members:

- President: The President of India is the ceremonial head of the state. The President's role is largely symbolic, but they have certain powers such as appointing the Prime Minister, approving laws passed by the Parliament, and representing India internationally.
- Prime Minister: The Prime Minister is the head of the government and exercises real executive power. They are appointed by the President and are usually the leader of the majority party in the Lok Sabha (the lower house of Parliament).
- Council of Ministers: The Council of Ministers consists of senior members of the ruling party or coalition. They are responsible for advising the Prime Minister and implementing government policies.

The President, the Vice President, Cabinet Ministers, and the Independent Executive Agencies make up the executive branch of the Central Government. The President is the country's leader. The President is in charge of carrying out the department's duties. It is in charge of carrying out and enforcing legislation. To put it another way, the executive branch does not make or interpret laws. However, it is responsible for enforcing the laws enacted by the legislature and interpreted by the courts. Certain types of laws in the country can come from the Central Government's executive branch. This department of government has sole authority and responsibility for the state bureaucracy's everyday administration and operation.

3. The Judicial system

The Judiciary consists of the following:

- Supreme Court: The Supreme Court of India is the highest judicial body in the country. It consists of the Chief Justice and a maximum of 34 other judges. The Supreme Court is

responsible for interpreting the Constitution and ensuring the enforcement of fundamental rights.

- High courts and subordinate Courts: these are lower courts that operate at the state and district levels.

It is the Supreme Court. The Supreme Court of India is the country's highest judicial authority. The judiciary is responsible for upholding and propagating the country's law and order. Its responsibilities are as follows:

- It interprets the laws and carries out judicial reviews, sentences verdicts in complying with laws as per the constitution, and ensures equality of everyone in front of the law.

- It also solves conflicts between the Executive and Legislature and other public related matters or conflicts.

- It solves disputes between the Government of India and one or more states.

- It solves disputes between two or more states.

STOP TO CONSIDER

Executive: President, Vice President, and Cabinet Ministers

Legislative: Parliament, Lok Sabha, and Rajya Sabha

Judiciary: Supreme Court of India, High Courts of India at the state level, and District Courts and Sessions Courts at the district level

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CHECK YOUR PROGRESS

1. who is the ceremonial head of the state?

2. name the highest judicial authority of India.

3. how many houses does the Parliament of India consists of? Which is the lower house?

1.5 Functions of the Union Government

The union Government has the following functions, which are listed below point wise for your better understanding:

Union List (List I): Subjects exclusively under the control of the Union government. Examples include defense, foreign affairs, atomic energy, and currency.

- The Union Government implements these policies through various ministries and departments.
- **Residuary Powers:** The Union government has residuary powers, meaning it can legislate on matters not explicitly mentioned in any of the three lists.
- **National Security and Defense:** Formulating and executing policies related to national security and defense; Maintenance of armed forces and the conduct of foreign affairs.
- **International Relations:** Conducting foreign affairs, including the establishment and maintenance of diplomatic missions abroad.
- **Monetary System:** Control over the currency and coinage; Regulation of banking and financial institutions.
- **Inter-State Trade and Commerce:** Regulation of inter-state trade and commerce.
- **Emergency Powers:** The Union government has special powers during times of emergency, as outlined in the Constitution.
- **Railways and Airways:** Control and development of railways and airways.

- **Election Commission:** Oversight of national elections through the Election Commission of India.

- **Legislation:** The Union Government introduces bills in Parliament to enact new laws or amend existing ones. Bills need to be passed by both houses of Parliament and receive the President's assent to become laws.

- **Administration:** The Union Government is responsible for the administration of union territories and centrally administered territories. It also oversees the functioning of the civil services, including the Indian Administrative Service (IAS) and the Indian Police Service (IPS).

- **Defense and Security:** Ensuring the defense and security of the country is one of the primary responsibilities of the Union Government. It oversees the armed forces and formulates defense policies to safeguard national interests.

- **Foreign Affairs:** The Union Government represents India in international relations and formulates foreign policies to promote diplomatic relations and protect national interests. It negotiates treaties, conducts diplomatic missions, and participates in international organizations.

- **Economic Development:** The Union Government formulates economic policies to promote growth, employment, and poverty alleviation. It manages fiscal policies, monetary policies, and developmental programs to achieve sustainable economic development.

STOP TO CONSIDER

The Functions of the Union and the States have been delegated by the power of the Constitution. The union government's functions include forming and implementing public policies and reviewing their outcome. Union governments also prepare and supervise the

policy agenda, which uses statutory enactments to implement the government's policies.

1.5.1 The significance of the Supreme Court in the Union Government of India

The Supreme Court of India is the highest judicial authority in the country and plays a crucial role in upholding the rule of law and ensuring justice:

1. **Guardian of the Constitution:** The Supreme Court acts as the guardian of the Constitution and interprets its provisions to ensure their proper implementation. It has the power of judicial review to strike down any law or action of the government that violates the Constitution.

2. **Final Appellate Authority:** The Supreme Court is the final appellate authority in both civil and criminal cases. It hears appeals from lower courts and tribunals and delivers judgments based on legal principles and precedents.

3. **Protector of Fundamental Rights:** One of the primary functions of the Supreme Court is to protect the fundamental rights guaranteed by the Constitution. It safeguards individual liberties and ensures equality and justice for all citizens.

4. **Arbiter of Disputes:** The Supreme Court resolves disputes between the Union Government and state governments, between states, and between individuals and the government. It adjudicates on matters of national importance and ensures that justice is served impartially.

Judicial Activism: The Supreme Court has been proactive in addressing social and environmental issues through Public Interest Litigations (PILs) and judicial activism. It has played a significant

role in promoting transparency, accountability, and good governance in the country.

1.5.2 Functions of the Parliament in the Union Government of India

The Parliament of India is the supreme legislative body of the country and consists of two houses: the Lok Sabha and the Rajya Sabha.

Composition:
- Lok Sabha: Also known as the House of the People, the Lok Sabha is composed of members directly elected by the people of India through general elections. It represents the will of the people and has the primary responsibility of making laws.
- Rajya Sabha: Also known as the Council of States, the Rajya Sabha is composed of members elected by the elected members of the State Legislative Assemblies, as well as nominated members. It represents the states and serves as a revising chamber for legislation passed by the Lok Sabha.

Functions:
- Making Laws: The Parliament is responsible for making laws for the country. Bills can be introduced in either house and must be passed by both houses before becoming law.
- Oversight: The Parliament oversees the functioning of the government by scrutinizing its policies and actions through discussions, debates, and parliamentary committees.
- Financial Control: It has control over the government's finances, including the approval of the annual budget and financial bills.

- Representation: Members of Parliament represent the interests and concerns of their constituents, raising issues and debating them in the Parliament.

1.5.3 The role of the President in the Union Government of India

The President of India plays a significant role in the functioning of the Union Government:

1. **Ceremonial Head:** The President serves as the ceremonial head of the state and represents the nation in official functions and ceremonies both domestically and internationally.

2. **Executive Powers:** While the real executive authority lies with the Prime Minister and the Council of Ministers, the President has certain executive powers. These include the appointment of the Prime Minister, Council of Ministers, Governors of states, Judges of the Supreme Court and High Courts, etc.

3. **Legislative Powers:** The President summons and prorogues sessions of Parliament, addresses both Houses of Parliament, and can dissolve the Lok Sabha. Bills passed by Parliament require the President's assent to become law.

4. **Judicial Powers:** The President has the power to grant pardons, reprieves, respites, or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense.

5. **Emergency Powers:** During times of national emergency, the President can declare a state of emergency and exercise special powers to address the situation effectively.

1.6 Summing Up

The Union Government of India ensures checks and balances through the separation of powers among the Executive, Legislative, and Judicial branches. Each branch has its distinct functions and powers, and they are interdependent, with mechanisms in place to prevent any one branch from becoming too powerful. For example, the Executive is accountable to the Legislature, which can question its actions and policies. Similarly, the Judiciary has the power of judicial review to check the legality and constitutionality of governmental actions. In summary, the structure of the Union Government includes the President, Prime Minister, Council of Ministers, Parliament, and the Judiciary, each playing a crucial role in the governance and functioning of the country. The functions of the Union Government encompass policy formulation, administration, legislation, defense and security, and diplomacy, all aimed at promoting the welfare and development of the nation and its citizens. The President of India acts as the constitutional head of the Union Government, with powers and responsibilities in various spheres of governance, including executive, legislative, judicial, and emergency situations.

The Parliament of India is a vital institution in the Union Government, responsible for legislative functions, oversight of the government, financial control, and representation of the people and states. The Supreme Court of India holds immense significance in the Union Government as the apex judicial body, entrusted with upholding the rule of law, protecting fundamental rights, and ensuring justice and equality for all citizens.

Check Your Progress

1.Explain the composition and functions of the Parliament in the Union Government of India.

2.Analyse the role of Supreme Court in The Union Government of India.

3. what can the President of India do during the time of National emergency?

4.What are the main functions of the Union Government in India?

5.What are the three branches of the Union Government of India, and briefly explain each.

1.7 References and Suggested Readings

- Indian Constitution
- Government of India websites
- Standard textbooks on Indian polity and governance

UNIT: 2
THE PRESIDENT OF INDIA

Unit Structure:

2.1 Introduction

As we know India adopted parliamentary democracy influenced by the Westminster form of democracy and British governance. However, unlike British system of monarchy as formal head India opted for an elected President as its head of the nation. Indian Constitution states that, "There shall be a Council of Ministers, headed by the Prime Minister to give aid and advice to the President".

According to Dr. B. R. Ambedkar, *'At the head of Indian Union there is a functionary called the President of the Union. The title of this functionary reminds one of the President of the United States. But beyond identity of names there is nothing in common between the forms of government prevalent in America and the form of government envisaged under the Indian constitution… under the Indian Constitution the President occupies the place as the British Monarch under the English Constitution. He is the head of the State*

but not of the government. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial deice or a seal by which the nation's decisions are made known.' (Constituent Assembly Debates, Vol. VII. Pp. 33 -34).

Thus, it can be said that, India has the presidential system of government but it is not like the US system where President is the real executive. Indian presidential system is more alike of British monarch. In India like Britain, President is the titular executive. In this unit we will discuss the various provisions related the President along with his/her power and functions. We will also discuss the role of the President in real time.

2.2 Objectives

After going through this unit you will be able to
- *understan*d Indian presidential system
- *describe* the powers and functions of the Indian President
- *discuss* the role of Indian President
- *analyse* the importance of the President in Indian Parliamentary democratic system

2.3 Indian Political System: an overview

The political system of India is distinguished by its diversity, complexity, and evolution, making it one of the world's most complex and dynamic democracies. One of the most populous and diversified countries in the world, India's political system is a monument to the vitality and tenacity of democracy. With its roots in a multifaceted historical, cultural, and socioeconomic context, India's political landscape is a complicated mash-up of players, institutions, and procedures. The Constitution of India's tenets of democratic government serve as the fundamental cornerstone of the Indian political system. The Constitution, which was ratified on January 26, 1950, established the parameters for an independent, democratic, secular, socialist republic with a parliamentary form of government. In order to preserve the values of democracy, secularism, and social justice while navigating the difficulties of a varied community, the Indian political system is a dynamic and

ever-evolving framework. Notwithstanding these obstacles, it continues to shine as a symbol of democracy around the world, proving the tenacity of democratic principles in a multifaceted and diverse community.

Key features of the Indian political system include:
- **Federalism**
- **Parliamentary Democracy**
- **Elections and Political Parties**
- **Judiciary**
- **Diversity and Pluralism**

The Indian political system faces various challenges, including corruption, communalism, caste-based politics, and regional disparities. Efforts towards reform and strengthening of democratic institutions are ongoing, aimed at enhancing transparency, accountability, and inclusive governance. Here, in this unit we are going to discuss one of the core features of Indian political system, i.e. Presidential System in India.

Let us have a look at the Indian Presidential System:
In a presidential system, the head of the government leads an executive that is distinct from the legislature. Here, the head of the government and the head of the state are one and the same. Also, a key feature is that the executive is not responsible to the legislature. But in India follows a parliamentary form of government modelled on Britain's. However, unlike Britain India did not have monarchy instead make of Indian constitution prefer Presidential system, where President is the Head of the Nation and Prime Minister is the Head of the Government. The Prime Minister of India is responsible to the Legislature and people. Though, all the nations' powers are vested in the Hand of the President, in reality it is executed by the Prime Minister and his cabinet.

STOP TO CONSIDER

The Parliamentary Form of Government

India opted for a parliamentary system of governance mainly because the English system had a significant effect on those who drafted the country's constitution. The parliamentary format would only be able to handle the wide range of diverse groups that make up our nation, which was another reason recognised by the founding

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fathers. Furthermore, the tight division of powers inherent in the presidential system would lead to disputes between the legislative and executive departments, which our recently established nation could not afford. Around the world, parliamentary systems of governance outnumber presidential ones. Under this system, the legislative usually has the last say and the executive branch reports to it. It is sometimes referred to as "Responsible Government" and the Cabinet system of government.

2.4 President of India: Constitutional Provisions

Part V of the Indian constitution deals with the Union Executive. Article 52 states that, there shall be a President of India and Article 53 (1) states that the executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution. Article 54 delineates the functions of the President, which include leading the Legislature, Executive branch, Armed forces, and safeguarding the Indian Constitution. To sum up, it can be said that, The President of India is effectively the head of state and the first citizen of India. In addition, the president of India is seen as the nation's representative of honesty, unity, and solidarity. He is regarded as a member of the Union Executive, along with the Prime Minister, Vice President, Attorney General of India, and the Council of Ministers. It should be noted in this context that the selection of the president of India follows a certain procedure. There is no direct mechanism used to choose the president of India.

There are certain conditions were given in the constitution for holding the office of the President. The conditions regarding this matter have been mentioned in detail in Articles 52 to 62, specifically in Article 52. These conditions have been outlined in detail in the following.
- The person running for the president's office must not be a member of the Rajya Sabha or Lok Sabha. If the candidate is found to be a member of either of the two houses then the person must vacate his seat in the house on his first day as president.
- Parliament decides privileges allowances and emoluments.
- The person cannot under any circumstance hold any office for profit.

- The parliament is not given any right for diminishing the allowances and emoluments during the time he is serving within the office.
- The privileges, emoluments, and allowance of the candidate are decided by the parliament.
- The President is given immunity from different criminal proceedings, even on his act.

The President cannot be imprisoned or arrested. Civil proceedings against the President can only be initiated for the acts that have been committed by him. For this also two months of prior notice has to be given. We should remember here that, Article 56, section V of the Indian Constitution states that presidents can hold office for a maximum of five years. The vice president takes over in the event that a president's tenure ends early or while the president is away.

Now let us have a look at the eligibility condition for becoming the President of India

2.4.1 Eligibility

Article 58 of the constitution sets the principal qualifications one must meet to be eligible to the office of the president. A president must be:
- a citizen of India
- of 35 years of age or above
- qualified to become a member of the Lok Sabha

as we have mentioned earlier that, any office holder is not eligible for election as president However, certain office-holders, are permitted to stand as presidential candidates. These are:
- The current vice-president
- The governor of any state
- A Minister of the Union or of any state (including prime minister and chief ministers)

You should remember here that, in the event that the vice-president, a state governor or a minister is elected president, they are considered to have vacated their previous office on the date they begin serving as president.

Article 57 provides that a person who holds, or who has held, office as president shall, subject to the other provisions of this constitution, be eligible for re-election to that office.

As we have mentioned earlier that, President is not elected directly by the people of India. For the election of the President there shall be a electoral college. In the next section we will discuss the electoral process of the Indian President.

2.4.2 Election of the President

According to Article 56(1) of the Constitution, the president will serve a five-year term beginning on the day they take office. Article 62 states that an election to fill a vacancy resulting from the President's term ending must be finished prior to the term ending. When a vacancy in the President's office arises due to a person's death, resignation, removal, or other cause, an election must be held as soon as possible and no later than six months from the date the vacancy occurred. The person chosen to fill the vacancy will, subject to the provisions of Article 56, as we have mentioned in the previous section be eligible to hold office for the entire five-year term from the date of their appointment. Now let us discuss the procedure of President's election process.

Article 54 provides that, the President shall be elected by the members of an electoral college consisting of the:

     i. The elected members of both the Houses of Parliament

     ii. The Elected members of the Legislative Assemblies of the State.

     iii. As per Article 55, the state includes the National Capital territory of Delhi and Union territory of Pondicherry.

The election is held by means of the instant-runoff voting (IRV) method. The voting takes place by a secret ballot system. The manner of election of President is provided by Article 55 of the constitution.

Each elector casts a different number of votes. The general principle is that the total number of votes cast by Members of parliament equals the total number of votes cast by State Legislators. Also, legislators from larger states cast more votes than those from smaller states. Finally, the number of legislators in state matters; if a state has few legislators, then each legislator has more votes; if a state has many legislators, then each legislator has fewer votes.

The actual calculation for votes cast by a particular state is calculated by dividing the state's population by 1000, which is divided again by the number of legislators from the State voting in the Electoral College. This number is the number of votes per legislator in a given state. Every elected member of the parliament enjoys the same number of votes, which may be obtained by dividing the total number of votes assigned to the members of legislative assemblies by the total number of elected representatives of the parliament. Let us have a look at the value of a vote in details

The value of the vote of an MLA is given below:

$$\text{Value of the vote of an MLA} = \frac{\text{Total Population of the concerned State}}{\text{Total number of elected members of the State Legislative Assembly}} \times \frac{1}{1000}$$

The value of the vote of an MP is given below:

$$\text{Value of the vote of an MP} = \frac{\text{Total value of all MLAs of all states}}{\text{Total numbers of elected members of Parliament}}$$

However, there are certain members of union and state legislature who can not participate in the election of president of India.

      i. Nominated Members of Lok Sabha (2) and Rajya Sabha (12)

      ii. Nominated Members of State Legislative Assemblies

      iii. Members of Legislative Councils (Both elected and nominated) in bicameral legislatures

      iv. Nominated Members of union territories of Delhi and Puducherry

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STOP TO CONSIDER

Instant-Runoff Voting

The Constitution of 1950 uses the term Single transferable vote, which is now used for a system with multiple-member constituencies. When there is only one of the latter, the system is now called Instant-runoff voting

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2.4.3 Oath

In the presence of the Chief Justice of India, or in his/her absence, the senior-most judge of the Supreme Court, the President shall make and subscribe to the following oath or affirmation, promising to safeguard, preserve, and defend the Constitution.

I, (name), do swear in the name of God (or solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of the Republic of India, and will to the best of my ability preserve, protect and defend the Constitution and the law, and that I will devote myself to the service and well-being of the people of the Republic of India.—Article 60, Constitution of India

2.4.4 Salary and other emoluments

The Second Schedule to the Indian Constitution provided ₹10,000 a month for the president. In 1998, this sum was raised to ₹50,000. The Indian government raised the president's salary to ₹1.5 lakh on September 11, 2008. This sum was raised to ₹5 lakh in the Indian Union budget for 2018. But practically everything the president does or desires is funded by an annual budget of ₹225 million that the government sets forth for their maintenance.

The largest presidential palace in the world is Rashtrapati Bhavan, which serves as the president's formal residence. Former presidents, as well as the widows and widowers of presidents, are entitled to a pension, furnished housing, security, and other benefits.

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Check Your Progress
1. Discuss the Electoral Process of Indian President.

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2.5 Powers and Functions of the President

Now let us discuss the powers and functions of the President. The President of India has been given numerous powers by the Constitution of India. He is the head of the nation, but unlike American President, he is not the head of the government. The Prime Minister of India acts as the real executive, the President is constitutionally bound to act according to the advice of his Council of Ministers. Again in India, there is a wide gap between the powers the president possesses and the powers he exercises. So, the powers of the President in the true sense are exercised by the Prime Minister and his Cabinet. But, under article 352 to 360 the President can act as the real executive of the nation. These powers are known as the Emergency Powers.

We can classify the powers of the President under six heads, viz.,

(a) executive powers,
(b) legislative powers,
(c) financial powers,
(d) judicial powers,
(e) diplomatic powers and
(f) emergency powers.

A. Executive Powers

The President is the executive head of the state and all the executive orders and instructions are issued and executed in the name of the President. As the executive head he is the chief appointing authority in India. Under article 75, the President appoints the leader of the majority party in the Lok Sabha as the Prime Minister. He also appoints the Council Of Ministers and distributes portfolios among them. The Council Of Ministers remains in power during the pleasure of the President. But it is worth mentioning here that in reality these powers are exercised by the Prime Minister and his Council Of Ministers. In actual practice, the President appoints the

Council of Minister on the advice of the Prime Minister. Again, the President cannot dismiss the Council Of Ministers as long as it commands the support of a majority in the Lok Sabha. If the President wants to dismiss the Council of Ministers on his or her own initiative, it may trigger a constitutional crisis. The President is also responsible for making a wide variety of appointments such as the Governor of States, the Chief Justice and the other judges of the Supreme Court and High Courts of India, the Attorney General, The Comptroller and Auditor General, The Chief Election Commissioner and other Election Commissioners, The Chairman and other members of the Union Public Service Commission, Ambassadors and High Commissioners to other countries, The Chiefs of the Army, Navy and Air Force, Commissioner for Scheduled Castes, Scheduled Tribes and Backward Classes, Members of Finance Commission etc. But the President has to consult the Prime Minister before making any appointment.

Apart from these, article 243 empowers the President of India to administer the Union Territories through Chief Commissioner or other authority. He also enjoys power to give the administration of a Union Territory to the Governor of an adjoining sate. Under this circumstance, the Governor will act under the instruction of the President of India for the administration of Union Territory. In addition to this, the President also administers the scheduled tribe areas in India. He appoints the administrators for the proper administration of these areas.

Self Assessment Question:
Write a note on the appointing powers of the Indian President. (100 words)

B. Legislative Powers

The Constitution of India makes the President an integral part of the Parliament and as such he enjoys extensive legislative powers. However, we must remember here that the President is not a member of the either House of the Parliament. He inaugurates the Parliament by addressing it after the general elections and also at the beginning of the first session each year. He is to convene, prorogue and adjourn the sessions of the Parliament. He also convenes joint session of Parliament to resolve differences between the two Houses

of Parliament. He addresses both the Houses of Parliament and his address is generally meant to outline the new policies of the government. Every budget session opens with his addresses. It is also worth remembering that the President nominates 12 members for the Rajya Sabha from among persons who have distinguished themselves in various walks of national life.

It needs mention here that, to become an act, all the bills must have the approval of the President. Certain types of bills like the Money Bill or the bills affecting the boundaries of states cannot be introduced in the Parliament without the permission of the President. The President can return a bill to the Parliament (except Money Bill) for reconsideration. However, if the Parliament sends it back to him for the second time, the President is obliged to assent to it.

Stop to Consider

President of India & Ordinance

Article 123 empowers the President to promulgate Ordinances when both the Houses of the Parliament are not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action. These Ordinances are submitted to the Parliament at its next session. They remain valid for not more than six weeks from the date the Parliament is convened unless approved by it earlier.

C. Financial Powers

The President of India is also empowered with financial powers. Constitution of India has vested the President with certain financial powers. He/she can exercise his/her financial power with regard to the Money Bill. Money Bills can be introduced in the Parliament only on the prior recommendation of the President. Again, all Money Bills passed by the Parliament require the consent and approval of the President. We must remember here that no taxes can be levied or withdrawn without his approval. Moreover, he also enjoys the power in regard to the Contingency Fund of India. He/she may sanction any amount from the Contingency Fund of India to meet out any unforeseen expenditure. Again, he also appoints the Finance Commission every five years to recommend the distribution of taxes between the States and the Union. Moreover, he decides the amount of grants-in aid to be made to the state of Assam, Bengal, Bihar and Orissa in lieu of their share of jute export duty. Thus, we

have seen that the President of India enjoys enormous power regarding the financial matters though he shall act in accordance with the advice of the Council of Ministers in most of the cases.

D. Judicial Powers

The President appoints the Chief Justice and other judges of Supreme Court of India along with the High Courts. But in practice, these judges are actually selected by the Union Cabinet. The President dismisses the judges if and only if the two Houses of the Parliament pass resolutions to that effect by two-thirds majority of the members present. He administers the oath of office to the Chief Justice and the judges of the Supreme Court. President is also empowered to accept the resignation of the judges of the Supreme Court as well as High Courts. He can also remove them from their office. The President consults the Supreme Court on any question of law or matter of public importance. The Supreme Court is bound to report back its opinion to the President. It is noteworthy that the opinion of the Supreme Court is not binding on the President of India.

President of India enjoys legal immunity. He/she is not answerable to any court of law for the exercise of during official duties. He/she can neither be arrested nor can criminal proceedings be initiated against him during the term of office. Civil suits can however, be brought against the President only after giving him a written notice of at least two months.

One of the important judicial powers vested on the President of India is the power to grant pardon. The President of India can grant a pardon to or reduce the sentence of a convicted person for one time, particularly in cases involving punishment of death. The decisions involving the power to pardon and other rights by the President are independent of the opinion of the Prime Minister or the Lok Sabha majority.

E. Diplomatic Powers

The President of India enjoys diplomatic powers also. Declaration of war and conclusion of peace is carried out in the name of President. President is responsible to maintains healthy relation with all the foreign governments. In order to maintain close and friendly contacts with other countries of the world, the President appoints

diplomats in other countries. He also receives diplomatic representatives of other countries in India. He can also ask the foreign diplomats to leave the country by declaring them as persons a non- grata which literally means an unwelcome person. All the international treaties and agreements are concluded by the President and are subject to his final signature. However, in practice, such negotiations are usually carried out by the Prime Minister along with his Cabinet (especially the Foreign Minister). Also, such treaties are subject to the approval of the Parliament.

Check Your Progress
1. What are the executive functions of the Indian President?
2. How president exercise his/her powers?
3. What are the financial responsibilities of the Indian President?

F. Emergency Powers

Part XVIII of the Constitution of India deals with the Emergency powers of the President. These emergency powers were deliberately conferred by the framers of the constitution to ensure that the federal government shall be able to work as unitary system to deal with the extraordinary situation. The President can declare three types of emergencies: national, state and financial. Now, let us discuss these three types of emergency in details.

1. National Emergency

Under Article 352 of the India Constitution the President can declare national emergency on the basis of a written request by the Council of Ministers headed by the Prime Minister. National emergency is caused by war, external aggression or armed rebellion in the whole of India or a part of its territory. Such a proclamation must be approved by the Parliament within one month and can be imposed for six months. It can be extended by six months, by repeated parliamentary approval, up to a maximum of 3 Years. When national emergency is declared the fundamental rights of Indian citizens, except the right to life and personal liberty, are suspended. The six freedoms under the right to freedom are also automatically suspended. It is important to mention here that in the history of independent India, there are three periods during which the national emergency is declared in India

- Between 26th October 1962 to 10th January 1968 during the India- China war — "the security of India" having been declared "threatened by external aggression".
- Between December 1971 to 1977 originally proclaimed during the India- Pakistan war, and later extended along with the third proclamation — "the security of India" having been declared "threatened by external aggression".
- Between 26th June 1975 to 21st March 1977 under controversial circumstances of political instability under the Indira Gandhi's Prime Ministership— "the security of India" having been declared "threatened by internal disturbances".

2. State Emergency

Under Article 356 if the President is satisfied, on the basis of the report of the Governor of the concerned state or from other sources that the governance in a state cannot be carried out according to the provisions in the constitution, he can declare a state of emergency in that state. The state emergency is also known as the 'President's Rule'. A state emergency is declared under two circumstances:

- When the state fails to run constitutionally i.e. the constitutional machinery has failed.
- When the state is not working according to the given direction of the Union Government.

The state emergency must be approved by the Parliament within a period of six months. It can be extended to a maximum period of three years with repeated parliamentary approval every six months. A constitutional emergency is necessary to extend the state emergency for more than three years. It has happened in Punjab and Jammu and Kashmir. During the state emergency, the President takes over the administration and the Governor administers the state in the name of the President. The Legislative Assembly is either dissolved or remains in suspended animation. The Parliament also makes laws on the subject of the State List. This type of emergency has been declared 100 times in various states and Union Territories since the constitution came into force. For the first time state emergency is declared in Punjab in 1952. The states which come under the President's rule for maximum number of times are Kerala (nine times) followed by Punjab, Orissa, Uttar Pradesh etc.

3. Financial Emergency

Under the Article 360 of the Indian constitution if the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened, he can proclaim financial

emergency. Such an emergency must be approved by the Parliament within two months. In times of financial emergency, the President can reduce the salaries of all government officials, including the judges of the Supreme Court and High Courts. The President can direct the legislature to observe certain economic measure relating to financial matters. However, financial emergency has not been declared in India till date. On a previous occasion, the financial stability or credit of India has indeed been threatened, but a financial emergency is avoided through the selling off of India's gold reserves. The provision of the emergency powers provides a powerful position to the President of India. But it is worth mentioning here that the constitution makes sufficient provision to impose checks on the misuse of powers by the President of India. The responsibility of the President to the Parliament is itself an adequate safeguard.

Stop to Consider

1st President Ruile in Assam

Throughout the Assam Movement, the Assam state administration remained unstable. Even though the electoral backlash against Indira Gandhi in the 1977 general election was not felt in Assam, her party was defeated in the 1978 election, and Golap Borbora, a Janata Party leader, became Assam's first non-Congress Chief Minister; it was a minority government formed with the support of the PTCA and independents, as well as outside support from the CPI(M) and other left-wing parties. This government fell in September 1979 as a result of the Janata Party's split, and Jogendra Nath Hazarika was appointed Chief Minister with the backing of the Congress, Congress (I), and the CPI. The Hazarika government also fell within ninety-four days in December 1979, when the Congress lost its support and President's Rule was implemented for the first time in the state of Assam.

2.6 Critical Appreciation

In the Constituent Assembly the emergency powers of the President have been criticized. People like H. V. Kamath, Prof. K T Shah express their doubts that the incorporation of the emergency power in the constitution has opened the door for an ambitious President to become a dictator. The members of the Assembly also criticize the right of the President to suspend the fundamental rights of the Indian

citizens during emergency. Kamath describes this provision as autocratic. However, some scholars have commented that the rights of the citizens have no meaning when the very existence of the state is threatened. They believe that the state must get priority over the individual and there is nothing wrong to suspend the fundamental rights of the citizens in the interest of the state. Moreover, President's power to declare constitutional emergency in the states has been criticized on the ground that it is contrary to the spirit of federal system of government based on autonomy of states. But we must not forget that at the time of the drafting of the constitution, India was undergoing some disturbances like war in Kashmir, troubled condition in Hyderabad etc. These incidents have influenced the founding fathers of Indian constitution to incorporate the emergency powers.

SAQ

Do you think that the emergency powers of the President have strengthened the position of the President? Give arguments in favour of your answer. (80 words)

. . . .
. . . .

2.7 Role of the President

The role of the President in the Indian political landscape is one of profound significance, characterized by a delicate balance of ceremonial duties and constitutional powers. As the highest constitutional authority in the Republic of India, the President serves as a pivotal figure, entrusted with the responsibility of upholding democratic principles, safeguarding the sovereignty of the nation, and ensuring the effective functioning of the governmental machinery.

This preface serves as an exploration into the multifaceted role played by the Indian President within the intricate framework of the country's governance. From ceremonial functions that symbolize the unity and diversity of India to executive powers that influence critical appointments and decisions, the President's influence resonates across various facets of the nation's democratic fabric.

In the following pages, we delve into the historical evolution of the Presidency in India, tracing its roots to the framing of the Constitution and its subsequent evolution through decades of democratic practice. We examine the constitutional provisions that delineate the powers and responsibilities of the President, shedding light on their role as the guardian of the Constitution and the custodian of democratic ideals.

Furthermore, this exploration seeks to illuminate the practical implications of the President's role in contemporary Indian politics. From their involvement in the legislative process to their crucial function during times of national crisis, the President's actions reverberate through the corridors of power, shaping the course of governance and decision-making.

Through this unit, we endeavor to unravel the complexities of the Indian Presidency, offering insights into its historical significance, constitutional mandate, and contemporary relevance. As we embark on this journey of understanding, let us unravel the intricate tapestry of the Indian President's role, acknowledging its profound impact on the nation's democratic ethos and governance structure.

2.8 Summing Up

After reading this unit you have learnt that India has adopted the parliamentary system of government. In Indian parliamentary system of government, the executive is responsible to the Parliament and the executive and legislature are not independent of each other. In India, the President is the nominal head of the state and he is indirectly elected by an Electoral College. We have also learnt that the President as the head of the state enjoys powers like executive, legislative, judicial, financial, diplomatic etc. But in reality, the Council of Ministers under the leadership of the Prime Minister exercise the power vested in the hands of the President. He also enjoys emergency powers like national emergency, state emergency and financial emergency. We must remember here that the President shall act according to the advice of the Council of Ministers. He is bound to act according to their advice. But in some exceptional cases, the Indian Presidents show resentment against the Council of

Ministers. With regard to some issues like the passing of Hindu Code Bill, the Office of Profit Bill, the declaration of emergency in Bihar, Uttar Pradesh etc., and the President has come into conflict with the Council of Ministers.

2.9 References and Suggested Readings

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UNIT: 3
PRIME MINISTER, CABINET, PARLIAMENT, PARLIAMENTARY PRIVILEGES

Unit Structure:

3.1 Introduction

Dear learners, in this unit we will learn about the role and power of the Prime minister, cabinet and the parliament. This unit will give a detailed view of how the Prime minister is elected and also who comprises the cabinet ministers. It will also discuss about the Parliament of India also provide in details about the Parliamentary privileges.

3.2 Objectives

The unit will have the following objectives

- to provide a detailed overview about the election, powers and responsibilities of the Prime Minister of India.
- to analyse the composition, powers and responsibilities of the Cabinet Ministers.
- to discuss about the Parliament of India and it's functions in the Indian Government system.
- to get an overview about the parliamentary privileges.

3.3 The Prime Minister

The Prime Minister is the head of the Government and leads the executive organ of the Government. Our country follows Parliamentary system of Government in which the Prime Minister is the leader of the executive system of Government Of India and also the head of the Council Of Ministers. Prime Minister is the real custodian of all the executive authority.

President of India appoints a person as the Prime Minister who is either the leader of the party which holds a majority of seats in the Lok Sabha or is a person who is able to win the confidence of the Lok Sabha by gaining the support of other political parties. All other ministers are appointed by the President on the advice of the Prime Minister.

No direct election to the post of the Prime Minister. The President designates the head of the greater party or the alliance of gatherings that orders a greater part in the majority in Lok Sabha as Prime Minister. If a single party or alliance does not achieve a majority, the person with the best chance of gaining majority support is picked by the President. The Prime Minister's term is not fixed. As long as he is the head of the majority party or coalition, he/She remains in power.

3.3.1 Qualifications

The following are the qualifications required to be the Prime Minister of India:

- Must be a citizen of India.

- Must be the member of either of the Houses of the Parliament i.e The Lok Sabha and The Rajya Sabha.

- Should complete 25 years of age if he is a member of the Lok Sabha and 30 years of age if he is a member of the Rajya Sabha.

3.3.2. Powers and Functions of The Prime Minister of India

Let us now learn about the powers and functions of the Prime Minister, which are mentioned below:

Power to appoint the Authorities

• Prime Minister has the right to give advice to the President in relation to the appointment of the Government Authorities.

• Such authorities include The Comptroller and Auditor General of India, Attorney General Of India, Solicitor General Of India, Election Commissioners, Chairman and Members Of The Finance Commission.

• Prime Minister also has the right to give advice to the President on the appointment of The Council Of Ministers and The Cabinet Ministers.

Power as the Leader of the House Of Parliament

• Prime Minister is the Leader of the Lower House Of Parliament i.e The Lok Sabha.

• He advises President with regard to the summoning of the sessions of The Parliament.

• The Prime Minister can recommend the President for the dissolution of the Lok Sabha.

• Prime Minister in consultation with the Speaker of the lower house decides the Agenda of the House.

Aid and Advice the President

• Prime Minister is the Chief Advisor of The President.

• The Prime Minister advises The President in all the matters of the state.

• Prime Minister Informs The President regarding all the decisions taken in the Cabinet Meeting.

• The Prime Minister advises and gives all the information to The President regarding the emergency situation or any changes in the foreign policy.

• Prime Minister advises the President to take necessary steps in the economic, financial, political and developmental situations of the country.

Power as the Chairman of The Cabinet

- The Prime Minister is the Leader of The Cabinet.

- The Prime Minister presides over the meetings and decides the agenda of the meetings.

- All the decisions of the Cabinet meetings are decided by the approval and consent of The Prime Minister.

- The reject or accept of the proposal of the Cabinet discussions is in the hand of The Prime Minister.

- The Prime Minister guides, directs, controls and coordinates all the activities of the Minister.

- The Prime Minister allocates various portfolios and ministries among the Ministers.

- In case of any wrongdoing and difference in the opinion, the Prime Minister can ask a Minister to resign or advise The President to dismiss the Power of the Minister.

- Is the Chairman of the NITI Aayog National Development Council, National Integration Council, Inter-State Council, National Water Resources Council.

Power to Remove The Minister

- The Minister remains in the office according to the pleasure of The Prime Minister.

- The Prime Minister can demand resignation from any Ministers at any time and the Minister is duty bound to accept it.

- In April 2010 when Manmohan Singh was the Prime Minister, Shashi Tharoor, the Minister of State for External Affairs had to resign from his office under the allegation of the corruption in the IPL case.

Emergency Powers

- The President declares the emergency only under the advice of the Prime Minister.

• Under Article 352 of The Indian Constitution, The President can declare an emergency on the basis of the written request by the Prime Minister.

• In the year 1975-1977, the then President Fakhruddin Ali Ahmed with the written request and consent from the Then Prime Minister Indira Gandhi imposed emergency. The reason behind this was threat to National Security and bad economic conditions.

Thus, the Prime Minister has the power to impose an emergency when the situation is as such.

Coordinating Power

• The Prime Minister is the chief coordinator between the President and the Cabinet.

• The Prime Minister communicates the President all the decisions of the Cabinet and puts before the Cabinet the decisions of the President, thus acting as the medium of the communication.

• It is the responsibility of the Prime Minister to coordinate the activities of all the department and to secure the cooperation among the ministers.

Other Powers

• Prime Minister is the Leader of the Nation. The general elections of the country are fought in his name.

• Plays a key role in determining Indian Foreign Policy and relations with other countries.

• Power to allocate and change the department of the Ministers.

STOP TO CONSIDER

Article 75 of the Indian Constitution mentions that a Prime Minister is one who is appointed by the President. There is no specific procedure for his election or appointment. The full term of the office of Prime Minister is 5 years but they can hold their office only if they enjoy the majority in the Parliament and the

term can end sooner if loses the vote of confidence in the Lok Sabha. Once they lose their majority, the period of holding their office also comes to an end.

CHECK YOUR PROGRESS

1. who elects the Prime Minister of India?

2. what are the qualifications required for being the Prime Minister of India?

3. Under who's request the President can declare emergency?

3.4 Cabinet Ministers

Cabinet Ministers are the Senior Ministers of the Union Council of Ministers. These Ministers are led by the Prime Minister. They play the role as a supreme decision- making the body in India. The Cabinet Ministers have the powers to sit in the both Houses Of Parliament, The Rajya Sabha and The Lok Sabha. The current Cabinet is led by Prime Minister Narendra Modi. Cabinet Ministers are usually top-ranking members of the ruling party or parties in control of key ministries. Cabinet Ministers typically gather to make decisions on behalf of the Council of Ministers. The inner ring of the Council of Ministers is hence the cabinet.

The Cabinet is the top guiding authority, the policy magnet, that coordinates and supervises the whole executive administration of the Union, as well as integrates and leads the activity of Parliament. The full term of the office of the Cabinet Ministers is 5 years but these ministers can be changed upon the discretion of The Prime Minister.

3.4.1 Powers and Functions of The Cabinet Ministers

Power to formulate the policies

- The Cabinet Ministers formulates both external and domestic policies and are considered as the policy-making organ of the government.

- The Cabinet takes decisions on the various matters such as defence, economic policy, industrial policy, formulation of new states and the President's rule in the state.

- The decisions made by the Cabinet are communicated to the Deputy Minister and Minister of the state which helps the cabinet ministers in managing the business of the government jointly.

- The members of the Planning Commission are appointed by the Cabinet.

Power over the Executive

- The Cabinet Ministers have the supreme control over the Executives.

- The real functionaries in the executive authority are the Cabinet Ministers.

- The Cabinet Ministers presides over the Ministries of the Government and carries out the policies and gets approved by the Parliament.

Power as the Coordinator

- The Cabinet Ministers act as the coordinator of the various department of the government.

- Various Ministries of the government are coordinated by the cabinet ministers.

Financial Powers

- It is the responsibility of the Cabinet Ministers to look after the expenditure of the Government.

- The Finance Minister of the Cabinet prepares the annual budget which contains the estimated incomes for the ensuing year and also has the power to introduce the money bill with the consent of the President.

- It is the responsibility of each cabinet ministers to see that the proposals of his ministry are approved in the house.

•The Cabinet and the administrative departments take the initiative of preparing, defending and presenting the bill in the Parliament.

Power of Making Appointments

•The President appoints the high power authorities on the recommendation of the Cabinet Ministers.

•Such important authorities include Ambassadors, High Commissioners, Attorney General of India, Governors of the States, Supreme Court and High Court Judges and the members of the Union Public Service Commission.

Other Powers

•Cabinet Ministers provide information to the public by answering questions put to them by the members of the Lok Sabha.

•The special address of the President to the Parliament is prepared by the Cabinet.

•The Cabinet Ministers is responsible for planning and implementing of Amendments to the Constitution.

STOP TO CONSIDER

Prime Minister is the Chairman and part of the Cabinet. The resignation of the Prime Minister implies the resignation of the Cabinet. Prime Minister allocates posts to the Cabinet Ministers within the government. Prime Minister has the power to select and dismiss the Cabinet Ministers. He allocates portfolios or department to the Cabinet Ministers.

CHECK YOUR PROGRESS

1. what is the tenure of the Cabinet Ministers?
2. Who allocates ministries to the Cabinet Ministers?
3. What are the financial powers of the Cabinet Ministers?

3.5 The Parliament

The Indian Parliament holds significant powers and functions in the country's democratic system. It serves as the supreme legislative body and consists of two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). The Parliament is responsible for enacting laws, discussing and debating national issues, approving the budget, and overseeing the functioning of the government. It has the authority to impeach the President, remove judges, and amend the Constitution. Through its powers of legislation and scrutiny, the Indian Parliament plays a crucial role in shaping national policies and ensuring accountability in the governance of the country.

The Indian Parliament, comprising the Lok Sabha and the Rajya Sabha, holds immense significance in the country's democratic framework. With its wide range of powers and functions, the Parliament plays a pivotal role in shaping legislation, overseeing the government's activities, and ensuring accountability in governance.
This unit will discuss the powers and functions of the Parliament in details in the following sub section.

3.5.1 The Powers and Functions of The Parliament

The powers and functions of the Parliament are discussed below :
Legislative Functions

- The Parliament legislates on all matters mentioned in the Union List and the Concurrent List.

- In the case of the Concurrent List, where the state legislatures and the Parliament have joint jurisdiction, the union law will prevail over the states unless the state law had received the earlier presidential assent. However, the Parliament can any time, enact a law adding to, amending, varying or repealing a law made by a state legislature.

- The Parliament can also pass laws on items in the State List under the following circumstances:

    - If Emergency is in operation, or any state is placed under President's rule, the Parliament can enact laws on items in the State List as well.

• As per Article 249, the Parliament can make laws on items in the State List if the Rajya Sabha passes a resolution by ⅔ majority of its members present and voting, that it is necessary for the Parliament to make laws on any item enumerated in the State List, in the national interest.

• As per Article 253, it can pass laws on the State List items if it is required for the implementation of international agreements or treaties with foreign powers.

• According to Article 252, if the legislatures of two or more states pass a resolution to the effect that it is desirable to have a parliamentary law on any item listed in the State List, the Parliament can make laws for those states.

Executive Functions

In the parliamentary form of government, the executive is responsible to the legislature. Hence, the Parliament exercises control over the executive by several measures.

• By a vote of no-confidence, the Parliament can remove the Cabinet (executive) out of power. It can reject a budget proposal or any other bill brought by the Cabinet. A motion of no-confidence is passed to remove a government from office.

• The MPs (Members of Parliament) can ask questions to the ministers on their commissions and commissions. Any lapses on the part of the government can be exposed in the Parliament.

• Adjournment Motion: Allowed only in the Lok Sabha, the chief objective of the adjournment motion is to draw the attention of the Parliament to any recent issue of urgent public interest. It is considered an extraordinary tool in Parliament as the normal business is affected.

• The Parliament appoints a Committee on Ministerial Assurancest that sees whether the promises made by the ministers to the Parliament are fulfilled or not.

- Censure Motion: A censure motion is moved by the opposition party members in the House to strongly disapprove any policy of the government. It can be moved only in the Lok Sabha. Immediately after a censure motion is passed, the government has to seek the confidence of the House. Unlike in the case of the no-confidence motion, the Council of Ministers need not resign if the censure motion is passed.
- Cut Motion: A cut motion is used to oppose any demand in the financial bill brought by the government.

Financial Functions

Parliament is the ultimate authority when it comes to finances. The Executive cannot spend a single pie without parliamentary approval.

- The Union Budget prepared by the Cabinet is submitted for approval by the Parliament. All proposals to impose taxes should also be approved by the Parliament.
- There are two standing committees (Public Accounts Committee and Estimates Committee) of the Parliament to keep a check on how the executive spends the money granted to it by the legislature. You can also read on Parliamentary Commitees.

Amending Powers

The Parliament has the power to amend the Constitution of India. Both Houses of the Parliament have equal powers as far as amending the Constitution is concerned. Amendments will have to be passed in both the Lok Sabha and the Rajya Sabha for them to be effective.

Read about the important amendments in the Indian Constitution.

Electoral Functions

The Parliament takes part in the election of the President and the Vice President. The electoral college that elects the President comprises of, among others, the elected members of both Houses. The President can be removed by a resolution passed by the Rajya Sabha agreed to by the Lok Sabha.

Judicial Functions

In case of breach of privilege by members of the House, the Parliament has punitive powers to punish them. A breach of privilege is when there is an infringement of any of the privileges enjoyed by the MPs.

- A privilege motion is moved by a member when he feels that a minister or any member has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Read more on privilege motion.
- In the parliamentary system, legislative privileges are immune to judicial control.
- The power of the Parliament to punish its members is also generally not subject to judicial review.
- Other judicial functions of the Parliament include the power to impeach the President, the Vice President, the judges of the Supreme Court, High Courts, Auditor-General, etc.

Other powers/functions of the Parliament

- Issues of national and international importance are discussed in the Parliament. The opposition plays an important role in this regard and ensures that the country is aware of alternate viewpoints.
- A Parliament is sometimes talked of as a 'nation in miniature'.
- In a democracy, the Parliament plays the vital function of deliberating matters of importance before laws or resolutions are passed.
- The Parliament has the power to alter, decrease or increase the boundaries of states/UTs.
- The Parliament also functions as an organ of information. The ministers are bound to provide information in the Houses when demanded by the members.

3.6 Parliamentary Privileges

Parliamentary privileges, i.e. exceptional rights or advantages, are granted to the members of legislatures worldwide. Thus, in most democratic countries, the legislatures and their members enjoy certain privileges to function effectively. Privilege though part of the law of the land, is, to a certain extent an exemption from the ordinary law.

Parliamentary privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members.

These privileges are mentioned in Article 122 for the Rajya Sabha, and their corresponding Articles 194 and 212 for the state legislatures. Under these privileges, the members of Parliament are exempted from any civil liability but not criminal liability for any statement made or act done in the course of their duties. The privileges are claimed only when the person is a member of the house. As soon as s/he ends to be a member, the privileges are no more granted or available.

Parliamentary privileges are special rights given to legislators that provide a level of protection from certain laws. The aim of this is to ensure legislators can perform their duties effectively without fear of repercussions.

Parliamentary privileges in India have their origins in the British Constitution. These privileges are borrowed features, just like other

aspects such as the parliamentary government, the rule of law, single citizenship, and more. The Indian Constitution, specifically in Article 79 to Article 122, outlines the privileges and immunities enjoyed by the Parliament and its members.

3.6.1 Types of Parliamentary Privileges

This sub section of the unit will discuss the types of Parliamentary Privileges. Parliamentary privileges in India are divided into two categories which are, collective and individual privileges. Let us now learn about the two types of privileges in details which are mentioned below:

Collective Privileges – Those privileges which are enjoyed by the Indian Parliament as a whole.

Individual Privileges – Those privileges which are secured to the members of the parliament on an individual level.

Collective privileges
- The Indian Parliament can decide if its reports, debates, and proceedings should be published or not.
- The Parliament has the right to exclude outsiders from its proceedings.
- It can conduct secret sessions if needed.
- The Parliament can make rules for regulating its procedures, business conduct, and work adjudication.
- It can suspend or expel members for violating privileges.
- The Parliament can reprimand, admonish, or even imprison individuals who breach privileges.
- The Parliament is informed about the arrest, detention, conviction, imprisonment, and release of its members.
- The Parliament can initiate inquiries and call witnesses.
- The proceedings of the Parliament and its committees cannot be questioned in court.
- No arrests or legal processes can occur within the House precincts without the presiding officer's permission.

Individual Privileges

Members of Parliament cannot be arrested during sessions, 40 days before and after sessions.

•They have the freedom of speech in the houses and are immune from court proceedings for their speech in Parliament.

•They are exempt from jury service and can refuse to give evidence or appear as witnesses during sessions.

Privilege motion

If members of Parliament feel that the parliamentary privileges have been breached, they can raise a privilege motion. Any member of Parliament can raise this with the chairman.

When a privilege motion is raised, the chairman can refer it to the "Privileges Committee." The chairman can also choose to nominate a ten-member committee. This committee itself also requires the appointment of a chairman by the Rajya Sabha chairman.

STOP TO CONSIDER

The five sources of the privileges are:

      1.Constitutional provisions

      2.Various laws made by the Parliament

      3.Rules of both the Houses

      4.Parliamentary conventions

      5.Judicial interpretations

CHECK YOUR PROGRESS?

1.which article of the Indian Constitution mentions the Parliamentary Privileges?

2.what are the two types of parliamentary privileges?

3. mention the aim of introducing Parliamentary privileges?

3.7 Summing Up

The Prime Minister is appointed by the President of the country and the Council of Ministers are also appointed by the President based

on the advice of the Prime Minister. The Council is collectively responsible to the Lok Sabha. India follows the Quasi Federal democracy where the Prime Ministers are elected for the people, of the people and by the people. It is the duty of the Prime Minister and Cabinet Minister to work for the welfare of the people and work for the Nation. The provisions related to the parliamentary privileges of the parliament (members and committees) can be amended using the simple majority of the parliament. The President is not entitled to parliamentary privileges. Without taking the oath before the Indian President, the privileges and immunities are not granted to the member of the parliament.

CHECK YOUR PROGRESS

1. what are the powers of the Prime Minister of India?

2. Analyse the powers and functions of the Cabinet Ministers?

3. What do you mean by Parliamentary privileges? Why do you think it is necessary?

4. What are the two categories of Parliamentary privileges? Briefly describe both.

5. what are the powers and responsibilities of the Parliament of India?

3.9 References and Suggested Readings

1. India's Parliament Democracy on Trial by Madhav Godbole

2. The Indian Constitution: Cornerstone of a Nation by Granville Austin

3.The Prime Minister by P.N.Dhar

4. The Prime Minister of India: Power and Performance by B.N.Pandey

5.Parliament of India by Subhas C. Kashyap

UNIT: 4
SUPREME COURT OF INDIA & JUDICIAL REVIEW

Unit Structure:

4.1 Introduction

Disagreements are inevitable in any society. In order to settle these disputes, an independent and non-partisan body must act in the light of the law. The rule of law means that all persons are subject to the same law. The judiciary is an important body of the government that has the power to settle legal disputes. Various provisions are laid down in the Constitution of India to establish an independent judicial system. The Constitution lays down a single integrated judicial system and the Supreme Court acts as the ultimate judge of the Constitution.

Judiciary plays an important role in resolving disputes in the society. Indian constitution makes provision for the independence of judiciary. In this unit you will be introduced to the judicial system of India and its functioning. In India, there is a single comprehensive judiciary where the Supreme Court stands at the apex. There are High Courts at the state level and districts and lower courts at the bottom. In its attempt to deal with the judicial process in India, this unit discusses the concept of judicial review and its role in securing justice to its citizens.

4.2 Objectives

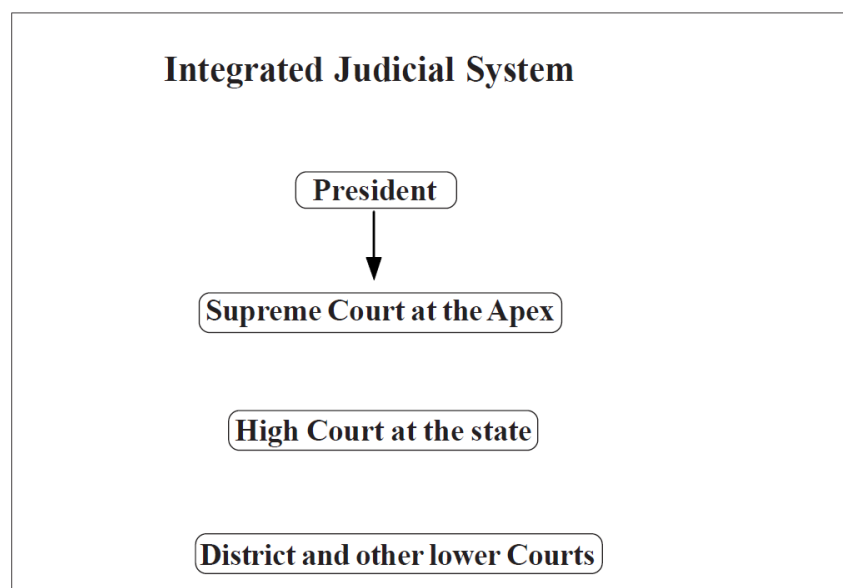After going through this unit you will be able to
- *discuss* the role of Supreme Court in India
- *understand* the functioning of the Supreme Court of India
- *analyse* the importance of judicial review

4.3 Supreme Court of India

The Indian Judiciary has a single integrated system of courts. Hence a person can approach the same court for enforcement of State laws as well as laws enacted by the parliament. Some federal states like the USA on the other hand have a dual system of Courts, one for administering the federal laws and another for state laws.

The Supreme Court of India stands as the guardian of justice, tasked with interpreting the Constitution and ensuring its principles are upheld. At the heart of its mandate lies the power of judicial review, a cornerstone of the Indian judicial system. This chapter explores the significance of judicial review, its evolution within the Indian legal framework, and the pivotal role played by the Supreme Court in shaping the nation's jurisprudence.

This single system of Courts, adopted from the Government of India Act of 1935, enforces both central and state laws. The Supreme Court is the highest Court of the country. Article 124 provides, "There shall be a Supreme Court of India". It enjoys supreme judicial authority in India. Its decisions are binding on all Courts. No appeal lies against its decisions. Let's have a look at the structure of Indian Judicial system:-

Integrated Judicial System

President

↓

Supreme Court at the Apex

High Court at the state

District and other lower Courts

4.3.1 Composition

Originally, the Supreme Court of India consists of one Chief Justice and seven other judges. In 1956, the number of other judges was raised to 10, in 1960 to 13, in 1977 to 17 and to 25 in 1986 and to 30 in 2008. Thus, at present the Supreme Court consists of a Chief justice and 30 other judges.

Method of Appointment of judges:

Article 124(2) of Indian Constitution sets out the rules governing the appointment of judges of the high courts. The President of India appoints the judges after consultation with the chief justice of India and with the judges of supreme courts and high courts of India as the President deems appropriate. Although there is no provision in the Rules of Procedure for appointment of a chief justice, the customary practice is to name the most senior judge of the supreme court as the Chief justice after consulting the retiring chief justice. In 1980, the Law Commissioner's 8th report on "the appointment of judges" recommended that the Government strictly adheres to the rule of seniority when appointing the chief justice of supreme court. In the case of the second judges case (1993), the Supreme Court ruled that only the senior most judges of the supreme court should be appointed as the office of chief justice.

Qualifications of judges:

A person to be appointed as a judge of the Supreme Court should have the following qualifications:
(i) He/she should be a citizen of India.
(ii) He/she should have been for at least 5 years a judge of a High Court or of two or/she more such Courts in succession; or
(iii) He/she should have been an advocate of a High Court or High Courts in succession for ten years; or
(iv) He/she should be a distinguished jurist in the opinion of the President.

Term of office:

A judge of the Supreme Court holds office until he/she attains the age of sixty five years.

4.3.2 Powers and Functions

The Supreme Court (SC) is the highest court in the United States. It is a federal court and has exclusive jurisdiction in disputes between states or between a state and another state. It is also the protector of fundamental rights and the highest court of appeal for all civil and criminal cases. It also interprets the Constitution. The Supreme Court has broad jurisdiction and diverse powers. Some of the powers that the Supreme Court has are as follows:

1. A Court of Record:

The Supreme Court is referred to as a 'Court of Record', i.e. a court whose records are admissible as evidence and cannot be challenged at the time of production before the Court. A Court of Record can punish for contempt of court. Article 129 gives the Supreme Court the power to punish itself and its subordinate Courts for contempt. Let's take the Ayodhya case as an example. The Chief Minister U.P. Kalyan was punished for contempt of court for failing to honour an undertaking given to the Supreme Court in the case of 'Ram Janma Bhomi'. The Supreme Court established the rule of law by holding that no authority can be above the law.

The powers and functions of the Supreme Court are clearly reflected in its jurisdiction. The jurisdiction of the Supreme Court is of three kinds:
i) Original jurisdiction
ii) Appellate jurisdiction
iii) Advisory jurisdiction

i. Original Jurisdiction: The Supreme Court has original jurisdiction in matters involving disputes between the Government of India and one or more States, or between the Government of India and any State(s) on one side and one or more other States on the other, as specified in Article 131 of the Constitution.

Exception: The original jurisdiction of the Supreme Court, however, does not include the following matters:

1) Disputes arising out of any treaty, agreement, comment, engagement, Sanad or other similar instrument which was executed before the commencement of the constitution.

2) Under Article 264 parliament may by law exclude the jurisdiction of the Supreme Court in disputes with respect to the use, distribution or control of the water of any inter state river-valley.

3) Matters referred to the Finance Commission (Article 280).

4) The adjustment of certain expense between the Union and the State (Article 290).

The jurisdiction conferred by Article 131 is exclusive. Only the Supreme Court has the jurisdiction to entertain and decide such disputes.

STOP TO CONSIDER

Writ jurisdiction underArticle 32:

Article 32 grants the Supreme Court exclusive jurisdiction to enforce fundamental rights. A person has the right to enforce a fundamental right against the state and can do so. Article 32(1) makes it clear that in the event of a violation of fundamental rights, any person can approach the Supreme Court. Article 32 guarantees a guaranteed remedy in the event of the enforcement of fundamental rights. This remedy is itself a fundamental right. A citizen may approach the Supreme Court directly for the relief of a fundamental right. He does not need to approach the High Court first.

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ii. Appellate Jurisdiction: The Supreme Court has appellate jurisdiction over all civil and criminal matters, subject to certain conditions specified in the Constitution and other laws. It hears

appeals from decisions of High Courts, tribunals, and other lower courts. B. Appellate jurisdiction:

The Supreme Court is the highest Court of Appeal in the Country. The Appellate jurisdiction of the Supreme Court can be classified into following main categories:

i) Appeal in Constitutional cases

Under Article 132(1) of the Constitution, an appeal to the Supreme Court may be made from any High Court judgment decree or final order, whether in civil, criminal or any other proceedings, provided that the High Court confirms that the case raises a fundamental legal issue as to the meaning of the Constitution, where a High Court certificate to that effect is issued to a party in the case.

But where the High Court has refused to issue such certificate, the Supreme Court may, if it feels that the case involved a substantial question of law as to the interpretation of the Constitution, grant Special leave under Article 136, from such judgement, decree, final order or sentence.

ii) Appeal in Civil cases

Article 133 states that an appeal to the Supreme Court may be made from any judgment, decision or final order of a High Court in a civil proceeding only where the High Court: (a) confirms that the case concerns a matter of law of general significance; and (b) in the view of the High Court, the matter in question must be determined by the Supreme Court.

iii) Appeal in Criminal cases

As per the Article 134 an appeal lies to the Supreme Court from any judgement, final order or sentence in a criminal proceeding of a High Court in the following two ways :
　a) Without a certificate of High Court (Act. 134 (a) (b)).
　b) With a certificate of High Court (Act 134 (c))

iv) Appeal by Special leave

Article 136 of the Constitution of India empower the Supreme Court to grant specific leave to appeal against any judgment, order, decision, sentence, or order in respect of any matter decided upon or issued by any court or tribunal in the Union of India, except the Military Tribunal and the Court Martial.

Limitations of Article 136:

One cannot approach the Supreme Court directly under Article 136 instead of approaching the High Court under Article 226. In an appeal under Article 136, the Supreme Court does not allow the appellant to raise any new plea for the first time.

However, under Article 136, the Supreme Court has unlimited jurisdiction to review and set aside any judgment and order issued by any court or tribunal in the country. Apart from the appellate jurisdiction, the Court also has special residency jurisdiction to review any order of any court.

SAQ

Write a note on the qualification and appointment procedure of the Judges of the Supreme Court of India. (200 words)

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iii. Advisory jurisdiction:

Article 143 of the constitution confers Advisory jurisdiction to the Supreme Court of India. Article 143 provides that if at any time it appears to the President that:

a) A question of law or fact has arisen or is likely to arise, and

b) The question is of such nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question for the Advisory opinion of the Court and the Court may after such hearing as it thinks fit, report to the President its opinion.

2. Miscellaneous powers

a. Interpretation of the Constitution: The Supreme Court has the authority to interpret the Constitution and clarify its provisions in cases brought before it. Its interpretations serve as precedents for future cases and guide the interpretation of laws by lower courts.

b. Contempt Powers: The Supreme Court has the power to punish for contempt of court, which includes civil and criminal contempt.

This power is essential for maintaining the dignity and authority of the judiciary.

c. Public Interest Litigation (PIL): The Supreme Court can entertain PILs filed by individuals or organizations in the interest of the public or disadvantaged groups. This allows the Court to address issues of social justice and human rights.

d. Administrative Powers: The Supreme Court has administrative powers to regulate its own procedures and practices, as well as those of the lower courts. It also has the authority to appoint judges of the High Courts and transfer judges between High Courts.

3. Decisions of the Supreme Court are binding :

Supreme Court Decisions are applicable to all the courts and can be enforced anywhere in the country. However, Supreme Court is not legally bound. For instance, its own judgment in the case of Golak Nath was annulled by the Supreme Court in the case of Keshavaand Bharati.

4. Power to review its judgment :

The Supreme Court has the power to review its judgment, subject to the laws made by parliament or rules made by the Supreme Court under its rule-making power under Article 145.

Check Your Progress
1. Discuss the Powers and Functions of the Supreme Court of India.
2. Analyse the role of Supreme Court as A Court of Record.

4.4 Judicial review

Judicial review is the power of the courts to interpret the Constitution and to annul acts of the legislature or the executive if they are found to be contrary to the Constitution. The judicial review doctrine originated in America and was developed by the American Supreme Court. There was no explicit provision for judicial review in the Constitution of the United States of America. In 1803, the United States Supreme Court ruled in Marbury v. Madison that the Court of Justice had the power to review acts of the legislature and the executive and to annul them if it found that they violated the provisions of the Constitution. In England, the Parliament has supremacy and therefore the acts passed by

Parliament cannot be annulled by the court. In contrast to the U.S Constitution, the Constitution of India explicitly allows for judicial review.

Judicial review as we know is the power vested in courts to examine and invalidate legislative and executive actions that contravene the Constitution. In India, this authority is enshrined in Articles 13, 32, and 226 of the Constitution, empowering the judiciary to safeguard fundamental rights and uphold the rule of law. Through judicial review, the courts serve as the final arbiters of constitutional validity, ensuring that government actions conform to the supreme law of the land.

The concept of judicial review in India traces its origins to the landmark case of Kesavananda Bharati v. State of Kerala (1973), where the Supreme Court asserted its authority to review and strike down constitutional amendments that violate the basic structure of the Constitution. This seminal judgment established the doctrine of basic structure, delineating the limits of parliamentary power and affirming the supremacy of the Constitution.

Subsequent decisions by the Supreme Court have further solidified the scope of judicial review, expanding its purview to encompass issues ranging from environmental protection to administrative law. Notable cases such as Maneka Gandhi v. Union of India (1978) and Vishaka v. State of Rajasthan (1997) have demonstrated the judiciary's commitment to safeguarding individual rights and promoting social justice through rigorous constitutional scrutiny.

The reasons for the provision of judicial review in India are as follows:--
    i. For the enforcement of the supremacy of the constitution
    ii. To maintain federal equilibrium (balance between centre and states)
    iii. To protect the Fundamental Rights of the citizens
    iv. For securing the independence of judiciary.

The Constitution of India provides for judicial review in several articles, including Article 13, Article 13(1), Article 13(2), Article 32, Article 131, and Article 132. Article 13 provides for

judicial review of laws that are inconsistent with or in violation of the fundamental rights. Article 13 (1) states that any law in force in India immediately before the Constitution's entry into force that is contrary to the provisions of the Constitution's Part-III shall be null and void. Article 13(2) states that no state shall make any law that takes away or restricts fundamental rights. Article 32 grants the Supreme Court initial jurisdiction to enforce fundamental rights. Article 131 grants the Supreme Court original and appellate jurisdiction to protect fundamental rights. Article 132 grants the Supreme Court the power to settle disputes between two or more than two states and to interpret the Constitution.

Article 226: The High Court has the power to review the Fundamental Rights as set out in Part III of the Constitution.

Article 246: The division of legislative powers between the Centre and the states is set out in Article 246, which also gives the Supreme Court the power to review any cases of dispute over the division of powers between the Union and the states.

STOP TO CONSIDER

Role of judiciary in cases of violation of Fundamental Rights:

The Indian justice system plays a crucial and important role regarding the remedy for fundamental rights violations. The fundamental rights guaranteed in Part III of the Constitution are addressed in Articles 32 to 35. Article 32 safeguards the right to petition the Supreme Court for the enforcement of fundamental rights. In the event of a violation of fundamental rights, the right to approach the Supreme Court pursuant to Article 32 is a fundamental right. An aggrieved person can also petition the High Court pursuant to Article 226.

The Role of the Supreme Court

As the apex judicial body in India, the Supreme Court plays a pivotal role in exercising judicial review and upholding constitutional values. Through its power of writ jurisdiction under Article 32 and appellate jurisdiction under Article 136, the Court serves as a bulwark against governmental excesses and ensures accountability across all branches of the state.

Moreover, the Supreme Court's proactive approach to public interest litigation (PIL) has empowered citizens to seek redress for

violations of their rights and environmental injustices. Landmark PIL cases such as MC Mehta v. Union of India (1986) have led to significant judicial interventions, resulting in the formulation of policies aimed at protecting the environment and promoting sustainable development.

Challenges and Controversies

Despite its crucial role, the exercise of judicial review by the Supreme Court has not been immune to criticism and controversy. Concerns have been raised regarding judicial overreach, with critics arguing that the Court's expansive interpretation of fundamental rights has encroached upon the domain of the legislature and executive. Moreover, delays in the disposal of cases and allegations of judicial activism have fueled debates about the proper limits of judicial intervention in governance.

In conclusion, the Supreme Court of India stands as a beacon of justice, wielding the power of judicial review to safeguard constitutional principles and protect the rights of citizens. Its evolution from a colonial-era institution to a vibrant guardian of democracy reflects the dynamism of the Indian legal system. As India continues its journey towards progress and inclusivity, the Supreme Court's commitment to upholding the rule of law remains essential in ensuring a just and equitable society for all.

STOP TO CONSIDER

PIL

The term 'Public Interest Litigation' is derived from the words 'Public interest' and 'General interest'. Public interest litigation is a legal action brought before a court for the purpose of protecting the public or a particular class of community's pecuniary interests or a certain interest by which the legal rights or liabilities of that community are affected. (Kesari, 2000: 321) Public interest litigation has played an important role in making judicial activism more effective. In the judgment of S. Ratnavel pandian J.S. in the case of 'Janata Dal V.', Justice H.S. Houdhury stated, 'Public interest litigation is brought before the court at the request of a public spirited citizen or an organisation acting in good faith for the protection of fundamental rights

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4.4.1 Features of the Judicial Review System of India

- The Supreme Court and the high court's both have the power to review acts. The Supreme Court has the ultimate authority to review the constitutional validity of any act.
- Judicial review is not an automatic process. The court itself does not carry out judicial review. It only carries out judicial review when an act is specifically challenged before a court or in the course of litigation.
- Judicial review may be carried out in respect of central and state laws, executive orders and ordinances, and constitutional amendments.
- Judicial Review cannot be conducted in respect of the Acts and Regulations specified in the Ninth Schedule of the constitution. Article 31-B was added by the constitution (1st Amendment) Act, 1951. It provides that none of the Acts and Regulations mentioned in the Ninth Schedule of the constitution shall be deemed to be void on the ground that they are inconsistent with any of the rights conferred by part-III of the constitution.

STOP TO CONSIDER

Powers of the Supreme Court in case of violation of Fundamental Rights:

The Supreme Court is the ultimate interpreter and custodian of the Constitution and is also the custodian and protector of the fundamental rights enshrined in the Constitution. The Supreme Court has the power to give orders, directions, writs, and writs in the form of habeas corpus, mandamus, prohibition, quo-warranto, and certiorari, as appropriate. The power to do so has been given to the Supreme Court in the Constitution by Article 32. Article 32 makes the right to constitutional remedies a fundamental right and empowers the citizens to approach the Supreme Court to enforce the fundamental rights. Article 13 makes the fundamental rights justiciable. Article 13(2) prohibits the State from making any law that takes away or restricts the rights guaranteed to the citizens by the Constitution in Part III. The Court has not only the power, but also the obligation to declare a law invalid if it is contrary to or in breach of the fundamental rights.

Assessment of the Judicial review in India

In India, judicial review is not as broad as it is in the US. In India, judicial review follows the principle of "procedure is established by law" rather than the "due process of law" which applies in the US. The scope of judicial review based on the principle of 'procedure is set by law' is limited as compared to that of 'due process'. The latter gives the Supreme Court wide discretion to protect the rights of the people of India. The Supreme Court can declare laws that violate these rights void not only on the ground that they are unlawful but also on the ground that the law is unreasonable. Under the 'rule of law', the court merely reviews the law to establish the constitutionality of the law and only examines the substantive question whether or not the law falls within the jurisdiction of the authority concerned.

The scope of judicial review is not as broad as it is in the United States, according to M. V. Pylee. The Supreme Court has consistently declined to declare legislative acts invalid on the grounds that they infringe the natural, social, or political rights of the people, unless it can be demonstrated that such an infringement is expressly prohibited by the Constitution. The Fundamental Rights enumerated in Part-III of the Constitution of India are not declared in absolute terms, whereas the American Constitution of the Constitution of the United States of America declares the fundamental rights in absolute terms. Since the Constitution of India itself limits and limits the scope of each Fundamental Right, it has not been left to the courts to determine the scope of the Fundamental Rights.

However, despite this restriction, the Supreme Court has played an important role in the development of the Constitution. The extent of Judicial Review in India is such that the Supreme Court is able to exercise a great deal of control over the activities of the legislature and of the executive. While the Constitution explicitly allows the legislature to regulate Fundamental Rights, it also states that such regulation must be justifiable. The supreme court is the final authority to determine what is justifiable. Thus, there is a considerable amount of power in the hands of the court to determine whether or not a piece of legislation is justifiable in the light of constitutional provisions.

SAQ

What do you mean by Judicial Review? Discuss (200 words)

4.5 Summing Up

To sum up it can be said that, the Supreme Court of India and its power of review are the pillars of India's democratic system. The Court's unwavering dedication to the Constitution and the protection of fundamental rights has had a profound impact on the development of the Indian legal system. From its inception to the present day, the development of judicial review reflects the judiciary's active role in safeguarding the values of justice, equity, and freedom. Landmark judgments have not only broadened the scope of constitutional interpretation, but also confirmed that the Constitution is the supreme law of the country. However, the exercise of the Supreme Court's power of review has come with its share of difficulties and controversies. Complaints about judicial activism, delay in the disposal of cases, and worries about judicial overreaching highlight the delicate relationship between the role of the judiciary as a custodian of rights and the accountability of the government to the people. Millions of people rely on the Supreme Court as a source of hope, as it provides justice to the oppressed, marginalised, and oppressed. Its capacity to adjust to changing social dynamics, accept progressive interpretations of law, and advocate for justice underline its importance in the democratic fabric of India.

4.6 References and Suggested Readings

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UNIT: 5

STATE GOVERNMENT: STRUCTURE AND FUNCTIONS

Unit Structure:

5.1 Introduction

India, i.e. Bharat is one of the greatest ancient civilizations of the world. As Mark Twain says, *"India is the cradle of human race, birthplace of human speech, mother of history, the grandmother of legend, & great grandmother of tradition. Our most valuable & most instructive materials in the history of man are treasured up in India only."* It is the one of the biggest democratic countries having quasi federal features. It has two main functioning units to govern its citizens: the Central and the State governments, Apart from these, some special provisions to govern are also present in some states.

The central government is also called as the Union government by the constitution. According to the constitution, the relationship between Centre and States is the relationship between the whole and its parts.

State government is responsible for enacting and enforcing state laws. State government functions as per the provisions laid down by

the constitution.In constitution there are three lists, i.e. Union List, State List and the Concurrent List through which powers are divided between both Central and the State government. The Union List consists of those subjects which are controlled solely by Central government. The subjects of State List are responsibility of the State government and the topics listed in the Concurrent List are the area under both the governments.

In this unit, we will discuss basically how state government is working in relation to the central government under different Articles as laid down by the constitution. The different components and the functions of the state government will be discussed in the subsequent unit.

5.2 Objectives

This unit is an attempt to analyze the positioning of the state governments as per constitution and its relationship with the Central government by discussing basic structure of our constitution and various aspects of Centre-State relations in the light of different Articles of our constitution. After reading this unit you will be able to

- *Know* the basic structure of our constitution through the lens of state machinery
- *Understand* how Indian Federalism is different from other federal structures
- *Analyze* the relationship of Central and State government
- *Know* the different forms of administrative set up in the states

5.3 Nature of Indian Constitution

India has a federal structure at the centre with state government at the periphery. It is said as both Federal & Parliamentary in nature.Though at the time of drafting, members of the Drafting

Committee call it as federal, there are political scientists, jurists who dispute this title. You may ask why.The reason is thatunlike USA and other countries, in India we do not have a strong federal structure, i.e. states have limited powers with divided responsibility and rights among the centre and the states.

As a federal setup, it has a dual setup with powers divided between the government at the centre and the state government at the periphery. The state government is considered as not the subordinate but complementary to each other.

Along with these, a federal constitution has also been marked by some basic characteristics like distribution of powers between central and its provincial governments, supremacy of the constitution as to uphold a balance between different rights of federal components, written constitution with some rigid features and supremacy of courts to resolve disputes between different federal parts and bringing a balance of power.

Now, let us explore more on the concept of Indian Federalism. Indian Federal system establishes dual polity consisting of the union at the centre and the states at the periphery. Some of the distinctive features of Indian Federalism are

1. Emergency Powers under Article 352, Article 356 and Article 360: Article 352 empowers the parliament in making laws in relation to the matters in the State List (we have discussed it in the introduction itself). Article 356 mentions about the President Rule in any state, provided it is satisfied that Government of a state is unable to function properly as per provisions of the constitution. Article 360 entails about the financial emergency where if the President is satisfied that the financial stability of India is threatened.

2. Laws passed by the State Legislatures concerning certain matters are not valid, unless they have been reserved for consideration of the President and received his assent.

3. Though States have independency in administrative matters, Indian Constitution has empowered the Centre to interfere in some administrative matters and these directions are binding to the States.

4. Unlike in other Federal structures, in Indian Federalismthe Parliament can make changes in the territorial boundary of any state or change its name through some provisions given by the Constitution.

5. The validity of the state laws is subject to the due ratification by the President with his assent. Unless it receives his assent, State laws become invalid.

6. States have the Governors appointed by the President who is answerable to the President and not the State administration.

7. Indian Federalism offers a single, unified and hierarchically integrated Judiciary which we do not see in other federal set up. In India we have Supreme Court at the apex which exercises supervision and control over other courts. Also, there is no separate procedure of law for the state and the centre but same for both. It signifies the unitary nature of our constitution.

8. Though in normal times Indian Constitution is designed to work in federal environment, at the time of national emergencies like war etc., it becomes unitary in nature. In USA and Australia, such cases do not arise as their constitutions are more rigid. During those times in other countries Judiciary intervenes and interprets different aspects of it while in India we face emergency by increased power to the Centre rather than depending on the judicial interpretations.

9. Unlike the USA, Indian States do not have dual citizenship and as such, the States have limited rights in this respect. Every Indian has the same rights of citizenship.

10. The Indian Constitution has created some institutions like Election Commission of India (ECI), office of the Comptroller and Auditor General (CAG) which also reflects the unitary feature of the constitution. ECI is assigned the duty to conduct, supervise, direct and control election process of parliament and state legislatures and its members are appointed directly by the President and state has no role to play. In the appointment of CAG also the state has no role and he is appointed by the President, removed only by the parliament with due process.

11. The All India Services like IAS, IPS etc. reflects the unitary nature of Indian constitution as the cadres can be posted in any state of India and they work as per directions from the centre.

12. In USA the states have the right to make their own constitutions respectively while in India we see that the Union and the States are bounded by a single constitution.

Check Your Progress

Question 1: What are the Three Lists as given by the parliament?

Question 2: Discuss how subjects of the Three Lists changes during national emergency.

5.4 Centre-State Relations

By this time you might have a clear understanding how Indian Federalism is different from other federal structures. So is the relationship between the Centre and the States. Since we have a strong Centre, the balance of power is very important and it is rightly reflected by Centre –States relations.

STOP TO CONSIDER

- Being a federal setup, there should be a clear demarcation of power sharing between the union and its components. This understanding bears mark in defining various relationships that exist between the centre and the states.

5.4.1 Legislative Relations

The legislative relations between the Centre and the States are laid down in Articles 245 to 255 in Part XI of the constitution. There are three lists which define different aspects of powers by allotting different subjects among the Centre and the States. We have already

touched upon these topics in the introduction itself. Here, we will try to explore this in detail.

The three lists are Union List, State List and the Concurrent list.

Union List has 100 items which entails different subjects enjoyed by the Centre only. Only the Centre has the exclusive right to frame laws on these subjects. The subjects are defense, armed forces, foreign affairs, foreign trade, inter-state trade, commerce communications, posts and telegraphs etc.

Concurrent List has those items which are managed both by the State and the Central government but Centre has always upper hand in it. It has 52 items which are labour welfare, electricity, newspapers, books and printing presses, population control and familyplanning, criminal and civil procedure, marriage and divorce, economic and special planning, trade unions, labour welfare etc.

State List has 61 items where only state has the authority to make laws. These are public order, police, administration of justice, prisons, local government, agriculture etc. However, constitution has also make a provision whereby it is said that under certain circumstances centre can extend its jurisdiction over the state lists too.

Though the matters in each list are under the purview of respective authority be it the Union or the State, there are some provisions under which circumstances the subjects of the State List may be transferred to the Union List. Like, under Article 356 of emergency procedure, the parliament can take over the legislative authority of the state. Article 249 gives power to the RajyaSabha to transfer any item of State List to the purview of parliament by a resolution passed by two thirds majority. Under Article 253 parliament can also make laws related to State List which have an impact in international agreement or treaty signed by the country. Apart from this, only the parliament has residuary powers. Here our constitution follows the example of Canada and not USA and Australia where residuary powers are placed under respective state units.

Check Your Progress

Question 1: Can the subjects of the State List be changed?

Question 2: What are the subjects of the Concurrent List?

5.4.2 Administrative Relations

The administrative relations between the Centre and the States are laid down in Articles 256 to 263 in Part XI of the constitution. As we have already discussed various points regarding Indian Federalism, the Centre-States administrative relations are arranged in such a way to empower the Central government to exercise considerable direction and control ever the administrative machineryof the states. The Constitution places upon the States the obligation to exercise theirexecutive authority in such a way as to ensure compliance with the Union laws and not to impede orprejudice the exercise of the executive power of the Union.

The Union government has been given necessary means to give directions to the States and the States have to comply with it. Otherwise the Union government has the power to apply sanctions for the particular State. In emergency as in Article 356, the President may declare State government unfit to administer necessary responsibility and can take all necessary administrative power into his own hand.

In deciding the inter-state river water dispute also, Central government takes the initiative and the President may appoint an inter State Council to effect co-ordination between states which is, of course, advisory in nature.

5.4.3Financial Relations

The Articles from 268 to 293 of Part XII of the constitution entails various aspects of Centre-state financial relations. Besides these, there are certain other provisions dealing with the same subject.

As a federal nation, the distribution of resources is very important among its different states. Any state with surplus resources is likely to share it with several other weaker states which are the benefits of being part of a federal nation. Also, there should be fiscal autonomy without which any particular state cannot grow economically.

However, in case of India we see that since we have a strong Union and weak states, major resources are accrue to the Union and out of those revenues, some are transferred to the States and States are completely dependent on the Centre for financial assistance.

Revenue Distribution

Article 268 gives us the details about sharing of revenue between Centre and the States. For the tax items as mentioned in the State List, the State has exclusive jurisdiction and simultaneously the Centre has the ultimate right over the tax items as mentioned in the Union List.

Grants-in-Aid and Loans

Article 275 deals with provisions under which the Centre can give grants-in-aid to the states and to provide loans for the welfare of Scheduled Tribes and help in the administration of scheduled areas. Though Constitution has provided the right to both the Centre and the states to give grants-in-aids, the Centre has more power than the states.

The three kinds of grants are-

A. Parliament can give grant to any state to manage budgetary deficits.

B. It may be also special budgetary grant, as in case of jute producing states like Assam, Bihar, Orissa and West Bengal use to get fin lieu of share of jute export duty.

C. For national development, the Union can make any grant for public welfare.

Can you remember when the Union government presents its annual budget? If you can, then probably you might have seen that sometimes other grants are also given by the Union to the States. Like in Assam, grants are also made for the development of scheduled areas and tribes.

The states can also get loans from the Union government in case to case basis. The Union government can borrow money from the Consolidated Fund of India as per the limit laid down by the parliament. A state government can borrow within India but not without the consent of the Union Government.

Our constitution ensures that the allocation of funds are as per need and to deliberate on that, in every five year or earlier the President is empowered to create a Finance Commission. We have the office of

CAG (Comptroller and Auditor General) also to look into the accounts of the states and audit as well.

During emergency situation, the Union government gets more power and gets the ability to control different resources of the states.

Check Your Progress

Question 1: Discuss the Centre –State relations in various terms.

Question 2: What are different types of grants the Centre use to offer to the states?

5.5 Special Provisions for some states

India is a vast country representing different aspirations of different people. Our constitution has given some special provisions to some states. The different reasons are -to preserve different cultures of different people, to protect local interest, to meet the aspirations of the people of downtrodden regions and to deal with the disturbed law and order situation etc.

Under Aticles 371 to 371-1 in Part XXI of the Constitution, some special provisions are given to some states. These are: Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa.

STOP TO CONSIDER

India is a vast country with people having varied socio-econimic, cultural background. To provide opportunity of development to some tribal areas and communities, special provisions are made by our constitution.

5.5.1 Special Provisions for Assam

Article 371-B (added by 22nd Amendment Act, 1969) entails that the President may provide for the constitution and functions of a committee of the Legislative Assembly of the state, consisting of

members of the assembly elected from the tribal areas as he may specify.

5.5.2 Special Provisions for Andhra Pradesh

Under Article 371-D (added by 32nd Amendment Act, 1973)

a) The President is empowered to provide for equitable in the matter of public employment andeducation and different provisions can be made for various parts of the state.

b) There may be an Administrative tribunal in the state as decided by the President to deal with certain disputes and grievances relating to appointment, allotment or promotion to civil posts in the state and the Tribunal may be abolished if the President deemed it unnecessary.

c) Article 371-E provides for the establishment of a Central University in the state of Andhra Pradesh.

5.5.3 Special Provisions for Arunachal Pradesh

Under article 371-H (added by 55th Amendment Act, 1986),

a) The governor of Arunachal Pradesh shall have special responsibility for law and Order inthe state in consultation with thecouncil of ministers. Thisspecial responsibility of the governor shall cease when the President so directs.

b) The legislative assembly of Arunachal Pradesh should consist of not less than thirtymembers.

5.5.4 Special Provisions for Goa

Article 371-I (added by 56th Amendment Act, 1987) provides that the legislative assembly ofGoa should consist of not less than thirty members.

5.5.5 Special Provisions for Nagaland

Article 371-Adenotes some special provisions for Nagaland. They are:

a) Unless it is decided by the state legislative assembly, the Acts of Parliament in matters related to religious or social practices of the Nagas; Naga customary law and procedure; administration of civil and criminal justice involving decisions according to Naga customary law; and ownership and transfer of land and its resources would not apply to Nagaland.

b) The Governor of Nagaland shall have special responsibility with respect to law and order in the state so long as in his opinion internal disturbances occurring in the Naga Hills, mainly in Tuensang area still continues.

c) The Governor has to ensure that the money provided by the Government of India out of the consolidated fund of India for any specific purpose is included in the demand for a grant relating to that purpose and not in any other demand.

d) A regional council for the Tuensang district consisting of 35 members should be established.

5.5.6 Special Provisions for Maharashtra and Gujarat

Under article 371, special responsibility is given to the Governor of Maharashtra and of Gujarat for bringing separate development boards for Vidarbha, Marathwada and the rest of Maharashtra; and Saurashtra, Kutch and rest of Gujarat. It is also to make sure that adequate funds for development are allocated and facilities for technical education, vocational training and employment opportunities are arranged in the said areas.

5.5.7 Special Provisions for Manipur

Article 371-C (added by 27th Amendment Act, 1971) says

a) Legislative assembly of the state consisting of members of that assembly elections fromthe Hill areas of that state; the President can

also direct that the governor shall havespecial responsibility to secure the proper functioning of such committee.

b) The governor should submit an annual report to the President regarding the administrationof the Hill areas and the executive power of the Union can give directions to the stategovernment as to the administration of the Hill areas.

5.5.8 Special Provisions for Mizoram

Under article 371-G (added by 53rd Amendment Act, 1986),

a) The Acts of Parliament relating to the following matters would not apply to Mizoramunless the State legislative assembly so decides. The matters include religious or social practices of the mizos: Mizo customary law and procedure; administration of civil andcriminal justice involving decisions according to Mizo customary law; and ownership andtransfer of land and its resources.

b) The legislative assembly of Mizoram should consist of not less than forty members.

5.5.9 Special Provisions for Sikkim

Article 371-F provides special provisions for Sikkim, which are as follows:

a) The legislative assembly of Sikkim should consist of not less than thirty members.

b) One seat is allotted to Sikkim in the LokSabha and Sikkim forms one parliamentaryconstituency.

c)The Parliament is empowered to provide for the number of seats in theSikkim Legislative assembly which may be filled by candidates belonging to suchsections so as to provide for the purpose of protecting the rights and interests of the different sections of the Sikkim population and delimitation of the Assembly constituencies from which candidatesbelonging to such sections alone may stand for election to the assembly.

d) The governor shall have special responsibility for peace and for an equitable arrangementfor ensuring the social and economic advancement of the different sections of the Sikkimpopulation. In the discharge of this responsibility, the governor shall act in his discretionsubject to the directions issued by the President.

e) The President can extend to Sikkim any law which is in force in state of the Indian Union.

Check Your Progress

Question 1: Under which Article the state of Arunachal Pradesh has special provisions?

Question 2: What are the special provisions for administration of the states of Assam and Manipur.

Question 3: Discuss special provisions given to the tribal people of Nagaland.

5.6 Administration of Tribal and Scheduled Areas

Article 244 in Part X of the constitution envisages a special system of administration of scheduled and tribal areas. While Article 244(1) provides that the provisions of the fifth schedule shall apply to administrationand control of the scheduled areas and scheduled tribes in any state other than the states ofAssam, Meghalaya, Tripura and Mizoram, Article 244(2) provides that the provisions of the sixth schedule shall apply to theadministration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.

5.7 Local Government

India is a democratic country. However, to realize the power of democracy we need to empower local government also. This is why the Father of our nation MK Gandhi has the vision of developing India by developing village level institutions which can play a bigger role in national development through decentralization.

Have you heard about local government? Well, when we say local government we generally mean two institutions: Panchayati Raj institutions for villages and Municipalities for town areas.

To examine the efficacy of panchayati raj institutions, in 1957 a committee was formed under BalwantRai Mehta. The committee recommended the creation of a three tier Panchayati Raj System: Gram Panchayat at the village level; Panchayat Samiti at the block level; and Zila Parishad at the district level. It also recommended for entrustment of planning and development activities to these bodies. After this another committee was formed in 1977, namely Ashok Mehta Committee. The committee then recommended a two-tier system: Zila Paris had at the district level and below that a Mandal Panchayat consisting of a group of villages. The Committee also recommends direct elections, participation of political parties, planning at the district level, separate judicial organ in the form of Nyaya Panchayats, separate Election Commission for conduct of election in every State, reservation for SCs and STs, etc.

STOP TO CONSIDER

By 73rd constitutional ammendment acts, 1992 panchayati raj institutions are given constitutional status for village areas. Similarly, by 74th ammendment, 1992 municipalities are given constitutional status for towns.

5.7.1 The 73rd & 74th Constitutional Amendment Acts, 1992

After different stages of development, finally the Panchayati Raj was given a constitution status by the 73rd Constitutional Amendment Act, 1992. This Act has added Part IXto Constitution and consists of provisions from Articles 243 to 243 O. In addition, it has added Eleventh Scheduleconsisting of 29 items of the panchayats.

We see two categories of provisions in the Act: compulsory and voluntary. For the compulsory provisions of the act, state legislatures have to include these in the state laws creating the new Panchayati Raj System. On the other hand the voluntary provisions may be included at the discretion of the States. Thus, though parliament has made laws on the state subject by enacting this law, the act does not disturb the constitutional balance between the Centre and the States in the federal set up.

Similarly, in the same line the municipalities of town areas gets a constitutional status by 74th Constitutional Amendment Act, 1992. The Act has inserted a new Part IX A into the Constitution which deals with the administration of the Municipalities and Nagar Palikas, consisting of Articles 243P to 243ZG. The act also added a new twelfth schedule to the constitution.

5.8 Summing Up

The unit opens with the comments by Mark Twain about India as the land of beginning of human civilization. The Unit then dwells on the nature of Indian constitution and explores the concept of Indian federalism which is different from the federal structure we see in other countries like USA. In India, states have limited power and this is why some experts call it as quasi federal. The Unit then explores the relationship of the centre and the states in the light of different aspects like legislative, administrative and finance. Since India is a diverging nation, we have also some special provisions for the states like Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa. For the administration of tribal areas, there is sixth schedule in our constitution to preserver the language, culture of the indigenous people. With 73rd & 74th Constitutional Amendment Acts, 1992, India has also got andecentralisation approach in local government through Panchyati Raj institutions and municipality bodies.

5.9 References & Suggested Readings

- **Laxmikanth, M. (2022).** *Indian Polity for civil services and other state examinations.* **McGraw Hill.**

- **Basu, D. D. (2022).** *Introduction to the Constitution of India* **(26th ed.). Lexis Nexis.** <ins>https://store.lexisnexis.in/introduction-to-constitution-of-india</ins>

Websites for readings
- **https://www.jatinverma.org**
- **https://byjus.com**

5.10 Model Questions

- Do you think it is good for our country that the states are dependent on the Centre for different kinds of grants? Discuss.

- Do you think we still need the special provisions even after so many years of India getting independence?

- Write about special provisions given to the state of Goa and Andhra Pradesh.

- Explain the importance of power sharing in a federal set up. Discuss the relationship of the Centre and the States in this perspective.

- Discuss different Articles of our constitution to establish co-ordination between the Centre and the states?

5.11 Possible Answers to SAQ

I) UnderArticle 356 of emergency procedure, the parliament can take over the legislative authority of the state. Article 249 gives power to the RajyaSabha to transfer any item of State List to the purview of parliament by a resolution passed by two thirds majority. Under Article 253 parliament can also make laws related to State List which have an impact in international agreement or treaty signed by the country.

II) Only the parliament has residuary powers and not the states. Here our constitution follows the example of Canada and not USA and Australia where residuary powers are placed under respective state units.

It means that Union government at the centre is given more powerthan the state government.

III) In India the Union government is stronger than the states unlike in USA.

IV) The 73rd Constitutional Amendment Act was enacted in 1992. This Act has added Part IXto Constitution and consists of provisions from Articles 243 to 243 O. In addition, it has added Eleventh Scheduleconsisting of 29 items of the panchayats. There are two categories of provisions in the Act: compulsory and voluntary. For the compulsory provisions of the act, state legislatures have to include these in the state laws creating the new Panchayati Raj System. On the other hand the voluntary provisions may be included at the discretion of the States.

V) Article 244(2) provides that the provisions of the sixth schedule. Assam has been included in the 6th schedule to protect the culture of local indigenous people. 6th schedule also empowers the tribal population by allowing the local administration to make laws on land, agriculture, public health etc. through the creation of autonomous council.

VI) The Articles from 268 to 293 of Part XII of the constitution entails various aspects of Centre-state financial relations. As a federal nation, the distribution of resources is very important among its different states. Also, there should be fiscal autonomy without which any particular state cannot grow economically. However, in case of India we see that since we have a strong Union and weak states, major resources are accrue to the Union and out of those revenues, some are transferred to the States and States are completely dependent on the Centre for financial assistance.

UNIT: 6

GOVERNOR, CHIEF MINISTER, CABINET, STATE LEGISLATURE

Unit Structure:

6.1 Introduction

6.2 Objectives

6.3 Executive (Governor, Chief Minister&State Council of Ministers)

6.4 Legislative (State Legislatures: Unicameral & Bicameral)

6.5 Summing Up

6.6 References & Suggested Readings

6.1 Introduction

State government is responsible to maintain law and order and offering different services for the people of respective states. Basically the duty of the state government is centered on the subjects given in the State list and the Concurrent list. It has different functional components and each component has been assigned specific powers and responsibility for the administration of the state machinery. There are three components of a state government. They are legislative, executive and judiciary.

In the previous unit we have already discussed various other aspects of the state government. Here in this unit our primary focus will be to discuss the above mentioned three components of the state government and their respective functions.

6.2 Objectives

This unit is an attempt to analyze the structure of state governments and its functions with different components. After reading this unit you will be able to

- *Know* different components of state government
- *Understand* how it functions with its different components

- *Know* the duties and powers exercised by different entities: Governor, Chief Minister, Council of Ministersand state legislature

6.3 Executive (Governor, Chief Minister&State Council of Ministers)

The executive branch comprises of the Governor, the Chief Minister and the Council of Ministers. India follows the same type of government both at the Centre and at the States, i.e., a parliamentary

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STOP TO CONSIDER

- **STATE GOVERNMENT COMPRISES OF THE EXECUTIVE, THE LEGISLATIVE AND THE JUDICIARY**
- **THE EXECUTIVE COMPRISES OF THE GOVERNOR, THE CHIEF MINISTER AND COUNCIL OF MINISTERS**
- **LIKE THE PRESIDENT, GOVERNOR ACTS AS THE NOMINAL HEAD OF THE STATE**

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system. The Articles 153 to 167 of Part VI of the constitution mentions about different aspects of the state government, except thestate of Jammu & Kashmir.

6.3.1 The Governor

The Governor is regarded as the executive head of a state. He acts as the ceremonial head of the state while Chief Minister leads the elected government and the Council of Ministers assist him. Each state has got its own Governor though in some cases a single Governor can act for multiple states. All executive action is taken under the name of the Governor. The Governor of a state works as a bridge between the Centre and the States and he is appointed by the Centre. Thus the Governor has a dual responsibility i.e., as the Head of the state and as the representative of the Centre. This feature exemplifies the federal nature of our constitution.

The Governor is appointed by the President and remains in office during the pleasure of the President. He normally holds office for five years but can be removed at any time before that by thePresident. The president can transfer the Governor from one state

to another. The Governor may resign at any time by writing to the President.

Qualifications

In order to be appointed as Governor, a person1) must be a citizen of India: and2) must have completed the age of thirty-five years.

Conditions of Governor's Office

1. The Governor cannot be a member of Parliament or of a State Legislature and if a personis such a member at the time of the appointment as Governor, his seat in Parliament or theState Legislature, as the case may be, will become vacant on the date on which heassumes office as Governor.

2. The Governor cannot hold any other office of profit during term of his office.

3. He is entitled without payment of rent to the use of his official residence.

4. He is also entitled to such emoluments, allowances and privileges as may be determinedby the parliament.

5. Where a same person is appointed Governor of two or more states, his emoluments areallocated amongst the states in such proportion as the President may determine.

6. His emoluments and allowances should not be diminished during his term of office. Before entering upon his office, the governor has to make and subscribe to an oath oraffirmation by the Chief justice of the concerned state High Court and in his absence, thesenior most judge of that court available.

Powers of the Governor

The powers of the governor can be categorized as:

1. The Executive Powers: The Executive power of the State is vested in the Governor. It is exercised by him directly orthrough officers subordinate to him, in accordance with the Constitution. The executivepower of the State extends to all matters on which the State Legislature has the power tomake laws. In case of matters

specified in the Concurrent List, the executive powers of theGovernor are subject to the executive power of the President.

Some of the important powers of the Governor are:

(i) All executive actions of the State Government are taken in his name.

(ii) The Governor is authorized to make rules regarding the way in which orders andinstructions made and executed in his name are to be authenticated.

(iii) He also makes rules for the convenient transaction of the business of Government andfor its allocation amongst the ministers.

(iv) In the states of Jharkhand, Madhya Pradesh, Chhattisgarh and Orissa (94[th]Amendment Act, 2006), it is the special responsibility of the Governor to see that aMinister is placed in charge of tribal welfare.

(v) In Assam, the Governor is given certain special powers with respect to theadministration of the tribal areas as provided in the Sixth Schedule of the constitution.

(vi) The Governor has vast powers of appointment and patronage. He appoints the ChiefMinister and, on his advice, the other Ministers. He also appoints the Advocate-General of the State and the members of the State Public Service Commission, thoughthe latter cannot be removed by him. They can be removed by the President on thereport of the Supreme Court and, in some cases, on the happening of certaindisqualifications.

(vii) He also appoints the State Election Commission (Article 243K) and the State FinanceCommission (243K).

(viii) It is the duty of the Chief Minister to communicate to the Governor all decisions ofthe Council of Ministers relating to the administration of the State and proposals forlegislation and to provide such information as the Government may call for.

Check Your Progress

Question 1: What are the qualifications to become a Governor of a state?

Question 2: Explain the role and functions of the State Governors as set out in the constitution of India.

2. Legislative Powers

The Governor enjoys vast and formidable legislative powers under the constitution. He is anintegral part of the State Legislature. The main legislative powers of the Governor may be summarised as follows:

i) The Constitution confers upon the Governor the power to nominate one member tothe Lower House and some members to the Upper House of the State.

ii) The Governor can summon the State Legislature, prorogue either House or dissolvethe Legislative Assembly.

iii) The Constitution gives the Governor the right to address the House or Houses of theState Legislature separately or jointly. At the beginning of each new session andimmediately after a general election to the Assembly, he has to deliver an address tothe Legislature in which he lays down the policy of his Government for the ensuingyear.

iv) The Governor can also send messages to any House of the State Legislature. TheConstitution lays down that a House to which any message is so sent shall considerany matter required by the message to be taken into consideration.

v) Every Bill passed by the State Legislature has to receive the Governor's assent beforeit can become a law.

3. Ordinance making power of the Governor (Article 213)

He can issue an Ordinance when one or both Houses of the State Legislature are not insession. It has the force of a law. However, the Governor is prohibited from promulgating Ordinances thatcontain provisions, which under the Constitution require the previous sanction of thePresident for introduction in the State Legislature or which are to be reserved for the assent ofthe President. An Ordinance issued by the Governor ceases to be inoperation six weeks after theassembly of the Legislature unless approved earlier. TheGovernor may withdraw an Ordinance any time before it expires.

4. The annual reports: The annual reports of various bodies like State Public Service Commission (Article 323), CAG (Article 151), State Finance Commission (Article 243(1)) etc., are submitted to the Governor that he causes to be laid before the legislature for consideration.

5. The financial power:

1) No Money Bill and Financial Bill can be introduced in the state legislature except onGovernor's recommendation.

2) No demand for a grant can be made in the Legislative Assembly except on hisrecommendation.

3) It is the duty of the Governor to get prepared and introduced in the State Legislature theannual budget showing the estimated revenue and expenditure of the State for that yearand, if necessary, the supplementary budgets for the State.

4) The Governor can also make advances out of the Contingency Fund of the State in case ofunforeseen expenditure, pending its authorization by the Legislature.

5) He constitutes a Finance commission after every five years to review the financialposition of the panchayats and the municipalities.

6.3.2 The Chief Minister

The Chief Minister is appointed by the Governor. The other Ministers are appointed by theGovernor on the advice of the Chief Minister. The minister shall hold office during the pleasure of the Governor. He is the head of the state government. While the governor is the nominal executive of the state government, the person who becomes the Chief Minister is the real executive of the government.

STOP TO CONSIDER

- The governor is the nominal executive of the state government but the person who becomes the chief minister is the real executive of the government.
- The real executive is called 'de facto' executive which means, 'in fact, whether by right or not.'

A leader of the party that has got the majority share of votes in the assembly elections is appointed as the Chief Minister of the state.When no party gets a majority in the elections, governor exercises his own discretion and appoint a Chief Minister accordingly.In a case where no party has won the majority votes, Governor appoints the member of the largest party or one from the coalition (if occurs) as the Chief Minister and then he is given 1 month time to prove confidence in the house.If the incumbent dies in the office, Governor at his own discretion can appoint a Chief Minister. Normally the ruling party nominates a member and Governor usually appoints that person as the Chief Minister. This person then has to prove confidence within a specified time.

A person not belonging to either house (Legislative Assembly & Council) can also be appointed as the Chief Minister, however, within six months of his tenure as a CM he should be elected to either house without which he ceases to be a CM. Do you remember any such case in your state?

Chief Minister can belong to any house in the State Legislature.

Article 166 explains the conduct of business of the government of a state. Article 167 explains the duties of Chief Minister like thefurnishing of information to Governor, etc.

6.3.2.1 The Functions of CM: The CM of the state performs various functions in relation to the different categories of people:

1. In relation to the Council of Ministers

2. In relation to the Governor

3. In relation to the State Legislature

Other than that, he also performs the following functions:

a) He chairs the State Planning Board

b) He is a vice-chairperson of the concerned zonal council by rotation, holding that office for a period of one year at a time

c) He is a member of Inter-State Council and National Development Council which are headed by the Prime Minister.

1. In Relation to the Council of Ministers: The Chief Minister is the head of state council of ministers. He performs the following functions:

i) He recommends to the Governor on who to appoint as ministers

ii) He designates or reshuffles the portfolios of the ministers

iii) He can ask a minister to resign

iv) Meeting of the council of ministers is headed by him

v) All activities of the ministers are guided and controlled by the Chief Minister

If he resigns, the entire council of ministers collapses.

2. In Relation to the Governor: In relation to the governor, the Chief Minister performs the following functions:

i) All the activities, decisions that are taken up by the council of ministers are communicated to the Governor by the chief minister

ii) To report to the Governor, information about the administrative affairs if and when asked by the Governor

ii) If any minister has decided on any issue, the same has to be reported to the Governor by the Chief Minister when the same has not been considered by the council.

iii) He gives his advice to the Governor for the appointment of the Advocate-General, Chairman of state public service commission, The state election commission, etc.

3. In Relation to the State Legislature: He is the leader of the house and holding this position, he performs the following functions:

i) Before a Governor prorogues and summons the sessions of the state legislature, the Chief Minister's advice is a must

ii) Legislative Assembly can be dissolved at any time on his recommendation to the Governor

iii) All government policies are announced by him on the floor of the house.

6.3.3 The State Council of Ministers

The Council of Ministers in the State is constituted and functions in the same way as theUnion Council of Ministers.

The Council of ministers shall be collectively responsible to the legislative assembly of the state(Article 164(2)).Any person can be appointed as a Minister but he ceases to be a Minister if he is not electedas a member of the State Legislature within six months after his appointment as a Minister(Article 164(4)).

Article 163 explains that the Council of Ministers is to aid and advice the Governor.

STOP TO CONSIDER

- The council of ministers shall be collectively responsible to the legislative assembly.
- Any person can be appointed as minister but he ceases to be a minister if he is not elected as a member of the state legislature within six months after his appointment as a minister.

Relationship between the Governor and the Council of Ministers

Broadly speaking, the relationship between the Governor and the Council of Ministers is similar to that between the President and the Union Council of Ministers. Whereas the Constitution does not

provide much discretionary powers for the President, it empowers the Governor to exercise some functions in his discretion (Article 163). While exercising his discretionary power, the Governor need not seek or act according to the advice tendered by his council of ministers.

Composition of Council of Ministers

The size of the council is not mentioned in the Indian Constitution. Chief Minister decides the size and the rank of the ministers as per the requirement in the State Legislature.

There are three categories of Council of Ministers:a) Cabinet Ministers, b) Ministers of State and c) Deputy Ministers

Do you remember the names of ministers of the state of Assam, or the state you belong to?

Check Your Progress

Question 1: Discuss the relationship between the Governor and the Council of Ministers of a state.

Question 2: What are different types of Council of Ministers a state can have?

6.4 Legislative (State Legislatures: Unicameral & Bicameral)

Chapter III of Part VI of the Constitution is concerned with the State Legislature. It comprises state legislature and executives. Articles 168 to 212 in Part VI of the Constitution deal with the organization, composition, duration, officers, procedures, privileges, powers and so on of the state legislature.

Article 168 provides that the Legislature of every State consists of the Governor and one or two Houses. The Legislature in the State is either bicameral (consisting of two Houses) or unicameral (consisting of one House). The Legislature in Jammu & Kashmir, Bihar, Maharashtra, Karnataka, Andhra Pradesh and Uttar Pradesh is bicameral. In the remaining States, the Legislature is unicameral consisting of the Legislative Assembly only.

6.4.1 Legislative Council (Vidhan Parishad)

Composition of the Legislative Council: The total number of members in the Legislative Council of a State having such a Council shall not exceed one-third of the total number of members in the Legislative Assembly of the State. But the total number of members in the Legislative Council of a State shall in no case be less than 40.

The composition of the Legislative Council is as follows: Of the total number of members in the Legislative Council of a State:

1. One-third are to be elected by electors consisting of members of Municipality District Boards and such other local authorities in the State as Parliament may by law specify;

2. One-twelfth are to be elected by electorates consisting of graduates of three years standing and residing within the State;

3. One-twelfth are to be elected by electorates consisting of persons who have been teaching for at least three years in educational institutions within the state, not lower in standard than secondary school;

4. One-third are to be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

5. The remainder i.e., the one-sixth is to be nominated by the Governor from persons having special knowledge or practical experience in Literature, Science, Art, Co-operative movement and Social Service.

Duration of Legislative Council:

Like the Rajya Sabha, the Legislative Council is a permanent body. It is not subject to dissolution, but after every two years, one-third of its members retire. The retiring members are also eligible for re-election and re nomination any number of times.

6.4.2 Legislative Assembly (VidhanSabha)

Composition of Legislative assembly: The minimum number of seats of the Legislative Assembly is fixed at 60 and the maximum number is fixed at 500. However, the Assembly in Mizoram and

Goa should have only 40 members each. The members of Legislative Assembly are chosen directly by the People on the basis of adult franchise from territorial constituencies in the State.

In the Legislative Assembly of every State, seats are reserved for the Scheduled Tribes and Scheduled Castes on the basis of population. If the Governor of a State is of the opinion that the Anglo-Indian Community is not adequately represented in the Legislative Assembly, he may nominate one member of that community to the Assembly.

Duration of Legislative Assembly

The normal tenure of the Legislative Assembly of every State is of five-years but it may be dissolved earlier by the Governor. During the proclamation of national emergency, the life of the Assembly may be extended by an Act of Parliament for a period of not more than one year at a time, but in no case beyond period of six months after the proclamation has ceased to operate.

Qualification for membership

A person to be qualified to be chosen as a member in the State Legislature:

1. Must be citizen of India:

2. Must not be less than 25 years of age in the case of the Legislative Assembly and not less than 30 years in case of the Legislative Council: and

3. Must possesses such other qualifications as may be prescribed by Parliament by law

Disqualification of Membership

Article 191 provides that a person is disqualified for being chosen as a member of the Legislature of a State:

1) If he holds any office of profit under the Central or State Governments;

2) If he is of unsound mind, or

3) If he is an undischarged insolvent; or

4) If he is not a citizen of India or have voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance of adherence to a foreign State; or

5) If he is so disqualified under any law of Parliament.

Check Your Progress

Question 1: Discuss the composition of legislative assembly of a state.

Question 2: What is the duration of a legislative assembly?

Self Asking Questions

I.   Discuss the ordinance making power of the Governors of a state. 70 words)

II.   Discuss responsibilities of a Chief Minister in relation to the Governor.(70 words)

III.   What are different conditions of disqualification of a member of Legislative Assembly of a state? (70 words)

IV.   Discuss the composition of legislative council of a state. (60 words)

If any question arises as to whether a member of a House of the Legislature of a State has become a subject to any of the disqualifications mentioned above, the question shall be referred for the decision of the Governor and his decision is final. Before giving any decision on any such question, the Governor should obtain the opinion of the Election Commission of India and must act according to such opinion (Article 192).

6.5 Summing Up

The unit discusses the Executive and the Legislative part of a state government. The Executive consists of the Governor, the Chief Minister and the Council of Ministers. The Governor cannot be a member of Parliament or of a State Legislature and if a personis such a member at the time of the appointment as Governor, his seat in Parliament or theState Legislature, as the case may be, will become vacant on the date on which heassumes office as Governor. The Governor acts as a nominal head like the President of the country and Chief Minister is the real executive of the government. The Governor is aided by the Chief Minister and his Council of Ministers of the state. The Council of Ministers in the State is constituted and functions in the same way as theUnion Council of Ministers and they are collectively responsible to the legislative assembly of the state.

Article 168 provides that the Legislature of every State consists of the Governor and one or two Houses. The Legislature in the State is either bicameral (consisting of two Houses) or unicameral (consisting of one House). The total number of members in the Legislative Council of a State shall not exceed one-third of the total number of members in the Legislative Assembly of the State. But the total number of members in the Legislative Council of a State shall in no case be less than 40. Of the Legislative Assembly, the minimum number of seats is fixed at 60 and the maximum number is fixed at 500. However, the Assembly in Mizoram and Goa should have only 40 members each.

All the components of a state government must exercise its respective duties as per the constitutional norms.

6.6 References & Suggested Readings

- Laxmikanth, M. (2022). *Indian Polity for civil services and other state examinations*. McGraw Hill.
- Basu, D. D. (2022). *Introduction to the Constitution of India* (26th ed.). Lexis Nexis. https://store.lexisnexis.in/introduction-to-constitution-of-india

Websites for readings

- https://www.jatinverma.org
- https://byjus.com

6.7 Model Questions

1. What are the powers in terms of different money bills exercised by the Governor?
2. Discuss functions of a Chief Minister in relation to the Legislature of a state.
3. What is the duration of a legislative council?

6.8 Possible Answers to SAQ

I)He can issue an Ordinance when one or both Houses of the State Legislature are not insession. It has the force of a law. However, the Governor is prohibited from promulgating Ordinances thatcontain provisions, which under the Constitution require the previous sanction of thePresident for introduction in the State Legislature or which are to be reserved for the assent ofthe President. An Ordinance issued by the Governor ceases to be inoperation six weeks after theassembly of the Legislature unless approved earlier. TheGovernor may withdraw an Ordinance any time before it expires

II)i) All the activities, decisions that are taken up by the council of ministers are communicated to the Governor by the chief minister

ii) To report to the Governor, information about the administrative affairs if and when asked by the Governor

ii) If any minister has decided on any issue, the same has to be reported to the Governor by the Chief Minister when the same has not been considered by the council.

iii) He gives his advice to the Governor for the appointment of the Advocate-General, Chairman of state public service commission, the state election commission, etc.

III) Article 191 provides that a person is disqualified for being chosen as a member of the Legislature of a State:

1) If he holds any office of profit under the Central or State Governments;

2) If he is of unsound mind, or

3) If he is an undischarged insolvent; or

4) If he is not a citizen of India or have voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance of adherence to a foreign State; or

5) If he is so disqualified under any law of Parliament.

If any question arises as to whether a member of a House of the Legislature of a State hasbecome a subject to any of the disqualifications mentioned above, the question shall be referred for the decision of the Governor and his decision is final. Before giving any decision on any such question, the Governor should obtain the opinion of the Election Commission of India and must act according to such opinion (Article 192).

IV)1. One-third are to be elected by electors consisting of members of Municipality District Boards and such other local authorities in the State as Parliament may by law specify;

2. One-twelfth are to be elected by electorates consisting of graduates of three years standing and residing within the State;

3. One-twelfth are to be elected by electorates consisting of persons who have been teaching for at least three years in educational institutions within the state, not lower in standard than secondary school;

4. One-third are to be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

5. The remainder i.e., the one-sixth is to be nominated by the Governor from persons having special knowledge or practical experience in Literature, Science, Art, Co-operative movement and Social Service.

UNIT: 7

JUDICIAL SYSTEM IN STATES, HIGH COURTS AND OTHER SUBORDINATE COURTS

Unit Structure:

7.1. Introduction

India has a structural judicial system with Supreme Court of India as the top and subordinate courts in the bottom. Along with these there are some even lower level courts proposed and gradually establishing in India. Our courts are defined in the Constitution of India. Article 214 of the Constitution of India reads as: "High Courts for States:- There shall be a High Court for each State."

7.2 Objectives

This unit is an attempt to analyse the ideas

• about the Judicial systems in the country

• to give an overview of the Judicial system in the States

• Introduction to the High Courts

• about the other Sub Ordinate Courts

7.3 Judicial System in India

The basic characteristics of the Indian Judiciary is the Integrated system of courts. As such, a person can approach the same court for enforcement of State Laws as well as Laws enacted by the Parliament. In India, the is unified judiciary having single system of fundamental law and justice with Supreme Court at the apex position. High Courts are highest level court in state level and lower courts are there for further local levels under the High Courts. The Constitution of India have provisions for establishments, powers and the other matters pertaining to the Supreme Court and the High Courts.

Different types of courts, each with varying powers depending on the tier and jurisdiction bestowed upon them, they form a strict hierarchy of importance, in line with the order of the courts in which they sit. Lower courts including district judges sitting in District

Courts and Magistrates of Second Class and Civil Judge (Junior Division) at the bottom. Indian judiciary is independent of the executive and legislative branches of government according to the Constitution. (https://www.ncib.in/pdf/judiciary-of-india.pdf)

The Supreme Court and the High Courts as the custodians and watchdog of the fundamental rights and freedoms of the people and their constitutional rights have an awesome responsibility

On 26 January 1950, the day India's constitution came into force, the Supreme Court of India was formed in Delhi. The original Constitution of 1950 envisaged a Supreme Court with a Chief Justice and 7 Judges. The Constitution envisage responsibilities to the Parliament to increase this number. In the early years, all the Judges of the Supreme Court sit together to hear the cases presented before them. As the work of the Court increased and arrears of cases began to accumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978 and 26 in 1986. As the number of the Judges has increased, they sit in smaller Benches of two and three – coming together in larger Benches of 5 and more only when required to do so or to settle a difference of opinion or controversy. The Supreme Court of India comprises the Chief Justice and 30 other Judges appointed by the President of India, as the sanctioned full strength. Supreme Court Judges retire upon attaining the age of 65 years.

In order to be appointed as a Judge of the Supreme Court, a person must be a citizen of India and must have been, for at least five years, a Judge of a high court or of two or more such Courts in succession, or an advocate of a high court or of two or more such Courts in succession for at least 10 years or he must be, in the opinion of the president, a distinguished jurist. Provisions exist for the appointment of a Judge of a high court as an ad hoc judge of the Supreme Court and for retired judges of the Supreme Court or High Courts to sit and act as Judges of that Court.

The Constitution seeks to ensure the independence of Supreme Court Judges in various ways. A judge of the Supreme Court cannot be removed from office except by an order of the president passed after an address in each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of members present and voting, and presented to the president in the same Session for such removal on the ground of proved misbehaviour or incapacity.

A person who has been a Judge of the Supreme Court is debarred from practising in any court of law or before any other authority in India. The proceedings of the Supreme Court are conducted in English only. Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court. The Supreme Court of India is the highest court of

the land as established by Part V, Chapter IV of the Constitution of India.

According to the Constitution of India, the role of the Supreme Court is that of a federal court, guardian of the Constitution and the highest court of appeal. Articles 124 to 147 of the Constitution of India lay down the composition and jurisdiction of the Supreme Court of India. Primarily, it is an appellate court which takes up appeals against judgments of the High Courts of the states and territories. However, it also takes writ petitions in cases of serious human rights violations or any petition filed under Article 32 which is the right to constitutional remedies or if a case involves a serious issue that needs immediate resolution. The Supreme Court of India had its inaugural sitting on 28 January 1950.

STOP TO CONSIDER

The basic characteristics of the Indian Judiciary is the Integrated system of courts. The Supreme Court and the High Courts as the custodians and watchdog of the fundamental rights and freedoms of the people and their constitutional rights have an awesome responsibility

1. **Check Your Progress**

Question 1. How is the Indian Judiciary system?

Question 2. What is the jurisdiction of courts?

Question 3. What are responsibilities of courts?

SAQ

Q. How the Indian Judiciary can be best described?

....

Subsections

7.4 Judicial Systems in States : Judicial System in a state of India is lead by the High Court of that State. Besides High Courts, the state has different types of lower courts in District level and Subdivision level. These lower courts are operates under the respective High Courts.

7.5. High Courts

The High Court is a Constitutional Court in terms of Article 215. It is a Court of record and has all the powers of such Court including the power to punish for Contempt of itself. Article 216 of Constitution of India given the provisions for constitution of a High Court. Every High Court shall consist of a Chief Justice and such other Judges as the President of India may from time to time deem it necessary to appoint. Article 217 described the appointment and conditions of the office of a Judge of a High Court—Every Judge of a High Court shall be appointed by the President after consultation with the Chief Justice of India, the Governor of the State and the Chief Justice of the High Court. There are different number of Judges for High Courts in India. Highest number of judges are in the Allahabad High Court of Uttar Pradesh with 160 Judges and lowest in the Sikkim High Court with only 3 Judges. There are total 25 High Courts for states in India (As per data given in Lok Sabha as on 21-03-2023).

Article 141 of the Constitution of India mandates that they are bound by the judgments and orders of the Supreme Court of India by precedence. These courts have jurisdiction over a state, a union territory or a group of states and union territories. Below the High

Courts are a hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and various other district courts. High courts are instituted as constitutional courts under Part VI, Chapter V, Article 214 of the Indian Constitution. The High Courts are the principal civil courts of original jurisdiction in the state along with District Courts which are subordinate to the High courts. However, High courts exercise their original civil and criminal jurisdiction only if the courts subordinate to the high court in the state are not competent (not authorised by law) to try such matters for lack of pecuniary, territorial jurisdiction.

High courts may also enjoy original jurisdiction in certain matters if so designated specifically in a state or Federal law. However, primarily the work of most High Courts consists of Appeals from lower courts and writ petitions in terms of Article 226 of the Constitution of India. Writ Jurisdiction is also original jurisdiction of High Court.

Judges in a high court are appointed by the President after consultation with the Chief Justice of India, Chief Justice of High Court and the governor of the state. The number of judges in a court is decided by dividing the average institution of main cases during the last five years by the national average, or the average rate of disposal of main cases per judge per year in that High Court, whichever is higher. A Judge of a High Court including the Chief Justice holds office till the age of 62 years.

Qualification of a Judge in High Court :

A person to be appointed as a judge of a High court shall have the following qualifications :

i.He/She should be a citizen of India

ii. He/ She must have held a judicial office in the territory of India for at least ten years; or

iii. He/She must have been an advocate of a High Court or two or more such courts in succession for at least ten years.

STOP TO CONSIDER

. The High Court is a Constitutional Court in terms of Article 215. It is a Court of record and has all the powers of such Court including the power to punish for Contempt of itself.

Article 141 of the Constitution of India mandates that they are bound by the judgments and orders of the Supreme Court of India by precedence. These courts have jurisdiction over a state, a union territory or a group of states and union territories. Below the High Courts are a hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and various other district courts.

Check Your Progress

Question 1. Discuss about the functions of High Court.

Question 2. What are the jurisdiction of High Court?

Self Asking Questions

a. How High Court in a State maintain the judicial activities? Elaborate with example (20+ 60 words)

……………………………………………………………………………..

……………………………………………………………………………..

7.6. Sub ordinate Courts

District and Lower Courts :

Apart from the High Courts, there are other lower courts which are classified depending on the nature of cases. The District Courts of India are established by the State governments in India for every district or for one or more districts together taking into account the number of cases, population distribution in the district. They administer justice at a district level. These courts are under administrative control of the High Court of the State to which the district concerned belongs. The decisions of District court are subject to the appellate jurisdiction of the concerned High court.

The district court is presided over by one District Judge appointed by the state Government in consultation with High Court exercising jurisdiction in relation to such state. The consultation with the High Court is mandatory. In addition to the district judge there may be number of Additional District Judges and Assistant District Judges depending on the workload.

The district court has appellate jurisdiction over all subordinate courts situated in the district on both civil and criminal matters. Subordinate courts, on the civil side (in ascending order) are, Junior Civil Judge Court, Principal Junior Civil Judge Court, Senior Civil Judge Court (also called sub-court). Subordinate courts, on the criminal side (in ascending order) are, Second Class Judicial Magistrate Court, First Class Judicial Magistrate Court, Chief Judicial Magistrate Court. In addition 'Family Courts" are established to deal with matrimonial disputes alone. The Principal Judge of family court is equivalent to District Judge

7.7 References and Suggested Readings:

Rai, Prof. Kailash; The Constitutional Law of India, Central Law Publications, Allahabad

Ghai, K.K.; Indian Government and Politics; Kalyani Publishers, New Delhi

7.8 Model Questions

i. What are the characteristics of Indian Judicial system?

ii. Discuss how Indian judicial system is different and unique?

iii. What are different types of courts in district level? Define these according to their nature cases handled.

UNIT: 8
PANCHYATI RAJ

Unit Structure:

8.1 Introduction

This unit tries to explain to you the concepts of 'democratic decentralisation' and 'Panchayati Raj Institutions'. To begin with, 'Democratic decentralisation' is a combination of two words – 'democratic' meaning that form of polity, where utmost importance is given to the people. In fact, the best definition of 'democracy' being government of the people, by the people and for the people is well appreciated. So, people's welfare is the prime focus of attention in a democracy. On the other hand, 'decentralisation' means real devolution of power, thereby allowing the people at the grassroots level to participate in the governing process.

Panchayati Raj, which translates to "village self-government" in Sanskrit, is a system of local self-government in India. It empowers rural communities to manage their own affairs and promotes grassroots democracy. Instituted through the 73rd Constitutional Amendment Act of 1992, Panchayati Raj aims to decentralize power, promote participatory governance, and foster socio-economic development at the grassroots level. The system is structured into a three-tier hierarchy comprising Gram Panchayats at the village level, Panchayat Samitis at the intermediate (block) level, and Zilla Parishads at the district level. Each tier has its own set of

responsibilities and functions, ranging from basic civic amenities provision to planning and implementation of development schemes. Panchayati Raj institutions serve as platforms for local decision-making, resource allocation, and community development planning. They facilitate the direct involvement of villagers in matters concerning their welfare, including education, healthcare, infrastructure, agriculture, and environmental conservation.

Over the years, Panchayati Raj has emerged as a cornerstone of rural governance, fostering social inclusion, transparency, and accountability. It has empowered marginalized sections of society, particularly women and minorities, by reserving seats for them in local bodies, ensuring their representation and participation in decision-making processes. Despite its significance, challenges persist in fully realizing the potential of Panchayati Raj, including issues related to financial autonomy, capacity building, political interference, and administrative efficiency. Efforts are ongoing to strengthen these institutions further and enhance their effectiveness in driving sustainable development and inclusive growth across rural India. Panchayati Raj stands as a vital mechanism for democratic governance and local development in India, embodying the principles of decentralization, empowerment, and community participation. Its evolution and continued refinement reflect India's commitment to grassroots democracy and inclusive governance.

8.2 Objectives
After going through this unit you will be able to
- *discuss* the growth of Panchyati raj institutions in India
- *describe* the importance of Panchyati raj institutions
- *understand* the importance of 73rd and 74th Constitutional amendments
- *analyse* importance of State Finance Commission

8.3 Panchayati raj in India: Historical background
Panchayati Raj in India traces its roots to ancient times, with the concept of local self-governance deeply ingrained in traditional Indian society. Historically, villages in India were governed by local assemblies or councils known as "Sabhas" or "Gram Sabhas," comprising respected elders and community leaders who deliberated on local matters and resolved disputes. During the colonial era, the British introduced their administrative structure, which centralized power and marginalized local institutions. However, some semblance of local governance persisted, albeit under colonial rule.

The history of Panchayat Raj in India can be divided into the following periods from the analytical point of view:

Vedic Era: The term Panchayatan has been used in ancient Sanskrit scriptures to refer to a collective of five people, including a religious person. However, the idea of including a religious person in such groups gradually disappeared. The Rigveda mentions three local self-governed bodies: Sabha, samiti and vidatha. These were the local democratic bodies. The king had to get the consent of these bodies in order to carry out certain functions and make decisions

The term '**Epic Era**' refers to the two major epic periods of India: the Ramayana, or the 'Ramayana Cycle' and the 'Mahabharata Cycle'. The study of the Ramayana shows that the system of governance was divided into Pur and Janpad, or city and village, in the entire state. There was also a caste Panchayat in the state, and one of the people elected by the caste panchayat was also a member of the King's Council of Ministers. The concept of village self-government can be found in several places in the 'Shanti Parva' of the 'Mahabharata', as well as in the 'Manu Smriti' and 'Arthashastra' of Kautilya. The Mahabharata states that in addition to the 'village', there were 'units of 10', '20', '100', and '1,000 village groups'. The 'Gramik' was the 'chief official' of the village, 'Dashap' was the 'chieftain' of ten villages, 'Vinshya' was the 'Adhipati', 'Shat Gram' was 'Adhyaksha', and 'Shat Gram Pati' were the 'chieftains of 20', '100', '1,000 villages'. They collected 'local taxes' and 'defense' of their villages.

Ancient Period: The village panchayat is mentioned in the Kautilya (Arthashastra) of the Vedas. The town was called Pur and the chief of the town was called Nagarik. The local bodies were free from the influence of the king. Also, during the Mauryan (and later post-Mauryan) period, the headman with the help of the council of elders continued to play an important role in the life of the village. This system continued during the Gupta period. However, there were some changes in nomenclature. The district official was called Vishya pati. The village headman was called grampati. So, there was a well established system of local government in ancient India which followed a set pattern of tradition and customs. It is important to note that there are no references of women leading panchayats or even taking part as a member in a panchayat

Medieval Period: Under the rule of the Delhi Sultans, the kingdom was divided into provinces called 'Vilayat'. Each village had three important officials: Mukkaddam who administered the village, Patwari who collected the revenue from the village and a Choudhrie who settled the disputes by helping the Panch. Villages had sufficient powers in terms of self-government in their territory. However, due to the influence of casteism and the feudal system of

administration under the rule of the Mughals in the medieval period, the self-government of the villages gradually declined. Once again, it is worth noting that even during the medieval period, there is no evidence of women taking part in local village administration.

Panchyati raj in Colonial Period
During the British rule, the Government did not support any kind of decentralization. After the mutiny in 1857, the Government came with the GOI Act in 1858 and removed the decentralization from the system. In 1870, Lord Mayo proposed decentralization but it did not get approved. After that, Lord Ripon proposed decentralisation but it was approved up to the urban areas. After that, the Royal Commission came in 1907 and proposed decentralization in the form of panchayats. However, for various reasons, it did not get accepted.

The Report of the Royal Commission was published in 1909. It devoted one full chapter to the village organization. The Commission reported strongly in favour of the development of Village Panchayats. The Report made liberal recommendations for the establishment of Panchayats. The Commission had already pointed out that it wanted to create new Panchayats with certain powers and obligations towards village people and not to revive the old Village Panchayats. The Commission arrived at the following conclusions:-

- Panchayats should be under the control of district authorities and not of local boards.
- The unit of Panchayat should be the village.
- The headman should be the ex-officio chairman.
- The appointment of other members should be by informal election in villages.
- Duties and functions should be conferred on the Panchayats with great caution.
- They should be endowed with civil and criminal jurisdiction in petty cases. It is feared that injustice, factiousness and corruption will ruin the utility of the Panchayats, but there is ground for the hope that on the whole they will work well.
- The Panchayats should be entrusted with the work connected with sanitation, minor public works, school building and they should be provided with sufficient sources of revenue.
- Non-interference by low government subordinate is a necessary condition of success.
- Artificial unions will no longer be necessary.

In order to make local government truly representative and accountable, several ideas were proposed in the report on the Indian constitutional reforms of 22 April, 1918, known as the Montague - Chalmsford report. These reforms were finally enacted in 1919. The reform transferred local governance to the provinces. The report recommended that as far as possible, local governments should be completely popular and as independent as possible from outside control. As far as panchayat (village) governance is concerned, the report suggested that their development should be dependent on local conditions and that the functional powers should be allocated accordingly. However, panchayat only covered a small number of villages and had limited functions. This reform did not go far enough in democratizing panchayat and was subject to many organizational and financial constraints.

Government of India Act 1935 is considered as another important stage in the evolution of panchayats in British India. As the provinces were governed by popular elected government, almost all the provincial governments felt obligated to adopt legislation to further democratize local self-governance institutions, including panchayat. After the declaration of World War II in 1939, most of the provincial governments of the Congress vacated their offices. However, the status of the local government institutions did not change until August 1947, when the country achieved independence. Although the British government had no interest in the independence of the villages, they were compelled to do so in order to maintain their rule in the country and also to meet their financial requirements. The Indian rural republic flourished until the British came to power. The self-contained villages and their panchayat became devoid of substance and were replaced by officially constituted institutions of the village administration. Under the centralized system of the British rule, the village autonomy lost its luster.

Stop to Consider
Ripon's Resolution 1882
It was through the resolution introduced by the liberal Viceroy, Lord Ripon, in 1882 that the perspective for the rural local self-government began to acquire its proper shape. He regarded popular education as the primary function of local self government. This was the test by which these institutions were to be judged even though it meant sacrifice of efficiency which was to be regarded as means to an end rather than something to be worshipped for its own sake.

Ripon proposed a smaller unit for constituting rural local boards, namely a sub-division, tehsil or taluqa. These should have a

majority of non-officials who should be elected wherever it was feasible to make such arrangements, presumably on caste or occupational basis. The Chairman of these boards was to be a non-official as far as possible, the official control to be exercised from without rather than from within. At the village level the need was felt to "revive and extend the indigenous system of the country" and "to make full use of what remains of the village system." (source:https://panchayatelection.com/india/panchayati raj-during.)

8.4 Panchyati Raj after independence

In India, the Panchayati Raj is a culmination of the recognition given by our Constitution to the role of Panchayats. One of its Directive Principles enjoins that the state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. The devolution of powers is an implementation of this directive. But, the credit for launching the Panchayati Raj institutions must go to Pt. Jawaharlal Nehru who, despite considerable doubt and cynicism, gave whole-hearted support to the decision of democratic decentralization. Pt. Nehru was not fascinated by Gandhiji's idea of Gram-swaraj. He had dismissed the idea long before India's independence. It was in the midfifties, after the community development programme conceived in administration terms had failed, that Nehru gave a second thought to Gandhiji's idea of making use of Panchayats in rural administration. This led to the appointment of Balwant Rai Mehta Committee to go into the question of democratic decentralization. It brought out its report in 1957. its main recommendations were as under :–

(a) There should be administrative decentralization for effective implementation of development programme.
 (b) the decentralized administrative system should be under the control of the elected bodies.
(c) as regards the organizational structure, the committee recommended the setting up of three-tier pattern – the village panchayat, the block panchayat samiti, and zilla parishad drawn into a co-ordinated network of developmental personnel, functioning from state downward and the village upward.
(d) there should be genuine transfer of power and responsibility to them.
(e) adequate resources should be transferred to the new bodies to enable them to discharge these responsibilities.
Both the union and the state governments accepted the recommendations of the report, but it was left to each state to introduce its own legislation and to set up panchayati raj institutions of its own choice according to local conditions and needs. But,

certain basic principles were to be observed so as to give a measure of uniformity to it.

The Mehta Committee report was implemented first in Rajasthan in 1959, and after that it has also been introduced in Andhra Pradesh, Assam, Gujarat, Tamil Nadu, Maharashtra, Karnataka, Orissa, Punjab, Haryana, U.P., Bihar, Madhya Pradesh, West Bengal, Delhi and Himachal Pradesh. The Panchayati Raj institutions, with all their shortcomings, succeeded in supplying and distributing agricultural inputs, constructing tanks and other minor irrigation works. In some states, provisions were made for primary health centres, schools, drinking water etc.

Ashoka Mehta Committee's Recommendations:-

The Janata Party, in its election manifesto had promised to revive panchayati raj institutions in the true sense by decentralizing power. Soon after it came into power, it appointed a committee headed by Ashoka Mehta to study the existing panchayati raj institutions and make its own recommendations. The Janata government set up this committee in 1977, which made the following important recommendations in 1978 to revitalize the Panchayati Raj :–

This Committee favoured the creation of two-tier system of Panchayati Raj in place of three-tier structure – one was to be at the district level and the other at the mandal level. The mandal panchayat is to consist of 15 members directly elected on village-cum-population basis, representatives of farmer's service societies and two women. Seats for scheduled castes and scheduled tribes are to be reserved on the basis of their population. Its president is to be elected by the directly elected members from amongst themselves. The Zila Parishad is to consist of six types of members. Seats are to be reserved for S.C and S.T. on the basis of population. The chairman of the Zila Parishad is to be elected by the members from amongst themselves.

Thus, the committee made specific recommendations about the composition of the various tiers of Panchayati Raj, each level with a combination of elected, nominated and co-opted elements.

Ashoka Mehta's report was particularly significant in so as it shed abundant light on the important causes responsible for the decline of the Panchayati Raj institutions (PRIs). These included the lukewarm attitude of the political elites at higher level towards strengthening of the democratic process at the grassroots level, usual ills of bureaucracy like corruption and delay in execution etc.

Rajiv Gandhi gave special attention to revamping the Panchayati Raj system in the Seventh plan, and introduced the Constitution (64thAmendment) Bill in the Lok Sabha. The Bill attributed the failure of panchayati raj institutions in many states to a variety of reasons, including the failure to hold regular and periodical elections, inadequate representation of the weaker sections, lack of financial resources and inadequate devolution of powers and responsibilities on them.

Stop To Consider
Key Characteristics of the Panchayati Raj System :-
The new operational framework of the Panchayati Raj system has the following key characteristics :
1. It is a constitutional entity;
2. It has the characteristics of a government except law-making;
3. It has got a three-tier system;
4. Gram Sabha is the basic unit of the system for people's participation;
5. District Planning Committee is the constitutionally regionalized unit for micro level planning;
6. State Finance Commission to suggest modalities to share resources between the state and the Panchayats;
7. One-third reservation of seats in all positions in all the three tiers for women;
8. Reservation of seats in all positions in all the three tiers for SC/ST proportionate to their population;
9. Allocation of 29 subjects in the 11th Schedule to Panchayats;
10. Constituting an Election Commission to conduct the election periodically;
11. Election to Panchayati bodies every five years is mandatory.

8.5 73rd and 74th Constitutional amendments

The 73rd Amendment to the Constitution of India, passed in 1992, is a significant milestone in the country's journey towards decentralization and grassroots democracy. It aimed to strengthen Panchayati Raj institutions and promote local self-governance in rural areas. Below are the detailed provisions and the importance of the 73rd Amendment:

Three-Tier Structure: The amendment mandates a three-tier structure of Panchayati Raj institutions at the village, intermediate (block), and district levels. These tiers consist of Gram Panchayats

(village level), Panchayat Samitis (block level), and Zilla Parishads (district level).

Direct Elections: It provides for the direct election of members to all levels of Panchayati Raj institutions. This ensures democratic representation and accountability at the grassroots level.

Reservation of Seats: The amendment mandates the reservation of seats for Scheduled Castes (SCs), Scheduled Tribes (STs), and women in Panchayati Raj institutions. This provision aims to empower marginalized sections of society and promote their participation in local governance.

Chairperson's Position: It stipulates that the position of chairperson at the village, intermediate, and district levels shall be reserved for Scheduled Castes or Scheduled Tribes in proportion to their population in that area. This provision ensures the inclusion of marginalized communities in leadership positions.

State Finance Commissions: The amendment requires the establishment of State Finance Commissions to recommend the principles governing the distribution of finances between the state government and Panchayati Raj institutions. This ensures financial autonomy and resources for local bodies to carry out their functions effectively.

State Election Commission: It mandates the establishment of State Election Commissions to conduct elections to Panchayati Raj institutions in a free and fair manner. This provision safeguards the democratic process and ensures impartiality in electoral procedures.

Devolution of Powers: The amendment empowers Panchayati Raj institutions with specific functions and responsibilities, including rural development, agriculture, education, health, and social justice. This devolution of powers enhances the efficiency and effectiveness of local governance.

Importance of the 73rd Amendment:

Promotion of Grassroots Democracy: By establishing elected local bodies, the amendment promotes grassroots democracy and enables people to participate directly in decision-making processes concerning their communities.

Empowerment of Marginalized Sections: Through reservations for SCs, STs, and women, the amendment empowers marginalized

sections of society and ensures their representation in local governance, thereby promoting social justice and inclusion.

Decentralized Development: Panchayati Raj institutions play a crucial role in planning and implementing development schemes at the grassroots level, leading to more localized and context-specific approaches to rural development.

Enhanced Accountability: Direct elections and provisions for reservations increase the accountability of elected representatives to the local population, fostering transparency and responsiveness in governance.

Capacity Building: The functioning of Panchayati Raj institutions requires capacity building among elected representatives and administrative staff, leading to the professionalization of local governance and improved service delivery.

Overall, the 73rd Amendment to the Indian Constitution marks a significant step towards decentralization, empowerment, and inclusive development, laying the foundation for robust Panchayati Raj institutions across the country.

Shortcomings of 73rd Amendment

While the 73rd Amendment to the Indian Constitution has been widely celebrated for its role in decentralizing power and empowering local communities through Panchayati Raj institutions, it has also faced criticism on several fronts. Some of the main criticisms include:

Inadequate Devolution of Powers: Critics argue that the amendment does not provide Panchayati Raj institutions with sufficient administrative, financial, and functional autonomy. Many essential functions and resources remain under the control of state governments, limiting the effectiveness of local bodies in addressing local needs and priorities.

Limited Financial Resources: Despite the provision for State Finance Commissions to recommend the distribution of finances, Panchayati Raj institutions often face inadequate funding from state governments. This lack of financial resources hampers their ability to undertake meaningful development activities and deliver basic services to rural communities.

Political Interference: There have been instances of political interference in the functioning of Panchayati Raj institutions, with state governments exerting influence over local elections, decision-

making processes, and administrative appointments. This undermines the autonomy and independence of local bodies, compromising their ability to serve the interests of the local population effectively.

Unequal Implementation Across States: The implementation of the 73rd Amendment has been uneven across different states, with variations in the extent of devolution of powers, reservation policies, and support for Panchayati Raj institutions. Some states have made significant progress in empowering local bodies, while others lag behind, resulting in disparities in rural development outcomes.

Challenges in Capacity Building: Panchayati Raj institutions often face challenges in terms of the capacity and competency of elected representatives and administrative personnel. Limited training opportunities and resources hinder their ability to effectively govern and manage local affairs, leading to inefficiencies and service delivery gaps.

Gender Disparities: While the amendment mandates the reservation of seats for women in Panchayati Raj institutions, there are concerns about the quality of women's representation and their participation in decision-making processes. Women often face social and cultural barriers to active involvement in local governance, limiting the impact of gender quotas on promoting women's empowerment.

Lack of Transparency and Accountability: Despite provisions for direct elections and transparency in the functioning of Panchayati Raj institutions, instances of corruption, nepotism, and mismanagement have been reported at the local level. Weak mechanisms for oversight and accountability contribute to these governance challenges, eroding public trust in the effectiveness of local bodies.

However, while the 73rd Amendment represents a significant step towards decentralization and grassroots democracy in India, its implementation has been accompanied by various challenges and criticisms. Addressing these issues requires concerted efforts to strengthen the autonomy, capacity, and accountability of Panchayati Raj institutions, ensuring that they effectively serve the needs and interests of rural communities.

74th Constitutional amendment

The 74th Amendment to the Constitution of India, passed in 1992, is a pivotal legislation aimed at promoting urban governance and decentralization by empowering urban local bodies (ULBs). It provides a framework for the establishment, organization, and functioning of municipalities in India. Below are the detailed provisions and the importance of the 74th Amendment:

Constitutional Recognition of Urban Local Bodies (ULBs): The amendment grants constitutional status to municipalities, ensuring their recognition as institutions of self-government at the urban level.

Three Types of Municipalities: The amendment categorizes municipalities into three types based on the population size of the area: Nagar Panchayats for smaller urban areas, Municipal Councils

for medium-sized towns, and Municipal Corporations for larger cities.

Composition of Municipalities: It specifies the composition of municipalities, including provisions for direct elections, reservation of seats for Scheduled Castes (SCs), Scheduled Tribes (STs), and women, and representation of nominated members, such as experts and professionals.

Reservation of Seats: Similar to the 73rd Amendment for Panchayati Raj institutions, the 74th Amendment mandates the reservation of seats for SCs, STs, and women in municipalities to ensure their representation and participation in urban governance.

Functions of Municipalities: The amendment delineates the functions and responsibilities of municipalities, including urban planning, provision of basic services such as water supply, sanitation, and solid waste management, infrastructure development, and promotion of economic activities.

Finance Commission for Municipalities: It requires the establishment of State Finance Commissions to recommend the principles governing the distribution of finances between the state government and municipalities. This provision ensures financial autonomy and resources for urban local bodies to carry out their functions effectively.

State Election Commission for Municipalities: Similar to the provision for Panchayati Raj institutions, the amendment mandates the establishment of State Election Commissions to conduct elections to urban local bodies in a free and fair manner, ensuring the democratic process in municipal governance.

Importance of the 74th Amendment:

Promotion of Urban Governance: The amendment strengthens urban governance by providing a constitutional framework for the establishment and functioning of municipalities, facilitating local decision-making and administration in urban areas.

Decentralization of Power: By granting constitutional recognition to urban local bodies, the amendment promotes decentralization and empowers local governments to address the unique needs and challenges of urban areas, leading to more effective and responsive governance.

Empowerment of Marginalized Sections: Similar to the 73rd Amendment, the provision for reservation of seats in municipalities ensures the representation and participation of marginalized sections of society, including SCs, STs, and women, in urban governance, promoting social justice and inclusion.

Improvement of Urban Services: Municipalities play a crucial role in providing basic services and infrastructure in urban areas. The amendment enhances the capacity of urban local bodies to plan, manage, and deliver essential services such as water supply, sanitation, and solid waste management, leading to improved quality of life for urban residents.

Fiscal Autonomy: The establishment of State Finance Commissions ensures financial autonomy for municipalities, enabling them to mobilize resources and allocate funds according to local priorities, thereby enhancing their ability to address urban development challenges effectively.

Overall, the 74th Amendment to the Indian Constitution represents a significant step towards strengthening urban governance, decentralization, and inclusive development in India. It provides a legal framework for empowering urban local bodies to play a more active role in shaping the future of cities and towns, thereby contributing to sustainable urbanization and equitable growth.

SAQ
Write a note on the importance of 73rd Amendment Act. (100 words)
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....

8.5.1 Functions of Panchayati Raj Institutions

The functions of the village Panchayats may be classified under three categories :–
  (i) civic amenities.
  (ii) social welfare activities.
  (iii) development work.

Sanitation, public health, street lighting, maintenance of village roads and schools, supply of drinking water etc. come under the civic functions of the panchayats and are considered obligatory functions of the panchayats. Other functions of the panchayats are optional. Social welfare activities include maintenance of burning and burial grounds, keeping the statistics of births and deaths,

establishment of child welfare and maternity centres, control of cattle-pounds, propagation of family planning and promotion of agriculture.

The development activities of the panchayat include the construction of roads, public buildings, wells, tanks, schools, panchayat houses, establishment of libraries, reading rooms, promotion of co-operative societies and cottage industries, looking after minor irrigation works, organizing collective farms etc.

Here it may be noted that the distribution of powers between the centre, the state and local bodies is not based on any rigid principles. It is difficult to define their respective scopes. Gilchrist thus, observes : "it can be described but not defined, for a definition requires limits and local government and central government cannot always be clearly demarcated. As a rule, subjects that concern the whole country, viz., defence, external affairs, currency, inter-state commerce and customs are administered by the centre. Education, jail and revenue are managed by the state governments. Subjects like primary education, sanitation, drainage, street light and registration of births and deaths are handled by the local bodies." Leacock has also observed, "the distinction between local and central government lies partly in their relative constitutional positions and partly the nature of public services performed."

While evaluating the functioning and performance, the governing clause of the 73rd Constitutional Amendment 243(G) has to be taken into account. 243(G) states that economic development and social justice are the twin objectives of the new panchayati raj system.
From the above study, we already have the idea as to what powers and functions are assigned to the Panchayats :-

     (a) Construction, repair and maintenance of public roads.
     (b) Lighting of public roads and public places.
     (c) Providing drainage facilities.
     (d) Cleaning of streets.
     (e) Construction and maintenance of elementary schools.
     (f) Preventive and remedial measures connected with any epidemic.
     (g) Providing burial and burning grounds.
     (h) Providing water for washing and bathing purposes.
     (i) Maintenance of statistics related to births and deaths.
     (j) Improvement of agriculture and agriculture stock.
     (k) Promotion and encouragement of cottage industries.
     (l) Other duties and responsibilities entrusted to Panchayats by the government through government notification.

8.6 State Finance Commission

The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the Panchayats. The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats shall be vested in the state election commission. It consists of a state election commissioner to be appointed by The governor. His conditions of service and tenure of office shall also be determined by the governor. Every state shall constitute at the district level, a district planning committee to consolidate the plans prepared by Panchayats and Muncipalities in the district.

The State Finance Commission (SFC) of India plays a crucial role in the fiscal decentralization process by recommending principles for the distribution of financial resources between the state government and local bodies, including Panchayats and Municipalities. Here's a note indicating the powers and functions of the State Finance Commission of India:

Powers and Functions of the State Finance Commission (SFC) of India:

Recommendation of Financial Devolution: The primary function of the State Finance Commission is to recommend the principles that govern the distribution of financial resources between the state government and local bodies. This includes the allocation of funds from the state budget to Panchayats and Municipalities to fulfill their constitutionally mandated functions.

Determining Grant-in-Aid: The SFC assesses the financial needs of local bodies based on various factors such as population, area, and revenue generation capacity. It determines the quantum of grant-in-aid to be provided to Panchayats and Municipalities to enable them to discharge their functions effectively.

Allocation of Tax Revenue: The Commission evaluates the sources of revenue available to local bodies and recommends the allocation of tax revenue between the state government and local bodies. This

ensures a fair and equitable distribution of resources and promotes financial autonomy at the grassroots level.

Review of Fiscal Performance: The SFC monitors the fiscal performance of local bodies and assesses their revenue generation, expenditure patterns, and financial management practices. It provides recommendations for enhancing the fiscal capacity and efficiency of Panchayats and Municipalities.

Promotion of Fiscal Discipline: One of the objectives of the State Finance Commission is to promote fiscal discipline and accountability in the utilization of financial resources by local bodies. It lays down guidelines and norms for budgetary planning, expenditure control, and financial reporting to ensure transparency and prudence in financial management.

Consultation and Reporting: The Commission conducts consultations with stakeholders, including representatives of local bodies, state government officials, and financial experts, to gather inputs and insights for formulating its recommendations. It submits its report to the state government, which then considers its recommendations for implementation.

Periodic Review and Recommendations: The SFC is mandated to conduct periodic reviews of the financial position and performance of local bodies and make recommendations accordingly. It may also review the implementation of its previous recommendations and suggest revisions or amendments as necessary to address emerging fiscal challenges.

As a whole, the State Finance Commission of India plays a vital role in promoting fiscal decentralization, strengthening local governance, and ensuring the financial sustainability of Panchayats and Municipalities. By recommending equitable distribution of financial resources and promoting fiscal discipline, the SFC contributes to the effective functioning of decentralized institutions and the overall development of rural and urban areas in India.

State Election Commission
The State Election Commission is an autonomous constitutional authority responsible for administering elections to the 3rd tier of governance i.e. the Local Self Government, which includes the Panchayati Raj Institutions and the Urban Local Bodies. Before 1992, elections to these bodies were conducted by the respective State Governments. The Constitution was amended in 1992 through the 73rd and 74th amendments in order to provide legal sanctity to

the Local Self-Governments (LSGs), giving LSGs their rightful place in the process of nation building.

Article 243 K & Article 243 ZA were inserted to establish a State Election Commission in every state as a constitutional body with powers of 'superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and Municipalities in the State. In Maharashtra, State Election Commission (SECM) was established on 26th April 1994 following the 73rd & 74th Amendments.

State Election Commission consists of a State Election Commissioner, who is appointed by the Governor for a fixed tenure of 5 years and cannot be removed from his office except in like manner and on the like grounds as a Judge of a High Court. As per the constitutional provision, 'superintendence, direction and control of the conduct of Elections to Urban & Rural Local bodies vest in State Election Commission.

As per the provisions of the different Local Body Acts of the State, State Election Commission does not prepare a separate voter's list for the local body elections but uses the voter's lists prepared by the Election Commission of India under the provisions of the Representation of the People Act, 1950, by bifurcating the same to represent the relevant wards of the local bodies concerned.

Powers and Functions of the State Election Commission (SEC) of India:

Conduct of Local Body Elections: The primary function of the State Election Commission is to conduct elections to local bodies, including Panchayats and Municipalities, in accordance with the provisions of the Constitution, relevant laws, and election rules. It oversees the entire electoral process, from the issuance of notification to the declaration of results.

Delimitation of Electoral Wards: The SEC is responsible for the delimitation of electoral wards or constituencies for local body elections. It demarcates boundaries and determines the number of seats to be allocated to each ward based on factors such as population distribution and administrative considerations.

Preparation of Electoral Rolls: The Commission oversees the preparation and revision of electoral rolls for local body elections. It ensures the inclusion of eligible voters, removal of duplicates, and updating of voter information to maintain accuracy and integrity in the electoral rolls.

Appointment of Election Officials: The SEC appoints election officials, including Returning Officers, Presiding Officers, and Polling Officers, to conduct elections smoothly and efficiently. It trains election personnel on election procedures, voter registration, polling process, and counting of votes to ensure adherence to electoral norms and standards.

Monitoring Election Campaigns: The Commission monitors election campaigns and enforces the Model Code of Conduct to ensure fair and ethical campaigning by political parties and candidates. It takes measures to prevent electoral malpractices, such as bribery, intimidation, and misuse of government resources, during the election period.

Resolution of Election Disputes: The SEC adjudicates election disputes and complaints arising from the conduct of local body elections. It hears petitions related to electoral irregularities, violations of election laws, and disputes over election results and takes appropriate actions, including ordering repolling or recounting of votes, if necessary.

Publication of Election Results: Following the conclusion of elections, the SEC is responsible for the compilation and publication of election results. It officially declares the winners and issues certificates of election to successful candidates, thereby facilitating the smooth transition of power in local bodies.

Educational and Voter Awareness Programs: The SEC conducts educational and voter awareness programs to promote electoral participation, voter registration, and civic engagement among citizens. It disseminates information about the electoral process, voting rights, and electoral responsibilities to enhance electoral literacy and public participation in democratic governance.

Overall, the State Election Commission of India plays a pivotal role in upholding the democratic principles of free and fair elections, ensuring the integrity and credibility of the electoral process, and strengthening grassroots democracy through active citizen participation in local governance.

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│                  Stop to Consider                   │
│ Democratic Decentralization                         │
│ The concept of 'democratic decentralisation' is in  │
│ consonance with the concept of good governance.     │
│ Actually, democracy becomes more meaningful if the  │
│ powers are decentralized, because decentralization  │
│ enables the people to participate in the process of │
│ decision-making. With the passing of the 73rd and   │
│ 74th amendments to the Indian Constitution in 1992, │
│ decentralization came into its own in the Indian    │
│ polity. The process of decentralization helps to    │
│ deepen the democratic foundations of the Indian     │
│ state. This process actually implies that people    │
│ should be given a say in how their communities      │
│ would develop. Decentralization thus empowers       │
│ people to look after themselves in a democracy. But │
│ the fact is that the 73rd and 74th amendments have  │
│ been implemented only in form, not in substance.    │
│ Therefore, the weaknesses in the functioning of     │
│ these bodies reflect not on decentralization        │
│ itself, but on the stunted form in which it has     │
│ been practiced. Recently, the World Bank undertook  │
│ an interstate study of "decentralization in the     │
│ Indian states" that is detailed and comprehensive   │
│ in its scope and coverage. The states covered were  │
│ Andhra Pradesh, Karnataka, Kerala, Madhya Pradesh,  │
│ Maharashtra, Rajasthan and Uttar Pradesh. These     │
│ World Bank studies looked at decentralization in    │
│ political, administrative and fiscal terms          │
└─────────────────────────────────────────────────────┘
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8.6 Working of Indian Panchyati Raj Syatem: Challenges and Prospects

PRIs have facilitated decentralized governance by empowering local communities to manage their own affairs, leading to increased participation and ownership of development initiatives at the grassroots level. The function of the panchayat system in village local government is to facilitate the development of the village in specific fields, including health, women, primary education, child, women, local government, agriculture, etc. However, there are several states that do not have panchayat raj system. Among them, Mizoram and Nagaland are some of them. Therefore, it is to be concluded that the functions of the panchayat raj are the functions of all the panchayati raj institutions; the functions of which are related to panchayati raj as per the provisions of state laws. The Power of the pachayati raj system provided by state legislatures is necessary to empower the panchayats to be institutions of self government at primary level. However, Panchyati raj institutions faced several challenges through out of its functioning

Some of them include:

- **Lack of financial resources:** PRIs often do not have sufficient financial resources to carry out their functions effectively. This can limit their ability to implement development projects and provide basic services to their communities.
- **Limited powers and functions**: PRIs have limited powers and functions compared to other levels of government, which can hinder their ability to address local issues.
- **Weak capacity and lack of trained personnel**: Many PRIs lack the capacity and trained personnel to carry out their functions effectively. This can lead to poor planning and implementation of development projects.
- **Limited participation of women and disadvantaged groups**: PRIs often have low levels of participation from women and disadvantaged groups, which can limit their ability to represent the needs and interests of the entire community.
- **Political interference**: PRIs can be subject to political interference, undermining their independence and decision-making processes.
- **Limited access to information:** PRIs often have limited access to information, hindering their ability to make informed decisions and plan development projects.
- **Poor coordination with other levels of government**: PRIs can face difficulties coordinating with other levels of government, which can hinder their ability to implement development projects and provide services to their communities.

However, PRIs have played a significant role in implementing various rural development programs, including infrastructure development, poverty alleviation schemes, and social welfare initiatives, leading to tangible improvements in living standards in rural areas. Again, reservation policies have increased the representation of women and marginalized communities in PRIs, enabling their active participation in decision-making and leadership roles, thereby promoting social inclusion and empowerment. PRIs have fostered community mobilization and collective action by empowering local communities to identify their own development priorities, participate in decision-making processes, and take ownership of local development initiatives. At last PRIs have strengthened democratic governance by promoting grassroots democracy, citizen participation, and accountability in local

governance processes, thereby enhancing the overall democratic fabric of the country.

8.7 Summing Up

Panchayati Raj Institutions (PRIs) in India represent a significant milestone in the country's democratic journey, embodying the principles of decentralization, grassroots democracy, and inclusive governance. Over the past few decades, PRIs have emerged as vital platforms for local self-government, empowering rural communities to manage their own affairs, address local challenges, and drive sustainable development at the grassroots level. This concluding remarks section aims to summarize the evolution, achievements, challenges, and future prospects of PRIs in India. The journey of PRIs in India began with the formalization of the Panchayati Raj system through the 73rd Constitutional Amendment Act of 1992, which mandated the establishment of a three-tiered structure of local governance comprising Gram Panchayats, Panchayat Samitis, and Zilla Parishads. This landmark legislation aimed to decentralize power, promote participatory democracy, and empower marginalized sections of society by reserving seats for women, Scheduled Castes (SCs), and Scheduled Tribes (STs) in local bodies. Since then, PRIs have undergone significant evolution, with states adopting varying models and approaches based on local needs and contexts.

In conclusion, Panchayati Raj Institutions in India represent a cornerstone of decentralized governance and grassroots democracy, playing a pivotal role in promoting local development, social inclusion, and participatory governance. While PRIs have achieved significant successes, addressing the challenges they face and realizing their full potential requires concerted efforts from policymakers, civil society organizations, and local communities. By strengthening the autonomy, capacity, and accountability of PRIs, India can foster sustainable development, empower marginalized communities, and build a more inclusive and equitable society.

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BLOCK: IV (Indian Politics)

Unit 1: **Problems of the Indian Political System: Linguism, Regionalism, Communalism, Insurgency, Terrorism, Casteism Corruption and Criminalisation of Politics**

Unit 2: **Nation Building in India: Problems and Prospects**

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Unit: 1

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Unit Structure:
    1.1 Introduction to the problems of Indian Political System
    1.2 Objectives
    1.3 Linguism and Regionalism
    1.4 Communalism
    1.5 Terrorism
    1.6 Casteism
    1.7 Corruption
    1.8 Criminalisation of Politics
    1.9 Summing up
    2.0 References and Suggested Readings

1.1 Introduction :

In this module, you'll delve into the significant divisions within Indian political systems, including casteism, communalism, and regionalism. Caste, an integral part of our social fabric since ancient times, initially evolved based on societal divisions of labour. However, its contemporary manifestation has fractured our political and social cohesion, hindering unity and integrity in our society. The marginalization of scheduled castes, coupled with the dominance of upper castes, has eroded the sense of brotherhood and impeded national integration.

India's inception was marred by a communal massacre, highlighting the longstanding tensions between Hindus and Muslims. Despite secularism being enshrined as a fundamental principle in our Constitution, communal conflicts have plagued our history. Addressing communalism and related issues like ethnic cleansing, religious fundamentalism, and hatred requires moving beyond philosophical ideals to adopt pragmatic sociological strategies. Merely acknowledging the wrongness of communal prejudices isn't enough to dismantle them.

Regionalism poses another significant challenge in India, with diverse regions boasting unique traditions, cuisines, attire, and languages. These regional disparities often foster competition and

conflicts, undermining national unity and cohesion. It's imperative to address these regional tensions to foster a more harmonious and integrated society.

1.2 Objectives :

Upon completion of this unit, you will:

• Engage in discussions concerning casteism within Indian society.

• Analyse the implications and consequences of communalism.

• Explore the multifaceted dimensions of regionalism in India.

1.3 Linguism and Regionalism : Regionalism encompasses the notion or implementation of partitioning a nation into smaller entities for political, economic, social, and cultural reasons. Politically, it is associated with decentralized or federalist governance structures. Culturally and politically, regionalism is intertwined with the development and preservation of regional identity. It may arise due to persistent neglect of a specific area by governing bodies or due to the growing political awareness among marginalized communities who have experienced discrimination. Often, political leaders exploit regional sentiments to maintain control over particular territories or demographics.

In India, regionalism manifests in various forms:

- Demand for state autonomy: There is a growing call for greater independence from the central government as it increasingly intervenes in state matters, sparking regional sentiments. Some regions within states have also sought autonomy.

- Secessionist movements: The desire for autonomy and separation from the central authority can pose significant challenges. Disputes over issues such as water sharing between states and language preferences within states have

fueled regionalism. Migrants from less developed regions often face hostility in areas where they seek opportunities.

Regionalism has deep historical roots in India. During the colonial period, British imperialists deliberately fostered regional divisions to maintain control over the subcontinent. Post-independence, efforts were made to foster national unity, with the Constitution promoting a sense of single citizenship and establishing unified institutions. However, the vast size and cultural diversity of India have inevitably highlighted regional differences, leading to the prominence of regionalism in the country's political landscape.

Originating in the Colonial Era:
During the colonial period, the emergence of regional consciousness in India can be attributed to British policies that treated princely states differently from those under direct British rule, fostering regionalist sentiments. Economic neglect by the British led to significant regional economic disparities and imbalances.

Southern India Movements:
In the 1940s, the Dravida Movement, also known as the Non-Brahmin movement, originated in present-day Tamil Nadu, advocating for regional identity. This movement eventually escalated into the demand for a separate Tamil state. Similarly, the demand for a distinct state in the Andhra region gained momentum, marked by mass mobilization in the 1950s and 60s. Potti Sri Ramulu's leadership in the 1954 Andhra separate state movement, culminating in his tragic death, catalyzed political regionalism in India.

Establishment of States Reorganisation Committee:
Widespread revolts for separate states prompted the formation of the States Reorganisation Committee, chaired by Faisal Ali. This committee advocated for the reorganisation of Indian states based on linguistic lines, further bolstering regionalist sentiments. The enactment of the States Reorganisation Act in 1956 formalized the creation of linguistic states.

Insurgencies in North East India:
During the 1970s and 80s, tribal insurgencies in northeastern India intensified, leading to the passage of the North-eastern States

Reorganisation Act in 1971. This act elevated Manipur and Tripura to full statehood and established Meghalaya as a sub-state. Mizoram and Arunachal Pradesh, initially designated as Union Territories, were later granted statehood in 1986.

Major Changes in the 21st Century:
In the 2000s, escalating movements for separate states emerged due to growing regional grievances. This led to the creation of three new states: Chhattisgarh from Madhya Pradesh, Jharkhand from Bihar, and Uttarakhand from Uttar Pradesh. Additionally, the division of Andhra Pradesh resulted in the formation of Telangana as a separate state in 2014.

In a recent development, the state of Jammu and Kashmir underwent bifurcation into two Union Territories, J&K and Ladakh, through the Jammu and Kashmir Reorganisation Act of 2019. This significant restructuring, although not based on linguistic considerations, marked a substantial shift in the administrative framework of the region.

Types of Regional Movements in India:

Secessionism: This form of regionalism involves militant and fundamentalist groups advocating separation from India based on ethnicity or other factors. Examples include Isac Muivah's National Socialist Council of Nagaland (NSCN-IM), Islamic fundamentalist groups in Jammu and Kashmir, and the United Liberation Front of Asom (ULFA) in Assam.

Separatism: This entails a demand for separate statehood within the Indian Union. Linguistic or ethnic minorities within states often unite against the majority community. Examples include the formation of Uttarakhand, Jharkhand, Chhattisgarh, and Telangana, as well as demands for Bodoland in Assam, Gorkhaland in West Bengal, and a Bundelkhand state.

Demand for Full Statehood: Union territories like the National Capital Territory of Delhi have been advocating for full statehood, a demand that has been largely accepted. Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh, and Sikkim have all attained full statehood.

Demand for Autonomy: Regional parties have increasingly demanded greater state autonomy since the 1960s to counter central political interference. States like Tamil Nadu, Punjab, Andhra Pradesh, and West Bengal have been at the forefront of such demands.

Demand for Regional Autonomy within a State: Some states have seen demands for recognition of regional identities due to regional imbalances resulting from inefficient planning. For example, Ladakhis in the erstwhile state of Jammu and Kashmir have demanded regional status.

Causes of Growing Regionalism:

Historical and geographical isolation leading to nativism and son-of-the-soil ideology.
Uneven development and neglect of certain regions despite their natural resources.
Top-down development approaches favouring one region over others.
Imposition of conflicting ideologies.
Linguistic aspirations and ethnic expressions fueling regionalism.

Impacts of Regionalism on Indian Polity:

Positive Impacts:

Rise of regional parties enhances democracy by representing local interests.
Focus on regional issues leads to better planning and development.
Promotes pride in one's culture and heritage, fostering artistic and cultural growth.

Negative Impacts:

Often leads to violence and instability, affecting the economy and security.

Can hinder international relations, as seen in conflicts over treaties.

Poses a threat to national sovereignty, potentially leading to secessionism.

Fuels inter-state hostility and anti-migrant sentiments.

Promotes divisive vote-bank politics, undermining national integration and diversity.

Preserving the ethos of Unity in Diversity is crucial for maintaining India's pluralistic character as a nation-state. Accommodating the diverse aspirations of the population is essential. This requires an increase in social expenditure by states on education, health, and sanitation, which are fundamental for human resource development.

The establishment of the NITI Aayog has been a positive move towards promoting cooperative federalism by engaging state governments in the economic policy-making process through a bottom-up approach. While various measures, such as centrally sponsored schemes and incentives for private sector development in underdeveloped states, have been initiated for inclusive growth, their effective implementation is paramount.

Implementing a national education system can help mitigate regional sentiments and foster a sense of attachment to the nation in the long term. Genuine pride in language and culture within regions does not undermine national unity. Therefore, regionalism should not be inherently viewed as detrimental to national interests unless it manifests in militant or aggressive forms encouraging secessionist tendencies.

1.4 Communalism:

The concept of communalism finds its origin in the terms ``commune'' or "community," which denote a group of individuals bound by allegiance to their own community, religion, or ethnic group rather than to society at large. Sociologically, communalism manifests as collective animosity between different communities. To grasp this social phenomenon, it's crucial to comprehend the nature of society, particularly in the Indian context. India has always been culturally, religiously, caste-wise, and linguistically diverse, as explored in the initial unit of this course titled "Unity and Diversity

in India." Despite this diversity, historical India experienced minimal inter-group tensions until the advent of British colonial rule, marking the onset of communal discord.

The distinction between "community" and "communal" is essential, as highlighted by Yerankar (1999:26). While "community" signifies shared relations, common culture, and space, "communal" denotes an intensified sense of community identity, often exclusive to one's religious group. Scholars like Seth (2000:17) and Dixit (1974:1) further define communalism as an ideology exploiting religious and cultural disparities for political gain. Communal tensions arise from differences in attire, lifestyle, language, and religious practices, which foster distinct group identities and, at times, lead to hostility and conflict.

Kamath (2003) elucidates communalism by contrasting it with communal harmony, asserting that when diverse communities coexist peacefully, there's communal harmony. However, when groups prioritise their exclusivity or impose their way of life on others, it leads to communal disharmony or communalism. This lack of understanding and cooperation among religious communities underpins communal tensions.

The growth of communalism in India can be attributed to various factors. Some scholars attribute it to the stagnant economy during British rule, which affected certain societal sections, particularly the middle class, leading them to employ communalism for self-preservation. The British government's policies, such as the Partition of Bengal in 1905 and the Communal Award of 1932, further exacerbated communal tensions to serve their political interests, deepening societal fragmentation and unrest.

During British rule, the policy of Divide and Rule exacerbated communal tensions by favoring one community over another in services and opportunities, fostering Hindu-Muslim disunity. This divide persisted through the colonial period, shaping the communal landscape of India.

Many historians, including prominent figures like British scholar James Mill in the early nineteenth century, drew a clear distinction between ancient and medieval periods in Indian history. They

argued that ancient India, under Hindu rulers, experienced significant growth and prosperity, contrasting with the perceived decline during the medieval era under Muslim rule. This perspective underscored the influence of religion on India's political landscape, asserting that Hindu society reached ideal heights in ancient times. Conversely, Muslim communalism celebrated the achievements of Muslim rulers, further fueling communal tensions. Distorted historical narratives perpetuated by such perspectives played a significant role in fostering communalism.

During the nationalist movement, a strong Hindu religious element was introduced into nationalist discourse. Orientalist writings glorifying Hinduism and ancient Indian history served as the foundation for nationalist ideals and patriotic fervour, often alienating Muslims in the process. Other factors contributing to communal tensions included the spread of rumours and distorted news through media channels, as well as the politics of appeasement practised by political parties, which sought to gain favour from various religious and cultural groups for electoral gains.

In addition to communalism, communal riots represent a collective expression of religious sentiments and identities against other communities. These riots, often fueled by communal ideologies, manifest as violent clashes over conflicting interests and beliefs. Numerous examples of communal violence in Indian history, including the Partition of India in 1947 and the Babri Masjid demolition in Ayodhya in 1992, underscore the destructive impact of communal tensions on society.

The idea of India as a Hindu majoritarian state gained traction through assertive Hindu nationalist ideologies propagated during the colonial era. Selective interpretations of history glorifying Hindu resistance against invaders, such as the Rajput states and the Maratha confederacy, contributed to the symbolic representation of the Hindu Motherland. This narrative was further promoted by Hindu reformist organizations like the Arya Samaj, advocating for a return to Vedic principles and asserting a narrative of Hindu decline under colonial rule that needed revival. Additionally, the notion that India is the land of the Aryans, borrowed from European race theory, was integrated into the nationalist paradigm, shaping contemporary religious and non-religious movements that view the

nationalist state within the Hindu pantheon. In the writings of Savarkar, the notion arises that only those who can trace their lineage back to the Aryans qualify to be part of the Hindu "rashtra," excluding individuals from other religious groups.

Jawaharlal Nehru's secular vision of Indian identity gained prominence after India's independence in 1947. As the Prime Minister at the time, Nehru opposed the intrusion of religious identity politics into the functioning of the post-colonial state. His aim was to separate religion from state affairs and to accord equal importance to all religions. This approach was crucial in overcoming the divisive politics of the colonial era, which sought to create rifts between Hindus and Muslims. The aftermath of partition and the discordant politics of pre-independence India underscored the necessity of prioritizing national solidarity.

Under Nehru's secular leadership and Gandhi's guidance, the Congress party, which spearheaded India's independence movement, advocated for inter-communal tolerance rather than a strict secularist ideology.

Another significant development during this period was the emergence of politics based on religious identity, sparking debates about secularism and democracy. Following the Emergency period, the Bharatiya Jana Sangh merged into the Janata Party. Subsequently, after the dissolution of the Janata Party, supporters of the former Jana Sangh formed the Bharatiya Janata Party (BJP) in 1980. Initially, the BJP adopted a broader political platform, including 'Gandhian Socialism' as its ideology, but encountered limited electoral success in the 1980 and 1984 elections.

However, from around 1986 onwards, the BJP began to emphasize the Hindu nationalist element in its ideology, pursuing the politics of 'Hindutva' and mobilizing Hindu sentiments. Hindutva, as conceptualized by V.D. Savarkar, advocates for India's (or Hindu's) nationhood based on the acceptance of India as both the 'fatherland' and the 'holy land.' Proponents of Hindutva argue that a strong and united national culture can only be built on the foundation of Hindu culture.

Two significant events around 1986 shaped the BJP's trajectory as a Hindutva-oriented party. The first was the Shah Bano case in 1985, where the Supreme Court's ruling in favor of a divorced Muslim woman's maintenance claim was met with opposition from orthodox Muslim groups. In response, the Congress government passed the Muslim Women (Protection of Rights on Divorce) Act, 1986, which nullified the Supreme Court's judgment. The BJP criticized this move as unnecessary appeasement of the minority community and as an interference in personal law. The Ayodhya dispute saw a significant development when the Faizabad district court issued an order in February 1986 to unlock the premises of the Babri Masjid, allowing Hindus to offer prayers at a site they regarded as a temple. This long-standing dispute over the Babri Masjid, constructed in the 16th century by Mir Baqi, General of Mughal emperor Babur, had been contentious for decades. Some Hindus believed it was erected after demolishing a temple at Lord Rama's purported birthplace. Locked since the late 1940s due to legal proceedings, the unlocking of the mosque sparked mobilization on both sides, transforming a local conflict into a national issue. The BJP capitalized on this, spearheading mobilization efforts alongside organizations like the RSS and VHP, leading to heightened communal tensions and incidents of violence.

In December 1992, amid escalating tensions, supporters of the temple's construction organized a Karseva (voluntary service) for building the Ram temple. Despite Supreme Court orders to protect the disputed site, thousands converged at Ayodhya on 6 December 1992 and demolished the mosque, triggering widespread clashes between Hindus and Muslims across the country, particularly in Mumbai. The aftermath saw the dismissal of BJP-led state governments, legal action against implicated officials, and the appointment of a commission to probe the mosque's demolition. The incident reignited debates on secularism and the treatment of religious minorities in India, prompting reflections on the country's commitment to equal citizenship rights.

These events underscored the dangers of exploiting religious sentiments for electoral gain, challenging India's democratic ethos of non-partisan communal harmony. The period following 1989 witnessed a shift in political dynamics, with the decline of the Congress party and the ascent of the BJP. Understanding this

intricate political landscape requires a comparison of electoral performances between the two parties, highlighting the complexities of political competition during this era.

1.5 Terrorism in India :

The UN defines terrorism as 'any criminal acts intended or calculated to provoke a state of terror in the general public, a group of people, or a single person for a specific purpose are in any circumstance unjustifiable, regardless of the considerations of a political, philosophical, ideological, racial, ethnic, religious, or any other nature that may be invoked to justify them.'

The Indian National Security Guard Act, 1986, defines a 'Terrorist' as: "Terrorist means any person who with intent to overawe the Government as by law established or to strike terror in the people or any section of the people, does any act or thing by using bomb, dynamite or other explosive substance or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause or as is likely to cause, death or injuries to any person or persons or damage to or destruction of property, or disruption of any supplies or services essential to the life of community."

India has endured terrorism for over five decades. On December 13, 2001, terrorists attacked our Parliament building in New Delhi. The attack, attributed to Jaish-e-Mohammed and Lashkar-e-Taiba, was orchestrated by Pakistan's ISI. Last year, terrorists struck the Red Fort in Delhi, and an Indian Airlines plane, IC 814, was hijacked to Kandahar in Afghanistan. The ISI's involvement in these attacks was officially acknowledged. These incidents aimed to sow panic and chaos among the Indian populace. Presently, our Government is earnestly combatting "cross-border" or "international terrorism". While special statutes are employed to address domestic terrorism, their efficacy in countering cross-border terrorism remains uncertain. Despite efforts to prevent terrorism and prosecute collaborators with foreign terrorist groups, apprehending masterminds operating from across the border remains challenging. Major perpetrators often evade justice, as seen in the Mumbai blasts orchestrated by a group linked to Dawood Ibrahim, who remains at

large. Despite commitments made by SAARC countries in 1987 to refrain from terrorist acts, reports persist of Pakistan's ISI supporting terrorist organizations targeting India.

The Terrorist and Disruptive Activities (Prevention) Act, 1985, was introduced amidst escalating terrorism nationwide. However, amendments were deemed necessary to combat the evolving threat. TADA (Ordinance 2 of 1987) was enacted and later replaced by TADA, 1987.

Section 3(1) of TADA defines a "terrorist act" as intending to overawe the established government, strike terror, or disrupt harmony among people using various means, including explosives or firearms, causing death, injury, or damage to property or essential services.

Tackling terrorism must adhere to legal principles. In the case of Hitendra Vishnu Thakur Vs State of Maharashtra, the Supreme Court of India emphasized the complexity of defining terrorism. Terrorism aims to instil fear, disrupt societal harmony, and challenge governmental authority through coercion and intimidation. Distinguishing terrorism from other forms of violence lies in its systematic use of coercive intimidation, necessitating a distinct approach in handling perpetrators.

Various efforts have been undertaken to distinguish between different manifestations of terrorist activities. However, it's crucial to acknowledge the diverse nature of terrorist movements, with no single theory capable of encompassing them all. Not only do terrorist organizations vary in their objectives, members, ideologies, and resources, but they also operate within distinct political contexts.

The 8th report of ARC-2 introduces a terrorism paradigm outlining different forms of terrorism:
  a. **Ethno-Nationalist Terrorism**:
      Emerged post-World War II and remained prominent for over 50 years until religious terrorism gained prominence.
      Defined as deliberate violence by a subnational ethnic group to further its cause, often aiming for a breakaway state or ethnic group supremacy.

Examples include Tamil Nationalist groups in Sri Lanka and insurgent factions in North East India.

b. **Religious Terrorism:**

Predominant in contemporary times, driven by religious imperatives globally.

Perpetrators view violence as a divine duty or sacramental act, with distinct forms of legitimization and justification.

c. **Ideology Oriented Terrorism:**

Terrorism motivated by ideological beliefs, categorized into left-wing and right-wing extremism.

d. **Left-wing Terrorism:**

Typically involves violence by the peasant class against ruling elites, advocating for revolutionary change through violent means.

Examples include the Red Army Faction in West Germany and Maoist groups in India and Nepal.

e. **Right-wing Terrorism:**

Seeks to maintain or revert to a perceived ideal state, sometimes with ethnic or racist undertones.

Examples include Nazism in Germany and Fascists in Italy.

f. **Narcoterrorism:**

Refers to drug traffickers' use of violence and intimidation to influence policies or obstruct anti-drug enforcement.

Examples include D-Company in India, involved in narcotics trafficking.

g. **Cyberterrorism:**

Involves illegal attacks or threats on computers and networks to achieve political or social goals.

Examples include malware, hacking, and phishing.

h. **Bioterrorism:**

Involves the deliberate release or spread of biological agents.

Examples include the use of bacteria, viruses, or toxins for warfare.

    i. **Cross-border Terrorism:**

Occurs when one country's soil is used to perpetrate terror in neighbouring countries.

Factors include internal support, corrupt officials, porous borders, and backing from non-state actors, as seen in India's situation with Pakistan.

Impacts of Terrorism:

The menace of terrorism poses a significant threat to global peace and stability, undermining fundamental principles of peace and development. Its repercussions extend beyond mere loss of lives and include economic and social setbacks, with terrorist activities often transcending borders. Particularly alarming are attacks involving CBRNE materials, which can inflict catastrophic damage on both human lives and infrastructure.

India grapples with terrorism in regions like Kashmir, the northeast, and to a lesser extent, Punjab, facing threats from secessionists and left-wing extremist groups. The 2008 Mumbai attacks by Lashkar-e-Taiba highlighted the severity of the issue. India ranks among the most affected countries globally, with thousands of lives lost to terror strikes, particularly affecting regions like Jammu and Kashmir. Its standing in the Global Terrorism Index underscores the ongoing threat.

Steps Taken by India to Combat Terrorism:

India has enacted the Unlawful Activities (Prevention) Amendment Act 1967 to combat terrorism comprehensively. Post the 2001 Mumbai attacks, initiatives like the establishment of the National Investigation Agency (NIA) demonstrate India's resolve. Additionally, India advocates for global cooperation through forums like the Comprehensive Convention on International Terrorism (CCIT) and actively participates in organizations like the FATF. Its robust intelligence network, including agencies like RAW and IB, is pivotal in countering terrorism.

Various Counter-Terrorism Operations:

India has undertaken numerous operations, such as Operation Rakshak and Operation Sarp Vinash, to tackle insurgency and terrorism, notably in Jammu and Kashmir. These efforts underscore India's commitment to combating terrorism through both military and diplomatic channels.

Addressing the complex challenges posed by terrorism requires strengthened multilateral cooperation and revamped strategies. Countries must collectively pressure states involved in sponsoring terrorism. Efficient intelligence gathering should be coupled with prompt action, necessitating enhanced financial and technological resources for intelligence agencies. Upholding human rights and fair implementation are imperative, especially amidst challenges like the Covid-19 pandemic, necessitating a united global effort.

1.6 Casteism:

As an Indian, you're likely familiar with the concept of 'caste', a longstanding social institution deeply rooted in the history and culture of India. However, in the modern era, you're also aware that 'caste' continues to be a significant aspect of Indian society today. But are these two manifestations of 'caste'—one historical and the other contemporary—truly the same? This section aims to explore this question with empathy and understanding.

Caste in Historical Context:
Caste is a unique institution closely associated with the Indian subcontinent. While similar social structures exist elsewhere, none precisely mirror the form found in India. Although traditionally linked with Hindu society, caste has also permeated into major non-Hindu communities across the subcontinent, including Muslims, Christians, and Sikhs.

The term 'caste', borrowed from the Portuguese 'casta', originally denoted a concept of purity or lineage. In Indian languages, notably Sanskrit, caste is represented by two distinct terms: 'varna' and 'jati'. Varna, translating to 'colour', delineates a four-fold societal division into Brahmins, Kshatriyas, Vaishyas, and Shudras. However, it's important to note that this classification often excludes various marginalized groups, including outcastes, foreigners, slaves, and conquered peoples, referred to as the 'panchamas' or fifth category.

On the other hand, 'jati', a more generic term, refers to species or kinds, encompassing everything from inanimate objects to humans. Increasingly, Indian speakers are adopting the English term 'caste', though 'jati' remains prevalent.

The relationship between 'varna' and 'jati' has sparked much scholarly debate. While 'varna' is seen as a broad nationwide classification, 'jati' is regarded as a more localized and intricate system, comprising numerous castes and sub-castes, sometimes numbering in the hundreds or thousands. This implies that while the four-fold 'varna' classification is consistent across India, the 'jati' hierarchy exhibits regional variations, reflecting the diverse social fabric of the country.

There are varying opinions regarding the antiquity of the caste system, with a general consensus that its four varna classification dates back approximately three thousand years. However, it's important to note that the nature and meaning of the caste system evolved over time, making it inaccurate to perceive it as a static institution spanning millennia. Initially, during the late Vedic period (circa 900-500 BC), the caste system was more fluid, resembling a varna system with four main divisions. These divisions were relatively simple and flexible, not strictly determined by birth, allowing for frequent movement between categories.

It wasn't until the post-Vedic period that the caste system solidified into the rigid structure commonly recognized today. Key defining characteristics of the caste system include:

1. Birth-based determination: Caste affiliation is inherited and cannot be chosen, altered, or refused, although expulsion from a caste is possible in certain cases.

2. Marriage restrictions: Caste membership dictates strict rules regarding marriage, typically limiting unions to within the same caste group (endogamy).

3. Dietary regulations: Caste membership entails guidelines on permissible foods and food-sharing practices, specifying what can be eaten and with whom food can be shared.

4. Hierarchical structure: Castes are organized into a hierarchical system of rank and status, with each caste occupying a designated position. While specific caste rankings may vary by region, a hierarchy exists universally.

5. Segmental organization: Castes often contain sub-divisions, with sub-castes and even sub-sub-castes, contributing to a segmented structure within the system.

6. Occupational ties: Traditionally, castes were linked to specific occupations, with professions being hereditary within caste lines. Conversely, occupations were exclusive to particular castes, barring members of other castes from entry.

Overall, the caste system has undergone significant transformation over time, reflecting shifting social, cultural, and historical contexts.

These features represent the prescribed regulations outlined in ancient scriptures. However, because these guidelines weren't consistently adhered to, it's difficult to ascertain their true impact on the practical realities of caste life during that time. Notably, many of these regulations imposed prohibitions or limitations of various kinds. Historical evidence indicates that the caste system was highly unequal, with certain castes benefiting significantly while others endured a life of perpetual labor and subservience. Once caste became rigidly determined by birth, individuals were essentially trapped in their social circumstances indefinitely. Regardless of merit, individuals born into upper castes perpetually enjoyed high status, whereas those born into lower castes were relegated to low status.

Conceptually, the caste system can be viewed as a fusion of two fundamental principles: differentiation and segregation on one hand, and holism and hierarchy on the other. Each caste is expected to maintain its distinctiveness and remain strictly segregated from others. Scriptural rules governing caste aim to prevent intermingling through regulations on marriage, food consumption, social interaction, and occupation. However, while castes are distinct entities, they only exist within the broader societal framework encompassing all castes. This societal structure is hierarchical rather

than egalitarian, with each caste occupying a specific rank within a ladder-like hierarchy from highest to lowest.

The hierarchical arrangement of castes is rooted in the notions of 'purity' and 'pollution,' which dictate social status. Castes perceived as ritually pure hold high status, while those deemed less pure or impure occupy lower positions. As in any society, material power, such as economic or military might, correlates closely with social status, resulting in powerful individuals typically belonging to higher castes. Historically, defeated groups in wars often faced demotion to lower caste status.

Additionally, castes are expected to complement one another and operate non-competitively within the system. Each caste is assigned a specific role that cannot be usurped by others. Linked with occupation, the caste system effectively delineates social divisions of labor, albeit without allowing for mobility in principle.

In contrast to ancient times, our understanding of caste dynamics has significantly evolved, particularly in the context of recent history. Modern history, typically traced back to the nineteenth century, presents a notable transition point with Indian Independence in 1947 marking the shift from colonial rule to post-colonial governance. The intricate structure of caste as a social institution has been profoundly influenced by both the colonial era and the subsequent transformations in independent India.

Scholars widely acknowledge that the colonial period instigated significant alterations in all major social institutions, particularly caste. Some argue that the contemporary notion of caste owes more to colonial influence than ancient Indian tradition. The British administration initially sought to comprehend the complexities of caste to streamline governance, employing meticulous surveys and reports on the customs of various tribes and castes across the nation. Notably, the census, initiated in the 1860s and institutionalized from 1881 onwards, became a pivotal tool for collecting caste-related data. The 1901 Census, spearheaded by Herbert Risley, was instrumental in documenting the social hierarchy of caste, prompting numerous petitions from caste representatives vying for higher status based on historical and scriptural evidence. This systematic categorization and recording of caste status

fundamentally altered societal perceptions and solidified caste identities.

Furthermore, colonial authorities exhibited a concern for the welfare of marginalized castes, referred to as the 'depressed classes' at the time. The Government of India Act of 1935 granted legal recognition to lists or 'schedules' of castes and tribes earmarked for special state assistance, giving rise to terms like 'Scheduled Tribes' and 'Scheduled Castes.' This legislative framework aimed to uplift castes facing severe discrimination, including those considered 'untouchable.'

In essence, colonialism catalyzed profound changes in the caste system, marking a shift towards more rigid categorization and hierarchical structures. This transformation was not unique to India but mirrored the global upheavals of the era, driven by the forces of capitalism and modernity.The contemporary landscape of caste in India reflects a complex interplay of historical legacies and modern dynamics. Following independence in 1947, efforts to address caste disparities were underway within the nationalist movement. Figures like Mahatma Gandhi and Babasaheb Ambedkar led initiatives against untouchability, signaling a broad consensus to eradicate caste-based discrimination. However, the post-independence state faced challenges in translating these aspirations into meaningful reform.

While constitutional commitments were made to abolish caste distinctions, the state hesitated to implement radical measures that could disrupt entrenched economic hierarchies. Government job appointments were ostensibly caste-blind, yet reservations for Scheduled Castes and Scheduled Tribes were a notable exception. Economic development and urbanization brought new opportunities, but caste-based recruitment persisted in industries and urban settings.

Despite these changes, caste continued to exert a powerful influence, particularly in cultural and political spheres. Endogamy remained prevalent, and caste affiliations remained central to electoral politics. The rise of explicitly caste-based political parties underscored the enduring significance of caste identities in democratic processes.

Sociological concepts like "sanskritisation" and "dominant caste" emerged to analyze evolving caste dynamics. Sanskritisation described the aspiration of lower castes to elevate their social status by adopting practices of higher castes, while dominant castes wielded economic and political power, often through control of land.

Interestingly, for privileged upper-caste urbanites, caste appeared to recede in importance as economic and educational advantages shielded them from its effects. However, for marginalized communities, caste remained a visible marker of identity, compounded by discrimination and reliance on affirmative action policies.

In summary, while India has made strides in addressing caste disparities, its complexities persist, shaping social, economic, and political landscapes in intricate ways.

1.7 Corruption in India :

According to a Transparency International report, India maintained its position at 93 out of 180 countries on the Corruption Perceptions Index for 2023. The index, which assesses the perceived levels of public sector corruption based on inputs from experts and business individuals, utilises a scale of 0 to 100, where 0 signifies high levels of corruption and 100 denotes very clean governance. Despite efforts, India's overall score remained relatively stable.
India retained its position at 93 out of 180 countries on the Corruption Perceptions Index for 2023, with its overall score remaining relatively stable, as per a report by Transparency International.

The index evaluates countries and territories based on the perceived levels of corruption in the public sector, utilizing a scale from 0 to 100, where 0 represents high corruption and 100 represents very low corruption.

In 2023, India scored 39, compared to 40 in 2022 when it held the 85th rank.

The report noted that India's score fluctuations were minimal, making it challenging to draw firm conclusions on any significant changes. However, it highlighted concerns regarding the narrowing of civic space ahead of elections, citing the passage of a telecommunications bill that could potentially threaten fundamental rights.

In South Asia, Pakistan (133) and Sri Lanka (115) faced challenges due to debt burdens and political instability. Despite this, both countries benefited from strong judicial oversight, which helped in keeping the government accountable.

Meanwhile, Bangladesh (149) showed economic growth and progress in poverty reduction but faced hindrances in information flow due to a crackdown on the press.

China (76) garnered attention for its anti-corruption efforts, with over 3.7 million public officials punished for corruption in the past decade. However, the report raised concerns about the effectiveness of relying solely on punitive measures rather than institutional checks on power.

The report highlighted that the Asia Pacific region saw little progress in combating corruption, with the average Corruption Perceptions Index score stagnating at 45 for five consecutive years. Many countries in the region scored below the global and regional averages, reflecting shortcomings in anti-corruption efforts and crackdowns on civil society and press freedom.

Countries with strong corruption control mechanisms like New Zealand (3), Singapore (5), Australia (14), and Japan (16) maintained high positions on the index. In contrast, fragile states with authoritarian regimes such as North Korea (172) and Myanmar (162) remained at the bottom, with Afghanistan (162) facing severe humanitarian crises.

Corruption manifests as unethical conduct among those in positions of authority, often leveraging public office for personal gain. This unethical behavior has permeated societal norms to the extent that it's now considered commonplace, indicating a systemic failure in ethical standards.

Why Corruption Persists in India:

Lack of Transparency: Government processes and decision-making lacking transparency offer fertile ground for corruption, shielding officials from public scrutiny and enabling illicit activities.

Weak Institutions and Legal Frameworks: India's enforcement agencies and judiciary often lack the strength to uphold laws effectively, failing to hold corrupt individuals accountable and sometimes facilitating corruption themselves.

Perception of Impunity: Inadequate punishment for corrupt practices fosters a sense of impunity, emboldening individuals to engage in corruption without fear of consequences.

Low Salaries and Incentives: Meager wages for public officials, particularly those in lower positions, make them susceptible to bribery, viewing corruption as a means of supplementing income.

Bureaucratic Red Tape: Cumbersome bureaucratic procedures and excessive regulations incentivize corruption to expedite processes or bypass obstacles, especially in India's intricate economic landscape.

Political Interference: Political leaders' interference in administrative affairs compromises institutional autonomy, pressuring officials to partake in corrupt activities for personal or party gain.

Cultural Acceptance: Cultural norms may normalize corrupt behavior, with the belief that "everyone does it" leading individuals to engage in corruption without moral qualms.

Lack of Whistleblower Protection: Inadequate safeguards for whistleblowers deter reporting of corruption, allowing it to flourish unchecked due to fear of reprisal.

Social Inequality: Economic and social disparities empower the wealthy and powerful to exploit their influence for personal gain, perpetuating corruption without consequences.

1.8 Criminalisation of Politics:

Recently, findings from the Association for Democratic Reforms (ADR) shed light on the escalating presence of candidates with criminal backgrounds across major political parties in Karnataka in anticipation of the 2023 Assembly Elections. This surge underscores the persistent issue of Criminalisation of Politics. ADR advocates for the permanent disqualification of candidates convicted of severe criminal offences from participating in elections, a measure yet to be enforced.

What Constitutes the Criminalisation of Politics?

Definition:
The Criminalisation of politics refers to the infiltration of criminals into governmental politics, including their candidacy and election to parliamentary and state legislative positions.
This troubling trend undermines fundamental democratic principles such as fair elections, adherence to the law, and accountability.

Statistics:
According to ADR data, the proportion of elected parliamentarians in India with pending criminal cases has steadily risen since 2004.
In 2004, 24% of parliamentarians had pending criminal cases, a figure that surged to 43% in 2019.
A petition filed in February 2023 highlighted a 44% increase in MPs with declared criminal cases since 2009.
During the 2019 Lok Sabha elections, 159 MPs faced serious criminal charges including rape, murder, attempt to murder, kidnapping, and crimes against women.

What Are the Drivers of Criminalisation of Politics?

Vote Bank:

Candidates and political entities often resort to illicit means such as vote-buying, facilitated by individuals colloquially known as "goondas."
This culture of political criminality thrives on the close ties between politicians and their constituencies, fostering an environment ripe for the abuse of power and resources for personal gain, resulting in corruption and criminal behaviour.

Corruption:
The majority of election candidates rely on financial contributions, creating a breeding ground for corruption that directly undermines the rule of law.
The nexus between contempt for the law and the criminalisation of politics perpetuates widespread corruption.

Vested Interests:
Voters often prioritise narrow community interests over the criminal histories of politicians.
This can lead to the election of individuals with criminal backgrounds solely based on alignment with community interests, rather than holding them accountable for their actions.

Muscle Power:
Despite promises to eradicate corruption and muscle power during elections, politicians often fail to deliver.
The First Past the Post (FPTP) system favours the candidate with the highest number of votes, fostering a dangerous alliance between political parties and criminal elements.

Money Power:
Illicit funds, including black money and mafia contributions, significantly contribute to the criminalisation of politics, enabling the purchase of votes and electoral victories.

Poor Governance:
Inadequate governance exacerbates the criminalisation of politics by failing to enact proper laws and regulations governing electoral procedures, relying solely on the loosely enforced Model Code of Conduct.

What Are the Consequences of Criminalisation of Politics?

Undermining Free and Fair Elections:
It limits voters' choices, contravening the principles of free and fair elections essential to democracy.

Impairing Good Governance:
Criminals occupying legislative positions undermine the effectiveness of the democratic process, hindering the delivery of good governance and tarnishing the image of state institutions and elected representatives.

Jeopardising Public Servants' Integrity:
The proliferation of black money facilitates vote-buying, normalising corrupt practices and eroding public trust in government institutions, making it challenging for honest public servants to fulfil their duties effectively.

Fueling Social Discord:
The normalisation of violence in politics sets a detrimental precedent, eroding public faith in democracy as a viable system of governance.

What Are the Legal Measures Against Criminalisation of Politics?

The Indian Constitution does not explicitly define disqualifications for contesting elections.
The Representation of the People Act, 1951 outlines criteria for disqualification, including conviction for specific offences punishable by imprisonment exceeding two years.
However, individuals facing criminal charges can still contest elections until convicted.

What Are the Proposed Solutions Against Criminalisation of Politics?

Empowering the Election Commission of India (ECI):
Recommendations include state funding of elections and bolstering the ECI to combat black money and mitigate the criminalisation of politics.

Vigilant Voters:
Voters must remain vigilant against electoral malpractice, while the judiciary should consider barring individuals facing serious criminal charges from contesting elections.

Expedited Judicial Processes:
Fast-tracking legal proceedings can help purge corrupt and criminal elements from the political landscape, requiring a time-bound justice delivery system and robust legislative strengthening.

Amendments to the Representation of the People Act:
The escalating criminalisation of politics necessitates amendments to the RPA, 1951, to disqualify individuals facing serious criminal charges from contesting elections.

How are measures being undertaken to address the issue of criminalization of politics in India?

Supreme Court:

Disclosure Mandate: In the landmark case of Association for Democratic Reforms v. Union of India (2002), the Supreme Court mandated that candidates contesting elections must declare their criminal history and assets.
Immediate Disqualification: Following the Lily Thomas case (2013), the Supreme Court ruled that MPs and MLAs convicted of criminal offenses would be immediately disqualified without the previous three-month grace period for appeal.
Expedited Trials: The Supreme Court, accepting Law Commission recommendations in 2014, directed that trials involving sitting MPs and MLAs should be completed within a year of charges being framed.
Transparency Orders: In Public Interest Foundation v. Union of India (2019), the Supreme Court mandated that political parties must disclose the criminal records of their candidates through various mediums.

Election Commission of India:

Anti-Booth Capturing Measures: Since 1989, provisions have been in place to adjourn or countermand elections in case of booth capturing, a serious electoral malpractice.

Arms Prohibition: Bringing arms near polling stations is considered a serious offense, aimed at maintaining a peaceful electoral environment.

Muscle Power Regulation: The Election Commission has effectively enforced the Model Code of Conduct to diminish the influence of muscle power in elections.

Asset Declaration: Mandatory disclosure of assets and criminal charges in affidavits to the ECI before elections has increased transparency.

How can Indian politics be decriminalized?

Stringent Legal Measures: Advocating for lifetime bans on individuals with criminal charges from contesting elections can significantly contribute to decriminalization.

Judicial Activism: Courts should consider banning those accused of serious crimes from electoral participation, given the reluctance of political parties to address the issue.

Citizen Engagement: Increased awareness among voters regarding the misuse of funds and gifts during elections can mitigate the influence of criminal elements.

State Funding of Elections: Recommendations from committees like Dinesh Goswami (1990) and Inderjeet Committee (1988) support state funding of elections to reduce reliance on black money, thus curbing criminalization.

Strengthening the Election Commission: Ensuring the independence and effectiveness of the Election Commission is crucial for regulating political parties and promoting cleaner electoral processes.

1.9 Summing up:

- Despite secularism being enshrined as a fundamental principle in our Constitution, communal conflicts have plagued our history.
- Culturally and politically, regionalism is intertwined with the development and preservation of regional identity.

- During the colonial period, British imperialists deliberately fostered regional divisions to maintain control over the subcontinent. Post-independence, efforts were made to foster national unity, with the Constitution promoting a sense of single citizenship and establishing unified institutions.
- In addition to communalism, communal riots represent a collective expression of religious sentiments and identities against other communities. These riots, often fueled by communal ideologies, manifest as violent clashes over conflicting interests and beliefs.
- In addition to communalism, communal riots represent a collective expression of religious sentiments and identities against other communities.
- India grapples with terrorism in regions like Kashmir, the northeast, and to a lesser extent, Punjab, facing threats from secessionists and left-wing extremist groups.
- According to a Transparency International report, India maintained its position at 93 out of 180 countries on the Corruption Perceptions Index for 2023.
- Corruption manifests as unethical conduct among those in positions of authority, often leveraging public office for personal gain.
- The Criminalisation of politics refers to the infiltration of criminals into governmental politics, including their candidacy and election to parliamentary and state legislative positions.
- Increased awareness among voters regarding the misuse of funds and gifts during elections can mitigate the influence of criminal elements.

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Unit-2

Unit Structure:

2.1 Introduction :

The initial years following India's independence were marked by numerous hurdles, particularly concerning national unity and territorial integrity. Delving into the political landscape post-Independence, we observe how three significant challenges in nation-building were effectively addressed during the first decade post-1947:

- Freedom came with Partition, which resulted in large scale violence

and displacement and challenged the very idea of a secular India.

- The integration of the princely states into the Indian union needed

urgent resolution.

- The internal boundaries of the country needed to be drawn afresh to

meet the aspirations of the people who spoke different languages.

At the stroke of midnight on August 14-15, 1947, India finally achieved independence. Jawaharlal Nehru, the inaugural Prime Minister of the newly liberated nation, delivered a momentous address to a special session of the Constituent Assembly, famously known as the 'tryst with destiny' speech.

This historic moment marked the culmination of the aspirations of millions of Indians who had long yearned for freedom. Despite the diverse voices within the national movement, two overarching goals were widely embraced: the establishment of a democratic government and a commitment to governance aimed at benefiting all citizens, especially the marginalized and disadvantaged.

However, the journey towards realizing these aspirations was fraught with challenges. India's birth occurred amidst exceptionally difficult circumstances, unparalleled in the annals of history. The attainment of freedom was accompanied by the painful partition of the country, resulting in widespread violence and mass displacement in the year 1947.

Despite the tumultuous backdrop, independent India embarked on its path with determination, striving to achieve numerous objectives. The turmoil and upheaval that accompanied independence did not deter our leaders from recognizing the myriad challenges confronting the nascent nation.

2.2 Objectives:

    a. To discuss the problems and prospects of nation building process in India
    b. To understand the challenges faced during the process of nation building

2.3 Challenges for the new Nation :

In the early years of independent India, the nation faced three distinct challenges. Initially, the foremost task was to forge a cohesive nation while respecting its vast diversity. India, with its expansive size and myriad cultures, languages, and religions, appeared to defy unity. The partition exacerbated concerns about the sustainability of national unity. Many doubted whether India could remain unified amidst such diversity. Questions arose regarding the emphasis on national unity versus regional and sub-national identities, and the imperative to integrate the diverse territories.

The second challenge lay in establishing democracy, enshrined in the Indian Constitution through fundamental rights and universal

suffrage. While the Constitution provided the framework, the challenge was to cultivate democratic practices in alignment with its principles.

The third challenge involved ensuring the holistic development of society, emphasizing equality and social welfare as outlined in the Constitution's Directive Principles of State Policy. However, translating these principles into effective economic policies to combat poverty remained a significant hurdle.

Independent India grappled with these challenges, and the extent of its success in meeting the constitutional objectives forms the core inquiry of this book. By examining India's political journey post-independence, the book aims to empower readers to analyze and form their own perspectives on these crucial questions.

In this unit, the focus lies on the primary challenge of nation-building immediately following Independence. Exploring the contextual events surrounding Independence helps illuminate why national unity and security emerged as paramount concerns. Subsequently, the unit delves into India's endeavor to unite as a nation, embracing its shared history and collective destiny while addressing regional disparities and diverse societal segments.

2.4 Partition and its consequences:

On the 14th and 15th of August 1947, witnessed the birth of two new nation-states: India and Pakistan, following the partition of British India. The division of territories was a culmination of historical events, notably driven by the 'two-nation theory' proposed by the Muslim League, which advocated for separate nations for Hindus and Muslims. Despite opposition from the Congress, various political dynamics, including competition between political factions and British involvement, led to the decision to create Pakistan.

The partition process aimed to divide the Indian subcontinent along religious lines, with areas where Muslims formed the majority constituting Pakistan, while the rest remained with India. However, this seemingly straightforward approach encountered numerous challenges. Muslim-majority regions were not geographically contiguous, resulting in the formation of two separate territories:

West and East Pakistan, separated by Indian territory. Additionally, not all Muslim-majority areas wished to join Pakistan, exemplified by the stance of leaders like Khan Abdul Ghaffar Khan. Moreover, the division of provinces like Punjab and Bengal, where religious majorities were not uniform at the district level, caused significant uncertainty and trauma among the populace.

One of the most significant challenges was the fate of minority communities residing on both sides of the border. Hindus, Sikhs, and Muslims found themselves vulnerable to violence and displacement, facing persecution in what had been their homes for generations. The widespread violence targeting minorities caught many by surprise, with no adequate plans in place to address the humanitarian crisis. Consequently, large-scale migrations ensued, as minorities were compelled to flee their homes, often with minimal notice, in search of safety and refuge.

The consequences of the partition of India in 1947 were vast and deeply tragic, affecting millions of lives in profound ways. Here are some of the key consequences:

1. **Mass Displacement:** The partition resulted in one of the largest forced migrations in history, with an estimated 80 lakh (8 million) people displaced from their homes. Hindus, Muslims, and Sikhs who found themselves on the "wrong" side of the border were forced to abandon their homes and move to the other side, often facing immense hardships during the journey.

2. **Violence and Atrocities:** The partition led to widespread violence and atrocities on both sides of the border. Communities turned against each other, leading to killings, rapes, abductions, and other forms of violence. The communal tensions escalated into riots, resulting in the deaths of between five to ten lakh (500,000 to 1,000,000) people.

3. **Human Suffering:** The partition caused immense human suffering, with refugees facing uncertainty, trauma, and loss. Many lost their loved ones during the violence or became separated from family members. Women and children were particularly vulnerable to abduction, rape, and other forms of violence.

4. **Creation of Refugee Camps:** Millions of refugees were left homeless and destitute, with nowhere to go. Refugee camps were set up to provide temporary shelter, but conditions in these camps were often dire, with shortages of food, water, and basic amenities. Many refugees languished in these camps for months or even years.
5. **Division of Communities:** The partition resulted in the violent separation of communities that had previously lived together as neighbours for generations. Cities like Lahore, Amritsar, and Kolkata were divided into communal zones, with people of different religious communities avoiding interaction with each other out of fear and mistrust.
6. **Cultural and Social Impact:** The partition had far-reaching cultural and social consequences, with the trauma of displacement and violence leaving deep scars on the collective psyche of the affected communities. Writers, poets, and filmmakers in India and Pakistan have often depicted the ruthlessness of the killings and the suffering of displacement in their works, describing the partition as a "division of hearts."

Overall, the partition of India in 1947 had devastating consequences, leaving a legacy of pain, trauma, and communal division that continues to affect the region to this day. Beyond mere administrative and financial challenges, the Partition of India presented a deeper dilemma. Despite the Indian national leaders' rejection of the two-nation theory, the partition based on religious lines had become a reality. This raised the question: Did India automatically become a Hindu nation? Even with a significant migration of Muslims to Pakistan, the Muslim population in India still constituted 12% of the total population in 1951. This prompted considerations on how the Indian government would uphold the rights of its Muslim citizens and other religious minorities such as Sikhs, Christians, Jains, Buddhists, Parsis, and Jews.

The aftermath of partition had intensified conflicts between communities, fueled by competing political interests. While the Muslim League advocated for the protection of Muslim interests and the creation of a separate nation, there were organizations mobilizing Hindus to assert Hindu dominance in India. However, the majority of national movement leaders upheld the principle of

equality for all religions. They envisioned India as a nation where citizenship wouldn't be contingent upon religious affiliation, and where all citizens, regardless of faith, would be treated equally. This vision of a secular nation was not just an aspiration but was enshrined in the Indian Constitution.

2.5 Integration of Princely states :

British India comprised the British Indian Provinces and the Princely States. The former were directly governed by the British government, while the latter, ruled by princes, retained some autonomy under British suzerainty. Princely States encompassed a significant portion of British India's territory, with a quarter of the population living under princely rule.

The issue arose just before Independence when the British announced that their suzerainty over the Princely States would end alongside their rule over India. This meant that all 565 states would gain legal independence, with the option to join India, Pakistan, or remain independent. However, the decision rested with the princes, not the populace, posing a serious threat to India's unity.

Trouble began immediately, with states like Travancore and Hyderabad declaring independence, while others, such as Bhopal, hesitated to join the Constituent Assembly. This situation raised concerns that India might fragment into numerous small nations post-Independence, jeopardizing democratic prospects for its people. Despite India's independence striving for unity, self-determination, and democracy, many princely states operated undemocratically, with rulers reluctant to grant democratic rights to their subjects.

The interim government took a firm stance against the possible division of India into small principalities of different sizes. The Muslim League opposed the Indian National Congress and took the view that the States should be free to adopt any course they liked. Sardar Patel was India's Deputy Prime Minister and the Home Minister during the crucial period immediately following Independence. He played a historic role in negotiating with the rulers of princely states firmly but diplomatically and bringing most of them into the Indian Union. It may look easy now. But it was a very complicated task which required skilful persuasion. For

instance, there were 26 small states in today's Orissa. Saurashtra region of Gujarat had 14 big states, 119 small states and numerous other different administrations.

The government's strategy was informed by three key factors. Firstly, it recognized the strong inclination of the populace in most princely states to integrate with the Indian union. Secondly, it demonstrated a willingness to adopt a flexible approach by granting autonomy to certain regions, aimed at accommodating diversity and addressing regional demands effectively. Thirdly, against the backdrop of Partition, which heightened concerns regarding territorial delineation, the imperative of integrating and solidifying the nation's territorial boundaries gained paramount importance.

Prior to August 15, 1947, diplomatic negotiations successfully brought nearly all states contiguous to India's new boundaries into the Indian Union. The majority of state rulers endorsed the "Instrument of Accession," signalling their agreement for their states to join the Union of India. However, the accession process encountered complexities with states such as Junagadh, Hyderabad, Kashmir, and Manipur. The Junagadh issue was resolved through a plebiscite confirming the populace's desire to integrate with India.

Hyderabad, the largest among the Princely States, found itself completely encircled by Indian territory. Portions of the erstwhile Hyderabad state now lie within the boundaries of Maharashtra, Karnataka, and Andhra Pradesh. Its ruler, bearing the title of 'Nizam', was renowned as one of the wealthiest individuals globally. The Nizam aspired for an independent status for Hyderabad and engaged in negotiations with the Indian government, entering into a Standstill Agreement in November 1947, which temporarily maintained existing arrangements while discussions proceeded.

Meanwhile, a groundswell of opposition emerged against the Nizam's rule within Hyderabad State, particularly in the Telangana region where the peasantry suffered under his oppressive governance. Women, who bore the brunt of this oppression, played a significant role in the burgeoning movement. Hyderabad emerged as the focal point of this resistance, with the Communist Party and the Hyderabad Congress taking leading roles. In response, the Nizam unleashed a paramilitary force called the Razakars, whose atrocities, often targeting non-Muslims, escalated tensions. The

central government intervened by deploying the army to quell the unrest. By September 1948, the Indian military had subdued the Nizam's forces, leading to his surrender and Hyderabad's accession to India.

In Manipur, debates within the Legislative Assembly revolved around the issue of merging with India. While the state Congress advocated for merger, other political factions opposed it. Despite this opposition, the Government of India coerced the Maharaja into signing a Merger Agreement in September 1949, bypassing the popularly elected Legislative Assembly. This unilateral decision sparked widespread resentment among the populace.

Just before Independence, Maharaja Bodhachandra Singh of Manipur signed the Instrument of Accession with the Indian government, under the condition that Manipur's internal autonomy would be preserved. In response to public pressure, the Maharaja conducted elections in June 1948, making Manipur the first region in India to hold elections based on universal adult franchise, thus transitioning into a constitutional monarchy. Nonetheless, the ramifications of the forced merger continue to be felt in Manipur.

2.6 Reorganisation of States:

The process of nation-building didn't conclude with Partition and the integration of Princely States. Instead, the focus shifted towards delineating the internal boundaries of Indian states. This task went beyond mere administrative delineations; it required reflecting the linguistic and cultural diversity of the nation while maintaining its unity.

During colonial rule, state boundaries were often drawn for administrative convenience or coincided with territories controlled by the British or princely powers. However, the national movement rejected these divisions as artificial and advocated for the linguistic principle as the basis for state formation. This principle gained recognition within the Indian National Congress after the Nagpur session in 1920, leading to the creation of Provincial Congress Committees based on linguistic zones.

Post-Independence, leaders hesitated to carve out states solely on linguistic lines, fearing it could disrupt national unity and divert

attention from pressing social and economic challenges. This hesitation persisted due to unresolved issues regarding Princely States and the lingering memory of Partition.

Local leaders and citizens challenged this central decision, particularly in Telugu-speaking areas, igniting the Vishalandhra movement for a separate Andhra province. Potti Sriramulu's fatal hunger strike added momentum to the movement, prompting the Prime Minister to announce the formation of Andhra state in 1952.

Andhra's formation catalyzed similar movements across the country, leading to the appointment of a States Reorganisation Commission in 1953. This commission recommended redrawing state boundaries based on linguistic considerations, culminating in the States Reorganisation Act of 1956, which established 14 states and six union territories.

Initially, there were concerns that linguistic states might threaten national unity. However, under popular pressure, the leadership opted for linguistic states, viewing them as a more democratic and inclusive approach to governance. Over fifty years since their formation, linguistic states have not only prevented disintegration but have also strengthened national unity by embracing diversity.

Linguistic states signify India's commitment to diversity within its democratic framework. Democracy in India extends beyond constitutional structures and electoral processes; it embraces pluralism and acknowledges the existence of diverse perspectives and ways of life, shaping the trajectory of politics and governance in the country.

2.7 Creation of new states :

The acceptance of linguistic states in India was a significant step in addressing the diverse linguistic populations within the country. However, the process of creating linguistic states was not immediate or uniform across all regions. The case of Bombay state, initially comprising Gujarati- and Marathi-speaking populations, illustrates this complexity. Eventually, due to popular agitation, Maharashtra and Gujarat were established as separate states in 1960. Similarly, Punjab witnessed demands for a separate state by Punjabi-speaking people, alongside Hindi-speaking inhabitants. However, Punjab's statehood was not granted in 1956, alongside other states. It wasn't

until 1966 that Punjab was granted statehood, with the creation of Haryana and Himachal Pradesh from its territory. The northeastern region also underwent significant reorganization. Meghalaya was carved out of Assam in 1972, followed by Manipur and Tripura becoming separate states in the same year. Mizoram and Arunachal Pradesh attained statehood in 1987, while Nagaland had achieved state status earlier in 1963. However, linguistic considerations were not the only factors guiding state formation. Over time, demands for separate states emerged based on distinct regional cultures or grievances regarding developmental imbalances. This led to the creation of Chhattisgarh, Uttarakhand, and Jharkhand in 2000. Even today, the process of state reorganization continues, with various regions within the country advocating for separate statehood. Examples include the demands for Vidarbha in Maharashtra, Harit Pradesh in western Uttar Pradesh, and the northern region of West Bengal. Thus, the story of state reorganization in India remains ongoing, reflecting the complex interplay of linguistic, cultural, and developmental factors.

Faced with such serious challenges, leaders in many other countries of the world decided that their country could not afford to have democracy. They said that national unity was their first priority and that democracy will introduce differences and conflicts. Therefore many of the countries that gained freedom from colonialism experienced non-democratic rule. It took various forms: nominal democracy but effective control by one leader, one party rule or direct army rule. Non-democratic regimes always started with a promise of restoring democracy very soon. But once they established themselves, it was very difficult to dislodge them.

The passage you provided highlights the significance of democracy in India's post-independence era. It emphasizes that despite facing challenging conditions, Indian leaders chose democracy as the guiding principle for governance. This decision was not surprising considering that India's struggle for independence was deeply rooted in democratic ideals. The passage underscores the understanding among Indian leaders that politics plays a crucial role in democracy, contrary to viewing it as a problem. Instead, they recognized politics as a means to solve societal issues and address conflicting aspirations. Democratic politics, according to the passage, serves as a mechanism to resolve differences and pursue the public interest.

Overall, the passage reflects India's commitment to democracy as a system of governance, wherein political competition and power dynamics are balanced by the overarching goal of serving the public good.

2.8 Summing Up:

- The attainment of freedom was accompanied by the painful partition of the country, resulting in widespread violence and mass displacement in the year 1947.
- India, with its expansive size and myriad cultures, languages, and religions, appeared to defy unity.
- The partition process aimed to divide the Indian subcontinent along religious lines, with areas where Muslims formed the majority constituting Pakistan, while the rest remained with India.
- One of the most significant challenges was the fate of minority communities residing on both sides of the border. Hindus, Sikhs, and Muslims found themselves vulnerable to violence and displacement, facing persecution in what had been their homes for generations.
- Prior to August 15, 1947, diplomatic negotiations successfully brought nearly all states contiguous to India's new boundaries into the Indian Union. The majority of state rulers endorsed the "Instrument of Accession," signalling their agreement for their states to join the Union of India.
- During colonial rule, state boundaries were often drawn for administrative convenience or coincided with territories controlled by the British or princely powers. However, the national movement rejected these divisions as artificial and advocated for the linguistic principle as the basis for state formation.
- The acceptance of linguistic states in India was a significant step in addressing the diverse linguistic populations within the country. However, the process of creating linguistic states was not immediate or uniform across all regions.

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