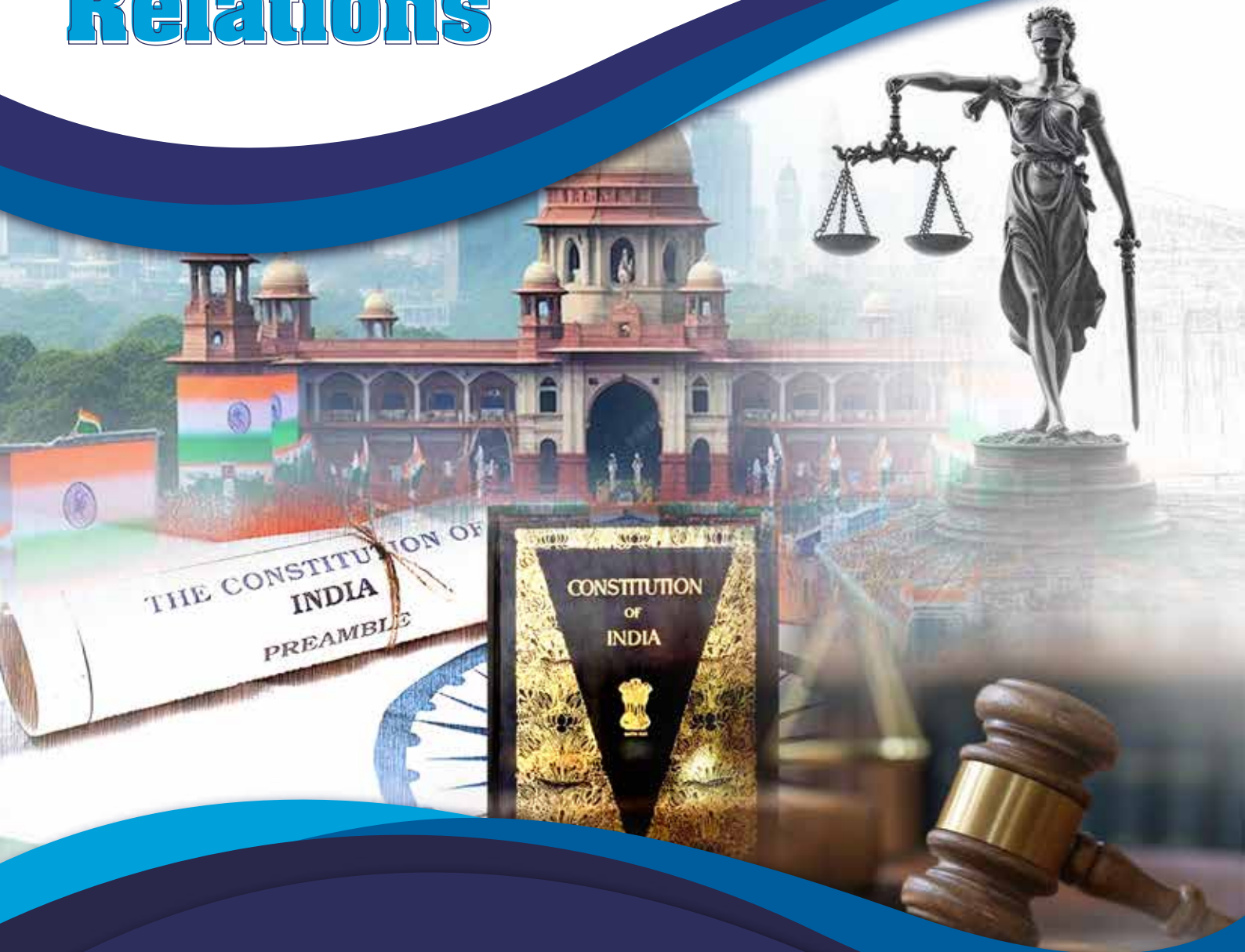


POLITICAL SCIENCE *and* International Relations



Paper 1, Part B

Indian Government and Politics

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UNIT 1A: POLITICAL STRATEGIES OF INDIA'S FREEDOM STRUGGLE

SYLLABUS– CONSTITUTIONALISM TO MASS SATYAGRAHA, NON-COOPERATION, CIVIL DISOBEDIENCE; MILITANT AND REVOLUTIONARY MOVEMENTS, PEASANT AND WORKERS MOVEMENTS.

PREVIOUS YEAR QUESTIONS

- Satyagraha and Indian Nationalism. Comment. (2023)
- Analyse the workers' movement in India in the pre-Independence period. (2022)
- Trace the role of militant and revolutionary movements in Indian national movement. (2020)
- National movement in India was anti-imperialist and increasingly radical in its socio-economic and political programmes. (2019)
- Differentiate Moderate Nationalism from Extremist/Militant Nationalism in terms of their objectives and means. (2017)
- The success of Mahatma Gandhi lay in transforming both political and non-political movements into a unified nationalist movement. (2017)
- Satyagraha as a Strategy in the Indian National Movement. Comment. (2015)
- Explain how peasant movements promoted nationalist ideas during the struggle for Indian independence. (2014)
- Efficacy of Satyagraha as moral resistance colonial rule. Comment. (2012)
- Significance of the Civil Disobedience Movement. Comment. (2011)

1.

DID THE NATIONAL MOVEMENT HAVE A STRATEGY?

There are contrasting views on whether the Indian national movement had a coherent strategy. These are as follows:

- **Traditional View:** The traditional nationalist history emphasizes ideas, idealism, courage, and sacrifices. This perspective attributes the 1947 freedom to the selfless dedication of leaders and followers, largely ignoring the role of strategy.

- **Cambridge School View:** The Cambridge School views the movement as fragmented, driven by local, provincial, and all-India interests. It sees the movement as a collection of disparate activities and interests rather than a unified strategy.
- **Marxian Perspective:** Marxian historian Bipan Chandra argues that the movement, especially during the Gandhian phase, had a centralized strategic framework. This framework connected various activities, techniques, and tactics, highlighting strategy as a crucial component of the national struggle for independence.

2.

CONSTITUTIONALISM

Constitutionalism is a political strategy rooted in the **philosophy of liberalism**. It operates on the assumption that humans are rational beings, capable of achieving political ends through rational dialogue and debate, without resorting to violence. This approach is often referred to as the **use of institutional methods**.

A. CONSTITUTIONAL METHODS IN INDIA

- **Constitutional methods** in India involved using **legislative processes, petitions, and peaceful protests** to address grievances and advocate for political reforms under British rule.
- The idea of constitutionalism in India is **an imported concept**, originating in Britain. The British colonial rulers introduced modern institutions that embodied the principles of constitutionalism, such as: **rule of law, modern judicial system, imperial civil services and incorporation of Indians into the assemblies**.
 - The British did not solely rely on coercive methods to rule India. They sought to build a hegemonic rule by incorporating Indians into the administrative and legislative processes.

B. CONSTITUTIONAL METHODS ADOPTED BY EARLY NATIONALISTS

- Early Indian nationalists employed constitutional methods to achieve political goals. These methods included:
 - **Bringing Resolutions in Assemblies:** Nationalists used legislative assemblies to introduce and debate resolutions.

Sending Memorials, Prayers, and Petitions: They appealed to British authorities through written submissions.

Appeals to Justice: Seeking redressal through judicial and legal channels.

Protests: Organizing peaceful demonstrations to voice their demands.

C. CONSTITUTIONAL METHODS VS DIRECT ACTIONS

In contrast to constitutional methods, direct actions involved **more confrontational** and sometimes violent approaches, such as:

- **Passive Resistance:** Non-violent resistance to authority.
- **Satyagraha:** A method of non-violent protest introduced by Mahatma Gandhi.
- **Non-Cooperation:** Refusal to cooperate with the colonial administration.
- **Dharna (Hartal):** Strikes and sit-ins.
- **Boycott:** Refusal to buy British goods or use British services.
- **Civil Disobedience:** Deliberately disobeying certain laws, demands, or commands of the government.
- **Rebellions and Mutiny:** Armed uprisings against the authorities.
- **Terrorism:** Use of violence and terror to achieve political ends.
- **Criminal Actions:** Activities deemed illegal under the law.
- **Subversions:** Acts aimed at undermining the government, including aiding foreign invasions.

Constitutionalism in India, though an imported concept, was **embraced and adapted by Indian nationalists to fit the local context**. It provided a framework for rational and peaceful political engagement, in stark contrast to direct actions that involved confrontation and violence. This blend of constitutional methods and direct actions characterized India's struggle for independence and the evolution of its democratic institutions.

SCHOLARLY VIEWS ON ADOPTING CONSTITUTIONAL METHODS

- **M.G. Ranade** thanked the British for introducing the rule of law, viewing their rule as a divine intervention to eradicate past misrule. He considered British governance a source of inspiration, hope, and confidence for Indians.
- **Surendranath Banerjee** appealed to the British to introduce institutions that were truly British in character, believing that this would allow Indians to rejoice in a permanent union with Britain.
- **Dadabhai Naoroji** held that the British were justice-loving people and that Indians needed to communicate their demands to the British in a reasonable manner.
- **Gopal Krishna Gokhale** argued that constitutional methods were adopted due to the current circumstances, believing that Indians were not yet prepared for more radical methods of direct action.

3.

REASONS FOR EARLY NATIONALISTS ADOPTING CONSTITUTIONAL METHODS

Early nationalists utilized a strategy known as Constitutional Agitation to peacefully advocate for political reforms from the British Parliament. The reasons are discussed as follows:

- **Ideological Reasons:** Many early Indian nationalists were educated in Western institutions and were profoundly influenced by liberal values, such as individual rights, democracy, and the rule of law. They believed that these principles could be applied to India to achieve political reform.
- **Faith in British Justice:** Nationalists like Dadabhai Naoroji and M.G. Ranade had great faith in the British sense of justice and fairness. They believed that the British rule, despite its flaws, could be a force for good in India.
- **Pragmatic Reasons:** The circumstances of the time required a more cautious and incremental approach. Direct action required extensive preparation and unity, which the Indian populace was not yet ready for.

4. CRITICISM OF CONSTITUTIONAL METHODS

Some leaders criticized constitutional methods, believing they were insufficient to combat colonial rule effectively.

- **Bal Gangadhar Tilak** viewed the use of constitutional methods in the face of an alien bureaucracy as political suicide.
- **Sri Aurobindo** saw constitutional methods as a sign of intellectual bankruptcy among leaders. He believed that Indians needed to boycott foreign goods and adopt Swadeshi to strike at the roots of colonialism.
- **Jawaharlal Nehru** argued that constitutional methods would not work because India did not have a constitutional government.

5. ASSESSMENT OF CONSTITUTIONALISM BY BIPIN CHANDRA

- **Mass Organization and Consciousness:** He assessed that direct action is possible only when masses are organized, unified, and have common consciousness of common end. While the exploitative conditions of colonial rule were uniting Indians, a unified consciousness of common ends was still missing.
- **Learning from Failures:** He highlighted that early nationalist, although limited in their immediate achievements, laid the ideological groundwork for future mass movements. They used their failures as learning experiences to better prepare for future struggles.

Early nationalists adopted constitutional methods due to a combination of ideological convictions and practical considerations. They believed in the principles of liberalism and justice, which were influenced by Western education, and they saw constitutional methods as the best available option under the circumstances. Despite criticism, their efforts laid the foundation for future movements and fostered political consciousness among Indians, ultimately contributing to India's path to independence.

According to Gokhale, "We are at such stage that our achievements are bound to be less and our failures too frequent. We must contend or satisfy ourselves by serving our country by our failures. It is through these failures that the struggle will emerge."

6. THE ROLE OF EXTREMISTS IN THE INDIAN NATIONAL MOVEMENT

- Extremists played a crucial role in the Indian national struggle for independence. The second generation of Indian nationalist leaders, represented by **Lal-Bal-Pal** (Lala Lajpat Rai, Bal Gangadhar Tilak, and Bipin Chandra Pal), were termed Extremists.
- These movements emerged as a response to the limitations of moderate politics and the perceived failure of constitutional methods to achieve substantial political reform. The term "**Extremists**" or "**militants**" is **relative**; these leaders appeared **extreme in their demands and methods** compared to their predecessors.
- Militant Movement was initiated by **Lal-Bal-Pal trio**. these leaders advocated for direct action against British rule. They **encouraged passive resistance, boycotts of British goods, and the promotion of Swadeshi** (use of indigenous products).

7. DIFFERENCES BETWEEN MODERATES AND EXTREMISTS

DIMENSION	MODERATES	EXTREMISTS
Goals	Both aimed for self-rule (Swaraj) but moderates generally sought dominion status within the British Empire.	Also aimed for Swaraj, but leaders like Aurobindo Ghose envisioned complete independence from British rule.
Approach	Preferred constitutional methods, petitions, and dialogue.	Favored direct action, including boycotts, Swadeshi (use of indigenous goods), and passive resistance.

Strategy	Focused on legislative reforms and gradual political participation within the existing framework.	Advocated for immediate and complete self-rule through more radical means.
View on British Rule	Generally believed in the British sense of justice and hoped to achieve reforms through cooperation and legal methods	Viewed British rule as exploitative and believed in actively resisting it.
Response to Reforms	Initially hopeful about reforms such as the Indian Councils Act, but eventually found them insufficient.	Considered British reforms as too little and too late, failing to meet Indian aspirations.
Perception by British	Seen as moderates and collaborators within the colonial framework, often given some political concessions.	Viewed as radicals and threats to British authority, leading to repressive measures by the colonial government.
Influence on Masses	Laid the groundwork for constitutional reforms and political awareness among Indians.	Created a strong sense of nationalism and directly influenced the rise of more widespread and intense movements, such as Gandhi's non-cooperation and civil disobedience movements.
Key Leaders	Dadabhai Naoroji, Gopal Krishna Gokhale, Surendranath Banerjee.	Bal Gangadhar Tilak, Bipin Chandra Pal, Lala Lajpat Rai, Aurobindo Ghose.

The distinction between Moderates and Extremists within the Indian National Movement highlights **different philosophies** and strategies aimed at achieving the common goal of Swaraj.

While Moderates sought **incremental change through constitutional means**, the Extremists pushed for immediate and more radical actions to dismantle British rule, each group playing a crucial role in the broader struggle for independence.

8.

EVALUATION OF THE EXTREMIST PHASE

➤ **Logical Progression and Success:** The Extremist phase in the Indian National Movement was seen as a logical progression from earlier moderate methods. The Swadeshi Movement, led by the Indian National Congress (INC), was a significant success and showcased the effectiveness of more assertive strategies. Extremists preserved the credibility of the INC and laid the foundation for the launch of Gandhi's mass movements.

Bal Gangadhar Tilak famously declared, "Swaraj is my birthright and I shall have it." He rejected petitions and advocated for the right of people to resist an exploitative government, which he termed "**Prajadroh**."

➤ **Nationalism and Cultural Symbols:** The Extremists advanced a stronger theory of nationalism that was deeply rooted in cultural symbols and identity. However, this focus inadvertently allowed the British to portray the INC as a Hindu-centric party, giving a communal color to the movement. This portrayal by the British aimed to divide the Indian populace along religious lines.

➤ **British Countermeasures:** In response to the growing nationalist consciousness fostered by the Swadeshi Movement, the British introduced the Morley-Minto Reforms in 1909. These reforms included provisions for separate electorates for Muslims, which laid the groundwork for the Two-Nation Theory. This policy was a strategic move to weaken the unified nationalist movement by sowing communal divisions.

9.

REVOLUTIONARY STRATEGY IN THE INDIAN NATIONAL MOVEMENT

Revolutionary movements played a crucial role at various phases of the Indian struggle for independence, particularly during periods **when the mainstream nationalist movement was in a passive phase**. These movements **filled the vacuum** with their acts of remarkable heroism, inspiring the youth to sacrifice for the motherland and restoring a sense of pride in Indian manhood.

A. CONTRIBUTIONS OF REVOLUTIONARIES

- **Inspiration and Heroism:** Revolutionaries displayed extraordinary courage and inspired the youth to make sacrifices for their country. Their **individual acts of bravery** filled the gaps during passive phases of the mainstream movement.
- **Support and Challenges:** Despite lacking the resources and mass base of the Indian National Congress (INC), revolutionaries managed to **inspire people through their actions**. They often did not receive support from the INC and operated with limited resources.
- **Role of Women:** Indian women played significant roles in revolutionary movements, with notable figures such as **Priti Lata Waddedar and Kalpana Dutta** contributing to the cause.

B. INFLUENCES ON REVOLUTIONARY MOVEMENTS

- **Literary and Philosophical Inspiration:** Revolutionaries were inspired by works such as **B.C. Chatterjee's Anandmath, Sachindra Nath Sanyal's Bandi Jiwan, and Bhagawati Charan Vohra's The Philosophy of Bomb**. They also drew inspiration from Irish nationalists and Russian nihilists and revolutionaries.

REVOLUTIONARY VS. TERRORIST

Unlike terrorists who engage in indiscriminate killing of civilians, revolutionaries specifically targeted oppressors and representatives of colonial power. This distinction is crucial in understanding the ethical framework within which revolutionaries operated.

C. REVOLUTIONARY ACTIVITIES

- **Anushilan Samiti** founded in 1902 in Bengal by **Promotha Mitter, Jatindranath Banerjee, and Aurobindo Ghosh**, this group focused on physical training and political activism. They conducted bombings and assassinations to challenge British authority.
- **Jugantar Party** was an offshoot of Anushilan Samiti. It was involved in similar revolutionary activities. The Jugantar group, led by leaders like Barindra Kumar Ghosh and Bhupendranath Datta, carried out numerous attacks and plots against British officials.
- **The Alipore Bomb Case (1908)** case involved the **trial of Aurobindo Ghosh** and several other revolutionaries for their involvement in bomb-making and revolutionary activities. Although Aurobindo was acquitted, the case highlighted the growing militant sentiments among Indian nationalists.
- **Ghadar Party** formed by Indian expatriates in the United States and Canada, the Ghadar Party aimed to incite rebellion in India during World War I. Leaders like **Lala Har Dayal and Bhai Parmanand** played significant roles. The Ghadarites sought to coordinate armed revolts against British rule, although their plans were largely foiled by British intelligence.
- **The Komagata Maru Incident (1914)** incident involved a ship carrying Indian immigrants that was denied entry into Canada, leading to a confrontation upon its return to India. The British response to the incident further fueled revolutionary sentiments.
- **Hindustan Republican Association (HRA)** Founded in 1924 by revolutionaries like Ram Prasad Bismil, Ashfaqulla Khan, and Sachindra Nath Sanyal, the HRA aimed to overthrow British rule through armed rebellion. They carried out several notable activities, including the **Kakori train robbery in 1925**, which sought to loot government funds to finance their activities.
 - **Bhagat Singh** was one of the most iconic figures in the revolutionary movement, a member of the HSRA, which was an offshoot of the HRA. He, along with Rajguru, Sukhdev, and others, carried out the **assassination of British police officer J.P. Saunders** in retaliation for the death of Lala Lajpat Rai.

- **Assembly Bombing (1929): Bhagat Singh and Batukeshwar Dutt** threw bombs in the Central Legislative Assembly to protest repressive laws. Their subsequent trial and execution in 1931 made them martyrs and inspired many to join the freedom struggle.

- **Role during the Quit India Movement (1942): Subhash Chandra Bose** disillusioned with the non-violent approach of the Congress. During World War II, under his leadership INA fought alongside Japanese forces against the British in Northeast India. Bose's efforts galvanized Indian soldiers and civilians, contributing to the weakening of British resolve.

D. EVALUATION OF THE REVOLUTIONARY MOVEMENTS

1. Creating a Climate of Fear: Revolutionary activities created a climate of fear among British officials, demonstrating that the Indian quest for independence could take a **violent turn if peaceful means were ignored**.

2. Inspiring Future Generations: The sacrifices of revolutionaries like **Bhagat Singh, Rajguru, and Sukhdev inspired future generations** of freedom fighters and created a legacy of resistance against oppression.

3. Exposing British Vulnerability: The coordinated efforts of groups like the **Ghadar Party, INA, and various revolutionary cells exposed the vulnerabilities of British rule**, especially during global conflicts like World War I and II.

4. Complementing Moderate Strategies: While the mainstream Congress continued with its non-violent resistance, the revolutionary movements provided a stark contrast, pressuring the British to consider political concessions.

Revolutionary movements played a crucial role in the Indian national movement by **challenging British authority through direct action and armed resistance**.

These movements not only created a climate of fear among the British but also inspired a sense of nationalism and sacrifice among Indians.

Their contributions, alongside the non-violent strategies of leaders like Gandhi, created a multifaceted approach to the struggle for independence, ultimately leading to India's freedom in 1947.

10.

THE GANDHIAN PHASE OF THE INDIAN NATIONAL MOVEMENT

The Gandhian phase of the Indian National Movement represents one of the most significant periods in the struggle for India's independence. Mahatma Gandhi led a series of mass movements that were characterized by their **non-violent and controlled nature**.

VALUE ADDITION

Categorization of Mass Movements on the basis of controllability:

1. Uncontrolled Mass Movements: Spontaneous and unplanned, like the French Revolution.

2. Controlled Mass Movements: Planned, directed, and controlled, such as the Russian and Chinese Revolutions, and the Gandhian movements in India

Categorization of Mass Movements by Strategy

1. Marxist-Leninist Movements: These movements are characterized by their sudden, comprehensive nature, aiming to achieve an immediate overthrow of the existing system. The focus is on rapid, decisive action to dismantle the current power structures.

2. Gramscian and Gandhian Movements: Antonio Gramsci and Mahatma Gandhi, contemporaries in their time, exhibited a unique convergence in their strategic approaches. Both suggested a two-stage revolution in contexts where the exploitative nature of the system was not immediately apparent.

- They advocated for a protracted struggle known as the **"War of Position,"** which involves **long-term efforts** to build a foundation of support and awareness. This stage is followed by a more **direct action** or **"War of Manoeuvre"** once the conditions are ripe for a frontal attack.

A. GANDHIAN STRATEGIES IN THE INDIAN NATIONAL MOVEMENT

- Gandhian strategy involved a unique blend of proactive and reactive approaches, deeply rooted in an understanding of mass psychology and strategic planning.

- According to **Bipin Chandra**, Gandhi's movements followed a pattern of **Struggle-Truce-Struggle** (S-T-S), balancing active phases of mass agitation with phases of constructive programs. This approach ensured **sustained participation and minimized the risk of violent** backlash, keeping the movement controlled and effective.

B. KEY MOVEMENTS LED BY GANDHI

1. NON-COOPERATION MOVEMENT (NCM) (1920-22):

The movement was initiated in response to several events:

- Rowlatt Act and suppression of civil liberties.
- Jallianwala Bagh massacre.
- Hunter Commission report's disappointment.
- Economic distress due to World War I.
- Khilafat Movement to unite Hindus and Muslims.

- Strategy:** At the **Nagpur session of 1920**, the INC adopted a program of **extra-constitutional mass struggle**. Key components included:

- Surrender of titles and honours.
- Boycott of government schools, colleges, and foreign goods.
- No-tax campaigns (with provincial Congress committee approval).
- Establishment of national schools, colleges, and panchayat courts.
- Promotion of khadi and Hindu-Muslim unity.
- Giving up untouchability and strict adherence to non-violence.

- End of NCM:** Gandhi called off the movement after the **Chauri Chaura incident in 1922**, where a violent clash resulted in the death of 22 policemen. This decision faced criticism, including from Nehru and communists, who felt Gandhi was retreating out of fear of mass power.

- Assessment by Bipin Chandra:** Chandra suggests that **Gandhi wanted a graceful exit** as the masses were getting exhausted and there were violent incidents like the Mopla Rebellion. The **Chauri Chaura incident** provided the British with an excuse for repression, which Gandhi wanted to avoid preventing scaring the people and making it difficult to rebuild the movement.

2. CIVIL DISOBEDIENCE MOVEMENT (CDM) (1930-31):

The movement was a strategic masterstroke by Gandhi, designed to challenge British authority. Key demands included:

- Abolition of salt tax.
- Complete prohibition on liquor sales.
- Reduction of land revenue and military expenditure by half.
- Reduction in the salary of higher officials.
- Release of political prisoners.
- Rationalization of the rupee-sterling exchange ratio.

- Strategy:** Gandhi's famous Salt March to Dandi symbolized the defiance against the British salt laws. The movement's controlled nature forced the British into a dilemma: whether to arrest Gandhi and face public backlash or allow the protests to continue and appear weak.

- Outcome:** The movement ended with the Gandhi-Irwin Pact in 1931, where the British government agreed to several of Gandhi's demands, strengthening the INC's credibility and elevating it to a status equal to the government.

DIMENSION	NCM	CDM
Focus	Economic boycott and non-cooperation.	Direct challenge to British authority and laws.
Primary Aim	Undermining the economic base of colonialism.	Wilful disobedience of laws to challenge British rule directly.
Nature	Relatively milder and less confrontational.	More offensive and confrontational
Strategy	- Boycott of British goods. - Non-cooperation with British institutions - Refusal to attend government functions.	- Salt March and breaking salt laws - Non-payment of taxes - Mass civil disobedience acts.

Proactivity	More reactive, responding to oppressive laws and events like Jallianwala Bagh.	Proactive in nature, initiating actions that forced the British to respond.
Involve-ment	Focused on bringing masses into the national movement, testing their capacity for struggle.	Mobilized broader sections of society, including peasants, women, and students, in more direct confrontations with the British.
Leadership	Led by Gandhi with significant involvement from INC leaders like Nehru, and Ali Brothers.	Gandhi played a central role, but also saw the emergence of new leaders like C. Rajagopalachari, Sardar Patel and Sarojini Naidu.
End and Outcome	- Called off after the Chauri Chaura incident due to violence, leading to criticism - Tested mass capacity for struggle.	- Ended with the Gandhi-Irwin Pact in 1931 - Strengthened INC's position and forced the British to negotiate with Indian leaders.
Impact on British	Created economic pressure but did not challenge British authority directly.	Directly challenged British sovereignty, leading to arrests and a stronger British reaction.
Long-term Effect	- Established INC as a mass movement party - Highlighted the potential for non-violent protest.	- Demonstrated the power of mass civil disobedience - Enhanced the credibility of the INC and Indian demands for independence.
Public Perception	Mixed reactions: seen as a significant step but also as a	Seen as a highly effective strategy that galvanized national sentiment

	movement that ended prematurely.	and demonstrated the potential of non-violent resistance.
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Gandhi's movements were characterized by their strategic planning, understanding of mass psychology, and non-violent methods. His approach of balancing active and passive phases ensured sustained participation and minimized the risk of violent backlash. These movements not only mobilized millions but also laid the groundwork for India's eventual independence, showcasing the power of controlled, non-violent mass movements.

3. QUIT INDIA MOVEMENT (QIM) (1942)

The Quit India Movement, also known as the **August Revolution**, was one of the most significant and militant phases of the Indian struggle for independence. It marked a departure from previous Gandhian movements due to its allowance for the use of force in self-defence.

CHARACTERISTICS OF QIM

- Militancy and Uncontrolled Nature:** Unlike previous movements led by Gandhi, the Quit India Movement was least controlled and most militant. Gandhi's call for 'Do or Die' highlighted the urgency and intensity of the struggle.
- Permission for Force:** Gandhi allowed the use of force for self-defence, justifying it as necessary against a stronger and well-equipped aggressor. He made it clear that any delay in achieving freedom would be injurious and humiliating for the nation.
- Shift in Gandhian Philosophy:**
 - From Non-Violence to Justified Force:** The Quit India Movement was seen as un-Gandhian because, for the first time, Gandhi did not condemn the violence by the people, justifying it in the light of the greater violence perpetrated by the state.
 - Spontaneity and Leadership:** Once the top leadership was arrested, grassroots leaders emerged, and the common man took charge. This spontaneous uprising reflected exactly what Gandhi had aimed for a self-sustaining movement.
 - Class Consciousness:** QIM reflected both a class in itself and a class for itself, showing a mature national consciousness ready for direct action.

GANDHI'S STRATEGIC REALISM

- **War of Movement:** Gandhi referred to QIM as his "**war of movement**," a direct attack on British rule, marking it as the last major struggle of his political life.
- **Strategic Use of Violence:** Gandhi recognized that any mass movement could not be completely free from violence. His strategy of non-violence was a means to involve the masses in the national movement.

According to **Francis Hutchins' book "Spontaneous Revolution: The Quit India Movement"** Gandhi was a politician and strategist. Once he had mobilized the masses, non-violence was no longer an absolute necessity.

OUTCOMES AND IMPACT

- **Widespread Participation:** The movement saw participation from various sections of society, including students, workers, and peasants.
- **Repression and Legacy:** The British responded with severe repression, arresting thousands and using force to quell the uprising. Despite the crackdown, QIM solidified the resolve of the Indian people and internationalized the Indian struggle for independence.

RESPONSE TOWARDS QIM

- **Ambedkar**—He called it as a venture of Gandhi.
- **M.N. Roy**— He held that Gandhi would strengthen fascist force.
- **Hindu Maha Sabha** called it injurious to Hindu cause.
- **Muslim League**—They opposed it.
- **C. Rajgopalchari**— Within INC, he feared that it will lead to uncontrollable anarchy

The Quit India Movement was a defining moment in India's struggle for independence, characterized by its militancy, spontaneity, and strategic use of force.

It marked a significant shift in Gandhian philosophy, emphasizing the urgency and necessity of achieving freedom, even if it meant embracing methods that Gandhi had previously avoided.

The movement galvanized the Indian population and laid the groundwork for the final push towards independence.

C. ESSENCE OF GANDHIAN STRATEGY

The Gandhian strategy for India's independence movement was a comprehensive approach that aimed to make British rule unsustainable through a prolonged, multi-phased struggle. Gandhi's approach emphasized non-violence, mass mobilization, and strategic adaptability, forming the cornerstone of the Indian National Congress's efforts against imperialism.

a. CORE ELEMENTS OF GANDHIAN STRATEGY

Gandhi's strategy was explicit and unambiguous. It was designed for a sustained effort, not a single decisive action.

➤ HEGEMONIC STRUGGLE

- **War of Position:** Inspired by Gramsci, the strategy focused on winning the hearts and minds of people, alternating between phases of mass struggle and legal truce to expand influence.
- **Eroding British Hegemony:** The goal was to dismantle the British narrative of benevolence and invincibility through sustained agitation and moral campaigns

➤ UNDERSTANDING THE ADVERSARY

- **Context-Specific Approach:** Gandhi recognized the semi-authoritarian nature of British rule, which was different from totalitarian regimes like Nazi Germany or Tsarist Russia and tailored his strategy accordingly.
- **Civil Institutions and Legal Framework:** Acknowledging British use of legal structures and concessions, Gandhi's strategy leveraged these to advance the movement.

➤ MASS MOBILIZATION

- **Inclusive Participation:** The strategy relied on broad-based participation from all social strata, avoiding class conflict and emphasizing national unity.
- **Moral Basis for Mobilization:** Campaigns focused on moral issues, such as the Jallianwala Bagh massacre and Salt Satyagraha, to galvanize support without inciting racial or religious tensions.

➤ PHASED STRUGGLE

- **Alternating Phases:** The movement alternated between active resistance and constructive programs, ensuring sustained engagement without exhausting the masses.

- **Continuous Effort:** Despite pauses, the struggle was seen as a continuous process towards the ultimate goal of independence.

➤ **UTILIZATION OF CONSTITUTIONAL SPACES:** Gandhi's strategy involved occupying any political space opened by the British, such as participating in provincial governments after the 1935 Act, to gradually build a base of power.

- **EMPHASIS ON NON-VIOLENCE:** Non-violence was essential for mass participation and sustainability. Gandhi argued that violent movements would not be tolerated and would not sustain broad-based support.

Gandhi's strategy was a meticulous and context-specific approach that combined non-violent resistance with moral and legal engagement, aiming to erode British hegemony gradually. Through phased struggles and mass mobilization, Gandhi's method sought to establish a self-reliant and morally unified India, ultimately making British rule untenable.

b. GENERAL OBSERVATIONS ON GANDHIAN STRATEGY

The Gandhian strategy for India's independence movement has been both praised and critiqued, particularly for key decisions like the withdrawal of the non-cooperation movement in 1922 and the Gandhi-Irwin Pact of 1931. Understanding these decisions through the lens of strategic thinking rather than class interests offers a fresh perspective on Gandhi's approach.

KEY DECISIONS IN GANDHIAN STRATEGY

➤ WITHDRAWAL OF NON-COOPERATION MOVEMENT (1922)

- **Chauri Chaura Incident:** Gandhi halted the movement after violence erupted, highlighting his commitment to non-violence.
- **Alternative Interpretations:** Some historians argue the decision reflected Gandhi's desire to maintain control and protect propertied classes but viewing it as a strategic pause reveals a nuanced approach to sustaining long-term struggle.

➤ GANDHI-IRWIN PACT (1931)

- **Class Pressure:** Critics like Sumit Sarkar suggest the pact protected capitalist interests, but it can also be seen as a strategic move to explore peaceful settlements.

- **Controlled vs. Spontaneous Movements:** Gandhi's preference for controlled mass movements over spontaneous uprisings was part of his strategic framework.

➤ STRATEGY AS AN EVOLVING PROCESS: LEARNING AND ADAPTING

- **No Fixed Blueprint:** Gandhian strategy evolved through practice and was not rigidly codified.
- **Continuous Experimentation:** Leaders, including Gandhi, were both teachers and learners, adapting strategies based on experience.

➤ STRATEGIC WITHDRAWALS AND SETTLEMENTS

- **Integral to Strategy:** Withdrawal phases and truce explorations were essential components of the overarching strategy.
- **Handling Violence:** Unlike Chauri Chaura, subsequent movements witnessed violence without resulting in immediate withdrawal, reflecting a flexible approach.

➤ GRADUAL APPROACH TO INDEPENDENCE

- **Non-Dramatic Independence:** The gradual and phased strategy ensured that the British exit was not abrupt but smooth.
- **Service to Both Nations:** British historian **Arnold Toynbee** noted that Gandhi facilitated a peaceful British exit, easing the imperial transition.

The Gandhian strategy was characterized by a flexible, evolving approach that balanced non-violent mass mobilization with strategic pauses and settlements. By gradually eroding British control, Gandhi ensured a non-violent and dignified transition to independence, reflecting the strategic depth and adaptability of his methods.

11.

PEASANT MOVEMENTS IN INDIA

The peasants were among the worst affected by British rule due to **oppressive land settlement policies** and **the destruction of Indian handicrafts industry**. The history of peasant movements in India predates the broader national movement, highlighting their long-standing struggle against exploitation.

A. SUBALTERN HISTORIOGRAPHY

➤ Historians from the subaltern school, such as **Gyanendra Pandey, Prof. Irfan Habib, and Sumit Sarkar**, have emphasized the significant role of the peasantry in India's history.

A notable peasant revolt was the Indigo Revolt of 1860, documented by **Dinabandhu Mitra in his book Nil Darpan**.

- ▶ Subaltern historians challenge the nationalist narrative, arguing that peasant insurrections in India were often independent of external leadership. According to Gyanendra Pandey, these revolts were largely autonomous and not merely marginal concerns addressed by mainstream leaders.

B. ROLE OF THE INDIAN NATIONAL CONGRESS (INC)

The INC initially did not prioritize peasant issues. When Gandhi emerged as a leader, he brought peasant concerns into the INC's agenda, but his approach was often conciliatory, seeking harmony between classes rather than direct confrontation.

Ranajit Guha contended that the Indian National Movement (INM) led by Gandhi was primarily elitist, with Gandhi urging peasants to compromise with their oppressors.

C. PHASES OF PEASANT MOVEMENTS

1. Until the 1920s:

- The INC did not actively champion peasant causes. Gandhi's involvement introduced peasant issues to the INC's platform, but his methods were conciliatory.

2. 1930s Onwards:

- The INC began organizing peasant movements more actively. However, independent **Kisan Sabhas** and **Peasant Parties** also emerged, often influenced by communist ideologies rather than the INC alone.
- **All India Kisan Sabha:** Formed in 1936 under Sahajanand Saraswati's leadership, focusing on land reforms and rent regulation.
- **Notable Movements:** The **Telangana Peasant Revolt** and the **Tebhaga Movement** in Bengal were significant uprisings during this period, inspired by communists and characterized by their localized and autonomous nature.

D. OVERALL ASSESSMENT

- ▶ Despite their efforts, the peasantry in India did not play as concrete a role in the freedom struggle as their counterparts in China. Leaders like Mao Zedong, an organic intellectual from the peasant class, did not emerge in India.

- ▶ Indian peasants were divided by caste and religion, preventing a unified, nationwide movement. Although there were numerous spontaneous, localized revolts, there was no all-India coordinated effort. This disunity contributed to the failure of comprehensive land reforms even after independence.

The peasant movements in India were a crucial yet complex component of the broader struggle for independence. While they played a significant role in challenging colonial exploitation, their lack of unity and the elitist tendencies of mainstream leadership limited their overall impact.

12. TRADE UNION MOVEMENTS IN INDIA

The trade union movements in India have historically been weak and fragmented. Post-independence, trade unions have struggled to gain significant influence, often becoming junior partners of political parties and lacking an autonomous character. Workers have remained divided along caste and religious lines, further weakening their collective bargaining power. The situation of industrial workers has been worse compared to the peasantry.

CHRONOLOGY OF TRADE UNION MOVEMENTS

19TH CENTURY ORIGINS

- ▶ **Emergence of Modern Workers:** The introduction of railways, post, and telegraph systems in India led to the emergence of modern industrial workers.
- ▶ **Philanthropists and Early Organizers:** Philanthropists like S.S. Bengalee and Sasipada Banerjee initiated organized labour movements. The first trade union organization, the 'Bombay Mill Hands Association,' was founded by N.M. Lokhande.

EARLY 20TH CENTURY DEVELOPMENTS

- ▶ **Influence of Socialist Ideas:** The Russian Revolution spurred the growth of socialist ideas in India, encouraging leaders to organize workers. Lala Lajpat Rai, for example, showed great concern for workers' issues. Gandhi also led a significant protest involving Ahmedabad Textile Mill Workers.
- ▶ **Formation of AITUC:** In 1920, the All India Trade Union Congress (AITUC) was formed with Lala Lajpat Rai as its first president. This organization marked the beginning of a more structured labour movement in India.

➤ **Communist Infiltration and Splits:** AITUC was infiltrated by communists, who later formed their own organization, the All India Red Flag Trade Union Congress, in 1931. Eventually, the communists rejoined AITUC, highlighting the fluctuating alliances within the labour movement.

➤ **Formation of INTUC:** The Indian National Congress (INC) left AITUC and formed its own labour organization, the Indian National Trade Union Congress (INTUC), in 1947. This split further fragmented the labour movement.

The trade union movements in India have faced significant challenges due to fragmentation, political influence, and social divisions. Despite these obstacles, they have played a crucial role in advocating for workers' rights and shaping the labor landscape in the country. However, their impact has often been limited by the lack of unity and autonomous leadership.

13.

ROLE OF WOMEN IN THE INDIAN NATIONAL MOVEMENT

The participation of women in politics during the Indian Freedom movement has recently emerged as a significant area of research in historiography. Despite being a highly patriarchal society, women contributed to the Freedom movement in multiple ways. Their contributions were often neglected in historical accounts, but recent studies have highlighted their critical roles.

EARLY EXAMPLES OF WOMEN LEADERS

- **Bimbai Holkar:** Successfully defended her status by defeating the British in guerrilla warfare.
- **Rani Chennamma:** Protected the independence of her Kittur state.
- **1857 Revolt:** Rani Lakshmi Bai and Begum Hazrat Mahal played heroic roles in the first war of Indian independence.

WOMEN AND THE INDIAN NATIONAL CONGRESS (INC)

- **Gandhi's Strategy:** Mahatma Gandhi skilfully mobilized women, particularly in constructive programs like Swadeshi and Khadi. Women played pivotal roles in these initiatives.
- **Prominent Women Leaders:** Figures such as Annie Besant, Sarojini Naidu, Madame Cama, Sucheta Kriplani, and Rajkumari Amrit Kaur were instrumental in the movement

EXAMPLES OF WOMEN LEADERS

- **Rani Gaidinliu:** A Naga woman who remained steadfast against colonial and patriarchal oppression.
- **Social and Economic Empowerment:** Leaders like Pandita Ramabai, Durgabai Deshmukh, Vasanti Devi, and Suniti Devi contributed significantly to the social and economic empowerment of women.

WOMEN ORGANIZATIONS

- **Young Women's Christian Association (YWCA):** Established in 1875, played a significant role in the upliftment and organization of women.
- **All India Women's Conference (AIWC):** Founded in 1927, was pivotal in addressing women's issues and promoting education and social reforms.

NATIONALIST IDEOLOGY AND WOMEN'S ISSUES

- **Sumit Sarkar's Analysis:** According to historian Sumit Sarkar, while women were active participants in the INC, the movement itself was initiated by men. INC leaders, although supportive, did not prioritize women's issues as core issues.
- **Gandhi's Utilization of Women:** Gandhi often used women as a resource for mass movements rather than focusing on their upliftment.
- **Peripheral Focus:** Like the issues of peasants and workers, women's issues were often peripheral in the nationalist agenda.
- **Patriarchal Attitudes:** The patriarchal approach of mainstream leaders was evident in their strong opposition to Ambedkar's Hindu Code Bill, even from leaders like Dr. Rajendra Prasad.

Women's participation in the Indian National Movement was significant and multifaceted. Despite the neglect in historical narratives, their contributions were crucial in various aspects of the struggle for independence.

From leadership roles in revolts to participation in the INC and social empowerment initiatives, women played dual roles in both the nationalist ideology and addressing women's issues.

However, the mainstream leadership often relegated these issues to the periphery, reflecting the patriarchal context of the time.

UNIT 1B: NATIONALISM AND DIFFERENT PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

SYLLABUS – PERSPECTIVES ON INDIAN NATIONAL MOVEMENT; LIBERAL, SOCIALIST, AND MARXIST; RADICAL HUMANIST AND DALIT

PREVIOUS YEAR QUESTIONS

- Analyze the Marxist perspective of the nature of Indian National Movement. (2021)
- Role of socialists in Indian National Movement. (2020)
- Dalit perspective on Indian national movement. Discuss. (2019)
- Revolt of 1857 is a 'Sepoy Mutiny' or 'First War of Independence'. (2018)
- Critically examine the Radical Humanist perspective on Indian National Movement. (2016) Marginalization of the left ideology in India. Comment. (2014)
- Marxist understanding of India's freedom movement. Comment. (2013)
- Dalit perspective on Indian National Movement. Comment. (2011)
- Indian nationalism as depicted in S.N. Banerjee's 'A Nation in the making'. Comment. (2010)

2. INTRODUCTION

Nationalism is a complex and multifaceted concept that can be understood in various ways depending on the perspective taken. At its core, nationalism is an ideology and a movement that promotes the interests of a particular nation, especially with the aim of gaining and maintaining the nation's sovereignty (self-governance) over its homeland.

According to **Walker Connor** "Defining & conceptualising nation is a difficult task because the concept is intangible, psychological and hence it remains shadowy illusive idea."-

1. KEY ELEMENTS OF NATIONALISM

- **Sense of Belonging:** Nationalism fosters a sense of unity and belonging among the people of a nation. It emphasizes shared identity based on common history, culture, language, and values.
- **Political Sovereignty:** Nationalism often involves the desire for political independence and sovereignty. It advocates for self-governance and the right of a nation to make its own decisions without external interference.
- **Cultural Identity:** Nationalism celebrates the unique cultural identity of a nation. It includes the preservation and promotion of national traditions, customs, language, and heritage.
- **Patriotism:** Nationalism can inspire strong feelings of patriotism, where individuals feel a deep loyalty and devotion to their nation.
- **Nation-State:** The concept of the nation-state is central to nationalism. It is the idea that **political boundaries should align with national boundaries**, creating a state that represents and serves the interests of a particular nation.

Partha Chatterjee: "If all nations are imagined, all nations are imagined differently by different sets of people."

2. THEORETICAL PERSPECTIVES ON NATIONALISM

- **Essentialist Perspective:** Nationalism is viewed as a **natural and inherent phenomenon**. It consists of nations are timeless entities with distinct characteristics that differentiate them from others. For example, **Johann Gottfried Herder's** theory of cultural nationalism suggests that **each nation has a unique spirit** expressed through its language and culture.
- **Constructivist Perspective:** Nationalism is seen as a social construct, created by human actions and ideas rather than being naturally occurring. Within constructivism, there are sub-schools:



- **Liberal Constructivism:** Nationalism is a **product of modernity** and the spread of print media. It involves the creation of a shared national identity through education, media, and public institutions.
- **Marxist Constructivism:** Nationalism is an ideological tool used by the bourgeoisie to maintain control and suppress class struggle. It creates false consciousness among the working class, diverting attention from class issues to national identity.
- **Cultural Perspective:** Nationalism emphasizes the **importance of cultural identity and heritage**. It advocates for the preservation and celebration of a nation's unique cultural traits.
- **Political Perspective:** Nationalism is a political ideology that **seeks to achieve and maintain self-governance** for a nation. It involves political movements and actions aimed at gaining independence or enhancing national sovereignty.

3. CRITICISMS OF NATIONALISM

- **Exclusivity and Ethnocentrism:** Nationalism can lead to exclusionary practices, where the interests of the nation are placed above those of other groups. It can foster ethnocentrism and discrimination against minorities or foreign cultures.

Eric Hobsbawm highlighted that nationalism often relies on invented traditions, which can promote an exclusionary and rigid sense of identity that leaves little room for diversity.

- **Conflict and Aggression:** Nationalist movements can sometimes result in conflict, both within and between nations. Extreme nationalism can lead to aggressive policies and wars.

Benedict Anderson suggested that the imagined communities created by nationalism can become sites of conflict when the imagined identity is challenged, leading to violence and aggression to protect the national identity.

- **False Consciousness:** Critics, especially from the Marxist perspective, argue that nationalism creates a false consciousness that diverts attention from class struggles and economic inequalities.

For example, **Karl Marx** viewed nationalism as a tool used by the bourgeoisie to divert the proletariat's attention from class struggle, thereby maintaining the status quo.

- **Constructed Nature:** Nationalism is often criticized for being a constructed and artificial concept, relying on invented traditions and myths rather than genuine historical or cultural continuity.

Ernest Gellner asserted that nationalism is not the awakening of nations to self-consciousness but the invention of nations where they do not exist.

Nationalism is a powerful and pervasive ideology that shapes the political, cultural, and social landscape of nations. While it can inspire unity, patriotism, and cultural pride, it also carries the potential for exclusion, conflict, and manipulation. Understanding the various dimensions and implications of nationalism is crucial for comprehending its role in the modern world.

4. CRITICISM OF WESTERN EUROPEAN CONCEPT OF NATION – PARTHA CHATTERJEE

Partha Chatterjee critiques the **universalist approach of imperialists**, arguing that nationalism is not a derivative discourse. Applying the concept of orientalism, Chatterjee shows that **nationalism is a dialectical and multi-layered phenomenon**, with each nation having its own unique history.

Indian nationalism evolved in three phases:

1. Movement of Departure: Symbolized by B.C. Chatterjee, viewing Indian nationalism as a product of modernization under British rule.

- B.C. Chatterjee used the categories of Western scholars, provided critique to orientalist discourse, and searched for India's awakening in its cultural and spiritual tradition.

2. Movement of Manoeuvre: Represented by Gandhi, who provided a critique of modern civilization and created a broad framework for different sections of Indian society.

- Gandhi called the British state satanic and advocated for Ram Rajya as a desirable goal. He emphasized politics of accommodation, adjustments, and compromises towards attaining utopia.

3. Movement of Arrival: Represented by Nehruvian nationalism, focusing on nation-building post-independence. Nehru addressed contradictions through programs like strengthening democracy, constitutional reforms, planning, and a centralized federation.

According to **Dipesh Chakrabarty** "Partha Chatterjee has expanded the narrow concept of nation and nationalism by including heterogeneous practices of colonial societies."

2.

INDIAN NATIONALISM AS DEPICTED IN S.N. BANERJEE'S 'A NATION IN THE MAKING'

Surendranath Banerjee, a prominent leader in India's early nationalist movement, played a crucial role in shaping Indian nationalism during the late 19th and early 20th centuries. His work, "**A Nation in the Making**," offers a detailed account of his efforts and the broader nationalist movement in India.

1. KEY THEMES IN 'A NATION IN THE MAKING'

- **Moderate Nationalism:** Banerjee advocated for constitutional methods and gradual reforms. He believed in achieving political rights and representation through dialogue and cooperation with the British government rather than through violent or radical means.
- **Political Education and Representation:** Emphasizing the importance of political education among Indians, Banerjee argued for increased political participation and greater representation of Indians in the administration. He saw education as a tool to awaken national consciousness and to prepare Indians for self-governance.
- **Role in Indian National Congress (INC):** As a founding member of the INC, Banerjee played a vital role in building the organization as a platform for uniting Indians from different regions and communities. He fostered a sense of shared purpose and collective identity.
- **Critique of British Policies:** Despite his moderate approach, Banerjee was critical of discriminatory British policies, especially regarding civil services, the economy, and self-governance. He fought for the rights of Indian citizens to enter government service and opposed policies that marginalized Indians.
- **Inclusivity and Unity:** Banerjee sought to unite Indians across different castes, religions, and regions. He encouraged them to fight together for common political goals and condemned divisive practices. His vision included a secular and socially harmonious India.

- **Economic Nationalism:** Banerjee supported the Swadeshi Movement, advocating for the use of indigenous goods over foreign products as a form of economic nationalism. He saw economic independence as integral to political independence.

SCHOLARLY VIEWS: SUPPORTERS

- **Bipin Chandra** views Banerjee as a pioneer in Indian nationalism, who laid the groundwork for future movements by promoting political education and gradual reforms. Chandra highlights Banerjee's role in awakening national consciousness through his speeches and writings.
- **Judith Brown** emphasizes Banerjee's contribution to the early nationalist movement by fostering a sense of unity among Indians. She acknowledges his efforts in building the INC as a platform for inclusive nationalism.

SCHOLARLY VIEWS: CRITICS

- **R.C. Majumdar**, in "**History of the Freedom Movement in India**", highlights that while Banerjee and his contemporaries laid important groundwork, their moderate tactics were insufficient to compel the British to enact significant reforms.
- **B.R. Nanda**, in his work "**Gokhale: The Indian Moderates and the British Raj**", suggests that moderate leaders like Banerjee were often seen as too accommodating to British interests and unable to galvanize mass support for more immediate and profound changes.

"Nations are not by any means enduring concepts. They are constructed, contingent, fluctuating, illusionary, spurious communities representing ideological smokescreens." - **Rogers Brubaker**

3.

DIFFERENT PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

- Scholars are divided on how to characterize the political events that occurred on the sub-continent from 1857 to 1947. The overarching view is that these activities represent a National Movement, but this interpretation has faced criticism from various perspectives, including those of Dalit, Marxist, and subaltern studies.

- To gain a deeper understanding and analyze the political actions of that era, it's beneficial to consider narratives beyond the dominant one. The origin of this debate can be traced back to the writings of colonial historians and officials.
- Figures such as **Curzon, Dufferin, and Herbert Risley** often contested the notion of India as a unified nation and questioned the portrayal of actions by the Indian National Congress as part of a National Movement.

1. COLONIALIST PERSPECTIVE

- The colonialist perspective on the Indian freedom rooted in **notions of superiority** and the **maintenance of imperial control**. This perspective often downplayed or **justified British rule** while portraying **Indian resistance as illegitimate** or disruptive to the established order.

Key Scholars- Valentine Chirol, Henry Elliot and, W.W. Hunter, and Vincent Smith, John Strachey and John Seeley, Herbert Risley

Key statements-

- "The first and the essential thing about India is that there is no India and never was." **John Strachey -India: Its Administration and Progress(1888)**
- India as a nation is a vulgar error which political scientists should aim at eradicating. **John Seeley-Expansion of England(1883)**
- India was a 'mere geographical expression', and even this geography was forged by the British. **Valentine Chirol- Indian Unrest (1910)**

SALIENT FEATURES OF COLONIAL PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

- **Rejection of Indian nationhood on the basis of diversity and unity:** Colonialist thinkers rejected the concept of India as a unified nation, highlighted the diversity and internal divisions within India, portraying it as a land of warring units.

Scholars' views- **W.W. Hunter, Herbert Risley** and many others emphatically attempted to prove it by segregating and classifying the country in innumerable tribes and castes.

John Strachey and John Seeley asserted that it was impossible to forge a nation in India because it has never had the characteristics of a nation nor it could ever have it in future. According to them, India was a conglomeration of different and often antagonistic religious, ethnic, linguistic and regional groups which could never be welded into a nation.

- **Justification of colonial rule:** They justified colonialism by portraying it as a unifying force in a supposedly fragmented and hostile land.

According to Valentine Chirol-'There are far more profound racial differences between the Maratha and the Bengalee than between the German and the Portuguese'. It was only the British rule which 'prevents these ancient divisions from breaking out once more into open and sanguinary strife'.

- **Early portrayal of India as land of hostility and conflict:** Since the early days of colonial rule, India was depicted as a land characterized by hostility and conflict among its various regions and communities.

Dufferin challenged INC as he held that '**congress represented microscopic minority**'.

According to **Vincent Smith**, there was a basic lack of unity among the Indians. Except during brief periods of imperial rules, Indian body politic always consisted of '**mutually repellent molecules**'. The lack of cohesion among the Hindu states made them '**an easy prey to fierce hordes of Arabs, Turks, and Afghans, bound together by stern fanaticism**'.

KEY CRITICS

- "The national movement in India was essentially the result of the contradiction between the interests of the Indian people and British colonialism, rather than being merely a product of British reforms or the Western education system."-**Bipin Chandra**
- "The Swadeshi Movement was not just a movement of the boycotting of foreign goods, but also a mass awakening that saw the involvement of various sections of Indian society, including students, workers, and women, who were all united in their desire for Swaraj."-**Sumit Sarkar**

According to these views, there was no possibility of a movement which could be called national. Even when the national movement became a pan-Indian reality as a mass movement after the First World War, the colonialist historians questioned its effectiveness and attempted to highlight the religious, caste and linguistic divisions to deny it a national character.

VALUE ADDITION

Views of Cambridge school scholars like—Percival Spear, Louis Nemier, Anil Seal

- It is wrong to call political activity a national movement. It was essentially a '**communal movement**' and the leaders were communal and power brokers. They were competing among themselves rather than fighting against British.
- They were looking for favours from Raj for their communities. There was '**no grand idea**' inspiring these leaders, they were guided by '**animal instincts**', that is looking for employment etc.
- It was a communal politics, and the '**formation of Pakistan**' is the logical result of communal politics. The **nature of politics in independent India** is hardly different from what was happening at that time.

2. NATIONALIST PERSPECTIVE

Nationalist views on Indian nationalism and national movement were formed in response to the colonialist view. While the nationalist writers **accepted some of the ideas present in colonialist historiography**, they strongly **reacted against colonialist denigration of India** and its people. Nationalist historians adopted an '**idea-centric approach**'.

1. EARLY NATIONALISTS

- Accepted the orientalist discourse—**India is not a nation**.
- Under the process of modernisation introduced by British **India is evolving as a nation**.
- The objective of the national movement was **to bring together Indians from diverse regions** and backgrounds into one unified nation, bonded by their shared challenges.

2. CULTURAL NATIONALISTS (EXTREMISTS)

- **India** had been a nation **since the earliest times**.
- **Sri Aurobindo** known as '**Prophet of Indian Nationalism**'. He held that nationalism is a spiritual concept. He held that India has always been a nation.
- Emphasizes India's long history of unity and nationhood, predating colonial rule.

- Highlights the shared cultural heritage that binds diverse linguistic, religious, and ethnic groups in India.
- Points to India's ancient achievements in various fields as evidence of a sophisticated and unified civilization.

KEY STATEMENTS

- There had existed a sense of geographical unity of India since early times, and even the idea of nationalism was already present in early India. – **Radha Kumud Mookerji**
- 'The ancient Hindus were the greatest nation that has yet flourished in the earth'. **Har Bilas Sarda, Hindu Superiority (1906)**
- India was not merely a geographical entity but rather embodied a more expansive civilizational and cultural unity. India's national identity was rooted in this inclusive and assimilative approach, distinct from the divisive political conflicts seen in European nationalism. – **Rabindranath Tagore**
- India possessed everything which modern Britain could claim: big empires, enduring and successful republics, representative elective institutions, strong parliaments, a constitutional monarchy, and supremacy of Law above the executive authority. – **K.P. Jayaswal, Hindu Polity (1924)**
- India possessed 'a fundamental unity' despite endless diversity – **Subhas Chandra Bose**

Rabindranath Tagore depicted India as a civilization where numerous invaders, including Greeks, Shakas, Huns, Turks, Persians, Afghans, and others, arrived and gradually integrated into its ethos, thereby enhancing its culture.

3. MARXIST PERSPECTIVE

Diving into India's quest for freedom with a Marxist outlook unveils the intricate web of economic disparities and societal rifts that fuelled the drive for independence.

SALIENT FEATURES:

Marxist historians criticise both colonialist and nationalist perspectives on Indian nationalism:

- They condemn colonialist views for **their discriminatory portrayal of India and its people**.
- They criticize nationalist **commentators for attempting to trace the origins of nationalism solely to ancient history**.
- They argue that both perspectives **neglect to consider economic factors and class distinctions** in their analysis of the nationalist phenomenon.
- They emphasize the significance of ideas, beliefs, and the non-violent strategies adopted by the leaders of the movement.
- They acknowledge that the movement was influenced by the interests of the wealthier classes.
- However, they also point out that it allowed for participation from diverse social backgrounds.
- This participation demonstrated a blend of various social groups and ideologies.
- Marxist interpretations, like **M.N. Roy** and **R.P. Dutt**, place the Indian nationalist movement within the **broader context of global capitalism**, viewing it as the **political expression of an emerging Indian bourgeoisie** influenced by international capitalist developments.
- Dutt**, in his work "**India Today**," traced the national movement's origins to the late 19th century, **criticising the Congress's initial loyalty to British rule and highlighting its evolution into a more assertive anti-colonial force due to popular nationalist pressures**.

Key Scholars

S.A. Dange, Subrata Mukherjee, M.N. Roy, R.P. Dutt, A.R. Desai, E.M.S. Nambooripad, Hiren Mukherjee, Sumit Sarkar, Irfan Habib, Bipin Chandra.

- Karl Marx** viewed the 1857 Revolt as a feudal rebellion, suggesting British rule brought necessary modernization to India, a perspective that has been both influential and controversial in understanding the impact of colonialism on India.
- M.N. Roy** criticized the Indian National Congress for not fully empowering the masses and argued that Gandhi's non-violent methods suppressed mass activism, casting Gandhi as a representative of bourgeois interests.

- R.P. Dutt** analyzed the 1857 Revolt as driven by feudal interests and claimed that the Congress was initially a tool of British policy, primarily serving the big bourgeoisie, but noted a later shift towards broader mass involvement.
- E.M.S. Namboodripad** while acknowledging Gandhi's efforts to involve the masses, critiqued the restricted nature of Gandhian mass mobilization, suggesting Gandhi preferred mass movements to remain under bourgeois control, without aligning with a specific class agenda.

Key Scholars– R.G. Pradhan, B. Prasad, R.C. Majumdar and Lajpat Rai, Tara Chand

Key Statements

- R.C. Majumdar** contended, "the conception of India as a common motherland was still in the realm of fancy. There was no India as it is understood today. There were Bengalis, Hindustanis, Marathas, Sikhs, etc. but no Indian, at the beginning of the nineteenth century."

He believed that it was the initiatives undertaken by the Congress which "gave reality to the ideal of Indian unity," suggesting that the concept of a unified Indian identity was brought to life by these movements.
- Tara Chand** also thought that **creation of an Indian nation was a recent phenomenon** which emerged due to 'the combined economic and political change'.
- British rule has been a '**blessing in disguise**'. He believed that India can emerge as a nation. The goal of INC should be to promote and protect this emerging consciousness. – **S.N. Banerjee (Nation in making-autobiography)**

CRITICS OF MARXIST PERSPECTIVE

For the nuanced perspectives offered by these historians on Indian nationalism, key statements are:

- Bipan Chandra**: "The Indian National Congress spearheaded what was arguably the most inclusive and expansive mass movement in history, challenging the traditional Marxist view of its bourgeois character."
- Sumit Sarkar**: "The attempt to neatly categorize the national movement's phases by class interests oversimplifies the complexities. The distinctions between moderates and extremists, in terms of class representation, are not as clear-cut as traditionally portrayed."

- ◆ **S.N. Mukherjee:** "Indian nationalism cannot be fully understood through a simplistic class analysis alone; it was a multifaceted process influenced by a variety of factors including caste and utilized a blend of traditional and modern political languages."

From a Marxist angle, the struggle for India's freedom is seen as a clash of economic interests and social classes under British dominance. Critics point out that while the movement's leaders often came from elite backgrounds, the push for independence gradually drew in people from all walks of life, making it a broader fight against colonial oppression.

4. SOCIALIST PERSPECTIVE

Socialism in India, deeply influenced by the Russian Revolution, resonated with the nation's youth, finding champions in leaders like Nehru and Bose who introduced socialist ideals within the Congress. The Congress Socialist Party, founded in 1934 by progressives such as JP Narayan, Acharya Narendra Dev, and Minu Masani, sought not to oppose Congress but to steer its agenda towards more radical solutions, drawing inspiration from Gandhi as well.

Key Figures: Nehru, SC Bose, JP Narayan, Minoo Masi, Acharya Narendra Dev, Ram Manohar Lohiya

SOCIALIST INSIGHTS ON THE INDIAN FREEDOM MOVEMENT:

- ◆ **Jaya Prakash Narayan:** In his work "Why Socialism?" (1935), Narayan, drawing from Marxist principles, criticised Gandhi's vision as overly idealistic, pointing out overlooked societal contradictions, and advocated for a socialist revolution as the path to true freedom, emphasizing economic equality.
- ◆ **Acharya Narendra Dev:** His book "Socialism and National Revolution" sharply criticized Gandhi's methods, particularly his attempts to reconcile class differences and his religious overtones, alongside rejecting Gandhi's critique of modernity.
- ◆ **Ram Manohar Lohiya:** Lohiya offered a socialist reinterpretation of Gandhian ideals, contextualizing socialism within an Asian framework and proposing a multi-faceted revolution leading to a 'four-pillared state'.
- ◆ **Nehru:** A staunch socialist, Nehru envisioned a post-independence India aligned with socialist goals. In his 1929 Lahore Congress presidential address, he openly identified as a socialist and

republican, linking India's struggle for independence with the broader fight against exploitation

- ◆ **Subhash Chandra Bose:** Bose envisioned a social revolution alongside political liberation, emphasizing the eradication of all forms of bondage and inequality to achieve true freedom.

Socialists within the Congress advocated for political independence as a means to broader social and economic reforms, aiming to imbue the Congress agenda with a socialist direction, ensuring the movement's end goals extended beyond mere political freedom to encompass the eradication of class disparities and economic injustices.

5. DALIT PERSPECTIVE

The Dalit perspective on the Indian national movement, led by figures like Jyotiba Phule and Dr. B.R. Ambedkar, diverged from mainstream nationalism by prioritizing the empowerment of Dalits.

SALIENT FEATURES:

- ◆ They **criticises the upper caste dominance within mainstream nationalist movements** like the Indian National Congress (INC), highlighting their failure to address caste-based inequalities.
- ◆ Dalit intellectuals **criticized Congress for not sharing power with Dalits** and doubted upper caste commitment to social equality.
- ◆ Their **notion of nationhood prioritized abolishing existing inequalities and ensuring equal rights** in all spheres.
- ◆ Anti-caste movements were seen as more democratic and nationalistic than mainstream nationalist movements.
- ◆ **Advocacy for socio-economic and political rights** stemmed from experiences of injustice in an unjust society.
- ◆ True nationalism requires ending oppression like untouchability and promoting collectiveness, fraternity, and dignity for all.

AMBEDKAR'S VIEWS ON INC AND GANDHI

- ◆ Ambedkar criticized the Indian National Congress (INC) and Gandhi, viewing them as **protectors of the bourgeoisie and indifferent to Dalit concerns**.
- ◆ He **advised Dalits against joining the INC**, seeing it as representing the interests of the upper caste.

➤ Ambedkar **doubted the effectiveness of Gandhian methods** and Congress's commitment to uplifting lower castes.

➤ **Influenced by the French Revolution**, he aimed to establish Indian society and polity on principles of liberty, equality, and fraternity.

Rejecting India as a nation, Ambedkar viewed it as **a collection of segmented communities perpetuating exploitation**.

➤ He emphasized the **importance of social unity alongside political unity** for India to be a true nation.

➤ Ambedkar **advocated for separate electorates for Dalits** to ensure genuine representation and prevent their political isolation from the majority community.

➤ Separate electorates would empower Dalits to have representatives who prioritize their interests and cannot ignore them due to their low population.

Key Scholars: Jyotiba Phule, Ramaswamy Naicker, Narayn Guru, Periyar, Dr. B R Ambedkar, T.N Nair, Kumaran Asan

The Dalit perspective on the Indian national movement underscores the necessity of addressing caste-based oppression and inequality alongside the struggle for political freedom. While skeptical of mainstream movements, efforts to raise awareness about Dalit issues within nationalist movements contributed to the empowerment of Dalits.

6. RADICAL HUMANIST PERSPECTIVE

OVERVIEW

- Critique of conventional humanism and capitalism.
- Emphasizes human liberation, social justice, and equality.

NEW HUMANISM: M.N. ROY

- **Core Philosophy:** Situates "freedom of the individual" at its centre. The individual is an end in itself; society is a means to that end.
- **Key Work:** "Reason, Romanticism and Revolution" – Advocates for societal transformation through rationalism and scientific inquiry.

Interpretation of Marx: Roy's radical humanism is a humanist interpretation of Marx, not a rejection.

➤ Critique of INC and Gandhi:

Accused INC and Gandhi of ignoring emerging mass movements.

Viewed Gandhian non-violence as conventional and saw Gandhi as collaborating with industrialists.

➤ **Nationalism Critique:** Believed nationalism suppresses individual freedom, proposing a cosmopolitan union of free persons.

➤ **Radical Democracy:** Advocated for decentralized democracy based on networks of people's committees.

LOHIA'S CONTRIBUTIONS

- **Key Work:** "Marx, Gandhi, and Socialism" – Synthesized Marxist and Gandhian principles.
- **Decentralized Socialism:** Emphasized the role of masses in social change and advocated for decentralized socialism.

RADICAL DEMOCRACY STOOD FOR:

Abolition of feudalism, Nationalisation of land, Modernisation of industries, Protection of rights of minorities, Compulsory education and Purification of politics.

Key Statement

Sudipto Kaviraj- "His (M.N. Roy) innovative reconceptualization has resulted into astonishingly daring radicalism and tragic heteronomy."

As India continues its journey in the 21st century, the radical humanist perspective serves as a beacon, inspiring us to uphold the values of justice, dignity, and human rights in our ongoing quest for a more equitable and inclusive society.

7. SUBALTERN PERSPECTIVE

The Subaltern perspective is a response to traditional narratives that centre on elite figures and institutions. The Subaltern perspective emphasizes the agency and contributions of marginalized groups such as peasants, tribal communities, and workers etc.

SALIENT FEATURES:

FOCUS ON MARGINALIZED GROUPS

- **Critique of Elite Narratives:** Traditional narratives often overlook the agency and contributions of marginalized groups.

- **Grassroots Mobilization:** Emphasize the significance of grassroots political action by subaltern groups such as peasants, tribal communities, and the working class.

DISTINCT SUBALTERN DOMAIN

- **Resistance and Rebellion:** Subaltern politics is characterized by resistance and rebellion against elite control and hegemony.
- **Diversity Within Marginalized Communities:** Highlight the varied experiences and struggles of tribes, peasants, and workers.

CRITIQUE OF CONGRESS NATIONALISM

- **Inadequate Representation:** Argue that Congress nationalism fails to represent the interests and aspirations of subaltern groups.
- **Nuanced Understanding:** Emphasize the conscious political agency of subaltern groups, challenging portrayals of spontaneous uprisings.

ALTERNATIVE HISTORICAL INTERPRETATIONS

- **Overlooked Contributions:** Shed light on overlooked aspects of the national movement and contributions of marginalized actors.
- **Community-Based Resistance:** Move away from focusing solely on charismatic leaders towards recognizing collective consciousness and community-based forms of resistance.

HISTORICAL ROOTS OF RESISTANCE: Argue that the roots of subaltern resistance lie in pre-colonial social and political structures, challenging the notion of colonialism as a complete rupture with the past.

Key scholars

- **Ranjit Guha**—The elite historiography represents blinkered view of national movement.
- **Gyanendra Pandey**—There is no concrete contribution of Gandhi towards peasantry. There were autonomous peasant movements, not dependent of INC & Gandhi.
- **Sahid Amin**—INC wanted that masses should worship Gandhi. The role of masses was limited to his devotees only.
- **Bhikhu Parekh**—“Gandhi looked at himself as Yugpurush. He projected that his program will lead to ideal state. He reduced traditions of India as his resources”. (**Colonialism Tradition & Reform: An analysis of Gandhi's political discourse**)

The Subaltern perspective offers a nuanced and critical understanding of the Indian national movement, foregrounding the voices and experiences of those traditionally marginalized in historical narratives.

4.

CONCLUSION

“Interpretation of Indian nationalism from different perspectives is like 6 blind men trying to understand an elephant.”— R. Chanda (Book— A Textbook to Colonialism & Imperialism).

UNIT 2: MAKING OF INDIAN CONSTITUTION

LEGACIES OF THE BRITISH RULE, DIFFERENT SOCIAL AND POLITICAL PERSPECTIVES

PREVIOUS YEAR QUESTIONS

- Imprint of the British Constitution on the Indian Constitution. Comment. (2023)
- "The Constitution of India is a product of a historical process, rich with constitutional antecedents." Comment. (2021)
- The Constitution of India is the 'cornerstone of a nation'. (Granville Austin). Analyse. (2023)
- The making of the Indian Constitution is described as an attempt towards 'social revolution'. Comment. (2022)
- Mention the founding principles that define India's Constitution. (2021)
- "The Constitution makers faced the great task of forging a common national identity in the face of unparalleled social and cultural diversity in India." Comment. (2021)
- Indian constitution makers' concerns on social inequality. (2020)
- Unity and integrity of India was perhaps the single uppermost factor in the minds of the Constitution makers. Comment. (2019)
- Indian Constitution is a "Lawyers' Paradise". - Ivor Jennings. (2018)
- The Constituent Assembly was a one party body in an essentially one party country. The Assembly was the Congress, and the Congress was India." (Granville Austin). Critically examine and comment. (2010)

1.

LEGACIES OF BRITISH RULE

According to **Bipan Chandra**, India's post-colonial journey was marked by a "Transfer of Power," unlike China's Communist Revolution. If **China has gone** through the **Communist Revolution** what happened in India was "**Transfer of Power**".

Indian elites, educated in the western liberal tradition, preferred a liberal democratic political order. From a **Gramscian perspective**, British influence continued to dominate.

Evidence of British Legacy:

British legacy is evident in almost all spheres of Life – **From administration to art and architecture**. British legacy can be seen in following Spheres:

ECONOMY

- Post-independence, **India's economy remained colonial**, serving as a supplier of raw materials and market for Western goods.
- **Regional imbalances, rural poverty, failed land reforms**, agricultural crises, and a lack of public investment in agriculture reflect a continued colonial approach towards development.
- Most sectors, except the service sector, show little change from colonial practices.

INDIAN SOCIETY

- Social conflicts and the politics of caste, religion, and language stem from the **British divide and rule policy**.
- Contemporary issues persist due to **elites opting for continuity** over change

POLITICAL SYSTEM

- Despite opposition to the Simon Commission, the **Government of India Act of 1935** became the foundation of India's political system.
- Features such as the **Indian Federation, Governor's role, ordinance-making powers, and emergency provisions** are drawn from the colonial constitution.

Applying a **Structural Marxist perspective**, **Hamza Alvi** suggests that the elites in South Asia chose to maintain an "**Overdeveloped State**" because it offered numerous privileges to the ruling class.

- Bureaucracy retains a colonial character with draconian laws like Preventive Detention.
- The **Official Secrets Act and the delayed RTI Act** reflect a lack of transparency and accountability.
- The criminal justice system has seen little reform, with Victorian-era laws like Section 377 and Section 497 only recently updated. Preventive detention law still is in use today

EDUCATION SYSTEM

- The British system aimed at producing clerks, emphasizing rote learning over creativity and rational thinking.
- **Macaulay's education system** largely persists in India.

FOREIGN POLICY

The partition of the Indian subcontinent remains a significant and negative legacy of British rule. This historical division has continued to affect the political and social dynamics of South Asia, making it one of the least integrated regions globally.

LEGACY OF PARTITION

- **Lasting Impact:** The partition left deep-seated issues that South Asian elites have struggled to overcome.
- **Regional Integration:** South Asia ranks low in regional integration, second only to the Middle East.

NEHRU'S POLICY AND BRITISH INFLUENCE

- **Curzon's Policy:** Nehru's approach to neighbouring countries was heavily influenced by Lord Curzon's policies.
- **Treaty Diplomacy:** Nehru's treaties with Nepal and Bhutan were seen as superficial modifications of earlier British agreements.
- **Perception of India:** Neighbouring countries often perceive India as retaining a colonial mindset.

Thus, India's foreign policies exhibit more continuity than change from the British era. This colonial legacy has predominantly led to negative outcomes, affecting regional relations and perceptions.

2. THE CONSTITUENT ASSEMBLY

The evolution of the Constituent Assembly in India represents a significant chapter in the country's path to independence and self-governance. Initially, it was **proposed in 1934 by M. N. Roy**, a prominent figure in the Indian communist movement.

A. KEY DEVELOPMENTS LEADING TO THE FORMATION OF CONSTITUENT ASSEMBLY

In 1922, **Gandhi** promised **that Swaraj will not be the 'free Gift'**. Swaraj will be the expression of Indians.

- **Early Proposals:** The INC's demand for a Constituent Assembly was strongly articulated by **Jawaharlal Nehru in 1938**, emphasizing the need for a constitution based on adult franchise and free from external interference.
- **British Acceptance:** The British government acknowledged this demand in principle through the **"August Offer" of 1940** and the **Cripps Mission in 1942**, which provided a more concrete proposal for India's constitutional future. However, the Cripps Mission was rejected by the Muslim League, which advocated for a separate state for Muslims.
- **Formation of the Assembly:** The Constituent Assembly was constituted in 1946 under the **Cabinet Mission Plan**. It was indirectly elected by members of the Provincial Legislative Assemblies, initially comprising 389 members, later reduced to 299 following the partition in 1947.

B. STRUCTURE AND FUNCTIONING OF THE CONSTITUENT ASSEMBLY

- **Composition:** The assembly included representatives **from British India and princely states**, with seats allocated based on **population demographics**.
 - The first meeting took place on December 9, 1946, with Dr. Sachchidananda Sinha as the temporary president. Dr. Rajendra Prasad was later elected as the permanent president.
- **Committees:** Various committees were formed to address specific aspects of the constitution, including the **Drafting Committee chaired by Dr. B. R. Ambedkar**. Other committees focused on fundamental rights and the structure of government.
- **Objective Resolution:** On December 13, 1946, **Nehru introduced the "Objective Resolution,"** outlining the fundamental principles and aspirations of the constitution, emphasizing democracy, social justice, and the protection of minority rights. This resolution later served as the foundation for the Preamble of the Indian Constitution.

The Constituent Assembly played a crucial role in shaping India's constitutional framework. It met for nearly three years, culminating in the adoption of the Constitution on November 26, 1949, which came into effect on January 26, 1950.

C. LEGITIMACY OF CONSTITUENT ASSEMBLY

The framing of India's constitution was a critical event in the global history of both constitution-making and democracy. However, the legitimacy of the Constituent Assembly was not unquestioned at that point, and neither was the underlying scheme for its establishment and terms of reference.

The legitimacy of the Constituent Assembly of India has been challenged on several grounds:

- **Representation Issues:** Critics, including Winston Churchill, argued that the Assembly was predominantly Hindu (80% members upper castes, 25% Brahmins) and did not adequately represent all communities, particularly due to the Muslim League's boycott. This raised concerns about the Assembly's ability to reflect India's diverse demographics and questioned the Constituent Assembly's representativeness.

- **One-Party Dominance:** The Assembly, dominated by the Indian National Congress, was seen as a constitution framed by a single political party. The absence of the Muslim League and many princely states led to questions about its inclusivity.

- **Winston Churchill** view on Constituent Assembly- "**The assembly of Brahmins**".

- **Election Legitimacy:** Critics claimed the elections were not fully representative, excluding the Muslim League and princely states, which undermined the Assembly's legitimacy.

- **Concerns Over Federalism and Autonomy:** Scholars noted that the centralization of power in the Assembly's decisions might undermine provincial autonomy and federal principles, failing to address regional and minority needs adequately.

The Constituent Assembly of India faced significant opposition regarding its **legitimacy** but provided several justifications:

- **Historical Context:** The time was not conducive to holding elections. The Supreme Court, in the Kesavananda Bharati case, has affirmed that the phrase "**We, the people**" reflects the will of the people. The Court stated that there is no need to examine the factual correctness of the phrase, and it should be accepted as correct.

- **Legitimacy through Election Process:** The Assembly was formed through elections outlined by the British Cabinet Mission plan in 1946, with representatives from various political parties, despite the Muslim

League's boycott. Further, The results of the First General Elections (1951-52) indicated that the composition of the Assembly would not have been significantly different even if direct elections had been held, suggesting the outcome would have been largely the same.

- **Inclusivity and Consensus:** Despite being a "one-party assembly in a one-party state," as no other parties like the Hindu Mahasabha or Ambedkar's Republican Party of India secured any seats, the INC co-opted members from other parties to ensure the Constitution was a consensus document. Most provisions were adopted by consensus rather than a simple majority vote. Unlike Nepal's Constitution, which was formed based on majority rule, the Indian Constitution was developed through consensus.

- **Commitment to Safeguards for Minorities:** The Assembly committed to minority rights in the Constitution, enhancing its legitimacy. **Rajeev Bhargava** discussed these safeguards in "Politics and Ethics of the Indian Constitution."

- **INC's Dominance:** Although the Indian National Congress (INC) dominated the Assembly, Granville Austin, a leading authority on the Indian Constitution, suggested that the Congress party represented India and vice versa. The INC's broad base and inclusive nature helped it reflect the nation's will.

- **Granville Austin** view- "**Congress was India and India was Congress**".

The Constituent Assembly of India, despite facing significant opposition regarding its legitimacy, successfully framed a constitution that laid the foundation for the country's democratic governance. Scholars like **Granville Austin** and **Rajeev Bhargava** have highlighted the Assembly's inclusive and democratic efforts, reinforcing its legitimacy and enduring relevance.

3.

MAJOR DEBATES IN THE CONSTITUENT ASSEMBLY

The Constituent Assembly of India was the setting for numerous significant debates that shaped the foundation of the nation's Constitution. These debates addressed various critical aspects of governance, ensuring that the final document was comprehensive and reflective of diverse perspectives. Some of the major debates in Constituent Assembly are-



- ❖ **Nature of Political System:** Modernists like **Nehru and Ambedkar** advocated for **parliamentary democracy**, while **Gandhians** preferred a **Panchayati Raj system**. Ultimately, the modernists prevailed, and Gandhian principles were included in Part IV of the Constitution as non-enforceable directives.
- ❖ **Nature of Federation:** Members of parties like the **Hindu Mahasabha** favoured a **loose federation**, while **Nehru and Patel** supported a **strong central government**. This resulted in a highly centralized federation, often termed quasi-federal. Nehru also favoured a parliamentary system, whereas the Hindu Mahasabha preferred a presidential system.
- ❖ **System of Elections:** Minority representatives like **B. Pocker Sahib** demanded **separate electorates**, but **Patel and G.B. Pant** strongly opposed this, arguing it would be detrimental to minority integration. Even minority representatives like Begum Aizaas Rasul opposed separate electorates.
- ❖ **Uniform Civil Code (UCC):** This was a highly debated issue. Minority members like **Pocker Sahib** and **Ismail Sahib** opposed the **UCC**, while women members like Hansa Mehta, Raj Kumari Amrit Kaur, and leaders like K.N. Munshi strongly supported it.
- ❖ **Directive Principles of State Policy (DPSPs):** There was **dissatisfaction over the non-enforceable status of DPSPs**. Leaders like N.G. Ranga, Jaypal Singh, and Ambedkar wanted these principles to be guaranteed rights.
- ❖ **Nature of Judiciary:** The Constituent Assembly considered the **appointment of judges by judges to ensure independence**. However, Ambedkar opposed this, arguing against the concept of "**imperium in imperio**" (no state within a state), emphasizing the need for checks and balances.
- ❖ **Institution of Governor:** There was significant concern regarding the qualifications and role of governors. **Pandit Thakur Das Bhargava** recommended that there should be **elaborate provisions on the qualifications of governors** rather than relying on conventions.

Constitution-making is a continuous process, and as the Supreme Court has noted, the Indian Constitution is an "organic document." It strikes a balance between rigidity and flexibility. In addition to the formal amendment process, the Constitution has been continuously adapted to meet the aspirations of the people through judicial interpretations and the adoption of new conventions.

4.

INDIAN CONSTITUTION IS CALLED A "LAWYER'S PARADISE"

The Indian Constitution, often regarded as an elite document by scholars like Granville Austin, has long been criticized for its complexity and inaccessibility. Despite its endurance for 75 years, it initially struggled to become a people's book. Indian Constitution is Called a "Lawyer's Paradise" by **Ivor Jennings**.

Arguments For:

- ❖ **1. Length and Complexity:** The Indian Constitution, with its **448 articles, 12 schedules, and numerous amendments**, is one of the longest and most detailed in the world. Legal scholars like **Granville Austin** have noted its detailed nature, describing it as a "**cornerstone of the nation**," emphasizing the intricate legal framework it provides.
- ❖ **2. Intricate Legal Language:** The Constitution uses sophisticated legal terminology and detailed clauses. **Dr. B. R. Ambedkar**, one of the principal architects of the Constitution, acknowledged the **need for precision in legal language to avoid ambiguity**, which inherently makes it complex.
- ❖ **3. Frequent Amendments:** With over 100 amendments since its inception, the Indian Constitution requires continuous legal scrutiny. This creates constant work for lawyers. Granville Austin referred to this adaptability as a strength, though it adds layers of complexity.
- ❖ **4. Extensive Judicial Review:** The power of judicial review allows courts to interpret and reinterpret constitutional provisions, which make it lawyer's paradise. This dynamic process of interpretation was highlighted in landmark cases like **Kesavananda Bharati v. State of Kerala**, which underscored the Constitution's evolving nature.
- ❖ **5. Wide Range of Provisions:** The Constitution's comprehensive coverage of governance aspects means frequent legal interpretation is necessary. For example, issues relating to fundamental rights, such as in the case of **Maneka Gandhi v. Union of India**, have required detailed legal examination.
- ❖ **6. Legal Precedents and Case Law:** The body of case law surrounding the Constitution provides lawyers with numerous precedents. **Rajeev Dhavan** has extensively discussed that, this growing body of case law creates a robust but complex legal environment.

Arguments Against:

- **1. Accessibility and Education:** Despite its complexity, the Constitution has been translated into multiple languages and is taught in schools. Scholar **Upendra Baxi** has discussed how constitutional literacy is crucial for democracy and how educational efforts aim to make the Constitution accessible to all.
- **2. Public Participation:** The framers intended the Constitution to be a document for the people. Efforts like the translation of the Constitution into regional languages and public legal education initiatives aim to demystify it. The Preamble is often cited in educational contexts to highlight its democratic ethos.
- **3. Judicial Activism:** The judiciary, through landmark judgments, has simplified constitutional principles. In cases like **Vishaka v. State of Rajasthan**, the Supreme Court laid down guidelines to address sexual harassment at the workplace, making the Constitution's provisions more practical and accessible.
- **4. Role of Civil Society:** Civil society organizations play a crucial role in interpreting and disseminating constitutional knowledge. Organizations like the **People's Union for Civil Liberties (PUCL)** work to educate the public about their constitutional rights.
- **5. Legal Aid and Awareness Programs:** Programs run by the National Legal Services Authority (NALSA) provide legal aid and conduct awareness campaigns. Scholar Marc Galanter has noted that such initiatives help bridge the gap between complex legal frameworks and public understanding.
- **6. Simplification Efforts:** Efforts to simplify legal procedures include the digitization of legal records and the use of technology to make legal information more accessible. Projects like the eCourts Mission Mode Project aim to demystify legal processes.

The Indian Constitution, often termed a "Lawyer's Paradise," is both celebrated and criticized for its complexity and intricate legal language. Scholars like **Granville Austin** highlight its detailed nature and foundational role in the nation, while critics point out that its length and frequent amendments necessitate constant legal interpretation, creating a robust environment for lawyers.

5.

INDIAN CONSTITUTION AS A SOCIAL REVOLUTION

The creation of the Indian Constitution marked a deliberate effort to initiate a social revolution. The framers sought to address and rectify the deeply rooted social inequalities and injustices of pre-independent India. Through legal and institutional reforms, the Constitution aimed to create a more just and equitable society.

➤ Key elements of this social revolution included:

- **Dismantling Social Hierarchies:** The Constitution aimed to dismantle the entrenched caste system that marginalized large sections of the population, particularly Dalits and other backward classes. It **explicitly abolished untouchability (Article 17)** and provided mechanisms for affirmative action (Articles 15(4) and 16(4)) to uplift disadvantaged communities.
- **Ensuring Equality and Social Justice:** The Preamble enshrines the ideals of justice, liberty, equality, and fraternity. The **Directive Principles of State Policy (Part IV)** outline the state's responsibility to promote the welfare of the people by securing a social order in which justice—social, economic, and political—permeates all national institutions.

Granville Austin view on abolition of **Untouchability**— He describes the abolition of untouchability as a "**bold assertion of human dignity and equality.**"

According to **Jawaharlal Nehru**, "**The first task of this Constituent Assembly of India is to free India through a new Constitution, to feed the starving people, and to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself.**"

- **Empowering the Marginalized:** Provisions such as reservations in education and public employment for Scheduled Castes, Scheduled Tribes, and Other Backward Classes (Articles 330 and 335) aim to create socio-economic mobility and rectify historical injustices.
- **Universal Adult Suffrage:** The adoption of universal adult suffrage (Article 326) granted voting rights to all adult citizens, ensuring equal participation in the democratic process, a significant departure from the limited colonial franchise.

- **Promoting Gender Equality:** The Constitution prohibits discrimination on the grounds of sex (Article 15) and guarantees equality of opportunity in public employment (Article 16). It also mandates the state to ensure women's equal right to **an adequate means of livelihood (Article 39(a))**.
- **Fundamental Rights and Freedoms:** The inclusion of Fundamental Rights (Part III), such as the right to equality (Article 14), the right to freedom of speech and expression (Article 19), and the right to constitutional remedies (Article 32), protects individual liberties and prevents abuse of power.

K. Santhanam reiterated that social revolution is a way that can divert India out of the medievalism based on birth, religion, custom, and reconstruct her on modern foundations of law and secular education.

Historian B.R. Rajam emphasizes that although foreign ideas influenced the Constitution, the Indian framers adapted them to India's specific conditions. The Constitution stands as a testament to this adaptation, incorporating the best of both worlds – global inspiration and indigenous values – to create a truly unique and representative document.

6.

WHETHER INDIAN CONSTITUTION IS A BORROWED DOCUMENT?

The Indian Constitution is not merely a borrowed document, but rather an **adaptation of foreign models blended with indigenous Indian traditions and values**. While the framers of the Constitution drew inspiration from Western sources like the United Kingdom, United States, Ireland, and Canada, they ensured the final product reflected India's unique socio-cultural and political context.

Indian Constitution incorporates indigenous features:

- **Preamble:** The Constitution's preamble emphasizes India's identity as a **"sovereign, socialist, secular, and democratic republic,"** highlighting its commitment to both indigenous and modern principles.
- **Directive Principles of State Policy:** Provisions inspired by **ancient Indian traditions, such as village panchayats**, are included to blend modern governance with indigenous values. These directives promote village-level self-governance and local autonomy, acknowledging the significance of indigenous practices.
- **Negotiated Text:** Scholar **Rajeev Bhargava** argues that the **Indian Constitution is a "negotiated text,"** combining elements from various sources while preserving India's unique identity. It reflects the synthesis of global and indigenous principles.

UNIT 3: SALIENT FEATURES OF THE INDIAN CONSTITUTION

SYLLABUS—THE PREAMBLE, FUNDAMENTAL RIGHTS AND DUTIES, DIRECTIVE PRINCIPLES; PARLIAMENTARY SYSTEM AND AMENDMENT PROCEDURES.

PREVIOUS YEAR QUESTIONS

- ▶ The main goal of the Fundamental Duties in the Indian Constitution is to generate civic responsibility among the citizens. Explain. (2023)
- ▶ The Preamble of the Indian Constitution reflects itself as a 'social contract'. Elucidate. (2022)
- ▶ "Constitutionally reconciling the Fundamental Rights with the Directive Principles of State Policy has led to frequent amendments of the Constitution and judicial interventions." Comment. (2021)
- ▶ Comment on the relevance of the Directive Principles of State Policy in an era of liberalization and globalization. (2019)
- ▶ In the light of neo-economic policies adopted since 1991, examine the relevance of the term 'socialist' in the Preamble of the Indian Constitution. (2015)
- ▶ Increasingly higher focus on Directive Principles of State Policy. Comment. (2014)
- ▶ Significance of the Preamble. Comment. (2013)
- ▶ Discuss the extent to which the Indian Constitution reflects successful reconciliation of alternative perspectives. (2012)
- ▶ Examine the relevance of Directive Principles in the era of liberalisation and globalization. (2012)
- ▶ Examine the significance of the Directive Principles of State Policy in achieving the goal of socio-economic justice. (2011)

PREAMBLE

INTRODUCTION

The preamble is a **declaration of the purposes and the underlying spirit of the constitution**. It is a **commonsense statement** of the objectives of the constitution. It is **"the key to open the minds of the makers of the Act and the mischief which they intend to redress"**.

A. SIGNIFICANCE OF THE PREAMBLE

The Preamble embodies the fundamental values and philosophy of the Constitution, reflecting the grand vision of the Constituent Assembly. According to **K.M. Munshi**, it is the **"horoscope of our sovereign democratic republic,"** while **Sir Alladi Krishnaswami Iyer** described it as expressing **"what we had thought or dreamt so long."** **Pandit Thakur Das Bhargava** called it **"the soul of the Constitution,"** a "key" and a "jewel set in the Constitution," serving as a measure of the Constitution's worth.

THE PREAMBLE SERVES SEVERAL PURPOSES:

- ▶ Indicates the source of constitutional authority.
- ▶ Contains the enacting clause.
- ▶ Declares the aims, aspirations, objectives, and purposes of the Constitution.
- ▶ Embodies the philosophy and rights intended by the Constitution.
- ▶ Aids in constitutional interpretation during conflicts or ambiguities.

Therefore, the Preamble is crucial for establishing the legitimacy, purpose, and guiding principles of the Constitution, ensuring faithful application of its provisions.

B. STATUS OF PREAMBLE AS PART OF CONSTITUTION

The status of the Preamble has been the subject of various judicial interpretations, and its role has evolved over time.

CASE	SUPREME COURT'S INTERPRETATION	NOTES
Berubari Union Case (1960)	The Supreme Court held that the preamble is not a part of the Constitution.	Followed the precedent set by the USA, where the preamble is not considered part of the Constitution.

Keshavananda Bharati Case (1973)	The Supreme Court overruled its earlier interpretation and held that the preamble is a part of the Constitution.	Acknowledged the preamble as an integral part of the Constitution and stated that the ideals in the preamble contain the 'Basic Structure' of the Constitution.
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WHY IS THE PREAMBLE CONSIDERED AS A PART OF THE CONSTITUTION?

The Supreme Court, as the ultimate authority of constitutional interpretation, creatively interpreted the Preamble as part of the Constitution. Unlike the **Preamble of the United States**, which **precedes its Constitution**, the **Indian Preamble is designed to evolve alongside the Constitution**.

C. AMENDABILITY OF THE PREAMBLE

Article 368 of the Indian Constitution describes the procedure for amending its provisions. While the **Preamble is part of the Constitution, it is not explicitly listed** as a provision. This raised doubts about whether Article 368 could be applied to amend the Preamble. However, the Supreme Court clarified in the **Kesavananda Bharati Case** that, despite not being a formal provision, the Preamble **can indeed be amended**.

The Constituent Assembly **purposefully passed the Preamble last to ensure harmony** between it and the main body of the Constitution. Amendments to the Constitution could potentially create inconsistencies with the Preamble, necessitating amendments **to the Preamble to maintain coherence** and alignment with the Constitution's evolving nature.

So, Parliament can amend the preamble, however, it stands for the test of Courts, to check for **Basic Structure doctrine**. Consequently, the **Preamble was amended by the 42nd Amendment Act, 1976** which added three new words: **Socialist, Secular and Integrity** to the Preamble.

D. RELEVANCE OF PREAMBLE IN INTERPRETATION OF THE CONSTITUTION

The Preamble to the Indian Constitution plays a significant role in guiding the interpretation of the

Constitution. Its relevance has evolved through various landmark judgments, shaping the understanding of constitutional provisions and principles.

- **A.K. Gopalan vs. State of Madras (1950)**: Initially, the Supreme Court held that the **Preamble is not essential for interpreting the Constitution**. The Court stated that the Preamble does not serve as a source of power or prohibition and should be used only when there is ambiguity in the constitutional provisions.
- **Berubari Union Case (1960)**: This case reiterated that **the Preamble is not a source of substantive power or prohibition**. However, it acknowledged that the Preamble could provide assistance in cases of ambiguity within the Constitution's language.
- **Kesavananda Bharati Case (1973)**: This landmark judgment marked a **significant shift in the Supreme Court's approach**. The Court held that the **Constitution should be interpreted in light of the ideals enshrined in the Preamble**, considering it as providing valuable guidance for interpretation. This decision elevated the importance of the Preamble in constitutional interpretation and underscored its role in reflecting the fundamental objectives and values of the Constitution.
- **Minerva Mills v. Union of India (1980)**: The Supreme Court reaffirmed that the **Preamble is a part of the Constitution** and emphasized its role in outlining the basic structure of the Constitution. The Court stressed that the principles enshrined in the Preamble, such as justice, liberty, equality, and fraternity, are part of the Constitution's basic structure and cannot be amended in a way that destroys these principles.
- **S.R. Bommai v. Union of India (1994)**: The Court used the **Preamble to reinforce the secular nature of the Indian state**. It emphasized that the Preamble's assertion of secularism is a guiding principle for interpreting the Constitution and ensuring that the state remains neutral in matters of religion.

E. IDEALS AND OBJECTIVES ENSHRINED IN THE PREAMBLE

The Preamble of the Indian Constitution enshrines the ideals that the Constitution seeks to achieve for the nation. These ideals include:

- ◉ **Sovereign:** This signifies that **India is a completely autonomous entity**. It has the power to legislate on any subject without the interference of any external authority. This independence is critical for the country's self-governance and international relations.
- ◉ **Socialist:** This principle aims **to achieve a fair distribution of wealth** and eliminate income inequality. It reflects the intention to create an equitable society where the government plays a key role in economic activities to ensure welfare for all sections of society, especially the underprivileged.
- ◉ **Secular:** Secularism in the Indian context means that the **state has no official religion** and treats all religions equally. It ensures religious freedom and allows individuals to practice, propagate, and profess their beliefs without any discrimination or preference by the state.
- ◉ **Democratic:** Democracy in India means that the **supreme power lies with the people** who elect their representatives. It encompasses political democracy (free and fair elections, majority rule, and protection of minority rights) and a commitment to uphold civil liberties and fundamental rights.
- ◉ **Republic:** India being a republic means that the **highest public offices**, including the head of the state (the President), **are filled through elections rather than hereditary succession**. This underscores the principle that all positions of power are open to every citizen.
- ◉ **Justice:** The aim is **to provide social, economic, and political justice** to all citizens. Social justice aims to eliminate social discrimination, economic justice ensures equitable distribution of wealth, and political justice guarantees equal participation in the political process.
- ◉ **Liberty:** This refers to the **freedom of thought, expression, belief, faith, and worship**. It ensures that individuals have the freedom to develop their personalities and express themselves without fear of suppression.
- ◉ **Equality:** This ensures that **all citizens have equal status and opportunities**. It strives to remove inequalities in all forms, whether social, economic, or political, and promote equal access to resources and opportunities.

- ◉ **Fraternity:** This promotes a **sense of brotherhood among all citizens**, ensuring the dignity of the individual and the unity and integrity of the nation. It seeks to cultivate a spirit of solidarity and mutual respect, crucial for the nation's harmony.

F. RELEVANCE OF PREAMBLE IN CONTEMPORARY TIMES

The Preamble outlines the foundational principles and ideals upon which the Indian Constitution is built. These principles continue to influence the socio-political environment of the nation. Scholar **Granville Austin** describes the Preamble as the **"identity card of the Constitution,"** highlighting its importance in conveying the Constitution's purpose and objectives.

- ◉ **Justice and Equality:** The Preamble's **emphasis on justice and equality** remains pertinent in the context of social justice movements and the quest for equal rights among various segments of society. For example, **Reservation Policies in Education and Employment for EWS (103rd Constitutional Amendment Act)** aims to provide equal opportunities to economically disadvantaged individuals.
- ◉ **Liberty and Freedom:** The Preamble's focus on liberty and freedom serves as a guide in discussions on individual rights, freedom of expression, and democratic values. For instance, recent **debates over issues like freedom of speech and privacy (Puttaswamy v. Union of India case (2017))** underscore its contemporary relevance.
- ◉ **Secularism:** The Preamble's commitment to secularism is **essential for managing religious diversity** and addressing ongoing debates about the role of religion in public life. For example, **The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**, aims to curb forced conversions while respecting the freedom to practice any religion.
- ◉ **Fraternity:** In the context of regional and cultural diversity, the Preamble supports efforts to promote national integration and harmony. For example, **National Integration through Infrastructure Projects Initiatives** like the Bharat Mala and Sagarmala projects aim to improve connectivity and integrate remote regions with the rest of the country.

G. SIGNIFICANCE OF WORD 'SOCIALIST' IN THE PREAMBLE AMID POST-1991 ECONOMIC REFORMS

Socialism aims for an egalitarian society with public ownership and equitable distribution of resources. In India, socialism is enshrined in the Constitution, particularly through **the Directive Principles of State Policy (Part IV)**, advocating socio-economic rights. Despite its late inclusion in the Preamble by **the 42nd Amendment in 1976**, the socialist agenda was always present, emphasizing welfare and state intervention for reducing inequalities.

DICHOTOMY: LIBERALIZATION VS. SOCIALISM

India's shift towards liberalization since 1991, promoting privatization and reduced state control, seemingly conflicts with the socialist ethos. However, the courts have upheld those economic policies, including liberalization, do not necessarily violate socialism if they promote overall economic growth and public welfare.

RELEVANCE OF 'SOCIALIST' IN THE PREAMBLE

- **The Debate on Redundancy:** Post-1991 economic liberalization has sparked debate on the relevance of 'socialist' in India's Preamble. Critics argue that the New Economic Policy's minimal state intervention and promotion of a free market make the term redundant. The shift towards private sector involvement, encapsulated in the concept of 'minimum government and maximum governance,' further supports this view.
- **Constitutional Vision of Socialism:** However, these views overlook the broader constitutional vision. Socialism in the Constitution is not about state control over the economy but about justice and equitable access. It is a moral value aimed at social justice, rather than a rigid economic policy.
- **Role of LPG Reforms:** The LPG reforms enhance private sector roles but do not retract the state entirely. The state withdraws from non-essential sectors to avoid risks and improve service quality through private sector efficiency.
- **Democratic Socialism and Mixed Economy:** Democratic socialism supports a mixed economy, allowing private participation alongside state involvement. Liberalization broadens this mixed economy to promote welfare objectives, ensuring better services, value for money, and conserving state resources for critical sectors.

SUPREME COURT'S OPINION

According to a former judge of the Supreme Court, **Jus. O. Chinnappa Reddy**, Indian Socialism is about what the Constitution of India wants for the people of India, that is, the **establishment of a welfare state**.

Further, in **D.S. Nakara and Ors. v. Union of India**, the court opined that the basic framework of socialism is to provide a decent standard of life and security to the working people. The court also underlined the role of the state in achieving the goal of socialism.

Therefore, the term 'socialist' remains relevant and integral to the Constitution's vision. It signifies a commitment to social justice and equitable access, not exclusive state control. Therefore, the essence of socialism in the Constitution remains intact and does not necessitate redefinition.

SCHOLARS' VIEWS

- **Amartya Sen** in his book "Development as Freedom" emphasizes **integrating social welfare with economic growth**, arguing that economic policies should be evaluated based on their impact on human capabilities and social justice.
- **Jean Drèze** in his book "An Uncertain Glory: India and its Contradictions" advocates for active state intervention in areas like healthcare, education, and social security to ensure that economic growth translates into improved quality of life for all citizens.

CRITICS

- **Arvind Panagariya** in his book "India Unlimited," argues that the term "**socialist**" is **outdated in the context of a globalized economy** and that the focus should be on creating opportunities for wealth creation and economic growth.
- **Jagdish Bhagwati** in his book "India's Tryst with Destiny" contends that **excessive focus on socialist policies can hinder economic efficiency and innovation**. He advocates for a market-driven approach to ensure sustainable growth.

H. THE PREAMBLE OF THE INDIAN CONSTITUTION AS A SOCIAL CONTRACT

Social contract theory states that individuals coexist under mutually agreed rules for peace and security. While Hobbes supports absolute sovereignty, Locke advocates for a liberal democracy. The Indian Constitution embodies this Lockean social contract through its Preamble.

- **Source of Government Authority:** The phrase "We, the people of India" emphasizes that the power and authority of the government derive from the citizens,

reflecting the idea of a social contract where the government serves the people's interests.

- **Core Values and Objectives:** The Preamble outlines the goals of securing justice, liberty, equality, and fraternity for India's citizens. These principles embody the core values of a social contract, whereby the government takes on the responsibility of ensuring fairness, safeguarding individual freedoms, and promoting social equality.
- **Socio-Economic Rights:** The Preamble incorporates the words "Justice, social, economic, and political," signifying that the social contract encompasses not just civil and political rights, but also socio-economic rights. This implies that the government is dedicated to providing social and economic justice to its citizens, ensuring their welfare and well-being.
- **Popular Sovereignty:** The Preamble asserts that the power and sovereignty of the nation reside with the people. This concept aligns with social contract theory, indicating that citizens hold the ultimate authority to shape governance and hold the government accountable.

Thus, the Preamble of the Indian Constitution establishes a social contract by outlining the principles of governance, reflecting the collective will of the people, and ensuring justice, liberty, equality, and fraternity. This foundational agreement guides the relationship between the Indian state and its citizens.

FUNDAMENTAL RIGHTS

1. INTRODUCTION

Fundamental Rights are a set of basic human rights guaranteed to all citizens by the Constitution of that country. In the Indian Constitution, these are **enshrined in Part III (Articles 12 to 35) of the Constitution**, these rights are **essential for the overall development and dignity of individuals, ensuring their protection against any arbitrary actions** by the state. They form the **cornerstone of Indian democracy**, promoting values such as justice, liberty, equality, and fraternity.

FUNDAMENTAL RIGHTS INCLUDE

- **Right to Equality (Articles 14–18):** Ensures equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Abolishes untouchability and titles.

- **Right to Freedom (Articles 19–22):** Includes freedom of speech and expression, assembly, association, movement, residence, and the right to practice any profession. It protects individuals from arbitrary arrest and detention.
- **Right Against Exploitation (Articles 23–24):** Prohibits human trafficking, forced labor, and child labor in hazardous conditions.
- **Right to Freedom of Religion (Articles 25–28):** Ensures freedom of conscience and the right to freely profess, practice, and propagate religion. It provides for the freedom to manage religious affairs.
- **Cultural and Educational Rights (Articles 29–30):** Protects the rights of minorities to conserve their culture, language, and script. It grants minorities the right to establish and administer educational institutions of their choice.
- **Right to Constitutional Remedies (Article 32):** Empowers individuals to approach the Supreme Court or High Courts for the enforcement of Fundamental Rights.

2.

CHARACTERISTICS OF FUNDAMENTAL RIGHTS

The Fundamental Rights guaranteed by the Indian Constitution possess the following features:

- **Applicability to Citizens and Non-Citizens:** Some rights are for citizens only, while others apply to all persons, including foreigners and legal entities. Example: Right to vote (Article 326) is for citizens; Right to life (Article 21) applies to all.
- **Qualified Nature:** Fundamental Rights are not absolute; reasonable restrictions can be imposed. Example: Freedom of speech (Article 19(1)(a)) can be restricted for public order, decency, and national security.
- **Protection Against State and Private Actions:** Most rights protect against state actions, with some exceptions for private actions. Example: Right to equality (Article 14) protects against state discrimination; private discrimination requires ordinary legal remedies.
- **Negative and Positive Rights:** Some rights limit state authority (negative), while others grant specific privileges (positive). Example: Prohibition of discrimination (negative, Article 15) vs. right to education (positive, Article 21A).

- **Justiciable Rights:** These rights are enforceable in courts. Example: Violation of personal liberty (Article 21) allows court intervention.
- **Supreme Court as Guardian:** The Supreme Court defends and guarantees Fundamental Rights. Example: In *Maneka Gandhi v. Union of India* (1978), individuals can directly approach the Supreme Court for rights violations.
- **Amendability:** Fundamental Rights can be amended by Parliament but must not affect the Constitution's 'basic structure'. Example: 42nd Amendment Act, 1976, amended several rights, with limitations as upheld in *Kesavananda Bharati v. State of Kerala* (1973).
- **Suspension During National Emergency:** Rights can be suspended during a National Emergency, except Articles 20 and 21. Example: During the 1975-77 Emergency, several rights were suspended, but Articles 20 and 21 remained intact.
- **Self-Executing and Enforceable by Law:** Most rights are directly enforceable; some require legislation. Example: Right against exploitation (Articles 23 and 24) is self-executory; right to property (Article 31) required legislation before being removed by the 44th Amendment Act, 1978.

These features ensure Fundamental Rights are adaptable and balanced, protecting individual liberties in a democratic society.

3.

IMPORTANCE OF FUNDAMENTAL RIGHTS

The Fundamental Rights enshrined in the Indian Constitution are crucial for shaping a democratic and just society in India.

- **Preservation of the Constitution's Basic Structure:** Fundamental Rights are part of the Constitution's "basic structure," as established in *Kesavananda Bharati* (1973). **Example:** In *Indira Nehru Gandhi v. Raj Narain* (1975), the Supreme Court invalidated amendments threatening democratic principles.
- **Promotion of Equality:** Fundamental Rights ensure equal treatment under the law, prohibiting discrimination (Article 15). **Example:** *National Legal Services Authority v. Union of India* (2014) recognized transgender rights, promoting equality.

- **Ensuring Freedom of Expression:** The Right to Freedom of Speech and Expression allows open expression of views. Example: *S. Rangarajan v. P. Jagjivan Ram* (1989) upheld freedom of expression in film censorship.
- **Protection of Individual Liberties:** Fundamental Rights safeguard personal freedoms. Example: *Romesh Thapar v. State of Madras* (1950) protected freedom of the press as part of individual liberty.
- **Access to Justice:** Article 32 allows citizens to approach the Supreme Court directly for Fundamental Rights violations. Example: *Vineet Narain v. Union of India* (1996) demonstrated the Supreme Court's role in government accountability.
- **Defence Against State Tyranny:** These rights protect against state abuse of power. Example: *A.K. Gopalan v. State of Madras* (1950) emphasized procedural safeguards against arbitrary state action.
- **Protection of Religious Freedom:** Fundamental Rights ensure freedom of religion (Article 25). Example: *S.R. Bommai v. Union of India* (1994) reinforced the secular nature of the Indian state, protecting religious freedom.

Dr. Granville Austin described FRs as "the most justiciable part of the Indian Constitution."

4.

CRITICISM OF FUNDAMENTAL RIGHTS

The Fundamental Rights in India's Constitution, while **crucial for safeguarding individual freedoms**, have faced **criticism for limitations, ambiguity, and their balance with other provisions** like the Directive Principles of State Policy (DPSPs), raising questions about their comprehensiveness and enforceability

- **Absence of Social and Economic Rights:** Fundamental Rights mainly include political rights, lacking essential social and economic rights such as social security, work, and rest. **Amartya Sen** argues that true freedom and justice require these rights.
- **Excessive Limitations:** Numerous exceptions and restrictions undermine Fundamental Rights. **Jaspat Roy Kapoor** suggested renaming the chapter as "Limitations on Fundamental Rights."

- ❖ **Vagueness and Ambiguity:** Terms like "public order," "minorities," and "reasonable restriction" are unclear, leading to varied interpretations. **Granville Austin** pointed out that this vagueness can cause judicial inconsistencies.
- ❖ **Not Immutable:** Parliament can curtail or abolish Fundamental Rights. For example, the 44th Amendment Act (1978) abolished the right to property.
- ❖ **Suspension During Emergency:** Fundamental Rights (except Articles 20 and 21) can be suspended during a National Emergency. **H.M. Seervai** argued that this undermines their protection, as seen during the 1975-77 Emergency.
- ❖ **Preventive Detention:** Article 22 allows preventive detention, which critics like **Nani Palkhivala** argue negates individual liberty and is contrary to democratic principles.
- ❖ **Lack of Consistent Philosophy:** The chapter on Fundamental Rights lacks a coherent philosophical foundation. **Sir Ivor Jennings** noted that this inconsistency challenges judicial interpretation.

These criticisms highlight perceived shortcomings in the scope, application, and interpretation of Fundamental Rights, suggesting areas where the Indian Constitution could potentially be improved to better safeguard individual liberties and address societal needs.

5.

AFFIRMATIVE ACTION UNDER ARTICLE 15 AND 16

Both **Article 15 and 16** allows for positive discrimination of certain classes of citizens to bring them at par with others.

The term '**Reservation**' used in popular sense is a form of affirmative action whereby a percentage of seats are reserved in the government service and educational institutions.

The Indian reservation system, designed to address historical injustices and promote social justice, continues to be a subject of robust debate and popular support. Despite its intent to create equality, the system has its complexities and criticisms.

A. NEED FOR RESERVATION

SOCIAL JUSTICE:

- ❖ **Historical Discrimination:** Reservations aim to address the deep-rooted historical injustices

- ❖ faced by marginalized communities such as Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). These communities have faced centuries of social and economic discrimination, and reservations seek to provide them with opportunities to achieve equality.
- ❖ **Equality of Opportunity:** Ensuring that individuals from disadvantaged backgrounds have access to education, employment, and other opportunities. This helps create a level playing field and promotes the idea of substantive equality.

ECONOMIC UPLIFTMENT:

- ❖ **Socio-Economic Disparities:** Reservations help bridge the economic disparities by providing opportunities to those who are economically weaker. By ensuring representation in education and employment, reservations aid in the upliftment of economically disadvantaged sections of society.

REPRESENTATION:

- ❖ **Diverse Administration:** Reservations ensure that marginalized communities are adequately represented in public services and educational institutions. This diversity in administration and governance helps in addressing the specific needs and concerns of these communities.
- ❖ **Promoting Inclusivity:** An inclusive environment where diverse perspectives are valued is essential for the holistic development of society. Reservations promote inclusivity by ensuring that all sections of society have a voice in governance and administration.

Former PM V.P. Singh argues that positive discrimination is necessary to help OBCs catch up socio-economically. According to the NSS, only 4.7% of OBCs are graduates, compared to 11.20% in the general population.

B. ISSUES WITH RESERVATION

MERIT VS. QUOTA:

- ❖ **Perceived Dilution of Merit:** One of the major criticisms of reservations is that they may undermine meritocracy. Critics argue that reservations might lead to the selection of less qualified candidates over more qualified ones, thus affecting the overall efficiency

VALUE ADDITION

SCHOLARS' VIEWS IN SUPPORT OF RESERVATION

- **B.R. Ambedkar:** Advocated for reservations to uplift oppressed classes and level the playing field for marginalized communities.
- **Amartya Sen:** Argued that reservations promote social justice by providing marginalized communities access to education and employment, enhancing equality of capability.

SCHOLARS' VIEWS AGAINST RESERVATION

- **Rajiv Gandhi:** Argued that reservations could divide society along caste lines and advocated focusing on economic criteria instead of caste.
- **Arun Shourie:** Critiqued reservations for promoting mediocrity and undermining meritocracy, suggesting measures for economic empowerment instead.

LEGAL AND CONSTITUTIONAL CHALLENGES:

- **Constitutionality:** The legal validity of various reservation policies, especially those related to promotions and EWS, has been a subject of intense debate and litigation.
- **50% Cap:** Balancing reservations within the 50% limit set by the Supreme Court is a significant challenge, especially when states seek to provide additional reservations for other categories.

IMPLEMENTATION ISSUES:

- **State-wise Variations:** Different states have different criteria and levels of implementation, leading to inconsistencies and confusion.
- **Administrative Challenges:** Effective implementation of reservation policies without compromising administrative efficiency and accountability is a complex task.

SOCIAL TENSIONS:

- **Inter-Community Conflicts:** The policy of reservations can lead to increased social tensions and conflicts between different communities, particularly when new categories are introduced, or existing quotas are expanded.
- **Political Manipulation:** Reservations are often used as a political tool, leading to potential misuse and deviation from the intended purpose.

C. SUPREME COURT JUDGEMENTS

- **Venkataraman v. State of Madras (1951):** The Supreme Court upheld reservations for backward sections but it ruled that divisions of vacancies on other bases were unconstitutional.
- **Indra Sawhney vs. Union of India (1992):**
 - The Court upheld 27% reservation for OBCs.
 - **Creamy Layer:** Introduced the concept to exclude the advanced sections within OBCs from reservations.
 - **50% Cap:** Reservations should not exceed 50%.
 - **No Reservations in Promotions:** Reservations should be confined to initial appointments and not extended to promotions.
- **Nagaraj Case (2006):** Upheld the concept but required proof of backwardness, inadequate representation, and maintenance of administrative efficiency.
- **Jarnail Singh Case (2018):** It opined that there is no need for quantifiable data to prove SC/ST backwardness for promotions. Further, the court Applied the concept of the creamy layer to SCs and STs as well (overturned by Parliament).
- **EWS Reservation (2022):** The court Upheld 10% **EWS reservation** (103rd Constitutional Amendment Act, considering it separate from the 50% cap for SC/ST/OBC.

D. WAY FORWARD

Review and Rationalize:

- **Periodic Review:** Regular reviews of reservation policies to ensure they meet intended goals.
- **Rationalization:** Adjust reservations based on socio-economic data and current needs

Focus on Education and Skill Development:

- **Quality Education:** Improve access to quality education for marginalized communities.
- **Skill Development:** Enhance skill development programs to make beneficiaries job-ready.

Economic Criteria:

- **Broader Economic Indicators:** Use comprehensive economic criteria for identifying beneficiaries.
- **Creamy Layer Exclusion:** Effectively implement creamy layer exclusion to ensure benefits reach the needy.

Balanced Approach:

- **Merit and Quota:** Balance merit and reservation to maintain administrative efficiency.
- **Inclusivity:** Promote policies that foster social harmony and inclusivity.

Reservation policies in India are essential for addressing historical injustices and promoting social and economic equity. Despite challenges and debates, Supreme Court judgments have provided clarity and direction. A balanced approach, including regular reviews, a focus on education, and rationalized criteria, can help these policies achieve their goals while preserving meritocracy and social harmony.

6.

DEMAND FOR RESERVATION BY DOMINANT CASTES

The demand for reservation from various middle castes, such as **Patels** in Gujarat, **Jats** in Haryana, **Marathas** in Maharashtra, and **Kapus** in Andhra Pradesh, has been increasing. This phenomenon highlights a significant trend where dominant and landholding castes are seeking backward reservation status.

A. DOMINANT CASTES' AGITATION

- **Marathas:** Demand reservations under the Socially and Educationally Backward Class category.
- **Patidars/Patels:** Seek reservations citing economic and educational challenges.
- **Jats:** Agitate for quotas in government jobs and educational institutions.
- **Gujjars:** Demand a separate backward category distinct from the existing OBC

B. REASONS FOR DEMAND

- **Farmer Distress:** Due to the ongoing agrarian crisis, there is significant distress among farmers in rural areas. Many of these communities belong to landed agrarian castes and are severely affected by the agricultural slowdown. This distress has fuelled the demands of communities like the Marathas and Patidars to be included in the OBC category to move away from agriculture.

- **Crippled Urban Economy:** With fewer jobs being created in the economy, dominant castes moving away from agriculture face limited opportunities in the private sector. Consequently, their only viable option is government jobs, but their general status makes the competition tough. Hence, they are asking for reservation.
- **Resentment Against Other OBC Communities:** Due to socio-economic and political disparities between these groups and those already categorized as OBCs, these castes seek OBC status to level the playing field.
- **Successful Quota System:** The representation of OBCs in government jobs has increased significantly due to reservations, leading to envy among dominant castes and motivating them to demand similar benefits.
- **Political Support:** Dominant castes often wield significant electoral and political power within their states, garnering support from opposition parties for vote-bank politics.

C. ISSUES AND CHALLENGES

- **Dilution of Purpose:** Offering quotas to dominant castes dilutes the original purpose of reservation, which was to uplift marginalized communities who faced socio-economic discrimination.

Sociologist Andre Béteille has criticized the extension of reservations to dominant castes, arguing that it undermines the original purpose of affirmative action, which is to uplift genuinely disadvantaged groups.

- **50% Cap:** The Supreme Court has imposed a 50% cap on reservations. Demands from dominant castes challenge this limit, leading to legal and political complications.
- **Political Manipulation:** Reservations are often used as a political tool to garner votes, leading to populist measures that may not address the real issues of backwardness.
- **Social Unrest:** The demand for quotas by dominant castes has led to social unrest and violence, as seen in the protests by Jats and Patidars.
- **Economic Criteria:** The introduction of economic criteria for reservation (e.g., EWS quota) has further complicated the reservation landscape, raising questions about the balance between economic and social backwardness.

D. WAY FORWARD

- **Holistic Review of Reservation Policies:** There is a need for a comprehensive review of reservation policies to ensure they address current socio-economic realities and are not merely politically motivated.
- **Focus on Economic Backwardness:** Introducing economic criteria for all reservations can help ensure that benefits reach the genuinely needy, regardless of caste.
- **Enhanced Enforcement of Creamy Layer:** Strengthening the implementation of the creamy layer exclusion within OBC reservations can help ensure that benefits reach the most disadvantaged sections.
- **Education and Skill Development:** Improving access to quality education and skill development programs can reduce the dependence on reservations and address the root causes of economic insecurity.
- **Legal and Constitutional Reforms:** Amendments to the Constitution and legal frameworks may be necessary to accommodate new realities and ensure that reservation policies are fair and just.
- **Public Awareness and Dialogue:** Encouraging public dialogue and awareness about the purpose and benefits of reservation can help mitigate social tensions and foster a more inclusive society.

The demand for reservations by dominant castes highlights the need for a nuanced approach to affirmative action in India. While addressing the genuine needs of economically and educationally disadvantaged sections, it is crucial to maintain the integrity and purpose of reservation policies. A balanced, inclusive approach that considers both social and economic factors can help create a more equitable society.

7. CONSTITUTIONAL REMEDIES UNDER ARTICLE 32

Article 32 of the Indian Constitution holds a pivotal role in safeguarding the fundamental rights of citizens. **Dr. B.R. Ambedkar** referred it as the "heart and soul" of the Constitution.

A. SIGNIFICANCE IN PROTECTING FUNDAMENTAL RIGHTS

- **Direct Access to Supreme Court:** Article 32 allows individuals direct access to the Supreme Court for swift justice. In **Maneka Gandhi vs. Union of India (1978)**, it expanded the understanding of personal liberty under Article 21.

VALUE ADDITION

- **Justice V.R. Krishna Iyer** highlighted the importance of Article 32 in maintaining the supremacy of the Constitution and providing a vital check against the misuse of power by the state.
- **Justice P.N. Bhagwati** stressed that Article 32 is a crucial element of the basic structure of the Constitution, essential for the preservation of democratic governance and the protection of individual freedoms.
- **Judicial Review:** Article 32 empowers the judiciary to review and invalidate actions infringing on fundamental rights. The **Kesavananda Bharati vs. State of Kerala (1973)** case emphasized its role in preserving the Constitution's "basic structure."
- **Enforcement Mechanism:** Article 32 ensures that fundamental rights are actionable. In **Bandhua Mukti Morcha vs. Union of India (1984)**, the Supreme Court addressed bonded labor issues, showcasing its enforcement power.
- **Foundation of Rule of Law:** Article 32 upholds the rule of law, ensuring everyone is subject to the law. **A.K. Gopalan vs. State of Madras (1950)** reinforced this by highlighting Article 32 as a fundamental right.
- **Empowerment of Citizens:** It empowers citizens to challenge violations and hold authorities accountable. **S.P. Gupta vs. Union of India (1981)** underscored this through Public Interest Litigations (PILs).
- **Safeguard Against State Excesses:** Article 32 acts as a check on state power. In **Vineet Narain vs. Union of India (1998)**, it directed the CBI to act independently, safeguarding against state excesses.

B. ISSUES WITH ARTICLE 32

B. ISSUES WITH ARTICLE 32

While Article 32 is crucial for protecting fundamental rights in India, it faces criticisms:

- **Excessive Judicial Intervention:** Some scholars argue that Article 32 leads to judicial overreach in executive or legislative matters. In the 2G Spectrum case (Centre for Public Interest Litigation vs. Union of India, 2012), the Supreme Court cancelled 122 telecom licenses, raising concerns about judiciary interference in policy domains.
- **Frivolous and Vexatious Petitions:** Direct access to the Supreme Court under Article 32 has resulted in frivolous petitions. For example, multiple petitions challenging the traditional bull-taming sport in the "Jallikattu" case were seen as frivolous and politically motivated, overburdening the court.
- **Centralization of Judicial Power:** Frequent use of Article 32 may undermine lower courts' authority, centralizing power in the Supreme Court. Prof. Upendra Baxi argued that Article 32 sometimes leads to judicial overreach. In the S.P. Gupta vs. Union of India (1981) case, the Supreme Court's direct involvement was criticized for bypassing High Courts, weakening lower courts' effectiveness.
- **Scope of Public Interest Litigation (PIL):** While PILs democratize access to justice, their broad scope under Article 32 raises concerns. In the Mumbai Mills case (Bharat Petroleum Corporation Ltd. vs. Mumbai Shramik Sangh, 2001), critics argued that issues of urban development and mill land use should be handled by urban planning authorities, not through PILs.

C. SUGGESTIONS TO MAKE ARTICLE 32 MORE EFFECTIVE

• PREVENTING JUDICIAL OVERREACH:

- **Define Boundaries:** Clearly delineate the boundaries of judicial intervention to avoid overstepping into the domains of the executive and legislature.
- **Judicial Restraint:** Encourage self-restraint among judges to respect the separation of powers.

• FILTERING FRIVOLOUS PETITIONS:

- **Screening Mechanism:** Implement a preliminary screening process to filter out frivolous or politically motivated petitions before they reach the Supreme Court.
- **Penalizing Misuse:** Impose penalties for filing frivolous petitions to deter misuse of Article 32.

• DECENTRALIZATION OF JUDICIAL POWER:

- **Strengthening Lower Courts:** Empower High Courts and lower courts to handle fundamental rights cases more effectively, reducing the burden on the Supreme Court.
- **Jurisdictional Clarity:** Ensure clarity on the jurisdiction of various courts to handle specific cases, avoiding over-centralization.

• SPEEDING UP JUSTICE DELIVERY:

- **Fast-Track Mechanisms:** Establish fast-track courts or dedicated benches for handling urgent fundamental rights cases to expedite justice.
- **Efficient Case Management:** Improve case management practices to reduce delays and ensure timely resolution of cases.

• REGULATING PUBLIC INTEREST LITIGATIONS (PILS):

- **Strict Guidelines:** Formulate strict guidelines for the admissibility of PILs to ensure they are used for genuine public interest and not for personal or political gains.
- **Focused PILs:** Encourage PILs that address systemic issues and broader societal concerns, rather than individual grievances.

• COLLABORATIVE GOVERNANCE:

- **Dialogue Between Branches:** Foster dialogue and collaboration between the judiciary, executive, and legislature to address systemic issues and uphold constitutional principles.
- **Feedback Mechanism:** Establish a feedback mechanism where the **judiciary can suggest improvements in laws and policies** to the executive and legislature based on their experiences in handling Article 32 cases.

Article 32 is integral to the Indian constitutional framework, ensuring that fundamental rights are not only guaranteed but also protected and enforced. It empowers the judiciary to act as the guardian of these rights, maintaining the balance of power between the state and individuals and promoting justice and equality in society.

FUNDAMENTAL DUTIES IN THE INDIAN CONSTITUTION

1. INTRODUCTION

Fundamental Duties are a set of **moral and ethical obligations** enshrined in **Part IV-A (Article 51A)** of the Indian Constitution. These duties were introduced by the **42nd Amendment Act in 1976**, inspired by the recommendations of the **Swaran Singh Committee**. The inclusion of Fundamental Duties was intended to emphasize that while citizens in a democratic society have rights, they also have responsibilities towards the nation's well-being and harmony.

2. REASONS FOR EXCLUSION OF FUNDAMENTAL DUTIES IN THE ORIGINAL CONSTITUTION

- **Deep-Rooted Concept of Dharma:** Dharma, meaning "right way of living," is ingrained in Indian society, implying that many duties are inherent without the need for legal enforcement.
- **Duties Implicit in the Preamble:** The Preamble expresses national aspirations and goals, suggesting that citizens should willingly perform their duties to achieve these goals.
- **Implied Duties through Fundamental Rights:** Fundamental Rights include implied duties essential for their realization, obligating citizens to perform corresponding duties.

However, the chapter on Fundamental Duties was added by the 42nd constitutional amendment.

3.

RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

Constitutional Foundations: Holistic Approach: The Indian Constitution enshrines Fundamental Rights to safeguard individual liberties and also outlines Fundamental Duties to ensure responsible conduct.

Correlating Duties: Rights and duties are interdependent, like two sides of a coin. They coexist in all spheres, including home, society, and nation. Rights are fully realized when citizens fulfil their corresponding duties, highlighting their mutual dependence.

Realizing Rights Through Duties: Fulfilling duties upholds social fabric and provides a moral basis to claim one's rights. The Constitution aims to create a harmonious society where rights are exercised responsibly.

Thus, Fundamental Rights and Fundamental Duties are intertwined, ensuring that individual liberties are balanced with collective responsibilities for the effective functioning of a democratic society.

Mahatma Gandhi in Hind Swaraj observed that "**Real rights are a result of the performance of duty**". He held that **rights are present in duties in embryonic form**, when duties are performed it automatically gives rise to rights.

4.

SIGNIFICANCE OF FUNDAMENTAL DUTIES

H.R. Gokhale, the then Law Minister, emphasized that Fundamental Duties were incorporated to instil respect for the legal order, particularly during unrest before the Emergency in 1975. Some of the other arguments highlighting the significance are given below:

- **Participatory Governance:** Justice Kurian Joseph emphasizes the necessity of active citizen participation and responsibility in a democracy for its success.
- **Legal Interpretation:** Fundamental Duties, though non-enforceable, influence **legal interpretations and the constitutionality of laws**. Courts may consider these duties when interpreting statutes or assessing laws' reasonableness under Articles 14 and 19, linking rights and civic responsibilities.

- **Balancing Rights and Duties:** Fundamental Duties highlight the interconnection of rights and duties, promoting patriotism and national unity, reminding citizens of their responsibilities alongside their rights.
- **Socio-economic Revolution:** The 42nd Amendment Act aimed to facilitate socio-economic revolution by balancing individual freedoms with civic obligations.
- **Inspiration and Civic Commitment:** Fundamental Duties inspire citizens to be disciplined and committed, fostering a sense of active participation in achieving national goals like gender equality and education for all.
- **Political Consensus:** Despite numerous constitutional amendments post-Emergency, the retention of Fundamental Duties reflects broad political support and consensus on their importance.

Fundamental Duties emphasize the importance of balancing rights with responsibilities, encouraging active citizenship, and fostering national unity and socio-economic progress.

5. ROLE OF JUDICIARY IN ENFORCING FUNDAMENTAL DUTIES

The judiciary plays a vital role in recognizing and enforcing Fundamental Duties, despite their non-enforceable nature. Key cases include:

- **AIIMS Students Union v. AIIMS (2001):** The Supreme Court emphasized that Fundamental Duties are as important as Fundamental Rights.
- **Mohan Kumar Singhania v. Union of India (1992):** Amendments to service rules highlighted the importance of training in line with Article 51A(j).
- **Vellore Citizens' Welfare Forum v. Union of India (1996):** The Court linked sustainable development principles to Article 21 and Article 51A(g), mandating environmental protection.
- **State of Punjab v. G.S. Gill (1997):** The Court urged public administrators to prioritize national interest over narrow considerations.
- **M.C. Mehta v. Union of India (1998):** Compulsory teaching on environmental protection was mandated under Article 51A(g).

- **S.N. Chouksey v. Union of India (2018):** The Court reinforced respect for the National Anthem as a citizen's duty.

Overall, while non-justiciable, Fundamental Duties guide judicial interpretation, influencing legislation and public policy.

6.

CRITICISM OF FUNDAMENTAL DUTIES

The inclusion of Fundamental Duties in the Indian Constitution has faced several criticisms:

- **Lack of Enforceability:** Fundamental Duties are not legally enforceable like Fundamental Rights, making them largely symbolic. Critics argue that this lack of enforceability undermines their significance.
- **Conflict with Religious Freedom:** Certain duties can conflict with religious beliefs. In *Bijoe Emmanuel v. State of Kerala*, the Court upheld the fundamental right to religious freedom for Jehovah's Witness children who abstained from singing the national anthem.
- **Subjectivity and Ambiguity:** Duties like "developing a scientific temper" and valuing "composite culture" are seen as vague and subjective, complicating the determination of violations.
- **Rajeev Bhargava**, in "**The Promise of India's Secular Democracy**," points out that the ambiguity in defining composite culture can lead to selective enforcement and interpretation, which might undermine the inclusivity intended by this duty.

Andre Beteille, in "**The Idea of Natural Inequality and Other Essays**," discusses that socio-cultural factors in India pose significant barriers to fostering scientific temper, highlighting the deep-rooted traditional beliefs and widespread illiteracy.

Non-Exhaustive List: The list of duties in Part IV-A is incomplete; for instance, duties such as tax payment and voting are absent, despite recommendations from the Swaran Singh Committee.

➤ **Legislative Intent:** Critics argue that the addition of Fundamental Duties during the Emergency was a reaction to the political climate, intended to assert government control over citizens and curb dissent.

Despite these criticisms, many believe that Fundamental Duties are essential for a robust democracy. The Supreme Court has acknowledged their importance, stating in *Minerva Mills v. Union of India* (1980) that Fundamental Duties complement Fundamental Rights and that the state has a duty to promote them.

7.

SUGGESTIONS TO STRENGTHEN IMPLEMENTATION OF FUNDAMENTAL DUTIES

➤ EDUCATION AND AWARENESS:

- **NCRWC:** Suggests the Union and State Governments sensitize citizens about Fundamental Duties.
- **Verma Committee:** Recommends displaying Article 51A in public spaces and broadcasting important messages on All India Radio and Door-darshan.

➤ INCLUSION OF MORE DUTIES:

- **NCRWC:** Proposes adding duties such as voting, paying taxes, and participating in governance.
- **Justice Kurian Joseph:** Suggests including duties to help accident victims, protect whistleblowers, keep premises clean, and raise voices against injustice.

➤ **OBSERVATION OF 2ND ARC:** The 2nd ARC states, "A vigilant citizenry, fully aware of its rights as well as its duties, is perhaps the best way to ensure that officials discharge their duties effectively and honestly."

➤ **COMMUNITY PARTICIPATION:** Encourage local initiatives focusing on environmental protection, promoting harmony, and respecting cultural heritage.

Strengthening the implementation of Fundamental Duties is vital for fostering civic responsibility, social cohesion, and ethical citizenship. These duties serve as the moral compass of the nation, reminding citizens that their responsibilities are as crucial as their rights in a thriving democracy.

DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)

1.

INTRODUCTION

The Directive Principles of State Policy (DPSP) in the Indian Constitution represent a set of **non-justiciable guidelines and principles for the government to follow**. They are **fundamental in shaping the social and economic framework** of the nation

- While they are not legally enforceable like Fundamental Rights, **DPSPs play a crucial role in governance**, reflecting the ideals of justice, equity, and welfare upon which the Indian state is built. These principles **aim to create a just and inclusive society** by directing the state in its policymaking.
- The DPSPs are enshrined in Part IV of the Indian Constitution, specifically **Articles 36 to 51**. A committee chaired by **B.R. Rajam** was responsible for **formulating the Directive Principles**. These principles were influenced by the **Directive Principles of Ireland**.

2.

SIGNIFICANCE OF THE DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)

According to **M C Setalvad**, the former Attorney General of India, the Directive Principles, although confer no legal rights and creates no legal remedies, are significant and useful in the following ways:

- **Upholding Constitutional Principles:** DPSPs serve as instruments of instructions to all authorities, ensuring cooperative federalism for citizens' welfare.
- **Judicial Guidance:** They assist courts in exercising judicial review, determining laws'

constitutional validity.

- **Complementing Fundamental Rights:** DPSPs fill the gap in Part III of the Constitution, fostering an environment for the enjoyment of Fundamental Rights.
- **Stability in Policies:** They provide continuity in domestic and foreign policies despite political changes.
- **Checks and Balances:** DPSPs enable the opposition to hold the government accountable, serving as a benchmark for performance.
- **Educative Value:** They promote constitutional awareness and inspire discussions, reflecting national ideals and balancing rights with societal duties.
- **Political Manifestos:** DPSPs offer a foundation for political parties to create inclusive election manifestos that prioritize long-term social well-being.

SCHOLAR'S VIEWS ON DPSP

- **Justice V.R. Krishna Iyer** viewed the DPSPs as a **guiding light for the judiciary** in interpreting laws and adjudicating cases to promote social justice, equity, and welfare.
- **Granville Austin** emphasized the DPSPs' role in shaping the government's socio-economic obligations, describing them as the **"conscience" of the Constitution**.
- **Dr. B.R. Ambedkar** considered the DPSPs as a **fundamental element of the Constitution**, crucial for achieving the social and economic transformation of Indian society.

3.

WIDENING SCOPE OF FUNDAMENTAL RIGHTS (FRs) VIS-À-VIS DPSPs

The Supreme Court has increasingly integrated Directive Principles into the interpretation of Fundamental Rights, enhancing their scope.

- **Integration of DPSPs into FRs:** The Court has affirmed that "Fundamental rights should be interpreted in the light of DPSPs." **Case Reference:** *Akhil Bhartiya Soshit Karmachari Sangh (Railways) vs. Union of India* (1981).

- **Socio-Economic Rights Recognition:** In *Olga Tellis Case (1985)*, the Court recognized the right to shelter as a fundamental right, impacting slum dwellers and exemplifying the advancement of social rights through civil rights.

Expansion of Article 21's Ambit: The right to life under Article 21 has been interpreted to mean "the right to live with dignity."

- **Significant Cases:** In *Mohini Jain vs. State of Andhra Pradesh* and *Unnikrishnan vs. State of Andhra Pradesh*, the Court linked these rights to the Directive Principles.

The Supreme Court's interpretations have effectively broadened Fundamental Rights to align with the ideals of DPSPs, promoting a more just society.

4.

CRITICISM OF DPSPs

Critics raise criticisms DPSPs on various grounds:

- **QUESTIONING INCLUSION IN THE CONSTITUTION:** Critics argue the Constitution should not include provisions that cannot be enforced. While DPSPs guide social justice, their practical implementation needs refinement.
- **VAGUE AND ILLOGICALLY ARRANGED:** **Dr. Jennings** and **Dr. Wheare** describe them as "generalities." **Prof. Srinivasan** notes the mix of outdated and modern ideas. Critics also argue many DPSPs, like **Article 41**, are vague and allow the State to justify non-performance.
- **IDEOLOGICAL SENTIMENTS:** **T. T. Krishnamachari** criticized them as a "dustbin of sentiments." While they reflect the ideals of leaders like Gandhi and Nehru, their constitutional inclusion is debated. **Example: Article 47** addresses the consumption of intoxicating substances, seen as non-essential for constitutional law.
- **CONSTITUTIONAL CONFLICT:** DPSPs may create conflicts between the Centre and States, and between different government branches (e.g., President and Prime Minister). **K. Santhanam** warns of possible conflicts arising from the Centre dismissing non-compliant state governments.
- **THREAT TO MINORITY INTERESTS: Uniform Civil Code (Article 44):** Critics argue that imposing majority laws could threaten minority cultures, leading to communal tensions.

Despite criticisms, DPSPs have the potential to influence social justice initiatives in India. Ongoing refinement and implementation can enhance their effectiveness.

5.

RELEVANCE OF DPSPs IN THE ERA OF LIBERALIZATION

The Directive Principles of State Policy (DPSPs) remain essential in the context of liberalization and globalization, providing a moral framework for governance and guiding policymakers toward a just society where economic growth benefits all segments.

- **Social Justice and Income Disparity Reduction:** DPSPs emphasize equitable resource distribution.

Example: The Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) offers rural employment, helping reduce income disparities.

- **Promotion of Equality and Affirmative Action:** DPSPs advocate for reducing inequalities and ensuring equal opportunities. **Example:** Reservations in education and jobs for Scheduled Castes and Scheduled Tribes reflect a commitment to social equality.

- **Education and Cultural Heritage:** DPSPs support free and compulsory education. **Example:** The Right to Education Act aligns with these principles, while preserving India's cultural heritage maintains its unique identity in a globalized world.

- **Public Health and Affordable Healthcare:** DPSPs stress the importance of public health and accessible healthcare. **Example:** Ayushman Bharat provides health insurance to millions, ensuring healthcare accessibility amidst globalization.

- **Agriculture and Rural Development:** DPSPs related to agrarian reform and village governance protect rural interests. **Example:** The National Rural Livelihood Mission empowers rural communities and reduces poverty.

- **Environmental Protection and Sustainable Development:** DPSPs guide policies for environmental conservation. **Example:** Initiatives like the National Clean Air Program and Swachh Bharat Abhiyan focus on environmental improvement.

- **Promotion of International Peace and Security:** DPSPs influence foreign policy decisions. **Example:** India's commitment to peaceful coexistence and active participation in international forums like the UN reflects these principles.

Thus, DPSPs serve as a crucial framework to ensure that economic growth and globalization contribute to social equity and environmental sustainability.

AMENDMENT PROCEDURE IN THE INDIAN CONSTITUTION

The amendment procedure under Article 368 holds critical importance in the Indian Constitution. It ensures a dynamic yet stable framework that allows the amendment procedure under Article 368 holds critical importance in the Indian Constitution. It ensures a dynamic yet stable framework that allows the Constitution to evolve with changing societal needs while safeguarding its core principles

1.

PROCEDURE UNDER ARTICLE 368

Article 368 outlines two procedures for amending the Constitution:

1. Amendment by Special Majority:

- **Special Majority:** Requires more than 50% of the total membership of each House and a two-thirds majority of members present and voting.
- **No Joint Sitting:** There is no provision for a joint sitting of both Houses.
- **Presidential Assent:** The President must give assent to the bill and cannot withhold it.

2. Amendment by Special Majority and State Consent:

- **Federal Provisions:** Certain provisions affecting states require ratification by at least half of the state legislatures in addition to a special majority in Parliament. Examples include **amendments impacting the Seventh Schedule** and the election of the President.

Amending critical features of the Constitution requires broad consensus and, in some cases, state participation, ensuring that the Constitution evolves responsibly without easy tampering.

2.

NATURE OF AMENDMENTS IN INDIA

The constitutional amendments in India can be classified based on their purpose and nature. Here are the main categories:

- **Administrative/Technical Amendments:** These amendments are procedural or technical,



addressing specific administrative needs without altering core constitutional principles

- **Example:** Extending reservations for Scheduled Castes and Scheduled Tribes (SC/ST) every ten years to ensure ongoing support and representation in legislative bodies.
- ◉ **Overruling Judiciary:** Some amendments aim to counter judicial decisions that the legislature finds disagreeable, restoring original legislative intent.
 - **Example:** The 77th Amendment (1995) added Article 16(4A), allowing reservations in promotions for SC/ST employees, responding to the Supreme Court's ruling in the Indira Sawhney case, which restricted such reservations.
- ◉ **Immediate Circumstances:** Certain amendments arise from pressing socio-political or economic conditions requiring swift legislative action.
 - **Examples:** The **52nd Amendment (1985)** introduced the anti-defection law to curb political defections and **73rd Amendment (1992)** instituted Panchayati Raj institutions to promote local self-government.
- ◉ **Political Reasons:** Some amendments are motivated by political considerations, aiming to fulfill electoral promises or gain political advantage.
 - **Example:** The 103rd Amendment (2019) provided for a 10% reservation for economically weaker sections (EWS) in government jobs and educational institutions, addressing economic disparities and seeking support from disadvantaged groups.

These classifications highlight the diverse motivations behind constitutional amendments, ranging from administrative needs to political strategies, all of which play a significant role in shaping governance in India.

3.

CRITICISM OF AMENDMENT PROCEDURE IN INDIA

The amendment procedure has been criticised by the experts on following grounds:

Issues with the Constitutional Amendment Process in India

- ◉ **No Special Amendment Body:** India lacks a specialized body, like the U.S. Constitutional Convention, for discussing amendments. **Dr. Subhash C. Kashyap** argues this limits diverse

inputs, leading to a narrow focus influenced by immediate political contexts.

- ◉ **Parliament's Sole Authority:** Only Parliament can propose amendments, centralizing power and excluding states from initiating changes. According to Granville Austin, this centralization undermines India's federal structure by not adequately reflecting state interests.
- ◉ **No Joint Sitting for Deadlocks:** There is no provision for a joint sitting of both Houses to resolve deadlocks on constitutional amendment bills, potentially stalling important changes. H.M. Seervai believes that the lack of a deadlock resolution mechanism hinders timely amendments, affecting governance and legal clarity.
 - **Similarity to Legislative Process:** The amendment procedure closely resembles the legislative process, requiring only a special majority. According to **Nani Palkhivala**, this similarity fails to provide a robust framework to protect the Constitution from frequent and frivolous changes, compromising its stability.

Despite these issues, the amendment process effectively adapts to changing needs, balancing flexibility and rigidity. **Pandit Jawaharlal Nehru** noted, "while we want this Constitution to be as solid and permanent as we can make it, there is no permanence in a Constitution... there should be a certain flexibility."

BASIC STRUCTURE DOCTRINE

The "**basic structure doctrine**" of the Indian Constitution, as articulated by the Supreme Court, asserts that certain fundamental features of the Constitution cannot be altered or destroyed through parliamentary amendments. This doctrine, not explicitly stated in the text of the Constitution, was expounded in the landmark **Kesavananda Bharati case** in 1973.

1.

EVOLUTION OF BASIC STRUCTURE DOCTRINE

CASE	JUDICIAL RULING/ DECISION
Champakam Dorairajan vs. State of Madras (1950)	Amendments cannot override Fundamental Rights unless explicitly stated.

	Government's Response: The First Amendment Act, 1951, introduced Article 31A and Article 31B, creating the Ninth Schedule to protect certain laws from judicial review.
Shankari Prasad vs. Union of India (1951)	Validated the First Amendment, indicating no limitations on Parliament's power to amend the Constitution.
Golaknath Case (1967)	Amendments cannot abridge Fundamental Rights; the doctrine of prospective overruling was applied for the first time.
Kesavananda Bharati Case (1973)	Validated the 24th and 25th Amendments but introduced the Basic Structure Doctrine, limiting Parliament's power to amend essential features of the Constitution.
Minerva Mills Case (1980)	Clauses 4 and 5 of Article 368 were declared null and void, reinforcing the Basic Structure Doctrine. Significance: Ensured Parliament cannot destroy core principles of the Constitution.
I.R. Coelho vs. State of Tamil Nadu (2007)	Amendments that destroy the identity of the Constitution are void, emphasizing the foundational nature of the Basic Structure.

Granville Austin argued that the **basic structure doctrine** ensures the supremacy of the Constitution, protecting its core values against transient political changes. He describes it as an essential mechanism to safeguard democratic integrity and the foundational ethos of the Constitution.

Upendra Baxi suggests that the **doctrine acts as a judicial check on majoritarian impulses**, ensuring that fundamental rights and the ethos of constitutional democracy are preserved.

2. SIGNIFICANCE OF THE DOCTRINE

- **Safeguarding Constitutional Integrity:** Protects the fundamental principles and values of the Constitution, ensuring stability and continuity.

liberties and human rights.

- **Balance of Powers:** Maintains a balance among government branches, preventing excessive parliamentary encroachment and ensuring healthy democracy.
- **Judicial Activism and Interpretation:** Encourages judicial activism, allowing for flexible constitutional interpretation and adaptability to evolving societal needs.

2. IMPORTANT CASE LAWS:

- **Minerva Mills Case (1980):** The Supreme Court applied the basic structure doctrine to strike down certain provisions of the 42nd Amendment, which were deemed to violate the principles of limited government and separation of powers. Thus, the ruling reinforced the Basic Structure Doctrine, declaring certain clauses of Article 368 null and void.
- **National Judicial Appointments Commission (NJAC):** The proposed amendment to establish the NJAC was struck down as it was seen as undermining the independence of the judiciary, hence violating the basic structure.
- **I.R. Coelho vs. State of Tamil Nadu (2007):** Affirmed that amendments destroying the Constitution's identity are void.

4. CRITICISM OF THE DOCTRINE

- **Judicial Overreach:** Critics argue it grants excessive power to unelected judges, limiting the authority of elected representatives.
- **Lack of Clarity:** The doctrine lacks precise definition, leading to subjective interpretation and uncertainty in constitutional amendment challenges.
- **Political Controversy:** Invalidating amendments on basic structure grounds can create political polarization and hinder legislative processes.
- **Potential Rigidity:** Critics contend it restricts flexibility, making it difficult to adapt the Constitution to evolving circumstances and emerging needs.
- **Political Interference:** Critics like Arun Jaitley have termed it the "tyranny of the unelected," suggesting that it allows the judiciary to override the will of the democratically elected legislature.

The Basic Structure Doctrine is crucial for maintaining the integrity and core principles of the Indian Constitution. While it acts as a safeguard against potential excesses by the legislature, ensuring that fundamental rights and democratic values are upheld, it also faces criticism for possibly enabling judicial overreach. Balancing the doctrine's application with respect for parliamentary sovereignty remains an ongoing challenge in India's democratic framework.

JUDICIAL REVIEW

Judicial review is the **authority of the courts to examine the constitutionality of actions** taken by government organs and declare them unconstitutional if they contradict or violate the core principles of the Constitution.

- **Article 13** of the Indian Constitution **empowers the judiciary to review acts of parliament and executive actions**. This doctrine is fundamental to ensuring the rule of law in democratic nations.

Judicial review involves:

- **Interpreting the provisions** of the Constitution.
- **Nullifying any laws** or administrative actions that are inconsistent with the Constitution.
- **Upholding constitutionalism**, maintaining checks and balances, and protecting fundamental rights.

In nations with written constitutions, courts interpret not only ordinary laws but also the Constitution itself. The judiciary acts as the supreme interpreter and guardian of the Constitution, maintaining neutrality unlike the political bodies of the executive and legislature.

The **doctrine of judicial review originated in America** through the landmark **case of Marbury v. Madison**. This concept has been integral to Indian jurisprudence as well, supported by various constitutional provisions and judicial precedents.

1.

CONSTITUTIONAL PROVISIONS SUPPORTING JUDICIAL REVIEW

- **Article 13:** Declares any law contravening the Fundamental Rights as void.
- **Articles 32 and 226:** Entrust the Supreme Court and High Courts with the roles of protector and guarantor of fundamental rights.

- **Articles 131-136:** Empower the courts to adjudicate disputes involving individuals, states, and the union, with Supreme Court interpretations becoming binding law.
- **Article 137:** Grants the Supreme Court the special power to review any judgment or order it has made.

2.

JUDICIAL REVIEW IN INDIA: CASE LAWS

Several landmark judgments have shaped judicial review in India:

- **1. L. Chandra Kumar v. Union of India:** Recognized the judicial review power of the High Court and the Supreme Court under Articles 226 and 227.
- **2. Kesavananda Bharati v. State of Kerala:** Emphasized the importance of judicial review, stating that it is an integral part of the Constitution.
- **3. Indira Gandhi vs. Raj Narain:** Established that judicial review is a basic structure of the Constitution.

3.

THEORETICAL APPROACHES TO JUDICIAL REVIEW

- **Traditional Approach:** Courts should only expound existing law and not create new laws (Literal/Legal interpretation). Example: AK Gopalan Case.
- **Contemporary Approaches:** Constitutions should be seen as "living documents," and courts should interpret laws according to the changing needs of society (Liberal approach). **Example:** Maneka Gandhi Case (Purposive and creative interpretation).

4.

SIGNIFICANCE OF JUDICIAL REVIEW

- **Protection of Individual Liberty and Human Rights:** Judicial review serves as a crucial remedy against the arbitrary exercise of powers, especially under special statutes dealing with terrorism and emergencies, ensuring that individual liberties and human rights are protected.
- **Check on Executive Power:** By providing oversight over the executive's use of extraordinary powers, judicial review prevents potential abuses during crises, maintaining a balance of power.

- **Historical Lessons:** The adverse impacts of past emergencies, such as the 1975 Emergency in India, highlight the importance of judicial review in upholding civil liberties and preventing the misuse of emergency provisions.
- **Development of Legal Principles:** Judicial review contributes to the evolution of law by interpreting and upholding constitutional rights. Key judgments, such as those addressing the suspension of fundamental rights, have shaped the legal landscape.
- **Educational and Research Significance:** The need for robust legal education and research underscores the role of judicial review in fostering a deeper understanding of constitutional principles and ensuring quality legal scholarship.
- **Rectification of Judicial Errors:** Judicial review allows for the correction of past judicial errors, exemplified by the Aadhaar case rectifying the judicial error in the ADM Jabalpur case, ensuring that fundamental rights are recognized and upheld.
- **Preservation of Democratic Values:** By providing a system of checks and balances, judicial review upholds the core democratic values enshrined in the Constitution, ensuring that no single branch of government becomes too powerful.

5. CRITICISM OF JUDICIAL REVIEW

- **Judicial Overreach:** Judicial review grants unelected judges significant power to strike down laws enacted by elected representatives, potentially undermining the democratic process and leading to judicial overreach.
- **Arbitrary Exercise of Power:** The extensive delegation of powers under special statutes to deal with terrorism and other extraordinary situations can lead to the arbitrary exercise of power, endangering individual liberties and human rights.

Historical Precedents: Instances like the ADM Jabalpur case highlight past judicial errors where the judiciary upheld the suspension of fundamental rights during emergencies, reflecting the risks associated with judicial review.
- **Impact on Governance:** The invalidation of constitutional amendments and laws through judicial review can lead to political controversy and polarization, affecting the smooth functioning of the legislative process and governance.

- **Delayed Justice:** Judicial review can be time-consuming and expensive, potentially delaying justice, especially when urgent policy measures are needed.
- **Lack of Accountability:** Judges, appointed through a collegium system, are not directly accountable to the public, raising concerns about the lack of accountability in the judiciary.

The Supreme Court has consistently upheld that **judicial review is a basic structure** of the Constitution (**Kesavananda Bharati** and **Minerva Mills** cases). Despite attempts by the government to curtail this power (24th and 42nd Amendment Acts), judicial review remains a robust and institutionalized part of the Indian legal system.

SECULARISM

Like all concepts in politics, secularism also remains a **contested concept**. The modern idea of secularism is European in origin. Secularism in Europe is based on the experience of the 30-year war. It is said that secularism is **child of Christianity** and **product of modernity**.

ASPECT	DETAILS
SECULARISM: CHILD OF CHRISTIANITY	
Protestant Movement	- Represented a reform movement within Christianity - Symbolized the rolling back of religion from the public sphere - Led to the privatization of God, confining religion to the personal sphere
Secularization	- The process of removing religion from public domains like education and business (Defined as the rolling back of religion from public life).
SECULARISM: PRODUCT OF MODERNITY	
Rise of Nation-State	- Modernity led to the emergence of the nation-state (a new rational basis for solidarity was needed to maintain peace and harmony).
Secular Nationalism	- In European countries, secular nationalism became the basis for solidarity.

	-Modernity required a secular state to foster universal citizenship and a Uniform Civil Code
Overlap with Democratic Values	- Secularism aligns with the principles of democracy, rights, liberty, justice, and human dignity.

VALUE ADDITION: T.N. MADAN'S PERSPECTIVE

- Argued that **secularization** is a prerequisite for successful secularism and South Asian societies remain deeply religious.
- Suggested that without reform movements like those in Christianity, politics and state in these regions may not remain secular.

1. EVOLUTION OF WESTERN SECULARISM

Some western thinkers collectively contributed to the foundation of Western secularism by promoting the separation of religious and political authority, advocating for the subordination of religious institutions to the state, and emphasizing individual religious freedom.

➤ Machiavelli:

- Advocated for the **separation of state and church** to maintain political stability.
- Emphasized that political authority should be independent of religious influence to ensure effective governance.

➤ Hobbes:

- Proposed that the **church should be subordinate to the state**.
- In his work "**Leviathan**," he argued that a strong central authority was necessary to avoid chaos, and religious institutions should not interfere with political matters.

➤ John Locke:

- Championed the principles of religious tolerance and freedom of conscience.
- His ideas laid the groundwork for modern secularism by advocating that individuals should have the freedom to practice their religion without state interference.

2. TYPES OF SECULARISM

- 1. Negative Secularism:** It refers to a strict approach that limits or excludes religious elements from public life and state activities, aiming for a neutral or non-religious public sphere. State is absent here.
- 2. Positive secularism:** If state is present then state has to approach all the religions equally so that person from any religion should not feel discriminated. In this, state follows the policy of equidistant.

3. INDIAN MODEL OF SECULARISM

One of the **earliest works** on the model of Indian secularism is attributed to **D.E. Smith's India a Secular State (1962)**. He held that India has few features of the secular state and not all the features.

According to **D. E. Smith**, the **essential features of a secular state** are:

- Freedom of Religion enjoyed by the citizens,
- Universal Citizenship, and Right to Equality,
- Separation between Religion and State.

SMITH'S OBSERVATIONS ON INDIAN SECULARISM

- Lack of Separation:** In India, the separation between religion and state is missing.
- Fragile Secularism:** Secularism's success is fragile due to the predominance of Hindus (80% of the population).
- Proactive Minorities:** Minorities must be organized and proactive to maintain secularism.
- Custodians of Secularism:** Minorities are seen as custodians of Indian secularism.
- Risk of Majority Influence:** Without minority vigilance, the state may incline towards the majority religion.



MARK GALANTER'S CRITIQUE OF SMITH'S THESIS

- **European Model Influence:** Smith's approach is heavily influenced by the European model of secularism.
- **Need for Unique Analysis:** Analysis of India as a secular state should be **based on the uniqueness of the Indian model**, not European standards.

4. UNIQUENESS OF THE INDIAN MODEL OF SECULARISM

Professor Rajiv Bhargava describes the Indian model of secularism as a politically negotiated model, emerging under specific historical circumstances and reflecting political bargaining among various social groups. This model was shaped by the ideas of leaders like Nehru, Gandhi, and Ambedkar.

- **Nehru** advocated religious neutrality, reflected in Article 15 of the Indian Constitution.
- **Gandhi** emphasized communal harmony and could not accept the separation between religion and politics. He viewed religion as ethics and promoted the **spirit of tolerance—Sarva Dharma Sambhava**, reflected in Article 25.
- **Ambedkar** believed secularism was based on democracy—'**one man, one value.**' He advocated constitutional guarantees for minority protection, reflected in **Articles 29 and 30.**

FEATURES OF THE INDIAN MODEL OF SECULARISM (RAJIV BHARGAVA)

Rajiv Bhargava's Indian model of secularism emphasizes a pragmatic, context-specific approach, balancing state and religion to foster communal harmony and respect religious pluralism. He has given **7 features of Indian model of secularism.**

- 1. State is **not identified by a particular religion**, but state is not entirely against the public character of religion. For example, religious practices and rituals are observed in the practice of the state, like during the inauguration of any public infrastructure like bridge, etc.

- 2. There are **no strict boundaries** (porous boundary), this means that the state creeps into religion and religion come inside the state.
- 3. **No active hostility** like communist countries; **no passive indifference.**
- 4. The Indian model is substantive, based on democracy, liberty, equality, fraternity, and human dignity.
- 5. Indian model is **context specific, politically negotiated.**
- 6. Indian secularism is not based on any over-arching idea. It means **opportunistic** (open ended—anything can be regarding as secular when context emerged).
- 7. Religion is present in the foundation of the state. It means that the **state symbols are not free from religion.** For instance, Buddhism has privilege over other religions in state symbols.

VALUE ADDITION

According to Rajiv Bhargava, there are three basic model of secularism:

- **A. Strict neutrality** example France
- **B. Ultra procedural**—USA (The USA constitution has an **anti-establishment** clause. It prevents the federal and state government to declare any religion as a state religion/official religion.)
- **C. Substantive model**—It is based on the values of democracy like liberty, equality, fraternity and human dignity.

5. CRITICISM OF THE INDIAN MODEL OF SECULARISM

- **Hindu Rightist Critique:** Figures like **Arun Shourie and Advani** criticize the model as '**pseudo-secular,**' implying minority appeasement. They argue for equal citizenship without special religious rights and advocate for the Uniform Civil Code.
- **Pratap Bhanu Mehta** describes the **principled distance model as asymmetrical**, arguing that it legitimizes vote bank politics and leaves all communities feeling insecure.
- **Romila Thapar** believes the current model is weak and unable to counter rising communalism, calling for a bolder secularism.

CONSTITUTIONAL MORALITY: A FRAMEWORK FOR GOVERNANCE IN INDIA

Constitutional morality refers to adherence to the core principles and values enshrined in a constitution, encompassing the spirit and ethics underlying a constitution. It promotes principles like justice, equality, liberty, and the rule of law. In the Indian context, **Dr. B.R. Ambedkar**, the principal architect of the Indian Constitution, emphasized the importance of constitutional morality as a foundation for a just and democratic society.

AMBEDKAR'S CONCEPT OF CONSTITUTIONAL MORALITY

- **Drawing from George Grote:** Ambedkar's idea is influenced by Greek historian George Grote. Grote defined constitutional morality as "paramount reverence" for constitutional forms, enforcing obedience to authority within these forms, and open speech with legal controls. Grote deemed it essential for a free and peaceful government.
- **Ambedkar in Constituent Assembly:** In his speech, Ambedkar explained that constitutional morality involves **adherence to constitutional principles by all elements of society**, including those in positions of power, political parties, pressure groups, and civil society.
- **Adherence to Constitutionalism:** Ambedkar equated constitutional morality to adherence to constitutionalism, arguing that for the constitution to endure, there must be a commitment to follow its principles consistently.

THE NEED FOR CONSTITUTIONAL MORALITY IN INDIA

- **HISTORICAL CONTEXT: AMBEDKAR'S "GRAMMAR OF ANARCHY"**
 - **Lack of Unity:** Ambedkar highlighted India's historical internal disunity and self-interest over collective good, leading to colonial subjugation.

IMPORTANCE OF NURTURING CONSTITUTIONAL MORALITY

- **Cultivating Constitutional Morality:** Ambedkar believed that constitutional morality is not natural and must be cultivated. The constitution provides a legal framework, but it is not sufficient by itself. Developing the necessary attitudes, dispositions, and sentiments for its survival is essential.
- **Self-Restraint and Avoiding Slavery:** At the heart of constitutional morality is self-restraint. Ambedkar emphasized that this is the only way to avoid slavery and revolution. Observing constitutional methods for achieving the resolution of claims and strictly avoiding direct actions that disrupt social order is crucial.

RECENT JUDGMENTS ON CONSTITUTIONAL MORALITY

- **Justice K.S. Puttaswamy (Retd.) vs. Union of India (2017):** The Supreme Court of India affirmed the **right to privacy as a fundamental right** derived from constitutional morality. The judgment underscored the importance of protecting individual autonomy to uphold constitutional values.
- **Navtej Singh Johar vs. Union of India (2018):** The Supreme Court decriminalized consensual same-sex relations, highlighting **constitutional morality and LGBTQ+ rights**. The judgment aimed to eliminate discrimination based on sexual orientation, reinforcing the constitutional principles of equality and dignity.
- **Sabarimala Temple Entry Case (2018):** The Supreme Court ruled that women of all ages could enter the Sabarimala temple, **overturning the practice of barring menstruating women**. The judgment invoked constitutional morality, gender equality, and individual rights, asserting that traditions must not contravene fundamental constitutional principles.

CRITICISM OF CONSTITUTIONAL MORALITY

- **Manu Singhvi** in his book "**The Trenches**," he argues that the subjectivity of constitutional morality can be harmful.
- **K.K. Venugopal** the Attorney General of India likened it to another divisive dogma similar to the "**Basic Structure**" doctrine.
- **Tushar Mehta** the Solicitor General of India viewed it as a dangerous theory that could turn the judiciary into a "**Third Chamber**."

Constitutional morality is essential for sustaining democracy, justice, and equality in India. It emphasizes adherence to the Constitution's ethical principles, fostering rational discourse, pluralism, and rejecting authoritarianism, thereby ensuring the nation's continued progress and harmony.

UNIT 4: PRINCIPAL ORGANS OF THE UNION AND STATE GOVERNMENT

SYLLABUS– Union Government: Envisaged role and actual working of the Executive, Legislature, and Supreme Court; State Government: Envisaged role and actual working of the Executive, Legislature, and High Courts

PREVIOUS YEAR QUESTIONS

Union Government: Envisaged role and actual working of the Executive, Legislature, and Supreme Court

- Do you agree that over the years the Supreme Court has become a forum for policy evolution? Justify your answer. (2023)
- The Speaker represents the freedom and dignity of the House. Examine. (2022)
- The role of the President of India becomes more significant during a minority government and a coalition government. Explain. (2021)
- Examine the evolution of the jurisdiction of the Supreme Court of India as a Constitutional Court. (2021)
- Has the thrust of the government tilted towards the executive in contemporary Indian Politics? Give your arguments. (2020)
- The Prime Minister's Office (PMO) has emerged as the most powerful institution in India. Discuss. (2019)
- Differentiate parliamentary supremacy from parliamentary sovereignty. Would you consider the Indian Parliament as a Sovereign Parliament? Examine. (2017)
- How is the President of India elected? Outline the salient characteristics of the electoral college of the Indian President. (2017)
- Decline of Indian Parliament. Comment. (2013)
- Analyse the position of the Prime Minister of India in a coalition regime. (2013)

State Government: Envisaged role and actual working of the Executive, Legislature, and High Courts

- The Legislative Council is a house without any effective powers. Comment. (2022)

- Do the Lieutenant Governors have more powers than the Governors of the States? Explain. (2018)
- Critically examine the role of the Governor in recent times. (2016)
- Critically analyse the discretionary powers granted to the Governor by the Indian constitution. (2015)
- In normal conditions, the Governor is a constitutional executive but in case of constitutional crisis, he can become a powerful and effective executive. Discuss. (2011)

1.

UNION PARLIAMENT

The founding fathers of the Constitution envisioned Parliament as **a means to ensure the social, political, and economic transformation** of the nation.

The **Parliament is the legislative organ** of the Union government, occupying a pre-eminent position in India's democratic political system due to the adoption of the parliamentary form of government, also known as the **'Westminster' model**.

A. FEATURES OF PARLIAMENTARY FORM OF GOVERNMENT

- Executive Accountability:** The executive is **accountable to Parliament** and stays in office as long as it enjoys its confidence.
- Primus Inter Pares:** The Prime Minister is the **'first among equals'** in the cabinet.
- Cabinet System:** The cabinet is the **nucleus of power** in a parliamentary system.
- Interdependence:** The legislature and executive share powers and depend on each other.
- Post-Election Process:** After a general election, the President appoints the Prime Minister and nominates the Council of Ministers or Cabinet.

VALUE ADDITION

➤ **Mahatma Gandhi: Against the Parliamentary System**

In his book "**Hind Swaraj**," Gandhi expressed **disdain for the parliamentary system, favouring self-sufficient and non-hierarchical socialist villages** functioning as units of direct democracy.

In Support for the Parliamentary System

Jawaharlal Nehru: Supported the parliamentary

- system for its method of argument, discussion, and deliberation, crucial for a diverse polity like India.

B.R. Ambedkar: Ambedkar believed that the

- Indian villages were a form of ghetto. A ghetto which is well knitted based on the caste system and where the Hindu social order can flourish well. He **preferred the parliamentary system for its emphasis on responsibility over stability**, ensuring interdependence, collaboration, and diverse representation

B. REASONS FOR ADOPTING THE PARLIAMENTARY SYSTEM

- **Familiarity:** The system was familiar due to its operation **during British rule**.
- **Responsibility over Authority:** Ambedkar emphasized the preference for a responsible government.
- **Prevention of Authoritarianism:** The parliamentary system was seen as **less prone to authoritarianism** compared to the presidential system.
- **Accommodation of Diversity:** The system offers greater representation to various sections, interests, and regions in the government.
- **Checks and Balances:** The presence of a **Parliamentary Opposition** maintains a check on the actions of the ruling government.

C. ROLE AND FUNCTIONS OF PARLIAMENT IN INDIA

- **Legislative Functions:** The primary function of Parliament is to enact laws.

Both houses participate in the legislative process, although the Lok Sabha has a more dominant role in financial legislation. Parliament legislates on subjects enumerated in the Union List, Concurrent List, and, under certain circumstances, the State List of the Constitution.

- **Representation:** Parliament represents the people of India. Members of Lok Sabha are directly elected by the people, ensuring their representation in the legislative process. MPs express the will of the electorate and bring their issues and concerns to the national forum.
- **Control and Oversight:** Parliament exercises control over the executive branch, ensuring accountability and transparency in governance through:

- **Question Hour:** MPs question ministers about their ministries' work and policies.

- **Motions and Debates:** Through motions and debates, Parliament scrutinise government policies and actions.

- **Committees:** Various parliamentary committees examine specific issues, legislation, and government spending in detail.

- **Financial Functions:** The Parliament has significant control over the country's finances, like:

- **Budget Approval:** The annual budget is presented by the government in the Lok Sabha and must be approved by Parliament.

- **Grants and Taxation:** No taxes can be levied or collected, and no money can be withdrawn from the Consolidated Fund of India without parliamentary approval.

- **Deliberative Functions:** Parliament is a forum for discussing various national and international issues. Members deliberate on critical national policies and legislation. It provides a platform for discussing public grievances and resolving them.

- **Electoral Functions:** Parliament participates in the election of the President and Vice President of India.

Amending the Constitution: As a Constituent Assembly, Parliament plays a role in the process of constitutional amendments. Parliament can initiate constitutional amendments that require a special majority.

➤ **Judicial Functions:** Parliament can exercise judicial functions in certain scenarios, like:

- **Impeachment:** Parliament has the authority to impeach the President, judges of the Supreme Court and High Courts, and other constitutional functionaries.

D. APPREHENSIONS OF SCHOLARS

Morris Jones in his book “**Parliament in India**” gave following reasons for his apprehension against the working of parliamentary democracy

1. **Western Origin:** The system was **not indigenous**.
2. **Lack of Experience:** India lacked experience with **modern democratic traditions**.
3. **Diversity:** Managing India's linguistic, ethnic, and religious differences was seen as challenging.
4. **Multi-Party Instability:** The multi-party system could lead to **unstable coalition** governments.
5. **Social Cleavage:** Social divisions could result in adversarial rather than **consensual democracy**.

However, despite the challenges and criticism, **Shankar and Rodrigues** in “**The Indian Parliament: Democracy at Work**” argue against the “parliamentary decline thesis” and establish that it has been a successful representative body. The Indian Parliament has aided the process of “broadening and deepening of democracy”.

E. STAGES OF THE EVOLUTION OF INDIAN PARLIAMENTARY DEMOCRACY

Shankar & Rodrigues in their book “**The Indian parliament: A democracy at work**” has identified -3 stages in the evolution of parliament.

Phase I: Until the 1960s (Nehruvian Phase)

- **Stability and Dominance:** **Bipan Chandra** notes that the Congress party, under Nehru's leadership, maintained a stable majority, fostering effective decision-making. **Example: Ninth Schedule** was added to **protect the land reforms** demonstrated Parliament's effectiveness.
- **Shared Vision of Nation-building:** **Granville Austin** emphasizes that the Western-educated elite shared a common vision of using Parliament for transformative nation-building.

➤ **Shared Political Culture:** **Rajni Kothari** observes that a shared political culture among politicians promoted cooperation and commitment to democratic values.

Parliamentary Hegemony: **M. S. Swaminathan** highlights Parliament's hegemonic role, which enabled it to implement key policy measures for social justice and development.

Phase 2: 1970s Onwards (Disillusionment with Parliamentary Democracy)

- **Disillusionment and Geopolitical Challenges:** **Upendra Baxi** points to the disillusionment that set in after Nehru's death, compounded by geopolitical challenges such as the wars with China (1962) and Pakistan (1971). **Example:** The 1971 war led to significant parliamentary debates on India's foreign policy.
- **Emergence of New Social Dynamics:** **Jagdish Bhagwati** notes that the Green Revolution created new social groups, necessitating Parliament's adaptation to address their concerns.
- **Erosion of Legitimacy:** **Pratap Bhanu Mehta** highlights the loss of legitimacy and political turbulence during the Emergency (1975-1977), showcasing the vulnerability of democratic institutions. **Example:** The Emergency period demonstrated the fragility of democratic frameworks.
- **Rise of Social and Regional Movements:** **Rajni Kothari** observes that the rise of social movements and regional political forces in the 1970s challenged the traditional dominance of Parliament.

Phase 3: 1990s Onwards (Greater Decline of Parliamentary Democracy)

In the words of **former Vice President Hamid Ansari**, Parliament has become a “**federation of anarchy**” since debates have become rare and informed debates have become rarer. Further, ruling and opposition parties meet as warring groups.

- **Decline in Parliamentary Effectiveness:** The period from the 1990s onwards is marked by a significant decline in the effectiveness and perception of Parliament due to several factors:

- **Intensified Multi-Party Competition:** The competition among numerous political parties became more intense, leading to fragmented politics.
- **Increased Role of Identity Politics:** The influence of caste, religion, and local factors in politics increased.
- **Coalition Instability:** Frequent formation and dissolution of coalition governments led to political instability.
- **Issues with Political Defections:** The problem of political defections became more pronounced.
- **Impact of Globalization:** The effects of globalization on Indian politics and policies became more evident.
- **Civil Society's Rising Influence:** There was a greater assertion by civil society groups in political discourse.
- **Judicial Activism:** Increased judicial activism and intervention in parliamentary matters became prominent.
- **Obstructive Opposition:** The opposition's role in parliamentary proceedings often became destructive.
- **Negative Media Representation:** Negative portrayal by the media damaged the image of Parliament.
- **Criminalization of Politics:** The rising influence of criminal elements in politics further tarnished the institution's reputation.

Further, on the basis of World Bank's 6 parameters (Financial accountability, compliance with rules, efficiency, effectiveness, relevance and sustainability) for evaluation of working of legislature, the performance of Parliament in India is far from satisfactory.

However, despite all the unfavourable scenarios, Parliamentary democracy has survived in the country. It is said that Indian democracy is becoming more mature. Yet we need to undertake critical institutional reforms like **electoral reforms** (considered as **the mother of all reforms**), **decriminalisation of politics**, **accountability of the Parliamentarians**, etc. to arrest the decline of parliamentary democracy in India.

F. DECLINE OF PARLIAMENT

The decline of Parliament refers to the perceived erosion of its effectiveness, authority, and role as a representative body in the democratic process. This decline undermines the fundamental purpose of Parliament to deliberate, debate, and pass legislation, thereby diminishing its ability to reflect the will of the people and oversee the performance of the executive.

INDICATORS AND EXAMPLES OF DECLINE OF PARLIAMENT

- **Disruptions and Conflict:** Persistent disruptions and conflict in parliamentary proceedings, such as the Budget Session 2023 saw Lok Sabha function for only 33% and Rajya Sabha for 24% of scheduled time.
 - **Venkaiah Naidu:** "Good governance needs good legislatures to oversee the performance of the executive."
- **Reduced Sitting Days:** The average number of days Parliament sits has significantly decreased from 120 days (1952-1972) to 58 days per year in the Seventeenth Lok Sabha (2019-2023).
 - **Note:** The British Parliament sits for an average of 150 days, while the US Congress clocks over 100 days each year.
- **Decreased Productivity:** Productivity (actual working hours) has declined from over 100% in the Twelfth Lok Sabha to 61% in the Fifteenth Lok Sabha.
- **Lack of Debate:** Many bills, including controversial ones, are passed without adequate discussion, such as the Farming Acts, which led to protests and were repealed without debate.
- **Weakening of Parliamentary Committees:** In the 17th Lok Sabha, only 16% of bills were referred to committees, compared to 71% in the 15th Lok Sabha.
- **Legislative Haste:** Bills are hurriedly passed, often without sufficient scrutiny, leading to flawed laws and unnecessary litigation.
- **Attendance Issues:** Poor attendance during crucial discussions, highlighting a lack of engagement by MPs.

REASONS FOR DECLINE OF PARLIAMENT

- **Persistent Disruptions:** Frequent disruptions and conflict, often initiated by both opposition and treasury benches, impede legislative business.
- **Political Partisanship:** Parties prioritize their political agendas over legislative responsibilities, resulting in obstruction and lack of cooperation. support from the INC and operated with limited resources.
- **Criminalization of Politics:** Increasing number of MPs with criminal charges, including serious crimes, undermines the moral authority and credibility of Parliament.
- **Money and Muscle Power:** Growing influence of illicit funds in elections and the involvement of candidates with criminal backgrounds distort the democratic process.
- **Lax Enforcement of Laws:** Ineffective enforcement of anti-defection laws and election regulations allows malpractices to continue unchecked.
- **Diminished Legislative Oversight:** Reduced time for discussion and scrutiny leads to poorly drafted laws and weak oversight of the executive.

SCHOLARS' VIEWS IN FAVOR OF DECLINE

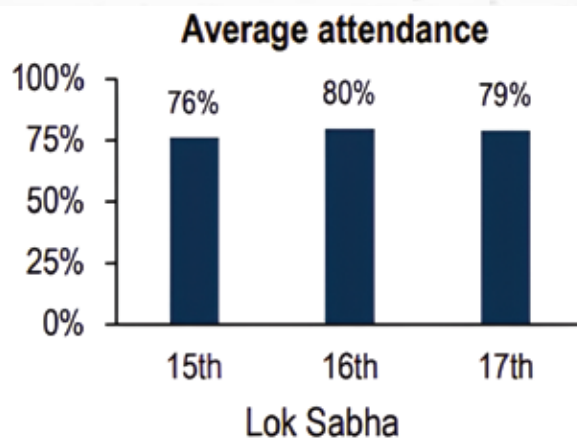
Pratap Bhanu Mehta in his book **"The Burden of Democracy"** argues that the decline in the functioning of Parliament reflects a broader erosion of democratic values. He highlights the over-centralization of power in the executive and the weakening of institutional checks and balances.

Zoya Hasan in her book **"Politics of Inclusion: Castes, Minorities, and Affirmative Action"** contends that the decline of Parliament undermines the principles of inclusive representation. She points out that disruptions and the dominance of the executive compromise the role of Parliament in representing diverse interests.

INDICATORS OF THE CONTINUED EFFECTIVENESS OF THE INDIAN PARLIAMENT

Despite criticisms, there are several indicators and examples that highlight the **continued effectiveness and vitality of the Indian Parliament**. For examples:

- **Legislative Productivity:** The 17th Lok Sabha passed 221 bills, including significant legislation like the Citizenship Amendment Act, 2019, and the revocation of Article 370.



Despite criticisms, there are several indicators and examples that highlight the **continued effectiveness and vitality of the Indian Parliament**. For examples:

- **Active Participation:** With 79% attendance, members actively raised questions and engaged in debates.
- **Comprehensive Debates:** Key national issues like the GST Bill saw extensive debates, showcasing Parliament's role in shaping policies.
- **Committee System:** Committees like the **Public Accounts Committee and Committee on Public Undertakings** hold the executive accountable through regular reports.
- **Representation and Inclusivity:** The 17th Lok Sabha has the highest number of women MPs (78) and addresses diverse issues like farmers' distress, public health, and education.
- **Executive Accountability:** Ministers are regularly questioned, and various motions indicate active executive oversight.

SCHOLARS' VIEWS AGAINST THE DECLINE

Arvind Virmani argues that quantitative metrics of parliamentary productivity, such as the number of bills passed and questions asked, suggest that Parliament remains functional and responsive.

Shashi Tharoor emphasizes the diversity of topics covered in parliamentary questions and debates, indicating that Parliament is actively addressing a wide range of issues. He argues that this engagement reflects a dynamic and responsive legislative body.

WAY FORWARD

- **Strengthening Parliamentary Procedures:** Implement measures to ensure orderly conduct and meaningful debate, such as stricter rules

against disruptions and better enforcement of disciplinary actions.

- **Enhancing Legislative Calendar:** Increase the number of sitting days to allow thorough discussion and scrutiny of bills.
- **Improving Attendance and Participation:** Mandate higher attendance and active participation of MPs in parliamentary sessions and committee meetings.
- **Reforming Electoral Processes:** Address the criminalization of politics by disqualifying candidates with serious criminal charges and regulating election funding to reduce money and muscle power.
- **Promoting Transparency and Accountability:** Ensure transparent legislative processes and hold MPs accountable for their performance and conduct.
- **Educational and Ethical Training:** Provide training for MPs on legislative procedures, ethics, and the importance of their role in democracy.

Parliament's design and functioning are crucial for democratic legitimacy. Reforming its practices is essential, and this responsibility lies with the members themselves.

2.

THE ROLE AND IMPORTANCE OF THE RAJYA SABHA

The Constituent Assembly of India debated the necessity of a second house, leading to **the formation of the Rajya Sabha (Council of States)**. While there were arguments both for and against its establishment, the Assembly ultimately decided in favour of **creating a bicameral legislature**.

The **Constituent Assembly** established the Rajya Sabha to **serve as a revising chamber** and represent state interests within India's federal governance structure.

A. IMPORTANCE OF THE RAJYA SABHA

- **Federal Representation:** Ensures **states have a voice** in legislation, representing diverse regional interests.
- **Legislative Role:** Reviews and amends bills passed by the Lok Sabha, contributing to a **comprehensive legislative process**. For instance, Rajya Sabha (RS) revised a bill passed by the Lok Sabha as the "Finance Bill of 2017."

Checks and Balances: Acts as a **check on hurried legislation**, with experienced members ensuring informed decision-making.

Continuity: Being a permanent body, it **provides stability**, with one-third of members retiring every two years.

Debating Forum: **Facilitates in-depth discussions** on national and international issues through seasoned politicians and experts.

Constitutional Amendments: **Shares equal power with the Lok Sabha** in initiating and approving constitutional amendments.

Special Powers: It possesses unique legislative powers to legislate on **subjects in the State List under specific circumstances** as provided by the Constitution of India, primarily under **Articles 249 and 312**.

KEY FACTS

The number of Ordinances issued by the centre has increased from an average of 7.1 per year in the 1950s to 15 in 2020. For example, the central government has promulgated the Commission for Air Quality Management in the National Capital Region and Adjoining Areas Ordinance, 2020.

- **Emergency Role:** **Operates during emergencies**, ensuring legislative functions even when the Lok Sabha may be incapacitated.

B. ARGUMENTS AGAINST THE RAJYA SABHA

- **1. Overrepresentation Concern:** Some feared that state representation in the Rajya Sabha might overshadow the direct representation of the people in the Lok Sabha.
- **2. Financial Burden:** Critics questioned the financial feasibility of maintaining an additional legislative house.
- **3. Potential Deadlocks:** The existence of two houses was seen as a potential source of legislative deadlocks and delays.
- **4. Limited or No Role:** Rajya Sabha's limited or no role in money bills and Ordinances reduces its relevance in the legislative process.
- **5. Nomination of Members:** The President's nomination of members sometimes favours political loyalists over genuine experts.

VALUE ADDITION: SCHOLARS' VIEWS

- **M.V. Rajeev Gowda:** Gowda in "Party Politics and Democratic Governance in India" notes that **party politics significantly influence legislative processes** and decisions, often prioritizing party agendas over public interest, leading to legislative inefficiencies and gridlocks.
- **Subhash C. Kashyap:** Kashyap in "Parliamentary Procedure: The Law, Privileges, Practice and Precedents" highlights that **legislative deadlocks occur when different parties control the two houses** of Parliament or lack consensus between the executive and legislature, hindering law passage and governance.
- **Pratap Bhanu Mehta:** Mehta in "The Burden of Democracy" discusses the **executive's misuse of ordinances to bypass the Rajya Sabha**, undermining democratic processes and legislative scrutiny.

C. SUGGESTED REFORMS IN RAJYA SABHA

Various committees and commissions have recommended reforms to enhance the functioning and effectiveness of the Rajya Sabha:

- **Balanced Representation:** Sarkaria Commission (1988) recommended **diverse representation**, including SCs, STs, and women.
- **Direct Election:** Venkatachaliah Commission (2002) proposed direct election for increased accountability.
- **Reducing Nomination Quota:** Punchhi Commission (2010) suggested reducing nominated members in favour of elected ones.
- **Transparency in Elections:** Election Commission suggests increased transparency and **ethical standards** in elections.
- **Roles Clarification:** Clarifying the Rajya Sabha's role, especially as a **revising chamber** for bills.
- **Election Reforms:** Law Commission recommends **reforms like proportional representation** and a single transferable vote.
- **Punchhi Commission:** It recommended **equal representation for small states** to bring them into the political mainstream.

- **Bill Deadlines:** Set deadlines for responding to **bills initiated in the Lok Sabha**.
- **Representation of Minorities:** Utilize the Rajya Sabha to **provide representation to underrepresented communities**.

3.**ROLE OF THE SPEAKER IN THE LOK SABHA**

The Speaker, as the ceremonial head of the Legislative Assembly, holds supreme authority marked by absolute impartiality. Tasked with arduous duties, the Speaker must ensure justice and fairness, instilling confidence in the House through sound and unbiased judgments.

Pt. Jawaharlal Nehru, India's inaugural Prime Minister, once remarked that within a parliamentary democracy, the **Speaker embodies the House's dignity and freedom**. Since the House represents the nation, the Speaker effectively becomes a **symbol of the country's liberty and freedom**.

The Speaker's role, powers, and functions are **outlined in Articles 93, 94, 95, and 96** of the Indian Constitution.

A. KEY RESPONSIBILITIES OF THE SPEAKER

- **Conduct of Business:** The Speaker, as presiding officer, oversees the proceedings of the House, **ensures parliamentary rules are followed**, and maintains order during debates.
- **Certification of Money Bills:** The Speaker certifies bills as Money Bills, limiting the Rajya Sabha's role in their passage.
- **Disqualification Decisions:** Under the Tenth Schedule, the Speaker decides on the disqualification of members due to defection.
- **Referral of Bills to Committees:** The Speaker has the power to refer bills to Standing Committees for detailed examination. For instance, in 2021, the Speaker referred the 127th Constitution Amendment Bill to parliamentary committees for scrutiny.
- **Member Suspension:** The Speaker can suspend members for grave disorderly conduct for up to five days.
- **Decision on Motions:** Determines the admissibility of various motions, including no-confidence, adjournment, and privilege motions.

- **Allotting Time for Debates:** Allocates time for **parliamentary discussions** on bills, motions, and national issues, ensuring fair representation of different political parties and members.
- **Summoning Sessions:** The Speaker has the authority to summon and prorogue sessions of the Lok Sabha and dissolve the house based on government recommendations.

B. ISSUES RELATED TO THE OFFICE OF SPEAKER

- ❖ **Appointment and Political Neutrality:** In India, the Speaker is chosen from the majority party and retains party membership, unlike in **Britain** where the Speaker resigns from their party for neutrality, as **Vithalbhai Patel did in 1925**. Concerns about impartiality arise as Indian Speakers often hold ministerial positions immediately before and after their term without a cooling-off period.
- ❖ **Bias in Disqualification Decisions:** Speakers have often been seen as favoring the ruling party in disqualification cases under the Tenth Schedule. For instance, Nabam Rebia (Speaker, Arunachal Pradesh, 2016) disqualified 16 MLAs despite no official defection.
- ❖ **Decline in Bill Referrals:** The referral of bills to Standing Committees has significantly decreased, from 71% during 2009–14 to 16% during 2019–24. It raises concerns about parliamentary efficiency and legislative scrutiny.
- ❖ **Misuse of Money Bill Classification:** Some bills are passed as Money Bills to skip Rajya Sabha scrutiny, despite not meeting strict constitutional criteria (e.g., Aadhaar Bill).
- ❖ **Suspension of Members:** There have been large-scale suspensions of Opposition MPs, such as during the winter session of 2023, which can undermine the robust functioning of Parliament.
- ❖ **Partisan Behaviour:** Accusations of **bias towards the ruling party** have undermined the Speaker's perceived impartiality, leading to frequent disruptions in parliamentary proceedings. For example, the Speaker's decisions on various motions and debates were seen as biased, causing repeated disruptions and walkouts by opposition members.
- ❖ **Independence and Tenure Security:** The practice of ruling parties electing Speakers and the **lack of a fixed tenure** have raised questions about the Speaker's independence and susceptibility to political influence.

C. SUGGESTED REFORMS FOR IMPROVING THE SPEAKER'S

SUPREME COURT'S STAND ON THE SPEAKER'S ROLE

1. **Kihoto Hollohan vs. Zachillhu (1992) and Raja Ram Pal (2007):** The Supreme Court in this case established judicial review of the Speaker's decisions on disqualification under the Tenth Schedule.
2. **Arunachal Pradesh Speaker Nabam Rebia Case (2016):** The Court emphasized the necessity for the Speaker's impartiality in legislative processes. It reinforced the principle that the Speaker should act impartially and not be influenced by partisan considerations.
3. **Shrimanth Balasaheb Patil vs. Hon'ble Speaker (2019):** It stressed the importance of the Speaker's timely decisions on disqualifications. It allowed for judicial review in cases of undue delays in disqualification decisions.

SUGGESTED REFORMS

- ❖ **Consensus-Based Appointment:** Before appointing the Speaker, the Prime Minister or Chief Minister should consult with the Leader of the Opposition to gain their confidence. This would create moral pressure on the Speaker to remain unbiased.
- ❖ **Withdraw Speaker's Powers Under Anti-Defection Law:** The Speaker's powers under the Anti-Defection Law should be transferred to the Election Commission to ensure more bipartisanship. The 2nd ARC recommended this change.
- ❖ **Establish the Convention of 'Once a Speaker, Always a Speaker':**
 - **UK Practice:** In the UK, no candidate is fielded against a former Speaker in subsequent elections to ensure their re-election and maintain their impartiality.
 - **V.S. Page Committee Recommendation:** In 1967, the V.S. Page Committee recommended adopting this convention in India to ensure the Speaker's unbiased attitude towards the ruling party.
- ❖ **Committee-Based Certification for Money Bills:** Instead of the Speaker alone deciding on the certification of money bills, a committee should be established to certify money bills. This would add a

a layer of scrutiny and reduce the potential for arbitrary decisions.

The Speaker represents the dignity and freedom of the House, becoming a symbol of the nation's freedom and liberty. As articulated by India's first Prime Minister, **Pt. Nehru**, the Speaker should be a **person of outstanding ability and impartiality**.

4. PRIVILEGES OF LEGISLATORS

Parliamentary privileges are vital to the legislative system, granting lawmakers **essential rights and immunities** necessary for democracy. Based on **constitutional provisions and historical precedents**, these privileges enable parliamentarians to perform their duties without fear or hindrance, ensuring the **autonomy, integrity, and efficiency of legislative bodies**.

The Indian Constitution provides for these privileges under **Article 105** for Parliament and **Article 194** for state legislatures.

A. TYPES OF PRIVILEGES

TYPE OF PRIVILEGE	DESCRIPTION	EXAMPLES
Collective Privileges	Enjoyed by the entire House to ensure its smooth functioning.	• Right to publish reports: The House has the authority to publish its reports and proceedings. • Exclude strangers from proceedings: The House can exclude non-members from its proceedings to maintain confidentiality and order. • Punish for breach of privilege: The House has the power to punish individuals, including its members, for contempt or breach of its privileges.

Individual Privileges

Enjoyed by members individually to perform their duties without obstruction.

Freedom of speech: Members can speak freely within the House without fear of legal action. Protection from arrest: Members are protected from arrest in civil cases during sessions and 40 days before and after the sessions.

B. SIGNIFICANCE OF PARLIAMENTARY PRIVILEGES

- **Ensuring Independence and Autonomy:** Parliamentary privileges are vital for preserving the legislature's independence and autonomy, shielding it from external pressures by the executive or judiciary. This upholds the principle of Separation of Powers.
- **Facilitating Open Debates:** These privileges enable Members of Parliament (MPs) to express their views freely without fear of litigation or prosecution, thus fostering open and candid debates on public issues.
- **Facilitating Government Scrutiny:** By protecting MPs from civil or criminal liability for actions performed in their parliamentary role, privileges facilitate rigorous scrutiny of government activities and policies.
- **Maintaining Order and Discipline:** Privileges support the enforcement of order and discipline within parliamentary sessions, ensuring effective functioning of the House.
- **Upholding Institutional Dignity:** They contribute to maintaining the respect and dignity of the Parliament, reinforcing its stature as a crucial democratic institution.

C. WHAT CONSTITUTES BREACH OF PRIVILEGE?

A breach of privilege occurs when these rights or immunities are violated. Examples include:

- **Character Assassination:** Defamatory remarks against members.
- **Publication of Secret Sessions:** Unauthorized dissemination of confidential proceedings.

- ❖ **Disorderly Conduct:** Persistent disruption of House proceedings.

Parliament can impose various penalties for such breaches, ranging from reprimands and imprisonment to suspension or expulsion of members.

Recent Example: Rahul Gandhi

Recently, Rahul Gandhi faced a breach of privilege notice due to **his remarks on the Prime Minister during his address in the Lok Sabha on the Motion of Thanks to the President's joint address to the Parliament (February 2023)**. This situation highlights the importance of understanding parliamentary privileges and the consequences of breaching them.

D. Key Judgments related to Parliamentary Privileges

While **Articles 122 and 212** protect legislative proceedings from judicial scrutiny on procedural grounds, courts can intervene if there is a substantive violation of constitutional rights. Notable cases include:

- ❖ **P.V. Narasimha Rao Case, 1998** – In this case, the Supreme Court ruled that the **lawmakers, who accepted bribes, could not be prosecuted for corruption** if they followed through with voting or speaking in the House as agreed.
- ❖ **State of Kerala Vs. K. Ajith and Others, 2021** – The Supreme Court has observed that parliamentary privileges and immunities are **not gateways to claim exemptions from the general law of the land** which governs the action of every citizen.
- ❖ **Sita Soren Vs Union of India Case, 2024** – In this case, the Supreme Court **overturned its judgment in the P.V. Narasimha Rao Case, 1998**. The court said that the **parliamentarians do not enjoy Parliamentary Immunity for acts of bribery**.

E. ISSUES ASSOCIATED WITH PARLIAMENTARY PRIVILEGES

Parliamentary privileges in India are criticized on the following grounds:

- ❖ **Hindrance to Public Scrutiny:** Critics contend that parliamentary privileges may obstruct public scrutiny, potentially concealing misconduct or decisions that ought to be transparent.

- ❖ **Potential for Abuse:** The broad scope of these privileges raises concerns about potential misuse, with members possibly evading legal accountability or suppressing free speech and press under the pretext of protecting parliamentary functions.

- ❖ **Ambiguity and Inconsistency:** The reliance on conventions and unwritten rules results in ambiguity and inconsistency in the application and interpretation of privileges.

- ❖ **Impediment to Democratic Accountability:** The extensive protection afforded to members can impede the accountability of legislators for their actions, both within the parliamentary context and in the media.

- For example, in 2017, two Karnataka journalists were sentenced to one year in prison and fined Rs 10,000 for allegedly defamatory articles about state legislators. The High Court later stayed the sentence.

- ❖ **Outdated Practices:** Certain aspects of parliamentary privilege, rooted in historical practices, may no longer align with contemporary democratic values of transparency and accountability.

- ❖ **Undermines Public Trust:** When privileges are perceived to be abused, it undermines public trust in legislative bodies and democratic processes. For example: The Kerala Assembly case where MLAs claimed privilege to avoid criminal charges for vandalism.

F. NEED FOR CODIFICATION OF PRIVILEGES

In this context, it is suggested that there is a need for codification of Parliamentary privileges in India, as:

- ❖ **Checks and Balances:** Codification would establish clear checks and balances on parliamentary privileges, preventing misuse and unnecessary restrictions on press freedom.
- ❖ **Principle of Natural Justice:** It would ensure MPs are not judges in their own cases and that breaches are adjudicated fairly, rather than self-determined.
- ❖ **Judicial Oversight:** Written privileges would be subject to fundamental rights and judicial review, limiting Parliament's absolute control over privileges.
- ❖ **Modernization:** Aligning with the House of Commons' approach, codification would mean defamatory acts are not treated as privilege questions.

- **Reduced Disruptions:** Clear rules would curb MPs' misuse of immunity to create disruptions and gain public attention.
- **Definition of Privileges:** The phrase "until so defined" in Article 105 implies that privileges should be defined and not left indefinite.

G. ARGUMENTS AGAINST CODIFYING PARLIAMENTARY PRIVILEGES

- **Threat to Legislative Independence:** Codification could undermine parliamentary autonomy by exposing its processes to external oversight and judicial intervention, weakening self-regulation.
- **Constitutional Conflicts:** Codification might clash with constitutional provisions like Article 122, which limits judicial scrutiny and protects parliamentary independence.
- **Loss of Flexibility:** A rigid codified system could reduce Parliament's ability to respond dynamically to unique or emerging political challenges.
- **Procedural Complexity:** The process of codification is complex, requiring broad consensus among diverse stakeholders.

H. WAY FORWARD

- **Clear Definition and Codification:** Ambiguity and inconsistency in parliamentary privileges should be addressed by clearly defining and codifying them where feasible.
- **Independent Oversight:** Implement an independent oversight mechanism to enhance transparency and accountability in the use of privileges.
- **Periodic Review:** Regularly review and update parliamentary privileges to maintain their relevance and effectiveness in a dynamic political and social context.
- **Public and Parliamentary Awareness:** Educate both parliamentarians and the public about the scope, importance, and limitations of parliamentary privileges to ensure their effective and reasonable use.

Codifying privileges is necessary to ensure transparency and accountability. The historical privileges of the British House of Commons should not control the present and future of Indian democracy.

5.

ANTI-DEFECTION LAW

The Anti-Defection Law, detailed in the **Tenth Schedule** of the Indian Constitution **was inserted by the 52nd Amendment (1985)** to address the **issues of political instability and party discipline**. This law aimed to **curb the frequent floor-crossing by legislators**, which often led to the toppling of governments and undermined the democratic process. It was later amended by **the 91st Amendment Act in 2003** to address its shortcomings.

GROUND S FOR DISQUALI FICATION (52ND AMENDMENT	EXCEPTIONS UNDER THE LAW	CHANGES INTRODUCED BY THE 91ST AMENDMENT (2003)
1. Voluntarily Giving Up Membership: A legislator is disqualified if they voluntarily leave the party on whose ticket they were elected.	1. Speaker or Chairman: elected as Speaker or Chairman can resign from their party and rejoin upon demitting the post.	1. Merger Provision Clarification: The merger exception requires two-thirds of a party's members for immunity from disqualification.
2. Voting Against Party Whip: Disqualification occurs if a legislator votes or abstains from voting contrary to their party's direction without prior permission.	2. Party Split : No disqualification occurs if one-third of legislators form a separate group due to a party split (initially allowed but now outlawed by 91st Amendment).	2. Speaker's Role Removed: The responsibility for disqualification decisions shifted from the Speaker to the President or Governor , based on Election Commission advice.
3. Joining Another Party: Disqualification applies if a legislator joins another political party.		

4. Independent Members: Independent legislators supporting a party may be disqualified if they withdraw their support. 5. Nominated Members: Disqualification if nominated members join a party after six months of being nominated.	3. Merger of Parties: No disqualification applies if at least two-thirds of the legislators merge with another party.	3. Time Frame for Disqualification: The President or Governor must decide on disqualification within three months; failure to do so results in non-disqualification. 4. Election Commission's Empowerment: The Election Commission is given authority for impartial disqualification decisions. their support.
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A. ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF ANTI-DEFECTION LAW

The 1960s saw frequent coalition changes and political defections, leading to instability. This trend persists, impacting states like Goa, Manipur, Karnataka, Madhya Pradesh, and Maharashtra.

- **Ambiguity in Party Definition:** The law does not specify whether the "original political party" refers to national or regional levels, leading to manipulation by factions in states such as Goa and Maharashtra.
- **Merger Claims and Legal Fiction:** The law permits mergers if two-thirds of a party's members agree. However, defectors often exploit this by creating a "legal fiction," merging legislative members rather than political parties.

- **Impact on Democracy:** The law restricts legislators' ability to dissent, compromising their constitutional rights under Article 19 and prioritizing party loyalty over constituency representation.
- **Role of Speaker:** Unlike in the UK, Indian Speakers are politically affiliated, leading to concerns about bias. Additionally, there is no fixed timeframe for addressing anti-defection cases, causing delays, as seen in the Subhash Desai case.
- **Wholesale Defection:** The ambiguity around party definitions and merger provisions has facilitated wholesale defections, while retail defections are less addressed.
- **Judicial Observations:** The Kerala High Court recently criticized the Anti-Defection Law for its ineffectiveness in preventing defections (during Thodupuzha Municipal Council disqualification case).

B. RECOMMENDATIONS FROM VARIOUS COMMITTEES ON ANTI-DEFECTION LAW

COMMISSION/ COMMITTEE	KEY RECOMMENDATIONS
Sarkaria Commission (1983)	• Suggested disqualification only for voluntary party membership changes on confidence or no-confidence motions.
Dinesh Goswami Committee on Electoral Reform (1990)	• Suggested disqualification only for voluntary party membership changes on confidence or no-confidence motions.
National Commission to Review the Working of the Constitution (2002)	• Recommended limiting disqualification to voluntary party changes. • Suggested barring defectors from holding public office for the remainder of their term • Treating votes cast by defectors to topple the government as invalid
Justice Venkatachaliah Committee (2007)	• Called for re-examination to protect individual conscience while maintaining party discipline.

Law Commission of India (1999 and 170th Report, 2015)	• Urged deletion of provisions exempting splits and mergers from disqualification. • Recommended treating pre-poll electoral fronts as political parties under anti-defection laws. • Called for clearer guidelines and reconsideration of disqualification for abstention or voting against the party whip.
Election Commission and 2nd ARC	• Recommended that disqualification decisions be made by the President/Governor on the binding advice of the Election Commission.

6. ROLE OF OPPOSITION IN INDIAN PARLIAMENT

The opposition in India plays a crucial role as a check on the ruling party, ensuring accountability and representing diverse viewpoints. They contribute to robust democratic discourse and prevent the concentration of power in one party.

A. FUNCTIONS OF THE OPPOSITION

- **Government Accountability:** Scrutinizes government policies and actions to ensure they align with national interests and legal frameworks. For example, the opposition **raised concerns about the readiness of the GST Network (GSTN)** and the impact on small businesses, leading to several amendments to the GST Bill to address these issues.
- **Active Participation:** Engages in **parliamentary debates, offering alternative viewpoints** and constructive criticism. For example, during the debate on the **Citizenship Amendment Act (CAA) in 2019**, opposition parties actively participated, presenting alternative viewpoints and raising concerns about the implications for India's secular

INSTRUMENTS OF CONTROL BY THE OPPOSITION

- **Question Hour:** Questions government ministers to seek clarifications and explanations on various issues.

- **Debates and Discussions:** Participates in parliamentary debates to express views, raise concerns, and criticize government policies.
 - **Voting Power:** Uses voting power to oppose government bills, budgets, or motions.
 - **Public Mobilization:** Engages in public rallies, media, and campaigns to mobilize public opinion against government policies.
 - **Policy Influence:** Shapes government policy **through debates, lobbying, and mobilizing public opinion**. For instance, opposition played a crucial role in **influencing the Land Acquisition Bill in 2015**. Persistent opposition led to significant amendments to protect the rights of farmers and landowners.
 - **Representation of Diversity:** Ensures **minority views** and dissenting opinions are considered. For instance, the opposition's involvement in the **Triple Talaq Bill** ensured that the perspectives of minority communities, particularly Muslim women, were represented and debated in Parliament.
 - **Preventing Authoritarianism:** Acts as a check on government power to maintain a balance of power. For example, the **opposition's protest and legal action against the imposition of the Emergency in 1975** helped restore democratic norms and prevent authoritarianism in India.
 - **Constructive Criticism:** Proposes **alternative policies to address national issues**. For example, the opposition's **criticism of the government's handling of the COVID-19 pandemic** included proposing alternative strategies for lockdown implementation, vaccine distribution, and economic relief measures.
 - **Public Awareness:** **Informs the public** about government actions and their implications. For instance, the **opposition's campaigns and public meetings** on the implications of the **controversial farm laws in 2020-2021** educated the public about the potential impacts on farmers and agricultural markets.
- ### B. ROLE OF LEADER OF OPPOSITION (LOP)
- **Capturing the New Mood:** The LoP must harness the current sentiment of a more robust and influential Opposition.
 - **Ensuring Unity:** The LoP has the critical task of maintaining the unity of the Opposition to effectively challenge the government.

- **Prime Minister in Waiting:** As a potential future Prime Minister, the LoP must responsibly highlight government failures and present alternatives.
- **Primacy in Debates:** The LoP has a significant role in parliamentary debates and can demand the Prime Minister's presence during serious discussions.
- **Communication with the Prime Minister:** Traditionally, there is an open channel of communication between the Prime Minister and the LoP for major policy discussions.

C. ROLE OF THE OPPOSITION IN DIFFERENT ERAS IN INDIA

The role of the opposition in the Indian political landscape has evolved significantly across different eras. Scholars have studied these transitions to understand the impact on parliamentary democracy and governance.

DURING THE CONGRESS SYSTEM (1950S-1960S)

Marginal Opposition: The Congress party, under leaders like Jawaharlal Nehru, enjoyed an overwhelming majority in the Parliament and left little room for the opposition to play a significant role.

In the analysis of the **Congress System**, **Rajni Kothari** noted that the opposition was more symbolic than effective during this period.

BREAKDOWN OF CONGRESS SYSTEM (1967-1989)

Increased Role of Opposition: The political landscape began to shift with the **decline of Congress hegemony**, particularly after the split in the Congress party in 1969. The opposition became more assertive and influential. The emergence of multiple parties and the increasing regionalization of politics allowed for a more robust and vocal opposition.

Christophe Jaffrelot discussed the rise of regional parties and their impact on national politics, emphasizing the **growing significance of the opposition**.

ERA OF COALITION GOVERNMENTS (1989-2014)

Fragmented and Less Effective Opposition: This era saw the **decline of ideology-based politics and the rise of "Catch-All Parties"** that aimed to **attract a broad spectrum of voters**, often leading to coalition governments. The opposition became fragmented due to the proliferation of parties and the prevalence of coalition politics. This fragmentation often led to a less coherent and less effective opposition.

Zoya Hasan in her book **"Politics of Inclusion: Castes, Minorities, and Affirmative Action."** discussed the challenges faced by the opposition in a highly fragmented political environment. Proliferation of regional parties and coalition politics has made it **difficult for the opposition to present a united front**.

BJP DOMINANCE (2014-2024)

The BJP's rise has challenged the opposition, leading to a fragmented and weakened opposition. **Suhas Palshikar** calls it **"the second dominant party system"** whereas **Diego Maiorano, Ronojoy Sen and John Vater** (Study- "Is There a 'BJP System' in Indian Politics?", 2020) argue that the opposition parties have relegated themselves to the role of **"party of pressure"** i.e., parties that try to influence policy making through pressure on the dominant party.

SHIFT IN POLITICAL LANDSCAPE AFTER 2024 LOK SABHA ELECTIONS

The 2024 general election has brought a significant transformation in the political atmosphere of the Lok Sabha. For the first time in a decade, the Opposition has seen a substantial increase in its numbers, with over 234 Members in the Opposition benches. This shift has created an almost evenly divided House, drastically changing the dynamics and potential influence of the Opposition.

D. WAY FORWARD

- **Strengthen Democratic Traditions:** Following past traditions, such as open communication and presence during Question Hour, can strengthen parliamentary democracy.
- **Learning from Nehru:** Nehru's practices of being present in the House, encouraging opposition voices, and seeking truth can serve as valuable lessons.
- **Promoting Tolerance and Dissent:** Emulating the early parliamentary environment where intolerance towards dissent was not part of the tradition can restore normalcy and effectiveness in Parliament.

The role of the Opposition and the Leader of the Opposition is crucial for a healthy democracy. Despite challenges, the current political landscape offers an opportunity for the Opposition to assert its influence and restore parliamentary norms. Learning from past practices and maintaining unity and effective communication can enhance the Opposition's role in checking government power and shaping policy.

E. ISSUES ASSOCIATED WITH THE ROLE OF OPPOSITION

While the opposition is vital for democracy, it can also contribute to the decline of Parliament under certain circumstances:

- **Obstructionist Tactics:** Walkouts and disruptions **impede legislative processes.**
- **Reduced Deliberation:** Decreased debate time **due to disruptions** and government agenda management.
- **Partisan Politics:** Political polarization **leads to confrontational politics,** overshadowing constructive debate.
- **Electoral Focus:** Prioritizes **electoral concerns** over legislative duties. During the **2019 general elections,** opposition parties often focused more on electoral strategies and campaigning rather than participating in legislative debates and discussions.
- **Parliamentary Instruments:** **Overuse of tools like adjournment motions** can lead to legislative gridlock.
- **Media Influence:** Strategies may **prioritize media attention over substantive contributions.** For **example:** The 2015 Winter Session of Parliament was marked by opposition parties **staging walkouts and holding press conferences** to gain media attention rather than engaging in detailed legislative debates.
- **Democratic Backsliding:** **Ineffective opposition can weaken democratic norms,** enabling authoritarian tendencies.

7. PARLIAMENTARY COMMITTEES

A Parliamentary Committee is a **panel of members** from one or both houses of Parliament, constituted to **deal with specific subjects or issues.** These committees perform various functions such as considering bills referred to them, **examining the expenditure** of the government, and **investigating specific matters** of public interest.

A. TYPES OF COMMITTEES

Parliamentary committees are divided into two categories

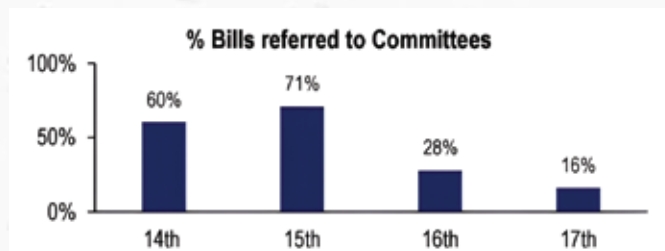
1. STANDING COMMITTEES: Standing Committees are permanent committees that carry out specialized, ongoing tasks. They are constituted every year or periodically and work on a continuous basis.

Examples include:

- **Public Accounts Committee (PAC):** Examines the accounts showing the appropriation of sums granted by Parliament for government expenditure.
 - **Committee on Public Undertakings (COPU):** Examines the reports and accounts of public sector undertakings.
 - **Estimates Committee:** Examines the estimates included in the budget and suggests economies in public expenditure.
- 2. AD-HOC COMMITTEES:** Ad-hoc Committees are temporary committees created for specific purposes. They dissolve once their task is complete. **Examples:**
- **Joint Parliamentary Committee (JPC) on the 2G Spectrum Scam:** Formed to investigate the 2G spectrum allocation scam.
 - **Select Committee on the Surrogacy (Regulation) Bill, 2016:** Formed to examine the provisions of the Surrogacy (Regulation) Bill, 2016 and suggest modifications.

B. KEY FUNCTIONS AND BENEFITS OF PARLIAMENTARY COMMITTEES

- **In-Depth Analysis:** Committees facilitate detailed **discussions and analyses of proposed laws,** ensuring thorough examination despite the high volume of legislative work.



- **Expertise Utilization:** These committees provide a platform for MPs to **engage with domain experts, for Example: Surrogacy (Regulation) Bill, 2016:** The Committee on Health and Family Welfare's study of the Surrogacy (Regulation) Bill, 2016, is a prime example of effective expertise utilization. The committee **engaged with a wide range of stakeholders, including medical professionals, legal experts, and representatives from non-governmental organizations.**
- **Executive Accountability:** Committees like the **Public Accounts Committee scrutinize public spending and laws,** holding the executive accountable for its actions and decisions.

- **Scrutiny of Public Funds:** Committees **examine government accounts** and spending, reducing the chances of misspending and validating financial statistics.
- **Legislative Support:** Committees can **recommend amendments** to bills, although these are **not binding on Parliament**.
- **Continuous Operation:** Committees continue their work even when Parliament is not in session.
- **Engagement with Stakeholders:** Committees engage with relevant stakeholders to gather insights and evidence on various issues. This practice enhances the committees' understanding and informs their recommendations.
- **Constructive Criticism:** Committees **shift the focus from the politicization of issues to constructive criticism**.

C. ISSUES WITH PARLIAMENTARY COMMITTEES

- **Declining Referral Rates:** There has been a noticeable decline in the referral of bills to committees, with only 16% in 17th Lok Sabha and **27% in the 16th Lok Sabha compared to 71% in the 15th Lok Sabha**, potentially leading to insufficient scrutiny.
- **Non-Binding Recommendations:** While significant, committee recommendations are not binding on the government, leaving the **final decision to Parliament** and the government.
- **Limited Time for Scrutiny:** Despite working throughout the year, committees often **face insufficient time for detailed examination** due to the complexity and volume of subjects.
- **Variable Expertise Among Members:** The effectiveness of committees can be influenced by the expertise of their members, who may lack a background or deep understanding of specific subject matters.
- **Poor Attendance:** Member attendance has been **around 50% since 2014**.
- **Short Tenures:** Members are reconstituted every year, limiting continuity.
- **Lack of Discussion:** Committee reports are **often not discussed in Parliament**.
- **Politicization:** Proceedings are often politicized, with **members taking strict party lines**.

D. RECOMMENDATIONS FOR IMPROVEMENT

- **NCRWC Suggestions:** Replace committees that **have outlived their utility** with new ones focused on economy and employment. **Amend the Rules of Business** to ensure all major bills are referred to the Departmentally Related Standing Committees.
- **Extend Tenure:** Increase the duration of committee memberships.
- **Enforce Minimum Attendance:** Implement policies to ensure **better attendance**.
- **Provide Research Support:** Enhance the research capabilities of committees.
- **Avoid Overlapping Functions:** Clearly **delineate committee responsibilities** to prevent overlap.
- **Institutional Mechanism for Reports:** Develop mechanisms to ensure committee **reports are discussed in Parliament**.
- **Adopt Best Practices:** Learn from other countries, such as having **ministers appear before committees to elaborate on and defend policies**.

8.

THE EVOLVING PROFILE OF INDIAN PARLIAMENTARIANS

The legislature is often seen as a reflection of society. To understand social change and the nature of democracy, it is essential to examine the social profile of legislators. The evolving profile of parliamentarians provides insight into the continuity and change within the country's political system and society.

A. HISTORICAL PHASES OF CHANGE

Shankar and Rodrigues have identified three broad phases in the socio-economic profile of Indian parliamentarians:

PHASE 1: UNTIL THE 1960S

- **Caste Composition:** Dominated by Brahmins and other upper castes.
- **Representation of SC & ST:** Due to reservations, those elected were often from privileged backgrounds.
- **Underrepresentation:** Significant underrepresentation of OBCs, women, and minorities.
- **Urban Elites:** Parliament was dominated by urban elites, many of whom were educated in foreign universities.

- **Authority from National Movement:** The authority of parliamentarians was largely based on their participation in the national movement.
- **Part-Time Politicians:** Many parliamentarians were part-time politicians.

PHASE 2: 1970S TO 1990S

- **Transition Period:** Known as the "Twilight Zone" or "Transition Zone."
- **Green Revolution:** Strengthened the position of OBCs, particularly the landowning class.
- **Breakdown of Congress System:** Rise of regional parties.
- **Indigenous Education:** Increase in parliamentarians educated in India
- **Agriculturist and Rural Elites:** These groups gained a dominant position in Parliament.
- **Full-Time Politicians:** More students began joining politics, influenced by initiatives like the Youth Parliament by Indira Gandhi.

PHASE 3: FROM THE 1990S UNTIL NOW

- **Plebianization of Democracy:** Increased role of caste, religion, and other ethnic factors.
- **Increased OBC Representation:** A significant rise in the representation of OBCs.
- **Higher Education Levels:** The number of educated parliamentarians has increased, with members from diverse backgrounds joining Parliament.
- **Diminished Rural-Urban Divide:** The divide between rural and urban representation is less prominent.
- **Gender Stagnation:** Representation of women remained stagnant, with the percentage hovering between 8-10% until the 15th Lok Sabha. Sociologist M.N. Srinivas attributes low female representation to a patriarchal mindset embedded in the subconscious.

B. PROFILE OF PARLIAMENTARIANS IN THE 18th LOK SABHA

EDUCATIONAL BACKGROUND

- **Graduates:** Around 78% of MPs are graduates.
- **doctoral degree:** Approximately 5% have a doctoral degree, including three women MPs.
- **School Education:** About 22% of the MPs had education up to the 12th standard.

PROFESSIONAL BACKGROUND

- **Agricultural Sector:** Around 37% of MPs come from an agricultural background.
- **Social Workers:** Constituting about 48% of the MPs.
- **Business Sector:** MPs with a background in business make up about 32%.

Note: The sum of the column values in the above chart may not add to 100%, as several MPs have indicated more than one profession. Each of these has been counted separately.

AGE AND GENDER

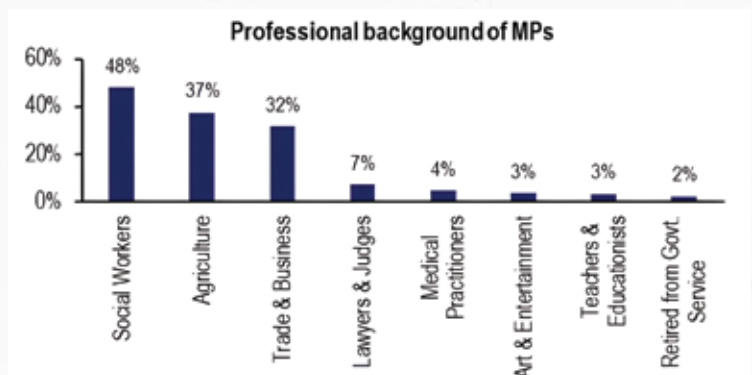
- **Average Age:** The average age of MPs is around 56 years.
- **Women Representation:** Women members of the Lok Sabha have reduced by 4 from 78 during last tenure to now 74 (~14%).

CRIMINAL BACKGROUND

- **Criminal Cases:** Around 46% (251) of MPs have criminal cases
- **Serious Criminal Cases:** MPs accused of serious crimes constitute about 31% (170)

C. ANALYSIS AND IMPLICATIONS

The changing profile of Indian parliamentarians



reveals significant trends and shifts in the socio-political landscape:

- **1. Diversity and Representation:** The increasing representation of OBCs and women in Parliament indicates a more inclusive and representative legislative body. However, the underrepresentation of certain communities and the dominance of specific professions highlight ongoing challenges.
- **2. Criminalization of Politics:** The rise in the number of MPs with criminal backgrounds raises concerns about the integrity and ethical standards of the legislative body. This trend could undermine public

trust in democratic institutions and the rule of law.

- **3. Professional and Educational Backgrounds:** The diversity in professional and educational backgrounds among MPs suggests a broader range of expertise and perspectives. However, the decline in MPs with international educational exposure might impact the global outlook of legislative deliberations.
- **4. Age and Experience:** The average age of MPs reflects a mix of experience and fresh perspectives. The increase in women MPs is a positive step towards gender equality in political representation.

D. SCHOLARLY PERSPECTIVES ON REPRESENTATION IN PARLIAMENT

- **M.N. Srinivas** in "Social Change in Modern India," attributes **low female representation in Parliament** to a patriarchal mindset embedded in the subconscious, highlighting deep-rooted societal biases that limit women's participation in politics and reflect broader gender inequality.
- **Shankar and Rodrigues** in "The Indian Parliament: A Critical Appraisal," discuss the three broad phases of socio-economic changes in parliamentarians' profiles, illustrating how evolving societal contexts have shaped the composition of Parliament over time.
- **Yogendra Yadav** in "Democracy in India," describes the **rise in OBC representation** as the 'first democratic upsurge,' marking a significant change in the political landscape by bringing previously marginalized communities into the center of political power and influence.
- **Pratap Bhanu Mehta** in "The Burden of Democracy," discusses the implications of a weakened Parliament on democratic governance, arguing that the **erosion of parliamentary authority undermines democracy** by concentrating power in the executive branch and weakening checks and balances.
- **Zoya Hasan** in "Politics of Inclusion: Castes, Minorities, and Affirmative Action," emphasizes the **threat to inclusive representation** due to the underrepresentation of minorities and women, arguing that this lack of diversity undermines the democratic principle of equal representation.
- In "The Indian Supreme Court and Politics," **Upendra Baxi** highlights concerns about the **erosion of the rule of law with a weakened Parliament**, suggesting that diminished parliamentary power compromises

legal standards and the balance of power essential for the rule of law.

9.

STATE LEGISLATURE

The State Legislature in India plays a crucial role in the state government, responsible for law-making within the state. Governed by Articles 168 to 212 of the Indian Constitution, the structure and functions of the State Legislature are clearly outlined.

A. KEY ARTICLES

- **Article 168:** Establishes the **State Legislature**, which may be unicameral (one house) or bicameral (two houses).
- **Article 169:** Describes the **process for creating or abolishing Legislative Councils** in states, which requires a resolution passed by the Legislative Assembly with an absolute and special majority, followed by the President's assent.
- **Articles 170–172:** Define the **composition and tenure of the Legislative Assembly**, capping membership at 500 and stipulating a tenure of five years, subject to earlier dissolution.

10.

STATE LEGISLATIVE COUNCILS (VIDHAN PARISHAD)

A. COMPOSITION (ARTICLE 171)

- The Council's strength is limited to **one-third of the Legislative Assembly's membership**, with a minimum of 40 members (except in Jammu and Kashmir, where it's 36).
- Members are elected from various constituencies, including local authorities, graduates, teachers, and Legislative Assembly members, with some nominated by the Governor.

B. NEED FOR LEGISLATIVE COUNCILS IN STATES

- **Diverse Representation:** Includes professionals such as leaders and academics, bringing varied expertise to the legislative process.
- **Detailed Legislation Review:** Ensures comprehensive discussion and refinement of laws.
- **Checks and Balances:** Provides oversight against rushed decisions by the lower house.
- **Accommodating Non-Electoral Talent:** Allows individuals with significant contributions in various fields but not inclined towards electoral politics to find representation.



- **Workload Management:** Helps legislative assemblies manage their heavy workload by sharing legislative responsibilities.
- **Preventing Autocracy:** Acts as a safeguard against any autocratic tendencies in the lower house.
- **Constructive Critique and Debate:** Encourages debate and consensus, addressing the diverse needs of large states.

C. CRITICISM OF STATE LEGISLATIVE COUNCILS

- **Limited Powers:** Perceived as having limited influence, especially in financial matters, with only a brief power to delay money bills.
- **Vested Interests:** May serve as strongholds for vested interests, **hindering progressive legislation** from the more representative lower houses.
- **Political Shelter:** Sometimes seen as a refuge for politicians who lose elections, offering a **backdoor return to power**.
- **Financial Burden:** Maintaining bicameral legislatures is seen as **costly, particularly for financially weaker states**.
- **Utility in Doubt:** Some states have abolished their Councils, casting doubt on their usefulness. The constitutional provision for their abolition further underscores these doubts.
- **Diverse Composition:** The mixed selection process, involving direct and indirect elections along with nominations, leads to a **heterogeneous composition** that may not effectively function as a revisory or check-and-balance body.

D. COMPARISON OF STATE COUNCIL WITH THE RAJYA SABHA

SIMILARITIES	DIFFERENCES
- Both serve as upper houses in bicameral legislatures at different levels. - Members are elected indirectly, with different electorates. - Neither house is subject to dissolution.	Powers and Functions: The Rajya Sabha has broader legislative and financial powers. Composition: Rajya Sabha's membership is fixed, while Legislative Councils vary based on the state assembly's size.

SIMILARITIES	DIFFERENCES
	• Constitutional Amendments: Rajya Sabha plays a key role in constitutional amendments, unlike Legislative Councils. • Creation and Abolition: The Rajya Sabha is a permanent constitutional body, while Legislative Councils can be created or abolished. • Representation: Rajya Sabha represents states and Union Territories, while Legislative Councils have more localized representation.

VALUE ADDITION: OPINIONS OF SCHOLARS AND COMMITTEES

The **Parliamentary Standing Committee** recommended **a national policy to establish Upper Houses in state legislatures** to prevent their abolition by incumbent governments, recognizing the political nature of decisions regarding Legislative Councils.

Yogendra Narain highlighted that **Legislative Councils expand political space for individuals unable to be elected or nominated to other state bodies**, noting varied and inconclusive discussions on their creation, revival, and abolition.

In "**The Indian Parliament: A Democracy at Work**," **Shankar and Rodriguez** emphasize that the legislature reflects society, acting as the visible face of democracy in India, addressing citizens' problems and finding solutions. Despite debates on its decline, the legislature has adapted to India's changing needs, contradicting Western scholars' scepticism about its potential failure.

11.

THE UNION EXECUTIVE

The Union Executive of India **comprises the President, Vice-President, Prime Minister, and Council of Ministers**, as outlined in **Part V of the Indian Constitution (Articles 52 to 78)**. These articles define the structure, powers, functions, and responsibilities of these offices and their relationships with other parts of the government.

A. CENTRALIZATION OF POWER IN THE EXECUTIVE

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary.

Several scholars have noted the increasing centralization of power within the executive branch:

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary.

Several scholars have noted the increasing centralization of power within the executive branch:

- **Power in the PMO:** **Christophe Jaffrelot** observes an **increasing centralization of power** in the Prime Minister's Office (PMO).
- **Legislative Bypass:** **Pratap Bhanu Mehta** highlights the **growing use of ordinances**, indicating a shift towards executive dominance.
- **Diminished Parliamentary Role:** Scholars note the **reduction in parliamentary scrutiny** and debate on key legislations, suggesting increasing executive influence.
- **Control Over Bureaucracy:** **Suhas Palshikar** discusses the executive's strong hold over the bureaucracy.
- **Influence on Judiciary:** **Upendra Baxi** examines the **executive's influence in judicial appointments** and decisions.

B. INCREASING ROLE OF THE PMO

The PMO has significantly expanded its role in recent years:

- **Decision-Making:** Coordinates and formulates policies across ministries, exemplified by initiatives like **Digital India and Swachh Bharat**.
- **Prime Minister's Role:** Under Narendra Modi, the PMO has been particularly active, reflecting **his assertive leadership style**.
- **Policy Implementation:** Oversees initiatives like the **Aadhaar project rollout**.
- **International Relations:** Plays a significant role in **foreign policy**, with the Prime Minister actively engaging in international forums.
- **Crisis Management:** Led the response strategy during the **COVID-19 pandemic**.
- **Media and Public Perception:** Uses media and communication strategies to shape public perception.

EVOLUTION OF PMO

HISTORICAL CONTEXT:

- **Nehru's Era:** Initially modest, led by a Joint Secretary with significant coordination by the Cabinet Office.
- **Shastri's Reforms:** Strengthened the PMO with a dedicated Secretary, laying the foundation for a more centralized structure.
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- **Shastri's Reforms:** Strengthened the PMO with a dedicated Secretary, laying the foundation for a more centralized structure.
- **Indira Gandhi's PMO:** Further centralized with significant powers, introducing the official designation of "Prime Minister's Office".
- **Coalition Politics:** Under Morarji Desai and later PMs, the PMO balanced decisions to accommodate coalition partners.
- **Economic Reforms:** Narasimha Rao's PMO played a pivotal role during the 1991 economic crisis, steering deregulation and liberalization policies.
- **Vajpayee's PMO:** Enhanced influence with the introduction of the National Security Advisor, overseeing significant economic and security policies.
- **Manmohan Singh's Era:** Notably decentralized, with decision-making often influenced by the UPA coalition dynamics.

MODI'S ADMINISTRATION:

- **Strategic Appointments:** Brought influential figures like Nripendra Misra and Ajit Doval into key roles, marking a shift towards a more presidential-style PMO.
- **Policy Overhaul:** Addressed issues like NPAs, job crises, and sectoral reforms, but faced criticism for over-centralizing power.

FUNCTIONS OF PMO

The Prime Minister's Office (PMO) supports the Prime Minister in various functions, including:

- **1. Liaison:** Maintaining connections with union ministers, state governments, the President, governors, and foreign representatives.
- **2. Public Relations:** Managing the Prime Minister's interactions with the press and public.

- **3. Policy Oversight:** Assisting in responsibilities related to the Planning Commission and National Development Council.
- **4. Parliamentary Assistance:** Preparing responses for parliamentary questions on general subjects not assigned to specific ministries.
- **5. Case Examination:** Aiding in the review of cases submitted to the Prime Minister for decisions.
- **6. Think-Tank Role:** Acting as a strategic advisor to the Prime Minister.

The PMO does not handle functions related to the Prime Minister's role as head of the cabinet, except in personal communications with ministers or domestic party matters.

ISSUES OF CENTRALIZATION OF POWER WITH PMO

- **Compromised Sanctity:** Critics argue Modi's PMO is overly powerful, overshadowing ministries and key decisions, potentially undermining the office's sanctity.
- **Lack of Cabinet Involvement:** The strong centralization has alienated some Cabinet colleagues, with key decisions often bypassing traditional consultative processes.
- **Public Distrust:** Despite strong leadership, Modi's administration faces declining public support, reflecting dissatisfaction with the centralization approach.

WAY FORWARD

- **Balanced Governance:** Future PMOs should strive for a balance between strong leadership and inclusive decision-making, ensuring ministries and Cabinet members have substantial input.
- **Transparency and Accountability:** Increasing transparency in the decision-making process and holding the PMO accountable can mitigate public distrust.
- **Leveraging Expertise:** Utilize the expertise of capable individuals and institutions, both within and outside the government, to address India's complex challenges effectively.
- **Focus on Results:** The new PMO should prioritize impactful decisions and tangible results to maintain legitimacy and public trust.

The evolution of the PMO from Nehru to Modi reflects a trend towards centralization, each era responding to its unique challenges. However, to sustain democratic values and effective governance, a balanced approach that fosters inclusivity, accountability, and responsiveness to public needs is essential.

12.

THE PRESIDENT

The President of India is the ceremonial head of state, symbolizing the unity and integrity of the nation. Key constitutional provisions include:

- **Head of State (Article 52):** The President is the **ceremonial head** of state.
- **Part of the Parliament (Articles 79-122, especially Article 79):** The President forms an **integral part** of the Parliament.
- **Executive Powers (Article 53):** Exercises executive powers of the Union but **must act on the advice of the Prime Minister and the Council of Ministers** (Article 74).
- **Legislative Powers:** Includes **summoning and dissolving the Lok Sabha**, and giving assent to bills (Articles 85, 111, 200).
- **Judicial Powers (Articles 124-147):** Includes **appointing judges** and exercising **pardoning powers** (Articles 72, 143).
- **Emergency Powers:** Includes **national emergency (Article 352)**, state emergency (Article 356), and financial emergency (Article 360).
- **Diplomatic Roles (Article 53):** Represents India in international forums.
- **Military Powers (Article 53):** The President is the **supreme commander of the defence forces**.

NATURE AND ACTUAL POSITION

- **Ceremonial Role:** The President's **actual role is largely ceremonial**.
- **Constitutional Guardian:** Ensures the Constitution is upheld.
- **Symbolic Authority:** Symbolizes the **nation's dignity**.
- **Crisis Management:** Exercises **discretionary powers** during political crises.
- **Bipartisan Position:** Expected to remain **neutral and act impartially**.
- **Moral Leadership:** Provides moral leadership and **non-binding advice to the government**.

CONTROVERSIES AND PRESIDENTIAL ACTIVISM

- **Ceremonial vs. Discretionary Powers:** **Granville Austin** highlights that the framers intended the **President to have limited powers**. **Upendra Baxi** emphasizes the President's **constitutional duty** to act on the advice of the Prime Minister and the Cabinet.
- **Key Controversies:** Debates on **discretionary powers**, such as pardoning and dissolving Parliament, and the President's role in appointing the Prime Minister.

ELECTION OF THE PRESIDENT

- **System:** Elected by **proportional representation** with a **single transferable vote** and **secret ballot**.
- **Reason for Indirect Election:** Ensures **harmony with the parliamentary system** and avoids conflict between the PM and President. It is also **cost-effective** and **time-efficient** for a nominal executive role.

POWERS AND FUNCTIONS OF THE PRESIDENT

- **Executive Powers:** Includes carrying out executive actions, making rules for the Union government's business, **appointing key positions**, and declaring scheduled areas.
- **Legislative Powers:** Includes summoning and proroguing Parliament, assenting to bills, and ordinance-making power.
- **Financial Powers:** Includes **introducing money bills** and presenting the Union budget.
- **Judicial Powers:** Includes **appointing judges and exercising pardoning power**.
- **Diplomatic Powers:** Includes **signing international treaties** and representing India globally.
- **Military Powers:** Includes being the supreme commander of the defence forces and declaring war or peace.
- **Emergency Powers:** Includes national emergency, President's Rule, and financial emergency.

ROLE OF PRESIDENT DURING COALITION OR MINORITY GOVERNMENT

- **Formation of Government:** The President's **discretion is key in inviting the leader of the largest party** or coalition to form the government.

- **Discretionary Powers:** More frequently exercised in minority or coalition governments.
- **Appointing a Prime Minister:** Critical **when no clear majority** exists.
- **Guardian of the Constitution:** Responsibility to **uphold constitutional values** is heightened during politically unstable times.
- **Handling Deadlocks:** Role in **resolving legislative deadlocks** becomes more prominent.
- **Crisis Management:** Crucial **during political crises**, such as a vote of no-confidence.

13. ORDINANCE-MAKING POWER

An ordinance is a temporary law promulgated by the **President** or **Governor** when Parliament or a State Legislature is not in session, as provided under **Articles 123** and **213** of the Indian Constitution. This mechanism is intended for urgent situations requiring immediate legislative action, with the ordinance ceasing to operate six weeks after the legislature reconvenes unless ratified by it.

ISSUES WITH THE ORDINANCES

Ordinances have raised several concerns:

- **Re-promulgation:** The practice of repromulgating ordinances undermines the legislative process, as seen in cases like the Bihar government's use of ordinances and the Supreme Court's disapproval of this practice.
- **Lack of Urgency:** Many ordinances, such as the triple talaq ordinance, lacked genuine urgency, raising questions about their necessity.
- **Constitutionality:** Ordinances can violate constitutional rights, as demonstrated by critiques highlighting inconsistencies and the imposition of penalties for acts deemed void.
- **Abuse of Power:** The executive's use of ordinances can circumvent the democratic process and the role of the legislature, as established in landmark Supreme Court cases.

SUPREME COURT GUIDELINES (KRISHNA KUMAR SINGH V. STATE OF BIHAR, 2017)

The Supreme Court has laid down important guidelines regarding ordinances:

- **Judicial Review:** Ordinances are subject to judicial scrutiny; courts can assess whether the conditions for promulgation were met and if any abuse of power occurred.
- **Mandatory Tabling:** Ordinances must be presented before the legislature when it reconvenes, ensuring legislative oversight.
- **Enduring Effects:** The court ruled that ordinances do not create enduring rights beyond their operational term, underscoring the necessity for legislative approval.

14. PRIME MINISTER

The Prime Minister is the **central figure in India's parliamentary government**, often described as the **captain of the state** and the **keystone of the cabinet architecture**.

ROLE OF THE PRIME MINISTER

- **1. Head of Government:** Leads the executive branch.
- **2. Cabinet Leadership:** Appoints ministers and coordinates government policies.
- **3. Legislation:** Proposes bills, engages in debates, and pursues the government's legislative agenda.
- **4. Foreign Affairs:** Represents India globally and shapes foreign policies.
- **5. Crisis Management:** Provides leadership during crises.

EVOLUTION OF THE INSTITUTION OF PM

- **1. Nehru Era:** Nehru was "first among equals," with increasing power concentration after Patel's death.
- **2. Lal Bahadur Shastri Era:** Marked the beginning of centralization of power in the PMO.
- **3. Indira Gandhi's Rule:** PM's role took on features of a presidential form, with significant reliance on personal advisors.
- **4. Post-1989 Coalition Governments:** Coalition governments affected the PM's position, with Atal Bihari Vajpayee managing a coalition successfully.
- **5. UPA Government and Manmohan Singh:** Faced challenges, with the National Advisory Council influencing decisions.
- **6. NDA Government with Narendra Modi:** Considered highly dominant, with the PMO emerging as a key decision-making hub.

ROLE OF PM DURING COALITION

- **Consensus Building:** Continuous effort to maintain consensus **among diverse coalition partners**.
- **Policy Compromises:** Implementing the **PM's vision often requires compromises**.
- **Cabinet Composition:** Reflects the **need to accommodate different coalition partners**.
- **Political Stability:** Ensuring the coalition does not fall apart due to internal disagreements.
- **Regional Interests:** **Balancing regional demands** with national priorities.
- **Economic Policy Making:** Challenging due to opposition from coalition partners.
- **External Affairs and Security:** **Constraints in decision-making** but examples of decisive actions, like during the Kargil War under Vajpayee.

15. STATE EXECUTIVE: THE GOVERNOR

A. CONSTITUTIONAL PROVISIONS

The Governor serves as the constitutional head of each state, with executive powers exercised either directly or through subordinate officers, bound by the advice of the ministry.

- **Article 153:** Each state must have a Governor.
- **Article 154:** Executive powers are vested in the Governor.
- **Article 155:** Governors are appointed by the President.
- **Article 157:** A Governor must be a citizen of India and at least 35 years old.
- **Article 159:** Details the oath of the Governor.
- **Article 160:** Enables the Governor to discharge certain functions in case of contingencies.
- **Article 161:** Grants the Governor the power to grant pardons, suspend, remit, and commute sentences.
- **Article 213:** Deals with the power of the Governor to **promulgate ordinances**.

B. APPOINTMENT AND QUALIFICATIONS

- **Constituent Assembly Debates:** Highlighted a split between support for elected Governors for local representation and appointed ones by the President **to ensure provincial autonomy** and prevent factionalism.

a. CONCERNS AND CHALLENGES

- Governors **loyal to the ruling party** at the Centre were appointed.
- Politicians have been appointed as **Governors of States neighbouring the one** where these persons have been **politically active**.
- Persons appointed as Governors continuing their **connection with active politics, and in some cases even returning to active politics**.

The issues have resulted into following concerns:

- **Political Neutrality:** Concerns about governors' neutrality arise as appointments are often perceived as politically motivated.
- **Constitutional and Administrative Challenges:** Appointments and actions of governors sometimes lead to **allegations of partisanship and misuse of power**.

b. SUGGESTIONS FOR IMPROVEMENT

SARKARIA COMMISSION RECOMMENDATIONS

- **Panel Rejection:** Rejected selecting governors from a state-proposed panel.
- **Political Neutrality:** Active politicians should not be appointed as governors.
- **External Appointments:** Governors should be from outside the state.
- **Consultation:** The Chief Minister should be consulted to ensure effective parliamentary functioning.

NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION: Proposed a committee for governor selection including the Prime Minister, Home Minister, Lok Sabha Speaker, and the concerned State's Chief Minister.

c. REMOVAL OF GOVERNORS

Article 156(1): Governors hold office at the **pleasure of the President**, meaning there is no **fixed tenure**, and they can be removed at any time.

GROUND FOR REMOVAL OF GOVERNOR

- She is **out of sync with the policies and ideologies** of the Central Government or the party in power at the Centre.
- The Central Government has **lost confidence** in her.
- Or **change in government at the Centre**.

JUDICIAL INTERPRETATIONS

- **BP Singhal vs Union of India:** The Supreme Court held that the **President can remove a Governor at any time**, but this power should not be exercised arbitrarily.
- **Supreme Court Observations:** The Union government can **remove a governor without providing reasons**, and governors have no right to be heard in such cases.

RECOMMENDATIONS

- **Sarkaria Commission** recommended that the Governor's tenure of five years in a State should not be disturbed except very rarely and that too for some extremely compelling reason.
- **Punchhi Commission:** **Criticized the use of the pleasure doctrine** without appropriate conduct and recommended giving Governors the right to defend their position.

D. ROLE AND FUNCTIONS OF THE GOVERNOR

1. EXECUTIVE POWERS

- **Appointment of Chief Minister:** Appoints the Chief Minister from the majority party in the State Legislative Assembly (**Article 164**).
- **Council of Ministers:** **Nominates other ministers** as recommended by the Chief Minister (**Article 164**).
- **University Roles:** Serves as **chancellor of state universities** and appoints vice-chancellors.
- **Key Officials:** Names the Advocate General, State Election Commissioner, and members of the State Public Service Commission (**Articles 165, 243K, 316**).
- **President's Rule:** Can govern the state directly under **President's Rule (Article 356)**.

2. LEGISLATIVE POWERS

- **Legislative Address:** Holds the right to address and message the state legislature (**Article 175**).
- **Ordinance Promulgation:** Can issue ordinances when the legislature is not in session, subject to legislative approval within six weeks (**Article 213**).
- **Nominating Members:** Can nominate one member to the State Legislative Assembly from the Anglo-Indian community (**Article 333**).
- **Bill Assent:** Holds the power to assent, withhold, or return bills passed by the state legislature (**Article 200**).

3. FINANCIAL POWERS

- **Money Bills Initiation:** Can introduce money bills in the state legislature with prior recommendation (**Article 207**).
- **Contingency Fund Access:** Can make advances from the state's Contingency Fund (**Article 267**).
- **State Finance Commission Formation:** Constitutes a State Finance Commission every five years for financial review of panchayats and municipalities (**Articles 243-I, 243-Y**).

4. JUDICIAL POWERS

- **Advocate-General:** Appoints the Advocate-General of the state (**Article 165**).
- **District Judges:** Responsible for appointing, posting, and promoting District Judges in consultation with the High Court (**Article 233**).
- **Pardoning Powers:** Can nominate one member to the State Legislative Assembly from the Anglo-Indian community (**Article 333**).
- **Bill Assent:** Can pardon, reprieve, respite, or remit punishments (**Article 161**).

E. DISCRETIONARY POWERS OF THE GOVERNOR

The Governor has discretionary powers crucial for federal governance, allowing autonomy in decision-making independent of the state government.

- **Appointment of Chief Minister (Article 164):** The Governor may appoint the Chief Minister in cases where **no party secures a clear majority** in the state assembly.
- **Dissolution of Legislative Assembly (Articles 174, 163):** Can recommend dissolving the assembly **if the government loses its majority**, often following a floor test.
- **Reserving Bills for President's Consideration (Article 200):** Can reserve bills that **might conflict with central laws or policies** for the President's consideration.
- **Ordinance Promulgation (Article 213):** Can issue ordinances on urgent matters when the state legislature is not in session.

NOTABLE JUDICIAL CASES

- **Nabam Rebia and Bamang Felix vs Deputy Speaker (2016):** The court stated that the **Governor must work on the advice of the Chief Minister** and the

council of ministers, except in specific discretionary scenarios.

- **Rameshwar Prasad & Others vs Union of India (2006):** The court observed that the Governor's report for **imposing President's Rule could be judicially reviewed** if it is mala fide or based on irrelevant considerations.
- **S.R. Bommai vs Union of India (1994):** The Supreme Court ruled that the majority of a **state government should be tested on the floor of the assembly**, not by the Governor's judgment.
- **K. Nagaraj vs Union of India (1985):** The Supreme Court stressed that the Governor's **discretion should be rational**, in good faith, and cautious.

LIEUTENANT GOVERNORS IN UNION TERRITORIES

- **Articles 239 to 241:** Outline the powers and functions of Lieutenant Governors (LGs).
- **Role:** In UTs without a legislative assembly, **LGs exercise more direct administrative control**. In UTs with a legislature (such as Delhi and Puducherry), LGs have substantial discretionary powers and play a more active role in governance.
- **Discretionary Powers:** In Delhi, for example, the **LG has control over important subjects like land, police, and public order as per Article 239AA**, often leading to complex relationships with the elected government.

LIEUTENANT GOVERNORS IN UNION TERRITORIES

The **Delhi Services Ordinance**, issued by the central government, sought to amend the Government of National Capital Territory of Delhi Act, 1991, transferring control of services from the Delhi government to a central body

ISSUES WITH THE ORDINANCE

Ordinances can undermine democratic principles and the rule of law. The **Delhi Services Ordinance** raises concerns such as:

- **Violation of Representative Governance:** It disrupts the "triple chain of accountability," severing the link between the elected government and civil servants.
- **Lack of Justification:** The ordinance provides no concrete rationale for transferring power from the Delhi government, rendering it arbitrary. It expands the LG's discretionary powers, potentially overriding the elected government and preventing the Chief

arbitrary. It expands the LG's discretionary powers, potentially overriding the elected government and preventing the Chief Minister from convening essential Assembly sessions.

- **Constitutional Flaws:** It contravenes Article 239AA, which maintains the Delhi Assembly's authority over services, raising questions about its constitutionality. Further the removal of services from the Delhi Assembly's jurisdiction may require a Constitutional Amendment under Article 368.

WAY FORWARD AND SUPREME COURT GUIDELINES

The Supreme Court's judgment in **Government of NCT of Delhi vs. Union of India (2018)** and the subsequent ruling in **May 2023** emphasized the importance of the **"triple chain of accountability"** in ensuring democratic governance. The Court highlighted that **civil servants must be accountable to the elected government**, which, in turn, is accountable to the legislature and the electorate.

Moving forward, the following steps are crucial:

- **2018 and 2023 Judgments:** The Supreme Court ruled that the Delhi government has control over services, except police, public order, and land. It reinforced that the LG must act on the aid and advice of the Council of Ministers in matters within their executive competence.
- **Judicial Review:** The Supreme Court should adjudicate on the constitutionality of the Delhi Services Ordinance.
- **Legislative Clarity:** Parliament should provide clear guidelines on the use of ordinances, ensuring they are not misused to undermine democratic institutions.

The ordinance-making power, while constitutionally sanctioned, has been misused, leading to significant challenges in democratic governance. The Supreme Court's rulings have highlighted the need for stricter adherence to constitutional provisions and legislative control over this power. Moving forward, both the legislature and judiciary must uphold the principles of democracy by ensuring that ordinances are used judiciously and not as a substitute for the legislative process.

16.

INDIAN JUDICIARY

The judiciary in India holds a **paramount position in the country's governance**, serving as the **final arbiter of justice and the guardian of the Constitution**.

Former **U.S. Supreme Court Justice Earl Warren** once said, **"It is the spirit and not the form of law that keeps justice alive."** This sentiment underscores the judiciary's role in India, where the spirit of justice guides its functioning.

The **judiciary ensures the rule of law, protection of fundamental rights**, and accessible justice for all, forming an indispensable pillar of the nation's democratic foundation.

A. ROLE AND POWER OF THE SUPREME COURT UNDER THE CONSTITUTION

- **Guardian of the Constitution:** The Supreme Court of India is the guardian of the Constitution and the final interpreter of its provisions, with the authority to strike down any law or government action that violates the Constitution.
- **Protection of Fundamental Rights:** The Court plays a crucial role in upholding fundamental rights, such as the right to equality, freedom of speech, and the right to life and personal liberty. Under **Article 32**, individuals can directly approach the Supreme Court to enforce their fundamental rights.
- **Judicial Review:** The Court exercises judicial review over government actions, ensuring they comply with the Constitution. For example, in the **Kesavananda Bharati case (1973)**, the Court established the doctrine of the 'basic structure,' limiting Parliament's power to amend the Constitution.
- **Public Interest Litigation (PIL):** The Supreme Court actively engages in PILs, allowing citizens to seek justice on behalf of the marginalized and underprivileged. For instance, the **Vishaka case (1997)** led to guidelines against workplace sexual harassment.
- **Environmental Protection:** The Court has emerged as a prominent environmental protector, taking measures to safeguard India's ecological heritage. In cases like **M.C. Mehta vs. Union of India (1987)**, it issued directives to address environmental concerns.
- **Balancing Powers:** The Court plays a vital role in maintaining the delicate balance of powers between the executive, legislative, and judicial branches, acting as a check on potential overreach or abuse of power by any branch.

B. JUDICIAL ACTIVISM IN INDIA

Judicial activism involves the judiciary, particularly the Supreme Court and High Courts, taking an **active role in interpreting and enforcing the law, protecting fundamental rights, and ensuring accountability** when the legislative or executive branches fail to act or violate constitutional principles. This approach suggests that the judiciary should not remain passive but actively engage in addressing legal and social issues.

KEY ASPECTS OF JUDICIAL ACTIVISM IN INDIA

- **Broad Interpretation of Fundamental Rights:** The judiciary has expanded the scope of fundamental rights, as seen in **Olga Tellis v. Bombay Municipal Corporation (1985)**, which broadened the interpretation of the right to life to include the right to livelihood under **Article 21**.
- **Public Interest Litigation (PIL):** PIL allows citizens to seek judicial intervention for public interest issues. Landmark cases like **M.C. Mehta v. Union of India (1987)** addressed environmental protection, particularly the regulation of polluting industries around the Ganges River.
- **Oversight of Executive Actions:** Courts scrutinize executive actions to ensure constitutional compliance. In the **Indira Gandhi v. Raj Narain (1975)** case, the Supreme Court invalidated Prime Minister Indira Gandhi's election on grounds of electoral malpractice.
- **Constitutional Interpretation:** The judiciary interprets constitutional provisions to guide government actions. In **I.R. Coelho v. State of Tamil Nadu (2007)**, the Supreme Court reaffirmed the basic structure doctrine, protecting fundamental rights from constitutional amendments.
- **Establishing Legal Precedents:** Judicial decisions set legal precedents for lower courts and legal practitioners. In **Bandhua Mukti Morcha v. Union of India (1984)**, the Court set guidelines for the eradication of bonded labour, emphasizing the right to dignity.
- **Promoting Social Justice and Accountability:** Judicial activism often leads to policy changes and the protection of citizens' rights. In **Vishal Jeet v. Union of India (1990)**, the Supreme Court issued directives to prevent child trafficking and rehabilitate victims, promoting social justice and accountability.

VALUE ADDITION: PERSPECTIVES ON JUDICIAL ACTIVISM

IN SUPPORT

- **Prof. S.P. Sathe** strongly supports judicial activism, viewing it as **essential for protecting fundamental rights and promoting social justice**. He argues that the judiciary must step in when other branches of government fail to uphold constitutional values and human rights.
- **Justice P.N. Bhagwati**, a former Chief Justice of India believed that the **judiciary should play an active role in addressing societal** issues and safeguarding the rights of the disadvantaged, often through PIL.
- **Prof. Arun Shourie** supports judicial activism as a means **to combat corruption and inefficiency** within the executive and legislative branches. He emphasizes the judiciary's role in ensuring government accountability and transparency.

AGAINST

- **Prof. Madhav Khosla** raises concerns about the overreach of judicial activism, arguing that it can undermine democratic principles by encroaching on the functions of the executive and legislature. He stresses the need for judicial restraint to maintain a balance of power.
- **Justice A.K. Patnaik** a former Supreme Court judge, criticizes the misuse of PIL and judicial activism, noting that it can lead to **judicial overreach** and disrupt the balance of power. He argues for a more restrained and judicious use of PIL to avoid overburdening the courts.
- **Prof. T.R.S. Allan** warns against **excessive judicial activism**, suggesting it can lead to **judicial populism and undermine the rule of law**. He advocates for a more balanced approach, where the judiciary respects the roles and boundaries of other government branches.

IMPACT OF JUDICIAL ACTIVISM ON THE RELATIONSHIP BETWEEN THE EXECUTIVE AND JUDICIARY IN INDIA

- **Environmental and Social Justice:** Judicial activism addresses environmental and social justice issues, leading to significant policy changes. **Dr. Raju Ramachandran and Prof. Mahendra Pal Singh** highlight the transformative impact of judicial interventions in promoting justice.

- **Resolution of Conflicts:** The judiciary resolves conflicts between the executive and judiciary, reinforcing the supremacy of the Constitution. **Dr. Faizan Mustafa and Prof. Sudhir Krishnaswamy** emphasize its role in upholding the rule of law.
- **Checks and Balances:** Judicial activism reinforces the system of checks and balances by preventing potential abuses of power. Constitutional historian **Dr. Sarbani Sen** and legal scholar **Dr. Ashok Desai** emphasize its role in maintaining a balance of power among government branches.
- **Public Interest Litigation (PIL):** PIL empowers citizens to seek legal remedies for public concerns, promoting governance and accountability. **Justice V.R. Krishna Iyer and Dr. Abhinav Chandrachud** recognize PIL's role in aligning judicial actions with public interests.
- **Setting Legal Precedents:** Judicial activism establishes legal precedents that guide future cases, ensuring consistency in legal interpretation. Former Chief Justice of India **Dr. A.S. Anand and Prof. Shibani Ghosh** highlight the importance of these precedents in shaping the legal landscape.
- **Setting Legal Precedents:** Judicial activism establishes legal precedents that guide future cases, ensuring consistency in legal interpretation. Former Chief Justice of India **Dr. A.S. Anand and Prof. Shibani Ghosh** highlight the importance of these precedents in shaping the legal landscape.
- **Protection of Fundamental Rights:** The judiciary actively protects fundamental rights, striking down laws and executive actions that infringe on citizens' rights. **Prof. Surya Deva and Justice A.P. Shah** underscore the judiciary's role as the guardian of the Constitution.
- Example: In the case of **Prakash Singh v. Union of India**, the Supreme Court directed the implementation of **police reforms**, outlining specific changes in the functioning and structure of the police forces.
- **Environmental and Land Use Decisions:** Courts have made sweeping decisions in environmental and land use matters, often seen as delving into the executive's domain.
 - Example: In the case of **Godavarman Thirumulpad v. Union of India**, the Supreme Court issued **broad directives for forest conservation**, impacting policies on land use and environmental protection.
- **Social and Moral Issues:** The judiciary's involvement in issues with significant social and moral implications is often cited as an example of overreach.
 - Example: In the case of **Aruna Shanbaug v. Union of India**, the Supreme Court laid down guidelines for **passive euthanasia**, stepping into a highly sensitive and moral area.
- **Legislative Matters:** Courts sometimes venture into areas that are typically the domain of the legislature, effectively creating laws or policies.
 - Example: In the **Vishaka v. State of Rajasthan case**, the Supreme Court laid down guidelines for preventing sexual harassment in workplaces, effectively creating a law in the absence of specific legislation.
- **Policy Formulation:** Judicial overreach can manifest as courts formulating policies or making policy recommendations, a role traditionally reserved for elected representatives.
 - Example: In the case of **Bandhua Mukti Morcha v. Union of India**, the Supreme Court issued detailed guidelines for the **rehabilitation of bonded laborers**, effectively shaping policy.

C. JUDICIAL OVERREACH

Judicial overreach refers to situations where the judiciary, particularly the higher courts, is perceived as extending its authority beyond the constitutionally prescribed limits of interpreting and applying the law. It involves the judiciary making decisions or issuing orders that appear to encroach on the domains of the legislative and executive branches of government, thereby exceeding its role as an impartial arbiter.

JUDICIAL OVERREACH IN INDIA

- **Executive Interference:** Courts may actively interfere in executive functions, issuing directives on how government policies should be implemented.

KEY CONCERNS AND CRITICISMS

- **Role of the Judiciary:** Critics emphasize that the judiciary's primary role is to ensure the constitutionality of actions, not to engage in lawmaking or policy formulation.

➤ **Violation of Separation of Powers:** Critics argue that judicial overreach disrupts the balance of power among the three branches of government, undermining the principles of separation of powers.

- Example: In the case of **National Judicial Appointments Commission (NJAC) v. Union of India**, the Supreme Court struck down the NJAC Act, which was seen by some as overstepping its boundaries and encroaching on legislative powers.

➤ **Impact on Governance:** Detailed judicial interference in administrative matters can lead to inefficiencies and confusion in governance, affecting the effectiveness of the executive branch.

- Example: In the case of **Centre for Public Interest Litigation v. Union of India**, the Supreme Court **canceled 122 telecom licenses**, which led to significant upheaval in the telecom sector and raised questions about judicial overreach.

Lack of Accountability: Judges, who are not elected, are not directly accountable to the public. Judicial overreach raises concerns about decisions impacting public life without direct democratic accountability.

- Example: In the case of **Common Cause v. Union of India**, the Supreme Court directed the government to formulate a national policy for the **regulation of NGOs**, which some critics viewed as judicial overreach.

➤ **Disruption of Legislative Process:** By actively legislating or making detailed policy decisions, judicial overreach can disrupt the legislative process where elected representatives should be responsible for debating and passing laws.

- Example: In the case of **Shreya Singhal v. Union of India**, the Supreme Court struck down **Section 66A of the IT Act**, which some saw as judicial overreach into the legislative domain.

ADDRESSING JUDICIAL OVERREACH

➤ Mitigating judicial overreach requires a delicate balance between judicial activism and respect for democratic processes. This balance can be achieved through **judicial self-restraint, robust legislative oversight, public awareness**, and dialogue between the branches of government.

- Example: The Supreme Court's decision to refer the question of the validity of the Aadhaar scheme to a larger bench is an example of the judiciary recognizing the need for a balanced approach and seeking a comprehensive perspective on a contentious issue.

The line between judicial activism and judicial overreach is very narrow. When judicial activism crosses its limits and becomes judicial adventurism, it is known as judicial overreach.

D. SUPREME COURT AS A FORUM FOR POLICY EVOLUTION

In India, the Supreme Court has evolved into a significant forum for policy development through its expansive constitutional interpretation and proactive stance on policy matters, beyond its traditional role of resolving disputes.

➤ **Public Interest Litigation (PIL):** The Supreme Court has expanded Public Interest Litigation (PIL), allowing individuals and organizations to advocate for marginalized groups. Through PILs, the court has influenced policies on environmental protection (**M.C. Mehta vs. Union of India**), child rights, and labor rights (**Bandhua Mukti Morcha vs. Union of India**).

➤ **Broad Interpretation of Fundamental Rights:** The court has broadened fundamental rights to include socio-economic aspects, shaping policies on education (**Mohini Jain vs. State of Karnataka**), privacy (**Justice K.S. Puttaswamy Case**), and dignity (**Francis Coralie Mullin vs. The Administrator, UT of Delhi**).

➤ **Directive Principles of State Policy (DPSP):** Relying on DPSPs, the Supreme Court has guided social and economic policies. For example, **Unni Krishnan vs. State of Andhra Pradesh** influenced the **Right to Education Act, 2009**.

➤ **Landmark Judgments:** Several landmark judgments have had significant policy implications. The **Vishakha vs. State of Rajasthan** judgment led to the **Sexual Harassment of Women at Workplace Act, 2013**, and the **Navtej Singh Johar vs. Union of India** judgment decriminalized same-sex relations.

While the Supreme Court's policy evolution role is significant, it is controversial, with critics arguing it encroaches on elected branches' domains. Nonetheless, its contributions to policy development and social change are crucial in the Indian democratic system.

E. INDEPENDENCE OF JUDICIARY

The independence of the judiciary is crucial for maintaining the rule of law and upholding democratic values in India. An impartial judiciary acts as a guardian of the Constitution, protecting fundamental rights and providing a check on executive power. It ensures that all citizens, regardless of their political affiliations, are treated fairly and justly. Furthermore, an independent judiciary fosters public confidence in the legal system, promoting accountability and transparency while preventing the abuse of power by the government.

FACTORS AFFECTING INDEPENDENCE OF JUDICIARY

- **Political Influence:** The government has reportedly interfered in judicial appointments and case outcomes, raising concerns about the executive's control over the judiciary.
- **Judicial Appointments:** Delays and rejections in the appointment of judges, such as Gopal Subramaniam, hinder the judiciary's functioning and autonomy.
- **Legislative Pressure:** Attempts to alter the Collegium system with the National Judicial Appointments Commission threaten judicial independence.
- **Weaponization of the Judiciary:** The use of defamation laws and selective prosecution against political opponents compromises the judiciary's role as a neutral arbiter.
- **Judicial Accountability:** Personal motivations and post-retirement incentives can lead judges to align with executive interests, further undermining independence.

SUGGESTIONS

- **1. Strengthen Judicial Appointments:** Reinforce the Collegium system to ensure that judicial appointments remain insulated from political influence, with clear criteria and transparency in the selection process.

- **2. Legal Reforms:** Amend defamation laws to prevent their misuse against political dissent and opposition leaders, protecting the freedom of speech.
- **3. Institutional Safeguards:** Establish independent bodies to oversee the functioning of investigative agencies like the CBI to prevent selective prosecution.
- **4. Enhance Public Awareness:** Promote civic education on the judiciary's role and the importance of its independence, encouraging public discourse on judicial accountability.
- **5. Judicial Training:** Implement regular training programs for judges to strengthen their understanding of constitutional principles and safeguard against political pressures.

Safeguarding judicial independence is paramount for protecting democracy in India. Ensuring that the judiciary operates free from political influence will help restore public confidence and uphold the rule of law.

F. CHALLENGES IN THE INDIAN JUDICIAL SYSTEM

The Indian judicial system faces numerous challenges that impact its efficiency and effectiveness.

- **Underfunded Judiciary:** Inadequate financial resources allocated to the judiciary hinder reforms and lead to under-resourced courts. **Justice Ruma Pal** highlighted that underfunding the judiciary results in inefficiency, particularly in lower courts, and called for greater financial allocation.
 - Example: Many **district courts in India lack basic facilities** and modern technology.
- **Frequent Adjournments:** High rates of adjournments in court proceedings contribute to delays and backlog. **Justice Markandey Katju** criticized the **frequent use of adjournments**, arguing that it contributes to the backlog and delays.
 - Example: Civil litigation in family courts often experiences multiple adjournments, prolonging the process.
- **Public Trust and Perception:** Public perception of the **judicial system's efficiency and integrity** is sometimes marred by delays and corruption. High-profile corruption cases involving judges or lawyers contribute to scepticism about the system's integrity.

- **Complex Legal Procedures:** Lengthy and complicated legal procedures deter individuals from seeking justice, contributing to the backlog. **Dr. Upendra Baxi** discussed that **complex legal procedures deter individuals** from approaching the justice system and advocated for their simplification

- Example: **Property disputes** in India often take decades to resolve due to the complex litigation process.

- **Outdated Laws:** Outdated and colonial-era laws contribute to legal complications and delays. According to PRS Legislative Research, India still has several pre-independence laws in effect.

- Example: The **Sedition law under Section 124A** of the Indian Penal Code, a colonial-era provision, continues to be controversial.

- **Backlog of Cases:** A significant backlog of cases in Indian courts leads to delays in justice delivery. **Dr. N.R. Madhava Menon** emphasized that the backlog compromises the right to a speedy trial, which is fundamental to the Indian Constitution, and advocated for judicial reforms to address this issue.

- Example: The **Delhi gang-rape case of 2012** took several years to reach a conclusion despite being a high-profile case.

- **Limited Access to Justice:** Accessibility to justice remains a concern, especially for marginalized and underprivileged populations. According to the National Crime Records Bureau, **nearly 70% of prisoners in India are undertrials** who have not been convicted.

- **Shortage of Judges:** A significant shortage of judges at various court levels impacts the pace of justice. **Fali S. Nariman** underscored the shortage of judges as a critical issue and suggested timely and efficient appointments to address the problem.

- Example: Many High Courts in India operate with a substantial number of vacancies, slowing down case resolution.

Addressing these challenges requires **comprehensive reforms, such as increasing judicial capacity, simplifying legal procedures, updating laws, enhancing technology, and improving legal aid services** to ensure equitable access to justice for all.

G. SUGGESTIONS TO ADDRESS JUDICIAL CHALLENGES IN INDIA

- **Increase Funding:** Allocate greater financial resources to the judiciary to improve infrastructure, technology, and facilities in courts, especially at the district level.
- **Limit Adjournments:** Implement stricter regulations to minimize frequent adjournments in court proceedings, ensuring timely hearings and reducing backlog.
- **Enhance Public Trust:** Establish transparency measures and accountability mechanisms to combat corruption within the judicial system and restore public confidence.
- **Simplify Legal Procedures:** Reform complex legal procedures to make the justice system more accessible, particularly in civil litigation and property disputes.
- **Update Outdated Laws:** Review and repeal colonial-era laws, such as the Sedition law under Section 124A, to align legal frameworks with contemporary democratic values.
- **Address Case Backlog:** Introduce judicial reforms aimed at expediting case resolution, ensuring the right to a speedy trial is upheld.
- **Improve Access to Justice:** Enhance legal aid services and establish community outreach programs to ensure marginalized populations can access justice.
- **Fill Judicial Vacancies:** Prioritize timely appointments to address the shortage of judges across various court levels, increasing judicial capacity to handle cases efficiently.

Implementing these reforms can significantly enhance the efficiency, accessibility, and integrity of the Indian judicial system.

UNIT 5: GRASSROOT DEMOCRACY

SYLLABUS- PANCHAYATI RAJ AND MUNICIPAL GOVERNMENT, SIGNIFICANCE OF 73RD AND 74TH AMENDMENTS, GRASS ROOT MOVEMENTS

PREVIOUS YEAR QUESTIONS

PANCHAYATI RAJ AND MUNICIPAL GOVERNMENT

- Functions of District Planning Committee. Coment. (2023)
- Do you think that despite having significant limitations the Panchayati Raj institutions have strengthened the process of democratic decentralization? Give your views. (2021)
- New Panchayati Raj is an effective instrument for women empowerment. (2018)
- Examine the provisions of Panchayat Extension Services Act (PESA), 1996. (2018)
- The goal of Good governance will be achieved only by strengthening the grassroots level of democracy. (2016)
- Examine the role of Panchayati Raj Institution and Urban Local Bodies in deepening of democracy in India. (2015)
- Explain how the participation of women impacted the functioning of rural local bodies in India. (2014)

SIGNIFICANCE OF 73RD AND 74TH AMENDMENTS

- Discuss the major provisions of the 74th Constitutional Amendment Act. Do you think that the Act remains an "unfulfilled dream"? Argue your case. (2023)
- Examine the unique features of the 73rd Constitutional Amendment. Do you think this Amendment would contribute in achieving the goal of empowerment of marginalised sections of the society? (2022)
- To what extent has 73rd and 74th amendments of the Indian Constitution enhanced women's empowerment? (2020)
- Has the 73rd Constitutional Amendment empowered women in panchayats in India? Discuss. (2017)

- Examine the changing structure of Panchayati Raj institutions with special reference to the 73rd Constitution Amendment Act. (2013)

GRASS ROOT MOVEMENTS

- Political decentralization has not been matched by administrative decentralization at the grass roots level. Explain. (2019)

1.

PANCHAYATS IN INDIA: INSTITUTIONS OF SELF-GOVERNANCE

Panchayats are local government institutions at the **village or small-town level** in India. They serve as the foundation of India's decentralized system of governance, intended to bring democracy to the grassroots level.

The term "Panchayat" is derived from the Sanskrit words "**pancha**," meaning **five**, and "**ayat**," meaning assembly, traditionally representing a council of five elders. Today, Panchayats function as elected bodies responsible for local administration and development.

VISION BEHIND CREATION OF PANCHAYATS

The vision behind establishing Panchayats as institutions of self-governance is rooted in the **socio-economic fabric of India**, especially given the predominance of the rural population and widespread rural poverty. This vision was significantly influenced by Mahatma Gandhi's ideas.

Gandhi's Vision for Panchayats: Gandhi proposed Panchayats as a means to:

- **Revival of Villages:** Gandhi envisioned Panchayats as a way to revive village economies and social structures, making them self-reliant and prosperous.

Address Rural Poverty: He saw Panchayats as crucial instruments to combat rural poverty and uplift the living standards of the rural populace through:

- **Land Reforms:** Gandhi advocated for 'Land to the Tiller' as a fundamental approach to eradicate poverty and hunger. He believed that giving land ownership to those who cultivate it would ensure their economic independence and sustainability.
- **Promoting Village Industries:** Gandhi also emphasized the importance of promoting small-scale village industries, which could provide employment and sustain local economies, reducing dependence on urban and industrial centres.

2. PANCHAYATS IN INDIA: INSTITUTIONS OF SELF-GOVERNANCE

Panchayats are enshrined in the Constitution of India as institutions of self-governance at the village level. They were assigned two primary functions:

- **Preparation of Plans for Social and Economic Development:** Panchayats are responsible for creating plans that address the socio-economic needs and development of their respective villages.
- **Implementation of Rural Development Schemes:** They are tasked with implementing rural development programs formulated by the Union and State Governments.

3. LIMITATIONS AS DEVELOPMENTAL AGENCIES

Despite the 73rd Constitutional Amendment Act describing Panchayats as institutions of self-governance, they function more as developmental agencies rather than full-fledged governments. This distinction is significant because:

- **Governance vs. Development:** True self-governance implies not only the execution of development projects but also the maintenance of law and order and the ability to make binding decisions at the local level.
- **Lack of Authority and Resources:** Panchayats often lack the necessary authority, resources, and capacity to formulate comprehensive development plans independently. Consequently, they remain primarily as implementing agencies of plans and programs devised by higher levels of government.

4.

CHALLENGES IN DECENTRALIZED PLANNING

Studies have shown that decentralized planning in India remains largely ineffective. Several factors contribute to this:

- **Capacity Deficit:** Panchayats frequently lack the technical expertise and resources to develop and implement plans effectively. This capacity deficit limits their role to mere execution rather than independent planning and decision-making.
- **Circumscribed Role:** The role of Panchayats is further limited by the presence of NGOs and voluntary sector organizations, which often receive direct funding and take on the role of implementing various schemes at the grassroots level.

While Panchayats are **constitutionally established** as institutions of self-governance, their practical role has been limited due to various **structural and capacity-related challenges**. The vision of decentralized planning and governance remains unfulfilled to a significant extent.

For Panchayats to truly function as self-governing bodies, there needs to be a concerted effort to build their capacity, provide adequate resources, and allow them greater autonomy in decision-making. This would align more closely with Gandhi's vision of self-reliant and empowered villages, addressing rural poverty and ensuring a dignified life for the rural masses.

5.

STRATEGIES OF RURAL DEVELOPMENT AFTER INDEPENDENCE

At the time of India's independence in 1947, the country faced significant challenges, particularly in rural areas where the majority of the population resided. Rural India was marked by widespread poverty, illiteracy, and lack of basic infrastructure. The newly independent nation had to address these challenges to ensure equitable development and improve the living standards of its rural population.

- **Gandhian Approach:** Mahatma Gandhi envisioned a decentralized approach to rural development, emphasizing self-sufficient village communities. His vision included empowering Panchayats as local self-governing bodies and implementing land reforms to ensure equitable distribution of resources. However, his approach was considered by many to be too traditional and utopian.

➤ **Ambedkar's Critique:** Dr. B.R. Ambedkar, a prominent leader and architect of the Indian Constitution, criticized the Panchayati Raj system. He viewed **villages as "dens of ignorance"** due to the **entrenched caste system** and believed that empowering such structures could perpetuate social inequalities. Ambedkar **advocated for a more centralized approach** to social and economic reforms to address these deep-rooted issues.

➤ **Nehru's Modernist View:** Jawaharlal Nehru favoured a modernist approach to rural development. With an urban and industrial background, he preferred a **bureaucracy-led model**, believing a professional bureaucracy could drive India's social and economic transformation. Nehru had **limited faith in the rural masses'** ability to drive development on their own.

Post-independence, India's rural development strategies, shaped by diverse ideologies and practical challenges, initially focused on bureaucracy-led efforts. The eventual shift to the Panchayati Raj system emphasized community participation and decentralized planning, reflecting ongoing efforts to address rural challenges.

6.

DIFFERENT PHASES OF PANCHAYATI RAJ

➤ Phase-I: 1950s and 1960s (Phase of Enthusiasm)

- **Inauguration:** On 2nd October 1959, Pt. Jawaharlal Nehru inaugurated the Panchayati Raj system in Nagore district, Rajasthan. This marked the beginning of the Panchayati Raj institutions (PRIs) in India, leading to their introduction in almost all states. ongoing efforts to address rural challenges.

Widespread Adoption: *Following this inauguration, Panchayats were established in various states, ushering in a phase of enthusiasm for decentralized governance.*

➤ Phase-II: 1970s and 1980s (Phase of Stagnation)

- **Irregular Elections:** After their initial establishment, regular elections for Panchayats were not conducted consistently. Once dissolved, many Panchayats remained non-functional for extended periods.
- **Lack of Devolution:** There was a significant lack of devolution of the three Fs – **funds, functions, and**

functionaries. This hampered the effectiveness of Panchayats.

- **Exceptions:** Despite the general stagnation, some states like **Kerala, West Bengal, Karnataka, and Maharashtra** had more meaningful Panchayat activities. In Maharashtra, however, Panchayats were often controlled by dominant local classes.
- **Centralizing Trends:** Centralization in Indian politics during this period contributed to the stagnation of Panchayati Raj. **Wars with neighboring** countries and secessionist movements led to a more centralized governance approach.
- **State Governments' Role:** The central government failed to devolve adequate powers to state governments, which in turn, were often described as glorified municipalities. This lack of devolution from the Union to the states further discouraged the empowerment of Panchayats.
- **Union Government's Role:** The success of Panchayats depended significantly on the willingness of the Union Government to devolve power to the states, which was not sufficiently forthcoming.

➤ Phase-III: 1990s (Phase of Revival)

- **Rajiv Gandhi's Efforts:** Rajiv Gandhi introduced revolutionary bills aimed at establishing strong Panchayats and municipalities. However, these bills faced resistance in the Rajya Sabha as states feared that strong Panchayats would bypass state governments.
- **L.M. Singhvi Committee:** The committee recommended giving constitutional status to Panchayats, emphasizing the need for political reforms alongside economic reforms.
- **Economic and Political Reforms:** In response to changing global dynamics, India adopted the New Economic Policy in 1991 and the 73rd Constitutional Amendment in 1992. While economic reforms progressed, political reforms, particularly those empowering Panchayats, lagged behind.

7.

FACTORS RESPONSIBLE FOR POOR PERFORMANCE OF PANCHAYATI RAJ IN INDIA

- **Middle Class and Civil Society:** The failure of Panchayati Raj is partly attributed to the lack of

initiative from the middle class and advanced sections of civil society, who had previously driven the national movement.

- **Supply-Driven Nature:** The Panchayati Raj experiment has largely been supply-driven, with insufficient grassroots demand for good governance. Effective governance requires a shift to demand-driven initiatives, propelled by grassroots movements and social mobilization.
- **Lack of Regular Elections:** Regular elections are crucial for maintaining the democratic essence and legitimacy of Panchayats. Without regular elections, Panchayats lose their accountability and responsiveness to the local populace.
- **Insufficient Devolution of Powers (3Fs)**
 - **Funds:** Financial autonomy is critical for Panchayats to function effectively. Without adequate funds, Panchayats cannot implement development projects or provide essential services.
 - **Functions:** Essential functions need to be transferred to Panchayats to enable them to act as true self-governing institutions. Without these functions, their role is limited and superficial.
 - **Functionaries:** The lack of trained administrative staff hampers the ability of Panchayats to execute plans and policies effectively.
- **Bureaucratic Resistance:** Bureaucratic support is essential for the smooth functioning of Panchayats. Resistance from bureaucrats, who may fear a loss of power and control, can significantly impede the operations of Panchayats.
- **State Government Reluctance:** State governments play a pivotal role in empowering Panchayats. Reluctance from state leadership to devolve power and resources can stymie the effectiveness of Panchayats.
- **Corruption:** Corruption at various levels of governance, including within Panchayats, diverts resources meant for development and erodes public trust. Developmental projects are either poorly executed or not completed at all.

Despite initial enthusiasm and subsequent challenges, there is a recognized need for effective decentralization. The success of Panchayats hinges on **genuine devolution of power, cooperation from the bureaucracy, and active participation from the**

community. Future efforts must focus on transforming Panchayati Raj into a demand-driven system to achieve the envisioned goals of decentralized and participatory governance.

Scholars view's on PRIs

- **Rajiv Bhargava** emphasizes the potential of PRIs to deepen democracy and improve governance if adequately supported and empowered.
- **George Mathew** highlights the importance of devolving more functions and funds to PRIs to enhance their effectiveness.
- **Sudipta Kaviraj** points out the reluctance of state governments and the centralization trends that undermine the autonomy of PRIs.
- **Pranab Bardhan** argues that corruption and mismanagement within PRIs reflect broader systemic issues that need comprehensive institutional reforms.

8.

73RD CONSTITUTIONAL AMENDMENT ACT

- The 73rd Constitutional Amendment Act, **passed in 1992** and came into force on 24 April, 1993, was a landmark legislation aimed at strengthening Panchayati Raj institutions (PRIs) in India. This amendment sought to provide constitutional status to PRIs, thereby making them more robust and effective in decentralizing governance and promoting grassroots democracy.

A. KEY FEATURES

- **THREE-TIER STRUCTURE:** The amendment mandates a three-tier system of Panchayati Raj for all states with a **population of over 2 million:**
 - Gram Panchayat (Village Level)**
 - Panchayat Samiti (Intermediate Level)**
 - Zilla Parishad (District Level)**
- **ELECTIONS:**
 - **Regular Elections:** The act mandates regular elections every five years for all Panchayats.

- **Election Commission:** Establishment of a State Election Commission responsible for conducting free, fair, and regular elections to the Panchayati Raj institutions.

RESERVATION OF SEATS

- **Women:** Reservation of at least one-third of the total number of seats and offices of chairpersons for women.
- **Scheduled Castes and Scheduled Tribes:** Reservation of seats in proportion to their population.
- **Other Backward Classes:** States can provide reservations for OBCs if they wish.

- **DEVOLUTION OF POWERS AND RESPONSIBILITIES:** The amendment provides for the devolution of powers and responsibilities to Panchayats to enable them to function as institutions of self-government. This includes preparation of plans for economic development and social justice and implementation of schemes for these purposes.

FINANCES

- **State Finance Commission:** Establishment of a State Finance Commission every five years to review the financial position of the Panchayats and make recommendations regarding the distribution of financial resources between the state and Panchayats.
- **Grants-in-aid:** Provision for grants-in-aid to Panchayats from the Consolidated Fund of the State.
- **Planning (District Planning Committee):** The act provides for the establishment of a District Planning Committee to consolidate plans prepared by Panchayats and Municipalities and prepare a draft development plan for the district.

- **POWERS AND FUNCTIONS:** The amendment lists **29 subjects in the Eleventh Schedule** of the Constitution which may be devolved to Panchayats. These include agriculture, land improvement, irrigation, animal husbandry, fisheries, social forestry, rural housing, drinking water, roads, education, health, and sanitation, among others.

B. KEY FEATURES

- **Empowerment of Women and Marginalized Groups:** The reservation of seats for women and marginalized groups has increased their

participation in local governance and decision-making processes.

- **Decentralized Planning and Development:** The act has facilitated decentralized planning and the implementation of development schemes, making them more responsive to local needs and priorities.
- **Strengthened Local Governance:** PRIs have become more integral to local governance, with enhanced roles in planning, decision-making, and implementation of government schemes.

The 73rd Constitutional Amendment Act has been a significant step towards empowering Panchayati Raj institutions and promoting decentralized governance in India.

C. THE 73RD CONSTITUTIONAL AMENDMENT ACT AS A 'HALF-BAKED CAKE'

The 73rd Constitutional Amendment Act is often described as a 'half-baked cake' due to its partial and inconsistent implementation. While it introduced a framework for Panchayati Raj Institutions (PRIs), it left critical elements of empowerment to the discretion of state governments. It is called half-baked cake because of following issues:

ISSUES RELATED TO FUNCTIONS

- **Limited Role in Schemes:** Over 150 centrally sponsored schemes, except MGNREGA and BRGF, do not include a role for PRIs.
- **Devolution Disparities:** States like Kerala and West Bengal have devolved up to 26 departments to Panchayats, while others have devolved as few as 3 functions.
- **Resistance to Devolution:** Higher-level politicians and bureaucrats resist devolving powers due to fear of competition and losing control over service delivery.

ISSUES RELATED TO FINANCES

- **Fiscal Dependency:** PRIs receive 95% of their revenues from devolved funds, generating only 5% from own resources due to limited taxation powers devolved by state governments.
- **Low Taxation Efforts:** Few Panchayats levy taxes; leaders argue it's difficult to tax constituents. The Economic Survey 2018 noted a "low equilibrium trap" in local self-government.

Limited Implementation of Recommendations:

Many states do not implement recommendations from State Finance Commissions (SFCs), impacting the fiscal viability of PRIs.

ISSUES RELATED TO FUNCTIONARIES

- **Human Resource Shortages:** Many Gram Panchayats lack a full-time Secretary, leading to inadequate planning and monitoring.
- **Lack of Training and Literacy:** Elected representatives often lack proper training and understanding of their roles, with many being semi-literate.
- **Computing Facilities:** Although district and intermediate Panchayats are connected, only about 20% of Gram Panchayats have computing facilities, hindering efficiency.

OTHER ISSUES RELATED TO THE FUNCTIONING OF PRIS**ELECTORAL AND RESERVATION ISSUES**

- **Term Limits:** Constituencies are reserved for only one term, limiting opportunities for re-election and participation in Panchayats.
- **Reservation Discrepancies:** Women's reservation is not proportionate to their population, leading to many vacant seats. Women often have minimal influence in decision-making and are called upon only for specific issues.
- **Dominance of Influential Persons:** Proceedings are typically dominated by upper-caste individuals, marginalizing women and lower castes in Gram Sabha activities, beneficiary selection, and planning.
- **Discrimination in Polls:** Certain Panchayats, like Pappapatti and Keeripatti in Madurai District, have a history of preventing Scheduled Castes (SCs) from contesting elections.

PARTICIPATION BARRIERS

- **Illiteracy:** Illiteracy significantly restricts the effective participation of many women and SC/ST members.
- **Delays in Elections:** Frequent delays in conducting Panchayat elections due to political reasons violate constitutional provisions. The State Election Commissions are often pressured, raising concerns about their independence and the fairness of elections.

ELECTED REPRESENTATIVES

- **Role Distortion:** Gram Panchayat Sarpanches spend excessive time in Block Offices for funds and technical approvals, distorting their roles as elected representatives.
- **Local Planning Ineffectiveness:** Bureaucratic high-handedness undermines local planning efforts, and representatives often lack the capacity for effective planning.

PARASTATAL BODIES

- **Definition and Purpose:** Parastatal bodies are partially or wholly government-owned entities formed under state statutes or the Societies Registration Act for delivering specific services (e.g., District Rural Development Agency, District Water and Sanitation Committee).
- **Impediment to Panchayat Empowerment:** These bodies operate independently with considerable funds and staff, limiting the say of Panchayats in decision-making and hindering effective functioning.

D. DSUGGESTED REFORMS FOR STRENGTHENING PANCHAYAT RAJ INSTITUTIONS

- **Activity Mapping: Punchhi Commission & 2nd ARC:** Implement 'activity mapping' following the principle of subsidiarity for function transfers to Panchayats.
- **Re-Election Opportunities:** Reserve seats for more than one term to enable re-election for marginalized members.
- **Transparency Measures:** Mandate video recording of meetings to ensure transparency and accountability.
- **Capacity Building:** Conduct periodic training to enhance managerial, leadership, and communication skills among members.
- **Legal Enforcement:** Strengthen laws against atrocities toward women and SC/ST members.
- **Election Commission Strengthening:** Ensure regular elections under an empowered State Election Commission, as directed by the Supreme Court (1997).
- **Political Will:** Foster political commitment for effective devolution of functions to Panchayats.
- **Ombudsman Establishment:** Establish Panchayat Ombudsmen to combat decentralized corruption (Manishankar Iyer Committee).

➤ **Infrastructure Development:** Raise a dedicated cadre of functionaries and develop infrastructure (buildings, ICT) in rural areas.

➤ **Administrative Restructuring:** Merge DRDA with District Panchayats, as seen in Kerala and Karnataka, and restructure departments to enhance PRI autonomy.

Bureaucratic Accountability: Sensitize local bureaucracy to ensure accountability to local representatives.

These reforms aim to empower Panchayati Raj Institutions for better governance and service delivery.

VALUE ADDITION

➤ **Compromised Document:** **Rajiv Gandhi** aimed for a **robust Panchayati Raj system**, but faced significant opposition from state governments that feared a loss of power. **Dr. George Mathew** points out that the **Act was a compromised document** because states resisted strong PRIs, leading to a diluted version of decentralization.

➤ **Government's Publicity vs. Reality:** **M. Govinda Rao** argues that while the **government portrayed the Act as a significant step** towards decentralization, **in reality, it only facilitated limited devolution**, leaving substantial power in the hands of states.

➤ **Implementation Variability:** **James Manor** highlights the uneven implementation across states. States like Kerala and Maharashtra have strong PRIs, while Bihar and Uttar Pradesh have weak institutions, reflecting the Act's inconsistent impact.

SCHOLARLY VIEWS AGAINST THE ARGUMENT OF 'HALF-BAKED CAKE' PERSPECTIVE

➤ **Incremental Progress:** **Dr. B.S. Baviskar** suggests that the Act represents a **significant step forward in empowering local governance**, despite its limitations. He argues that it has laid the groundwork for further reforms.

➤ **Compulsory Provisions' Impact:** **Dr. E. Sridharan** emphasizes the importance of the compulsory provisions in establishing a basic structure for local governance. These provisions ensure regular elections and reserved seats for marginalized groups, which are essential for inclusive democracy.

➤ **State-Level Innovations:** **Dr. Niraja Gopal Jayal** notes that some states have used the flexibility of the Act to innovate and strengthen PRIs. For example,

Kerala's participatory planning model demonstrates how states can effectively implement and build upon the basic framework provided by the Act.

The Act's effectiveness depends heavily on the political will and administrative capacity of individual states to strengthen local governance and fulfil the vision of democratic decentralization.

9.

GRAM SABHAS

➤ The 73rd Constitutional Amendment Act establishes the Gram Sabha as the foundation of the Panchayati Raj system. It consists of persons registered in the village's electoral rolls and forms the base for the three-tier PRIs structure: Gram Panchayat, Panchayat Samiti, and Zilla Panchayat. The Act aims to empower the Gram Sabha to identify local needs, plan projects, and decide on their implementation.

KEY ROLE OF GRAM SABHA

➤ **Efficient Implementation:** Ensures effective execution of developmental programs and prevents fund misuse through vigilant oversight.

➤ **Participatory Forum:** Serves as an institutional platform for members to engage, suggest, and debate common problems, contributing to village-level decision-making.

Policy Discussion: Facilitates discussion and analysis of policy impacts on rural development, allowing collective expression of concerns from rural households.

➤ **Program Suggestions:** Addresses issues such as Quality of life improvement, Sustainable development, social security and gender justice, Hygiene and nutrition, Soil and water conservation and Infrastructure development.

SIGNIFICANCE OF GRAM SABHAS

➤ Gram Sabha (GS) empowers citizens by giving them a direct voice in decision-making, allowing them to express local problems, needs, and aspirations. Reflecting Mahatma Gandhi's view that "India lives in villages," Gram Sabhas serve as the foundation of democracy, embodying people's power (Lokshakti) through village power (Gramshakti).

CHALLENGES FACED BY GRAM SABHAS

- **Irregular Meetings:** Gram Sabha meetings are often infrequent and conducted merely to fulfil administrative formalities, resulting in frustration when decisions are ignored.
- **Poor Awareness:** There is a significant lack of awareness about the powers and responsibilities of Gram Sabhas among the general public and Gram Panchayat members.
- **Lack of Clarity:** Many State Acts do not clearly define the powers of Gram Sabhas or outline procedures for their functioning, leading to operational ambiguities (Manishankar Iyer Committee Report).

RECOMMENDATIONS FOR STRENGTHENING GRAM SABHAS

- **Clear Functions:** Like the PESA Act, the 73rd AA should define the functions of Gram Sabhas and confer original jurisdiction.
- **Capacity Building:** Enhance awareness of the rights and powers of Gram Sabhas among the community.
- **Monitoring System:** Strengthen the block-level monitoring of Gram Sabha progress, including enrolment, meetings held, and committee formation.
- **Binding Powers:** Ensure that the mandatory powers of Gram Sabhas are binding, preventing government overruling of their decisions.
- **Quorum Requirements:** State governments should establish quorum requirements for Gram Sabha meetings to ensure participation from panchayat representatives, including women (Dr. Venugopal Committee).

10.

PESA ACT

The Provisions of the Panchayats (Extension to Scheduled Areas) Act of 1996 (PESA) is a pivotal legislation designed to adapt the **Indian Constitution's Part IX provisions** on Panchayats for the Scheduled Areas. This Act empowers tribal communities through several critical mechanisms:

A. EMPOWERMENT OF GRAM SABHA UNDER PESA

- **Decision-Making Authority:** PESA empowers the Gram Sabha to sanction development projects and oversee local resource management, including minor water bodies, lands, and forests.
- **Resource Control:** It grants significant control over natural resources, aligning management with indigenous customs.

LOCAL INSTITUTIONS AND MARKET REGULATION

- **Institutional Management:** The Gram Sabha oversees local institutions like schools and health centers, ensuring services meet community needs.
- **Market Oversight:** It regulates local markets and manages the sale of intoxicants.

FOREST AND LAND MANAGEMENT

- **Forest Produce:** PESA acknowledges tribal rights to manage minor forest produce, promoting sustainability.
- **Land Protection:** The Act mandates Gram Sabha consultation before land acquisition and provides mechanisms to return unlawfully acquired lands.

CULTURAL AND DISPUTE RESOLUTION

- **Cultural Safeguards:** The Act protects tribal customs and cultural heritage, reinforcing tribal identity.
- **Dispute Resolution:** It empowers the Gram Sabha to use traditional methods for resolving disputes over resources.

B. IMPACT OF PESA ACT

- **Community Empowerment:** Scholars like Isher Judge Ahluwalia note PESA's role in enhancing tribal autonomy and localized governance.
- **Governance Improvement:** Experts suggest PESA can transform local governance structures, making them more responsive to tribal needs.

B. ISSUES RELATED TO IMPLEMENTATION OF PESA

- **Ineffective Control of Gram Sabha:** Gram Sabha consultations are often disregarded by government officials during land acquisition. Example: In Jharkhand's Khunti district, 65% were not consulted; in Gumla district, 26% reported similar issues.

- **Dilution of Tribal Advisory Councils:** Tribal Advisory Councils have become non-assertive due to political influences.
- **Lack of Coordination Between Central Ministries:** Overlapping influences between the Ministry of Panchayati Raj and the Ministry of Tribal Affairs hinder implementation.
- **State Reluctance to Fulfil PESA's Spirit:** State legislations often omit PESA principles and delay establishing necessary rules. Example: Only 8 out of 10 states have notified their PESA rules; Madhya Pradesh and Chhattisgarh only did so in 2022.
- **Ambiguous Definitions:** PESA lacks clear definitions for terms like minor water bodies and minor minerals, leading to subjective interpretations.
- **Dominance of Forest Departments:** Forest departments continue controlling forest produce, reducing PESA's relevance. People rely more on the Land Acquisition Act of 2013 and the Forest Rights Act of 2006.

These issues highlight the need for stronger political will, clearer definitions, and better coordination for effective PESA implementation.

D. 2ND ARC RECOMMENDATIONS FOR PESA IMPLEMENTATION

- **Promoting Awareness and Accountability:** Organize awareness campaigns for the tribal population on PESA and the 73rd Amendment to ensure they demand accountability when decisions contradict the Gram Sabha or Panchayat.
- **Land Records and Access to Information:** Overhaul and systematically reorganize existing land records, providing free access to landholding information.
- **Strengthening Compliance with PESA:** Amend state compliance legislations, subject matter laws, and rules in areas like money lending, forest, mining, and excise to align with PESA.
- **Harmonizing Legislation and Policies:** Harmonize various laws and policies with PESA, including the Land Acquisition Act, Mines and Minerals Act, Indian Forest Act, Forest Conservation Act, and National Policies on Water, Minerals, Forest, Wildlife Conservation, and Environment.

- **Inclusion and Exclusion of Tribes:** Develop a consultation mechanism with major states and those with tribal populations to establish a comprehensive methodology for determining the inclusion and exclusion of tribes in the Scheduled Tribes list.

E. FEW IMPORTANT RECOMMENDATIONS BY THE XAXA COMMITTEE

- An exercise to bring rules made by state governments in conformity with PESA needs to be undertaken.
- Fraudulently obtained or forged Gram sabha consent must be heavily penalized.
- Creation of New Nagar palikas or extension of existing one in 5th schedule areas and tribal areas should be backed by a law made by the parliament.

While PESA stands as a transformative framework for tribal empowerment and self-governance, its success hinges on overcoming administrative inertia, enhancing tribal awareness, and ensuring the robust implementation of its provisions. Scholars argue that addressing these challenges is essential for realizing the full potential of PESA and achieving sustainable development in India's Scheduled Areas.

11.

STRENGTHENING THE GRASSROOTS LEVEL OF DEMOCRACY CAN RESULT INTO GOOD GOVERNANCE

Strengthening grassroots democracy is crucial for achieving good governance. This relationship is underscored by the foundational principles of inclusivity, accountability, responsiveness, and participatory governance, which are central to both concepts. Strengthening grassroots democracy contributes to good governance, as discussed below:

MEASURE	STRENGTHENING GOVERNANCE THROUGH GRASSROOT DEMOCRACY	GOOD
Enhanced Participation and Inclusivity	John Gaventa emphasizes that greater inclusivity ensures that marginalized groups have a voice, leading to fairer policy outcomes and enhanced societal equity.	
Increased Accountability and Transparency	Ananya Roy highlights that transparency and accountability mechanisms at the local level help curb corruption and ensure that services reach intended beneficiaries effectively.	
Responsive and Tailored Development	Elinor Ostrom's work suggests that localized governance leads to solutions that are better tailored to local conditions.	
Strengthening of Democratic Institutions	Daniel Kaufmann notes that strong grassroots institutions enhance democratic resilience, promoting a culture of rule of law.	
Better Resource Management	Jessica Green's research supports that local governance structures are effective at managing resources sustainably.	
Empowerment and Capacity Building	Amartya Sen argues that empowered local institutions are pivotal for good governance, as they implement policies more effectively and adapt to local needs.	

Strengthening grassroots democracy is indispensable for achieving good governance, as it aligns democratic principles directly with governance practices. Empowerment of local bodies is **essential for inclusive, accountable, and effective governance.**

Addressing the barriers to effective local governance is crucial for ensuring that the ideals of the 73rd and 74th Constitutional Amendments are fully realized, creating a more equitable and just society.

12.

INEFFECTIVE POLITICAL DECENTRALIZATION AND ADMINISTRATIVE DECENTRALIZATION

Political Decentralization involves **transferring decision-making** authority to lower levels of government, such as local elected bodies like Panchayats and Municipalities. **Administrative Decentralization**, on the other hand, entails the **devolution of administrative powers**, resources, and responsibilities to these local governments.

In many instances, political decentralization has not been adequately matched by administrative decentralization at the grassroots level, leading to several challenges, such as:

A. KEY CHALLENGES INVOLVED IN ACHIEVING DECENTRALIZATION

LIMITED DEVOLUTION OF ADMINISTRATIVE POWERS

- **Retention of Control:** State governments often retain significant control over planning, budgeting, and personnel management, undermining decentralization efforts (James Manor).
- **Limited Authority:** Local bodies frequently lack authority over crucial functions like public works, health, and education, controlled by state-level departments (D.L. Sheth).

INADEQUATE FINANCIAL AUTONOMY

- **Dependence on State Funding:** Local governments rely heavily on state and central funds, limiting their capacity to generate revenue and execute local projects (Richard M. Bird).
- **Delayed Fund Transfers:** Bureaucratic delays hinder timely implementation of local development projects.

BUREAUCRATIC DOMINANCE

- **State-Appointed Officials:** These officials often hold more power than elected representatives, overshadowing local decision-making (**Anirudh Krishna**).
- **Resistance to Devolution:** Higher-level officials resist relinquishing control, impeding decentralization (**Jean-Paul Faguet**).

WEAK INSTITUTIONAL CAPACITY

- **Lack of Training and Skills:** Local representatives often lack necessary skills, leading to inefficiencies (**Arun Agrawal**).
- **Insufficient Resources:** Inadequate infrastructure, personnel, and technology hinder effective administration (**Robert Chambers**).

FRAGMENTED RESPONSIBILITIES

- **Overlapping Jurisdictions:** Lack of clarity in responsibilities between government levels causes duplication and service delivery gaps (**Merilee Grindle**).
- **Coordination Challenges:** Poor coordination with higher-level agencies impedes policy implementation (**Elinor Ostrom**).

LEGISLATIVE AND POLICY GAPS

- **Inadequate Legal Framework:** Weak or incomplete frameworks lack clear guidelines for devolution of administrative powers (**James Manor**).
- **Lack of Political Will:** Inconsistent efforts due to insufficient political commitment to decentralization (**Larry Diamond**).

B. EXAMPLES AND CONSEQUENCES

- **Public Service Delivery:** Mandates for local services like water supply and sanitation are undermined by lack of administrative control, resulting in poor delivery and dissatisfaction.
- **Project Implementation:** Local development projects face delays due to the need for state-level approvals and coordination, reducing responsiveness and efficiency.

- **Citizen Participation:** Political decentralization encourages citizen participation, but without administrative decentralization, their inputs and decisions are often not effectively implemented.

For effective political decentralization, administrative decentralization must also occur, transferring decision-making, administrative powers, resources, and responsibilities to local governments. This requires strong political will, robust legal frameworks, capacity building, and accountability mechanisms to achieve improved service delivery, citizen participation, and inclusive development.

13. WOMEN'S REPRESENTATION IN LOCAL GOVERNMENT: CREATING A POLITICS OF PRESENCE

Rabindranath Tagore once said, "Woman is the builder of a nation's destiny. Though delicate and soft as a lily, she has a heart far stronger and bolder than man."

A. POSITIVE IMPACT OF WOMEN RESERVATION IN PRIS:

- The 73rd Constitutional Amendment Act reserves one-third of seats for women in Panchayati Raj Institutions (PRIs), providing a vital platform for women in public life.
- Elected Women Representatives (EWRs) demonstrate efficient leadership, often focusing on health, education, and sanitation.
- Women in leadership roles, like **Mamta Devi**, have significantly contributed to initiatives like the Swachh Bharat Mission.
- Approximately 44% of seats in local bodies are held by women (ORF 2023), with some states, like Karnataka, seeing more than 50% representation.

B. CHALLENGES FACED BY WOMEN IN PRIS:

- **1. Cultural and Social Barriers:**
 - **Patriarchal Mindset:** Women often need male family members' presence at meetings and face dominance by male officials.
 - **Proxy Leadership:** Many women serve as proxy leaders, controlled by male relatives.

- **Threat of Violence:** Women leaders often face threats if they assert authority.

2. Economic Barriers:

- **Financial Dependence:** Over 60% of women rely on family funds for election campaigns (International Journal of Rural Management, 2019).
- **Lack of Property Ownership:** Only 13% of agricultural landholders are women (Economic Survey of India 2017-18).
- **Low Digital Literacy:** In Bihar, only 63% of EWRs own a phone, and only 24% have smartphones.

3. Political Challenges:

- **Proxy Leadership:** 40% of women serve as proxy leaders (ActionAid India).
- **Lack of Mentorship:** Fewer than 10% receive formal training (Institute of Social Sciences).
- **Policy Barriers:** Rotation of reserved seats and policies like the two-child norm and education qualifications restrict women's political careers.

4. Institutional Barriers:

- **Limited Training:** Less than a third receive governance training (UN Women).
- **Poor Representation:** Actual participation can be lower than the 33% reservation.

5. Psychological Barriers:

- **Low Self-Esteem:** Many women feel uncomfortable speaking up in male-dominated meetings (Tata Institute of Social Sciences).
- **Fear of Violence:** Nearly 20% have received threats or faced violence (Centre for Social Research, 2020).

- Strengthen women's Self-Help Groups for financial independence.

Safety and Security:

- Implement strict laws against threats and violence.
- Set up legal cells to assist women representatives.

Social Mobilization:

- Organize community meetings to change patriarchal mindsets.
- Use media to highlight successful women leaders.

Technological Empowerment:

- Offer digital literacy training and introduce e-governance tools for women.

Women representatives play a crucial role in redefining local priorities. Addressing challenges through capacity-building programs and institutional reforms is essential for strengthening their political agency and ensuring inclusive development.

14.

THE 74TH CONSTITUTIONAL AMENDMENT ACT

The 74th Constitutional Amendment Act, enacted in 1992, was a transformative piece of legislation aimed at revitalizing urban governance in India. This amendment was part of India's broader efforts to decentralize governance and enhance the effectiveness of urban local bodies (ULBs). Here's a detailed exploration of its context, provisions, and

A. HISTORICAL CONTEXT

- **Neglected Urban Governance:** Before the amendment, urban governance in India was largely neglected despite the country's rich history of urban planning, dating back to the **Indus Valley Civilization**. Post-independence, the focus was predominantly on rural development, with urban areas receiving insufficient attention.

- **Increasing Urbanization:** By the early 1990s, rapid urbanization and the growing importance of urban centres in India's economic development highlighted the deficiencies in urban governance structures.

C. STEPS TO EMPOWER WOMEN IN LOCAL SELF-GOVERNMENTS

Capacity Building and Training:

- Offer training programs and pair new EWRs with experienced mentors.
- Educate women about their rights and governance functions.

Economic Empowerment:

- Train women in budgeting and financial decision-making.

B. OBJECTIVES OF THE AMENDMENT

The primary objectives of the 74th Constitutional Amendment were to:

- **Provide constitutional status** to municipalities and ensure their democratic functioning.
- **Decentralize administrative** and financial powers to municipalities to enable them to function as effective units of local government.
- **Ensure regular elections** and fixed tenure for municipal governments.
- Improve **transparency and accountability** in urban governance.

C. KEY PROVISIONS

CONSTITUTION OF URBAN LOCAL BODIES:

Types of Municipalities: Establishment of Nagar Panchayats for transitioning areas, Municipal Councils for smaller urban centres, and Municipal Corporations for larger cities.

RESERVATION OF SEATS:

- Reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) based on their population proportion.
- At least **one-third of all positions**, including that of chairpersons, **reserved for women**, promoting gender equity in urban governance.

REGULAR ELECTIONS AND TENURE:

Municipalities are to have a five-year term. Elections must be held before the expiry of the term or within six months if a municipality is dissolved earlier.

DEVOLUTION OF POWERS AND RESPONSIBILITIES:

- Municipalities are empowered to formulate and execute plans for economic development and social justice.
- Specific responsibilities include urban planning, road maintenance, water supply, sanitation, education, and public health.

FINANCIAL EMPOWERMENT:

Introduction of State Finance Commissions to review and enhance the financial strength of municipalities every five years.

DISTRICT PLANNING COMMITTEES (DPCS):

Establishment of DPCs to ensure integrated development by consolidating the plans prepared by Panchayats and municipalities.

METROPOLITAN PLANNING COMMITTEES (MPCS):

Required in metropolitan areas with a population of over a million to draft development plans.

D. CHALLENGES FACED BY URBAN LOCAL BODIES (ULBS)

INADEQUATE DEVOLUTION OF POWER

- **Limited Devolution:** The 74th Constitutional Amendment has not resulted in meaningful devolution of powers; only states like Kerala and West Bengal have fully empowered ULBs.
- **Rise of Special Purpose Agencies:** Special Purpose Vehicles (SPVs), like those under the Smart Cities Mission, dilute ULB authority by bypassing existing structures.

LACK OF AUTONOMY: ULBs have limited autonomy due to state control through parastatals, hindering tailored city management. For example, the Bangalore Development Authority often overshadows the Bruhat Bengaluru Mahanagara Palike.

FRAGMENTED GOVERNANCE: Multiple overlapping agencies, such as the Delhi Development Authority and Municipal Corporation of Delhi, create coordination issues and fragmented governance.

FISCAL CHALLENGES

- **Limited Resources:** ULBs lack adequate taxation powers, leading to fiscal deficits and limited revenue generation, exacerbated by the impact of GST on local taxes.
- **Poor Financial Management:** Issues like inadequate user charge collection and improper accounting lead to financial mismanagement, as highlighted in CAG reports.

INEFFICIENCIES IN STATE FINANCE COMMISSIONS (SFC):

Many states fail to regularly constitute SFCs, and their recommendations often focus on grants rather than tax assignments, limiting ULB revenue capacity.

ADMINISTRATIVE CHALLENGES

Staffing Issues: Overstaffing of untrained personnel and a lack of qualified technical staff hinder service delivery.

- **Outdated Practices:** Inefficient governance and lack of modern technology result in poor service delivery, evident in waste management issues in cities like Chennai and Bangalore.

GOVERNANCE CHALLENGES

- **Delayed Elections:** Elections to ULBs have been postponed in states like Maharashtra, impacting democratic functioning. As of January 2024, no elected body exists in Maharashtra's 27 municipal corporations.
- **Politicization:** ULBs often serve as platforms for political mobilization, undermining effective local governance, as seen in Tamil Nadu's election delays from 2011 to 2019.

LOW PUBLIC PARTICIPATION: Factors like distrust in ULBs, corruption, and inadequate grievance redressal mechanisms contribute to low citizen engagement in urban governance.

E. SUGGESTED REFORMS TO STRENGTHEN URBAN LOCAL BODY (ULB) GOVERNANCE

To address the challenges faced by ULBs, reforms are necessary to empower these bodies, enhance their financial sustainability, and improve services through technology and community involvement. Key recommendations include:

URBAN RENEWAL INITIATIVES: The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) (2005–2012) aimed to enhance municipal governance in 65 cities through improved infrastructure and collaboration between ULBs and state governments. The Ministry of Urban Development has called for converting 3,784 Census Towns into statutory ULBs to promote planned urban development.

EMPOWERMENT AND AUTONOMY

- **Triple F's Paradigm:** Adopt the 'Functions, Finances, and Functionaries' model, similar to Kerala's people's plan, to grant ULBs the necessary autonomy and resources.
- **Subsidiarity Principle:** Ensure that state authorities only perform tasks that ULBs cannot handle effectively.
- **Public Participation:** Mandate public hearings before finalizing city development plans and facilitate engagement with non-government organizations.

- **Municipal Ombudsman:** Establish an ombudsman to address citizen grievances and enhance local government accountability.

FINANCIAL SUSTAINABILITY

- **Property Tax Reforms:** Allow ULBs to levy vacant land taxes, improve property tax administration using GIS and digitization, and create robust financial databases.
- **Revenue-Sharing Models:** Explore income tax revenue-sharing from cities, similar to Scandinavian countries.
- **Municipal Bond Market:** Develop a bond market for infrastructure projects, exemplified by Pune's INR 200 crore water supply project.
- **User Charges and PPPs:** Implement user charges for municipal services and engage in Public-Private Partnerships (PPPs) for projects like solid waste management and the Hyderabad Metro Rail.

REGULAR ELECTIONS: Hold regular elections to establish stable local leadership aligned with community needs, as recommended by the National Commission on Urbanization.

These reforms can enhance ULB governance, ensuring cities are well-equipped to meet the needs of their residents.

Learning from China

India's municipal administration can draw valuable lessons from China's approach, like:

- **Revamped Administration:** China has successfully overhauled its municipal administration, making it more efficient and attractive to foreign investment.
- **Paradox of Power:** Despite being a democracy, India's municipalities often lack significant power. Conversely, China, despite lacking a democratic framework, grants considerable autonomy to its provincial and local governments.
- **Powerful Mayors:** The Mayor of Shanghai holds as much power and prestige as the Mayor of London, showcasing the strength of local governance in China.
- **Diplomatic Roles:** China has integrated representatives of its municipalities into diplomatic initiatives, highlighting their importance and influence.

- **Stagnant Municipal Status in India:** Despite the 74th Constitutional Amendment, the status of municipalities in India has seen little improvement, indicating a need for more effective implementation and empowerment.

The 74th Constitutional Amendment Act has advanced urban governance through decentralization, inclusivity, and democratic processes. However, its implementation faces challenges such as financial constraints, bureaucratic hurdles, and political interference. Scholars like Isher Judge Ahluwalia emphasize the need for continuous efforts and genuine commitment from all government levels for effective municipal empowerment.

15.

THE DISTRICT PLANNING COMMITTEE (DPC)

It is a **constitutional body** in India, established under **Article 243(ZD)** of the Indian Constitution by the 74th Amendment Act of 1992. It plays a pivotal role in decentralized planning and integrating development across rural and urban areas within a district.

A. COMPOSITION OF THE DISTRICT PLANNING COMMITTEE

- **Membership Composition:** The DPC consists of elected representatives from the Panchayats at the district level and the Municipalities.
- **Representation Proportion:** The proportion of members from **Panchayats and Municipalities** is determined based on the rural and urban population in the district.
- **Chairperson:** The Chairperson of the DPC is either elected from among the members or appointed by the state government.

B. FUNCTIONS OF THE DISTRICT PLANNING COMMITTEE

- **Consolidation of Plans:** Consolidates plans prepared by various Panchayats and Municipalities, ensuring coordinated development efforts across the district.
- **Drafting a District Development Plan:** Develops a comprehensive plan addressing both rural and urban development needs and priorities.

- **Integration of Spatial and Sectoral Plans:** Integrates land use, infrastructure, and sectoral plans such as health, education, and agriculture to promote balanced and sustainable development.
- **Resource Allocation:** Prioritizes projects and allocates resources to ensure equitable distribution and efficient use of funds across the district.
- **Review and Evaluation:** Monitors and evaluates the implementation of plans to ensure effective execution and achievement of development objectives.
- **Public Participation:** Facilitates involvement of community organizations, NGOs, and citizens in the planning process, ensuring that plans reflect the community's needs and aspirations.
- **Coordination with State Planning:** Ensures alignment of district plans with state and national policies, aiding in securing support and funding from higher government levels.
- **Addressing Local Issues:** Identifies and tackles local challenges that may be overlooked in broader state or national plans, catering to the unique needs of the district.

The District Planning Committee (DPC) is crucial for cohesive development across India's districts, harmonizing rural and urban plans and ensuring effective resource allocation. Its role in fostering public participation and aligning local plans with state and national policies is essential for sustainable regional development.

16.

GRASSROOT MOVEMENTS

Grassroot movements are collective efforts by marginalized communities advocating for social, economic, and political change. These movements emerge in response to perceived injustices from dominant development paradigms that prioritize industrial growth over local needs and environmental sustainability. In India, they critique the ecological and economic impacts of development on rural populations reliant on natural resources like land, water, and forests.

SIGNIFICANCE OF GRASSROOT MOVEMENTS

Grassroot movements play a vital role in reshaping development discourse and promoting democratic values:

- **Reclaiming Development:** These movements challenge technocratic growth models by presenting counter-narratives that prioritize inclusion and sustainability. They emphasize local knowledge and culture as essential for reorganizing society and the economy (Escobar, 1995; Shiva, 1989).
- **Democratizing Development:** They elevate questions of equity, equality, and inclusion, filling gaps left by formal democratic processes and ensuring marginalized voices are represented. Rajni Kothari notes that the rise of micro-movements reflects dissatisfaction with representational politics and a disconnect between citizens and their representatives.
- **Empowerment of Disadvantaged Groups:** Grassroot movements advocate for the rights of small farmers, landless laborers, women, and tribal communities, empowering these groups to challenge systemic injustices (Amrita Basu).
- **Challenging Dominance:** These movements counter neoliberalism and elite interests, striving to reclaim resources for affected communities (Smitu Kothari).

CHALLENGES TO GRASSROOT MOVEMENTS

Despite their significance, grassroot movements face several challenges:

- **State Repression:** Governments may employ legal and coercive measures to suppress dissent, undermining the democratic space for activism.
- **Fragmentation and Co-optation:** Internal divisions can lead to fragmentation, and there is a risk of political co-optation, diluting grassroots agendas.
- **Resource Limitations:** Many movements operate with limited financial and organizational resources, hindering their ability to sustain activism effectively.
- **Cultural Barriers:** Social hierarchies and cultural norms can restrict participation, particularly for women and lower castes, limiting diversity within movements (**Ranjitha Mohanty**).

WAY FORWARD

To enhance the effectiveness of grassroots movements, several measures can be implemented:

- **Building Solidarity Networks:** Encouraging collaboration among movements can strengthen collective voices and enhance impact.
- **Capacity Building:** Training and resources for grassroots activists can improve organizational skills and advocacy strategies.
- **Creating Supportive Policies:** Governments should foster an enabling environment that protects activists' rights and ensures their participation in decision-making processes.
- **Engaging with Democratic Institutions:** Grassroot movements should seek to engage with formal political processes, advocating for their inclusion while maintaining autonomy.
- **Raising Awareness and Mobilizing Communities:** Awareness campaigns can educate communities about their rights and the importance of participatory governance, fostering greater engagement.

By addressing these challenges and adopting strategic approaches, grassroots movements can deepen democracy, promote social justice, and reshape development in an inclusive and equitable manner.

UNIT 6: CONSTITUTIONAL AND STATUTORY INSTITUTIONS/COMMISSIONS

SYLLABUS– Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women, National Human Rights Commission, National Commission for Minorities, National Backward Classes Commission.

Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women

- The success of electoral democracy can partly be attributed to the status and role of the Election Commission of India." Explain. (2021)
- Examine the role and functioning of the Election Commission of India and the Comptroller and Auditor General in the last two decades. (2020)
- The Comptroller and Auditor-General of India enhances the accountability of the Government and serves as the watchdog of the finances of the Government. Explain. (2019)
- Discuss, in brief, the role of the National Commission for women. Do you think it is a toothless organization? (2019)
- Analyse the arguments in favour and against the lateral entry into higher civil services in India. (2018)
- Discuss the working of the National Commission for Scheduled Castes to curb violence against Dalits. (2014)
- The role of the Comptroller and Auditor General of India in promoting good governance. Comment. (2014)
- Role of National Commission for Women in India. Comment. (2012)
- Role of National Commission for Scheduled Castes Comment. (2011)
- Make an assessment of the role of the Election Commission of India in the conduct of free and fair elections. (2011)

- The functions, duties and powers of the appropriate National Commission as laid down in Clauses (5), (8) and (9) of Article-338 of the Constitution Comment. (2009)

Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women

- National Commission for Minorities. Comment. (2023)
- How far is the National Commission for Backward Classes an empowered body? Assess its role in the context of rising demand for backwardness among dominant communities. (2022)
- Examine the role of the National Commission for Minorities in preserving, promoting and protecting the rights of minorities in India. (2017)
- Examine the objective and role of the National Human Rights Commission. (2016)

ELECTION COMMISSION OF INDIA

The Election Commission of India is a permanent and independent body established by the Constitution to ensure free and fair elections across the country.

1. CONSTITUTIONAL PROVISIONS

- **Articles 324 to 329** of the Indian Constitution entrust the Election Commission with the responsibility of **overseeing and conducting elections at both national and state levels.**
- **Article 324** specifically provides the Election Commission with the power of superintendence, direction, and control of elections to the **Parliament, state legislatures, and the offices of the President and Vice-President of India.**

VALUE ADDITION: SCHOLARS' VIEWS

- **D.D. Basu**, a noted Indian constitutional expert, emphasizes that Article 324 is a crucial provision

ensuring the autonomy and authority of the Election Commission, thus enabling it **to conduct free and fair elections**.

- Dr. S.Y. Quraishi, former Chief Election Commissioner, in his book "**An Undocumented Wonder: The Making of the Great Indian Election**," highlights the **comprehensive nature of the powers vested in the Election Commission** by the Constitution.

2. STRUCTURE

- Initially created in 1950 with only a Chief Election Commissioner, the Commission was expanded to a multi-member body in 1989.
- The Commission now includes a Chief Election Commissioner and two Election Commissioners, with decisions made by majority vote.

VALUE ADDITION

Subhash Kashyap, a constitutional expert, asserts that the **multi-member structure** of the Election Commission helps in **mitigating the chances of arbitrary decision-making** and ensures broader deliberation on electoral issues.

3. APPOINTMENT AND REMOVAL

- The Chief Election Commissioner (CEC) and the Election Commissioners (ECs) are appointed **by the President of India**.
- The **CEC can only be removed** through a process similar to that for **removing a Supreme Court judge**, requiring a resolution passed by a two-thirds majority in both houses of Parliament on grounds of **proven misbehaviour or incapacity**.
- Other ECs can be removed by the President** on the **recommendation of the CEC**.

VALUE ADDITION

Fali S. Nariman, a senior advocate of the Supreme Court, argues that the **robust process for the removal** of the CEC ensures the independence and impartiality of the Election Commission.

4. INDEPENDENCE OF THE ELECTION COMMISSION

In the performance of its functions, the Election Commission is insulated from executive interference. It is the Commission, which decides the election schedules for the conduct of elections, whether general elections or bye-elections.

Again, it is the Commission, which decides on the location of polling stations, assignment of voters to the polling stations, location of counting centers, arrangements to be made in and around polling stations and counting centers and all allied matters. To ensure independent functioning of the Commission, the Constitution provides for the following provisions:

- The Chief Election Commissioner (CEC) is provided with security of tenure.** He cannot be removed from his office except in the same manner and on the same grounds as a Judge of the Supreme Court of India. So, he can be removed by the President on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the grounds of **proved misbehavior** or **incapacity**. Thus, he doesn't hold office during the pleasure of the President, though he is appointed by the President.
- The service conditions** of the Chief Election Commissioner can't be varied to his disadvantage after his appointment.
- Any other Election Commissioner (EC) or Regional Commissioner cannot be removed from the office, except on the recommendation of the Chief Election Commissioner.

5. POWERS AND FUNCTIONS

The powers and functions can be categorized into three categories of Administrative, Advisory and Quasi-Judicial.

A. ADMINISTRATIVE

- Delimitation:** Determines the territorial areas of electoral constituencies based on the Delimitation Commission Act.
- Electoral Rolls:** Prepares and periodically revises electoral rolls, ensuring all eligible voters are registered.
- Election Dates and Nominations:** Notifies election dates and schedules and scrutinizes nomination papers.

- **Dispute Resolution:** Appoints officers to inquire into disputes related to electoral arrangements.
- **Code of Conduct:** Establishes a code of conduct for parties and candidates during elections.
- **Poll Cancellation:** Has the authority to cancel polls in cases of rigging, booth capturing, violence, or other irregularities.
- **Staffing Requests:** Requests the President or Governor for necessary staff to conduct elections.
- **Party Registration:** Registers political parties for elections, allots election symbols, and grants national or state party status based on poll performance.
- **Voter Education:** Works to promote voter education and electoral participation.

B. ADVISORY AND QUASI-JUDICIAL

- **Post-Election Disqualification:** The Commission has advisory jurisdiction over the disqualification of sitting members of Parliament and State Legislatures after elections.
- **Corrupt Practices:** The Commission provides binding opinions to the President or Governor on whether individuals found guilty of corrupt practices should be disqualified and for what duration.
- **Election Expenses:** The Commission can disqualify candidates who fail to submit their election expense accounts as required by law.
- **Modification of Disqualifications:** It has the authority to remove or reduce the period of disqualification under the law.
- **Political Parties and Symbols:** The Commission acts as a court to resolve disputes regarding the recognition of political parties and the allotment of election symbols.
- **President's Rule:** The Commission advises the President on whether elections can be held in a state under President's rule to extend the period of emergency beyond one year.

6. CONTRIBUTION AND PERFORMANCE OF THE ELECTION COMMISSION

When India adopted political equality, many questions were raised about the success of this experiment. Sincere and hard work of the Election Commission has played an important role in answering those critics and various steps taken by the Commission have led to further

deepening of democracy. The Election Commission has played an instrumental role in conducting free and fair elections. Some of its initiatives are as follows:

- **Electoral Photo Identity Cards (EPICs)** were issued in 1993 to prevent electoral fraud. From the 2004 elections, these were made mandatory.
- **Electronic Voting Machines (EVMs)** were introduced to improve reliability and efficiency.
- **Declaration of assets and criminal cases pending against candidates** made mandatory while filing nomination forms.
- **New guidelines for broadcasting on state-owned electronic media.**
- **Computerized electoral rolls.**
- **Measures for better enforcement of the Model Code of Conduct.**

Recently, the Commission has taken steps to check paid news, use of money power, abuse of social media etc. All these steps will further enhance people's confidence in our parliamentary democracy.

VALUE ADDITION

Ashutosh Varshney, a political scientist, highlights the Election Commission's role in **maintaining the integrity of the electoral process** through stringent enforcement of the Model Code of Conduct.

7. ISSUES AND RECOMMENDATIONS

A. APPOINTMENT ISSUES

- **No prescribed qualifications in the Constitution:** Members are appointed without any defined criteria or processes.
- **Appointments liable to politicization:** At present, the appointment is done unilaterally by the government of the day, which raises the potential for partisan appointments, thus diluting its credibility.
- **Security of tenure:** The Constitution has not specified the term of the members of the Election Commission. Further, Election Commissioners are not given the same level of security of tenure as that of CEC.
- **Post-retirement appointment:** The Constitution has not debarred the retiring Election Commissioners from taking up an office of profit under the state or joining a political party after retirement.

- **Financial autonomy:** At present, the budget of ECI is not charged on the Consolidated Fund of India which tends to reduce its independence and autonomy.

SUGGESTIONS TO STRENGTHEN THE ECI:

- **Give constitutional protection** for all three-election commissioners as opposed to just one at present.
- **Institutionalize** the convention where the **senior most EC should be automatically elevated** as CEC in order to instill a feeling of security in the minds of the ECs and that they are insulated from executive interference in the same manner as CEC.
- **Reducing the ECI's dependence on DoPT, Law Ministry and Home Ministry.** The ECI should have an independent secretariat for itself and frame its own recruitment rules and shortlist and appoint officers on its own.
- Its **expenditures must be charged upon the Consolidated Fund of India** similar to other constitutional bodies such as the UPSC.

Elections are the bedrock of democracy and the EC's credibility is central to democratic legitimacy. Hence, the guardian of elections itself needs urgent institutional safeguards to protect its autonomy.

B. SIMULTANEOUS ELECTIONS

The concept of 'One Nation, One Election' aims to **synchronize elections for the Lok Sabha and all state assemblies**. This will involve the restructuring of the Indian election cycle in a manner that elections to the **states and the Centre synchronize**.

This would mean that the **voters will cast their vote for electing members of the LS and the state assemblies on a single day, at the same time** (or in a phased manner as the case may be).

ARGUMENTS IN FAVOUR OF SIMULTANEOUS ELECTIONS

- **Minimizing Electoral Disruptions:** In case of multiple elections, imposition of Code of Conduct every now and then hampers the launch of new projects for public welfare. One time election will ensure continuity in policies, projects and programs of the central and state governments.
- **Social Welfare:** Huge manpower and machinery are deployed for the conduct of free and fair elections

in the country and states. Simultaneously elections would rationalize the use of this machinery and reduce the enormous costs and burdens placed on repeated use of manpower.

- **Focus on governance of country:** Simultaneous elections can deter the vote bank and appeasement politics. It will enable political parties to focus on national issues and governance instead of being constantly in election mode.
- **Voter turnout:** Simultaneous polls will boost voter turnout, according to the Law Commission.

ARGUMENTS AGAINST SIMULTANEOUS ELECTIONS

- **Undermining federal structure:** Simultaneous elections subsume various issues concerning three tiers of government under just one mandate for the voter. This would militate against **federalism**. Also, it would require the President the power to dissolve state assemblies unilaterally or impose President's rule indefinitely in case of dissolution of state government.
- **Constitutional Challenge:** According to **Article 85 and Article 174**, elections to Lok Sabha and Legislative assemblies have to be held within **six months** (respectively) of dissolving either of them. This is not feasible if elections are held only at fixed durations.
- **Impairs accountability:** The spirit of democracy lies in an elaborate mechanism of checks and balances imposed on every tier of government through **frequent elections and by-elections**. It ensures that the government is in tune with the realities and people have a chance to voice their feedback.
- **Effect on political parties and electoral outcome:** It is contemplated that implementation of simultaneous elections will **immensely benefit the ruling party in the centre**. In such a case, regional parties might **lose out on their due representation** because of the dominance of the national parties, thus overshadowing their agendas.
 - **Further,** Assembly elections are **closely associated with the local issues** and local voters. Hence one time election will not be accepted by the regional parties.
- **Under-represented or sidelined regional issues:** It is observed that elections for state assemblies and Lok Sabha are fought on different issues. Regional parties target local issues while national parties target national issues. So, there is a possibility that regional parties **will not be able to raise the local issues strongly**.

- **Logistical and functional difficulty** of organizing a massive, **one-time countrywide** exercise.

KOVIND COMMITTEE (HIGH LEVEL COMMITTEE) RECOMMENDATIONS

The Committee suggested following framework for conducting elections of Lok Sabha, state assemblies, and local bodies simultaneously.

- **Constitutional Amendment for Simultaneous Elections:**
 - **First step:** Simultaneous elections for Lok Sabha and State Assemblies.
 - **Second step:** Synchronization of local body elections within 100 days of Lok Sabha and State Assembly elections.
- **Single Electoral Roll and Election ID:** Constitutional amendment to prepare a single electoral roll and election ID for all tiers of government, in consultation with State Election Commissions.
- **Handling Hung House or No-Confidence Motion:** Proposal for fresh elections in case of a hung House or similar scenarios to constitute new Lok Sabha or state Assembly for the remaining term.

VALUE ADDITION

Madhav Khosla, in his book "India's Founding Moment," discusses the logistical and political challenges of implementing simultaneous elections in a federal structure like India.

C. STATE FUNDING OF ELECTIONS

State funding of election implies that state gives funds to political parties or candidates for contesting elections. Its main purpose is to make it less important for **contestants to take money from powerful moneyed interests and thus creates a fair playing field for parties with less money.**

State Funding of elections has been a contested issue when it comes to electoral reforms related to electoral financing and funding. A few government reports have looked at state funding of elections in the past, including:

Committee/Commission	Recommendations
Indrajit Gupta Committee (1988)	Endorsed state funding for elections and recommended it for national and state parties only. Short-term state funding should only be given in kind to national and state parties.
Law Commission of India (1999)	Desirable total state funding with prohibition on other funding sources. It also stressed on regulatory framework (for example, intra-party democracy, maintenance of accounts, etc.).
Second Administrative Reforms Commission (2nd ARC, 2008)	Recommended partial state funding to reduce illegitimate election expenses.
National Commission to Review the Working of the Constitution (2001)	Appropriate framework for regulation of political parties would need to be implemented before state funding is considered.

Arguments in favour of state funding	Arguments against state funding
➤ Transparency and Financial Restrictions: State funding increases transparency inside the party and also in candidate finance, as certain restrictions can be put along with state funding. ➤ Limiting Influence of Wealthy Individuals and Mafias: State funding can limit the influence of wealthy	➤ Forced Support Regardless of Agreement: Through state funding of elections, the taxpayers are forced to support even those political parties or candidates, whose view they do not subscribe to. ➤ Encouraging Status Quo: State funding encourages the status quo that keeps the

people and rich mafias, thereby purifying the election process.

➤ **Encouraging Internal Democracy and Representation:** Through state funding the demand for internal democracy in party, women representations, representations of weaker section can be encouraged.

➤ **Dependency on Corporate and Individual Funding:** In India, with high level of poverty, ordinary citizens cannot be expected to contribute much to the political parties. Therefore the parties depend upon funding by corporate and rich individuals, enhancing the possibility of quid pro quo arrangement.

established party or candidate in power and makes it difficult for the new parties.

➤ **Distance from Ordinary Citizens:** State funding increases the distance between political leaders and ordinary citizens as the parties do not depend on the citizens for mobilization of party funds.

➤ **Risk of Parties Becoming Organs of the State:** Political parties tend to become organs of the state, rather than being parts of the civil society.

VALUE ADDITION

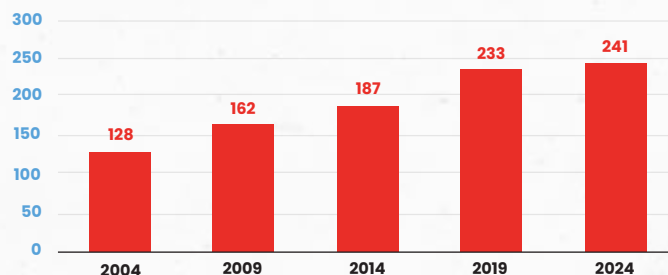
Milan Vaishnav, in his book "**When Crime Pays: Money and Muscle in Indian Politics**," discusses the influence of money in elections and calls for **stricter enforcement of regulations** to curb the misuse of financial resources.

D. CRIMINALIZATION OF POLITICS

Criminalization of politics in India involves the **infiltration of criminals and corrupt figures into the political system**, primarily to gain influence and avoid legal consequences. They exploit their financial resources to succeed in politics.

This phenomenon forces voters in many areas to **support local strongmen, and even national parties have fielded candidates with criminal records.**

MPs (Lok Sabha) with Criminal Background (ADR Report)



➤ **Lok Sabha 2024:** As per the **Association for Democratic Reforms**, **251 (46 per cent)** MPs in the 18th Lok Sabha have criminal cases registered against them. Among them, **31 per cent** have serious criminal cases that include cases related to rape, murder, attempt to murder, kidnapping and crimes against women.

REASONS FOR THE MENACE OF CRIMINALIZATION OF POLITICS

Milan Vaishnav in his book- "**Why Crime Pays**" have identified following reasons for prevalence of the phenomenon of the criminalization of politics in India. These are as follows

- **Historical Connection with Political Parties:** Criminals entered Indian politics post-independence, exploiting electoral activities as political competition increased and Congress's dominance declined.
- **Desperation for Resources by Political Parties:** As elections become costlier, parties in India sought "tainted" politicians for campaign financing, compromising ethics for financial support.
- **Self-Protection:** By gaining political power, criminals can shield themselves from legal repercussions, using their influence to escape prosecution and secure protection.
- **Voter Perceptions and Weak Rule of Law:** Indian voters, aware of politicians' criminal backgrounds, may still support them, perceiving strongmen with criminal ties as effective leaders in an environment characterised by weak rule of law.
- **Societal Divisions and Identity Politics:** Ethnic divisions in society enhance the appeal of strongmen who claim to represent specific communities. Fragmented, multi-party politics allows politicians to cater to core supporters and rely on a narrow electorate for victories.

This phenomenon of criminalization of politics undermines democracy, weakens governance, and fosters corruption. It erodes public trust in the political system, as politicians with criminal backgrounds prioritize personal interests and manipulate the legal system.

MEASURES NEED TO BE TAKEN

The **Goswami Committee on Electoral Reforms (1990)**, **Vohra Committee Report (1993)** and the **18th Report by the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on Electoral Reforms (2007)** had raised serious concerns regarding the problem of criminalization of politics in India.

- **The Law Commission's 170th Report (1999)** suggested adding **Section 4A** to the Representation of the People Act, 1951, requiring election candidates to declare their assets and any criminal charges against them.
- **Disqualification on Conviction: Section 8** of the RPA, 1951, currently disqualifies individuals only post-conviction, not during trials. Proposals by the **Election Commission** and **Law Commission** suggest disqualifying those facing charges with potential 5-year sentences, framed charges by competent courts, with a cutoff of six months pre-election.
- **Enhancing Election Commission's Authority:** Recommendations by the **Dinesh Goswami** and **Indrajeet Gupta Committees** advocate state funding of elections and empowering the Election Commission to black money. This includes conducting **financial audits of political parties or subjecting their finances to RTI provisions**.
- **Strengthening Legal Framework:** There is a need to strengthen the legal framework to hold politicians with criminal backgrounds accountable for their actions. This can **involve enacting stricter laws and penalties for political corruption, as well as ensuring an independent judiciary** that is free from political influence.
- **Fast Track and Special Courts:** In 2017, the Union Government started a scheme to establish 12 special courts to fast track the trial of criminal cases involving politicians (MPs and MLAs).

STEPS TAKEN BY THE ELECTION COMMISSION

- **Rejection of Nominations:** Returning Officers empowered to reject nominations of

candidates convicted on the day of filing, even if their sentence is suspended.

- **Use of Flying Squads:** Deployed to seize black money during elections.
- **Affidavit Requirement:** Candidates mandated to submit affidavits detailing criminal records, assets, liabilities, and educational qualifications.
- **Voter Awareness Campaigns:** Utilizing SVEEP initiatives and celebrity endorsements to discourage vote selling and promote voter education.

By adopting these reforms and fostering a **culture of transparency, accountability, and ethical leadership**, it is possible to curb the **criminalization of politics** and **ensure a healthier and more democratic political system in India**.

COMPTROLLER AND AUDITOR GENERAL (CAG) OF INDIA

Checks and balances play an important role in the functioning of parliamentary democracy by preventing power from being concentrated too much in one part of the government. Auditing of public finance serves as one mechanism of check and balance to ensure the accountability of the executive to the legislature.

Dr. B.R. Ambedkar emphasized the **significance of the Comptroller and Auditor General (CAG) office in the Constituent Assembly**, considering it the most crucial constitutional office as it acts as the **custodian of the public purse**.

The Comptroller and Auditor General (CAG) of India, established under **Article 148** of the Constitution, is **responsible for auditing all receipts and expenditures of the Government of India and the state governments**, including bodies substantially financed by the government. The CAG also serves as the **external auditor for government-owned corporations** and conducts **supplementary audits of government companies where the UNION GOVERNMENT HOLDS AT LEAST 51% EQUITY**.

1. CONSTITUTIONAL PROVISIONS

- Article 148:** Covers the **appointment, oath, and conditions of service** for the CAG.

2. Article 149: Details the **duties and powers** of the CAG.

3. Article 150: States that the accounts of the Union and States shall be kept in the form prescribed by the President, advised by the CAG.

4. Article 151: Mandates that the **CAG's reports be submitted to the President**, who then places them before Parliament.

5. Article 279: Specifies that the CAG certifies the calculation of "**net proceeds**," which is final.

2. POWERS AND FUNCTIONS

The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of CAG in relation to the accounts of union and states and of any other authority or body. Accordingly, Parliament enacted **the CAG's (Duties, Powers and conditions of service) Act, 1971**. This act was amended in 1976 to separate accounts from audit in the central government. However, for state Governments both the Audit and Accounts are managed by the CAG.

The powers and functions of CAG are as follows:

- 1) He audits accounts related to all expenditure from the consolidated fund, contingency fund and public account of India; consolidated fund, contingency fund and public account of each state and Union territory (those having such fund).
- 2) He audits the receipts and expenditure of the centre and each state to satisfy himself that rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue.
- 3) He audits the accounts of any other authority when requested by the President or Governor. For example, the audit of local bodies.
- 4) He audits the receipts and expenditure of the following:
 - a. All bodies and authorities substantially financed from the Central or state revenues;
 - b. Government companies; and
 - c. Other corporations and bodies, when so required by related laws.
- 5) He advises the President with regard to prescription of the form in which the account of centre and states shall be kept.
- 6) He submits his audit reports of central accounts to the

President, who shall in turn place them before both houses of Parliament. Analogously in a state, he submits his audit reports of state accounts to the Governor, who shall in turn place them before state legislature.

7) He ascertains and certifies net proceeds of any tax or duty and his certificate is final in this regard. The 'Net proceeds' means the proceeds of a tax or a duty minus the cost of collection.

8) He compiles and maintains the account of state government. Earlier, he was also responsible for maintenance of account of central government but after 1976 he was relieved of this responsibility.

9) He acts as the friend, philosopher and guide to the Public Accounts Committee of the Parliament which exercises detailed financial control on the behalf of Parliament.

The CAG submits three audit reports to the President-audit report on appropriation accounts, audit report on finance account, and audit report on public undertakings. The President lays these reports with both the Houses of Parliament. After this, the Public Accounts Committee examines these reports (only first two, the report on PSUs go to the Committee on Public Undertakings) and lays down its findings in the Parliament.

TYPES OF AUDITS DONE BY CAG

Regulations on Audit and Accounts, 2007 classifies audit into **financial, compliance and performance audits**.

TYPE OF AUDIT	EXPLANATION	EXAMPLE
Financial Audit	"Financial Audit" provides assurance that the financial statements properly present the financial situation.	CAG examines and certifies the Finance Accounts and the Appropriation Accounts of the Union and of each State and the Union Territory having a legislative assembly.
Compliance Audit	Compliance audit is an assessment as to whether the provisions of the Constitution of	Audit of a government department's procurement process to ensure compliance with procurement laws and guidelines.

	India, laws, rules and regulations, orders and instructions issued by the competent authority are being complied or not.	
Financial and compliance auditing are usually performed together by which the auditor also gives an assurance that funds have been spent in accordance with the laws and regulations, in addition to a true and fair view of the financial statements.		
Performance Audit	Performance audit is an independent assessment of the extent to which an organization, Program or scheme operates economically, efficiently and effectively. The main objective of performance audit is to: - Constructively promote economical, effective and efficient governance. - Promotes accountability by assisting those charged with governance and oversight responsibilities. - Improve performance through an examination of whether:	The performance audit of MGNREGA (2008) conducted in 26 states revealed 96% of the poor didn't get 100 days of work. The audit identified significant deficiencies in implementation like alleged corruption, inefficiency, diversion and misutilisation of funds and unreliable figures.

- Decisions by the legislature or the executive are efficiently and effectively prepared and implemented and - Taxpayers or citizens have received value for money. - It does not question the intentions and decisions of the legislature but examines whether any shortcomings in the implementation of the law and framing of regulations have prevented the specified objectives from being achieved. - Performance audit focuses on areas in which it can add value for citizens and which have the greatest potential for improvement. - It provides constructive incentives for the responsible parties to take appropriate action.	
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3. WHY IS CAG CONSIDERED AS A FRIEND, PHILOSOPHER AND GUIDE OF THE PUBLIC ACCOUNT COMMITTEE (PAC)?

The PAC examines the accounts related to the expenditure and annual finance accounts of the Government of India, and other accounts laid before Parliament. In this task, the Committee takes into account reports of the CAG.

The Committee has to ascertain whether the money granted by Parliament has been spent by the

government within the scope of the demand. The committee also examines cases involving losses and financial irregularities.

CAG is considered a friend, philosopher and guide to PAC because:

- **CAG provides support for PAC:** CAG provides the PAC with the required information and guidance that might help in the examination process. PAC scrutinizes the CAG reports and reports by various government departments related to the expenditure of the government.
- **Impartial auditing:** CAG is considered as an impartial authority, and its audits are based on facts and figures. Therefore, the reports given by CAG are significant in providing unbiased information for the PAC.
- **Accountability:** CAG holds the government accountable for its activities, and the Public Accounts Committee ensures that the findings reported by CAG are acted upon.
- **Interpreter and translator:** CAG acts as interpreter and translator, explaining the officials' views to the politicians and vice-versa.
- **Listing the urgent matters:** CAG prepares a list of the most urgent matters which deserve the attention of the PAC.

For these reasons, CAG is considered as the friend, philosopher, and guide of PAC.

4. ROLE PLAYED BY CAG

- **Upholding the Constitution and Parliamentary Laws:** The CAG ensures adherence to the Constitution of India and the laws enacted by Parliament in financial administration.
- **Ensuring Executive Accountability:** The CAG secures the accountability of the Executive (Council of Ministers) to Parliament through audit reports.
- **Agent of Parliament:** The CAG acts as an agent of Parliament and is responsible solely to it.
- **Conducting Legal and Regulatory Audits:** The CAG ascertains that money was legally available, approved for spending by requisite authority, and spent on sanctioned activities.
- **Performing Performance Audits:** The CAG evaluates the value for money of the output and outcome,

looking into the wisdom, faithfulness, and economy of government expenditure, and commenting on wastefulness and extravagance.

- **Highlighting Systemic Weaknesses:** The CAG's reports, such as those on the 2G spectrum sale and coal block allocations, play a crucial role in highlighting systemic weaknesses and promoting transparency and accountability in government functions.
- **Non-Binding Reports:** While CAG reports are not binding on the Executive, they provide a mechanism to hold the Executive accountable for any waste of public money.
- **Auditor General Role:** Despite the title, the CAG functions primarily as an Auditor General, auditing government spending without controlling the issue of money from the Consolidated Fund, unlike the British CAG who has both Comptroller and Auditor General powers.

5. CHALLENGES FACED BY THE INSTITUTION OF CAG

While carrying out its constitutional mandate, CAG suffers from the following challenges.

ISSUE AND EXPLANATION	RECOMMENDATIONS
Issues Related to Appointment Procedure of CAG: The CAG's appointment is in the hands of the executive without any role for the legislature in the process. Qualification criteria has not been provided and there is no selection committee. The process is entirely arbitrary and opaque. Given that the CAG's findings may often be critical of government policies, the government may appoint a more pliable individual. The Union government	The 2nd ARC report (Citizen Centric Governance) suggested the need to establish a multi membered body for appointing CAG with a role for the opposition. For example, a Committee composed of the Prime Minister and Leader of Opposition and the Law Minister must head the selection process. One of INTOSAI's (International Organization of Supreme Audit Institutions) principles for independence of Supreme Audit Institutions (SAI)

The Union government appoints the CAG without any consultation from state governments. This goes against the principles of federalism.

Issues related to Coverage of audit:

Neglect of Performance Audits:

There is a greater emphasis on **compliance and financial audits**, leading to neglect of performance audits of key schemes and programs.

For example, the CAG has not conducted a Union level performance audit of the implementation of the MGNREGA since 2013.

Limited power to Audit Private Companies:

Supreme court in *the Association of Unified Telecom Services vs Union of India case held that:*

CAG can go into the entire gamut of audit functions where **public interest** is involved.

It can examine the accounts of even private companies if they were dealing with natural resources.

However, CAG has refrained from auditing **private companies that provide services under a PPP model.**

states that the law should outline the criteria and procedures for appointment, removal, and retirement of the head of SAI for ensuring their independence from the Executive.

International Best Practices

The Exchequer and Audit Act of the United Kingdom, 1983 provides that the CAG will be jointly selected by the Prime Minister and Chairman of the Committee of Public Accounts and thereafter ratified by the House of Commons.

According to **Montek Singh Ahluwalia** (former Dy. Chairman, Planning Commission), the CAG should **hire more economists, engineers and social scientists** in order to improve the efficiency of the performance audits. Further, the CAG should undertake more performance audits.

Widening the Ambit:

According to former CAG **Vinod Rai**, "The CAG Act needs to be updated.

For example, after the 73rd and 74th Amendments, PRIs and ULBs have become institutions through which the government schemes are delivered.

Exclusion of NGOs, PRIs, and ULBs from audit scope:

Currently, there are no provisions for auditing funds allocated to non-governmental organizations (NGOs), elected local bodies like PRIs/ ULBs and District Rural Development Authorities that manage significant funds for rural development.

Quality of Audits:

The quality of CAG reports has often been questioned especially when they criticize government policy.

The **International organization of the Supreme Auditing Institution (INTOSAI)** assessment for the 2010-11 period analysed 35 reports of CAG to evaluate their quality.

It found 50% of CAG reports could have been more balanced in context and findings in 50% of the reports were not supported by enough evidence.

Critics have raised concerns about the **estimated losses** (presumptive losses) mentioned in the reports. For instance, in the controversial 2007-2008 **2G spectrum sale**, the CAG calculated notional loss to the exchequer at Rs 1.76 crore.

Similarly, PPP models have been adopted. All these need to be brought under the automatic legal mandate of the CAG."

INTOSAI recommended for **regular peer-to-peer assessments** (once in 3 years) to monitor whether quality of CAG reports have improved over time or not.

CAG should estimate the 'notional' number carefully, making the assumptions and methodology clear.

Delayed Tabling of CAG Reports:

Delayed Tabling of CAG Reports:

The delay in tabling CAG reports and PAC's findings on government policies and their impact has often been intentionally done by governments as this could be a major embarrassment for them.

However, it deprives the legislature and the public of a quality source of evidence to hold the executive accountable.

For example, in **2023**, **only 18 audit reports on the Union government's accounts**, prepared by the CAG, were tabled in Parliament. On average, 22 reports were tabled each year between 2019 and 2023, compared to the 40 reports tabled between 2014 and 2018.

The **2nd ARC** and the **PAC** have repeatedly recommended **a time bound procedure** for tabling CAG reports and PAC findings **preferably within a year** before the legislature.

Challenges in Accessing Documents:

Obtaining necessary documents for audit purposes has been a persistent challenge for the audit department.

In some instances, relevant documents have been denied to CAG officials, necessitating intervention from the

The CAG proposes statutory powers similar to those in the **RTI Act of 2005 to access government files and records**, allowing for penalties on officials withholding information.

This would enhance audit efficiency by ensuring timely access to necessary information.

judiciary.

For example, Karnataka Government refused to part with the files relating to postings and transfers of police personnel to State Audit Wing of Karnataka in 1999 when a systems audit of 'Manpower management of Police Department in Karnataka' was being done.

FINANCE COMMISSION OF INDIA

The Finance Commission of India is a **quasi-judicial body** established under **Article 280** of the Constitution.

- It is convened by the President **every fifth** year or sooner if necessary.
- The Finance Commission plays a **pivotal role in the financial administration** of the country, serving as a **critical mechanism for the distribution of financial resources** between the central and state governments, ensuring economic equity across different regions.
- **Composition:** The President appoints a chairman and four additional members.

1. FUNCTIONS

The Finance Commission is obligated to submit recommendations to the President of India on:

1. The **distribution of net tax revenues** between the Centre and the States, and the allocation of these proceeds among the states (both vertical and horizontal distribution).
2. The principles guiding the **Centre's grants-in-aid to states** from the Consolidated Fund of India.
3. Measures to **augment the state's consolidated fund** to supplement the resources of panchayats and municipalities, based on the state finance commission's recommendations.
4. Any other matters referred to it by the President for sound financial management.

2. NEED FOR THE FINANCE COMMISSION

- It serves as the **balancing wheel of India's fiscal federalism**.
- It **ensures equitable distribution** of tax revenue between the central government and the states. In the Indian federal system, the centre collects the majority of tax revenue due to its economic scale and collection efficiency, but the states are responsible for providing public goods.
- Due to regional differences, some states struggle to generate adequate resources compared to others. The Finance Commission's recommendations aim to ensure equity in public service delivery across states.

3. CHALLENGES ASSOCIATED WITH WORKING OF FINANCE COMMISSION

The Finance Commission of India has faced criticism related to following matters:

- Issues Related to Appointment:** The Finance Commission Act of 1951 provides for a **vague qualification criterion** for chairman and members.

Thus, appointments have often been allegedly used to **accommodate retired bureaucrats and politically favoured individuals** rather than qualified experts.

Political interference and favouritism often translate into partisanship. **For example, the Ninth Finance Commission's arbitrary adjustments** benefited states like Kerala, while poorer states like Bihar received less favourable treatment.

- Terms of Reference (TOR):** Article 280 also empowers the President to refer "any other matter" to the Commission in the interests of sound finance.

However, the central government often uses the '**any other matter**' clause to impose **specific guidelines and bind the Finance Commission with a particular line of thinking**, narrowing the scope of the Commission's work.

- Criteria for distribution of revenue:** The Finance Commission **decides the criteria** for distribution of revenue between the Centre and the States. These criteria have often been criticised by many states.

For example, many Southern states in India criticized the use of the **2011 population census** by the 15th Finance

Commission as a basis for the devolution of taxes from the Central government to the States. This is because while states like Uttar Pradesh, Maharashtra and Bihar have more than doubled their population between 1971 and 2011, southern states like Tamil Nadu, Karnataka and Kerala have grown far slower. Thus, adopting the 2011 census in place of 1971 makes Southern states uncomfortable.

- Lack of coordination between the Finance Commission and other institutions:** There is no institutional mechanism to ensure coordination between the finance commission and other institutions such as State governments and the GST council.

- Irregularities in constitution of SFCs:** Many states fail to constitute the State Finance Commissions (SFCs) on time and there are delays in submission of the reports by the State Finance Commissions. Since some of the recommendations of the Union Finance Commission in the context of local bodies are based on the reports of SFC, it may face difficulties in assessing the financial needs of local bodies.

Thus, the Finance Commission of India plays a crucial role in ensuring fiscal federalism and resource allocation among the central and state governments. To fulfil its mandate effectively, it must navigate numerous challenges related to economic disparities, data availability, changing economic realities, and political sensitivities, among others.

4. REFORMS SUGGESTED FOR STRENGTHENING THE FINANCE COMMISSION

Reforms have been proposed to strengthen its institutional capacity, improve its effectiveness, and enhance its role in promoting fiscal federalism. Some of the proposed reforms in the Finance Commission are as follows:

- ENHANCING CAPACITY:** The Finance Commission should improve its analytical and advisory capabilities to increase its effectiveness. This can be achieved by utilizing reliable data sources, employing robust methodologies, and actively engaging with experts and stakeholders.
- QUALIFIED CANDIDATES:** The Central Government should appoint highly qualified and impartial individuals through a transparent selection process.
- FORMULATION OF TOR:** The TOR should be formulated

through a transparent and consultative process involving states, independent experts, and relevant stakeholders. This approach will ensure that the TOR are comprehensive, balanced, and reflective of diverse perspectives and prevent the imposition of narrow, specific guidelines that could constrain the Commission's work.

- **EMERGING CHALLENGES:** Considering the evolving economic and social dynamics, such as issues related to GST implementation, rising public debt and widening fiscal deficit, demographic dynamics, Climate Change, and Digital Transformation, the Finance Commission needs to remain proactive and responsive.
- **STRENGTHENING STATE FINANCE COMMISSIONS:** The XIV and XV Finance Commissions have stressed the need for timely constitution of the state finance commissions and submission of the reports. The 14th FC also suggested provisioning of administrative support for the SFCs by the respective states.
- **OTHER SUGGESTIONS:** Enlarge the Divisible Pool: Include a portion of cess and surcharge in the divisible pool and gradually discontinue various cesses and surcharges by rationalizing the tax slabs.
 - Increase Weightage for Efficiency Criteria: Enhance the weightage for efficiency criteria (demographic performance and tax effort) in horizontal devolution.
 - Formalize State Participation: Establish a more formal arrangement for state participation in the constitution and working of the Finance Commission, similar to the GST Council.
- **INCORPORATING PERFORMANCE BASED INCENTIVES:** There is a suggestion to incorporate performance-based incentives for states that have shown remarkable progress in areas such as education, health, and infrastructure development. This will encourage states to perform better and achieve more.

These reforms in the Finance Commission will help in strengthening its institutional capacity, improve its effectiveness, and enhance its role in promoting fiscal federalism.

5. CONSTITUTION OF SIXTEENTH FINANCE COMMISSION (16TH FC)

The Sixteenth Finance Commission of India was established on December 31, 2023, with **Shri Arvind**

Panagariya as the Chairperson.

Mandate and Timeline: The Commission is tasked with submitting its recommendations by October 31, 2025. These recommendations will guide fiscal allocations for a five-year period starting April 1, 2026.

Terms of Reference: The Commission is to provide guidance on several key financial relationships and policies:

- It will recommend how the net proceeds of taxes, which are shareable between the Union and the states, should be distributed, and how these proceeds should be apportioned among the states themselves.
- It will outline principles for determining grants-in-aid from the Consolidated Fund of India to state revenues, along with specific allocations under Article 275 of the Constitution for purposes not listed in the existing provisos of that article.
- It will suggest strategies to enhance the financial resources of state Consolidated Funds to better support local government bodies like Panchayats and Municipalities, based on the state Finance Commissions' recommendations.

The Commission is also expected to evaluate and propose changes to the financial structures supporting Disaster Management, focusing on the funds established under the Disaster Management Act of 2005.

VALUE ADDITION

Dr. P.V. Rajmannar, Chairman of the Fourth Finance Commission, emphasized that the Finance Commission's recommendations should not be disregarded by the Government of India unless there are compelling reasons.

Dr. R. Venkataraman highlighted the role of the Finance Commission in maintaining the balance of fiscal federalism in India, ensuring equitable sharing of financial resources, and contributing to the economic development of both the Union and the states.

Prof. M. Govinda Rao, in his various works, has discussed the need for a transparent and participatory process in the selection of Finance Commission members and the importance of clear delineation of responsibilities to avoid overlaps with other central agencies.

PUBLIC SERVICE COMMISSIONS

1. INTRODUCTION

The smooth functioning of any government relies on a strong administrative framework. Civil Servants occupy an important role in the successful administration of the state at different levels. Therefore, their recruitment, training, emoluments, conditions of service, promotion policies, etc. assume importance.

For an impartial consideration of these matters relating to civil servants, an independent and expert authority is required which is known as the institution of public service commission.

In India, UPSC is a central recruiting agency concerned with recruitment to the All-India Services and Central Services- Group A and Group B and advises the government, when consulted, on promotion and disciplinary matters. The State PSCs are the recruiting agencies functioning at the state level for provincial services etc.

2. FUNCTIONS OF PSCS

The functions of the PSCs as specified under Article 320 of the Constitution. These functions bear resemblance to those of the Federal Public Service Commission as specified in Government of India Act 1935. Let's look at the important functions of PSCs.

1. Conducting Examinations: It conducts examinations for appointments to the all-India services, Central services, and public services of the centrally administered territories. (SPSC conducts examinations for appointments to the services of the state).

It assists the states (if requested by two or more states to do so) in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

It serves all or any of the needs of a state on the request of the state governor and with the approval of the president of India.

2. Consultation on Personnel Management:

- Recruitment methods and principles.
- Suitability of candidates, promotions, and transfers.
- Ratifying departmental promotion recommendations.

- Disciplinary matters:
- Censure, withholding increments/promotions.
- Recovery of pecuniary losses.
- Demotion, compulsory retirement, removal, dismissal.
- Legal expense reimbursement claims.
- Pension awards for injuries sustained during service.
- Temporary appointments and regularizations.
- Extension of service and re-employment of retired civil servants.
- Other personnel management matters.

Note: The additional functions relating to the services of the Union can be conferred on UPSC by the Parliament. And In case of SPSCs, additional functions relating to the services of the state can be conferred on SPSC by the State legislature. Apart from these functions, jurisdiction of UPSC can also be extended by Parliament.

3. REPORTS OF THE COMMISSION

UPSC presents an annual report to the President regarding its performance, which is placed by the President before both the Houses of Parliament. Along with such a report, the government also presents a memorandum explaining reasons for non-acceptance of advice of the Commission. Also, any such non-acceptance must be approved by the appointments committee of the Union Cabinet, as the individual ministry and department has no power to reject the advice of the UPSC.

4. INDEPENDENCE OF UPSC

UPSC acts as a watchdog of merit while recruiting for various government positions. To ensure its independent functioning the following provisions have been provided in the Constitution.

- The Chairman or a member of UPSC can be removed from office by the President only in a manner and on grounds mentioned in the Constitution. Some of the circumstances under which they can be removed are
 - a) If he is adjudged insolvent or bankrupt
 - b) If he occupies any other office of profit
 - c) If he is unfit to continue in office by reason of infirmity of mind or body

Also, the Chairman and members of UPSC can be removed by the President on the grounds of misbehaviour. However, in this case the President has to refer the matter to the Supreme Court for an enquiry and the advice tendered by the Supreme Court is binding on the President. Thus, members of UPSC enjoy security of tenure.

- ❖ The conditions of service of the Chairman or a member, though determined by the President, cannot be varied to his disadvantage after his appointment.
- ❖ The entire expense including the salaries, allowances and pensions of the Chairman and members of the UPSC is charged on the Consolidated Fund of India. Thus, they are not subjected to vote by the Parliament.
- ❖ The Chairman of UPSC after ceasing to hold his office is not eligible for further employment in the government of India or state.
- ❖ A member of UPSC (on ceasing to hold office) is eligible for appointment as the Chairman of UPSC or SPSC, but not for any other employment in the government of India or a state.
- ❖ The Chairman or member of UPSC is not eligible for reappointment to that office i.e. not eligible for a second term.

5. PERFORMANCE OF UPSC

UPSC is faced with dual challenges of attracting the best minds in the country and also to make the civil service more representative of all sections and regions of society. UPSC has performed well in these tasks and some of major initiatives taken are:

- 1) To conduct civil service examination in all languages mentioned in the Eighth Schedule.
- 2) Periodic reform in the examination pattern to suit the needs and demands of an effective and honest public service
- 3) Use of IT in filling of forms, admit card dispatch, grievance redressal etc.

UPSC has maintained high standards of integrity, competitiveness and innovation in its examination process. Its success has been globally recognised and public service commissions of many countries, like Malaysia, have collaborated with UPSC to improve their civil service recruitment processes.

LIMITATIONS OF THE UPSC

UPSC has maintained high standards of integrity, competitiveness, and innovation in its examination process. Its success has been globally recognised and public service commissions of many countries, like Malaysia, have collaborated with UPSC to improve their civil service recruitment processes.

However, UPSC is facing various issues:

- ❖ **Limited Functional jurisdiction of the UPSC: the UPSC is not consulted** on the following matters:
 - While making reservations of appointments or posts in favour of any backward class of citizens.
 - While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.
 - With regard to the selections for chairmanship or membership of commissions or tribunals, posts of the highest diplomatic nature and a bulk of group C and group D services.
 - With regard to the selection for temporary or officiating appointment to a post if the person appointed is not likely to hold the post for more than a year.
- ❖ **Advisory recommendations:** The recommendations made by the UPSC are not binding on the government. The answerability of the government for departing from recommendation is limited only to explanation in the parliament.
- ❖ **Overlapping Functions:** The roles of other bodies like the Central Vigilance Commission (CVC) can sometimes overlap with the functions of the UPSC, particularly in disciplinary matters, potentially leading to inconsistencies.
- ❖ **Autonomy Concerns:** Despite its constitutional status, the autonomy of the UPSC can occasionally come into question due to the influence of the executive in the appointment of its members.

6. LIMITATIONS OF THE SPSCs

While the UPSC has continued to maintain high standards of recruitment process, many SPSCs have unfortunately adopted dubious practices adversely affecting the quality of personnel recruited to the state services.

The issues are discussed as follows:

- **Integrity and Credibility Challenges:** Frequent incidents of question paper leaks (e.g., BPSC paper leak incidence in 2022).
 - Allegations of corruption and malpractices in the examination process. For instance, writ petitions were filed in the Karnataka High Court alleging malpractices in the functioning of the Karnataka PSC.
- **Arbitrary Appointments:** As of now, the selection of chairman and members of the PSC is entirely the discretion of the Chief Minister.
 - In Tamil Nadu, the Madras High Court quashed the appointment of 11 members of the Tamil Nadu PSC in 2017 on the grounds that they were appointed arbitrarily without following any process.
- **Legal and Regulatory Challenges:** Frequent legal interventions such as annulments of examination results and appointments.
 - Court-ordered inquiries that disrupt the function of the commissions.
 - For instance, the exams and results for state services in Maharashtra are often delayed or postponed due to political interference and legal challenges.
- **Lack of Confidence Among Candidates:** Growing distrust among candidates, as reflected in protests and demands for more credible exam conduct.
- **Calls for UPSC to take over the responsibility of conducting state exams** due to lack of faith in state commissions.

7. RECOMMENDATIONS TO IMPROVE THE FUNCTIONING OF PSC

The Public Service Commissions are the backbone of the Indian civil service, ensuring and protecting its meritocracy. However, some improvements and reforms may be necessary to improve the efficiency of the Commission. The following are some reforms that can be implemented:

- **Involvement of Research Institutes and Universities:** The PSC should collaborate with advanced institutions to conduct specially designed administration courses and to keep the services up to date with new technological and knowledge developments.

- **Commission to serve as a think-tank on personnel issues:** The Commission should go beyond the role of recruiting candidates in answering the issues relating to civil services and their role in a rapidly changing society.
- **The necessity for decentralization:** The UPSC is frequently overburdened with work, and it also receives and manages tens of millions of applications. With such a large workload, the organization's efficiency generally suffers.
 - As a result, it becomes critical to decentralize the duties of the Commission in order to speed up the work.
- **Maintain synchronicity with the passage of time:** So far, UPSC has demonstrated exceptional expertise, impartiality, and integrity. However, a new world has formed, one based on transparency, accountability, and delivery, and UPSC must adapt to these changes.
- State governments should establish **specific qualifications and experience requirements for appointing chairpersons and members to the Public Service Commission (PSC)** to ensure that only individuals with impeccable integrity are eligible.
- **Broader Consultative Role:** There is a need to expand the advisory role of the UPSC in matters concerning the governance and administration reforms.

It is crucial that the examination process is conducted **freely and fairly, with no external interference in the evaluation of written exams or oral tests**, guaranteeing that selections are based solely on merit and devoid of extraneous considerations.

It is undeniable that our Public Service Commissions have performed well in their roles and will continue to do so at a far higher level if such reforms are implemented.

NATIONAL COMMISSION FOR SCs

The National Commission for Scheduled Castes (NCSC) is a constitutional body mandated to monitor and investigate issues related to the social, economic, and educational development of Scheduled Castes. It serves as an advisory body to the government, providing recommendations to ensure the protection and promotion of SC rights and interests.

1. FUNCTIONS OF THE COMMISSION

- To investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working.
- To enquire into specific complaints with respect to deprivation of rights and safeguards of the SCs.
- To participate and advise on the socio-economic development of SCs and to evaluate their development under the union or a state.
- To report to the President regarding working of the safeguards and other measures for protection, welfare and socio-economic development of the SCs.
- To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the SCs.

In summary, NCSC monitors and evaluates broadly 5 **types of constitutional safeguards** for SCs: (a) social safeguards (b) economic safeguards (c) educational and cultural safeguards (d) political safeguards (e) service safeguards. We shall learn about these safeguards and working of NCSC in section "Working of the commission".

2. POWERS OF COMMISSION

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or inquiring into any complaint has all the **powers of a civil court trying a suit**. It can summon and enforce the attendance of any person from any part of India and examine him on oath. It also has the power to receive evidence on affidavits and requisitioning any public record from court or office. The central and state government are required to consult the commission on all major policy matters affecting the SCs.

3. CHALLENGES FACED BY THE NCSC

The NCSC in India faces several challenges in fulfilling its mandate to protect and promote the interests of scheduled castes (SCs) in the country. Some of these challenges include:

- **Issues related to appointment:** NCSC often face vacancies for longer duration. The Supreme court had

to fill up vacancies in NCSC in an expeditious manner. Also, there is lack of institutionalisation in the procedures of appointment leading to politically motivated appointments in the commission.

- **Issues related to its performance:** NCSC is more effective in the monitoring the implementation of **area of service-related constitutional and legal safeguards** for SCs and thus is criticized to carry an **elite bias**. Its working on the prevention of atrocities or welfare of SCs is less encouraging. Its functioning in this arena is often hampered due to underreporting of crimes against SCs, lack of political will to address the issues facing SCs.
- **Lack of real power:** NCSC's decisions are **only advisory and not binding**, but recommendatory. In 2022, **Madras High court** held that NCSC was not empowered to interfere in service matters and issue directions to either promote a particular employee to a higher post or transfer him/her to a specific place.
- **Inadequate resources:** The NCSC has limited resources, which can hamper its ability to effectively address the issues facing SCs. This includes both financial resources as well as human resources.
- **Issues related to Reports:** Annual reports are not regularly tabled in Parliament. For instance, the last annual report for the year 2019-2020 (As in June 2024). Of all special reports, only the report **on special safeguards** has an all-India scope. Even when Reports are tabled in Parliament, they are frequently not discussed. The reports of the Commission are characterised by more statistical data than qualitative data.

4. RECOMMENDATIONS TO STRENGTHEN THE NCSC

The Second Administrative Reforms Commission (ARC) in India made several recommendations for the National Commission for Scheduled Castes (NCSC) in its 7th report on "**Capacity Building for Conflict Resolution**". Various other recommendations have been suggested for SCSC. Some of the important recommendations are:

MEASURES	EXPLANATION
Timely and apolitical appointments	There should be institutionalisation in procedure of appointments. The qualifications of the Chairperson and Members should be publicly available , and there should be an effort to involve people from different professions concerned with Scheduled castes. Also, appointments should be done in a timely manner to avoid vacancies.
Ensuring autonomy	The NCSC should be made more autonomous by giving it the power to investigate and take action against instances of discrimination against SCs. It should also have the power to review and monitor the implementation of laws and policies related to SCs.
More focus on working of social safeguards	Apart from its focus on working of service safeguards, NCSC should work efficiently on preventing and addressing instances of atrocities and ensure socio-economic welfare of SCs.
Mandatory consultation	The governments should mandatorily consult NCSC on all major policy matters affecting Scheduled castes.
Availability of manpower and funds	NCSC should be provided with sufficient funds for its smooth functioning.
Partnership with civil society	The NCSC should work in partnership with civil society organizations such as NGOs, academic institutions, corporations, and other stakeholders to promote the rights of SCs.
Public awareness	The NCST should play a more active role in creating public awareness about the issues faced by SCs by conducting campaigns and outreach programs to educate the public about the rights of SCs.

NATIONAL COMMISSION FOR STs

The National Commission for Scheduled Tribes (NCST) is a constitutional body tasked with safeguarding and promoting the socio-economic and educational welfare of Scheduled Tribes. It conducts investigations, advises the government on policy matters, and ensures the effective implementation of safeguards for STs.

Its composition, power and functions are similar to that of the National Commission for SCs, only difference being that it is concerned with STs.

1. FUNCTIONS OF NCST

Functions of NCST are similar to National Commission on SCs, the following functions were entrusted to the Commission in 2005:

- Measures to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- Measures to be taken to safeguard the rights of the tribal communities over mineral resources, water resources etc. as per law.
- Measures to be taken for the development of tribals and to work for more viable livelihood strategies.
- Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996.
- Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment.

2. WORKING OF THE NCST

NCST has contributed significantly in ensuring the welfare of tribals.

Case Study: Eviction of tribals from forest areas affected by Polavaram Project (Sept. 2021)

The NCST intervened in this case and directed the state government to take steps to protect the rights of Koya and Konda Reddy tribes in Andhra Pradesh. The Commission recommended that the government provide adequate compensation and alternative arrangements for their rehabilitation before the displacement of tribal people.

However, the working of the commission has faced many criticisms. The following case studies highlight its lacunae:

- The **Supreme Court's 2019 order** to evict more than one million forest dwelling people went against the spirit of the Forest rights Act and the Commission couldn't do anything.
- The commission was not able to safeguard the tribal rights of **Dongria Kondh community of Odisha** who faced eviction on a Vedanta development project.
- Tribal culture and identity have been declining. As per a report by **People's Linguistic Survey of India**, as much as 250 tribal languages have disappeared. NCST has failed to arrest the phenomenon.

3. CHALLENGES FACED BY THE NCST

The National Commission for Scheduled Castes (NCST) in India faces several challenges in fulfilling its mandate. Some of the challenges observed by the Centre for Policy Research, New Delhi include:

- **Issues related to appointments:** Appointments to the NCST are often delayed, with key positions, including Chairperson and members, left vacant for extended periods. Additionally, political appointees from the ruling party often avoid addressing issues uncomfortable for the government.
- **No Consultation by the government:** While the constitution (Article 338A (9)) requires governments to consult the Commission on all major policy matters affecting Scheduled Tribes, in majority of the cases, the governments do not consult the Commission on policy matters.
- **Lack of real powers:** The NCST, intended as an independent advisory body, lacks sanctioning power against officials committing atrocities against Scheduled Tribes, leading to challenges in protecting ST rights over land, forest resources, and addressing resettlement and rehabilitation needs.

- **Pendency of cases:** In the financial year 2023-24, the Commission has met only two times. Its rate of resolution of pendency of complaints and cases that it receives is also close to 50%.
- **Dysfunctional NCST:** According to the Standing Committee on Social Justice and Empowerment, the NCST has not delivered a single report to Parliament since 2018.
- **Manpower and Budgetary Shortage:** As many as 70 posts out of 124 sanctioned posts in the Commission are lying vacant (February 2023).

Considering the challenges faced by the Commission, various recommendations have been suggested to strengthen the institution of the National Commission for Scheduled Tribes.

4. RECOMMENDATIONS TO STRENGTHEN THE NCST

The Centre for Policy Research, New Delhi made several recommendations for the National Commission for Scheduled Tribes (NCST) in its report on **Study of performance of the National Commission for Scheduled Tribes**. Some of the important recommendations are:

MEASURES	EXPLANATION
Timely and apolitical appointments	The qualifications of the Chairperson and Members should be publicly available , and there should be an effort to involve people from different professions concerned with Scheduled Tribes. Also, appointments should be done in a timely manner to avoid vacancies.
Mandatory consultation	The governments should mandatorily consult NCST on all major policy matters affecting Scheduled Tribes.
Availability of manpower and funds	NCST should be provided with sufficient funds for its smooth functioning. (The Parliamentary Committee on NCST)
Capacity building of Regional Offices	The Regional offices need to be strengthened, along with an independent investigating mechanism. More Regional Offices in the country need to be opened.

Partnership with civil society	The NCST should work in partnership with civil society organizations such as NGOs, academic institutions, corporations, and other stakeholders to promote the rights of STs.
Public awareness	The NCST should play a more active role in creating public awareness about the issues faced by STs by conducting campaigns and outreach programs to educate the public about the rights of STs.

NATIONAL COMMISSION FOR BACKWARD CLASSES

National Commission for Backward Classes is a constitutional body under **Article 338B** of the Indian Constitution. It was established by **the 102nd Constitutional Amendment Act, 2018** to investigate and monitor all matters relating to the safeguards and welfare of the Other Backward Classes (OBCs). It also advises the President and the Parliament on the issues and policies concerning the OBCs.

1. WORKING OF NCBC

The NCBC has been working for the OBC's welfare for the past three decades.

➤ **Advice on various issues related to the OBC welfare and development:** It has advised the government on various issues related to the welfare and development of the OBCs, such as the sub-categorization of OBCs, the creamy layer criteria, the reservation in private sector, the implementation of the OBC reservation in the NEET, and the extension of the OBC reservation in the central educational institutions.

➤ **Redressal of specific complaints of violation of rights and safeguards of the OBCs:** It has inquired into specific complaints of violation of rights and safeguards of the OBCs and has taken appropriate action to redress them.

For example, it has intervened in cases of **denial of caste certificates, harassment of OBC students and employees, and discrimination in admission and recruitment.**

➤ **Participation and evaluation of the socio-economic**

development of the OBCs: It has participated and advised on the socio-economic development of the OBCs and has evaluated the progress of their development under the Union and any State.

- For example, it has conducted studies and surveys on the status and condition of the OBCs in various sectors and regions, and has suggested measures to improve their education, health, employment, income, and social empowerment.

2. SUB-CATEGORIZATION OF OTHER BACKWARD CLASSES (OBC)

The aim of sub-categorization is to ensure that **the more backward among the OBCs can also access the opportunities and advantages of reservation**, and that **the benefits of reservation are not monopolized by a few dominant and advanced OBC castes.**

The idea is not new, as some states like Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu, etc. have already implemented it in their respective domains. However, at the central level, there is a single OBC list, with entries from each state, and no sub-categorization within it. This has led to some complaints and grievances from the less represented and more deprived OBC castes, who feel that they are being crowded out and marginalized by the more influential and prosperous OBC castes.

To address this issue, the central government in 2017 set up a commission under the chairmanship of **Justice (Retd.) G. Rohini.**

Terms of reference:

- To examine the extent of inequitable distribution of benefits of reservation among the castes or communities of OBCs.
- To work out the mechanism, criteria, norms and parameters, in a scientific approach, for sub-categorization within such OBCs; and
- Identify the respective sub-castes and classifying them into their respective sub-categories.

The commission, after several extensions due to the task's complexity, has submitted its report on OBC sub-categorization to the Ministry of Social Justice, which remains unpublished. The sub-categorization aims for equitable reservation distribution among OBCs. However, it must be based on objective criteria to prevent further societal divisions and inequalities within the OBC community.

3. CHALLENGES FACED BY NCBC

Chairperson and Members- Expertise and Tenure:

Unlike the 1993 Act, the 103rd Amendment Act (2018) does not specify the expertise required for Commission members or provide a fixed tenure. It also does not clearly state whether the Commission will review complaints of exclusion from or requests for inclusion in the list of classes granted 27% reservation.

- The tenure of the chairperson and members of the NCBC is not predetermined, leaving it subject to government discretion. This may affect the independence of the Commission from the political class.

Delayed Appointments:

After the tenure of the 8th NCBC ended in April 2022, the Central Government did not appoint a chairperson and other members until December 2022. These delayed appointments hindered the Commission's ability to address the grievances of the backward classes effectively.

Nature of Advice: The NCBC's advice, on complaints regarding wrongful inclusion in and exclusion from the list of those groups who are eligible for 27% reservation, was to be ordinarily binding on the government.

In case the government rejected the advice, it had to state its reasons in writing.

However, the 103rd Amendment does not factor in this principle, which is in violation of the Mandal Judgement (1992).

No Role in Preparation of the List:

The new Act vests in Parliament the authority to include groups in the Central list or exclude them from it. This decision was earlier the Central government's, based on the Commission's advice.

- The Act does not give the role of deciding inclusion and exclusion to the Commission, which the earlier Commission had. This is again in violation of the Mandal Judgement. (View of PS Krishna, former Member Secretary of first NCBC and expert on Social Justice).

Scramble for quotas:

Till now, the selection of OBCs has been a complex exercise carried out by the Commission. However, after the Amendment, many dominant castes will scramble for quotas, turning the selection process into a politically driven exercise,

potentially leading to socio-political turmoil and undermining the constitutionally mandated procedure.

- For example, recently the Maratha community, a dominant caste in Maharashtra, protested aggressively for reservation. In March 2024, the Maharashtra Government granted OBC status to Marathas which might be challenged in the Courts.

Identification and Classification of OBCs:

There is a lack of clarity and uniformity in the criteria and methods for identifying and classifying OBCs across different states and regions. Further, the Commission also struggles to address the issue of numerous castes seeking Backward Class status due to a lack of authority in defining clear parameters.

Moreover, the Commission has also been facing the challenge of staff shortage and poor logistical support from the government. Thus, there is a need to strengthen the Commission in order to fulfil its Constitutional mandate.

4. SUGGESTIONS

Some suggestions to improve the working of the National Commission for Backward Classes (NCBC) are:

Timely and Transparent Appointments:

The government should ensure the timely appointment of the NCBC chairman and members to avoid any gaps in leadership. Towards this end, it can make the appointments well before the expiration of previous terms.

- Further, the government should establish a transparent and merit-based selection process for the chairman and members. This measure will help protect the independence of the Commission.

Clear Mandate and Powers:

Define and expand its powers clearly, allowing it to enforce its recommendations and decisions.

Binding Nature of Recommendations:

The NCBC should have a certain degree of binding effect on the recommendations provided to the government. It will ensure its advice on the inclusion or exclusion of any class of citizens as a backward class is taken seriously and not ignored or rejected without justification.

Adequate Data and Resources:

Understanding the

problems of backward classes and solving them is a continuous process. Thus, the NCBC should have latest and sufficient data as well as resources to monitor and evaluate the implementation of reservation policies.

- ◉ **Regular Surveys:** Conduct regular, comprehensive surveys to update the list of backward classes and assess their socio-economic conditions.
- ◉ **Technological Integration:** Use advanced data collection and analysis tools to maintain accurate and up-to-date information on backward classes.
- ◉ **Collaboration with Other Commissions:** The NCBC should collaborate with other commissions, such as the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes, and the National Commission for Women, to ensure effective coordination and integration of welfare measures and programs.

Dr. Bhagwan Lal Sahni (Former Chairman of 8th NCBC) suggests that the government should provide adequate staff, logistics and funding support for effective functioning of the Commission and serving the interests of backward classes in India.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

The National Human Rights Commission (NHRC) of India is a statutory public body established on October 12, 1993, under the Protection of Human Rights Ordinance of September 28, 1993, and later given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA).

The NHRC is responsible for the protection and promotion of human rights, defined by the Act as "Rights Relating to Life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."

1. COMPOSITION OF THE NHRC

- ◉ **Chairperson:** Typically, a former Chief Justice of the Supreme Court or another judge.
- ◉ **Judicial Members:** Two members from the judiciary, one of whom should be a sitting or former Supreme Court Judge and the other a Chief Justice of any High Court.

- ◉ **Human Rights Experts:** Two other members selected based on their expertise in human rights issues.
- ◉ **Ex-officio Members:** Chairpersons of the National Commissions for Women, Minorities, Scheduled Castes, and Scheduled Tribes.

2. APPOINTMENT

The President appoints the chairperson and members of the NHRC based on recommendations from a **committee comprising the Prime Minister, Home Minister, Leaders of the Opposition in both Houses of Parliament**, the Speaker of the Lok Sabha, and the Deputy Chairman of the Rajya Sabha.

3. FUNCTIONS OF NHRC

The PHRA mandates the NHRC to:

- ◉ **Investigate Violations:** Proactively or reactively inquire into violations of human rights by the government or negligence of such violations by public servants.
- ◉ **Promote Human Rights:** Recommend measures for effective implementation of human rights protections.
- ◉ **Review Factors Inhibiting Human Rights:** Assess factors, including acts of terrorism, that inhibit human rights enjoyment and recommend remedial measures.
- ◉ **Study Treaties and Instruments:** Review international human rights treaties and recommend their effective implementation.
- ◉ **Promote Research and Education:** Conduct research and raise awareness about human rights.
- ◉ **Visit Jails:** Inspect jails to study conditions of inmates.
- ◉ **Support NGOs:** Encourage and support NGOs working in the field of human rights.
- ◉ **Requisition Public Records:** Request any public record or copy from any court or office.

4. ASSESSMENT OF WORKING OF NHRC

The National Human Rights Commission (NHRC) in India faces several structural and practical limitations. These are as follows:

STRUCTURAL LIMITATIONS RELATING TO HR PROTECTION ACT	PRACTICAL LIMITATIONS RELATING TO THE WORK CULTURE
Recommendations only: The recommendations made by the NHRC are non-binding and without the power to enforce decisions, which makes it only a recommendatory body. Non-control over SHRCs: The NHRC has not been given any powers to exercise control over the state human rights commissions (SHRCs)	Non-filling of vacancies: The NHRC is functioning with less than the prescribed five Members. This limits the capacity of commissions to deal promptly with complaints.
Composition criteria: The Act does not specify whether the judges should have a proven record of human rights activism or expertise or qualifications in the area. The government can appoint any judge, or retired judge of the SC as chairperson. For example, In 2019, the Centre appointed Jus. Arun Kumar Mishra- a retired judge of the Supreme Court as chairman of NHRC. Mishra has been alleged of chairing benches that delayed hearing habeas corpus petitions filed by political prisoners. 👁️ Limited role of Chairperson in appointment: The chairperson has no say in the appointment of the members in the NHRC.	Non-availability of funds: Big chunk of the NHRC's budget goes in office expenses and in maintaining their members, leaving disproportionately small amounts for other crucial areas such as research and rights awareness programmes.

Time bar: Under the Act, human rights commissions cannot investigate an event if the complaint was made more than one year after the incident. Therefore, many genuine grievances go unaddressed.	Too many complaints: A common problem faced by most human rights commissions is that they are deluged with complaints. In the year 2020-21, the NHRC received over 74,968 complaints and 1,02,539 cases in the year 2021-22.
Bar on violations by Armed Forces: In this context, the powers of the NHRC are restricted to simply seeking a report from the Government and then issuing recommendations. Even the PHRA 2019 Act does not permit the NHRC to probe into acts of human rights violations by the armed forces.	Bureaucratic style of functioning: As NHRC primarily draws their staff from government departments, the internal atmosphere is usually just like any other government office.

POSITIVE ROLE OF NHRC- MAJOR HUMAN RIGHTS CASES

Refugee Cases (Chakmas) in Arunachal Pradesh, 1990s:

The Chakmas (Buddhists), originally from East Pakistan, faced persecution on grounds of religion in Arunachal Pradesh. When they attempted to flee to Assam, the Assam Government threatened to shoot them. However, due to the NHRC's proactive role, the Court ordered the Arunachal Government to protect the lives and personal liberty of the affected people.

Punjab Mass Cremation Case: The NHRC, which went through 2,097 cases of killing of youth and mass cremation of their bodies by the Punjab police during the peak of militancy in the State, has ordered a relief of Rs.27.94 crore to the families of 1,513 victims of such extra-judicial killings.

Mental Health Rights: In February 2023, the NHRC in a report flagged the "inhuman and deplorable" condition of all 46 government-run mental healthcare institutions across the country; out of which three are run by the Union government and the remaining by State governments.

5. RECOMMENDATIONS FOR NHRC

If NHRC is to truly protect and promote human rights in India, changes must be made to enable it to become a more effective institution. Some suggested proposals are:

- **Enforceability of decisions:** The effectiveness of NHRC will be greatly enhanced if its decisions are made enforceable by the government. This change will save time and effort for NHRC as it will no longer need to send reminders to government departments or resort to lengthy judicial processes to enforce recommendations.
- **Including armed forces in their ambit:** Allowing commissions to independently investigate complaints against the military and security forces and summon the witnesses and documents will help end the culture of impunity and hold them accountable.
- **Commissions' membership:** Ex-bureaucrats filling non-judicial member positions raise concerns that NHRC is seen more as extensions of the government than independent oversight agencies. Thus, if commissions are to play a meaningful role in society, they must include civil society and human rights activists as members, rather than ex-bureaucrats.
- **Independent recruitment of staff:** NHRC should create an independent staff cadre with relevant experience instead of relying on deputations from government departments. Specially recruited and qualified staff can help manage the high volume of complaints more effectively.
- **Separate agency to investigate police-related complaints:** It is perhaps time to think about an alternative agency, dedicated solely to civilian oversight of the police to check police excesses.
- **Civil society groups:** They need to mobilise people across the nation through targeted advocacy strategies. Reform initiatives can only bear fruit when ordinary citizens take an active interest in good governance and human rights.
 - For instance, the 2019 Act has emphasised on the efforts to increase the presence of Civil Society in the composition of the Commission.
- **Key Recommendations of Jus. AM Ahmadi Committee (Advisory Committee to Review the PHRA, 1993)**
 - To bring paramilitary forces (excluding Army, Navy,

and Air Force) under the ambit of NHRC.

- Appointment of members, secretary and DGP should be made in consultation with the Chairperson of NHRC.
- To empower the NHRC to inquire into any matter after the expiry of one year.

"We have to make recommendations to governments, but in case they are not followed up, we have no further course of action. If by any reason the Central government contemplates giving appropriate powers to NHRC through amendment in the Act, NHRC will certainly become a Toothful Tiger."

– HL Dattu, Former NHRC Chief

NATIONAL COMMISSION FOR MINORITIES (NCM)

UN Definition: Minorities are defined by the UN sub-committee on prevention against discrimination and protection of minorities as **'non-dominant' groups in a population wishing to preserve their ethnic, religious, or linguistic traditions**, which differ from the rest of the population.

India's Notified Minorities: The Government of India has notified **Muslims, Sikhs, Christians, Parsis, Buddhists, and Jains** as minorities. However, India lacks a specific definition or policy to define minorities.

1. APPROACH FOLLOWED BY INDIA

- **Constitutional Provisions:** At its creation, India's constitution acknowledged special rights for minorities.
- **Government Initiatives:** The Government of India has established various statutory commissions and committees, such as the Sachar Committee and PM's 15-Point Program in 2006, to address minority issues.
- **Establishment of NCM:** The Ministry of Home Affairs created the National Commission for Minorities in 1978 to address the perceived insecurity and unfairness among minority groups.

Statistics on Muslim Minorities

According to the **Sachar Committee** on the Socio-Economic Status of Minorities in India (2006):

1. Nearly a **quarter of Muslim children** between 6 and 14 years have **never attended school or have dropped out**.
2. Only **4% of Muslims who** graduate have a postgraduate degree, with only one out of every 20 being a PG holder.
3. Muslims make **up 1.3% of the IFS, 3% of the IAS, 4% of the IPS, and 4.5% of the Railways**, indicating a lack of proportional representation.

2. ORIGIN OF NATIONAL COMMISSION FOR MINORITIES

1. **Establishment:** The commission was **established by the NCM Act of 1992**, which gives it statutory authority.
2. **Historical Precedents:** The first minorities commission was established by the Congress government in Uttar Pradesh in 1960. Bihar and Gujarat followed with their respective commissions in the 1970s.

3. COMPOSITION

The NCM is a multi-membered board with all members from the minority group, including one chairperson, one vice-chairperson, and five members selected by the Government of India from persons of eminence, talent, and integrity.

4. CONSTITUTIONAL PROVISIONS

1. **Article 15 and 16:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
2. **Article 25–28:** Right to religious freedom.
3. **Article 29:** Protection of cultural and educational rights of minorities.
4. **Article 30:** Right of minorities to establish and administer educational institutions.
5. **Article 350-B:** Appointment of a Special Officer for Linguistic Minorities.

5. FUNCTIONS OF NCM

1. ASSESS THE **progress and development of minorities** in the union and its states.
2. Examine **the implementation of constitutional safeguards**.

3. Address specific complaints about the denial of rights and minority protection.
4. **Conduct research and analysis** on topics concerning minorities' socio-economic and educational development.
5. Address any other problem referred to it by the central government.

6. POWERS OF NCM

The NCM has all the **powers of a civil court**, including:

1. Summoning and questioning any person under oath.
2. Requiring any document to be discovered and produced.
3. **Receiving affidavit** evidence.
4. Requisitioning records from any court or office.

7. IMPORTANT CONCERNS AND DRAWBACKS

- ❖ **Lack of Transparency in Appointments:** There is **no prescribed selection process** for appointments, leading to arbitrary selections.
- ❖ **No Constitutional Status:** Unlike the National Commission for SCs, STs, and OBCs, **the NCM lacks constitutional status**.
- ❖ **Limited Powers:** The NCM lacks **powers to inquire Suo moto**, investigate using government agencies, intervene in legal proceedings, or visit detention facilities.
- ❖ **Non-mandatory Consultations:** The union and state governments are not required to consult the NCM on matters concerning minorities.
- ❖ **Marginalization of Certain Communities:** The NCM's function has been criticized as being purely political, marginalizing certain minority communities.

8. WAY FORWARD

1. **Evaluate Performance:** Set specific performance criteria to ensure accountability.
2. **Reduce Pendency:** Set baseline targets to reduce case pendency rates.
3. **Address Staffing Needs:** Conduct regular staffing assessments to fill vacant positions.

4. Feedback Mechanism: Develop a mechanism for feedback on the processing of appeals.

5. Strengthen State Commissions: Expand and empower state minorities' commissions.

6. Constitutional Status: Grant the NCM constitutional status and broader investigative powers to better safeguard minority rights.

VALUE ADDITION

Vision for Social Justice: Dr. Ambedkar's advocacy for the **protection of marginalized communities** laid the foundation for the establishment of commissions like the NCM, emphasizing the need for dedicated bodies to address the unique challenges faced by these groups.

Sociological Perspective: Prof. M.N. Srinivas highlighted the complexities of caste dynamics in India. He argued for **nuanced policies that consider socio-economic conditions** rather than relying solely on caste for affirmative action, a principle relevant to the functioning of the NCM.

Economic Analysis: Dr. Ashwini Deshpande's work on **caste and economic disparities** underscores the importance of targeted policies and robust data collection, suggesting that the **NCM must focus on empirical evidence** to drive its recommendations and policies.

Legal Insights: Prof. Marc Galanter's research on affirmative action and equality law in India provides a framework for understanding the legal and constitutional basis for bodies like the NCM, advocating for strong legal backing and enforcement mechanisms to ensure effectiveness.

In an era of **populist majoritarianism**, the NCM has the potential to **rise as a beacon of minority rights in India**. Strengthening its powers and ensuring its independence can help it serve as an effective institution that **upholds the country's commitment to "Unity in Diversity."**

NATIONAL COMMISSION FOR WOMEN

The National Commission for Women (NCW) was established by the Government of India in 1992, under

the provisions of **the National Commission for Women Act, 1990** as a statutory body. This move was influenced by global events focusing on women's issues and India's own economic changes that started in 1991, which altered social and gender roles. The rise of women's movements in India also played a key role, pushing for better laws and systems to protect women's rights, leading to the creation of the NCW.

1. NATIONAL COMMISSION FOR WOMEN ACT, 1990

- The National Commission for Women Act, 1990, provides the legal framework for the establishment and functioning of the NCW.
- This act outlines the composition, powers, functions, and responsibilities of the commission.
- The Act empowers the commission to summon witnesses, examine documents, and conduct inquiries.
- It empowers the NCW to investigate complaints related to women's rights, conduct research, and make recommendations regarding legal reforms and policy changes to the government.
- The act bounds the central government to consult the Commission on all major policy matters affecting women.

2. GOALS OF NCW

The NCW plays a crucial role in advocating for women's welfare, ensuring their protection, and promoting gender justice.

The goals of the NCW are as follows:

- To review the Constitutional and Legal safeguards for women and safeguard the constitutional and legal rights of women.
- To recommend remedial legislative measures to address gender-based discrimination.
- To provide a voice to women, ensuring their equitable participation in society, and to address the challenges and discrimination they face.
- To facilitate the redressal of grievances faced by women across various domains.
- To advise the Government on all policy matters affecting women.

3. STRUCTURE AND COMPOSITION

The Commission is composed of a chairperson, five members, and a Member-Secretary. At least one Member has to be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes, respectively.

4. FUNCTIONS AND POWERS

NCW performs many important functions, which can be categorized as follows:

STATUTORY FUNCTIONS:

- Investigating complaints related to women's rights violations.
- Conducting studies and research on gender-related issues.
- Recommending legal reforms and policy changes.
- Advocating for women's empowerment and gender equality.

ADVISORY ROLE:

- The NCW advises the government on policy matters affecting women. It collaborates with other ministries, NGOs, and stakeholders to promote gender justice.

INVESTIGATIVE POWERS:

- The NCW has the authority to summon witnesses, examine evidence, and conduct inquiries.
- The Commission shall, while investigating any matter referred to it, have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:
 - summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - requiring the discovery and production of any document;
 - receiving evidence on affidavits;
 - requisitioning any public record or copy thereof from any court or office;
 - issuing commissions for the examination of witnesses and documents;
 - any other matter which may be prescribed.

5. EFFECTIVENESS OF COMMISSION

Effectiveness of the NCW in India involves considering various aspects of its functioning and the impact it has had on women's issues in the country. Analyzing its work in India, we can see both its successes and areas where it faces challenges.

A. SUCCESSES OF THE NCW

- **Raising Awareness:** The NCW has effectively raised awareness on women's rights through campaigns, workshops, and financial support to NGOs for Legal Awareness Programs.
- **Policy Influence:** The Commission has influenced policy changes and recommended reforms in laws like the Dowry Prohibition Act and IPC.
- **Handling Complaints:** NCW has provided legal assistance and counselling, sponsoring programs like Parivarik Mahila Lok Adalats for family dispute resolution.
- **International Representation:** NCW has represented India in international forums, notably engaging with the UN Commission on the Status of Women.

CASE STUDIES AND LANDMARK DECISIONS

Workplace Harassment and Gender Discrimination: The National Commission for Women (NCW) has addressed workplace harassment, unequal pay, and gender discrimination, advocating for the implementation of Sexual Harassment of Women at Workplace Act, 2013. Through its persistent efforts, the NCW has significantly raised awareness about these critical issues, motivating organizations across various sectors to establish safer and more respectful workplaces for women.

Protection of Women from Cyber Crimes: The NCW has tackled cybercrimes against women, collaborating with law enforcement for online safety and legal protection.

KEY INITIATIVES

The National Commission for Women (NCW) has launched several key initiatives for women's empowerment:

We Think Digital: A collaboration with the Cyber Peace Foundation and Facebook, this global digital literacy program aims to train 1.50 lakh women in effectively using online resources, initially launched as the 'Digital Shakti' campaign.

Empowering Women through Entrepreneurship: This program offers a business and management course to aid digital learning among aspiring women entrepreneurs.

Partnership for Gender Sensitization of Police Personnel: The NCW has partnered with the Bureau of Police Research and Development to sensitize police personnel nationwide, fostering attitudinal and behavioral changes towards gender issues.

Capacity Building and Training: The NCW worked with the Lal Bahadur Shastri National Academy of Administration to train Protection Officers, enhancing their skills to better support women under the Domestic Violence Act.

➤ **Dependency on Government:** Being a government body, the NCW's autonomy has been a point of debate. Its dependency on the government for funding and approvals can impact its effectiveness and impartiality.

5. SUGGESTIONS FOR STRENGTHENING OF NCW

- **Implement a merit-based and transparent process** for appointing chairpersons and members of women's commissions.
- **Strengthen its monitoring and evaluation mechanisms** to ensure the effective implementation of its recommendations and interventions for women's empowerment and rights protection.
- **Enhance its coordination and collaboration with other stakeholders**, such as civil society organizations, media, academia, judiciary, and law enforcement agencies, to create a conducive environment for women's participation and leadership in various spheres.
- **Increase its outreach and awareness activities** to educate and sensitize the public, especially the rural and marginalized communities, about the legal and constitutional provisions, policies, and schemes for women's welfare and development.
- **Promote the use of digital technologies and platforms** to facilitate the access and delivery of its services, such as online complaint registration, helpline, counselling, legal aid, and information dissemination.
- **Conduct regular research and analysis** on the emerging issues and challenges faced by women in India, such as gender-based violence, trafficking, discrimination, health, education, employment, and political representation, and suggest evidence-based solutions and best practices.

The National Commission for Women has had a significant impact in advocating for women's rights and bringing attention to their issues in India. It has made notable strides in policy influence, legal assistance, and awareness campaigns. However, its effectiveness is sometimes limited by challenges related to implementation, resource constraints, and its ability to swiftly address emergent issues.

B. CHALLENGES AND CRITICISMS

The National Commission for Women (NCW) in India has made significant strides in advocating for women's rights, but it faces various challenges like:

- **Implementation and Enforcement:** While the NCW has been instrumental in policy formulation, there have been challenges in the implementation and enforcement of these policies and laws at the ground level.
- **Limited Reach and Resources:** The Commission, at times, has been criticized for its limited reach, especially in rural and remote areas. The lack of resources and manpower can hinder its effectiveness in addressing the issues of a vast and diverse population.
- **Response to Emergent Issues:** The NCW's response to emergent and complex issues, such as cyber-crime against women or the impact of pandemics on women, has sometimes been seen as inadequate or slow.

UNIT 7: FEDERALISM

SYLLABUS- CONSTITUTIONAL PROVISIONS, CHANGING NATURE OF CENTRE-STATE RELATIONS, INTEGRATIONIST TENDENCIES AND REGIONAL ASPIRATIONS.

PREVIOUS YEAR QUESTIONS

CONSTITUTIONAL PROVISIONS

- Discuss asymmetrical federalism in India. (2018)
- Cooperative federalism produces a strong central, or general government, yet it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies. Indian federation has demonstrated this." (Granville Austin) Examine the uniqueness of Indian federalism in the light of the above statement. (2013)
- "Articles 2 and 3 of the Indian Constitution are inconsistent with the spirit of federalism." Critically examine and comment. (2010)
- Inter State Committees. Comment. (2009)

CHANGING NATURE OF CENTER-STATE RELATIONS

- Discuss the composition and functions of the Inter-State Council. To what extent has this body been successful in achieving its objectives? (2022)
- Does the functioning of the federalism in India tend to make it appear as a unitary state in practice? (2020)
- Implementation of GST and NEET is a major challenge to Indian federalism. (2018)
- Indian federation has moved from cooperative federation to competitive federation. (2017)
- The philosophy and administration of the distribution of powers between Centre and State is required to be re-assessed. (2016)

INTEGRATIONIST TENDENCIES AND REGIONAL ASPIRATIONS

- Does the actual working of Indian federalism conform to the centralising tendencies in Indian polity? Give reasons for your answer. (2023)
- Do you think that there has been a gradual shift in the basis on which the demands for the creation of new States have been raised in different regions of India? Explain. (2021)
- Cooperative Federalism in India. Comment. (2015)
- Demands for the creation of new States in India. Comment. (2012)

INTER-STATE DISPUTES

- Mechanism for settling inter-state disputes. Comment. (2020)
- Despite constitutional mandate the Inter-State Council has not come of age. Discuss. (2019)
- Identify the contested areas in centre state relation in India. (2015)
- Examine the efficacy of available mechanisms for resolving inter-State dispute in India. (2012)
- It is not constitutional law but political factors that ultimately determine Centre-States relations in India. Critically examine and comment. (2011)
- Inter- State water disputes. Comment. (2010)

1. INTRODUCTION

- The term "federalism" is derived from the Latin word "Foedus," meaning a contract, signifying a government founded on a constitutional agreement. An independent judiciary acts as a neutral mediator to resolve disputes.



- Federalism seeks to balance self-governance and shared governance, aiming to prevent majority tyranny and promote strength through unity. It harmonizes freedom with cohesion and integrates diverse political cultures with effective collective action.

federal character and ensuring coordination between central and state authorities.

- **K.C. Wheare's Classification: Quasi-Federal Nature:** He categorizes India as **quasi-federal**, acknowledging the central government's significant powers in specific circumstances.

VALUE ADDITION: VIEWS OF SCHOLARS ON FEDERALISM

- "Federation is a system which consists of two sets of governments which are independent, co-ordinate and distinct."– **K.C. Wheare**
- "Federation is a political contrivance intended to reconcile national unity with the maintenance of State Rights."– **Prof. A.V. Dicey**
- "The partition of legislative and executive power of the centre and units is the main criteria of federation."– **Dr. B.R. Ambedkar**

2. NATURE OF INDIAN FEDERALISM

India's federal structure has been the subject of extensive analysis and interpretation by various scholars. Their perspectives provide a nuanced understanding of how federalism operates within the Indian constitutional framework. Below are insights from prominent scholars on the nature of Indian federalism:

- **Granville Austin's Perspective: Cooperative Federalism:** He describes Indian federalism as **characterized by a cooperative relationship** between the central and state governments, emphasizing **harmony and collaboration** in governance.
- **Durga Das Basu's View: Cooperative Federalism with Unitary Features:** He highlights Indian federalism as a **blend of cooperative federalism with strong unitary aspects**, maintaining a delicate balance between decentralization and national unity.
- **Morris Jones' Observation: Quasi-Federalism:** He views Indian federalism as **quasi-federal** due to the central government's substantial powers in certain domains, which lean towards a unitary structure.
- **M.P. Jain's Analysis: Cooperative and Coordinate Federalism:** He underscores the **role of the judiciary**, particularly the Supreme Court, in upholding India's

3. FEDERAL VS. UNITARY NATURE OF INDIA

The debate over whether India is more federal or unitary hinges on the interpretation of its constitutional and practical features.

FEDERAL NATURE	UNITARY NATURE
➤ Autonomous States: States have their own governments and legislative powers, particularly over the State List subjects.	➤ Emergency Provisions: The Centre can assume control over state functions during emergencies, reflecting a unitary character.
➤ Decentralization Initiatives: Efforts like the 73rd and 74th Constitutional Amendments (Panchayati Raj and Municipalities) aim to empower local governance, reflecting federal principles.	➤ Central Legislation: The Centre can legislate on Concurrent List subjects and, under certain conditions, on State List subjects.
➤ Division of Powers: The Constitution clearly demarcates the powers between the Centre and the states through three lists – Union List, State List, and Concurrent List.	➤ Governor's Role: The appointment of Governors by the President and their role in state politics often leads to accusations of central interference.
➤ Bicameral Legislature: The Rajya Sabha (Council of States) represents the states at the federal level.	➤ Strong Centre: The Centre has overriding powers over the states, especially in the Concurrent List and during emergencies.
	➤ Single Constitution: There is one Constitution for both the Centre and the states.

➤ **Independent Judiciary:** The Supreme Court and High Courts have the authority to resolve disputes between the Centre and states. The Supreme Court can strike down laws that violate the federal balance.

➤ **Subhash C. Kashyap** in "Our Constitution: An Introduction to India's Constitution and Constitutional Law" asserts that **despite strong centralizing features**, the Indian system remains fundamentally federal due to the **autonomy and significant powers vested in states**.

➤ **Single Citizenship:** Citizens have a single Indian citizenship, unlike dual citizenship in classic federations.

➤ **Emergency Provisions:** During emergencies, the Centre can assume significant control over state functions.

➤ **A.G. Noorani** in "Constitutional Questions in India" criticizes the overuse of central powers, arguing that **India's federal system is often undermined by unitary tendencies**, particularly during political crises.

POST-INDEPENDENCE ERA- QUASI FEDERAL

➤ **Constitution of India (1950):** Established a **federal system with a strong centre** to maintain unity and integrity in a diverse nation. The division of powers between the centre and states was clearly outlined in the **Seventh Schedule**.

➤ **State Reorganization Act, 1956:** Redrew state boundaries **on linguistic lines to address regional demands** and promote administrative efficiency.

INDIRA GANDHI ERA (1970s-80s)

➤ **Centralization of Power:** Indira Gandhi's tenure saw **increased centralization, particularly during the Emergency (1975-77)**, which strained Center-state relations.

➤ **Sarkaria Commission (1983-88)-Recommended measures to improve Center-state relations** and promote cooperative federalism, including **greater consultation and decentralization**.

ECONOMIC LIBERALIZATION (1990S ONWARDS):

The liberalization of the Indian economy led to greater economic autonomy for states, encouraging them to attract investments and boost development.

Granville Austin in "The Indian Constitution: Cornerstone of a Nation," analyses the **historical context and debates that shaped the Indian Constitution** and its federal framework.

A. G. Noorani In "India's Federalism at Crossroads," examines the **challenges and opportunities facing Indian federalism** in the 21st century, including the **rise of competitive federalism**.

BALANCING ACT

Granville Austin emphasizes that the **Indian system's success lies in its flexibility and capacity for cooperation**, which allows it to adapt to changing circumstances while maintaining the federal balance.

4. HISTORICAL EVOLUTION OF FEDERALISM IN INDIA

Federalism in India can be traced **back to the colonial era**, with the **Government of India Act of 1935** introducing a with divided powers between the centre and provinces. However, the **post-independence Constitution** of India, adopted in 1950, established a quasi-federal system with a strong centre.

COLONIAL PERIOD- FEDERAL STRUCTURE:

Government of India Act, 1935 laid the foundation for federalism in India by **introducing provincial autonomy** and a federal structure. However, the central government retained significant powers.

5. FUNCTIONING OF INDIAN FEDERALISM

Indian federalism operates through a dynamic interplay between the central and state governments, with a structure designed to balance regional autonomy and national unity. The functioning of this system involves several key aspects:

➤ **Balancing Powers in India's Federal Structure:** India's Constitution, through the **Seventh Schedule**, divides powers between the Union and states, ensuring a balance between centralized authority and state autonomy. **M.P. Jain in Indian Constitutional Law** emphasizes that this delineation effectively maintains both central control and state independence.

- **Central Authority in Crisis Situations:** During crises like the COVID-19 pandemic, the central government's extensive powers, particularly under **Article 356**, enable the enforcement of nationwide measures. **Rajat Prakash Anand**, in *Federalism in India: Origin and Development*, underscores the importance of a strong central authority during such times.
- **Cooperative Federalism and Economic Reforms:** The implementation of the **Goods and Services Tax (GST)** exemplifies cooperative federalism, where central and state governments collaborated on unified taxation. **Subrata Mitra**, in *Power, Politics and Reform: Indian Polity in the Twenty-First Century*, highlights GST as a successful model of this cooperation.
- **Intergovernmental Coordination Mechanisms:** Institutions like the **National Water Commission** and the **National Disaster Management Authority** are key to fostering intergovernmental coordination. **Balveer Arora** in *Federalism and Inter-State Relations in India: A Critical Appraisal* discusses their significance, though **A.G. Noorani** points out that their effectiveness can be hindered by political and bureaucratic challenges.
- **Unity Through Single Citizenship:** India's concept of **single citizenship** promotes a unified national identity across states. **Granville Austin** argues that this principle is essential for the stability and integrity of the federal structure.
- **Asymmetric Federalism and Special Provisions:** Special provisions like **Article 370**, which was abrogated in 2019, exemplify asymmetric federalism. **B.L. Fadia** in *Indian Government and Politics* discusses the role of such provisions in accommodating regional diversities within the federal framework.
- **Constitutional Adaptability:** The Indian Constitution's flexibility is demonstrated by over 100 amendments, including those enhancing local self-governance through the **73rd and 74th Amendments**. **Rajeev Bhargava** in *Politics and Ethics of the Indian Constitution* praises this adaptability as a strength in evolving governance.
- **Judicial Role in Safeguarding Federalism:** The judiciary, particularly in landmark cases like **Keshavananda Bharati vs. State of Kerala**, plays a crucial role in interpreting the Constitution and safeguarding federal principles. **Upendra Baxi** in *The Indian Supreme Court and Politics* underscores the judiciary's importance in maintaining the balance of federalism.

- **Central Residuary Powers:** Matters not specifically assigned in the Constitution fall under the central government's **residuary powers**, ensuring national unity. **H.M. Seervai** in *Constitutional Law of India* argues that these powers help address unforeseen issues, maintaining the coherence of the federal system.
- **Emergency Provisions and Constitutional Order:** **Article 356**, which allows the imposition of President's Rule in states facing governance crises, is a contentious but significant provision. **Subhash C. Kashyap** in *Our Constitution* defends its necessity for maintaining constitutional order, while **A.G. Noorani** warns of its potential for misuse and its impact on federalism.

6. ISSUES PERTAINING TO INDIAN FEDERALISM

Indian federalism is dynamic, shaped by evolving economic, social, and political contexts. The federal structure faces several challenges due to the complex nature of India's diverse and pluralistic society.

Key Challenges:

- **Political Dominance and Coalition Governments:** Initially, one-party dominance led to a strong central government, but the rise of coalition governments has introduced power-sharing conflicts between the Centre and states.
- **Regionalism:** Regional identities and demands, like the creation of new states (e.g., Telangana), challenge national unity, reflecting regionalism's influence on federalism.
- **Language Conflicts:** Language disputes, such as opposition to the three-language policy, highlight tensions between regional and national identities.
- **State Reorganization:** The ability of the Centre to alter state boundaries without state consent (e.g., Telangana) raises concerns about the centralization of power.
- **Role of Governors:** The Governor's position, often seen as a tool of the central government, has been a source of controversy, especially during political transitions.
- **Central Agencies and State Autonomy:** Agencies like the CBI, often viewed as instruments of the Centre, can lead to tensions, particularly in states with opposing political leadership.

- **Economic and Social Planning:** Despite states gaining more control, the Centre's influence through bodies like NITI Aayog can lead to conflicts in planning and resource allocation.
- **Legislative Conflicts:** Disputes over legislative powers, especially when both Centre and states have overlapping jurisdiction (e.g., NIA vs. state police), are common.

Indian federalism is challenged by political dynamics, regionalism, language issues, and centralization tendencies. Addressing these challenges requires a balanced approach, fostering coordination and respecting the autonomy of states.

7 COMPARATIVE ANALYSIS WITH OTHER FEDERATIONS

When compared to other federations like the **United States, Canada, and Australia**, Indian federalism exhibits both similarities and unique features.

- **Daniel J. Elazar**, in his work "Exploring Federalism," compares different federal systems and notes that **Indian federalism is unique due to its asymmetric nature**. Unlike the symmetrical federal systems of the **US and Australia**, where **all states have equal powers**, **India grants special autonomy to certain regions** (e.g., states under Article 371).
- **Ronald L. Watts**, in "Comparing Federal Systems," emphasizes that **Indian federalism is characterized by its flexibility and adaptability**, which allows it to address the unique challenges posed by the country's diversity. He contrasts this with the **rigid federal structures in other countries**, arguing that India's approach is better suited to managing regional diversity. **Critics argue** that the comparative advantage of Indian federalism is overstated.
- **Chanchal Kumar Sharma** in his paper "Reimagining Federalism in India: Exploring the Frontiers of Collaborative Governance" argues that while Indian federalism is indeed unique, it **often struggles with issues of over-centralization and lack of genuine autonomy for the States**, which can lead to inefficiencies and conflicts. He contrasts this with the **more balanced federal systems in countries like Canada**, where provinces have significant autonomy and a greater role in national decision-making.

Indian federalism is **unique due to its emphasis on**

cooperative federalism, the vision articulated by **Granville Austin**, and the **specific balance of powers between the Centre and the States**. While it shares some features with other federal systems, it also faces distinct challenges and criticisms that highlight the complexities of managing such a diverse and populous nation.

8. COOPERATIVE FEDERALISM IN INDIA

In India, cooperative federalism refers to **a system where the Central and State governments work collaboratively** to formulate and implement policies, ensuring that both levels of government function harmoniously and in coordination.

VALUE ADDITION: SCHOLARLY VIEWS

C. P. Bhambhri: In "The Indian State: Fifty Years," Bhambhri argues that cooperative federalism is essential for managing India's diverse needs. He stresses that effective governance and development rely on cooperation between the Centre and States. Without such collaboration, addressing India's complex diversity and varied aspirations would be difficult.

Rajat Prakash Anand: In "Federalism in India: Origin and Development," Anand highlights the importance of cooperative federalism for addressing regional disparities and promoting national integration. He acknowledges the strong Centre in the Constitution but emphasizes the need for intergovernmental collaboration to ensure balanced development and reduce regional imbalances.

K. C. Wheare (Critic): In "Federal Government," Wheare critiques the Indian federal system's centralizing tendencies, which he believes undermine State autonomy. He argues that the Central government's dominance leads to conflicts and inefficiencies, weakening the federal structure and creating tensions between the Centre and the States.

A. GRANVILLE AUSTIN'S PERSPECTIVE ON INDIAN FEDERALISM

THREE STRANDS OF THE INDIAN CONSTITUTION:

In "The Indian Constitution: Cornerstone of a Nation," he argues that the **Constitution is a seamless web of secularism, democracy, and federalism**.



- This structure is designed to accommodate India's vast diversity while maintaining national unity.

COOPERATIVE FEDERALISM:

- Austin emphasizes the importance of cooperative federalism, where the Centre and States work together in **a spirit of cooperation and coordination**.
- He believes this approach is **essential for managing the country's socio-cultural diversity** and addressing regional aspirations.
- The framers of the Constitution envisioned this collaborative **framework to ensure effective governance** and national integration.

CRITIQUES OF AUSTIN'S PERSPECTIVE

- Critics argue that Austin **underestimates the centralizing tendencies** inherent in the Indian federal system. The Central government often exerts **undue influence over the States, leading to an imbalance of power**.
- In "Politics in India," **Rajni Kothari** contends that the practical implementation of cooperative federalism reveals **a dominance of central authority**. Central government's influence can **undermine the autonomy of state governments**. This **centralizing tendency can overshadow the spirit of cooperation**, making it difficult to achieve true federalism as envisioned by the framers.

B. CURRENT STATE OF COOPERATIVE FEDERALISM

STRENGTHS

- **Collaborative Mechanisms:** The **NITI Aayog**, established in 2015, serves as a platform for cooperative federalism by promoting dialogue between the Centre and States on policy matters. The **GST Council**, which includes representatives from both the Centre and States, facilitates the uniform implementation of the Goods and Services Tax, exemplifying effective cooperative decision-making.
- **Fiscal Transfers:** The **Finance Commission**, tasked with recommending the distribution of financial resources between the Centre and States, plays a key role in ensuring equitable fiscal transfers. For example, the 15th Finance Commission's recommendations aimed to address disparities and provide fiscal support to States, helping to balance resources and responsibilities.

CHALLENGES

- **Political Divergences:** Political differences can obstruct cooperative federalism. For instance, the conflicts between the Central government and various opposition-led State governments over issues like the implementation of the **National Register of Citizens (NRC)** and the **Citizenship Amendment Act (CAA)** highlight how divergent political agendas can impact cooperation.
- **Implementation Gaps:** Bureaucratic inefficiencies and coordination issues often hinder policy execution. The rollout of the GST, despite its collaborative framework, faced challenges such as compliance issues and administrative delays, illustrating how gaps in implementation can affect the effectiveness of cooperative federalism.

C. RECOMMENDATIONS FOR STRENGTHENING COOPERATIVE FEDERALISM

- **Strengthening Institutions:** There is a **need to strengthen existing institutions** like the Inter-State Council and NITI Aayog to enhance their effectiveness in promoting cooperative federalism.
K.C. Wheare in "Federal Government" argues for **stronger institutional mechanisms** to ensure sustained cooperative federalism.
- **Enhancing State Capacities:** Building the administrative and fiscal capacities of states is crucial for **more effective participation** in cooperative federalism. **M. P. Singh** in "Indian Federalism in the New Millennium" emphasizes the importance of **empowering states** through capacity-building initiatives.
- **Promoting Inclusive Governance:** Ensuring that cooperative federalism **includes the perspectives and needs of all states**, especially smaller and economically weaker ones, is vital. **Raja Chelliah** in "Institutional Reforms for Inclusive Federalism" suggests reforms to **make cooperative federalism more inclusive** and participatory.

Ultimately, the strength of India's federal system lies in its ability to adapt and evolve through cooperative mechanisms, fostering a governance model that respects the autonomy of States while ensuring the unity and integrity of the nation. Moving forward, it is essential to continue strengthening these cooperative frameworks, promoting trust and collaboration across all levels of government for the holistic development of the country.

9. COMPETITIVE FEDERALISM IN INDIA

Competitive Federalism refers to a system of federalism where the different states or regions within a country compete with each other to attract investment, resources, talent, and economic opportunities. This competition is often driven by the desire to outperform other states in areas like economic growth, infrastructure development, ease of doing business, and social indicators.

A. HISTORICAL CONTEXT AND EVOLUTION

Historically, India's federalism was cooperative, with the Centre and states collaborating on policymaking. However, **since the 1990s economic reforms**, there's been **a shift towards competitive federalism**, driven by the **rise of regional parties, increased state autonomy, and competition for resources** and investments.

- **Economic Reforms (1991):** The **economic liberalization policies** introduced in 1991 ushered in **an era of market-driven competition**, prompting states to compete for investments and resources to fuel their economic growth. **Bibek Debroy** in "Economic Reforms and Performance: Indian Experience" discusses that **economic liberalization spurred competitive federalism** by encouraging states **to create favorable business environments**.
- **Rise of Regional Parties:** The emergence of regional parties in various states strengthened regional identities and demands for greater autonomy, leading to a more competitive dynamic between the Centre and states.
- **Fiscal Decentralization:** The **devolution of financial powers to states** through the Finance Commission recommendations and other measures has empowered states to take independent decisions and pursue their own development agendas. **M. Govinda Rao** in "Changing Contours of Federal Fiscal Arrangements in India" examines the impact of increased fiscal autonomy on state-level economic competition.
- **14th Finance Commission:** The recommendations of the 14th Finance Commission (2015-2020) further strengthened competitive federalism by **increasing the share of tax revenues transferred to states**, giving them more financial autonomy and responsibility.

- **NITI Aayog: Replacing the Planning Commission in 2015,** NITI Aayog promotes **cooperative and competitive federalism** by encouraging states to compete on various developmental indicators. **Ratan Roy** in "The NITI Aayog: Continuity and Change" highlights that NITI Aayog **fosters both cooperative and competitive federalism** through its policy initiatives and performance-based assessments.

B. KEY POLICIES AND PRACTICES OF COOPERATIVE FEDERALISM

Competitive federalism in India is manifested through various policies and practices:

- **State-Specific Policies:** States are **increasingly formulating and implementing** policies tailored to their specific needs and priorities, often diverging from central policies.
- **Investment Incentives:** States compete to attract investments by **offering tax breaks, land concessions**, and other incentives to businesses.
- **Ease of Doing Business Rankings:** The Department for Promotion of Industry and Internal Trade (DPIIT) publishes **state-wise Ease of Doing Business rankings**, encouraging states to improve their regulatory frameworks to attract investment. **Arvind Panagariya** in "India's Tryst with Destiny" argues that these rankings have driven states to reform their business environments, fostering healthy competition.
- **Smart Cities Mission:** The Smart Cities Mission encourages cities to compete for funding and recognition based on their proposals for urban development and innovation. **Partha Mukhopadhyay** in "Urbanisation in India: Challenges, Opportunities and the Way Forward" discusses that competitive selection processes in missions like Smart Cities **promote urban innovation and development**.
- **Aspirational Districts Programme:** Launched by NITI Aayog, this program identifies and targets districts lagging in key development indicators. Districts compete for additional resources and recognition based on their performance improvements. **Shyam Saran** in "How India Sees the World" highlights the **potential of the Aspirational Districts Programme** to drive competitive federalism at the district level.

- **Goods and Services Tax (GST):** While GST is often cited as a cooperative federalism initiative, its implementation also fosters competition among states to improve compliance and efficiency in tax administration.

M. Govinda Rao and R. Kavita Rao in "Governing Taxation: A Comparative Study of India and China" analyse that GST implementation has **introduced competitive elements** in state tax administrations.

C. CURRENT STATE OF COMPETITIVE FEDERALISM

SUCCESSSES	CHALLENGES
➤ Improved Governance: States have undertaken significant reforms in governance, infrastructure, and public services to attract investment. ➤ Economic Growth: Competitive federalism has contributed to economic growth by promoting a more dynamic and responsive state-level policy environment. ➤ Innovation: States have become more innovative in policy-making, adopting best practices from each other.	➤ Regional Disparities: Not all states have equally benefited from competitive federalism, leading to widening regional disparities. ➤ Resource Allocation: There is a need to ensure that competition does not result in suboptimal resource allocation or a race to the bottom in terms of regulations and incentives.

D. FUTURE DIRECTIONS FOR STRENGTHENING COMPETITIVE FEDERALISM

- **Balancing Competition and Cooperation:** While competition is essential for innovation and efficiency, there must also be mechanisms for cooperation, particularly in areas like public health, education, and environmental sustainability. **M. P. Singh** in "Indian Federalism in the New Millennium" emphasizes the need for a balanced approach that fosters both competitive and cooperative federalism.

- **Strengthening Institutions:** Enhancing the **capacity and autonomy of institutions** like the Finance Commission and NITI Aayog can help in better managing the competitive dynamics among states.

Rajat Prakash Anand in "Federalism in India: Origin and Development" argues for **institutional reforms to support competitive federalism** more effectively.

- **Inclusive Development:** Ensuring that **lagging states receive adequate support to compete** on a level playing field is crucial. This can be achieved through **targeted investments and capacity-building initiatives**. **Arvind Subramanian** in "Of Counsel: The Challenges of the Modi-Jaitley Economy" suggests **policies that can help less developed states catch up**, thereby making competitive federalism more inclusive.

- **Policy Innovation and Dissemination:** Encouraging states to **experiment with innovative policies** and disseminate successful practices can drive overall national progress. **Jean Drèze and Amartya Sen** in "An Uncertain Glory: India and its Contradictions" advocate for a system where states **can learn from each other's successes and failures**, promoting a more robust and dynamic federal system.

VALUE ADDITION

SUPPORTIVE VIEWS:

- **Rekha Saxena** argues that competitive federalism can **promote economic growth and development by incentivizing states** to improve their governance and policies.
- **Louise Tillin** suggests that competitive federalism can **empower states to address their specific needs** and aspirations more effectively.

CRITICAL VIEWS:

- **Balveer Arora** expresses concerns that competitive federalism can lead to a race to the bottom, where states compromise on social and environmental standards to attract investments.
- **A.G. Noorani** cautions that excessive competition between states can undermine

Competitive federalism is a complex and evolving phenomenon in India. While it has the potential to drive growth and innovation, it also poses challenges that

need to be addressed through a balanced approach that combines competition with cooperation.

By strengthening cooperative mechanisms, promoting fair competition, protecting national standards, and encouraging innovation, India can harness the benefits of competitive federalism while mitigating its potential negative consequences. Through these measures, India can achieve sustainable and inclusive growth, leveraging its federal structure to its fullest potential.

10. ARTICLES 2 AND 3 OF THE INDIAN CONSTITUTION

Articles 2 and 3 of the Indian Constitution deal with the admission, establishment, and reorganization of states within the Union of India. These articles provide the legal framework for the creation of new states, alteration of boundaries, and changes in the names of existing states.

A. ARTICLE 2: ADMISSION OR ESTABLISHMENT OF NEW STATES

PROVISIONS:

- Article 2 grants the Parliament the power to admit new states into the Union of India.
- It also empowers Parliament to establish new states by law. This means that Parliament can integrate territories into India that were not previously part of the Indian Union.

IMPLICATIONS:

- This article has been used historically for the integration of princely states after independence, as well as for the inclusion of territories like Sikkim, which was admitted into the Union as a state in 1975.
- Article 2 enables the Union of India to expand by incorporating new regions, whether through treaties, agreements, or other means.

B. ARTICLE 3: ADMISSION OR ESTABLISHMENT OF NEW STATES

PROVISIONS:

Article 3 allows Parliament to:

- Form a new state by separating territory from any existing state.

- Increase the area of any state.
- Diminish the area of any state.
- Alter the boundaries of any state.
- Change the name of any state.

However, before introducing such a bill in Parliament, the President is required to refer it to the legislature of the state(s) concerned for their views. The state legislature must express its opinion within a specified period, though Parliament is not bound by it.

IMPLICATIONS:

- Article 3 has been the basis for the reorganization of states, such as the formation of new states like Telangana (carved out of Andhra Pradesh in 2014) and Uttarakhand, Jharkhand, and Chhattisgarh (all formed in 2000).
- This article ensures that while the Union government has the power to reorganize states, the process involves consultation with the affected states, maintaining a balance between central authority and state autonomy.

STATE REORGANIZATION:

State reorganization in India has been a **continuous process**, driven by **linguistic, ethnic, and administrative considerations**. The **States Reorganisation Act of 1956** was a major event, creating linguistic states and significantly altering the political map of India.

S. R. Bommai v. Union of India (1994) is a landmark case where the Supreme Court of India emphasized the **federal nature of the Constitution**, asserting that **states are not mere administrative units but integral parts of the federal structure**. The court held that any changes to state boundaries should **respect the principles of federalism** and democracy.

FEDERALISM AND TERRITORIAL INTEGRITY

Provisions of Articles 2 and 3: The provisions under Articles 2 and 3 of the Indian Constitution emphasize the **flexibility** and **unitary nature** of the Indian federation. They grant Parliament significant power to manage **state boundaries**, while ensuring that the interests of states are considered through **mandatory consultation**.

SUPPORTIVE PERSPECTIVES

- **D.D. Basu** in "Introduction to the Constitution of India" argues that these provisions are crucial for maintaining the **territorial integrity** of the nation while addressing **administrative convenience and regional aspirations**.
- **Granville Austin** in "The Indian Constitution: Cornerstone of a Nation" highlights that the framers envisioned a **flexible federal** structure to respond to the changing needs and diversity of the country.

Criticism of Centralization: However, critics contend that these provisions undermine the federal structure by **centralizing power** in Parliament. **Rajni Kothari**, in "Politics in India," criticizes this centralization, asserting that it often leads to **arbitrary decisions** that do not adequately reflect the wishes of the affected states.

CRITIQUE AND ANALYSIS OF CENTRAL AUTHORITY OVER STATE BOUNDARIES

Provisions of Articles 2 and 3: The provisions under Articles 2 and 3 of the Indian Constitution emphasize the flexibility and unitary nature of the Indian federation. They grant Parliament significant power to manage state boundaries, while ensuring that the interests of states are considered through mandatory consultation.

Supporters argue that:

- It allows for **administrative efficiency and better governance**.
- It provides a **mechanism to address regional demands** and aspirations.
- It helps **maintain national unity and integrity** by preventing regionalism from threatening the sovereignty of the country.

Critics argue that:

- It centralizes too much power in the hands of Parliament, **undermining the federal principle**.
- It often **disregards the sentiments and wishes** of the affected states and their populations.
- It can be **used as a political tool** by the ruling party at the Centre to manipulate state boundaries for electoral gains.

B. D. Dua and M. P. Singh in their edited volume "Indian Federalism in the New Millennium" argue that the frequent reorganization of states has sometimes been **driven more by political considerations** than by genuine administrative or cultural needs.

11. DEMAND FOR NEW STATES IN INDIA

The resurgence of statehood demands in India reflects the complex interplay of economic, cultural, and political factors. Each movement underscores the perceived benefits of smaller states, such as more localized governance, better resource management, and the preservation of cultural identities. However, these demands also pose significant challenges, including the risk of further fragmenting the nation, potential administrative inefficiencies, and questions about the economic viability of new states.

A. FACTORS INFLUENCING STATEHOOD MOVEMENTS

The demand for new states in India is a multifaceted issue, driven by various factors:

- **Ethno-Linguistic Identity:** One of the most significant factors behind statehood demands. Communities with distinct languages, cultures, or ethnicities often seek recognition and autonomy to preserve and promote their identity.
 - **Paul R. Brass** emphasizes the **importance of language and ethnicity** in mobilizing statehood movements. He highlights that the **desire for cultural recognition and political representation** is a powerful motivator for these movements.
 - **Example:** The demand for Telangana was driven by the distinct Telugu culture, different from that of Andhra Pradesh.
- **Regional Disparities:** Uneven development and perceived neglect of certain regions within a state can fuel demands for separate states. Proponents believe a **smaller administrative unit can better address their specific needs** and concerns.
 - **Atul Kohli** highlights the **uneven distribution of resources and opportunities within India**, fuelling regional discontent and demands for separate states.
 - **Example:** **Vidarbha's demand for statehood** within Maharashtra due to its economic neglect.
- **Economic Factors:** Economic considerations, such as **access to resources, control over revenue generation, and potential for economic growth**, can drive statehood demands. Communities often believe that a separate state would enable them to harness their economic potential more effectively.

- **Jean Drèze and Amartya Sen** underscore the **economic disparities contributing to statehood demands**, arguing that the creation of new states can **potentially improve economic outcomes for marginalized regions**.
- **Example:** The **demand for Bundelkhand**, spanning Uttar Pradesh and Madhya Pradesh, aims to address economic backwardness and chronic water scarcity.
- **Political Factors:** Political motivations, such as the **desire for greater political representation and power**, play a significant role in statehood movements. Local leaders and political parties may champion the cause of a new state to consolidate their power base and gain political leverage.
- **Lloyd I. Rudolph and Susanne Hoeber Rudolph** explore the **role of political elites and parties in shaping statehood movements**, emphasizing the interplay of regional identities, political aspirations, and electoral calculations.
- **Example:** The **Bodo community's demand for Bodoland in Assam** to ensure their political representation and protect their cultural identity.
- **Historical Grievances:** Historical injustices, **perceived discrimination, or a sense of historical neglect** can fuel resentment and lead to demands for a separate state. Communities may seek to redress past grievances and **achieve greater autonomy** through statehood.
- **Ramachandra Guha** sheds **light on the historical grievances underpinning many statehood demands**, arguing that addressing these historical legacies is crucial for resolving such conflicts.
- **Example:** The **demand for Gorkhaland in West Bengal**, driven by historical and cultural grievances of the Gorkha community.

B. IMPLICATIONS OF STATEHOOD DEMANDS

- **Administrative and Financial Burden:** Creating new states involves **substantial administrative and financial costs**, including setting up new infrastructure, institutions, and government machinery.
- **B. D. Dua** argues that while **smaller states can lead to better governance**, their economic viability and administrative sustainability must be considered.

- **Inter-State Disputes: Division of assets, liabilities, and resources** between the parent state and the new state can lead to conflicts and disputes.
- **Ashutosh Varshney** discusses how statehood demands can both alleviate and exacerbate political tensions, depending on how they are managed.
- **Political Instability:** Statehood movements can create political instability and unrest, especially if not handled carefully and through dialogue.
- **Amitabh Kundu** highlights that while state reorganization can **address regional disparities, it requires effective economic planning** and resource management.
- **Fragmentation:** Excessive fragmentation of states can **undermine national unity and pose challenges for governance and administration**.
- **Lancy Lobo** examines how statehood can **both strengthen and challenge social cohesion**, depending on the inclusiveness of the process.

The demand for new states in India is driven by ethno-linguistic identity, economic development, political autonomy, and historical factors, exemplified by **Telangana's creation**. While reorganization can **enhance efficiency and growth**, it poses challenges like political stability and resource management. A **balanced approach**, considering both regional aspirations and national implications, is essential. Dialogue and consultation are key to addressing statehood demands sustainably.

12. POLITICAL FACTORS IN CENTRE-STATE RELATIONS

Political dynamics significantly shape Centre-State relations in India. The relationship between the Centre and the States is influenced not only by constitutional provisions but also by the political context, including party politics, electoral considerations, and leadership dynamics.

➤ PARTY POLITICS

- **Same Party at Both Levels:** When the same political party or coalition is in power at both the Centre and in several states, Centre-State **relations tend to be more cooperative**.
- **Different Parties in Power:** Conversely, different parties or coalitions in power can **lead to conflicts and friction**.

- **Granville Austin** in "The Indian Constitution: Cornerstone of a Nation" points out that the **dominance of a single party** (like the Congress Party in the early decades post-independence) **helped maintain a cooperative federal structure**, but the rise of regional parties has added complexity to Centre-State relations.

➤ LEADERSHIP DYNAMICS

- **Influence of Leaders:** The personalities and political strategies of leaders at the Centre and State levels play a crucial role. Strong, charismatic leaders may influence Centre-State interactions more effectively than others.
- **M.P. Singh** in "Indian Federalism in the New Millennium" emphasizes that **leadership styles and personal rapport** between leaders at the Centre and States can **either smooth over or exacerbate** intergovernmental conflicts.

A. INFLUENCE OF POLITICAL DYNAMICS ON FEDERAL PRACTICES

Political dynamics can influence federal practices in several ways:

➤ POLICY IMPLEMENTATION

- **Resistance by Opposition States:** States ruled by **opposition** parties may resist or modify the implementation of central policies and programs, leading to conflicts. For instance, the **implementation of the Goods and Services Tax (GST)** faced resistance from some states initially.
- **Rajat Prakash Anand** in "Federalism in India: Origin and Development" highlights that **political considerations can lead to selective implementation** of policies based on the ruling party's agenda at the Centre and States.

➤ RESOURCE ALLOCATION

- **Preferential Treatment:** Political factors can influence the **allocation of central resources** to states. States aligned with the ruling party at the Centre may receive preferential treatment in terms of financial assistance and project approvals.
- **Amit Ahuja and Ashutosh Varshney** in "Migration, Bureaucracy, and Exclusion: Politics of Belonging in Contemporary India" discuss that central

➤ CENTRAL INTERVENTIONS

- **Use of President's Rule:** The central government may use constitutional provisions, such as **Article 356 (President's Rule)**, to **intervene in state affairs**, often influenced by political motives. The **frequent imposition of President's Rule** in states ruled by opposition parties has been a contentious issue.
- **A.G. Noorani** in "Constitutional Questions in India" argues that the use of President's Rule has often been driven by political considerations rather than genuine constitutional crises.

B. CASE STUDIES AND EXAMPLES

TAMIL NADU AND THE CENTRE:

Political Leadership: Leaders like M.G. Ramachandran and J. Jayalalithaa often **opposed central policies unfavorable** to Tamil Nadu. **V.K. Natraj** in "Federalism in India: A Case Study of Tamil Nadu" highlights Tamil Nadu's historical assertion of state autonomy.

WEST BENGAL AND THE CENTRE:

State-Centre Conflicts: Under Mamata Banerjee, West Bengal has had **strained relations with the Centre** over issues of state autonomy. **Sumit Ganguly** in "Federalism and Regionalism in India" discusses that **political opposition in West Bengal** leads to policy and resource allocation conflicts with the Centre.

MAHARASHTRA AND THE CENTRE:

Coalition Politics: The coalition between Shiv Sena, NCP, and Congress against the BJP creates a unique political landscape. **Suba Chandran** in "Political Coalitions and Federalism: The Case of Maharashtra" explores that **state-level coalition politics** influence Centre-State interactions through bargaining and negotiations.

C. ANALYSIS OF POLITICAL VS. CONSTITUTIONAL FACTORS

Centre-State relations in India are shaped by a complex interplay between political dynamics and constitutional provisions. Both these factors play critical roles in determining how power is distributed, exercised, and contested between the Centre and the States.

► POLITICAL FACTORS:

- **Shaping Relations:** Political dynamics, including **party alignments, electoral strategies, and leadership styles**, often shape the practical aspects of Centre-State relations.
- **Cooperation or Conflict:** Political factors can lead to cooperative or contentious relationships, **influencing policy implementation, resource allocation**, and central interventions.

► CONSTITUTIONAL FACTORS:

- **Structured Mechanism:** The constitutional framework provides a structured mechanism for Centre-State relations, outlining the division of powers, financial arrangements, and dispute resolution mechanisms.
- **Balancing Act:** Constitutional provisions aim to balance the autonomy of states with the authority of the Centre, but political factors often override constitutional norms in practice.

Granville Austin in "**Working a Democratic Constitution: The Indian Experience**" argues that while the **Constitution provides a robust framework for federalism**, the practical dynamics of Centre-State relations are heavily influenced by political considerations.

Subhash C. Kashyap in "**Indian Polity: Retrospect and Prospect**" suggests that **political factors should be harmonized with constitutional principles** to ensure a stable and cooperative federal structure.

Political factors are crucial in shaping Centre-State relations in India. While the constitutional framework sets the structure for federalism, party politics, leadership styles, and electoral considerations significantly influence these interactions. Balancing political and constitutional elements is essential for harmonious Centre-State relations and the effective functioning of India's federal system.

13. INSTANCES OF CENTRALIZING TENDENCIES

Centralizing Tendencies in India refer to the **increasing concentration of power and decision-making authority at the central government level**, often at the expense of the autonomy and powers of state governments. These tendencies can manifest through legislation, policy decisions, or administrative practices

that the central government's control over various aspects of governance, reducing the role and influence of state governments.

A. KEY ASPECTS OF CENTRALIZING TENDENCIES IN INDIA

- **Dominance in Legislative Powers:** The Indian Constitution provides a division of powers between the Centre and States through the Union List, State List, and Concurrent List. However, over time, the Centre has increasingly legislated on matters in the Concurrent List, sometimes even encroaching upon subjects in the State List.

Example: The **introduction of the Goods and Services Tax (GST)** subsumed various state taxes into a single national tax, which is governed by the GST Council—a body in which the Centre plays a significant role.

- **Emergency Provisions:** The President's Rule under Article 356 allows the central government to dismiss a state government and assume direct control of the state's administration if there is a perceived failure of constitutional machinery. This provision has been used in the past, sometimes controversially, to dissolve state governments that were in opposition to the ruling party at the Centre.

Example: The **frequent imposition of President's Rule** in states during the 1970s and 1980s was seen as a tool for central dominance over state governments.

D.D. Basu in "**Introduction to the Constitution of India**" highlights that the **misuse of Article 356** has often been **criticized as a tool for political centralization**.

- **Control Over Financial Resources:** The Centre has significant control over the collection and distribution of financial resources, which can limit the fiscal autonomy of states. The Finance Commission and centrally sponsored schemes often determine how funds are allocated, sometimes imposing conditions that states must follow.

Example: The introduction of **centrally sponsored schemes (CSS)** like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) involves significant central control over how funds are allocated and spent by the states.

- **Rajat Prakash Anand** in "**Federalism in India: Origin and Development**" argues that financial dependence on the Centre limits the **fiscal**

autonomy of states, contributing to centralization.

- **National Security and Law & Order:** The central government's authority over national security and internal law and order can override state powers, especially in cases involving the deployment of central forces in states or the use of anti-terrorism laws that supersede state laws.

Example: The **use of central forces in states to maintain law and order**, sometimes without state consent, can be viewed as a centralizing tendency.

- **Policy Implementation:** The central government often implements nationwide policies and reforms, sometimes with limited input from state governments, leading to a more centralized approach to governance.

Example: The **rollout of the Aadhaar** (biometric identification) system and the Digital India campaign were centrally driven initiatives with significant implications for state administration and services.

B. IMPLICATIONS OF CENTRALIZING TENDENCIES

- **Reduction in State Autonomy:** Centralizing tendencies can lead to a reduction in the decision-making powers and autonomy of state governments, affecting their ability to address local needs and priorities.
- **Federal Imbalance:** A stronger Centre can create an imbalance in the federal structure, potentially leading to tensions between the Centre and States, especially in a diverse country like India where regional identities and needs vary significantly.
- **Political Tensions:** Centralizing tendencies can exacerbate political tensions, particularly when the central and state governments are led by different political parties, leading to conflicts over governance and resource allocation.
- **Challenges to Cooperative Federalism:** These tendencies can undermine the spirit of cooperative federalism, where the Centre and States are supposed to work together in harmony for the nation's development.

While centralizing tendencies can sometimes be justified in the interest of national unity and uniformity, they also need to be balanced with the principles of federalism to ensure that the diverse needs of India's states and regions are adequately addressed.

14. MECHANISMS FOR SETTLING INTER-STATE DISPUTES IN INDIA

In India, several mechanisms have been established to settle inter-state disputes, particularly those related to water sharing, boundary issues, and other administrative matters. These mechanisms are designed to ensure that disputes between states are resolved in a fair and constitutional manner, preserving the federal structure of the country.

A. MECHANISMS FOR RESOLVING INTER-STATE DISPUTES

The Indian Constitution provides **several mechanisms to address and resolve inter-state disputes**, ensuring the maintenance of cooperative federalism, like:

1. ARTICLE 131: ORIGINAL JURISDICTION OF THE SUPREME COURT

The Supreme Court has original jurisdiction in **any dispute between the Government of India and one or more states**, or between two or more states. This provision ensures **a judicial mechanism** to resolve conflicts.

2. ARTICLE 262: ADJUDICATION OF WATER DISPUTES

This article empowers Parliament **to enact laws for the adjudication of inter-state river water disputes**. Consequently, the Inter-State River Water Disputes Act, 1956, was enacted to provide for the **establishment of tribunals** to adjudicate such disputes.

3. ARTICLE 263: PROVISIONS WITH RESPECT TO AN INTER-STATE COUNCIL

This article provides for the establishment of an Inter-State **Council to inquire into and advise upon disputes** which may have arisen between states, and to discuss subjects of common interest between the Union and states.

4. ZONAL COUNCILS

Establishment and Composition:

- Established under the **States Reorganization Act, 1956**, there are **five Zonal Councils** (Northern, Southern, Eastern, Western, and Central).
- Each council is **chaired by the Union Home Minister**, with Chief Ministers of the states in the zone as members.

Functions:

- **Discussing and resolving issues related to economic and social planning**, border disputes, inter-state transport, and matters concerning linguistic minorities.
- **Promoting regional cooperation** and coordination.

5. NEGOTIATION AND MEDIATION

States often engage in **direct negotiations and mediation efforts to resolve disputes amicably** before resorting to legal mechanisms. Central government intervention sometimes aids in facilitating these negotiations.

B. INTER-STATE COUNCIL: ASSESSMENT OF WORKING

The Inter-State Council is a permanent constitutional body created for inter-State coordination. It is the only constitutional body to deal with federal disputes in a comprehensive manner. It has a high potential to strengthen vertical and horizontal cooperation in Indian Federalism. It was established in 1990 based on the recommendations of the **Sarkaria Commission**.

Functions:

- **Inquiring into and advising upon disputes** between states.
- Investigating and **discussing subjects of common interest**.
- Making **recommendations for better coordination** of policy and action.

However, the potential of the ISC as a federal platform has not been tapped effectively. Various issues and recommendations associated with the working of the ISC are as follows:

SR. NO.	ISSUES	RECOMMENDATIONS
1.	Non-permanent body: The ISC is not a permanent constitutional body; it only comes into existence through a Presidential Order.	The Punchhi Commission recommended that the ISC should be given either constitutional or statutory status and endowed with sufficient resources to carry out its functions effectively".

2.	Advisory in nature: ISC is a recommendatory body, and decisions are non-binding on the Center as well as states.	The Punchhi Commission recommended for strengthening consensus-building and voluntary settlement of disputes.
3.	Lack of technical expertise: Currently, the ISC lacks expertise on technical matters.	The Punchhi Commission also recommended that the ISC should have expert advisory bodies or administrative tribunals with quasi-judicial authority to give recommendations to the ISC as and when needed. The Sarkaria Commission had suggested that the ISC and its Standing Committee should be given the power to set up ad hoc Sub-Committees to investigate special matters .
4.	Infrequent meetings: As per the ISC order it is supposed to meet three times a year. However, there was a gap of ten years between the 10th meeting held in 2006 and the 11th meeting in 2016. The infrequent nature of meetings suggests a lack of seriousness on part of the Governments in focusing on issues intergovernmental cooperation.	Giving constitutional or statutory status to the ISC may ensure that the ISC meets regularly and is given sufficient resources. The meetings of the ISC need to be conducted more frequently with detailed preparation of the agenda by the Secretariat in consultation with the parties.

The Supreme Court's Suggestion: Supreme Court in *Lalit Miglani vs State of Uttarakhand* 2016 directed Union government to establish Inter-State Council for all riparian states through which Ganga flows to make recommendations to Central Government for the rejuvenation of river.

All the Chief Ministers of the riparian States can be inducted as members of the inter-State Council along with various experts in the field of ecology, environment, irrigation, etc.

C. INTER-STATE WATER DISPUTES IN INDIA

Inter-State Water Disputes in India are a significant challenge due to the shared nature of river systems and the competing demands from different states for water resources. These disputes arise primarily because rivers often traverse multiple states, leading to conflicts over water allocation, usage rights, and management, especially during periods of scarcity.

Except the Ravi & Beas Water Tribunal, all other Tribunals have taken between 5 to 27 years to give the final verdict. Further, the decisions by the Tribunals have been challenged in the Supreme Court which further delayed the implementation of the decisions.

a. ISSUES WITH FUNCTIONING OF ISWD TRIBUNALS

The fundamental issues with the provisions and the mechanism are:

➤ **CONSTITUTIONAL AMBIGUITY:** While the **Union List** mentions “**interstate water**,” the **State List** simply uses the term “**water**” to signify what is essentially “**surface water**” confined within the boundaries of the state.

This has allowed states to legislate on the entire extent of surface water available within its borders, regardless of whether the source of the river or its tributary is located outside its boundary, or the river is draining into another state.

The **Sarkaria Commission** has noted that Parliament should declare the extent to which its involvement is justified in this regard, before enacting legislation towards this end.

➤ **INSTITUTIONAL AMBIGUITY:** The tribunals lack the authority to enforce the awards efficiently, the Supreme Court's intervention under **Article 136 (Special Leave Petition)** undermines their role as adjudicators.

Thus, Article 262 prevents the judiciary from directly adjudicating ISWDs, but Article 136 allows the Supreme Court to hear appeals against tribunals, creating ambiguity over the ultimate adjudicatory power of the Tribunals.

➤ **OTHER ISSUES WITH WATER DISPUTES TRIBUNAL;** The tribunals were conceived as an innovative experiment in 1956, but they have failed in their endeavour (Fali. S. Nariman). The reasons are given below:

- **Operational Irregularities:** Operational characteristics of the tribunals **do not adhere to any established system**. For instance- The sittings are not routine, the functioning is outside the regular court system.
- **Poor Technical Expertise:** Most of the tribunal members for interstate water disputes are from the **Judiciary**, lacking diverse and technical expertise. This has resulted into lack of a multi-disciplinary approach to dispute settlement.
- **Lack of Scientific Data:** There's insufficient data on **water flows, seasonal changes, and availability**, leading to uncertainties regarding availability and sharing of water. Monsoonal rainfall variations can also cause water shortages.

Hence, historically **extraordinary delays** in constituting tribunals, like the Godavari water dispute (request in 1962, tribunal in 1968, award in 1979), led to prolonged disputes. The Cauvery Water Dispute saw a similar delay, prompting intervention in 1990 after the Tamil Nadu government's 1970 request.

Following efforts were taken by the Central Government to overcome the issues:

b. 2002 AMENDMENT TO THE ISWD ACT, 1956

- **Time-bound Constitution:** It mandated tribunal constitution within a year of the request.
- **Timeframe:** The tribunal was required to issue awards within **three years**, extendable by **two years**, establishing a **maximum five-year timeframe**.
- The Tribunal Awards will have the same force as the **order or decree of Supreme Court**.

c. THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2019

2019 Amendment bill was aimed at overcoming the inefficiencies and address above mentioned issues.

KEY PROVISIONS OF THE ISWD (AMENDMENT) BILL 2019:

1. Disputes Resolution Committee (DRC): Government-mandated committee for amicable resolution within one year, extendable by six months.
2. DRC Members: Experts from relevant fields appointed by the central government.
3. Permanent Tribunal: Standalone tribunal creation with multiple benches, dissolving existing ones and transferring pending disputes.
4. Data Bank and Information Maintenance: Transparent data collection nationally for each river basin, managed by a single agency.

In essence, the amendments aim to streamline dispute resolution, enhance tribunal efficiency, and establish a robust framework for transparent data management, providing a comprehensive approach to address interstate water disputes in India.

d. CHALLENGES AND ANALYSIS OF THE BILL

- **Issues with DRC:** Elevated role raises concerns about empowerment, neutrality, and clarity regarding its relationship with the Permanent Tribunal. Doubts persist about its ability to achieve negotiated settlements.
- **Conflict with Judiciary:** The bill doesn't address the Supreme Court's jurisdiction asserted in 2016 and 2018, leading to a jurisdictional conflict.
- **Selection of Tribunal Judges:** The inclusion of a committee, including political figures, raises concerns about potential politicization.

Therefore, it can be argued that, while the 2019 Amendment Bill aims to streamline water dispute resolution, addressing concerns related to the DRC's role, potential conflicts with the judiciary, and the selection of tribunal judges is crucial for effective implementation and the prevention of further jurisdictional challenges.

e. WAY FORWARD

Following measures can be taken to strengthen the mechanism and resolve the disputes in efficient manner:

- **Integrated Approach:** Rather than acting as a dispute resolution authority, the Union government should play a proactive role of a basin-wide authority.
- **Role of Inter-State Council:** Bringing inter-state water disputes under the purview of the Interstate Council can be **an effective political mechanism** for fostering a consensus-based decision-making approach.
- **Incentivize Water Efficiency:** The states should be incentivized to enhance water use efficiency across various sectors, **integrating water harvesting and recharging practices** to alleviate pressure on river water and local water sources.
- **Unified Water Management Agency:** The establishment of a unified water management agency, grounded in **scientific principles**, is essential for both ground and surface water.
- **Central Repository for Water Data:** The creation of a central repository for water data is vital to facilitate well-informed decision-making.

Lastly, the central government needs to play a **more proactive role** in addressing and resolving inter-state water disputes to ensure efficient and equitable water resource management.

While India has established multiple mechanisms to address inter-state water disputes, **challenges such as delayed adjudication, non-implementation of awards, and political tensions** persist.

Strengthening these mechanisms through legal and institutional reforms, promoting integrated water management, and **fostering cooperative federalism** are essential steps towards sustainable and equitable water dispute resolution.

VALUE ADDITION: SCHOLARS VIEWS ON WATER DISPUTE

- **Ramaswamy R. Iyer:** In "**Water and the Laws in India**," he emphasizes the **need for a holistic and integrated** approach to water management, advocating for reforms in the legal and institutional framework to address inter-state water disputes effectively.
- **S. Rajagopal:** In "**Inter-State Water Disputes in India: Institutions and Policies**," he highlights the **importance of strengthening institutions like the Inter-State Council** and promoting cooperative federalism.

➤ **E. Somanathan:** In "**The Economics and Politics of Water in South Asia**," he discusses the economic and political dimensions of water disputes, suggesting market-based solutions and incentives for cooperative water management.

15. CONCLUSIONS

While the Indian Constitution provides multiple mechanisms for settling inter-state disputes, their efficacy varies. Strengthening these mechanisms through regular engagement, enhanced authority, and effective implementation of recommendations is crucial for maintaining harmonious federal relations and ensuring the smooth functioning of India's federal system.

UNIT 8: PLANNING AND ECONOMIC DEVELOPMENT

SYLLABUS- NEHRUVIAN AND GANDHIAN PERSPECTIVES, ROLE OF PLANNING AND PUBLIC SECTOR, GREEN REVOLUTION, LAND REFORMS AND AGRARIAN RELATIONS, LIBERALIZATION AND ECONOMIC REFORMS

PREVIOUS YEAR QUESTIONS

NEHRUVIAN AND GANDHIAN PERSPECTIVES

- Compare the Nehruvian and Gandhian models of development. (2015)
- Gandhian perspective of development and its contemporary relevance. Comment. (2013)
- Do you think that post- 1991 reforms in India mark a significant shift from the Nehruvian model of economic development? Justify your answer. (2010)

ROLE OF PLANNING AND PUBLIC SECTOR

- How does NITI Aayog as a 'policy think tank with shared vision' visualise the reorganisation of planning in India. Justify your answer. (2023)
- Discuss the policy initiatives of the Fourteenth Finance Commission aimed towards promoting and strengthening agricultural development in India. (2022)
- Structure and Function of NITI Aayog. Comment. (2015)

LIBERALIZATION AND ECONOMIC REFORMS

- What explains India's modest improvements in social development outcomes even as the rate of growth has accelerated since the initiation of economic reforms? (2021)
- 'Liberalisation of Indian Economy has not been accompanied with adequate reforms'. Comment. (2020)
- Critically examine the politics of Economic growth in India. (2016)
- Economic liberalisation and uneven development among Indian States. Comment. (2010)

GREEN REVOLUTION, LAND REFORMS AND AGRARIAN RELATIONS

- What has been the political fallout of the Green Revolution in India? Explain. (2019)
- What do you understand by Green Revolution? Do you think that a Second Green Revolution is needed to adequately address the agrarian challenges in contemporary India? Examine. (2017)
- Land reforms have failed in the eradication of rural poverty. Comment. (2016)
- Critically examine Green Revolution as a strategy for sustainable agriculture development. (2012)

1. GANDHIAN APPROACH TO DEVELOPMENT

Gandhi, although not a conventional economist presented a distinctive vision for India's development, primarily outlined in his seminal work "**Hind Swaraj**." His perspective diverged sharply from the prevalent Western development models, which he critiqued for their unsustainable resource demands and ethical shortcomings. Gandhi's development philosophy was deeply interwoven with his broader socio-political ideals, emphasizing nonviolence, **self-rule (Swaraj)**, and the **minimization of needs**.

A. KEY ASPECTS OF GANDHI'S APPROACH TO DEVELOPMENT

- **Village-Centric Development:** Gandhi advocated for self-sufficient, self-reliant villages, emphasizing local production, sustainable agriculture, and reducing dependence on urban centres.
- **Simplicity and Sustainability:** He promoted a minimalist lifestyle, sustainable practices, and environmental stewardship to ensure long-term ecological balance.

VALUE ADDITION

Gandhi's approach to life is best understood through his concept of the Seven Sins:

- **Wealth without work.**
- **Pleasure without conscience.**
- **Knowledge without character.**
- **Commerce without morality.**
- **Science without humanity.**
- **Religion without sacrifice.**
- **Politics without principle**

- **Decentralization:** Gandhi supported decentralization through Panchayati Raj and community participation, viewing it as essential for true democracy and effective local self-governance.
- **Ethical and Moral Values:** Rooted in truth (**Satya**) and non-violence (**Ahimsa**), Gandhi's vision included **Sarvodaya** (welfare of all) and **Antyodaya** (upliftment of the poorest), emphasizing moral economics and justice.
- **Economy of Permanence:** He favoured small-scale industries and the Khadi movement over large-scale industrialization, opposing centralization of wealth and power.

VALUE ADDITION: SCHOLARLY PERSPECTIVES ON GANDHI'S DEVELOPMENT VISION

SUPPORTIVE VIEWS

- **E.F. Schumacher** in his book "**Small is Beautiful**," praises Gandhi's **emphasis on small-scale, localized economies**, arguing that it promotes sustainability and human well-being.
- **Ramachandra Guha** acknowledges Gandhi's holistic approach, integrating ethical, environmental, and social dimensions into the development discourse, providing a sustainable alternative to Western industrial models.

CRITICAL VIEWS

- **B.R. Ambedkar** critiqued Gandhi's **village-centric model**, arguing that it romanticized rural life while ignoring the oppressive social structures, particularly the caste system, prevalent in Indian villages.

- Modern Economists argue that Gandhi's model is impractical in the contemporary global economy, where large-scale industrialization and urbanization are seen as drivers of economic growth and development.

Gandhi's development vision rooted in "Hind Swaraj," **advocates for nonviolence, self-rule, simplicity, decentralization, and sustainability.** It offers a compelling alternative to modern development models, though its practicality in today's industrialized world remains debated.

B. THE GANDHIAN PLAN AT INDEPENDENCE

At the time of India's independence, Mahatma Gandhi's followers, such as S.N. Agarwal and Sriman Narayan, proposed the Gandhian Plan. This plan was fundamentally different from the industrial and urban-centric models of development that many post-colonial nations adopted. It focused on decentralized, sustainable development, emphasizing the importance of rural areas and small-scale industries.

C. KEY COMPONENTS OF THE GANDHIAN PLAN

• REFORM OF AGRICULTURE

- **Addressing Hunger and Unemployment:** The plan aimed to tackle the issues of hunger and unemployment through comprehensive land reforms. Gandhi believed that the redistribution of land to the tillers would create a more equitable agricultural system.
- **Cooperatives and Rural Credit:** Encouraging the formation of agricultural cooperatives to improve productivity and ensure fair prices for farmers. Cooperative societies were seen as a way to pool resources and increase bargaining power.
- **Organic Farming:** Promotion of organic farming techniques to maintain soil fertility and ensure sustainable agricultural practices.

• REVIVAL OF COTTAGE INDUSTRIES

- **Khadi and Village Industries:** Reviving traditional village industries, such as hand-spinning and weaving of khadi (hand-spun cloth), to provide supplementary income to rural households and reduce dependency on urban industries.

- **Employment Generation:** These industries were seen as vital for generating employment in rural areas, thereby preventing mass migration to cities.
- **Local Self-Reliance:** Encouraging local production and consumption to foster self-reliance and reduce dependence on external markets.

D. KEY CONCERNS OF THE GANDHIAN APPROACH

• MACHINES SHOULD SERVE HUMANS

- **Human-Centric Development:** Gandhi was not opposed to machinery but believed that it should serve the needs of humans rather than lead to their exploitation. He argued that technology should enhance human capabilities and contribute to the well-being of society.
- **Appropriate Technology:** Advocating for technology that is appropriate to the socio-economic context of rural India, which would not displace human labour or lead to environmental degradation.

E. CONSEQUENCES OF NEGLECTING THE GANDHIAN APPROACH

The neglect of Gandhian principles in India's development has led to several socio-economic and environmental challenges:

- **Unsustainable Economic Model:** Focus on heavy industries and urbanization led to environmental issues like pollution, deforestation, and climate change, with increased vulnerability to natural disasters.
- **Urban-Rural Divide:** The urban-centric model created economic disparities, mass migration, overpopulation, and strained urban resources, while rural areas suffered from poverty, lack of services, and cultural erosion.
- **Agricultural Distress:** Intensive farming and chemical use degraded soil and water resources, leading to reduced productivity, water scarcity, and increased farmer suicides.
- **Unemployment and Underemployment:** Neglect of cottage industries limited rural employment, causing migration to cities and saturating the urban job market, resulting in high unemployment.

- **Ethical Degradation:** The Western development model fostered consumerism, weakened community bonds, and led to labour exploitation, with corporations prioritizing profit over social and environmental responsibilities.
- **Political and Social Unrest:** Marginalized rural populations felt excluded, fuelling regional disparities, separatist movements, and communal tensions.

INDIRA GANDHI ERA (1970s–80s)

- **Centralization of Power:** Indira Gandhi's tenure saw increased centralization, particularly during the Emergency (1975–77), which strained Center-state relations.
- **Sarkaria Commission (1983–88)–Recommended measures to improve Center-state relations** and promote cooperative federalism, including greater consultation and decentralization.

F. CONTEMPORARY RELEVANCE OF GANDHIAN PERSPECTIVE ON DEVELOPMENT

Gandhi's vision for development, centered on principles such as nonviolence, self-reliance, and sustainability, holds significant relevance in today's world as:

- **Sustainable Development:** In the context of global climate change, Gandhi's principles of sustainable living and harmony with nature are increasingly relevant. His advocacy for organic farming and renewable energy resonates with contemporary environmental movements.
- **Decentralization and Local Governance:** Gandhi's vision for decentralized governance through Panchayati Raj institutions can lead to more responsive and accountable governance, particularly in rural areas. The importance of effective local governance has been highlighted during crises like the COVID-19 pandemic.
- **Rural Development:** Addressing rural distress and agricultural challenges requires a focus on holistic rural development, as advocated by Gandhi. This includes improving rural infrastructure, ensuring fair prices for agricultural produce, and supporting sustainable agricultural practices.
- **Ethical Economics:** In an era of increasing economic inequality, Gandhian principles of equity and justice provide a moral framework for inclusive development.



This involves promoting fair trade, ethical business practices, and corporate social responsibility.

- **Social Harmony and Non-Violence:** Gandhi's emphasis on non-violence and communal harmony is crucial for addressing contemporary social and political conflicts. His principles can guide efforts to foster peace and understanding in a polarized world.
- **Swadeshi Movement and Self-Reliance:** The Indian government's emphasis on self-reliance during the COVID-19 pandemic echoes Gandhi's Swadeshi movement. Encouraging local production and consumption can reduce dependency on imports and strengthen the domestic economy.

According to **Ashis Nandy** Gandhi's holistic approach to development, offers a compelling framework for addressing modern challenges. Integrating these principles into contemporary policies can promote more equitable, sustainable, and inclusive development. As global crises continue to unfold, Gandhi's vision provides timeless guidance for building a just and harmonious society.

2. NEHRUVIAN APPROACH TO DEVELOPMENT BOTTOM OF FORM

Although not an economist, Nehru was a modernist inspired by the USSR's achievements, aiming to transform India into a modern, scientific society through progressive socialism. He envisioned India developing a socialistic pattern of society, with his development strategy best exemplified by the Second Five-Year Plan, based on the **Nehru-Mahalanobis Model**.

A. KEY FEATURES OF NEHRUVIAN DEVELOPMENT APPROACH

- **Investment in Heavy Industries:** Nehru emphasized heavy industry to promote capital formation, aiming to reduce dependence on foreign imports and protect India from Western economic pressures.
- **Centralized Planning:** He introduced centralized planning, which conflicted with the spirit of federalism but was seen as necessary for cohesive development.
- **Neglect of Consumer Industries:** Nehru prioritized heavy industries over consumer industries, requiring short-term sacrifices for long-term benefits.

- **Agrarian Reforms and Industrialization:** While supporting agrarian reforms, Nehru believed industrialization would drive demand for agricultural products and provide necessary fertilizers and equipment.
- **Control Measures:** He introduced rationing and fiscal controls through administered pricing to manage potential shortages of basic commodities.
- **State Control and Income Disparities:** Nehru placed the state in commanding heights of the economy to prevent income disparities, weakening the private sector to check wealth accumulation and providing employment through the public sector.

B. THE GANDHIAN PLAN AT INDEPENDENCE

- **Structural Weaknesses:** The policy failed to address the structural weaknesses of the Indian economy. Rationing led to black marketing, and public sectors produced poor-quality goods at higher prices.
- **Import Substitution and Export Promotion:** The model aimed for import substitution and export promotion, but India struggled to produce exportable manufactured goods.
- **License Permit Quota Raj:** The model resulted in the "License Permit Quota Raj," eventually turning India into an "Inspector Raj" or an over-regulated state.

Despite recognizing these weaknesses, Nehru's successors did not implement necessary corrections and continued with populist policies like "Garibi Hatao," which remained largely rhetorical. As a result, as much as 10.2% of the Indian population lived below the poverty line.

C. SCHOLARLY VIEWS ON NEHRUVIAN DEVELOPMENT PERSPECTIVE

POSITIVE VIEWS

- **B.R. Ambedkar** supported Nehru's focus on industrialization, believing it was essential for eradicating social and economic inequalities.
- **Amartya Sen** praised Nehru's emphasis on education, scientific temper, and the establishment of institutions of higher learning, believing these efforts laid the groundwork for India's later economic growth and development.

CRITICISMS AND CONCERNS

- **Pranab Bardhan** highlighted economic inefficiencies due to over-regulation and protection of industries, leading to low productivity and technological stagnation.
- **Jagdish Bhagwati** criticized the import substitution strategy for creating inefficiencies, discouraging competition, and producing poor-quality goods.

MIXED ASSESSMENTS

- **Francine Frankel** acknowledged the establishment of a democratic polity and broad industrial base but noted the neglect of agriculture and rural development, exacerbating rural poverty and inequality.
- **Ashutosh Varshney** appreciated Nehru's vision of a secular, democratic India but criticized the lack of inclusivity, which left rural populations behind.

Nehru's holistic approach emphasized industrialization, state control, and centralized planning but faced significant challenges and criticisms due to its neglect of rural development and over-reliance on heavy industries.

3. PLANNING AND THE PUBLIC SECTOR IN INDIA'S DEVELOPMENT

Planning is a systematic process that involves determining objectives, devising methods to achieve them, and making decisions based on facts rather than speculation. It includes identifying problems, setting goals, selecting appropriate activities, coordinating efforts, formulating programs, implementing effective methods, and continuously reviewing and adjusting the plan. Planning is essential for all types of tasks, ensuring that actions are well-organized, goal-oriented, and adaptable to changing circumstances.

Planning is a cornerstone of socialist countries, designed to set priorities and ensure the optimal use of resources. The primary goals of planning in India were to achieve higher growth and balanced development, with the state playing a dominant role in the economy.

A. NEED FOR PLANNING IN INDIA

The need for planning in India arose from the complex and multifaceted challenges faced at the time of Independence, including:

- **Stagnant Economy and Poverty:** India inherited a stagnant economy with widespread poverty, lopsided growth, and agricultural backwardness. Systematic planning was essential to address these issues.
- **Agrarian Issues:** The agrarian sector suffered from fragmented land holdings, indebtedness, and low productivity. Planning was necessary to modernize agriculture, which was vital for industrial growth.
- **Industrial and Infrastructure Development:** The ruin of handicrafts, absence of cottage industries, and lack of modern infrastructure required coordinated efforts and centralised control to mobilize resources for development.
- **Colonial Neglect:** Colonial rule neglected investments in natural resources, human capital, and social services. Planning was needed to systematically rebuild and develop these sectors.
- **Economic Organization:** Planning became crucial for coordinating activities, mobilizing large-scale resources, and ensuring the orderly reconciliation of conflicting interests, all necessary for socio-economic development.

Thus, planning was vital to address the interrelated tasks of development and respond to the needs of a newly independent nation.

B. SUCCESSES OF PLANNING IN INDIA

- **Moderate Growth Rate:** Despite challenges, India has maintained a moderate economic growth rate.
- **Infrastructure Development:** Significant growth in infrastructure, including energy resources, irrigation, and transport facilities.
- **Industrialization:** Impressive industrialization with diversification and expansion of industrial capacity, particularly with the public sector's leading role.
- **Food Security:** India has achieved self-sufficiency in food production, reducing dependency on imports.
- **Social Services Expansion:** Development and expansion of education, social services, and human capital.
- **Increased Domestic Investment:** Domestic investment levels have risen, contributing to economic growth.

C. LIMITATIONS OF PLANNING IN INDIA

- **Inadequate Growth:** Despite decades of planning, issues like unemployment, poverty, and regional inequalities persist, with a significant gap between targets and achievements.
- **Poor Coordination:** There is a lack of effective coordination between the Planning Commission, Central Advisory Council and the private sector, leading to ineffective consultations and planning (view of 1st ARC).
- **Lack of Skilled Personnel:** Planning agencies suffer from a shortage of trained personnel, leading to inefficient plan formulation and implementation.
- **Weak Implementation:** Plans often face delays, cost overruns, and ineffective supervision, resulting in insufficient financial outlays due to inflation and slow execution.
- **Sectoral Focus:** Planning has been primarily sectoral, with weak grassroots-level planning. Regional and area-specific planning is largely absent, and local bodies often lack the autonomy to create full-fledged plans.
- **Absence of Realism:** Plans often lack realism, ignoring structural and social obstacles like the caste system, and focusing insufficiently on non-economic factors crucial for overall development.
- **Bureaucratic Inefficiency:** Plan execution and evaluation are marked by red tape, resource wastage, and a lack of urgency, further hampering progress.

However, to overcome the limitations of the planning system, it is essential to emphasize administrative research, simplify procedures, enhance sectoral coordination, and improve personnel training. Moreover, fostering greater people's participation in plan formulation and implementation will ensure that development strategies are inclusive and effective, leading to more sustainable progress for the nation.

D. OVERALL EXPERIENCE OF PLANNING IN INDIA

The overall experience of planning in India reflects an evolving strategy responding to changing economic conditions and challenges. While early plans were bold and innovative, later plans became more pragmatic, reflecting a shift towards infrastructure and liberalization. The demise of the Planning Commission in 2014 marked a significant transition, with the hope that lessons learned could inform future approaches to

development under NITI Aayog. The Indian planning experience demonstrates the importance of adaptability, stakeholder involvement, and the need for a balanced approach to achieve sustainable development goals.

E. VIEW OF PRONAB SEN

Drawing on six decades of India's experience with planning, the main lesson for the NITI Ayog is that it must devote as careful thought to the planning process as to the strategic plan itself. It must recognise that it is not engaged in a technical exercise, but one that involves a deep understanding of people and organisational behaviour. The government and the Prime Minister too must realise that they have to play a significant role in articulating an economic vision, as opposed to endorsing suggestions put up by the bureaucracy.

4. ROLE OF PUBLIC SECTOR IN INDIA

The public sector in India includes all government-owned organizations, crucially contributing to the economy. Post-independence, with only the Railways and Postal Services as public enterprises, the Industrial Policy Resolution of 1948 brought the public sector to prominence.

The Second Five-Year Plan further emphasized the state's role in economic development, adopting a socialistic approach. In the 1990s, the role of the public sector shifted again.

Overall, the public sector has been vital in laying the foundation for India's industrial development, especially in a country where the private sector alone couldn't address multi-dimensional challenges.

A. ROLE (OBJECTIVES) OF PUBLIC SECTOR

The public sector plays a vital role in India's economic development by:

- **Promoting Rapid Economic Development:** Filling industrial gaps and developing essential infrastructure for growth.
- **Strategic Economic Activities:** Undertaking crucial activities in areas where the private sector may not align with national objectives.
- **Preventing Monopolies:** Ensuring balanced power distribution and reducing income and wealth disparities.

- **Balanced Regional Development:** Diversifying resources and infrastructure in less developed areas to promote regional growth.
- **Employment Generation:** Creating jobs through significant investments in various sectors.
- **Self-Reliance:** Reducing dependence on foreign aid and technology by advancing indigenous capabilities.
- **Social Control and Regulation:** Managing sensitive sectors, controlling distribution systems, and supporting exports to reduce import pressure.

B. PERFORMANCE OF THE PUBLIC SECTOR IN INDIA

- **Capital Formation & Infrastructure Development:** Post-independence, the public sector played a crucial role in **capital formation and infrastructure development**, particularly in heavy industry, logistics, and transport.
- **Industrial Stagnation:** Rising **inequality** in rural India limited **public sector investment** growth by hindering **consumption** and **surplus transfer** to industrial investment, causing a decade of **industrial stagnation** starting mid-1960s.
- **Post-Reform Period:** Reforms reduced **public sector prominence** as **markets** gained importance, allowing private investments in previously reserved sectors. **Competition** improved **efficiency**, but public sector growth declined due to reduced investment in **machinery** and **intellectual property**.
- **Privatization & Performance:** Despite improved **financial performance** and a rise in **profit-making public enterprises**, current privatization seems driven by transferring public assets to **private ownership** rather than performance. **Institutional monitoring** and **transparency** have enhanced the performance of **Central Public Sector Enterprises (CPSEs)**.
- **Social Welfare & Employment:** Public sector enterprises have historically contributed to the growth of the **middle class** by ensuring **living wages**, with the share of **wages** in **value added** being higher than in the **private sector**.
- **Public Monopolies:** In **natural monopolies**, public ownership is preferable as it ensures **returns** are publicly owned. While **competition** boosts **efficiency**,

it shouldn't compromise access, especially in India. Public monopolies balance profit-making with service accessibility.

C. REASONS FOR POOR PERFORMANCE OF PUBLIC SECTOR IN INDIA

The poor performance of public enterprises in India can be attributed to several factors:

- **Underutilisation of Capacity:** Many enterprises operate below their rated capacity, leading to wastage and increased production costs.
- **Over-Capitalisation:** Poor planning, delays, and unfavourable input-output ratios contribute to excessive capital investment.
- **Administrative Inefficiency:** Bureaucratic management often lacks professional expertise, leading to inefficiency.
- **Pricing Policy:** Social considerations over profit motives result in low pricing, affecting profitability.
- **Takeover of Sick Units:** Loss-making units, often sick private sector enterprises, strain public sector resources.
- **Less Remunerative Enterprises:** Investment in low-return areas with long gestation periods and backward locations impacts profitability.
- **Higher Social Costs:** Significant spending on social overheads increases total costs.
- **Ministerial Interference:** Political interference leads to overstaffing, mismanagement, and unbalanced regional development.

D. SUGGESTIONS FOR IMPROVING PUBLIC SECTOR ENTERPRISES IN INDIA

- **Address Inefficiencies:** Implement performance audits and operational reviews to identify and rectify inefficiencies within PSUs.
- **Policy Realignment:** Reassess and update policies governing public sector enterprises to reflect contemporary economic realities and enhance responsiveness.
- **Investment in Technology:** Encourage modernization and technological upgrades to improve productivity and competitiveness.

- **Skill Development:** Focus on training and development programs to enhance the skills of the workforce, ensuring alignment with industry needs.
- **Public-Private Partnerships:** Explore collaborations with private entities to leverage expertise, resources, and innovation.
- **Market Orientation:** Shift towards a market-driven approach, allowing PSUs to operate with profitability while fulfilling social objectives.
- **Strengthening Monitoring Mechanisms:** Enhance institutional oversight and transparency to ensure accountability and improve performance metrics.

By implementing these suggestions, India can bolster the role of public sector enterprises in driving economic growth and social welfare.

5. LIBERALISATION OF INDIAN ECONOMY

A. INDIA'S ECONOMIC REFORMS: FROM CAGED TIGER TO EMERGING MARKET

India was once referred to as a **"caged tiger,"** with the prediction that, if freed, it would unleash its economic potential and sprint forward. This metaphor highlighted the **country's constrained potential due to populist policies.** However, structural adjustments were delayed until a crisis necessitated change, notably accelerated by **the war and disintegration of the USSR.**

PERIOD	KEY DEVELOPMENTS
Pre-1991	State-controlled economy and domination of PSUs.
Post-1991	Adoption of LPG Reforms amidst economic crisis.
2016-17	Notable transition to open economy, significant FDI inflows and reduced PSUs involvement and disinvestment.

B. SHIFT TO ECONOMIC REFORMS

- Nobel Laureate **Amartya Sen** noted that the anticipated economic sprint did not meet expectations. He emphasized the debate among scholars about whether internal or external factors prompted the **shift in economic policy** and the consequences of the new model.
- **Former RBI Governor Bimal Jalan** observed a broad agreement among major political parties on the

necessity of reforms. He Highlighted the lack of significant **debate over the desirability** of reforms.

C. CURRENT STATUS OF LIBERALIZATION

According to the Economic Survey of 2016-17, India has made a remarkable transition from a closed, sluggish economy to an open, thriving one. The progress has been evaluated based on four major standards:

- **Openness to Trade:** India engages in international trade more than expected relative to its size.
- **Openness to Foreign Capital:** Despite regulatory controls, India receives FDI at an annual rate of \$75 billion, comparable to China during its economic boom in the mid-2000s.
- **Extent of PSUs:** Contrary to the myth of a large public sector, India has significantly reduced public sector involvement, including in areas like civil aviation, telecom, and financial services.
- **Government Expenditure:** Government spending is in line with the country's development level, not excessive.

a. ACHIEVEMENTS OF ECONOMIC REFORMS

- **Economic Growth:** The New Economic Policy (NEP) of 1991 significantly boosted India's GDP growth, breaking out of the previous 3-5% range and reaching an average of 6.7% during 1991-1996. Post-2000, growth accelerated further, driven by sectors like IT and telecommunications.
- **Foreign Exchange Reserves:** India's foreign exchange reserves increased from a critical low of \$1.21 billion in 1991 to \$22.74 billion by 1996, stabilizing the economy and providing a buffer against external financial shocks.
- **IT Sector Boom:** The IT and BPO sectors became major contributors to India's economy, with IT services exports growing significantly. By 2012-2013, IT accounted for about 25% of India's total exports, driven by global demand and the rise of the internet.
- **Technological Adoption:** The rapid adoption of mobile phones and internet technology facilitated economic expansion. States with higher mobile penetration experienced faster economic growth, demonstrating the impact of technology on development.

b. FAILURES OF ECONOMIC REFORMS

- **Uneven Development:** Advanced industrial states have experienced significant growth post-reforms, while poorer states have lagged, exacerbating regional disparities.
- **Income Disparity:** The gap in per capita income has widened, with poorer states facing a dual challenge of slow economic growth and high population growth.
- **Sectoral Imbalance:** The tertiary sector has become the primary driver of growth, with insufficient industrial development, especially in less developed states.
- **Investment Challenges:** Backward states struggle to attract investment due to poor infrastructure, low-income levels, and governance issues, perpetuating underdevelopment.
- **Population and Income Growth:** An inverse relationship between population growth and income growth exacerbates unemployment and socio-economic issues in poorer states.
- **Migration and Social Tensions:** Large-scale migration from backward to advanced states can lead to socio-political tensions, given India's diverse linguistic, religious, and caste composition.
- **Resource Conflicts:** Disparities in growth and population are likely to cause conflicts over resource allocation among states, as seen in disagreements over allocations by the Planning and Finance Commissions.

D. UNEVEN DEVELOPMENT IN INDIA POST-LIBERALIZATION REFORMS

Post-1991 liberalization in India led to significant GDP growth and improved economic indicators. However, the unplanned and uneven development resulted in concentrated industrial growth, overcrowded cities, and environmental issues highlighting missed opportunities for balanced growth.

- **Concentration of Industries:** Post-1991, liberalization led to the concentration of industries in select regions like Maharashtra, Tamil Nadu, and Karnataka. These regions already had established infrastructure, leading new businesses to cluster there, leaving other states with diminished industrial growth.

- **Urban Overcrowding:** The concentration of industries in specific urban areas resulted in significant migration from rural areas to cities. This led to overcrowded cities like Mumbai and Pune, with severe strain on housing, infrastructure, and basic services.
- **Rise in Slums:** The rapid urbanization and high cost of urban housing have forced many migrants into slums. The number of slum towns in India grew significantly, highlighting the inadequate urban planning and affordable housing.
- **Pressure on Resources:** Overcrowded urban areas have led to depletion of natural resources such as water and increased pollution. Cities like Pune and Bengaluru have experienced falling water tables and rising air pollution levels due to the high concentration of industries and population.
- **Geographical Disparities:** While some states like Gujarat and Haryana benefitted from increased industrialization, others saw a decline in their industrial share post-liberalization. This has exacerbated regional inequalities, with some regions flourishing while others stagnate.
- **Quality of Life Issues:** The unbalanced growth has led to significant quality-of-life issues in urban centres, including increased commute times, deteriorating air quality, and inadequate access to basic services like water and electricity.
- **Lost Opportunities for Equitable Growth:** The rapid economic growth post-liberalization, with GDP increasing by 2,400% between 1991-2014, could have been more equitably distributed if proper planning and oversight were in place. The focus on select regions has left many areas underdeveloped, missing the chance for balanced national development.

a. REASONS FOR UNEVEN DEVELOPMENT POST-LIBERALIZATION

- **Industrial Concentration:** Industries gravitated towards regions with established infrastructure, leading to development in select states while others were neglected.
- **Urban Migration:** Economic opportunities in industrial hubs caused mass migration, overcrowding cities and straining resources, leaving rural areas underdeveloped.

- **Inadequate Planning:** Lack of government oversight and planning during liberalization allowed uneven distribution of industry, worsening regional disparities.
- **Resource Strain:** Overconcentration in urban areas led to depletion of essential resources like water and increased pollution, further impacting quality of life.
- **Exclusion of Peripheral Regions:** Peripheral and rural regions lacked the necessary infrastructure to attract industries, deepening the divide between urban and rural development.

b. SUGGESTIONS TO ADDRESS UNEVEN DEVELOPMENT POST-LIBERALIZATION

- **Balanced Industrial Policy:** Implement policies that incentivize industries to set up in underdeveloped regions, ensuring more equitable distribution of economic growth.
- **Infrastructure Development:** Invest in building infrastructure like roads, power supply, and skilled labour pools in less-developed areas to attract industries and reduce urban concentration.
- **Decentralization of Economic Activities:** Encourage the development of smaller cities and towns as economic hubs to reduce pressure on major urban centres and prevent overcrowding.
- **Sustainable Urban Planning:** Focus on sustainable urban planning to manage resource strain, improve housing affordability, and address pollution issues in overcrowded cities.
- **Government Intervention:** Strengthen government oversight to ensure that liberalization processes are aligned with long-term, regionally balanced development goals.
- **Strengthen Social Safety Nets:** Expanding and improving social safety net programs like the National Rural Employment Guarantee Act (NREGA) and the National Food Security Act (NFSA) can help mitigate the adverse effects of economic reforms on vulnerable populations and ensure food security.
- **Agricultural Reforms:** Renewed focus on agricultural reforms is essential, including improving access to credit, enhancing irrigation facilities, ensuring fair prices for crops, and promoting sustainable farming practices. This will help increase rural incomes and

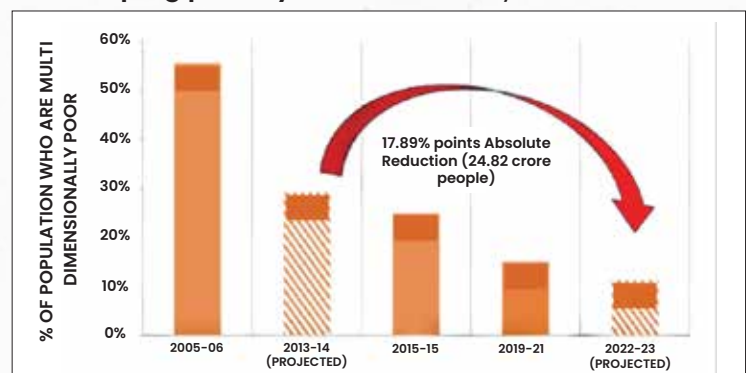
- **Wealth Redistribution:** The government should actively work to reduce inequality through progressive taxation, targeted subsidies, and welfare programs. These measures can help diffuse social tensions and ensure a more equitable distribution of economic growth benefits.
- **Diversified Job Creation:** Policies should encourage job creation across diverse sectors, beyond just IT. Fostering growth in manufacturing, services, and small-scale industries is crucial to absorb the growing labour force and reduce underemployment.

Had the liberalization process been more thoughtfully planned from the outset, the impressive economic growth witnessed could have been accompanied by more equitable development, thereby mitigating the challenges of uneven growth and the associated social and environmental issues.

E. POVERTY ALLEVIATION IN INDIA

Poverty alleviation has been a significant focus of India's development agenda since independence. With a large portion of the population living below the poverty line, successive governments have implemented a variety of strategies and programs to address this pressing issue.

- **1983:** 44.5% below poverty line (323 million people).
- **1993-94:** Slight decrease to 43.5%, but absolute number rose to 404 million.
- **2004-05:** Poverty declined to 37.2%, with the absolute number reaching 407 million.
- **2011-12:** Faster decline to 21.9%, with the number dropping to 269 million.
- According to **NITI Aayog's Discussion Paper 'Multidimensional Poverty in India since 2005-06'** India has made significant progress in reducing multidimensional poverty, with **24.82 crore people escaping poverty** in the last nine years.



a. CHALLENGES IN POVERTY ALLEVIATION

- **Remaining Poverty:** 269 million still in poverty, with marginal improvement for those just above the poverty line.
- **Basic Services:** India struggles in delivering education, health, sanitation, and drinking water.
- **Employment Quality:** In India, there is **lack of substantial employment growth**, with much of the new employment being of poor quality.

Poverty alleviation in India requires a multifaceted and sustained approach that addresses the root causes of poverty. While progress has been made, continued efforts are needed to overcome the challenges of remaining poverty, basic service delivery, and employment quality. By focusing on inclusive growth, better governance, and innovative solutions, India can make significant strides toward eradicating poverty and achieving sustainable development for all its citizens.

b. RECOMMENDATIONS

Montek Singh Ahluwalia, in his article "Economic Reforms - A Retrospective View," notes that reforms have succeeded in some areas while neglecting others. As India transitions to middle-income status, it faces the risk of falling into the middle-income trap unless reforms are carefully designed. Ahluwalia suggests the following measures:

1. Tackle corruption
2. End red tapism
3. Invest in human capital
4. Reform factor markets
5. Promote inclusion through job creation
6. Rehabilitate state capacity

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F. POST-1991 ECONOMIC REFORMS IN INDIA: A SHIFT FROM THE NEHRUVIAN MODEL

The economic reforms initiated in 1991 marked a significant departure from the Nehruvian model of economic development. These reforms shifted the focus from a **state-controlled, centrally planned economy to a more liberalized, market-driven economy**. The post-1991 reforms contrast with the Nehruvian model, as:

ASPECT	NEHRUVIAN MODEL	POST-1991 REFORMS	POST-1991 REFORMS
ECONOMIC LIBERALIZATION VS. STATE CONTROL	Emphasized centralized planning and state control over key industries. PSUs dominated major sectors, with the government playing a commanding role in the economy.	Introduced economic liberalization, reducing the role of the state in business. Privatization of PSUs and encouragement of private sector participation. Dismantling of the License Raj.	Aimed to increase efficiency , productivity, and global competitiveness by reducing bureaucratic control and fostering a free-market environment
GLOBALIZATION AND TRADE LIBERALIZATION	Focused on import substitution and industrialization to reduce dependence on foreign goods. High tariffs and import restrictions to protect domestic industries	Reduction of trade barriers and tariffs. Promotion of export-oriented growth and integration into the global economy. Liberalization of FDI policies.	Aimed to integrate India into the global economy, boost exports, attract foreign investment, and modernize industries through competition and innovation.
MARKET-DRIVEN ECONOMY VS. PLANNED ECONOMY	Relied heavily on five-year plans for economic development. Resource allocation and production targets were centrally determined.	Emphasis on a market-driven economy where market forces determine resource allocation and production. Reduction in the government's role in economic decision-making.	Aimed to improve economic efficiency and responsiveness to market demands, encouraging entrepreneurship and innovation.
FINANCIAL SECTOR REFORMS	Highly regulated financial sector with significant government intervention. Interest rates and credit allocation controlled by the state.	Liberalization of the financial sector, including banking reforms, capital market reforms, and the establishment of regulatory bodies like SEBI. Deregulation of interest rates and reduction of state control over credit allocation.	Aimed to create a more robust and efficient financial system to support economic growth and stability.

The post-1991 economic reforms marked a fundamental shift from the Nehruvian model by embracing liberalization, globalization, and market-driven principles. These changes led to significant economic growth, poverty reduction, and global integration, contrasting sharply with the state-controlled, inward-looking approach of the Nehruvian era.

G. AMARTYA SEN'S CRITIQUE OF INDIA'S ECONOMIC LIBERALIZATION

- Amartya Sen argues that India's economic **liberalization did not yield the expected rapid growth**. The main issue lies in the growth pattern, which has not improved living standards. **Social indicators have declined** compared to the pre-reform period, and agriculture remains stagnant.
- While the **service sector** has grown significantly, it has not benefited the broader population due to a lack of skills. Poverty has increased in **BIMARU states**, and the paradox of hunger amidst plenty persists.
- Sen **admires China for its investment in basic human capabilities**, enabling it to fully reap the benefits of globalization.

H. VIEWS OF BIMAL JALAN ON ECONOMIC REFORM

- In "Emerging India: Economics, Politics, and Reforms," Bimal Jalan recognizes that economic reforms have **sparked creative energy, accelerated growth, and boosted productivity**.
- However, he highlights that **India's social indicators are still among the lowest globally**.
- Jalan cautions that failing to implement critical reforms to address these social issues would be a serious mistake.

6. LAND REFORMS IN INDIA

Land reforms in India have been a significant component of the country's socio-economic development policy, aimed at improving agricultural productivity, reducing inequality, and empowering marginalized communities. The philosophy of land reform in India is based on the socialist idea of **redistributive justice**.

A. HISTORY OF LAND REFORM

- During the national movement, peasants played a significant role, and land reforms were among the promises made by the Congress.
- According to American-born economist **Daniel Thorner**, India presents an interesting case study in land reform due to its extensive legislation and large numbers of poor and hungry people. In India, land reforms meant **state-led institutional reforms** aimed at addressing wealth concentration and providing land to the landless.

B. CONSTITUTIONAL PROVISIONS

- Directive Principles:** Article 39 B & C mandate the Indian state to **address the concentration of wealth** and economic resources.
- 44th Amendment Act:** Repealed the **right to property**.
- 9th Schedule:** Introduced by the **first amendment** act, it contains a large number of land reform legislations.

C. TYPES OF LAND REFORMS

TYPE OF LAND REFORM	OBJECTIVE	OUTCOME
Zamindari Abolition	Abolish intermediaries and redistribute land directly to cultivators.	Though aimed at dismantling the feudal system, zamindars often received significant compensation. Many became tenants, engaged in self-cultivation, or invested in rural industries, leading to only formal success.
Tenancy Reform	Secure tenant rights, preventing exploitation, and ensuring fair treatment.	Achieved relative success in states like Kerala and West Bengal (Operation Barga), benefiting intermediate castes by securing tenancy rights and improving economic conditions.
Land Ceiling	Limit landholdings to distribute surplus land to the landless.	One of the weakest reform areas due to legal loopholes. Landowners evaded ceilings by dividing joint family holdings, engaging in benami transactions, or even formal divorces to retain excess land.

Distribution of Surplus Land	Alleviate poverty by distributing land to the landless.	Despite being crucial for poverty alleviation, this reform saw limited success. Government efforts faced implementation challenges, leaving much land undistributed.
Consolidation of Land Holdings and Establishment of Cooperatives	Promote efficient agricultural practices through consolidated holdings and cooperatives.	This initiative largely failed, with cooperative movements sometimes dominated by wealthy farmers. In states like Maharashtra, cooperatives turned into joint-stock companies, deviating from their intended purpose.

D. IMPLICATIONS OF CENTRALIZING TENDENCIES

LAND REFORMS IN KERALA	LAND REFORMS IN WEST BENGAL
Land Redistribution: By 2007, around 31,043 hectares of land were distributed among 165,149 beneficiaries, accounting for 1-2% of the net cropped area. Tenancy Rights: Approximately 2.8 million tenants received ownership rights over 600,000 hectares of land. Homestead Ownership: Up to 1996, around 528,000 households gained ownership of homestead plots.	Land Redistribution: Between 1977 and 2011, about 205,444 hectares were redistributed among 2,102,529 individuals, accounting for 4% of the net cropped area. Tenancy Rights: The Operation Barga program successfully registered 1.5 million sharecroppers, about 75% of the total recorded tenants.
REASONS	REASONS
Legislative Framework: The Kerala Land Reforms Amended Act (KLRAA) of 1969 was key in abolishing tenancy and granting ownership rights to tenants. Government Commitment: The left government's determination to implement reforms, despite political opposition and challenges, ensured significant progress.	Active Party Involvement: The CPI(M) and its networks actively supported tenant registration and the identification of surplus land for redistribution. Operation Barga: This program was instrumental in securing tenant rights and reducing the rental share for sharecroppers.

Inclusive Policies: Provisions for subsidized ownership of homestead plots for the rural poor furthered the redistribution goals.	Two-Phase Implementation: Initial reforms (1967-1970) focused on land redistribution, while later efforts (post-1977) emphasized tenancy rights.
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E. CAUSES FOR FAILURE OF LAND REFORMS

India's land reforms have largely failed, as evidenced by data from **the 2011-12 Agricultural Census and the 2011 Socio-Economic Caste Census**. Despite efforts, only **4.9%** of farmers control 32% of **farmland**, and over **56% of rural households** remain landless, highlighting the stark inequalities persisting in agricultural land ownership.

- **Lack of Political Will:** Political leaders often lacked the commitment to fully implement land reforms, leading to half-hearted measures and resistance from powerful landowning classes.
- **Dominant Castes' Influence in Congress:** Dominant castes, with significant political influence, often resisted reforms that threatened their traditional landholdings, undermining efforts to achieve meaningful land redistribution.
- **Lack of Organized Peasant Movements:** The absence of strong, organized peasant movements meant there was insufficient pressure on the government to implement land reforms effectively and address peasant demands.
- **Inadequate Land Records:** Poor maintenance of land records created administrative challenges, complicating the identification of surplus land and rightful beneficiaries, hindering reform efforts.
- **Corruption:** Corruption within the administrative system led to misappropriation of resources and manipulation of land reform processes, preventing effective redistribution and perpetuating inequalities.

VALUE ADDITION: SCHOLARS VIEWS

- **Gunnar Myrdal** describes India as a "soft state," explaining why leaders like Nehru failed in land reform success.
- **Atul Kohli** argues that the **Indian state lacks the capacity to confront** the propertied class, citing successful land reforms in Kerala and West Bengal due to the communist party's support base among the poor.

- **Francine Frankel** suggests accommodative politics hindered the radical agenda of land reforms.
- **Sudipta Kaviraj** and **Pranab Bardhan** believe the Indian state represents **bourgeois interests**, leading to unenthusiastic land reform implementation due to the influence of propertied classes.
- **Hamza Alvi** applies the concept of the "overdeveloped state" to the Indian context.

F. SUGGESTIONS FOR LAND REFORM

While land reforms led to the empowerment of poor peasants and labourers, and reduced feudal practices, challenges remain. The transformation of landlords into rural traders, continued underground tenancy, exclusion of specific social groups, and limited surplus generation in agriculture indicate the mixed success of these reforms. Some of the suggestions are discussed below:

- **Legalize Tenancy:** Implement tenancy legalization in Kerala with appropriate safeguards and relax tenancy regulations in West Bengal to enhance the efficiency of land and lease markets.
- **Promote Inclusive Reforms:** Ensure land reforms are inclusive by addressing the exclusions of landless labourers, Dalits, and women, thus enabling equitable access to land.
- **Foster Agricultural Investment:** Stimulate investment in agriculture to transform it into a dynamic, surplus-generating sector, which could drive broader economic development and industrialization.
- **Diversify Livelihood Opportunities:** Develop alternative livelihood strategies to reduce the reliance of vulnerable populations on stagnant agricultural sectors.
- **Revitalize Land Reform Discourse:** Intellectuals should reinvigorate public discourse on land reform, integrating it into broader socio-economic reasoning.
- **Mobilize Civil Society:** Encourage civil society organizations to mobilize peasants and landless labourers, thereby exerting pressure on the government for reform.

- **Government Accountability:** The Government of India must prioritize land reform, as its failure contributes to rural poverty, hunger, and the rise of left-wing extremism.
- **Strengthen Legal Frameworks:** Enhance legal mechanisms, close existing loopholes, maintain accurate land records, and involve NGOs in identifying beneficiaries.

The land reform initiatives in India, aimed at redistributive justice, have faced significant challenges due to political, administrative, and social factors. While there have been some successes, the overall impact has been limited by structural weaknesses, lack of political will, and resistance from entrenched interests. As India continues to pursue economic development, addressing these challenges remains crucial for achieving equitable growth and reducing rural poverty and hunger.

7. GREEN REVOLUTION

In the 1960s, India faced severe food shortages, leading to widespread hunger and dependency on food grain imports from other countries. The country's agriculture was characterized by traditional farming methods, low productivity, and vulnerability to droughts and famines. To address these challenges, the Indian government and scientists embarked on a mission to transform the agricultural sector, marking the beginning of the Green Revolution.

The Green Revolution began in 1961 as part of the Intensive Agricultural Development Program (IADP). Initially, 14 districts were selected on an experimental basis. In 1965, it was extended to 114 districts under the Intensive Agricultural Area Program (IAAP).

A. PHILOSOPHY

The Green Revolution in India was driven by a production-centred approach rooted in capitalist philosophy. This approach emphasized the use of high-yield variety seeds, fertilizers, pesticides, and modern agricultural implements, making it capital-intensive and land-intensive.

B. KEY OBJECTIVES

- **Increase Food Grain Production:** To achieve self-sufficiency in food grains and eliminate the need for imports.

- **Enhance Agricultural Productivity:** To improve crop yields through modern farming techniques.
- **Ensure Food Security:** To provide a stable and adequate food supply for the growing population.

C. OUTCOMES OF GREEN REVOLUTION

The Green Revolution in India was initiated in the 1960's by introducing high-yielding varieties of rice and wheat to increase food production. Food production increased from **72.3 million MT in 1961 to 329.69MT in 2022-23** (Agricultural growth rates of 3-5%).

As per the **response of Agriculture Minister in Parliament** (December 2023), the positive effects of the green revolution are:

- **Increase in crop production:** The crop area under high-yielding varieties of wheat and rice grew considerably making India one of the world's biggest agricultural producers.
- **Self-sufficiency:** The import of food grains reduced as India became self-sufficient in food grains, rather India started exporting at times.
- **Availability:** The per capita net availability of food grains has increased.
- **Benefits to farmers:** The level of income of farmers increased as agricultural productivity improved. It promoted capitalist farming as big landowners profited the most.
- **Industrialization:** The large-scale mechanization of farms created a demand for machinery like tractors, harvesters, threshers, combines, diesel engines, electric motors, pumping sets, etc. Demand for chemical fertilizers, pesticides, insecticides, weedicides, etc. also increased considerably.
- **Agro-Industries:** Several agricultural products came to be used as raw materials in various industries giving rise to agro-based industries.
- **Employment:** The demand for labour force increased rural employment, and the industrial workforce at the same time.

D. SOCIAL, POLITICAL AND ECONOMIC COSTS OF THE GREEN REVOLUTION

While Green Revolution brought about significant agricultural and economic changes, it also had social and political costs. According to economist **V.K.R.V. Rao**,

the Green Revolution led to several adverse social and political impacts:

SOCIAL COST

- **Widening Wealth Gap:** The Green Revolution significantly widened the **wealth gap** between the rich and poor. Wealthier farmers with access to more land and capital adopted new technologies, increasing productivity and income. Regions like **Punjab, Haryana, and Western Uttar Pradesh** experienced substantial economic gains, exacerbating **regional inequalities**. The revolution primarily benefited large and medium-sized farmers, increasing class disparities between them and small-scale, marginal farmers.
- **Increased Rural Indebtedness:** Small and marginal farmers often took loans to afford high-yield seeds, fertilizers, and equipment, leading to **financial strain**. Rising input costs created a cycle of debt, trapping many in persistent rural indebtedness.
- **Loss of Land:** Many small farmers unable to repay debts were forced to sell or mortgage their land, resulting in **landlessness**. This consolidation of landholdings among larger farmers exacerbated **land inequality**. Land loss often forced displaced farmers to migrate to urban areas for employment, increasing **urbanization** and social challenges.
- **Broader Social Implications:** Economic disparities and loss of traditional livelihoods contributed to **social tensions** and unrest in rural areas. The shift in economic power altered **traditional social structures**, granting wealthy farmers increased social and political influence. Mechanization of agriculture reduced demand for manual labour, leading to **unemployment** and further aggravating social tensions.

POLITICAL COST

- **Emergence of Bullock Capitalists:** The Green Revolution led to the rise of "bullock capitalists," a term coined by **Rudolph and Rudolph**, describing wealthy farmers who adopted new technologies and significantly increased agricultural productivity. These farmers gained substantial **political power**, influencing local and regional governance in their favour.



- **Strengthening of Caste Roles:** The Green Revolution reinforced existing **caste hierarchies**, as higher castes had better access to land, resources, and technology. This resulted in pronounced **political mobilization** among different caste groups, complicating the interplay between caste and politics in rural India.
- **Poor Distributive Aspects:** Uneven benefits created **regional disparities**, primarily benefiting **Punjab, Haryana, and Western Uttar Pradesh**, while neglecting **Eastern India**. Scholars like **T.K. Oommen, Usha Patnaik, and Pranab Bardhan** noted these disparities fuelled **social unrest** and intensified political demands for government support, land reforms, and equitable resource distribution.
- **Impact on Rural Political Structures:** Economic changes altered **political dynamics** in rural areas, introducing new power structures and alliances. Traditional leadership based on caste faced challenges from the new economic elite, leading to shifts in **political loyalties** and erosion of dependencies between landowners and labourers.
- **Political Movements for Sustainable Practices:** Environmental degradation sparked political activism advocating for **sustainable agricultural practices**. **Vandana Shiva's** book, "**Violence of the Green Revolution**," emphasized the societal and environmental costs of these policies, calling for practices that prioritize **social equity** and **environmental health**.

NEGATIVE OUTCOMES

- **No Real Wage Increase:** Despite nominal wage increases, real wages stagnated due to inflation, as observed by **S.S. Grewal**.
- **Inflation in Food Grain Prices:** Increased demand led to inflation in food grain prices, straining poorer populations.
- **Declining Living Standards:** Small and marginal farmers faced declining standards due to rising input costs and debt, widening economic inequalities.
- **Labour Displacement:** Mechanization led to labour displacement, reducing employment opportunities and contributing to rural unemployment.
- **Rise of Migrant Labourers:** Displaced rural workers migrated to cities, becoming urban migrants in

precarious conditions, creating socio-economic challenges.

- **Social Unrest:** Economic disparities and disrupted labour relationships led to social unrest and tensions within rural communities.

The Green Revolution significantly transformed India's agricultural landscape and had mixed economic outcomes. While it contributed to self-sufficiency in food production and increased incomes for some farmers, it also exacerbated economic inequalities, labour displacement, and social tensions. Future agricultural policies need to address these challenges by promoting sustainable and inclusive growth strategies.

VALUE ADDITION: SCHOLAR'S VIEWS ON GREEN REVOLUTION

- **Norman Borlaug**, the father of the Green Revolution, emphasized its role in averting famines and feeding millions.
- **M.S. Swaminathan** often referred to as the **father of the Green Revolution in India**, advocated for an "**Evergreen Revolution**" that **combines productivity with sustainability**. He emphasizes the need for conservation of natural resources and promotion of eco-friendly technologies.
- **Vandana Shiva**, an environmental activist, has **criticized the Green Revolution** for promoting unsustainable agricultural practices that harm the environment.
- **Pranab Bardhan** highlights the **increased economic inequalities** resulting from the Green Revolution. He argues that while it succeeded in boosting agricultural productivity, it also led to **significant regional and class disparities**. Bardhan emphasizes the need for land reforms and equitable distribution of resources to address these issues.
- **Francine Frankel** in her book "**India's Green Revolution: Economic Gains and Political Costs**" acknowledges the economic benefits of the Green Revolution, noting that it has given India the hope of escaping from its cycle of poverty by significantly boosting agricultural productivity. However, she also highlights several **negative consequences**. She argues that the rapid rate of economic development has exacerbated social tensions and increased disparities, which threaten the stability of rural political structures.

E. NEED FOR A SECOND GREEN REVOLUTION IN INDIA

India's agricultural sector faces new challenges, necessitating a Second Green Revolution to address stagnating productivity, environmental degradation, water scarcity, climate change, and socio-economic disparities.

- **Stagnating Productivity:** Agricultural productivity has plateaued. **Ashok Gulati**, an agricultural economist, emphasizes the need for **technology-driven enhancements** like **precision farming** and **biotechnology** to boost productivity.
- **Environmental Sustainability:** The first Green Revolution caused soil degradation, groundwater depletion, and biodiversity loss. **Vandana Shiva** advocates for **agroecological practices**, including **organic farming** and **conservation agriculture**, to ensure sustainability.
- **Water Management:** Severe water scarcity has resulted from groundwater over-extraction.

Tushaar Shah, a water management expert, stresses the need for innovative water strategies like **micro-irrigation** and **rainwater harvesting**.

- **Climate Resilience:** Climate change poses new risks, making it essential to develop climate-resilient crops and adaptive farming practices. The **National Mission on Sustainable Agriculture** under the NAPCC aims to enhance farmers' climate resilience.
- **Socio-Economic Equity:** The first Green Revolution favoured wealthier farmers. The **NITI Aayog** highlights the need for inclusive policies supporting small farmers, ensuring equitable access to credit, markets, and technology.

Dr. Ashok Gulati also stresses the importance of market reforms, improved supply chains, and price support mechanisms to enhance agricultural productivity and farmer incomes.

Thus, a Second Green Revolution should integrate modern technology, sustainable practices, and inclusive policies to increase productivity while ensuring environmental and social equity.

UNIT 9: CASTE, RELIGION, AND ETHNICITY IN INDIAN POLITICS

PREVIOUS YEAR QUESTIONS

NEHRUVIAN AND GANDHIAN PERSPECTIVES

- The rise of caste politics is to be attributed to both regional aspirations and electoral manifestations. Comment. (2023)
- Ethnicity is the underlying cause which poses a great challenge in the resolution of the problems in the North-East region of India. Comment. (2022)
- Explain how caste as a social category is also becoming a political category in the democratic politics of India. (2021)
- Examine the role of religion in Indian Electoral Politics in the contemporary times. (2020)
- Development has overshadowed the influence of caste in electoral behaviour in recent elections. Discuss. (2019)
- Critically examine the ethnic conflicts in North-East India. (2018)
- Religion is still an important factor in Indian politics. Discuss. (2017)
- Comment on the emergence of backward classes in Indian Politics. (2016)
- Relation between ethnicity and democracy in India. Comment. (2014)
- Explain the phenomenon of ethnic politics in India in recent times. (2013)
- Explain the phenomenon of ethnic politics in India in recent times. (2011)
- "The OBC politics has challenged the nature of dominant caste politics in the states." Critically examine this statement and bring out your conclusions. (2009)

1. THE GOOD, THE BAD, AND THE UGLY OF IDENTITY POLITICS

2. Definition and Origin: Identity politics refers to political positions and activities that focus on the interests and perspectives of social groups with which people identify.

It is the outcome of the shared experiences of injustice faced by certain social groups such as ethnicity, religion, gender, sexual orientation, or caste.

3. Focus and Goals: Rather than organizing solely around belief systems, manifestos, or party affiliations, identity politics **aims to secure political freedom and representation** for specific constituencies marginalized within the larger context. These groups assert their distinctiveness to challenge dominant narratives, striving for greater self-determination and justice.

4. Response to Modernity: It emerged as a **response to modernity's impersonal nature**, offering a sense of belonging and community. This form of politics **focuses on recognizing and addressing the unique experiences and rights** of these groups while navigating the complexities of overlapping and contested identities.

5. Example of Identity politics includes the **U.S. Civil Rights, LGBTQ+, and feminist movements**; **India's caste-based politics**; South Africa's **anti-apartheid struggle**; UK's Scottish National Party and **Brexit**; the **Kurdish independence** and **Israeli-Palestinian conflicts** in the Middle East reflecting diverse global identities.

VALUE ADDITION

- **Craig Calhoun** discusses identity politics in his book "Social Theory and the Politics of Identity" as a distinctly modern phenomenon, arising from efforts to consolidate individual and categorical identities in an impersonal world. He suggests that the focus on identity provides a sense of belonging and community.

A. POSITIVES OF IDENTITY POLITICS

Empowerment and Strengthening Democratic Participation: **Nancy Fraser** argues that identity politics is **essential for marginalized groups** to gain a voice and representation. She states, "**Recognition is a matter of justice, not only because it provides self-respect and social esteem but also because it is a precondition for participation in democratic politics.**"

Combating Stereotypes and Injustice: Identity politics helps marginalized groups **combat negative stereotypes and develop positive self-images**. By organizing around

By organizing around a shared identity, these groups can challenge societal prejudices and advocate for equitable treatment.

B. NEGATIVES OF IDENTITY POLITICS

Division and Hostility: Identity politics can lead to **increased societal division and hostility** among different groups. By emphasizing group differences, identity politics may **foster a sense of superiority and animosity** towards other groups, undermining social cohesion.

Constraint on Individuality: **Todd Gitlin** points out that identity politics can constrain individuals by **promoting rigid categorizations**. He argues, "**Identity politics often reduces individuals to their group affiliations, limiting their freedom to express their unique identities.**"

Potential for Sectarianism: Identity politics can sometimes **prioritize group interests over broader democratic principles**. This sectarian approach **can impede egalitarian reforms** and create conflicts of interest that hinder collective progress. (Brian Barry and Amartya Sen)

C. WAY FORWARD

BALANCED APPROACH TO IDENTITY POLITICS

- **Critical Evaluation:** A balanced approach requires evaluating the benefits and challenges of identity politics to ensure they align with principles of justice and equality.
- **Common Goals:** Identity groups should focus on promoting civic equality, freedom, and opportunities for all individuals.
- **Ethical Implications:** Democracies must address the ethical implications of identity politics, supporting groups that combat injustice while scrutinizing those that perpetuate division.

PROMOTING INCLUSIVE DEMOCRATIC PRACTICES

- **Respecting Diverse Perspectives:** Democracies should strive to include the perspectives of various identity groups, fostering mutual understanding and collaboration.
- **Encouraging Participation:** Promoting democratic deliberation and participation from diverse groups strengthens the democratic process and ensures equitable representation.

By adopting a balanced approach and promoting inclusivity, societies can harness the positive aspects of identity politics while mitigating potential drawbacks, enhancing democratic justice and equality for all.

Chantal Mouffe argues for an **agonistic approach to democracy**. She comments, "**Engaging in constructive conflict and debate among identity groups can enhance democratic representation and participation.**"

D. THE ROLE OF IDENTITY POLITICS IN SHAPING INDIA'S DEMOCRATIC LANDSCAPE

In India, despite adopting a liberal democratic system post-independence, identity politics centered on caste, religion, ethnicity, and regional identity remains deeply ingrained. These collective identities significantly influence electoral politics, policy-making, and social dynamics, reflecting the nation's vast diversity.]

Theories and analyses by various scholars provide insight into these dynamics:

- **Christophe Jaffrelot's Analysis of Hindu Nationalism:** In "The Hindu Nationalist Movement and Indian Politics" (1996), Jaffrelot examines how religious identity has been politically utilized, particularly by the BJP, to cultivate a broad Hindu voter base, affecting communal relations.
- **Amartya Sen's Advocacy for Pluralism:** In "The Argumentative Indian" (2005), Sen underscores the importance of recognizing India's pluralistic fabric while being mindful of the divisive potential of identity politics.
- **Sudipta Kaviraj on Regional Identity Politics:** In "The Imaginary Institution of India" (2010), Kaviraj explores the influence of regional identity politics, highlighting parties like DMK and Shiv Sena that prioritize regional issues and cultural identity.
- **Rajni Kothari's Theories on Caste as Political Capital:** In "Politics in India" (1970), Kothari emphasizes the integral role of caste dynamics in political negotiations within India's democratic framework.
- **Partha Chatterjee on Mobilization of Marginalized Groups:** In "The Nation and Its Fragments" (1993), Chatterjee discusses how identity politics has been a tool for marginalized groups to assert their democratic rights.
- **Dipankar Gupta on Economic Development and Identity Politics:** In "Interrogating Caste" (2000), Gupta examines how economic inequalities can exacerbate identity-based divisions.

India, as a multi-ethnic, multi-religious society with diverse cultural practices, underscores the significance of identity politics for efficient governance, internal management, international representation, and policy formulation

2. INFLUENCE OF CASTE IN INDIAN POLITICS

Caste is a deeply entrenched and complex phenomenon in Indian politics, significantly influencing the nation's social dynamics, electoral processes, and policy-making. Historically, caste is a traditional form of social stratification in India, dividing people into hierarchical groups **based on birth and occupation**, dictating aspects of life including profession, marriage, and social interactions.

A. EVOLUTION OF CASTE IN INDIAN POLITICS

Caste has been a pivotal factor in Indian politics, evolving across different historical phases:

COLONIAL PERIOD:

- **Codification of Castes:** The British formalized the caste system through censuses, reinforcing rigid caste identities and hierarchies.
- **Separate Electorates:** The British introduced separate electorates, allowing caste groups to elect their own representatives, entrenching caste divisions.

POST-INDEPENDENCE ERA:

- **Constitutional Provisions:** Affirmative action for Scheduled Castes (SCs) and Scheduled Tribes (STs) was implemented to uplift marginalized communities.
- **Caste-Based Mobilization:** Regional parties like DMK mobilized voters based on caste, influencing political power.
- **Mandal Commission (1979):** Recommended OBC reservations, leading to significant political mobilization and realignments, especially in North India.

CONTEMPORARY PERIOD:

- **Caste-Based Political Parties:** Emergence of parties like BSP, mobilizing support based on caste identity and influencing elections.
- **Caste and Coalition Politics:** Coalition

governments are often formed based on caste arithmetic, affecting policy decisions related to social justice and development programs.

B. SOCIOLOGICAL EXPLANATION OF CASTE

- **Louis Dumont's Structuralist Interpretation:** In "**Homo Hierarchicus**," Dumont provides a structuralist interpretation of caste, emphasizing the **Hindu ideology of purity and pollution**. He highlights the religious and ideological underpinnings of caste, positioning Brahmins at the top due to their perceived purity, rather than its socio-economic aspects. Dumont described caste as the Indian model of social stratification, contrasting with the western model of class.

VALUE ADDITION: CASTE-CLASS DYNAMICS

- **Rigidity:** Caste is typically hereditary and rigid, while **class is more fluid**.
- **Basis:** Caste is based on birth and social norms (**purity and pollution**), whereas class is primarily an economic categorization.
- **Mobility:** **Social mobility** in a caste system is traditionally **limited**, whereas class allows for mobility based on economic success or failure.

C. M.N. SRINIVAS' PERSPECTIVE ON CASTE

- **Sanskritization:** Srinivas introduced the concept of Sanskritization, describing how lower castes adopt the customs and practices of higher castes to move up the social hierarchy, showcasing the dynamic and fluid nature of caste. For example, lower castes adopting vegetarianism and teetotalism, traditionally Brahmin practices.
- **Westernization:** He also discussed Westernization, describing societal changes due to the influence of Western culture and technology, affecting different castes in varied ways and often intersecting with Sanskritization. For instance, the adoption of Western education and clothing by Indian elites.
- **Caste as a Fluid System:** Contrary to Dumont's rigid hierarchy, Srinivas presented caste as a flexible and negotiable system influenced by economic and political changes. He emphasized that caste status could be dynamic.
- **Caste and Power:** Srinivas introduced the concept of

the dominant caste. He focused on the relationship between caste and power, observing that caste groups could leverage their numerical strength in democratic politics to gain social and economic advantages. For example, the rise of caste-based political parties that mobilize voters based on caste identity.

D. SCHOLARLY PERSPECTIVES ON CASTE'S ROLE IN INDIAN POLITICS

Rajni Kothari observed that in traditional societies like India, mobilizing people along **identity lines such as religion and caste is a natural phenomenon**.

M.N. Srinivas argued that caste exists **at a subconscious** level in the minds of Indians, making it challenging to envision Indian politics without the influence of caste.

Kanchan Chandra noted that when **political patronage is based on caste**, it is unrealistic to think of politics devoid of caste influences.

E. DOES CASTE INFLUENCE POLITICS OR DOES POLITICS INFLUENCE CASTE?

The relationship between caste and politics in India is intricate and bidirectional. Understanding whether caste influences politics or politics influences caste involves analyzing various dimensions of their interplay.

CASTE INFLUENCING INDIAN POLITICS

- **Voting Patterns:** Voters often align with candidates and **parties based on caste identity**. For example, **Yadav voters in Uttar Pradesh** frequently support Yadav candidates.
- **Candidate Selection:** Political parties choose **candidates from specific castes** to attract votes. For instance, a party may field a candidate from a Scheduled Caste to secure Dalit votes.
- **Caste-Based Political Parties:** Parties like the Bahujan Samaj Party (BSP) focus on the interests of specific castes, such as Dalits, and campaign for their rights.
- **Reservation Policies:** Policies providing reservations in education and government jobs for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) result from caste influencing political decisions, aiming to **rectify historical discrimination**.
- **Identity Politics:** Caste often forms the basis of

Identity politics in India, as seen in the mobilization of groups like **the Patidars in Gujarat** for reservation benefits.

INDIAN POLITICS INFLUENCING CASTE

- **Reservation Policies:** Government policies, driven by political considerations, have **improved the socio-economic status** of historically marginalized castes, such as the reservation of seats for SCs, STs, and OBCs.
- **Caste-Based Mobilization:** Political leaders and parties mobilize caste groups strategically during elections to **consolidate votes and gain political influence**, impacting the organization of these communities.
- **Alliances and Power Dynamics:** Political alliances are formed based on caste equations, **influencing the balance of power** within and between castes. For example, alliances between parties representing dominant castes and marginalized communities can shift power dynamics.
- **Policy Decisions:** Political decisions, such as **resource allocation and social welfare programs**, often address caste-related issues, aiming to uplift disadvantaged castes and bridge socio-economic disparities.
- **Data Collection:** The government's collection of caste data, driven by political considerations, informs policies and reservation quotas, **influencing the allocation of resources** and government representation for specific caste groups.

The intricate relationship between caste and politics in India demonstrates that both elements significantly shape each other. The evolution of caste politics illustrates the ongoing negotiation between historical social structures and contemporary political strategies, highlighting the need for continuous efforts to address caste-based inequalities and promote inclusive governance.

F. PERSPECTIVES SUGGESTING CASTE STRENGTHENS DEMOCRACY

- **Increased Representation and Participation:** **M.N. Srinivas** argued that the caste system, through mechanisms like Sanskritization, allows for upward social mobility, indirectly encouraging political participation across different caste groups.

Rajni Kothari observed that caste-based parties and

politics have **mobilized historically marginalized groups**, bringing them into the democratic process and enhancing political participation.

- **Empowerment of Marginalized Communities:** Christophe Jaffrelot notes that caste politics has **enabled lower castes**, especially Dalits and OBCs, to **gain political power** and visibility, which was previously unattainable. This, he argues, has been vital in democratizing Indian politics.
- **Social Justice and Equity:** Amartya Sen acknowledges **the role of caste-based affirmative action** in promoting social justice and equality, which are key tenets of democracy.

G. PERSPECTIVES SUGGESTING CASTE WEAKENS DEMOCRACY

- **Division and Polarization:** Andre Beteille argues that caste politics **leads to social divisions** and undermines the principle of equality in democracy. He fears that the politicization of caste may **solidify caste identities**, hindering social cohesion.
- **Erosion of Secular and Democratic Values:** Partha Chatterjee has expressed concerns that the politicization of caste identities can erode secular and democratic values, leading to a **polity divided along caste lines** rather than united by national interests.
- **Hindrance to Meritocracy and Development:** Atul Kohli suggests that caste-based politics might undermine meritocracy and impede development-focused governance, as political decisions are often made to appease certain caste groups rather than based on broader developmental criteria.

F. H. POLITICIZATION OF CASTE AS DEMOCRATIC UPSURGE

- **Yogendra Yadav** described the rise of caste-based parties and the **mobilization of lower castes** in politics as a form of '**democratic upsurge**.' He sees this as an expansion of the democratic space, allowing groups that were historically denied political power to gain representation and influence.
- **Christophe Jaffrelot's 'Silent Revolution':** He interprets the **increasing assertiveness of lower castes** in the

political arena as a significant **transformation in the power dynamics** of Indian society, reflecting a deeper democratization process.

VALUE ADDITION: DEMOCRATIC UPSURGES

First Democratic Upsurge

- Occurred around the time of India's independence in 1947 and the first general elections in 1951-52.
- Enfranchised a significant segment of the population, many of whom were voting for the first time.
- Marked the transition of political power from colonial rulers to the diverse Indian populace, establishing the foundation for democratic governance.

Second Democratic Upsurge

- Took place during the 1970s and 1980s.
- Saw the rise of lower castes and classes in politics, along with the emergence of new parties and leaders representing these groups.
- Linked to the implementation of the **Mandal Commission's** recommendations, which extended reservations to OBCs, democratizing political power among marginalized communities.

Third Democratic Upsurge

- Began in the late 1990s and continues into the 21st century.
- Characterized by increased political participation by localized groups, specific caste groups, regional parties, women, and youth.

3. DALIT POLITICS IN INDIA

Dalit mobilization in India dates back to pre-independence times, representing an assertion against exploitation by upper castes. **Dr. B.R. Ambedkar** made significant contributions to the **politicization of Dalits**. Within Dalit communities, there have been three primary approaches to upliftment:

CO-OPTION - ALIGNMENT WITH CONGRESS: Dalits aligned with mainstream national parties like the Congress **for social upliftment** through gradual reform within the existing system. It has provided **Dalits with a political voice** but sometimes diluted specific Dalit agendas.

- For instance, leaders like **Jagjivan Ram** served in various capacities within Congress governments, advocating for Dalit rights while being part of a broader national party.
- In contemporary time, some Dalit leaders like **Ram Vilas Paswan and Udit Raj** have shifted their belief that working with major parties yields tangible benefits, as they view the **complete annihilation of caste as unattainable**

AUTONOMY: Ambedkar advocated for **separate political representation** and organization for Dalits, exemplified by the **formation of the Independent Labour Party (ILP)** and later the **Scheduled Castes Federation (SCF)**. He emphasised the **Empowerment of Dalits** through their own political agencies, ensuring their issues were not subsumed under wider political narratives.

- For instance, The Bahujan Samaj Party (**BSP**) under **Mayawati** focuses on Dalit issues and has significant support in states like Uttar Pradesh.

RADICALISM: Some Dalit movements **draw inspiration from Marxist ideas**, viewing caste oppression through the **lens of class struggle** and advocating for a radical restructuring of society. For example, Dalits rejected the co-option approach and groups like the **Dalit Panthers** and the **Bhim Army** adopt a more radical stance in advocating for Dalit rights, often involving protests and direct action against caste-based discrimination.

A. ANALYSIS OF DALIT POLITICS

Pratap Bhanu Mehta in his article “**New Dalit Challenge**,” written in the context of the **Bhima-Koregaon incident**, suggests that new Dalit politics reflect profound changes:

- Dalits are **no longer satisfied with mere constitutional recognition**.
- There is a **rejection of the ‘managerial approach,’** where upper castes co-opt Dalits without shifting real power.
- Dalits are **building counter-hegemony**, challenging and rewriting history.
- The new Dalit imagination is **colliding with upper-caste strategies** of containment.

According to **C.P. Bhambri** while **increasing Dalit consciousness is positive**, Dalits should **form alliances with progressive forces** to avoid limiting their own struggle.

VALUE ADDITION: SCHOLARS VIEWS ON POLITICS

- **Prof. Yogendra Yadav** analyses electoral trends and voting patterns, noting the complexities of Dalit identity and the emergence of a Dalit middle class influencing politics towards issue-based agendas.
- **Milan Vaishnav** explores that economic liberalization influences Dalit political aspirations and agency, with economic factors becoming significant in shaping the Dalit political narrative.
- **Christophe Jaffrelet** highlights the rise of Dalit politics from the grassroots level, emphasizing the importance of Dalit political parties in providing an alternative to mainstream politics.
- **Anand Teltumbde** critiques the appropriation of Dalit politics by mainstream parties, emphasizing the need for Dalit movements to align with broader working-class struggles for genuine social transformation.
- **Sukhadeo Thorat** argues for economic upliftment as crucial for real empowerment, suggesting that Dalit politics should focus on breaking down economic barriers.
- **Kancha Ilaiah** advocates for a **radical rethinking of Dalit politics**, including economic empowerment and education as key components of social change.

4. CASTE AS A DETERMINANT OF ELECTORAL BEHAVIOR: RECENT TRENDS

- According to **Abhijeet Banerjee** economic development is not the primary basis of voting in India; voters are **driven by caste and religion**.
- **Milan Vaishnav** challenged the conventional view. According to him study indicates that economic issues are **becoming significant in voting behaviour**, although **caste remains influential**.
- According to **Christophe Jaffrelet** while caste has traditionally been crucial, **recent elections show its declining role**.
- According to **Arvind Panagariya** economics plays a **role alongside caste**, with BJP focusing on development and creating new categories like economically weaker sections, **thus diluting caste's influence and promoting class identity**.

A. KEY FACTS HIGHLIGHTING THE ROLE OF CASTES IN THE 2024 LOK SABHA ELECTIONS

- **Caste Persistence:** The Patna High Court's approval for a caste survey in Bihar on August 1, 2023, underscored the enduring significance of caste in Indian society and politics.
- **Shift from Religion to Caste:** Despite the BJP's focus on Hindutva, caste dynamics re-emerged, exemplified by the Dalit victory of Awadhesh Prasad in Faizabad, undermining BJP's anticipated gains from the Ram temple's popularity.
- **Caste-Based Political Strategies:** The Samajwadi Party (SP) successfully fielded Dalit candidates from non-reserved seats, benefiting from broader caste consolidation against the BJP.
- **Impact of Maratha Reservation:** In Maharashtra, the BJP faced backlash over the Maratha reservation issue, resulting in losses in key regions and favoring the INDIA bloc.
- **Bihar's Caste Composition:** The caste survey in Bihar indicated a diverse electorate, with EBCs, Dalits, and Yadavs forming a substantial base for the RJD and influencing election outcomes.
- **Coalition Dynamics in Karnataka:** Vokkaliga-Lingayat consolidation benefited the NDA, while Congress's AHINDA politics influenced results in Kalyana Karnataka.

5. ETHNICITY IN INDIAN POLITICS

Ethnicity can be defined as a **collective consciousness** based on **common descent, language, religion, and history**; ethnicity is central to nation-building. While some nations are homogeneous, others like India and the USA are multi-ethnic. India follows a '**salad bowl**' model of nation-building, incorporating federalism, secularism, and a welfare state.

According to **James Manor** ethnicity in India is **dynamic and influenced by historical, political, and social factors**. Ethnic identities are not fixed but can change over time due to politics, economic conditions, and social interactions.

Prof. S.D. Muni argues that **ethnic identities in India are fluid** and can be manipulated by political elites to suit their interests. Ethnic unity can be based on language, but can be disrupted by caste or religion

Political actors often mobilize **ethnic identities to garner support and win elections**. Ethnic identity and politics vary significantly from one region to another. Caste can be seen as a form of ethnic identity, influencing political and social dynamics.

- According to **Anthony D. Smith** ethnic identities in India are **rooted in ancient history**, with a deep connection to cultural or social groups.
- **Ashutosh Varshney** differentiates between "**civic**" and "**ethnic**" forms of nationalism in India.
- **Sudipta Kaviraj** explores the relationship **between caste and ethnicity**, highlighting caste **as a form of ethnic identity**.
- **Partha Chatterjee** emphasizes **grassroots mobilization** of ethnic identities.
- **Paul Brass** highlights the use of **ethnicity and communalism for electoral purposes**, leading to social and political conflict.

VALUE ADDITION

Paul Brass in his work "Ethnicity and Nationalism," outlines the Indian state approach to ethnic challenges:

- **Secessionist demands** are typically **rejected**.
- Demands framed in religious terms are less tolerated than those framed in linguistic or developmental terms.
- Government **responds when demands gain broad support**.
- Accommodating demands considers the views of other affected groups.

A. REASONS FOR ETHNIC POLITICS IN INDIA

According to **Romila Thapar** historical factors and centuries of social, cultural, and religious interactions have shaped ethnic identities.

According to **Bipan Chandra** policies of British colonial rulers exacerbated ethnic and communal divisions.

According to **B.R. Ambedkar** Socio-economic disparities fuel ethnic and caste-based politics.

According to **Atul Kohli** political leaders sometimes exploit ethnic divisions for electoral gain.

B. DEMOCRACY AND ETHNICITY

Democracy and ethnicity in India are deeply intertwined, presenting both opportunities and challenges. Indian experience demonstrates that managing ethnic diversity through democratic means requires a delicate balance of representation, inclusion, and constitutional safeguards.

- **Role of Ethnicity in Strengthening Democracy:** Ethnicity promotes inclusivity and representation of marginalized communities. It reinforces pluralism and tolerance. It provides a **framework for peaceful conflict resolution**.
- **Role of Ethnicity in Weakening Democracy:** Ethnicity **fosters polarization and divisiveness** through identity politics. It strains the social fabric through communal tensions. Ethnicity causes political fragmentation which **hinders effective governance and stability**.

C. ETHNICITY IN NORTH-EAST INDIA

The North-East region of India is one of the most ethnically diverse areas in the country. The region is home to a plethora of ethnic groups, languages, and cultures, each with its unique identity and history. This diversity has been both a source of rich cultural heritage and a catalyst for ethnic tensions and conflicts.

REASONS FOR ETHNIC CONFLICTS



Diversity of ethnic groups leads to competition over resources and identity. Example: Manipur Riots(2023)



Separatist movements fueled by ethnic identity and autonomy aspirations. Disputes over land and resources.



Demographic changes due to migration.



Economic disparities and lack of development.



Competition among ethnic groups for representation.



Human rights concerns resulting from conflicts.



Failure of peace initiatives and political negotiations.

According to **Neera Chandoke** state attempts at **homogenization** make people more conscious of ethnic identities.

VALUE ADDITION: SCHOLARS' VIEWS ON NORTH-EAST CONFLICTS AND INDIAN POLITICS

- According to **Sanjib Baruah** ethnic diversity has led to the fragmentation of the political landscape.
- **Udayon Misra** emphasises that ethnic conflicts have resulted in the emergence of insurgent groups.
- **D. Dhanuraj** advocates that conflicts have hindered development initiatives.
- According to **M.S. Prabhakara** political negotiations are essential for addressing grievances.
- **Sajal Nag** emphasises that insurgency and ethnic conflicts have significant implications for politics and security.

D. HANDLING OF ETHNIC MOVEMENTS IN INDIA

India's multifaceted approach to handling ethnic movements combines political, administrative, economic, and military strategies to address diverse ethnic grievances. Key methods include:

- **NEGOTIATION AND ACCOMMODATION:**
 - **Political Dialogue:** Engaging in dialogue with ethnic groups to negotiate solutions.
 - **Peace Accords:** Agreements like the Assam Accord (1985) and Mizo Accord (1986) to address political and economic demands.
 - **Power Sharing:** Establishing autonomous regions, such as the Bodoland Territorial Region.
- **DECENTRALIZATION AND INCLUSION:**
 - **Empowering Local Governments:** Delegating powers to local bodies for better governance.
 - **Economic and Social Policies:** Implementing targeted development programs for ethnic minorities.

Special Status: Article 371 provides special status to North-Eastern states to preserve cultural identity.

➤ CONFLICT MANAGEMENT:

- **Dialogue and Mediation:** Continuous engagement to manage conflicts and find common ground.
- **Security Measures:** Deploying forces to maintain peace when necessary.
- **Rehabilitation Programs:** Supporting insurgents and displaced persons with education and employment.

➤ AFFIRMATIVE ACTION POLICIES:

- **Reservations:** Ensuring access to education, employment, and representation for marginalized communities.
- **Development Schemes:** Initiatives like the Integrated Tribal Development Programme (ITDP).
- **Legal Protections:** Enacting laws to safeguard minority rights.

➤ ELECTORAL STRATEGIES:

- **Inclusive Representation:** Including diverse candidates in political parties.
- **Coalition Politics:** Forming alliances with regional and ethnic parties.
- **Campaign Promises:** Addressing ethnic concerns in election campaigns focusing on development and social justice.

This comprehensive approach seeks to manage ethnic movements while promoting inclusion and stability.

E. SARKARIA COMMISSION RECOMMENDATIONS

The Sarkaria Commission examined the relationship between state and central governments, emphasizing democratic decentralization and balanced development to address ethnic movements in India.

➤ DEMOCRATIC DECENTRALIZATION:

- **Empowering Local Governments:** Devolve administrative and financial powers to local bodies to meet ethnic communities' needs.
- **Creation of Autonomous District Councils:** Establish councils with legislative, executive, and

financial powers in ethnically diverse regions for greater autonomy (e.g., Bodoland Territorial Region, Gorkhaland Territorial Administration).

- **Special Status for Regions:** Grant special status to regions with unique ethnic compositions for cultural preservation and autonomous development.

➤ EQUITABLE RESOURCE ALLOCATION:

- **Addressing Regional Disparities:** Ensure equitable resource distribution to mitigate ethnic tensions.
- **Backward Regions Grant Fund (BRGF):** Fund development projects in underdeveloped areas to reduce marginalization (e.g., Northeast India Development Projects, Tribal Sub-Plan).

F. SCHOLARLY VIEWS ON ETHNIC MOVEMENTS IN INDIA

- **Rajni Kothari** emphasized the need for recognizing the political aspirations of ethnic groups and integrating them into the broader democratic framework.
- **Ashutosh Varshney** highlights the importance of civil society in mitigating ethnic conflicts and promoting inter-community engagement.
- **Christophe Jaffrelot** analyzes the role of political mobilization and state responses in shaping the trajectory of ethnic movements in India.

India's handling of ethnic movements reflects a complex interplay of political accommodation, economic development, negotiation, and security measures. While significant strides have been made in addressing ethnic aspirations and grievances, challenges remain in ensuring lasting peace and integration. Continuous efforts and adaptive strategies are essential to manage the diverse ethnic landscape of India effectively.

6. ROLE OF RELIGION IN INDIAN POLITICS

Religion and politics have always been intertwined, not just in India but globally. The end of the Cold War and the subsequent rise of religious fundamentalism marked a significant shift in political dynamics worldwide.

Samuel P. Huntington in "**The Clash of Civilizations**" mention that people's cultural and religious identities will be the primary sources of conflict in the post-Cold War world.

Political ideologies aim to mobilize voters, and when religion is used for this purpose, it is termed communalism. **Communalism** represents identity politics, which appeals to people's passions and emotions, often leading to violence. While it is natural for individuals to be passionate about their religion, culture, or language, it is problematic when elites manipulate these passions for political gain.

A. EVOLUTION OF COMMUNAL POLITICS DURING BRITISH RULE

- British Colonial Policies: The British used "divide and rule" strategies to emphasize religious divisions for control.
- Partition of Bengal (1905) heightened communal tensions as it was seen as a move to divide Hindus and Muslims.
- Separate Electorates (1909): It was introduced for Muslims for institutionalizing religious divisions in politics.
- All India Muslim League advocated for separate Muslim representation, contributing to religious polarization.
- Communal Riots: Sporadic riots during this period deepened religious divisions.
- Partition of India (1947): The division of India and Pakistan on religious lines resulted in massive population exchanges and widespread violence.

VALUE ADDITION

British Historians' Perspective on communalism in India: British historians have claimed that Indians have always been communal, with the subcontinent's politics being inherently communal.

Romila Thapar challenges British Historians' narrative, arguing that significant communal violence only emerged with British colonialism, although local sectarian conflicts existed.

According to Bipin Chandra in 19th Century followers of specific religions began perceiving

common religious, political, social, and economic interests. In **early 20th Century** communities started recognizing their distinct interests and in **20th Century** communalism evolved into mutually antagonistic interests, leading to the two-nation theory and the creation of Pakistan.

B. ROLE OF RELIGION IN POST-INDEPENDENCE POLITICS

Religion has played a significant role in shaping the political landscape of post-independence India. This influence is multifaceted, involving political mobilization, policy-making, social dynamics, and inter-community relations.

- POST-INDEPENDENCE SECULARISM (1950S-1970S):** India adopted a secular constitution in 1950, aiming to separate religion from politics. Leaders like Jawaharlal Nehru emphasized secularism and inclusivity. During this period, communalism was marginalized in mainstream politics.
- RISE OF COMMUNAL POLITICS IN THE 1980S:** The 1980s saw the **emergence of the Bharatiya Janata Party (BJP)** with its Hindu nationalist agenda. The Ram Janmabhoomi movement, aimed at building a Hindu temple at the Ayodhya site, gained momentum.
- 1990S AND BEYOND:** The **demolition of the Babri Masjid in 1992** led to communal violence and polarization. Communal politics persisted, with the BJP gaining national power in 1998, **promoting Hindutva ideology**. Communal tensions, such as the 2002 Gujarat riots and Muzaffarnagar Riots (2013) etc. remained a concern.

VALUE ADDITION: SCHOLARLY VIEWS ON RELIGION IN INDIAN POLITICS

Thomas Blom Hansen explains the rise of BJP in "**The Saffron Wave.**" He notes BJP's transformation from 2 seats in 1984 to a dominant political force, potentially moving India towards a BJP-centric system.

Pratap Bhanu Mehta argues that **Hindutva politics is not new**, highlighting Congress's use of "**soft Hindutva.**" He Cites examples of Rajiv Gandhi's and Indira Gandhi's communal decisions.

Neera Chandoke criticizes Indian secularism for allowing communalism, noting BJP's success in positioning its model as genuinely secular compared to Congress's pseudo-secularism.

evident in the differing political landscapes of states like Kerala, where caste plays a less significant role compared to states like Rajasthan, where it remains a dominant factor.

C. ANALYSIS OF COMMUNAL RIOTS IN INDIA

- **Essentialist School** views Hindus and Muslims as inherently antagonistic, with deep-seated historical conflicts.
- **Bipin Chandra (Instrumentalist School)** argues that elites manipulate communal identities for political gain.
- **Asghar Ali Engineer (Institutionalist School)** contends that state policies and public actions perpetuate communalism.
- **Social Constructivist School** suggests that societal stereotypes and lack of inter-community communication foster communal tensions.

VALUE ADDITION: VIEWS OF PAUL BRASS ON COMMUNAL VIOLENCE AND ELECTORAL POLITICS

- **Electoral Mobilization:** Political parties exploit religious divisions to gain votes, leading to identity-based competition.
- **Political Instrumentalization:** Politicians may incite or tolerate communal violence for electoral gains.
- **Post-Violence Calculations:** Parties assess communal violence's impact on voting patterns, adjusting their stance accordingly.
- **Impact on Governance:** Communal violence distracts from development issues and complicates governance.

VALUE ADDITION

- **Christophe Jaffrelot's** observations on changing dynamics are reflected in urban centers like Bengaluru and Mumbai, where economic issues often take precedence over caste and religious identities in voter considerations.
- **Ashutosh Varshney** highlights the continued significance of religion and caste. He supported his views by examples such as the **persistence of caste-based voting patterns in states like Uttar Pradesh and Bihar**, where political parties explicitly target specific caste groups.
- **Paul Brass** emphasised that **identity-based politics is evident in the selection of candidates from dominant castes** in regions like Tamil Nadu and Maharashtra, where caste affiliations remain a critical factor in electoral success.
- **Sudha Pai's** analysis of strategic use of identity and development issues is demonstrated by parties like the BJP, which balances Hindutva appeals with development promises to attract a broader voter base.
- **Rajni Kothari's** regional variation **perspective is**

D. IS THE ROLE OF RELIGION AND CASTE DECLINING IN INDIAN ELECTIONS?

The role of religion and caste in Indian elections has been a subject of extensive debate among scholars, politicians, and the public. While some argue that their influence is waning due to economic development, urbanization, and the rise of new political issues, others contend that these factors continue to play a significant role in shaping electoral outcomes.

- **Continued Significance:** religion and caste remain crucial factors in determining voting patterns and candidate selection in India.
- **Changing Dynamics:** economic issues and urbanization are increasingly challenging traditional identity politics, with voters prioritizing economic concerns.
- **Strategic use of identity and development:** Political Parties strategically use identity and development issues to mobilize voters. Political Parties often adapt their strategies based on the political landscape, switching between identity-based appeals and development agendas as needed. This adaptability allows parties to navigate the complex and dynamic nature of Indian politics, where

where identity issues remain significant but are increasingly intertwined with development concerns.

- **Regional Variation:** Influence of caste and religion can differ widely from one state or region to another. In some regions, caste-based politics is more pronounced, heavily influencing electoral outcomes and political behaviour. In contrast, other regions may see a lesser impact of caste, with voters prioritizing other issues such as economic development or regional identity.

Religion and caste remain significant forces in Indian elections, **influencing voting patterns and candidate selection.** However, **economic development, urbanization,** and a growing youth voter base are **challenging the dominance of identity-based politics.** Political parties continue to use identity appeals strategically, adapting to changing electoral interests, with regional variations adding complexity to this evolving phenomenon.

UNIT 10: PARTY SYSTEM IN INDIA

SYLLABUS- National and regional political parties, ideological and social bases of parties; Patterns of coalition politics, Pressure groups, trends in electoral behaviour, Changing socio-economic profile of Legislators

PREVIOUS YEAR QUESTIONS

NATIONAL AND REGIONAL POLITICAL PARTIES, IDEOLOGICAL AND SOCIAL BASES OF PARTIES; PATTERNS OF COALITION POLITICS

- The decade 1989–1999 has created an epochal shift in the Indian party system at the national level. Identify the major national trends in the party system during this era. (2023)
- How far is it correct that the regional parties have strengthened Indian democracy and the federal system? Substantiate your answer with suitable examples. (2022)
- "The Indian party system is shaped by a complex interaction of the country's federal structure, electoral system and social cleavages." Explain. (2021)
- To what extent has the inadequate intra-party democracy affected the functioning of Indian Democracy? (2020)
- Political personalities are more significant than political parties in India. (2018)
- Explain the increasing role of regional political parties in the national politics. (2018)
- India has moved from 'one-party dominant system' to 'one-party led coalition'. Discuss. (2017)
- Cultural and Regional differences are the enduring bases on which politics is played out in India. (2016)
- Discuss the pattern of Political Parties from one dominant party system to coalition politics in national politics. (2016)
- Account for the rise of regional political parties and assess their role in contemporary India. (2015)

- Explain to what extent the concept of "one-party dominance" (W.H. Morris-Jones) model is relevant in Indian policy today. (2013)
- Examine the impact of coalition-politics on the Indian political system. (2012)
- Secularism in Indian politics is a myth. Critically examine and comment. (2011)
- Implications of the use of Electronic Voting Machines (EVMs) on electoral politics. Comment. (2009)

PRESSURE GROUPS, TRENDS IN ELECTORAL BEHAVIOUR

- Electoral behaviour of voters is governed more by the social and economic factors than the political factors. Explain. (2022)
- In the post-liberalization era, Indian politics is moving from ascriptive politics to developmental politics. (2017)
- Explain how pressure groups have been influencing public policy making with suitable illustrations. (2014)
- Trade union as pressure group in Indian politics. Comment. (2011)
- Examine the changing pattern of electoral behaviour in India. (2011)
- Upsurge in political participation among the marginalised communities in the Indian General Elections during the last two decades. Comment. (2010)

PRESSURE GROUPS, TRENDS IN ELECTORAL BEHAVIOUR

- The changing socio-economic profile of our legislators does not augur well for the health of Indian democracy. Comment. (2019)
- Account for the changes in the socio-economic profile of legislators during last one decade in India. (2014)
- Bring out the changing educational profile of the Members of the Lok Sabha over the years, "up to the present (15th) Lok Sabha. (2009)

1. POLITICAL PARTIES AND DEMOCRACY

- A political party is an **organized group of individuals** who come **together to contest elections, hold power in government, and influence public policy**. Political parties typically have a **specific ideological orientation** or set of values that guide their policies and actions.
- They **aim** to represent the interests of their supporters, mobilize voters, formulate policies, and provide a structured mechanism for political participation and governance.
- Political parties are essential components of democratic systems, as they facilitate the **functioning of government, ensure accountability, and provide a platform for political debate** and decision-making.
- Scholars like **Harold Laski** assert that **political parties are indispensable for democracy**. However, leaders like **Mahatma Gandhi, M.N. Roy, and Jayaprakash Narayan** have advocated for a **party-less democracy**, emphasizing **direct governance by the people**.

2. THEORIES OF POLITICAL PARTIES

- Political parties are essential components of modern democratic systems, and various theories have been developed to understand their origins, functions, structures, behaviours etc.

A. CLASSICAL THEORIES OF POLITICAL PARTIES

• Cadre vs. Mass Parties

- **Cadre Parties:** These parties, also known as elite or cadre parties, originated in the 19th century. They are characterized by a **small, highly organized group of elite members** who control party decisions and activities. Membership is often limited, and the focus is on maintaining internal discipline and cohesion.
- **Mass Parties:** In contrast, mass parties emerged with the **expansion of suffrage and the rise of mass political participation**. These parties seek broad membership and aim to mobilize large segments of the population. They focus on grassroots organization and mass mobilization.

B. SOCIOLOGICAL THEORIES

• Cleavage Theory (Lipset and Rokkan)

- According to this theory, political parties emerge and **develop based on major social cleavages** within society, such as class, religion, ethnicity, and region. Lipset and Rokkan identify four critical cleavages that have historically shaped party systems:
 1. Center vs. Periphery
 2. State vs. Church
 3. Landed Interests vs. Industrial Interests
 4. Owner vs. Worker
- For instance, **in Europe**, socialist and labor parties often emerged to represent the working class, while conservative and Christian democratic parties represented religious and business interests.

C. INSTITUTIONAL THEORIES

According to Maurice Duverger the electoral system shapes the party system. According to Duverger's Law:

- **Plurality (First-Past-The-Post) Systems:** Tend to produce **two-party systems** because only the candidate with the most votes wins, discouraging smaller parties.
- **Proportional Representation Systems:** Encourage **multi-party systems** as seats are allocated based on the percentage of votes each party receives, allowing smaller parties to gain representation.

D. BEHAVIOURAL THEORIES

• Rational Choice Theory

This theory views parties as rational actors seeking to maximize votes, power, and influence. It is based on the idea that political actors (voters, candidates, and parties) make decisions that will maximize their utility.

- **Median Voter Theorem:** Parties in a two-party system will gravitate towards the centre to capture the median voter's support, as this is where the majority of votes are located.
- **Issue Positioning:** Parties strategically position themselves on issues to attract the maximum number of voters.

• Cartel Party Theory

Proposed by **Richard Katz and Peter Mair**, this theory suggests that established parties in competitive democracies collude to form a cartel, **using state resources** to maintain their position and exclude new competitors. These parties focus on self-preservation and often blur ideological differences to protect their collective interests.

E. ORGANIZATIONAL THEORIES

• Iron Law of Oligarchy (Michels)

Robert Michels proposed that all complex organizations, including political parties, inevitably become oligarchic. Even in democratic parties, a small group of leaders will gain control and dominate decision-making, limiting internal democracy.

F. ORGANIZATIONAL THEORIES

• Functions of Parties (Sartori)

Giovanni Sartori identified several key functions that parties perform in democratic systems:

- **Interest Aggregation:** Combining various interests and demands into a coherent policy platform.
- **Interest Articulation:** Expressing and advocating for specific interests and policy preferences.
- **Political Socialization:** Educating and engaging citizens in the political process.
- **Recruitment of Leaders:** Identifying and nurturing future political leaders.

• Catch-All Party Theory (Kirchheimer)

Otto Kirchheimer observed that traditional mass parties evolved into catch-all parties to appeal to a broader electorate. These parties de-emphasize ideology to attract a diverse group of voters and focus on pragmatic and centrist policies to maximize electoral success.

G. Marxist Theory of Parties

- From a Marxist perspective, **political parties represent different class** interests. Bourgeois parties serve capitalist interests, while proletarian parties aim to advance the working class's goals. This theory emphasizes the class struggle and sees parties as instruments of either maintaining or challenging the status quo.

- These theories focus on the **role of identity, culture, and discourse** in shaping political parties. They argue that parties increasingly reflect diverse identities (e.g., gender, race, ethnicity) and focus on cultural and symbolic politics rather than traditional economic issues.

H. Comparative Party Systems

Giovanni Sartori classified party systems based on the number of relevant parties and their ideological distance:

- **Predominant Party System:** One party dominates, but others exist.
- **Two-Party System:** Two major parties compete for power.
- **Moderate Pluralism:** Multiple parties with a few significant competitors.
- **Polarized Pluralism:** Many parties with significant ideological differences and fragmentation.

3. PARTY SYSTEM

A party system is not merely about the number of parties but **their relevance in the political framework**. At India's independence, multiple parties existed, yet the **Congress party's dominance** established a **one-party dominant system**, effectively marginalizing other political entities.

A. UNIQUE FEATURES OF INDIAN POLITICAL PARTIES

Indian political parties **differ from their Western counterparts** in several ways, as **noted by Zoya Hasan**:

1. **Lack of Ideological Commitment:** Indian parties often prioritize practical governance over strict ideological adherence.
2. **Catch-All Parties:** They aim to attract a broad spectrum of voters rather than a specific ideological group.
3. **Office-Oriented:** The primary goal is to gain and retain power rather than implement specific policies.
4. **Disconnect with the Public:** There is often a significant gap between party leadership and the electorate.

5. Corporate Connections: Strong ties exist between political parties and corporate groups, influencing policy decisions.

6. Unique Party Structures: Parties like AIADMK have distinctive organizational frameworks characterized by strong centralized leadership. For example, it was closely associated with its founder M.G. Ramachandran and later with J. Jayalalithaa, with both leaders playing a crucial role in shaping the party's policies and direction

Paul Brass highlights the paradoxes within Indian political parties. They blend Western bureaucratic elements with indigenous political practices and often lack internal democracy, leading to centralized decision-making and a high command culture.

Yogendra Yadav observes that Indian political parties are simultaneously experiencing institutionalization and deinstitutionalization. While their organizational reach is expanding, voter engagement is decreasing, reducing political parties to mere vote-getting machines instead of instruments of broader democratic engagement and nation-building.

B. STAGES OF THE EVOLUTION OF INDIAN PARTY SYSTEM

1. Up to 1967: Dominance of the Congress Party.
2. 1967–1977: Breakdown of the Congress system as it lost majorities in several states.
3. 1977–1989: Transition to a two-party system with the rise of the Janata Party and the BJP.
4. 1989–2014: Emergence of a multi-party system and coalition politics.
5. 2014–2024: BJP System
6. 2024 Onwards: re-emergence of Multi-Party System and Coalition Politics

C. DOMINANCE OF CONGRESS SYSTEM

- After independence, the Congress party's dominance led **Rajni Kothari** to describe it as the "Congress System," characterized by Congress acting as a grand coalition encompassing various societal interests.
- Congress's dominance was due to its role in the freedom movement, its centrist policies, and Nehru's leadership, which promoted internal democracy, freedom of speech, and sensitivity toward minorities.

BREAKDOWN OF THE CONGRESS SYSTEM

The decline of Congress began in 1967 when it lost its majority in several states. **Factors contributing to this decline** include:

- **Internal Factors:** Lack of internal democracy, concentration of power in a single leader, loss of grassroots connection, and reliance on loyalists.
- **External Factors:** Deepening democracy led to the rise of OBC and Dalit movements, the green revolution, and state reorganization, which strengthened regional parties.

CURRENT STATUS OF CONGRESS

Suhas Palshikar argues that Congress is not just declining but may be experiencing its demise. The party's social and territorial base has shrunk, and it primarily represents minorities and tribal communities. Its poor performance in recent elections, including the 2014 general election, underscores this decline.

FUTURE PROSPECTS FOR CONGRESS

Pratap Bhanu Mehta suggests that Congress should lead a majority-minority coalition, forge strategic alliances, and transform itself from a defensive party to one focused on transformation and social movements, revitalizing its grassroots connections and democratic practices

D. NATURE OF PARTY SYSTEM SINCE 1989

Since 1989, India has seen a shift to a multi-party system characterized by coalition politics. This change has been driven by the fragmentation of national parties and the rise of regional parties, reflecting a more complex and representative democracy.

1. BJP SYSTEM

The concept of the BJP system in Indian politics reflects the party's substantial dominance since 2014, marked by a majoritarian agenda, assertive nationalist policies, effective branding of welfare programs, and strategic media management. This system has enabled the BJP to expand its social base, consolidate electoral strength, and reshape the political landscape, distinguishing it from previous political paradigms in India.

2. COMPARISON OF BJP'S CURRENT DOMINANCE WITH CONGRESS SYSTEM

While the debate over whether India currently has a "BJP System" continues, there is compelling evidence that the BJP holds significant dominance in Indian politics. However, this dominance does not entirely mirror the "Congress System" of the 1950s-1960s and exhibits unique characteristics.

SIMILARITIES:

- **Electoral Dominance:** Both parties have achieved significant electoral success by securing support from diverse sections of society. The BJP, like the Congress before it, attracts voters from urban and rural areas and across caste lines, except for religious minorities.
- **Nationalist Agenda:** Both parties built consensus around a nationalist agenda. However, the BJP's nationalism is more confrontational towards neighboring countries, has a religious tone, and is highly centralized.

DIFFERENCES:

- **Ideological Grounding and Flexibility:** Unlike the Congress party, which was pragmatic and accommodating, the BJP operates from a firm ideological base of Hindu nationalism, making it less flexible, especially towards minority groups.
- **State-Level Challenges:** The BJP faces stiff competition from strong regional parties, leading to losses in several state elections post-2014. This contrasts with the Congress party's more pervasive dominance across states during its peak.
- **Role of Congress as an Alternative:** The Congress, though weakened, retains potential to emerge as a national alternative by uniting with regional parties. This potential distinguishes the current political landscape from the Congress era, where a strong, unified opposition was largely absent.
- **Leadership:** The BJP's dominance is closely tied to Narendra Modi's leadership. The party's future power dynamics post-Modi remain uncertain, given the lack of a leader with comparable appeal and the uncertain role of the RSS in succession.
- **Internal Structure and Decision-Making:** During its dominant phase, the Congress party functioned with internal democratic processes. In contrast, the BJP's decision-making is highly centralized around Modi and Amit Shah, potentially making it less adaptable to changing power dynamics.

- **Impact on Democratic Institutions:** The BJP's tenure has coincided with a decline in the strength of India's democratic institutions, characterized by the use of government resources to influence media narratives, reduced media scrutiny, and targeting of critics. This contrasts with the Congress party's efforts to embed pluralism and accommodation within institutions to bolster their legitimacy.

While the BJP exhibits clear signs of political dominance, it differs significantly from the "Congress System" and shows potential vulnerabilities. Whether this dominance translates into a long-term "BJP System" remains to be seen, contingent on leadership transitions, the evolving role of the RSS, and the resilience of India's democratic institutions.

3. FACTORS CONTRIBUTING TO BJP'S ELECTORAL SUCCESS

- 1. Majoritarian Agenda:** The BJP has shifted the political discourse in India towards a majoritarian agenda, building consensus around issues like the abrogation of Article 370 and the construction of the Ram temple in Ayodhya. This approach has largely gone unchallenged by opposition parties.
- 2. Nationalist Agenda:** The BJP's nationalist agenda, which includes a confrontational stance towards neighbouring countries and a marked religious tone, has garnered widespread support. This agenda has centralized power and found acceptance among various political parties.
- 3. Welfare Policy Branding:** The BJP has effectively branded its welfare policies, expanding and strengthening the welfare architecture inherited from the Congress-led UPA. This has reinforced the state's role in supporting disadvantaged sections of society.
- 4. The "Modi Effect":** Prime Minister Narendra Modi's popularity has been a significant factor in the BJP's electoral success. His leadership has been pivotal in the party's consecutive victories in the 2014 and 2019 elections.
- 5. Media Management:** The BJP has adeptly utilized media to its advantage, employing inducements and threats to manage media narratives. Modi's refusal to submit to media scrutiny and the deployment of a robust social media strategy have further bolstered the party's image.

6. Organizational Strength: The BJP boasts a strong organizational structure and unparalleled financial resources. The party's income far exceeds that of its main rival, the Congress, giving it a significant advantage in electoral campaigns.

7. Expansion of Social Base: The BJP has successfully expanded its voter base beyond its traditional strongholds. It has made significant inroads into rural areas and among lower castes and classes, which had traditionally voted for other parties.

These factors collectively contribute to the BJP's electoral dominance, although the party continues to face challenges, particularly at the state level and with the potential emergence of strong national level coalitions.

4. REGIONAL PARTIES AND CAUSES OF THEIR RISE

Regional parties are political parties that primarily focus on specific states or regions rather than the entire country. They represent local interests, culture, and issues unique to their regions.

For example, Samajwadi Party (SP), Bahujan Samaj Party (BSP), Shiromani Akali Dal (SAD), Jammu & Kashmir National Conference (NC), All India Anna Dravida Munnetra Kazhagam (AIADMK) and Dravida Munnetra Kazhagam (DMK) etc.

E. Sridharan attributes the rise of regional parties to several factors:

- **Institutional Factors:** The linkage of parliamentary and state elections provides opportunities for regional parties to mobilize on local issues.
- **Federal System:** State governments deal with issues of daily relevance, giving regional parties an advantage.
- **Grassroots Connections:** Leaders of regional parties are often more connected to the local populace.
- **Linguistic Organization:** States organized on linguistic lines have seen dominant castes forming their own regional parties.

CONSEQUENCES OF REGIONALIZATION IN INDIAN POLITICS

Regionalization has led to both positive and negative outcomes:

POSITIVE IMPACTS

1. Increased Representation and Empowerment of Regional Voices

- Regionalization has allowed local issues and interests to gain prominence at both state and national levels, ensuring that diverse regions are represented effectively.
- Example: The Telangana Rashtra Samithi (TRS) successfully advocated for the creation of the state of Telangana, addressing long-standing demands for regional autonomy and development.

2. Strengthening of Federalism

- It has reinforced the federal structure of India, giving more power and autonomy to state governments, allowing them to tailor policies to their specific needs.
- Example: States like Tamil Nadu and Kerala have implemented progressive social policies, such as welfare schemes and healthcare initiatives, reflecting their unique priorities and resources.

3. Focus on Local Issues and Development

- Regional parties often prioritize local issues such as infrastructure development, education, and regional identity, leading to policies that better address local needs.
- Example: The Biju Janata Dal (BJD) in Odisha focuses on state-specific issues like disaster management and regional development projects, improving the state's resilience and growth.

4. Greater Accountability and Responsiveness

- Regionalization can enhance accountability, as regional parties are more directly answerable to their local electorate, leading to more responsive governance.
- Example: The Aam Aadmi Party (AAP) in Delhi has implemented policies focused on local governance, such as improvements in education and healthcare, reflecting its responsiveness to local demands.

5. Influence on National Policies

- Regional parties, as coalition partners in the central government, can significantly influence national policies, ensuring that they consider regional diversities and requirements.
- Example: The participation of the Dravida

Munnetra Kazhagam (DMK) in national coalitions has often influenced language policy and federal economic distributions, reflecting the party's regional interests.

NEGATIVE IMPACTS

1. Policy Paralysis and Instability

- Coalition politics often lead to policy paralysis due to differing agendas and interests of coalition partners, resulting in slow decision-making and frequent political instability.
- Example: The Janata Party government (1977-1979) faced significant internal conflicts among its constituent parties, leading to its premature collapse.

2. Increased Political Fragmentation

- The proliferation of regional parties has led to a more fragmented political system, complicating governance and policy implementation.
- Example: In states like Uttar Pradesh, the presence of multiple significant parties such as the Samajwadi Party (SP), Bahujan Samaj Party (BSP), and Bharatiya Janata Party (BJP) leads to highly competitive and fragmented electoral outcomes.

3. Challenges to National Unity

- While regionalization empowers local voices, it can also pose challenges to national unity by promoting regionalism and sometimes parochialism, leading to tensions between different regions and the central government.
- Example: The demand for statehood in various regions, such as Gorkhaland in West Bengal, sometimes creates friction with the central government and neighbouring states.

4. Increased Role of Money and Muscle Power

- The regionalization of politics has often led to the increased use of money and muscle power to win elections and maintain control, undermining democratic processes.
- Example: In many states, elections are marked by significant expenditure and sometimes violence, affecting the fairness of the electoral process.

5. COALITION POLITICS IN INDIA

Coalition politics has been **crucial in shaping India's governance and political landscape** at both national and state levels. The evolution of coalition governments reflects the complexities of India's multi-ethnic, multi-lingual, and multi-religious society.

A. EVOLUTION OF COALITION POLITICS IN INDIA

In his book **"Coalition Politics in India," Bidyut Chakravarty** analyses the **evolution of the coalition system** in India and asserts that coalition politics is not a new phenomenon in the country.

PRE-1990S: EARLY INSTANCES AND THE EMERGENCE OF COALITION DYNAMICS

- **First Coalition Government (1977):** The Janata Party government was the first notable coalition at the national level. It included the Bharatiya Jana Sangh, Congress (O), and the Socialist Party, united against Indira Gandhi's Emergency. This government collapsed in 1979 due to internal contradictions and lack of cohesive leadership.
- **1980s Dominance of Congress:** The Congress party dominated the 1980s, with occasional coalition governments formed by opposition parties, which were typically unstable and short-lived.

1990S: THE ERA OF PROLIFIC COALITION GOVERNMENTS

- **National Front Government (1989):** The 1989 election resulted in a fractured mandate, leading to the formation of the National Front coalition led by V.P. Singh, supported by the Left and BJP. This government implemented the Mandal Commission report, recommending reservations for OBCs, sparking significant political and social debates.
- **Short-Lived Coalitions and Minority Governments:** Following the collapse of the National Front government, India experienced several short-lived coalitions and minority governments, including those led by Chandrashekhar and P.V. Narasimha Rao.

1998–2014: STABILITY WITHIN COALITION FRAMEWORK

- **National Democratic Alliance (NDA):** Formed in 1998 under BJP's leadership, the NDA provided relatively stable governance under Prime Minister Atal Bihari Vajpayee. The coalition included several regional parties and is credited with significant economic reforms and infrastructural projects.
- **United Progressive Alliance (UPA):** Led by Congress, the UPA came to power in 2004 with Manmohan Singh as Prime Minister. The UPA, comprising multiple regional parties, introduced major policies like the Right to Information Act and the National Rural Employment Guarantee Act.

POST-2014: SHIFTS AND TRENDS

- **BJP's Majority (2014 and 2019):** Under Narendra Modi, the BJP achieved a majority on its own in the 2014 elections, reducing reliance on coalition partners. However, coalition dynamics remained critical at the state level and in the 2019 elections. Modi's governance has been marked by centralization, but regional parties and coalitions continue to influence state politics.

Value Addition

- **Subrata K. Mitra:** Coalition politics in India reflects societal complexities and helps accommodate diverse regional and communal interests.
- **E. Sridharan:** While coalitions can pose policy implementation challenges, they make the political process more inclusive.

RE-EMERGENCE OF COALITION POLITICS (2024 LOK SABHA)

The 2024 Indian general elections marked a significant shift towards coalition politics. Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) failed to secure a majority, winning 240 of the 543 seats in the lower house. Consequently, the BJP had to rely on its coalition partners in the NDA i.e., Janata Dal (United) and Telugu Desam Party (TDP), securing a total of 293 seats.

B. FEATURES OF COALITION POLITICS IN INDIA

- **Multi-Party System:** India's numerous regional parties necessitate coalition governments, especially at the national level where no single party often secures an absolute majority (**Paul R. Brass**).
- **Influence of Regional Parties:** Coalitions allow regional parties to influence national policies, ensuring local issues receive national attention (**E. Sridharan**).
- **Electoral Fragmentation:** India's electorate is fragmented by caste, religion, and region, leading to fragmented parliaments and necessary coalitions (**Christophe Jaffrelot**).
- **Pragmatic Alliances:** Coalitions often form based on electoral viability rather than shared policy goals (**Subrata K. Mitra**).
- **Dominance of Party Leadership:** Coalition politics enhances the role of party leaders in negotiating alliances and making pivotal decisions (**Rajni Kothari**).

C. IMPACTS OF COALITION POLITICS IN INDIA

Positive Impacts

- **Increased Federalism:** Coalitions promote a more federal governance structure by giving regional parties greater influence in national decision-making (**Balveer Arora**).
- **Policy Moderation:** Coalitions can lead to policy moderation, tempering extreme positions and promoting more centrist policies (**E. Sridharan**).
- **Enhanced Political Inclusivity:** Coalitions result in more inclusive politics, involving smaller and regional parties in governance (**Zoya Hasan**).

Negative Impacts

- **Policy Paralysis and Instability:** Coalition governments often face policy paralysis due to the need to appease multiple partners, leading to compromised effectiveness (**Atul Kohli**).
- **Corruption and Governance Challenges:** The necessity of securing coalition loyalty can lead to increased patronage and corruption (**Myron Weiner**).
- **Short-term Policy Focus:** Coalition governments may prioritize short-term, populist measures to appease partners, compromising long-term national interests (**Paul R. Brass**).

- **Political Uncertainty:** Coalitions can lead to frequent elections and political instability due to disagreements among partners (**Subrata K. Mitra**).

D. CONDITIONS FOR HEALTHY COALITION CULTURE IN INDIA

- **Mutual Respect and Trust:** It is essential for collaborative governance, ensuring stability and effective partnership.
- **Clear and Transparent Agreements:** Outlines power-sharing and policy priorities, maintaining accountability and reducing conflicts.
- **Inclusivity and Equal Participation:** It ensures all parties' interests are represented, preventing dominance by any single party.
- **Effective Leadership and Coordination:** Central leadership or coordination committees manage conflicts and provide strategic direction.
- **Conflict Resolution Mechanisms:** Predefined processes for addressing disputes maintain harmony and coalition stability.
- **Institutionalizing the Role of the Speaker:** Strengthening the role of the Speaker to ensure fair play and adherence to norms can help manage coalition complexities.

VALUE ADDITION: BEST PRACTICES OF COALITION POLITICS FROM OTHER COUNTRIES

Germany: Known for its "Grand Coalitions," Germany uses **detailed public agreements** to outline policies and legislative agendas, ensuring transparency and stability.

Netherlands: Detailed negotiations lead to **documented coalition agreements** outlining policies and ministerial positions, ensuring long-term stability.

Sweden: Extensive **pre-government negotiations** focus on policy agreements, emphasizing policy continuity and long-term planning.

6. POLITICAL PARTIES

Political parties are organized groups of individuals who share similar political ideologies and goals, working

collectively to influence government policy and decision-making processes. These parties aim to gain political power by participating in electoral campaigns, winning elections, and holding public office.

A. STATUS OF LEFT PARTIES IN INDIA

- **Praful Bidwai** notes the **decline of left parties** in India due to their **inconsistent stance during the freedom struggle**, lack of grassroots connection, internal **high command culture**, and the co-opting of their agenda by parties like AAP.
- The left has also struggled to adapt to globalization and has lost its appeal among the youth. Their focus has shifted from class and **development politics** to **electoral politics and identity issues**, leading to their marginalization.

B. RISE OF BJP

- The BJP's rise **from 2 seats in 1984 to 282 in 2014** is attributed to Congress's decline, strong organizational structure, nationalist rhetoric, and support from NRIs. Scholars like **Thomas Blom Hansen and James Manor** highlight the role of democratic transformation, middle-class anxieties, and majoritarian rhetoric in BJP's rise. The BJP's focus on cultural nationalism, strong leadership, and economic policies aligning with globalization have contributed to its success.
- **BJP** formed in **1951** by **Shyama Prasad Mukherjee**, the BJP grew from a challenger to Nehruvian consensus to a dominant political force. Influenced by **Deendayal Upadhyay's integral humanism**, the BJP advocates for cultural nationalism and positive secularism, aiming to protect all religions equally.

VALUE ADDITION: SCHOLARS VIEWS

"The BJP has effectively mobilized Hindu identity politics, capitalizing on religious sentiments and nationalism to consolidate its voter base."- **Christophe Jaffrelot**

"The BJP's disciplined party structure, sophisticated use of technology, and strategic campaigning have been crucial in its electoral successes."- **Milan Vaishnav**

"The BJP's emphasis on development and governance has resonated with the burgeoning middle class, who see the party as a vehicle for their economic aspirations."- **Pratap Bhanu Mehta**

"The BJP's strategy of combining Hindutva with promises of economic development has broadened its appeal beyond traditional voter bases."- **Ashutosh Varshney**

"The erosion of the Congress's dominance and the rise of regional parties created a political vacuum that the BJP has adeptly filled."- **Rajni Kothari**

C. THIRD FRONT

It is a **coalition of regional parties**, has **significant state-level presence** but struggles with national stability due to its parochial approach and lack of a cohesive agenda. It has occasionally formed national governments but often dissolves post-elections.

The Third Front represents various marginalized sections, including Muslims and backward castes, but lacks a unified national vision.

D. AAP PHENOMENON

The Aam Aadmi Party (AAP) emerged from the 2011 **India Against Corruption** movement led by **Anna Hazare**. Founded by Arvind Kejriwal in 2012, AAP focuses on **anti-corruption, transparency, and clean governance** and **reflects the urban middle class's demand** for good governance. It advocates for intra party democracy, a bottom-up approach.

It aims to change the system from within. AAP's rise reflects increasing democratic consciousness and demand for good governance. The party **rejects high command culture** and promotes internal democracy, with mechanisms like recall for executive council members.

KEY ELEMENTS OF ITS IDEOLOGY INCLUDE:

- 1. Anti-Corruption:** Eradicating corruption from public life is the central theme of AAP. It advocates for the Jan Lokpal Bill, a stringent anti-corruption law.
- 2. Transparency and Accountability:** AAP promotes transparent governance, ensuring that public officials are accountable to the people.

3. Swaraj (Self-Rule): Inspired by Mahatma Gandhi's principles, AAP advocates for decentralized governance, empowering local communities through direct participation in decision-making.

4. Education and Healthcare: The party prioritizes significant improvements in public education and healthcare systems.

CHALLENGES AND CRITICISMS OF AAP

Despite its successes, AAP has faced several challenges and criticisms:

1. Internal Conflicts: The party has experienced internal strife, leading to the expulsion of prominent founding members like Yogendra Yadav and Prashant Bhushan over ideological and strategic disagreements.

2. Allegations of Populism: Critics argue that AAP's policies, such as subsidized utilities and free services, are populist measures aimed at garnering votes rather than sustainable governance solutions.

3. Accusations of Authoritarianism: Arvind Kejriwal has been accused of authoritarian leadership and centralizing decision-making within the party.

Value Addition

"AAP started with a promise of clean politics but has increasingly engaged in the same old tactics of traditional parties."- **Suhas Palshikar**

"While AAP's policies are popular, their long-term economic viability remains questionable."-Milan Vaishnav

"AAP has redefined the expectations of urban voters and set new benchmarks for governance."- **Pratap Bhanu Mehta**

"AAP represents a new kind of politics that emphasizes transparency and accountability."- **Yogendra Yadav**

"AAP's anti-corruption stance has brought a much-needed focus on ethical governance in Indian politics."- **Rajeev Bhargava**

"AAP has tapped into the aspirations of the urban middle class, which had been largely neglected by traditional parties."- **Christophe Jaffrelot**

7. INTRA-PARTY DEMOCRACY IN INDIA

Intra-party democracy refers to the practices and processes that ensure democratic governance within a political party. This concept emphasizes the importance of internal transparency, participation, and accountability, enabling party members to have a say in decision-making processes.

- ▶ **Celebrated Resilience of Indian Democracy:** Indian democracy is celebrated globally for its resilience and continuity, thriving even under challenging circumstances.
- ▶ **Lack of Intra-Party Democracy:** Despite this, political parties often lack intra-party democracy. India lacks legal provisions to enforce this crucial aspect.
- ▶ **Limited Regulation by the Election Commission:** The Election Commission regulates parties under Section 29A of the Representation of People Act (RPA), but it lacks enforcement power regarding intra-party democracy.
- ▶ **Importance of Inner-Party Democracy:** Inner-party democracy is essential for the survival and consolidation of democracy in India. The Law Commission's 170th report highlighted this paradox within Indian democracy.

A. REFLECTIONS OF LACK OF INTRA-PARTY DEMOCRACY IN INDIAN POLITICAL PARTIES

1. **Gender Parity:** While women participate in voting on par with men, their representation in political parties and as candidates does not reflect this equality.
2. **Dynasty Politics:** Dynastic dominance in many political parties undermines the fundamental principle of equal opportunity in political participation.
3. **Political Defection and Horse Trading:** This practice facilitates leaders moving from one party to another, distorting internal political mobility and harming inner-party democracy and democratic stability.
4. **Criminalization of Politics:** The rise in criminal elements within politics is a significant threat to democracy. The inability to restrain party members often leads to illegal activities.

According to the Association of Democratic Reforms (ADR), 251 (46%) of the 543 newly elected Lok Sabha members have criminal cases, with 27 convicted. This is the highest number ever, showing a 55% increase in MPs with criminal cases since 2009.

5. Wealthy Political Leaders and Bribery: The lack of inner-party democracy is also evident in the wealthy backgrounds of many political leaders and the financial hierarchies within parties.

B. FACTORS AFFECTING INTRA-PARTY DEMOCRACY

1. **Institutional Weakness:** Political parties often have centralized organizational structures due to their patronage-based nature, rather than being power-dispersed.
2. **Absence of a Credible Regulatory Framework:** Legal and constitutional regulations to monitor inner-party democracy are limited or non-existent. Section 29A of the RPA only mandates party registration, leaving the Election Commission powerless to enforce internal elections for party office bearers.

C. WAY FORWARD

1. **2nd Administrative Reforms Commission (ARC) Report:** The 2008 Ethics and Governance Report highlighted that corruption results from over-centralization, which distances authority from accountability.
2. **Law Commission Report:** The 170th report of the Law Commission on electoral reform emphasized the need for laws to ensure internal democracy within parties. It noted that parties not respecting democratic principles internally cannot be expected to uphold them in governance.
3. **National Commission for Review of Working of the Constitution (NCRWC) Report:** Recommended comprehensive legislation to regulate the registration and functioning of political parties or alliances in India.

There is an urgent **need for an effective legal framework** to ensure **genuine adherence to the principles of inner-party democracy** in India. **Mitigating the influence of money and muscle power**, along with **addressing rampant defections and crossovers**, is essential. Significant legislation promoting **equal opportunity for political participation** in India is not only desirable but necessary.

VALUE ADDITION: SCHOLARLY VIEWS IN SUPPORT OF INTRA-PARTY DEMOCRACY

In every party, the tendency towards oligarchy is inevitable. Democratic processes within parties are essential to counter this trend and ensure accountability."- **Robert Michels** in his work "**Iron Law of Oligarchy**"

"Intra-party democracy is a crucial element for the legitimacy of parties and for fostering an inclusive political environment where diverse perspectives are considered."-**Susan Scarrow**

"Parties serve as schools of democracy, and their internal democratic practices play a critical role in educating citizens and promoting democratic norms."- **Giovanni Sartori**

CRITICS OF INTRA-PARTY DEMOCRACY

"Internal democracy, though theoretically sound, often leads to internal divisions and inefficiencies that can weaken party cohesion and effectiveness."- **Maurice Duverger**

"While internal democracy enhances participation, it often comes at the cost of efficiency and swift decision-making, which are crucial in the dynamic political landscape."- **Leon D. Epstein**

"Intra-party democratic processes are susceptible to manipulation by interest groups or charismatic figures, potentially leading to policies that do not reflect the party's core principles or broader electorate interests."- **John H. Aldrich**

8. PRESSURE GROUPS

Pressure groups, also known as interest groups, are **organized collections of individuals** or organizations that **seek to influence public policy and decision-making** without seeking electoral office.

- According to S.E. Finer, "the pressure groups are, by and large, autonomous and politically neutral bodies, which bargain with the political parties and the bureaucracy irrespective of the political complexion of the government in power."

- These groups use various forms of advocacy to achieve their goals, including lobbying, public campaigns, and direct action. Unlike political parties, they do not aim to control government but rather to influence those who do.

ASPECTS	PRESSURE GROUPS	POLITICAL PARTIES
Objective	Seek to influence policy without aiming for direct government control.	Aim to gain governmental power through elections and control policy by forming a government.
Function	Focus on specific issues or interests and influence policymakers regarding those issues.	Offer a broader political and economic platform and compete to form the government.
Methods	Engage primarily in lobbying, advocacy, and sometimes public demonstrations.	Engage in a wider range of political activities, including election campaigning, policy formulation, and governing.

A. POSITIVE ROLE OF PRESSURE GROUPS

- Representation of Diverse Interests:** Pressure groups ensure that various segments of society, including minorities and marginalized communities, have a voice in the political process.
- Enhancing Political Participation:** They mobilize citizens to participate in the political process, encouraging civic engagement and activism.
- Providing Expertise and Information:** Pressure groups often have specialized knowledge about specific issues, which they can share with policymakers to help shape informed decisions.
- Government Accountability and Transparency:** By monitoring government actions and advocating for public interests, pressure groups help hold officials accountable and promote transparency.
- Policy Innovation:** They introduce new ideas and perspectives into the policy-making process, leading to innovative solutions to societal problems.
- Checks and Balances:** Pressure groups act as a counterbalance to government power, ensuring that different interests are considered in the policy-making process.

B. NEGATIVE CONSEQUENCES OF PRESSURE GROUPS

- 1. Disproportionate Influence:** Wealthy and well-organized pressure groups can exert disproportionate influence on policymakers, potentially sidelining less powerful groups.
- 2. Fragmentation of Policy Making:** The influence of multiple pressure groups can lead to fragmented and inconsistent policies, as different groups push for competing interests.
- 3. Marginalization of Less Powerful Groups:** Smaller or less well-funded groups may struggle to have their voices heard, leading to an imbalance in representation.
- 4. Potential for Corruption:** Pressure groups may engage in lobbying practices that border on corruption, such as offering financial incentives to policymakers.
- 5. Promotion of Special Interests:** They may prioritize narrow special interests over the common good, leading to policies that benefit a few at the expense of the broader population.
- 6. Policy Gridlock:** Competing interests and excessive lobbying by pressure groups can lead to policy gridlock, making it difficult for governments to enact coherent and effective policies.

VALUE ADDITION:

SCHOLARLY VIEWS ON PRESSURE GROUPS

"Interest groups play a critical role in the political development process by organizing societal interests and enhancing citizen participation in newly formed democracies."- **Gabriel Almond**

According to **Robert Dahl**, pressure groups are crucial in ensuring that no single interest dominates the political landscape. They help balance power among competing interests.

According to **David B. Truman**-Interest groups are an essential feature of democratic politics because they allow for a plurality of interests to be represented in the policy-making process.

Critics

"Small groups with strong interests are more likely to organize and exert influence than large groups with diffuse interests, potentially leading to policy outcomes that benefit the few at the expense of the many."- **Mancur Olson**

"The power elite, consisting of corporate leaders, politicians, and military officials, often dominate pressure groups, resulting in policy decisions that reflect their interests rather than those of the broader public."- **C. Wright Mills**

"The privileged position of business in politics ensures that economic interests often have a disproportionate influence on policy-making, which can distort democratic processes."- **Charles E. Lindblom**

Pressure groups in India have not always played an effective role in the political landscape. However, since the 1990s, there has been a significant growth in pressure group politics. One of the earliest studies on pressure group politics in India was conducted by Rajni Kothari.

C. RAJNI KOTHARI'S VIEWS ON PRESSURE GROUPS

- 1. Agents of Modernization and Leadership:** According to Kothari, pressure groups have acted as agents of modernization and reservoirs of leadership.
- 2. Dominance of Communal Pressure Groups:** In India, communal pressure groups have been particularly dominant.
- 3. Lack of Legitimacy:** Pressure groups have not enjoyed much legitimacy in the eyes of the people.
- 4. Congress Dominance:** The predominant status of the Congress party did not allow pressure groups to gain primacy. Kothari referred to other political parties as "Parties of Pressure" due to their limited influence.

VALUE ADDITION:

Scholar's Views on Pressure Groups in India

Rudolph and Rudolph in "In Pursuit of Lakshmi," consider that despite the rise of associational groups, the dominance of communal and identity-based organizations remained intact and

played an important role in political mobilization. The role of major organizations like RSS, farmers associations like **Samyukta Kisan Morcha** is prominent one.

Hardgrave said, “Identity based interest groups not only are agents of interest articulation but they also increase political consciousness. In addition, identity-based interest groups may be reservoirs of political leadership. This has been particularly true for trade and caste unions of India.”

Jean Blondel recognizes the role of identity-based pressure groups as **community interest groups** which are formed to promote community interests and put pressure on the government to seek state protection and assistance.

Gabriel Almond and Powell talks about four types of pressure Groups, which includes Institutional Interest Groups, Anomic Interest Groups, Associational Interest Groups and Non-Associational Interest Groups.

Prof. Anand Chakravarty suggested that the Government of India should have shown greater accommodation towards pressure groups, as banning them has often led to increased alienation and secessionist trends.

G. EXAMPLES OF PRESSURE GROUPS IN INDIA

1. Rashtriya Swayamsevak Sangh (RSS): A prominent Hindu nationalist organization that influences the Bharatiya Janata Party (BJP) and advocates for policies reflecting Hindu cultural values.

2. Confederation of Indian Industry (CII): A leading industry association representing Indian businesses, advocating for pro-business policies and economic reforms.

3. All India Trade Union Congress (AITUC): One of India's oldest trade unions, representing workers' interests and advocating for labour rights and social justice.

4. Narmada Bachao Andolan (NBA): An environmental and human rights group campaigning against the construction of large dams on the Narmada River, highlighting the displacement and environmental issues caused by such projects.

5. Bharatiya Kisan Union (BKU): A farmers' union advocating for the rights of farmers, including fair prices for crops, and recently played a significant role in the protests against the farm laws.

6. Federation of Indian Chambers of Commerce and Industry (FICCI): An association representing Indian businesses and industries, advocating for economic policies that support business growth and development.

7. Dalit Panthers: A social organization advocating for the rights and upliftment of Dalits, addressing issues of caste discrimination and social justice.

8. Self Employed Women's Association (SEWA): A trade union representing women working in the informal sector, advocating for their rights, social security, and economic empowerment.

9. Association for Democratic Reforms (ADR): An organization focused on electoral and political reforms, advocating for transparency and accountability in politics.

E. CHANGING NATURE OF PRESSURE GROUPS IN INDIA

Robert Hardgrave and Stanley Kochanek have highlighted the changing nature of pressure groups in India:

- Since the 1990s, pressure group politics have shifted from state-dominated pluralism to more powerful and legitimate pressure group politics due to liberalization and globalization.
- The Government of India has incorporated various interest groups into policy-making institutions like the National Advisory Council (NAC), National Security Advisory Board (NSAB), and now the NITI Aayog.
- Business groups have gained substantial power and influence, often participating in foreign delegations and organizing parallel business summits alongside political summits.
- There is a growing influence of foreign lobbies and advocacy groups in India.

F. STATUS OF DIFFERENT PRESSURE GROUPS IN INDIA

1. Dominant Groups: Communal pressure groups, corporate sector pressure groups, and rich farmer pressure groups continue to play dominant roles.

2. Lack of Dominant Women's Organizations: India does not have a dominant women's organization. Environmental lobbies, student unions, and trade unions remain junior partners of political parties. Many left-wing pressure groups have been banned under the Unlawful Activities (Prevention) Act (ULPA).

3. State Dominance: The state continues to be a dominant actor in India. It has sometimes been intolerant towards certain pressure groups. A highly disputed Intelligence Bureau (IB) report recently suggested that many NGOs are involved in anti-national activities, which has given the state more power to constrain the role of pressure groups.

4. Farmer Movements: The recent successful movement by farmers against the farm acts, which led to the withdrawal of the acts by the government, has established the strong role of farmer pressure groups.

Pressure groups in India have evolved significantly since the 1990s, gaining more legitimacy and influence, particularly due to liberalization and globalization. However, challenges remain, including the dominance of certain groups, lack of representation for others, and state intervention. The changing dynamics of pressure group politics continue to shape the Indian political landscape.

9. ELECTORAL BEHAVIOUR IN INDIA

The study of electoral behaviour emerged with **the growth of the behavioural movement** in political science, helping **to understand the nature of democracy** and to strategize party programs.

Milan Vaishnav highlights the **complexity of studying electoral behaviour** in India due to its size and diversity. Despite these challenges, he has identified several trends:

1. Caste and Voting Patterns: Voters do not necessarily vote strictly along caste lines, indicating that social biases, while present, are not perfectly transmitted into political choices and may be weakening. Successful politicians skilfully combine identity-based concerns with economic evaluations.

2. Economic Influences: He emphasizes the significance of economics in electoral behaviour, noting that sound economic policies can be good politics in India, with macroeconomic realities playing an increasing role.

3. Criminality in Politics: Indian voters have a history of electing politicians with on-going criminal cases, demonstrating a complex relationship between voter behaviour and candidate backgrounds.

4. Dynastic Politics: While not always popular, dynastic politicians are prevalent, with one in five members of parliament elected in 2014 coming from political families.

A. THEORETICAL PERSPECTIVES

Kenneth Arrow's "impossibility theorem" suggests the difficulty in determining voter preferences when there are more than three choices, making India's electoral behavior an intriguing case study. The **high voter turnout** in India remains puzzling, especially when election outcomes often do not lead to significant improvements in governance and development.

B. ETHNOGRAPHIC INSIGHTS

1. Voting is seen as an **assertion of citizenship rights and duties**.

2. Elections are a time for **power inversion**.

3. Voters prefer to choose and reject their governors.

4. Some vote out of a sense of revenge.

5. Some vote because their **caste or community** member is contesting.

6. The Election Commission's role motivates some voters.

7. Concerns about the collapse of democracy spur some to vote.

8. Some view **voting as a sacred duty**.

C. TRENDS IN ELECTORAL BEHAVIOUR

🔹 **Early Post-Independence:** Congress enjoyed widespread support due to its role in the freedom struggle and promise of socio-economic reforms.

🔹 **1970s-1980s:** Rise of regional parties and decline of Congress dominance, reflecting growing regional and caste-based identities.

🔹 **1990s-2014:** Rise of coalition politics, with no single party securing an absolute majority, leading to

multi-party alliances.

➤ **2014–2024:** Rise of BJP and single party securing absolute majority

➤ **2024–** Return of coalition government under BJP

D. FACTORS IMPACTING VOTING BEHAVIOUR IN INDIA

CASTE AND ETHNICITY: **Christophe Jaffrelot** highlights that caste remains a critical factor in Indian elections, significantly shaping party strategies and voter alliances, reflecting the country's deep-rooted social structures.

For instance, the **2024 elections demonstrate the influence of the Bihar caste census**, which has revitalized caste-based politics, particularly in the Hindi heartland, potentially affecting the BJP's vote share.

RELIGION: **Paul R. Brass** discusses the crucial role of religion in **mobilizing voters**, noting how communal identities are leveraged by parties like the BJP to consolidate majoritarian sentiments.

For instance, in the context of the 2024 elections, issues like the **Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC)** are significant mobilizing factors, influencing voter behavior towards security and identity politics.

ECONOMIC ISSUES: **Atul Kohli's** research emphasizes the **increasing importance of economic performance** in influencing electoral outcomes, with voters holding governments accountable for economic growth and stability.

For example, **Economic recovery post-COVID-19**, job creation, and inflation are major issues in the 2024 elections, with parties proposing various economic reforms to attract the electorate.

GOVERNANCE AND PERFORMANCE: **Yogendra Yadav** suggests that voters are increasingly assessing the **performance** of incumbents in delivering public services and governance, moving beyond traditional loyalties.

For instance, the **Modi government's handling of the pandemic** and its impact on healthcare infrastructure are under scrutiny, as voters evaluate its **crisis management efficacy**.

MEDIA AND SOCIAL MEDIA INFLUENCE: **Robin Jeffrey** discusses the transformative role of media in shaping

public opinion and electoral outcomes, highlighting the growing influence of digital campaigns and social media in politics.

For instance, the 2024 election campaigns see extensive use of Twitter, WhatsApp, and Facebook, where parties actively engage with voters, disseminate their manifestos, and counter opposition through digital platforms.

REGIONAL DYNAMICS: **James Manor** emphasizes the impact of regional issues and politics, noting how state-level dynamics and local leadership can overshadow national parties and issues.

For instance, regional parties like the DMK in Tamil Nadu and the TMC in West Bengal leverage local issues and regional pride to mobilize voter support, often positioning themselves against central policies perceived as intrusive.

LEADERSHIP AND CHARISMA: **Sudipta Kaviraj** highlights the influence of charismatic leadership on electoral outcomes, where personal appeal can transcend party lines and ideological divides.

For example, Narendra Modi's image as a strong and decisive leader played a crucial role in previous elections and continues to be a central theme in the BJP's 2024 campaign.

POLICY INITIATIVES AND WELFARE SCHEMES: **M.R. Madhavan** discusses how targeted policy initiatives and welfare schemes can significantly sway specific voter groups, particularly among economically disadvantaged populations.

For example, the expansion of the **PM Kisan Samman Nidhi and direct benefit transfers** are emphasized in campaigns as achievements of the current government, aimed at securing votes from the rural electorate.

Yogendra Yadav notes a **shift from identity politics** to "identity plus" politics, where voters consider **both identity and development**.

E. SCHOLARLY ASSESSMENT OF INDIAN VOTERS

Prannoy Roy, Ashok Lahiri, and David Butler in their book "**A Compendium of Indian Elections**," they state, "**The voting behavior of Indians is many times more mature than the voting behaviour of voters in Western countries.**"

M.P. Singh attributes the success of India's democracy to

the wisdom of its voters, remarking, "The credit for the success of India's democracy goes to the great common sense shown by ordinary voters in India." He suggests that the electorate consistently makes prudent choices, stating, "We cannot say that the verdict of any election was ever wrong. People always vote for the best possible option."

10 SOCIO-ECONOMIC PROFILE OF THE INDIAN LEGISLATURE

The socio-economic profile of the Indian legislature, particularly the Lok Sabha, has undergone **significant evolution over the decades**, mirroring broader societal changes and the maturation of India's democracy.

A. SOCIO-ECONOMIC PROFILE: EVOLUTION

This evolution can be divided into **three main phases**, as discussed by scholars like **Shankar and Rodrigues**, and further analysed by experts such as Yogendra Yadav.

1. PHASE-1: UNTIL THE 1960S

- Domination by **Brahmins and other upper castes**.
- **Representation of Scheduled Castes (SC) and Scheduled Tribes (ST)** was primarily due to **reservations**, with those elected often coming from privileged backgrounds.
- There was a **mismatch between the population and the representation** of Other Backward Classes (OBCs), women, and minorities.
- Parliament was **dominated by urban elites** educated in foreign universities.
- The authority of parliamentarians was largely based on their participation in the national movement.

2. PHASE-2: FROM THE 1970S TO 1990S

It is known as the "Twilight Zone" or "Transition Zone," this period is described by **Yogendra Yadav** as the **first democratic upsurge**, which led to the rise of OBCs in politics. This phase was influenced by several key developments:

- The **Green Revolution** strengthened the position of **OBCs**, particularly the landowning class.
- The **breakdown of the Congress system** and the **rise of regional parties**.
- An increase in the number of parliamentarians

educated in indigenous institutions.

- **Dominance of agriculturists** and rural elites.
- **Emergence of full-time politicians**, with students increasingly joining politics.

3. PHASE-3: FROM THE 1990S TO THE PRESENT

- Described as the era of "**plebeianization**".
- The **role of caste, religion, and other ethnic factors increased**, described by **Yogendra Yadav** as the **second democratic upsurge**, which led to Dalits forming their own parties and contesting elections based on Dalit identity.
- **Representation of OBCs increased**.
The number of educated parliamentarians also rose, with members from diverse backgrounds joining parliament.
- The **rural-urban divide became less prominent**.
- In terms of gender, there has been stagnation—until the 15th Lok Sabha, the representation of women remained between 8–10%, while 14% of MPs are women, with 74 women elected to the 18th Lok Sabha, slightly lower than the 78 women elected in 2019.

B. THE CRIMINALIZATION OF POLITICS

- **18th Lok Sabha:** 251 MPs (46%) have criminal cases registered against them in 18th Lok Sabha. Of these, 170 MPs (31%) face serious criminal charges, including rape, murder, attempt to murder, kidnapping, and crimes against women.
- **17th Lok Sabha:** Comparatively, in the 17th Lok Sabha, 233 MPs (43%) had criminal cases, with 159 (29%) facing serious charges.
- **16th Lok Sabha:** In the 16th Lok Sabha, 185 MPs (34%) had criminal cases, with 112 (21%) facing serious charges.
- Over the years, there has been a **55% increase in MPs with criminal cases** since 2009, and a 124% increase in MPs with serious criminal cases.

India's party system **reflects the diversity and dynamism** of its democracy. **Christophe Jaffrelot** underscores how this diversity both enriches and complicates governance. Presently, major parties like the BJP and Congress operate alongside influential regional parties, **blending national and local political interests**.

Looking ahead, the influence of technology and evolving public attitudes will likely shape new trends within this system, highlighting the necessity for **political adaptability** and broader representation.

C. PROFILE OF 18TH LOK SABHA

CRIMINAL RECORDS:

- Nearly 46% of elected members (251 MPs) have **criminal cases registered against** them.
- **170 MPs (~31%)** face serious charges, including rape, murder, attempt to murder, kidnapping, and crimes against women.
- In comparison, the **17th Lok Sabha had 233 MPs (~43%)** with criminal charges, **159 (~29%)** of which were serious.

EDUCATION:

- **All elected MPs are literate.**
- **78% of** MPs have at least **an undergraduate** education.
- **5%** of MPs hold **doctorates**.

PROFESSIONAL BACKGROUND

- Most MPs identified as social workers or agriculturists.
- **7% are lawyers.**
- **4%** are medical practitioners.

ECONOMIC STANDING:

- **93% of MPs** have family assets worth more than **₹1 crore** (US\$120,000).
- The **average assets** of all MPs amount to **₹46.34 crore** (US\$5.6 million).
- TDP member **Chandra Sekhar Pemmasani**, a doctor and businessman, declared the highest assets of ₹5,700 crore (US\$680 million).

WOMEN MPS IN THE 18TH LOK SABHA:

- **14% of MPs** are women, showing no significant change from 2019.
- **74 women MPs** have been elected, slightly lower than the 78 women elected in 2019
- 41% of the women MPs (30 MPs) have previously served in the Lok Sabha, and one has been a member of the Rajya Sabha.

- Despite a gradual increase in the number of women in the Lok Sabha over the years, India still lags behind several countries in terms of **female representation** in parliament, with women making up **46% of MPs in South Africa, 35% in the UK, and 29% in the USA.**

Note:

52% of newly elected MPs are first timers in Lok Sabha

The average age of MPs elected to the 18th Lok Sabha is 56 years; this was 59 years in the 17th Lok Sabha.

UNIT 11: SOCIAL MOVEMENTS

SYLLABUS- CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS, WOMEN'S MOVEMENTS, ENVIRONMENTALIST MOVEMENTS

PREVIOUS YEAR QUESTIONS

CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS

- To what extent has the inadequate intra-party democracy affected the functioning of Indian Democracy? (2021)
- Examine the nature of the civil liberty movement in India. (2020)
- Right to privacy is an intrinsic part of the right to life. (2017)
- The dilemmas of the human rights movements in India. Comment. (2014)
- In what ways do civil liberties and human rights movements influence the working of Indian democracy? Give your answer with suitable examples. (2010)
- Assess the effectiveness of the National Human Rights Commission in redressing grievances pertaining to human rights violations in India. (2010)

WOMEN'S MOVEMENTS

- Examine the scope and limitations of women's movements in India. (2014)
- Point out and comment on the historic importance of the document "Towards Equality (1974), for women's movement in India." (2013)

ENVIRONMENTALIST MOVEMENTS

- Environmentalism of the poor. Comment. (2023)
- High concentration of economic activities and consumption patterns in the post-liberalisation period has led to the failure of environmental movements in India. Elucidate. (2022)

- Write a short note on the significance of the Chipko Movement. (2019)
- Critically analyse the environmentalist movement in Tuticorin, Tamil Nadu. (2018)
- Critically examine the provisions made in the Constitution for the protection of the Environment. (2016)
- Compare and contrast Chipko Movement with Narmada Bachao Andolan. Comment. (2013)
- Discuss the impact of environmentalist movement on government policies in recent years. (2012)
- "The environmental 'movements' have challenged "the policy and pattern of economic development in post-independent India." Analyse with examples. (2009)

SOCIAL MOVEMENTS IN INDIA

A social movement is a collective, organized, and sustained effort by a group of people who share common goals or ideals, seeking to bring about social, political, economic, or cultural change.

These movements often emerge in response to perceived injustices, grievances, or the desire for societal transformation. Through various forms of activism, including protests, advocacy, and awareness campaigns, social movements aim to challenge existing structures and promote reforms or revolutions in society.

VALUE ADDITION: DEFINITION OF SOCIAL MOVEMENT BY SCHOLARS

"Social movements can be viewed as **collective enterprises** to establish a **new order of life**. They have their inception in the condition of unrest and derive their motive power on one hand from dissatisfaction with the current form of life, and on the other hand, from wishes and hopes for a new scheme or system of living."– **Herbert Blumer**

Social movement is a series of **contentious performances, displays**, and campaigns by which ordinary people make collective claims on others.

– **Charles Tilly**

Social movements is a contentious politics involving collective challenges by people with common purposes and solidarity in sustained interactions with elites, opponents, and authorities.– **Sidney Tarrow**

1. THEORIES OF SOCIAL MOVEMENTS

Various theories have been developed to understand and classify social movements:

- **Deprivation Theory:** Proposed by James C. Davies and Ted Robert Gurr, this theory posits that social movements emerge when individuals or groups perceive themselves as deprived of essential resources, rights, or opportunities. The sense of deprivation, particularly in comparison to others (relative deprivation), fuels frustration, leading to collective action to address these inequalities.
- **Resource Mobilization Theory:** Developed by John D. McCarthy and Mayer N. Zald, this theory emphasizes the importance of resources—such as money, leadership, and organizational infrastructure—in the development and success of social movements. According to this perspective, grievances alone are insufficient; effective mobilization of resources is crucial for sustaining collective action and achieving movement goals.
- **Political Process Theory:** Advanced by Charles Tilly and Doug McAdam, this theory treats social movements as a form of political activity, closely linked to the broader political environment. It suggests that movements emerge and succeed when political opportunities, such as shifts in power or policy openings, create a favourable context for collective action, enabling movements to challenge state power and authority.
- **New Social Movement Theories:** Scholars like Alain Touraine, Jürgen Habermas, and Alberto Melucci developed these theories in the 1960s and 1970s, focusing on movements that address cultural, identity, and environmental issues rather than purely economic or political concerns.

These theories emphasize the importance of collective identity, values, and symbolic action, highlighting how modern movements seek to redefine societal norms and challenge traditional structures through new forms of activism.

2. HISTORY OF SOCIAL MOVEMENTS IN INDIA

India's social movements have been instrumental in shaping the country's history, from the spiritual reformations of the Bhakti and Sufi movements to the struggles for independence and beyond. These movements have addressed various social, economic, and political issues, reflecting the diverse and evolving aspirations of Indian society.

A. PRE-INDEPENDENCE MOVEMENTS

These movements arose as a reaction to the exploitative policies of British colonial rule. They aimed at multiple objectives, including political rights, social reforms, and economic justice.

- **SOCIAL REFORM MOVEMENTS IN THE 19TH CENTURY:** Reformers like **Raja Ram Mohan Roy**, **Ishwar Chandra Vidyasagar**, and **Jyotiba Phule** led movements addressing social issues such as sati, child marriage, and caste discrimination. These movements laid the foundation for progressive social change by advocating for modern education, women's rights, and social equality.
- **MASS MOBILIZATION:** The early 20th century witnessed significant mass mobilization against British rule, marked by movements like the **Non-Cooperation Movement** and **Civil Disobedience Movement etc.** led by Mahatma Gandhi, which encouraged Indians to boycott British goods and institutions.

These movements played a crucial role in shaping India's struggle for freedom, blending social reforms with political activism and laying the groundwork for independence in 1947.

B. POST-INDEPENDENCE MOVEMENTS

1. NATION-BUILDING MOVEMENTS (1950s – 1970s): In the early decades after independence, India focused on socio-economic development and state-building, addressing deep-rooted inequalities.

- **Anti-Caste Movements:** Led by Dr. B.R. Ambedkar, these movements advocated for the rights of Dalits and challenged caste-based discrimination.
- **Green Revolution (1960s):** Aimed at modernizing agriculture to achieve food self-sufficiency, this government-led initiative significantly boosted agricultural production.

2. THE RISE OF PEOPLE'S MOVEMENTS (1970s – 1980s): The 1970s saw the emergence of grassroots movements emphasizing democratic values and local issues.

- **Chipko Movement (1973):** A non-violent protest in Uttarakhand, where local communities, especially women, hugged trees to prevent deforestation, highlighting the importance of environmental conservation.
- **Navnirman Movement (1974):** A mass protest in Gujarat against corruption and inflation, reflecting widespread public discontent.

Women's Rights Movements: This period saw the rise of movements advocating for gender justice and legal reforms, challenging patriarchal norms.

- **Emergency (1975-77):** Under Indira Gandhi's government, widespread protests against authoritarianism were led by Jayaprakash Narayan, demanding the restoration of democracy and civil liberties.

3. IDENTITY POLITICS AND SOCIAL JUSTICE MOVEMENTS (1980s – 1990s): The 1980s and 1990s witnessed a rise in identity-based movements centered on caste, gender, and regional identities.

- **Mandal Commission Agitation (1990):** A significant movement demanding reservation for socially and economically disadvantaged groups, leading to nationwide protests.

4. GLOBALIZATION AND ENVIRONMENTAL MOVEMENTS (LATE 20TH CENTURY – EARLY 21ST CENTURY): With economic liberalization, movements began addressing environmental degradation, economic inequality, and global interconnectedness.

- **Narmada Bachao Andolan (1985-Present):** Protesting against large dams on the Narmada

River, this movement highlighted environmental impacts and displacement of local communities.

- **Anti-WTO Protests (Late 1990s):** These reflected concerns about the negative impacts of globalization and free trade on economic inequality.

5. DIGITAL AGE MOVEMENTS AND CONTEMPORARY ACTIVISM (21ST CENTURY ONWARD): The 21st century saw the rise of digital-age movements, where technology, especially social media, became a powerful tool for mobilization and advocacy.

- **India Against Corruption Movement (2011):** Led by Anna Hazare, this movement used social media to rally support for the Jan Lokpal Bill, aimed at curbing corruption.
- **#MeToo Movement (2018):** A global movement that gained momentum in India, where survivors of sexual harassment and assault shared their experiences, leading to widespread discussions on gender-based violence.

The history of social movements in India reflects the nation's ongoing struggle for justice, equality, and rights. These movements have played a crucial role in shaping modern India, bringing about significant social changes and influencing government policies. They continue to be a vital part of India's democratic fabric, advocating for the rights and dignity of marginalized communities.

3. ROLE OF SOCIAL MOVEMENTS IN DEMOCRACY

- **Expression of Political Consciousness:** Social movements are a powerful reflection of the political awareness of the people. They demonstrate citizens' recognition of their rights and their determination to assert these rights. In a participatory democracy, social movements are vital as they embody active civic engagement, allowing people to voice their concerns and demands.
- **Encouragement of Political Participation:** By involving citizens in political issues, social movements foster discussions and debates that are crucial for a healthy democracy. This engagement not only helps in raising awareness but also sharpens political consciousness among the populace. Such involvement is essential for sustaining and deepening democratic values.

- **Expansion of Political Horizons:** The effectiveness of social movements largely depends on the level of mobilization they achieve. When a movement successfully mobilizes large sections of society, it can broaden the political landscape, pushing the boundaries of democracy and leading to greater inclusivity and participation in the political process.
- **Expression of Collective Aspirations:** Social movements provide a platform for expressing the collective aspirations, needs, and demands of the people. Through collective action, citizens can assert themselves and ensure that their voices are heard. This is crucial for holding policymakers accountable and ensuring that they remain responsive to the concerns of the populace.
- **Influence on Policy and Legislation:** Social movements often exert significant pressure on policymakers, compelling them to enact laws and policies that reflect the demands of the people. By influencing legislation, these movements help to advance and protect the interests of various social groups, thereby strengthening the democratic process.

4. CHALLENGES TO DEMOCRATIZATION THROUGH SOCIAL MOVEMENTS

- **Counter-Movements:** Not all social movements contribute positively to democratization; some may actively resist social transformation and oppose progressive changes. For instance, Hitler's National Socialist German Workers' Party in the 1930s mobilized Germans against Jews, Communists, and liberals, ultimately leading to a destructive and authoritarian regime. Such counter-movements can undermine democratic values and foster divisiveness within society.
- **Caution in Direct Action:** Rajni Kothari, a prominent political theorist, cautioned against indiscriminate use of direct action in the political process. He emphasized that direct action is justifiable only when the political change being sought genuinely offers greater political freedom than the existing system. Kothari's view highlights the importance of evaluating the potential outcomes of social movements, ensuring that they contribute to the enhancement rather than the erosion of democratic principles.

CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS IN INDIA

Civil rights are **fundamental rights granted by the state** essential for a civilized existence, such as the right to life, liberty, property, equality before the law, and protection against arbitrary detention. Rooted in liberalism, these rights serve to limit arbitrary power by the executive and uphold the rule of law. While socialist ideologies emphasize social and economic rights (such as those outlined in the Directive Principles of State Policy in India), civil rights are foundational to ensuring individual freedoms and justice.

1. HISTORY OF CIVIL RIGHTS MOVEMENT IN INDIA

- The Indian freedom struggle was not just a quest for independence but the **largest civil rights movement**.
- **Early nationalist demands for basic freedoms** like freedom of the press, greater representation in assemblies, and agitation against the Rowlett Bill were all examples of civil rights movements.
- **Pt. Nehru**, a prominent civil rights activist, established the '**Indian Civil Liberties Union**' on 7th November 1936, with **Rabindranath Tagore as President and Sarojini Naidu as working president**.
- Pt. Nehru **promised no black laws in independent India**.

2. CIVIL RIGHTS IN THE CONSTITUTION OF INDIA

- The **Indian Constitution is a revolutionary document**, perhaps the first to **incorporate the spirit of human rights**.
- Fundamental Rights (FRs) in India are available to **both citizens and non-citizens**, and the Constitution also includes social and economic rights.
- However, the **inclusion of preventive detention in the Constitution**, particularly in Part III, became a **major human rights issue**, especially during the Emergency.
- Recent amendments, **such as the UAPA in 2019, allowing the Central Government to declare individuals as 'terrorists'**, have sparked debates on potential misuse for suppressing dissent.

3. STATUS OF CIVIL RIGHTS POST-INDEPENDENCE

- Initially, **post-independence** saw a **decline in civil rights activism** until the 1960s, with a rise in executive overreach and corruption by the 1970s.
- The **1970s marked a new phase of civil rights activism**, spurred by economic failures and anti-price-rise agitations.
- Jaiprakash Narayan's** call for a '**total revolution**' and his encouragement of the armed forces to disobey government orders inspired the **formation of the People's Union for Civil Liberties and Democratic Rights (PUCLDR)** in 1975, which later split into PUCL and PUDR.

*The Emergency Period: The Emergency (1975-1977) was a dark period for Indian democracy, imposed on the grounds of internal disturbance, advocating for a committed bureaucracy and judiciary. Despite this, democracy survived and was subsequently strengthened. This period saw the proliferation of civil rights organizations like Citizens for Democracy and the Association for Democratic Reforms (ADR), led by lawyers like **Shanti Bhushan**, who used the judiciary to ensure the Rule of Law.*

4. HUMAN RIGHTS MOVEMENTS IN INDIA

Human rights movements in India have evolved significantly, reflecting the country's complex socio-political landscape and addressing various forms of discrimination and injustice.

PRE-INDEPENDENCE PERIOD:

- Colonial Rule and Early Activism:** Human rights activism during British rule was integral to the independence movement. Leaders like Mahatma Gandhi and Jawaharlal Nehru fought against colonial injustices and promoted civil rights.
- Social Reform Movements:** Reformers such as Raja Ram Mohan Roy, Jyotirao Phule, and Dr. B.R. Ambedkar challenged social evils like caste

discrimination, child marriage, and Sati, laying the foundation for future human rights efforts.

POST-INDEPENDENCE PERIOD (1947 ONWARDS):

- Constitutional Framework:** The Indian Constitution, adopted in 1950, established fundamental rights and freedoms for all citizens, along with social and economic rights through Directive Principles of State Policy.
- Legal Reforms and Activism:** Early reforms included the abolition of untouchability and the Hindu Code Bills, which aimed to enhance gender equality in inheritance and marriage laws.

1970S TO 1980S:

- Emergency Period (1975-1977):** The Emergency saw severe curtailment of civil liberties, prompting human rights activism and the formation of organizations like the People's Union for Civil Liberties (PUCL).
- Rise of the NGO Movement:** The 1980s witnessed the growth of NGOs addressing a broad spectrum of human rights issues, including environmental rights and marginalized communities.

1990S TO PRESENT:

- Globalization and Its Impact:** Economic liberalization introduced new challenges and opportunities, addressing labor rights, displacement, and environmental issues.
- Rights of Marginalized Communities:** Movements for Dalits, Adivasis (tribal communities), and LGBTQ+ rights gained prominence, including landmark legal battles like the fight against Section 377 of the IPC.
- Women's Rights Movement:** Gender-based violence and discrimination became focal points, notably after the Nirbhaya incident in 2012, leading to legal reforms and increased public awareness.
- Technology and Rights Activism:** The rise of the internet and social media has enhanced human rights advocacy, increasing visibility and mobilization.
- International Influence and Collaboration:** Indian human rights movements increasingly collaborate with international organizations, aligning with global human rights standards.

5. CHALLENGES FACED BY HUMAN RIGHTS MOVEMENTS IN INDIA

- **Diversity and Complexity:** India's vast diversity complicates human rights advocacy. Scholars like **Amartya Sen** note that different ethnic, religious, and cultural groups have distinct needs and perspectives, challenging efforts to address universal human rights.
- **Economic vs. Social Rights:** **Jean Drèze** points out the tension between economic growth and the protection of social rights. Rapid economic development has sometimes come at the expense of land rights, environmental protection, and labour rights.
- **Historical and Structural Inequalities:** The caste system and historical discrimination against Dalits and Tribals continue to challenge human rights efforts. **B.R. Ambedkar's** work highlights the ongoing impact of these inequalities.
- **Gender-Based Rights:** Despite legal protections, women and LGBTQ+ individuals face systemic discrimination and violence. **Nivedita Menon's** studies emphasize the persistent gendered nature of human rights issues.
- **Freedom of Expression and Civil Liberties:** The use of laws like the Unlawful Activities (Prevention) Act (UAPA) to arrest activists reflects a dilemma between national security and individual freedoms.
- **Theoretical Perspectives:** Different theoretical perspectives, such as Utilitarianism, Liberalism, and Marxism, offer varying views on human rights dilemmas. Utilitarianism focuses on the greatest good, Liberalism on individual rights, and Marxism critiques capitalist structures.
- **International Influence and Pressure:** International human rights organizations and foreign governments influence India's domestic policies, leading to debates about external interference in internal matters.
- **Economic Inequality and Rights:** **Amartya Sen's** capability approach highlights the challenge of addressing economic inequality while ensuring equitable rights distribution.
- **Technology and Rights:** The Aadhaar biometric database raises privacy and surveillance issues, reflecting modern dilemmas in human rights

advocacy.

These dilemmas and challenges reflect the ongoing complexities in advancing human rights in India, requiring continuous effort and adaptation to ensure the rights enshrined in the Constitution are fully realized for all citizens.

WOMEN'S MOVEMENT IN INDIA

The women's movement in India has **radically redefined the concept of justice**, addressing widespread **discrimination in rights**, violence, and cultural practices against women. Rooted in **feminist consciousness**, it has shaped organized **efforts for women's equality and liberation**, as **Neera Desai** noted.

Women's Movement in India Before Independence: Women movement in India was started by liberal men like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar.

1. ISSUES ASSOCIATED WITH WOMEN

- **Patriarchal society-** Deeply ingrained patriarchal norms limited women's roles to domestic spheres. Scholars like **Tanika Sarkar** have **highlighted these social structures as major obstacles**.
- **Educational Inequality:** According to **Geraldine Forbes** women's education was **grossly neglected**, keeping them uninformed about their rights and opportunities.
- **Child Marriage and Widowhood:** Prevalent practices such as child marriage and the mistreatment of widows, including the custom of Sati, were significant issues.
- **Limited Legal Rights:** Women had limited legal rights, particularly regarding inheritance and property. Historian **Uma Chakravarti emphasizes how this legal subordination perpetuated women's dependency**.
- **Lack of Health and Sanitation awareness:** Poor health facilities and lack of awareness about women's health, especially reproductive health, were significant challenges.

2. EVOLUTION OF WOMEN'S MOVEMENTS IN POST-INDEPENDENT INDIA

The Women's Movement in post-independent India has undergone several phases, each characterized by specific issues, challenges, and achievements, influenced by India's unique social, cultural, and political context.

A. PHASE 1: TILL 1970

Aparna Mahanta describes the post-independence years as the **"grey years" of the women's movement, noting a decline in activism** compared to the pre-independence era. She suggests that there was a belief that movements against the indigenous government were unnecessary, as it was expected that the government would address women's concerns automatically.

ISSUES AND CHALLENGES IN THIS PHASE

- **Legal Rights and Representation:** The primary focus was on establishing **legal rights for women** in the new democracy.
- **Socio-Cultural Norms:** Traditional norms and practices like **child marriage and dowry** continued to pose challenges.

ACHIEVEMENTS OF THIS PHASE

- **Constitutional Guarantees:** The Indian Constitution provided **equal rights to women**, a significant achievement.
- **Reform Laws:** The Hindu Marriage Act (1955), the **Hindu Succession Act (1956)**, and other laws aimed at gender equality were enacted.

B. PHASE 2: PHASE OF REVIVAL AND ACTIVISM (1970S-1980S)

The 1971 Committee on the Status of Women in India, through its 1974 report **"Towards Equality,"** marked a **watershed moment** in the women's movement. The report revealed critical issues such as a declining sex ratio, gender-based violence, discrimination, and decreasing female participation in political and economic spheres, underscoring the need for significant reforms.

Later, the first UN Women's Conference, 1975 (Mexico

City) designated **1975-85** as the **Decade for Women**, prompting governments to report on the status of women.

ISSUES AND CHALLENGES

- **Violence Against Women:** Issues like **domestic violence, dowry deaths, and rape** gained prominence.
- **Rural and Poor Women's Struggles:** The needs and rights of rural and marginalized women were often overlooked.

ACHIEVEMENTS OF THIS PHASE

- **Grassroots Movements:** The rise of grassroots movements and **NGOs focused on women's issues**.
- **Landmark Cases and Legislation:** The **Mathura rape case** led to changes in rape laws. The **Anti-Dowry Act** was amended to be more effective.
- **Growth of women organisations** including organisation of Muslim women like **Majilis, Aawaaz e-Niswaan**, organisation of dalit women like **All India Dalit Women Conference**.
- **Empowerment of Women:** Approach of government also changed from development to empowerment. Since the 6th **five year plan**, the government has introduced **gender components in each plan**.

VALUE ADDITION: PROMINENT ISSUES IN 1980s

- **Mathura Rape Case:** The Mathura rape case involved the custodial rape of a tribal girl in India. It sparked a nationwide anti-rape campaign in 1980, leading to the establishment of autonomous women's organizations in various cities and towns across the country.
- **Sati at Deorala:** The Sati incident at Deorala occurred in post-independent India, where Roopkuvarba Kanwar, a Rajput woman, was burned alive in Deorala village of Sikar district, Rajasthan, in a case of Sati practice.
- **Shah Bano Judgment:** The Shah Bano judgment was a controversial maintenance lawsuit in India. The Supreme Court ruled in favor of maintenance for an aggrieved divorced Muslim woman, leading to significant debates and discussions.

C. PHASE 3: GLOBAL INFLUENCES AND DIVERSIFICATION (1990s–2000s)

In the 1990s, a new trend emerged in Indian women's movements influenced by the global growth of feminist movements. Women's organizations **shifted towards Radical feminism**, aligning themselves with global feminist movements.

Some of the **new names adopted** by these organizations were **Saheli, Vimochana, Manushi, Jagoree**, reflecting a more radical and globally connected approach to women's issues.

ISSUES AND CHALLENGES

- **Economic Liberalization:** The 1990s economic reforms in India brought new challenges and **opportunities for women in the workforce**.
- **Increased Awareness of Diverse Issues:** Recognition of **diverse issues affecting women** from different social and economic backgrounds.

ACHIEVEMENTS OF THIS PHASE

- **Increased Women's Participation in the Workforce:** Economic reforms opened up **new job opportunities for women**.
- **International Influence:** India's participation in global conferences like the **Beijing Conference (1995)** brought international gender norms to Indian discourse.

D. PHASE 4: CONTEMPORARY ERA (2000s–PRESENT)

ISSUES AND CHALLENGES

- **Economic Liberalization:** The 1990s economic reforms in India brought new challenges and **opportunities for women in the workforce**.
- **Increased Awareness of Diverse Issues:** Recognition of **diverse issues affecting women** from different social and economic backgrounds.

ACHIEVEMENTS OF THIS PHASE

- **Increased Women's Participation in the Workforce:** Economic reforms opened up **new job opportunities for women**.

- **International Influence:** India's participation in global conferences like the **Beijing Conference (1995)** brought international gender norms to Indian discourse.

VALUE ADDITION: SCHOLARS VIEWS ON OVERALL WOMEN MOVEMENT

Madhu Kishwar criticizes the **women's movement**, suggesting that its only notable achievements are **unusual pieces of legislation**.

Challenges Identified by Neera Desai and Usha Thakkar:

- **Challenge of Identity:** The movement **grapples with defining its identity** and purpose.
- **Women's Issues are Universal:** Women's issues are **not limited to women alone**; they **affect society** at large.
- **Division along Ideological and Social Lines:** Internal divisions based on ideology, caste, and religion **hinders unity and progress**.
- **Lack of Unified Charter of Demands:** The movement has **not presented a cohesive set of demands**.

Samita Sen's Assessment:

- **Divisions within the Movement:** The movement is deeply **divided along lines of caste, religion, and ideology**, lacking solidarity and sisterhood.
- **Need for Viable Feminist Politics:** Sen emphasizes the **necessity of a practical, effective feminist political approach**.
- **Call for Transformative Agencies:** There is a need for agencies that can bring about **transformation beyond the boundaries** of class, caste, and religion.

3. SCOPE OF WOMEN'S MOVEMENTS IN INDIA

- **Legal and Policy Reforms:** Women's movements have successfully advocated for changes in laws concerning marriage, divorce, inheritance, and dowry. Key achievements include the prohibition of dowry and sati, legalization of abortion, and criminalization of instant triple talaq.

- **Political Empowerment:** These movements have played a crucial role in increasing women's political representation, particularly through the reservation of seats in local governance bodies like Panchayati Raj Institutions.
- **Awareness Creation:** Women's movements have been instrumental in raising awareness about critical issues such as gender-based violence, sexual harassment, and inequality in education and employment.
- **Empowerment of Women:** They have significantly contributed to the empowerment of women, especially in rural and marginalized communities, by promoting education, skill development, and economic initiatives.
- **Addressing Violence Against Women:** Women's movements have been central to campaigns against domestic violence, sexual harassment, and gender-based violence, leading to the enactment of laws like the Protection of Women from Domestic Violence Act and the Sexual Harassment of Women at Workplace Act.
- **Cultural Change:** These movements have challenged entrenched patriarchal norms and practices, fostering gradual cultural shifts in societal attitudes toward women.

VALUE ADDITION: SCHOLARS VIEWS ON CHALLENGES FACED BY WOMEN MOVEMENT IN INDIA

- **Flavia Agnes** emphasizes the **persistence of patriarchal norms** deeply embedded in Indian society, contributing to the challenges faced by the women's movement. The **legal framework** alone is insufficient without societal attitudinal changes.
- **Nivedita Menon** points out the challenge of addressing intersectionality, as **issues of class, caste, and religion intersect with gender**. Highlights the need for a more inclusive and intersectional feminist agenda.
- **Uma Chakravarti** focuses on **the hurdles in challenging deeply entrenched gender norms** and stereotypes. The women's movement grapples with the need for broader social transformation to address deeply ingrained misogyny.

4. IMPORTANCE OF WOMEN'S MOVEMENT

- **Impacted Post-Independence Movements:** Scholars such as **Partha Chatterjee** have analyzed that the **pre-independence women's movement set the stage for post-independence feminist struggles**, evolving the discourse on women's rights.
- **Intersection with Nationalism:** **Kumkum Sangari and Sudesh Vaid** explore that the women's movement intersected with the national independence movement, arguing that while it **raised the profile of women**, it also sometimes constrained them within nationalistic ideals.
- **Cultural Constraints:** Anthropologist **Leela Dube** has highlighted those cultural constraints **shaped the movement**, with women often having to navigate between traditional roles and the urge for emancipation.
- **Regional Variations:** **Gail Minault's** studies highlight the regional variations in the movement, with different parts of India **experiencing varied intensities** and focuses in their women's movements.

5. RESERVATION POLICY FOR WOMEN

The reservation of women in India refers to the policy of allocating a certain percentage of seats in various political and governance bodies specifically for women. This policy aims to enhance women's political participation and representation, particularly at the grassroots level.

OPPOSITION TO RESERVATION

- **Pandit Nehru** opposed reservation, arguing that it would **compromise merit and be irreversible** once implemented.
- **Sarojini Naidu** also opposed reservation, believing it would **impact women's confidence** and that they should be **elected based on merit**.
- **Towards Equality Report (1974)** opposed reservation in Parliament and assemblies but **favoured it in local bodies**. The report viewed women's issues as reformative rather than radical, **advocating for collaboration** between men and women.

- ▶ **Ela Bhatt (SEWA) opposes** reservation, suggesting that **economic empowerment** should be the focus.

IN SUPPORT FOR RESERVATION

- ▶ **Laura Keenan** supports reservation, **citing stagnant women's representation** in Parliament and the need for **proportional representation**.
- ▶ **Rohini Pandey** believes reservations have **reduced prejudice against female leaders** and enhanced respect for women.
- ▶ **Gabrielle Kruks** Wisner views reservation in Panchayats as key for **women's social mobility**.
- ▶ **Esther Duflo and Raghwendra Chattopadhyay** found that districts with female sarpanch/pradhan witnessed **greater investments in public goods** like drinking water, benefiting women.

SCEPTICISM

Sudha Pai: Expresses **doubts about true empowerment through reservation**, fearing the rise of "Pati Panchayats" and emphasizing the **need for female literacy and societal change**.

Feminist scholar **Laura Keenan** argues that **lack of women in Parliament** does not indicate lack of talent but rather **reflects the challenging social environment**, necessitating catalysts like reservations.

The women's movement in India, with its rich history and evolving phases, **reflects a continuous struggle** against deep-rooted patriarchy, societal norms, and institutional challenges. Despite significant achievements in legal, educational, and social spheres, the movement continues to **face numerous challenges, requiring persistent efforts and strategic adaptations** to address emerging issues and ensure sustained progress towards gender equality.

ENVIRONMENTAL AND ECOLOGICAL MOVEMENTS

Environmental movements revolve around the issues of **development and democracy**. These movements advocating for **constitutional and democratic rights**, emphasizing environmental protection, **ecological balance, and economic justice**.

- ▶ Globally this movement **emerged in the 1980s**, the **Global Green Movement** influencing India, Germany, and North America.
- ▶ These movements seek **economic justice, focusing on quality of life, indigenous cultural preservation**, and people's rights over resources, beyond just resource distribution.
- ▶ These movements are categorized by scholars as **tribal and peasant movements or New Social Movements**, with a diverse environmental discourse in India.

1. HISTORY OF ENVIRONMENTAL MOVEMENTS IN INDIA

The history of environmental movements in India reflects a rich legacy of resistance, conservation, and advocacy that has evolved over centuries.

A. PRE-INDEPENDENCE MOVEMENTS

- ▶ In colonial India, tribal communities **resisted forest policies** imposed by the colonial state.
- ▶ These tribal movements can be considered some of the earliest environmental protests, predating similar movements in the West.
- ▶ An early significant protest was the **Mulshi Satyagraha in 1921**, led by **Senapati Bapat** against the **construction of a dam in the Lonavala hills** intended to supply power to burgeoning industries in Mumbai.

B. POST-INDEPENDENCE ENVIRONMENTAL MOVEMENTS

Ramachandra Guha identifies four phases in the evolution of environmental movements in post-independent India:

PHASE I (1970S)

- ▶ **Perception:** Environmental movements were **perceived as "interlopers"** that **disrupted the consensus of developmental priorities**. Environmentalism was considered a luxury only wealthy nations could afford.
- ▶ **Opposition:** **Chipko Movement (1973)**, a defining



moment in Indian environmental activism was led by figures like **Chandi Prasad Bhatt and Sunderlal Bahuguna**, emphasizing the importance of forests for local ecosystems and communities. They were often accused of being foreign agents (e.g., CIA agents) trying to prevent India's development.

- **Marxist View:** Marxists in India viewed ecological concerns as **bourgeoisie distractions** from the core issues of economic and social justice.

PHASE II (1980S)

- **Rise of Environmental Journalism:** Journalists such as Anil Agarwal, Shekhar Pathak, and Nagesh Hegde began to highlight environmental issues, bringing them into the public eye.
- **Government Response:** Environmental issues gained media attention, prompting the government to establish a dedicated department for the environment in 1980, which was later upgraded to the Ministry of Environment and Forests in 1985.

PHASE III (1990S)

- **Professionalization:** Environmentalism became more professional, with social and natural scientists conducting rigorous research to provide credible data on environmental conflicts.
- **Academic and Scientific Engagement:** The involvement of academics and scientists helped in understanding the roots of environmental issues and conflicts more deeply.

PHASE IV (1990S ONWARDS)

- **Backlash:** With the government's adoption of a neo-liberal economic model focusing on private capital, environmental protests against activities like mining and the creation of Special Economic Zones (SEZs) were often seen as anti-development and anti-national.
- **Increased Tribal and Left-Wing Movements:** As tribal protests grew and left-wing movements gained strength, environmentalists and human rights activists were often branded as anti-national. They transitioned from being labeled as "CIA agents" in earlier phases to being called "**old-fashioned socialist guys.**"

2. SUNITA NARAIN'S VIEWS ON ENVIRONMENTALISM

Sunita Narain, a prominent environmentalist and director of the Centre for Science and Environment (CSE), focuses on urban environmental issues such as air pollution, water management, and sustainable urbanization

ENVIRONMENT AND DEMOCRACY:

- Environmentalism is **not just about saving tigers and planting trees**. It is about **democracy and empowering people** through decentralized planning and grassroots democracy to achieve sustainable development.
- Current development strategies in India are **neither pro-environment nor pro-poor**.

COMPARISON OF ENVIRONMENTAL APPROACHES:

- **Western protectionism** is **human-centered** and focused on "protectionist conservatism."
- Indian environmentalism is "**utilitarian conservatism,**" emphasizing **social ecology and the sustainable use** of resources.

3. NEW ENVIRONMENTALISM CONCEPT

- **Economic Development and Sustainability:** In a developing country like India, **economic growth cannot be ignored**. Environmentalism should integrate people as owners and custodians of natural resources, ensuring sustainable development.
- **Resisting Inequity:** Environmental movements resist the commodification and monopolization of natural resources, **inequitable distribution, unsustainable use**, exploitative power relations, and the disempowerment of communities.

4. ANALYSIS OF THE ENVIRONMENTAL MOVEMENT IN INDIA

- **Ramachandra Guha** in his book "**The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya**", he critiques India's development

highlighting how large-scale projects like dams often lead to environmental harm and social displacement.

- **Vandana Shiva** in her book "**Staying Alive: Women, Ecology, and Development**", she explores the intersection of feminism and environmentalism, arguing that women, especially in rural areas, suffer disproportionately from environmental degradation. She also critiques global corporations for "biopiracy" in "**Biopiracy: The Plunder of Nature and Knowledge**".
- **Madhav Gadgil** in his book in "**Ecology and Equity: The Use and Abuse of Nature in Contemporary India**", he combines ecological research with advocacy for sustainable development, promoting People's Biodiversity Registers to involve communities in conservation.
- **Anil Agarwal** in his report "**State of India's Environment: A Citizen's Report**" brought environmental issues to public attention, advocating for development models suited to India and critiquing Western industrialization.
- **Sunita Narain** in her book "**Excreta Matters: How Urban India is Soaking up Water, Polluting Rivers and Drowning in its Own Waste**", she critiques urban environmental issues and advocates for equitable global governance approaches that consider India's developmental needs.

5. INFLUENCE OF ENVIRONMENTAL MOVEMENTS ON GOVERNMENT POLICIES

Environmental movements in India have significantly influenced government policies and legislation, leading to important changes in environmental governance, like:

- **Environmental Regulations**—Movements have led to stricter environmental regulations. For instance, the '**Save Western Ghats Movement**' influenced the formulation of policies for protecting bio-diverse regions.
- **Renewable Energy Push**—Activism around climate change has pushed governments, including India, to **invest more in renewable energy** sources and commit to international agreements like **the Paris Climate Accord**.
- **Urban Planning and Pollution Control**—Protests

against **air pollution** have led to the implementation of policies like odd-even vehicle schemes, bans on certain types of fuels, and the promotion of public transport.

- **Forest Rights Act, 2006**—Partly a result of prolonged tribal movements and advocacy for the **rights of forest-dwelling communities**, ensuring their stewardship over land and resources.

6. FACTORS INFLUENCING THE RISE OF THE ENVIRONMENTAL MOVEMENT IN POST-INDEPENDENT INDIA

The rise of the environmental movement in post-independent India can be attributed to several factors:

- **Rapid Industrialization**—Swift industrial growth led to **severe environmental issues** like air and water pollution, deforestation, and soil erosion, sparking activism and concern among citizens. The **Bhopal Gas Tragedy of 1984** highlighted the need for environmental regulation in industrial practices.
- **Global Environmental Awareness**—The impact of **Rachel Carson's "Silent Spring"** and the **first Earth Day in 1970** resonated in India, leading to increased scrutiny of agricultural chemicals and environmental education programs.
- **Cultural Connection to Nature**—Practices like the **worship of trees and rivers in Hinduism**, and the **Jain principle of non-violence** towards all living beings, reflect India's cultural ties to nature, often providing a foundation for environmental activism and conservation efforts.
- **Grassroots Movements**—Movements like the **Chipko Movement** and the **Narmada Bachao Andolan** are prime examples of local activism influencing national environmental policy.
- **Governmental Policies and Legal Frameworks**—Establishment of the Ministry of Environment and Forests, and enactment of the **Wildlife Protection Act (1972)** and the **Forest Conservation Act (1980)**, reflect the government's response to environmental concerns.
- **Media Influence**—Coverage of environmental events has played a significant role in raising public awareness and promoting conservation efforts.

in the **Stockholm Conference (1972)** and the **Earth Summit (1992)** influenced the country's policies on sustainable development and biodiversity conservation.

- **Educational and Civil Society Initiatives**—NGOs and educational initiatives have been **instrumental in promoting environmental awareness** and action.

7. IMPORTANT ENVIRONMENTAL MOVEMENTS IN INDIA AND RECENT CASE STUDIES

MOVEMENT	CAUSE	KEY PERSONALITIES	OUTCOME
Chipko Movement, Uttarakhand	Protesting commercial logging threatens livelihoods and the environment.	Chandi Prasad Bhatt, Sunderlal Bahuguna	Successfully halted deforestation; led to a 15-year ban on green felling and inspired global movements.
Silent Valley Movement 1978–1983, Kerala	Proposed hydroelectric dam threatened a unique rainforest ecosystem.	Dr. Salim Ali	Project halted; Silent Valley declared a national park in 1985, preserving its biodiversity.
Appiko Movement 1983, Karnataka	Protecting Western Ghats forests from commercial logging.	Panduranga Hegde	Stopped logging activities; promoted afforestation and sustainable practices.
Tehri Dam Protests 1990s–2000s, Uttarakhand	Protests against environmental and social impacts of the Tehri Dam.	Sunderlal Bahuguna	The dam was completed in 2006; protests raised awareness about environmental and social consequences.
Anti-POSCO Movement 2005–2017, Odisha	Protest against POSCO steel plant threatening displacement and environmental damage.	Abhay Sahoo	Project cancelled in 2017; highlighted development vs. conservation conflict.
Aarey Forest Protest 2019	Opposition to tree cutting for Mumbai Metro car shed construction.	Local residents, environmental activists, celebrities	Construction halted; Maharashtra government announced relocation of the car shed project.

India's environmental movements **emerged from grassroots activism** against large-scale projects, evolving through phases of awareness, institutional response, professionalization, and contemporary challenges. Influential figures and organizations have shaped the discourse, addressing issues from local conservation to global climate change.

In India, despite the presence of institutions like the **NGT and EIA**, along with new approaches to **rehabilitation**, **environmental consciousness remains low**. Environmental protests are often localized and lack a long-term strategy. While these groups have stalled government projects temporarily, they have not been able to stop them entirely. The **environmentalist lobby is weak**, and there is **minimal middle-class awareness** and activism. Environmental concerns are not a priority in political party manifestos.

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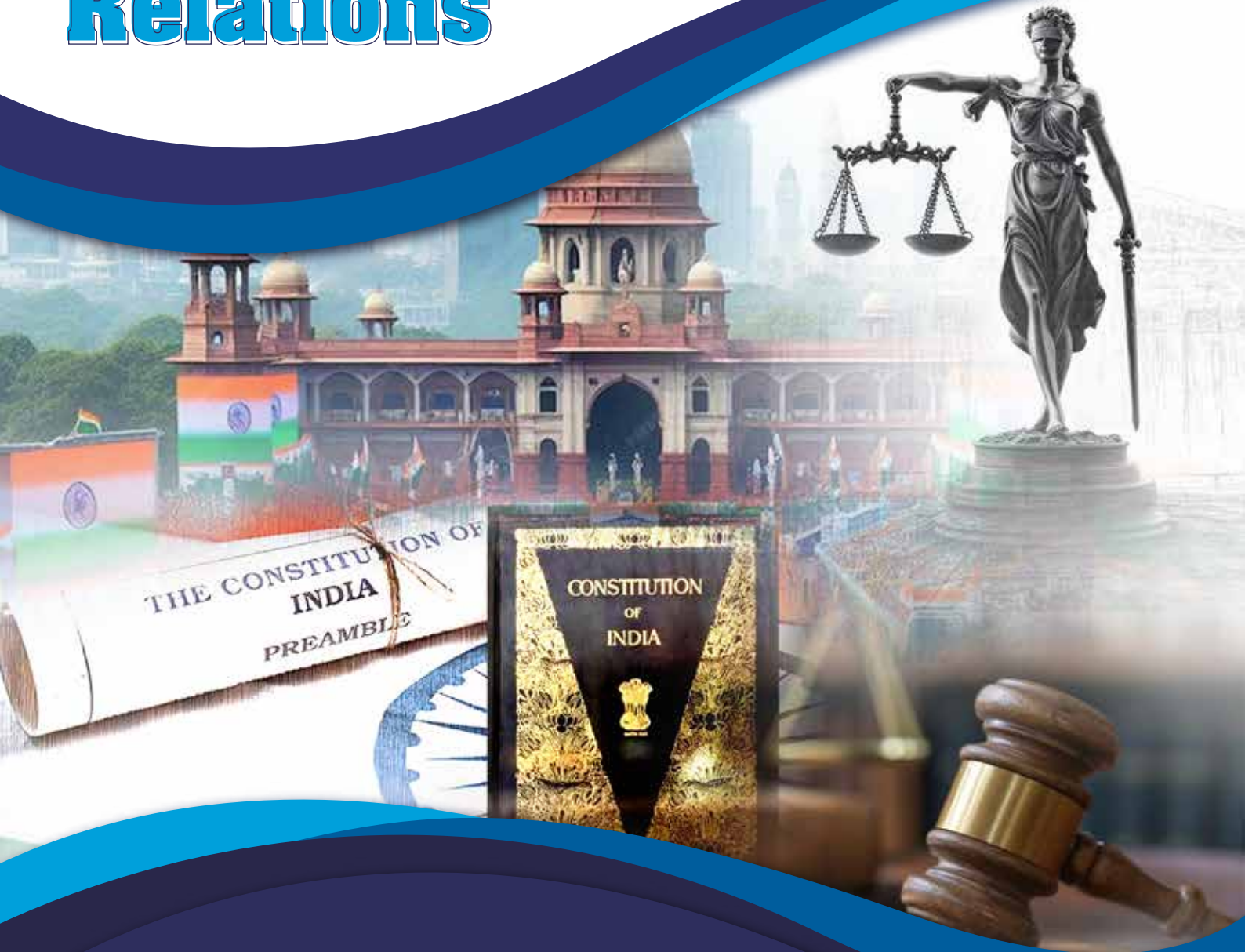


PUNE



RANCHI

POLITICAL SCIENCE *and* International Relations



Paper 1, Part B

Indian Government and Politics

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UNIT 1A: POLITICAL STRATEGIES OF INDIA'S FREEDOM STRUGGLE

SYLLABUS- CONSTITUTIONALISM TO MASS SATYAGRAHA, NON-COOPERATION, CIVIL DISOBEDIENCE; MILITANT AND REVOLUTIONARY MOVEMENTS, PEASANT AND WORKERS MOVEMENTS.

PREVIOUS YEAR QUESTIONS

- Satyagraha and Indian Nationalism. Comment. (2023)
- Analyse the workers' movement in India in the pre-Independence period. (2022)
- Trace the role of militant and revolutionary movements in Indian national movement. (2020)
- National movement in India was anti-imperialist and increasingly radical in its socio-economic and political programmes. (2019)
- Differentiate Moderate Nationalism from Extremist/Militant Nationalism in terms of their objectives and means. (2017)
- The success of Mahatma Gandhi lay in transforming both political and non-political movements into a unified nationalist movement. (2017)
- Satyagraha as a Strategy in the Indian National Movement. Comment. (2015)
- Explain how peasant movements promoted nationalist ideas during the struggle for Indian independence. (2014)
- Efficacy of Satyagraha as moral resistance colonial rule. Comment. (2012)
- Significance of the Civil Disobedience Movement. Comment. (2011)

1.

DID THE NATIONAL MOVEMENT HAVE A STRATEGY?

There are contrasting views on whether the Indian national movement had a coherent strategy. These are as follows:

- **Traditional View:** The traditional nationalist history emphasizes ideas, idealism, courage, and sacrifices. This perspective attributes the 1947 freedom to the selfless dedication of leaders and followers, largely ignoring the role of strategy.

- **Cambridge School View:** The Cambridge School views the movement as fragmented, driven by local, provincial, and all-India interests. It sees the movement as a collection of disparate activities and interests rather than a unified strategy.
- **Marxian Perspective:** Marxian historian Bipan Chandra argues that the movement, especially during the Gandhian phase, had a centralized strategic framework. This framework connected various activities, techniques, and tactics, highlighting strategy as a crucial component of the national struggle for independence.

2.

CONSTITUTIONALISM

Constitutionalism is a political strategy rooted in the **philosophy of liberalism**. It operates on the assumption that humans are rational beings, capable of achieving political ends through rational dialogue and debate, without resorting to violence. This approach is often referred to as the **use of institutional methods**.

A. CONSTITUTIONAL METHODS IN INDIA

- **Constitutional methods** in India involved using **legislative processes, petitions, and peaceful protests** to address grievances and advocate for political reforms under British rule.
- The idea of constitutionalism in India is **an imported concept**, originating in Britain. The British colonial rulers introduced modern institutions that embodied the principles of constitutionalism, such as: **rule of law, modern judicial system, imperial civil services and incorporation of Indians into the assemblies**.
 - The British did not solely rely on coercive methods to rule India. They sought to build a hegemonic rule by incorporating Indians into the administrative and legislative processes.

B. CONSTITUTIONAL METHODS ADOPTED BY EARLY NATIONALISTS

- Early Indian nationalists employed constitutional methods to achieve political goals. These methods included:
 - **Bringing Resolutions in Assemblies:** Nationalists used legislative assemblies to introduce and debate resolutions.

Sending Memorials, Prayers, and Petitions: They appealed to British authorities through written submissions.

Appeals to Justice: Seeking redressal through judicial and legal channels.

Protests: Organizing peaceful demonstrations to voice their demands.

C. CONSTITUTIONAL METHODS VS DIRECT ACTIONS

In contrast to constitutional methods, direct actions involved **more confrontational** and sometimes violent approaches, such as:

- **Passive Resistance:** Non-violent resistance to authority.
- **Satyagraha:** A method of non-violent protest introduced by Mahatma Gandhi.
- **Non-Cooperation:** Refusal to cooperate with the colonial administration.
- **Dharna (Hartal):** Strikes and sit-ins.
- **Boycott:** Refusal to buy British goods or use British services.
- **Civil Disobedience:** Deliberately disobeying certain laws, demands, or commands of the government.
- **Rebellions and Mutiny:** Armed uprisings against the authorities.
- **Terrorism:** Use of violence and terror to achieve political ends.
- **Criminal Actions:** Activities deemed illegal under the law.
- **Subversions:** Acts aimed at undermining the government, including aiding foreign invasions.

Constitutionalism in India, though an imported concept, was **embraced and adapted by Indian nationalists to fit the local context**. It provided a framework for rational and peaceful political engagement, in stark contrast to direct actions that involved confrontation and violence. This blend of constitutional methods and direct actions characterized India's struggle for independence and the evolution of its democratic institutions.

SCHOLARLY VIEWS ON ADOPTING CONSTITUTIONAL METHODS

- **M.G. Ranade** thanked the British for introducing the rule of law, viewing their rule as a divine intervention to eradicate past misrule. He considered British governance a source of inspiration, hope, and confidence for Indians.
- **Surendranath Banerjee** appealed to the British to introduce institutions that were truly British in character, believing that this would allow Indians to rejoice in a permanent union with Britain.
- **Dadabhai Naoroji** held that the British were justice-loving people and that Indians needed to communicate their demands to the British in a reasonable manner.
- **Gopal Krishna Gokhale** argued that constitutional methods were adopted due to the current circumstances, believing that Indians were not yet prepared for more radical methods of direct action.

3.

REASONS FOR EARLY NATIONALISTS ADOPTING CONSTITUTIONAL METHODS

Early nationalists utilized a strategy known as Constitutional Agitation to peacefully advocate for political reforms from the British Parliament. The reasons are discussed as follows:

- **Ideological Reasons:** Many early Indian nationalists were educated in Western institutions and were profoundly influenced by liberal values, such as individual rights, democracy, and the rule of law. They believed that these principles could be applied to India to achieve political reform.
- **Faith in British Justice:** Nationalists like Dadabhai Naoroji and M.G. Ranade had great faith in the British sense of justice and fairness. They believed that the British rule, despite its flaws, could be a force for good in India.
- **Pragmatic Reasons:** The circumstances of the time required a more cautious and incremental approach. Direct action required extensive preparation and unity, which the Indian populace was not yet ready for.

4.

CRITICISM OF CONSTITUTIONAL METHODS

Some leaders criticized constitutional methods, believing they were insufficient to combat colonial rule effectively.

- **Bal Gangadhar Tilak** viewed the use of constitutional methods in the face of an alien bureaucracy as political suicide.
- **Sri Aurobindo** saw constitutional methods as a sign of intellectual bankruptcy among leaders. He believed that Indians needed to boycott foreign goods and adopt Swadeshi to strike at the roots of colonialism.
- **Jawaharlal Nehru** argued that constitutional methods would not work because India did not have a constitutional government.

5.

ASSESSMENT OF CONSTITUTIONALISM BY BIPIN CHANDRA

- **Mass Organization and Consciousness:** He assessed that direct action is possible only when masses are organized, unified, and have common consciousness of common end. While the exploitative conditions of colonial rule were uniting Indians, a unified consciousness of common ends was still missing.
- **Learning from Failures:** He highlighted that early nationalist, although limited in their immediate achievements, laid the ideological groundwork for future mass movements. They used their failures as learning experiences to better prepare for future struggles.

Early nationalists adopted constitutional methods due to a combination of ideological convictions and practical considerations. They believed in the principles of liberalism and justice, which were influenced by Western education, and they saw constitutional methods as the best available option under the circumstances. Despite criticism, their efforts laid the foundation for future movements and fostered political consciousness among Indians, ultimately contributing to India's path to independence.

According to Gokhale, "We are at such stage that our achievements are bound to be less and our failures too frequent. We must contend or satisfy ourselves by serving our country by our failures. It is through these failures that the struggle will emerge."

6.

THE ROLE OF EXTREMISTS IN THE INDIAN NATIONAL MOVEMENT

- Extremists played a crucial role in the Indian national struggle for independence. The second generation of Indian nationalist leaders, represented by **Lal-Bal-Pal** (Lala Lajpat Rai, Bal Gangadhar Tilak, and Bipin Chandra Pal), were termed Extremists.
- These movements emerged as a response to the limitations of moderate politics and the perceived failure of constitutional methods to achieve substantial political reform. The term "**Extremists**" or "**militants**" is **relative**; these leaders appeared **extreme in their demands and methods** compared to their predecessors.
- Militant Movement was initiated by **Lal-Bal-Pal trio**. these leaders advocated for direct action against British rule. They **encouraged passive resistance, boycotts of British goods, and the promotion of Swadeshi** (use of indigenous products).

7.

DIFFERENCES BETWEEN MODERATES AND EXTREMISTS

DIMENSION	MODERATES	EXTREMISTS
Goals	Both aimed for self-rule (Swaraj) but moderates generally sought dominion status within the British Empire.	Also aimed for Swaraj, but leaders like Aurobindo Ghose envisioned complete independence from British rule.
Approach	Preferred constitutional methods, petitions, and dialogue.	Favored direct action, including boycotts, Swadeshi (use of indigenous goods), and passive resistance.

Strategy	Focused on legislative reforms and gradual political participation within the existing framework.	Advocated for immediate and complete self-rule through more radical means.
View on British Rule	Generally believed in the British sense of justice and hoped to achieve reforms through cooperation and legal methods	Viewed British rule as exploitative and believed in actively resisting it.
Response to Reforms	Initially hopeful about reforms such as the Indian Councils Act, but eventually found them insufficient.	Considered British reforms as too little and too late, failing to meet Indian aspirations.
Perception by British	Seen as moderates and collaborators within the colonial framework, often given some political concessions.	Viewed as radicals and threats to British authority, leading to repressive measures by the colonial government.
Influence on Masses	Laid the groundwork for constitutional reforms and political awareness among Indians.	Created a strong sense of nationalism and directly influenced the rise of more widespread and intense movements, such as Gandhi's non-cooperation and civil disobedience movements.
Key Leaders	Dadabhai Naoroji, Gopal Krishna Gokhale, Surendranath Banerjee.	Bal Gangadhar Tilak, Bipin Chandra Pal, Lala Lajpat Rai, Aurobindo Ghose.

The distinction between Moderates and Extremists within the Indian National Movement highlights **different philosophies** and strategies aimed at achieving the common goal of Swaraj.

While Moderates sought **incremental change through constitutional means**, the Extremists pushed for immediate and more radical actions to dismantle British rule, each group playing a crucial role in the broader struggle for independence.

8.

EVALUATION OF THE EXTREMIST PHASE

➤ **Logical Progression and Success:** The Extremist phase in the Indian National Movement was seen as a logical progression from earlier moderate methods. The Swadeshi Movement, led by the Indian National Congress (INC), was a significant success and showcased the effectiveness of more assertive strategies. Extremists preserved the credibility of the INC and laid the foundation for the launch of Gandhi's mass movements.

Bal Gangadhar Tilak famously declared, "Swaraj is my birthright and I shall have it." He rejected petitions and advocated for the right of people to resist an exploitative government, which he termed "**Prajadroh**."

➤ **Nationalism and Cultural Symbols:** The Extremists advanced a stronger theory of nationalism that was deeply rooted in cultural symbols and identity. However, this focus inadvertently allowed the British to portray the INC as a Hindu-centric party, giving a communal color to the movement. This portrayal by the British aimed to divide the Indian populace along religious lines.

➤ **British Countermeasures:** In response to the growing nationalist consciousness fostered by the Swadeshi Movement, the British introduced the Morley-Minto Reforms in 1909. These reforms included provisions for separate electorates for Muslims, which laid the groundwork for the Two-Nation Theory. This policy was a strategic move to weaken the unified nationalist movement by sowing communal divisions.

9.

REVOLUTIONARY STRATEGY IN THE INDIAN NATIONAL MOVEMENT

Revolutionary movements played a crucial role at various phases of the Indian struggle for independence, particularly during periods **when the mainstream nationalist movement was in a passive phase**. These movements **filled the vacuum** with their acts of remarkable heroism, inspiring the youth to sacrifice for the motherland and restoring a sense of pride in Indian manhood.

A. CONTRIBUTIONS OF REVOLUTIONARIES

- **Inspiration and Heroism:** Revolutionaries displayed extraordinary courage and inspired the youth to make sacrifices for their country. Their **individual acts of bravery** filled the gaps during passive phases of the mainstream movement.
- **Support and Challenges:** Despite lacking the resources and mass base of the Indian National Congress (INC), revolutionaries managed to **inspire people through their actions**. They often did not receive support from the INC and operated with limited resources.
- **Role of Women:** Indian women played significant roles in revolutionary movements, with notable figures such as **Priti Lata Waddedar and Kalpana Dutta** contributing to the cause.

B. INFLUENCES ON REVOLUTIONARY MOVEMENTS

- **Literary and Philosophical Inspiration:** Revolutionaries were inspired by works such as **B.C. Chatterjee's Anandmath, Sachindra Nath Sanyal's Bandi Jiwan, and Bhagawati Charan Vohra's The Philosophy of Bomb**. They also drew inspiration from Irish nationalists and Russian nihilists and revolutionaries.

REVOLUTIONARY VS. TERRORIST

Unlike terrorists who engage in indiscriminate killing of civilians, revolutionaries specifically targeted oppressors and representatives of colonial power. This distinction is crucial in understanding the ethical framework within which revolutionaries operated.

C. REVOLUTIONARY ACTIVITIES

- **Anushilan Samiti** founded in 1902 in Bengal by **Promotha Mitter, Jatindranath Banerjee, and Aurobindo Ghosh**, this group focused on physical training and political activism. They conducted bombings and assassinations to challenge British authority.
- **Jugantar Party** was an offshoot of Anushilan Samiti. It was involved in similar revolutionary activities. The Jugantar group, led by leaders like Barindra Kumar Ghosh and Bhupendranath Datta, carried out numerous attacks and plots against British officials.
- **The Alipore Bomb Case (1908)** case involved the **trial of Aurobindo Ghosh** and several other revolutionaries for their involvement in bomb-making and revolutionary activities. Although Aurobindo was acquitted, the case highlighted the growing militant sentiments among Indian nationalists.
- **Ghadar Party** formed by Indian expatriates in the United States and Canada, the Ghadar Party aimed to incite rebellion in India during World War I. Leaders like **Lala Har Dayal and Bhai Parmanand** played significant roles. The Ghadarites sought to coordinate armed revolts against British rule, although their plans were largely foiled by British intelligence.
- **The Komagata Maru Incident (1914)** incident involved a ship carrying Indian immigrants that was denied entry into Canada, leading to a confrontation upon its return to India. The British response to the incident further fueled revolutionary sentiments.
- **Hindustan Republican Association (HRA)** Founded in 1924 by revolutionaries like Ram Prasad Bismil, Ashfaqulla Khan, and Sachindra Nath Sanyal, the HRA aimed to overthrow British rule through armed rebellion. They carried out several notable activities, including the **Kakori train robbery in 1925**, which sought to loot government funds to finance their activities.
 - **Bhagat Singh** was one of the most iconic figures in the revolutionary movement, a member of the HSRA, which was an offshoot of the HRA. He, along with Rajguru, Sukhdev, and others, carried out the **assassination of British police officer J.P. Saunders** in retaliation for the death of Lala Lajpat Rai.

- **Assembly Bombing (1929): Bhagat Singh and Batukeshwar Dutt** threw bombs in the Central Legislative Assembly to protest repressive laws. Their subsequent trial and execution in 1931 made them martyrs and inspired many to join the freedom struggle.

- **Role during the Quit India Movement (1942): Subhash Chandra Bose** disillusioned with the non-violent approach of the Congress. During World War II, under his leadership INA fought alongside Japanese forces against the British in Northeast India. Bose's efforts galvanized Indian soldiers and civilians, contributing to the weakening of British resolve.

D. EVALUATION OF THE REVOLUTIONARY MOVEMENTS

1. Creating a Climate of Fear: Revolutionary activities created a climate of fear among British officials, demonstrating that the Indian quest for independence could take a **violent turn if peaceful means were ignored**.

2. Inspiring Future Generations: The sacrifices of revolutionaries like **Bhagat Singh, Rajguru, and Sukhdev inspired future generations** of freedom fighters and created a legacy of resistance against oppression.

3. Exposing British Vulnerability: The coordinated efforts of groups like the **Ghadar Party, INA, and various revolutionary cells exposed the vulnerabilities of British rule**, especially during global conflicts like World War I and II.

4. Complementing Moderate Strategies: While the mainstream Congress continued with its non-violent resistance, the revolutionary movements provided a stark contrast, pressuring the British to consider political concessions.

Revolutionary movements played a crucial role in the Indian national movement by **challenging British authority through direct action and armed resistance**.

These movements not only created a climate of fear among the British but also inspired a sense of nationalism and sacrifice among Indians.

Their contributions, alongside the non-violent strategies of leaders like Gandhi, created a multifaceted approach to the struggle for independence, ultimately leading to India's freedom in 1947.

10.

THE GANDHIAN PHASE OF THE INDIAN NATIONAL MOVEMENT

The Gandhian phase of the Indian National Movement represents one of the most significant periods in the struggle for India's independence. Mahatma Gandhi led a series of mass movements that were characterized by their **non-violent and controlled nature**.

VALUE ADDITION

Categorization of Mass Movements on the basis of controllability:

1. Uncontrolled Mass Movements: Spontaneous and unplanned, like the French Revolution.

2. Controlled Mass Movements: Planned, directed, and controlled, such as the Russian and Chinese Revolutions, and the Gandhian movements in India

Categorization of Mass Movements by Strategy

1. Marxist-Leninist Movements: These movements are characterized by their sudden, comprehensive nature, aiming to achieve an immediate overthrow of the existing system. The focus is on rapid, decisive action to dismantle the current power structures.

2. Gramscian and Gandhian Movements: Antonio Gramsci and Mahatma Gandhi, contemporaries in their time, exhibited a unique convergence in their strategic approaches. Both suggested a two-stage revolution in contexts where the exploitative nature of the system was not immediately apparent.

- They advocated for a protracted struggle known as the **"War of Position,"** which involves **long-term efforts** to build a foundation of support and awareness. This stage is followed by a more **direct action** or **"War of Manoeuvre"** once the conditions are ripe for a frontal attack.

A. GANDHIAN STRATEGIES IN THE INDIAN NATIONAL MOVEMENT

- Gandhian strategy involved a unique blend of proactive and reactive approaches, deeply rooted in an understanding of mass psychology and strategic planning.

- According to **Bipin Chandra**, Gandhi's movements followed a pattern of **Struggle-Truce-Struggle (S-T-S)**, balancing active phases of mass agitation with phases of constructive programs. This approach ensured **sustained participation and minimized the risk of violent** backlash, keeping the movement controlled and effective.

B. KEY MOVEMENTS LED BY GANDHI

1. NON-COOPERATION MOVEMENT (NCM) (1920-22):

The movement was initiated in response to several events:

- Rowlatt Act and suppression of civil liberties.
- Jallianwala Bagh massacre.
- Hunter Commission report's disappointment.
- Economic distress due to World War I.
- Khilafat Movement to unite Hindus and Muslims.

- Strategy:** At the **Nagpur session of 1920**, the INC adopted a program of **extra-constitutional mass struggle**. Key components included:

- Surrender of titles and honours.
- Boycott of government schools, colleges, and foreign goods.
- No-tax campaigns (with provincial Congress committee approval).
- Establishment of national schools, colleges, and panchayat courts.
- Promotion of khadi and Hindu-Muslim unity.
- Giving up untouchability and strict adherence to non-violence.

- End of NCM:** Gandhi called off the movement after the **Chauri Chaura incident in 1922**, where a violent clash resulted in the death of 22 policemen. This decision faced criticism, including from Nehru and communists, who felt Gandhi was retreating out of fear of mass power.

- Assessment by Bipin Chandra:** Chandra suggests that **Gandhi wanted a graceful exit** as the masses were getting exhausted and there were violent incidents like the Mopla Rebellion. The **Chauri Chaura incident** provided the British with an excuse for repression, which Gandhi wanted to avoid preventing scaring the people and making it difficult to rebuild the movement.

2. CIVIL DISOBEDIENCE MOVEMENT (CDM) (1930-31):

The movement was a strategic masterstroke by Gandhi, designed to challenge British authority. Key demands included:

- Abolition of salt tax.
- Complete prohibition on liquor sales.
- Reduction of land revenue and military expenditure by half.
- Reduction in the salary of higher officials.
- Release of political prisoners.
- Rationalization of the rupee-sterling exchange ratio.

- Strategy:** Gandhi's famous Salt March to Dandi symbolized the defiance against the British salt laws. The movement's controlled nature forced the British into a dilemma: whether to arrest Gandhi and face public backlash or allow the protests to continue and appear weak.

- Outcome:** The movement ended with the Gandhi-Irwin Pact in 1931, where the British government agreed to several of Gandhi's demands, strengthening the INC's credibility and elevating it to a status equal to the government.

DIMENSION	NCM	CDM
Focus	Economic boycott and non-cooperation.	Direct challenge to British authority and laws.
Primary Aim	Undermining the economic base of colonialism.	Wilful disobedience of laws to challenge British rule directly.
Nature	Relatively milder and less confrontational.	More offensive and confrontational
Strategy	- Boycott of British goods. - Non-cooperation with British institutions - Refusal to attend government functions.	- Salt March and breaking salt laws - Non-payment of taxes - Mass civil disobedience acts.

Proactivity	More reactive, responding to oppressive laws and events like Jallianwala Bagh.	Proactive in nature, initiating actions that forced the British to respond.
Involve-ment	Focused on bringing masses into the national movement, testing their capacity for struggle.	Mobilized broader sections of society, including peasants, women, and students, in more direct confrontations with the British.
Leadership	Led by Gandhi with significant involvement from INC leaders like Nehru, and Ali Brothers.	Gandhi played a central role, but also saw the emergence of new leaders like C. Rajagopalachari, Sardar Patel and Sarojini Naidu.
End and Outcome	- Called off after the Chauri Chaura incident due to violence, leading to criticism - Tested mass capacity for struggle.	- Ended with the Gandhi-Irwin Pact in 1931 - Strengthened INC's position and forced the British to negotiate with Indian leaders.
Impact on British	Created economic pressure but did not challenge British authority directly.	Directly challenged British sovereignty, leading to arrests and a stronger British reaction.
Long-term Effect	- Established INC as a mass movement party - Highlighted the potential for non-violent protest.	- Demonstrated the power of mass civil disobedience - Enhanced the credibility of the INC and Indian demands for independence.
Public Perception	Mixed reactions: seen as a significant step but also as a	Seen as a highly effective strategy that galvanized national sentiment

	movement that ended prematurely.	and demonstrated the potential of non-violent resistance.
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Gandhi's movements were characterized by their strategic planning, understanding of mass psychology, and non-violent methods. His approach of balancing active and passive phases ensured sustained participation and minimized the risk of violent backlash. These movements not only mobilized millions but also laid the groundwork for India's eventual independence, showcasing the power of controlled, non-violent mass movements.

3. QUIT INDIA MOVEMENT (QIM) (1942)

The Quit India Movement, also known as the **August Revolution**, was one of the most significant and militant phases of the Indian struggle for independence. It marked a departure from previous Gandhian movements due to its allowance for the use of force in self-defence.

CHARACTERISTICS OF QIM

- **Militancy and Uncontrolled Nature:** Unlike previous movements led by Gandhi, the Quit India Movement was least controlled and most militant. Gandhi's call for 'Do or Die' highlighted the urgency and intensity of the struggle.
- **Permission for Force:** Gandhi allowed the use of force for self-defence, justifying it as necessary against a stronger and well-equipped aggressor. He made it clear that any delay in achieving freedom would be injurious and humiliating for the nation.
- **Shift in Gandhian Philosophy:**
 - **From Non-Violence to Justified Force:** The Quit India Movement was seen as un-Gandhian because, for the first time, Gandhi did not condemn the violence by the people, justifying it in the light of the greater violence perpetrated by the state.
 - **Spontaneity and Leadership:** Once the top leadership was arrested, grassroots leaders emerged, and the common man took charge. This spontaneous uprising reflected exactly what Gandhi had aimed for a self-sustaining movement.
 - **Class Consciousness:** QIM reflected both a class in itself and a class for itself, showing a mature national consciousness ready for direct action.

GANDHI'S STRATEGIC REALISM

- **War of Movement:** Gandhi referred to QIM as his "**war of movement**," a direct attack on British rule, marking it as the last major struggle of his political life.
- **Strategic Use of Violence:** Gandhi recognized that any mass movement could not be completely free from violence. His strategy of non-violence was a means to involve the masses in the national movement.

According to **Francis Hutchins' book "Spontaneous Revolution: The Quit India Movement"** Gandhi was a politician and strategist. Once he had mobilized the masses, non-violence was no longer an absolute necessity.

OUTCOMES AND IMPACT

- **Widespread Participation:** The movement saw participation from various sections of society, including students, workers, and peasants.
- **Repression and Legacy:** The British responded with severe repression, arresting thousands and using force to quell the uprising. Despite the crackdown, QIM solidified the resolve of the Indian people and internationalized the Indian struggle for independence.

RESPONSE TOWARDS QIM

- **Ambedkar**—He called it as a venture of Gandhi.
- **M.N. Roy**— He held that Gandhi would strengthen fascist force.
- **Hindu Maha Sabha** called it injurious to Hindu cause.
- **Muslim League**—They opposed it.
- **C. Rajgopalchari**— Within INC, he feared that it will lead to uncontrollable anarchy

The Quit India Movement was a defining moment in India's struggle for independence, characterized by its militancy, spontaneity, and strategic use of force.

It marked a significant shift in Gandhian philosophy, emphasizing the urgency and necessity of achieving freedom, even if it meant embracing methods that Gandhi had previously avoided.

The movement galvanized the Indian population and laid the groundwork for the final push towards independence.

C. ESSENCE OF GANDHIAN STRATEGY

The Gandhian strategy for India's independence movement was a comprehensive approach that aimed to make British rule unsustainable through a prolonged, multi-phased struggle. Gandhi's approach emphasized non-violence, mass mobilization, and strategic adaptability, forming the cornerstone of the Indian National Congress's efforts against imperialism.

a. CORE ELEMENTS OF GANDHIAN STRATEGY

Gandhi's strategy was explicit and unambiguous. It was designed for a sustained effort, not a single decisive action.

➤ HEGEMONIC STRUGGLE

- **War of Position:** Inspired by Gramsci, the strategy focused on winning the hearts and minds of people, alternating between phases of mass struggle and legal truce to expand influence.
- **Eroding British Hegemony:** The goal was to dismantle the British narrative of benevolence and invincibility through sustained agitation and moral campaigns

➤ UNDERSTANDING THE ADVERSARY

- **Context-Specific Approach:** Gandhi recognized the semi-authoritarian nature of British rule, which was different from totalitarian regimes like Nazi Germany or Tsarist Russia and tailored his strategy accordingly.
- **Civil Institutions and Legal Framework:** Acknowledging British use of legal structures and concessions, Gandhi's strategy leveraged these to advance the movement.

➤ MASS MOBILIZATION

- **Inclusive Participation:** The strategy relied on broad-based participation from all social strata, avoiding class conflict and emphasizing national unity.
- **Moral Basis for Mobilization:** Campaigns focused on moral issues, such as the Jallianwala Bagh massacre and Salt Satyagraha, to galvanize support without inciting racial or religious tensions.

➤ PHASED STRUGGLE

- **Alternating Phases:** The movement alternated between active resistance and constructive programs, ensuring sustained engagement without exhausting the masses.

- **Continuous Effort:** Despite pauses, the struggle was seen as a continuous process towards the ultimate goal of independence.

➤ **UTILIZATION OF CONSTITUTIONAL SPACES:** Gandhi's strategy involved occupying any political space opened by the British, such as participating in provincial governments after the 1935 Act, to gradually build a base of power.

- **EMPHASIS ON NON-VIOLENCE:** Non-violence was essential for mass participation and sustainability. Gandhi argued that violent movements would not be tolerated and would not sustain broad-based support.

Gandhi's strategy was a meticulous and context-specific approach that combined non-violent resistance with moral and legal engagement, aiming to erode British hegemony gradually. Through phased struggles and mass mobilization, Gandhi's method sought to establish a self-reliant and morally unified India, ultimately making British rule untenable.

b. GENERAL OBSERVATIONS ON GANDHIAN STRATEGY

The Gandhian strategy for India's independence movement has been both praised and critiqued, particularly for key decisions like the withdrawal of the non-cooperation movement in 1922 and the Gandhi-Irwin Pact of 1931. Understanding these decisions through the lens of strategic thinking rather than class interests offers a fresh perspective on Gandhi's approach.

KEY DECISIONS IN GANDHIAN STRATEGY

➤ **WITHDRAWAL OF NON-COOPERATION MOVEMENT (1922)**

- **Chauri Chaura Incident:** Gandhi halted the movement after violence erupted, highlighting his commitment to non-violence.
- **Alternative Interpretations:** Some historians argue the decision reflected Gandhi's desire to maintain control and protect propertied classes but viewing it as a strategic pause reveals a nuanced approach to sustaining long-term struggle.

➤ **GANDHI-IRWIN PACT (1931)**

- **Class Pressure:** Critics like Sumit Sarkar suggest the pact protected capitalist interests, but it can also be seen as a strategic move to explore peaceful settlements.

- **Controlled vs. Spontaneous Movements:** Gandhi's preference for controlled mass movements over spontaneous uprisings was part of his strategic framework.

➤ **STRATEGY AS AN EVOLVING PROCESS: LEARNING AND ADAPTING**

- **No Fixed Blueprint:** Gandhian strategy evolved through practice and was not rigidly codified.
- **Continuous Experimentation:** Leaders, including Gandhi, were both teachers and learners, adapting strategies based on experience.

➤ **STRATEGIC WITHDRAWALS AND SETTLEMENTS**

- **Integral to Strategy:** Withdrawal phases and truce explorations were essential components of the overarching strategy.
- **Handling Violence:** Unlike Chauri Chaura, subsequent movements witnessed violence without resulting in immediate withdrawal, reflecting a flexible approach.

➤ **GRADUAL APPROACH TO INDEPENDENCE**

- **Non-Dramatic Independence:** The gradual and phased strategy ensured that the British exit was not abrupt but smooth.
- **Service to Both Nations:** British historian **Arnold Toynbee** noted that Gandhi facilitated a peaceful British exit, easing the imperial transition.

The Gandhian strategy was characterized by a flexible, evolving approach that balanced non-violent mass mobilization with strategic pauses and settlements. By gradually eroding British control, Gandhi ensured a non-violent and dignified transition to independence, reflecting the strategic depth and adaptability of his methods.

11.

PEASANT MOVEMENTS IN INDIA

The peasants were among the worst affected by British rule due to **oppressive land settlement policies** and **the destruction of Indian handicrafts industry**. The history of peasant movements in India predates the broader national movement, highlighting their long-standing struggle against exploitation.

A. SUBALTERN HISTORIOGRAPHY

➤ Historians from the subaltern school, such as **Gyanendra Pandey, Prof. Irfan Habib, and Sumit Sarkar**, have emphasized the significant role of the peasantry in India's history.

A notable peasant revolt was the Indigo Revolt of 1860, documented by **Dinabandhu Mitra in his book Nil Darpan**.

- ▶ Subaltern historians challenge the nationalist narrative, arguing that peasant insurrections in India were often independent of external leadership. According to Gyanendra Pandey, these revolts were largely autonomous and not merely marginal concerns addressed by mainstream leaders.

B. ROLE OF THE INDIAN NATIONAL CONGRESS (INC)

The INC initially did not prioritize peasant issues. When Gandhi emerged as a leader, he brought peasant concerns into the INC's agenda, but his approach was often conciliatory, seeking harmony between classes rather than direct confrontation.

Ranajit Guha contended that the Indian National Movement (INM) led by Gandhi was primarily elitist, with Gandhi urging peasants to compromise with their oppressors.

C. PHASES OF PEASANT MOVEMENTS

1. Until the 1920s:

- The INC did not actively champion peasant causes. Gandhi's involvement introduced peasant issues to the INC's platform, but his methods were conciliatory.

2. 1930s Onwards:

- The INC began organizing peasant movements more actively. However, independent **Kisan Sabhas** and **Peasant Parties** also emerged, often influenced by communist ideologies rather than the INC alone.
- **All India Kisan Sabha:** Formed in 1936 under Sahajanand Saraswati's leadership, focusing on land reforms and rent regulation.
- **Notable Movements:** The **Telangana Peasant Revolt** and the **Tebhaga Movement** in Bengal were significant uprisings during this period, inspired by communists and characterized by their localized and autonomous nature.

D. OVERALL ASSESSMENT

- ▶ Despite their efforts, the peasantry in India did not play as concrete a role in the freedom struggle as their counterparts in China. Leaders like Mao Zedong, an organic intellectual from the peasant class, did not emerge in India.

- ▶ Indian peasants were divided by caste and religion, preventing a unified, nationwide movement. Although there were numerous spontaneous, localized revolts, there was no all-India coordinated effort. This disunity contributed to the failure of comprehensive land reforms even after independence.

The peasant movements in India were a crucial yet complex component of the broader struggle for independence. While they played a significant role in challenging colonial exploitation, their lack of unity and the elitist tendencies of mainstream leadership limited their overall impact.

12. TRADE UNION MOVEMENTS IN INDIA

The trade union movements in India have historically been weak and fragmented. Post-independence, trade unions have struggled to gain significant influence, often becoming junior partners of political parties and lacking an autonomous character. Workers have remained divided along caste and religious lines, further weakening their collective bargaining power. The situation of industrial workers has been worse compared to the peasantry.

CHRONOLOGY OF TRADE UNION MOVEMENTS

19TH CENTURY ORIGINS

- ▶ **Emergence of Modern Workers:** The introduction of railways, post, and telegraph systems in India led to the emergence of modern industrial workers.
- ▶ **Philanthropists and Early Organizers:** Philanthropists like S.S. Bengalee and Sasipada Banerjee initiated organized labour movements. The first trade union organization, the 'Bombay Mill Hands Association,' was founded by N.M. Lokhande.

EARLY 20TH CENTURY DEVELOPMENTS

- ▶ **Influence of Socialist Ideas:** The Russian Revolution spurred the growth of socialist ideas in India, encouraging leaders to organize workers. Lala Lajpat Rai, for example, showed great concern for workers' issues. Gandhi also led a significant protest involving Ahmedabad Textile Mill Workers.
- ▶ **Formation of AITUC:** In 1920, the All India Trade Union Congress (AITUC) was formed with Lala Lajpat Rai as its first president. This organization marked the beginning of a more structured labour movement in India.

➤ **Communist Infiltration and Splits:** AITUC was infiltrated by communists, who later formed their own organization, the All India Red Flag Trade Union Congress, in 1931. Eventually, the communists rejoined AITUC, highlighting the fluctuating alliances within the labour movement.

➤ **Formation of INTUC:** The Indian National Congress (INC) left AITUC and formed its own labour organization, the Indian National Trade Union Congress (INTUC), in 1947. This split further fragmented the labour movement.

The trade union movements in India have faced significant challenges due to fragmentation, political influence, and social divisions. Despite these obstacles, they have played a crucial role in advocating for workers' rights and shaping the labor landscape in the country. However, their impact has often been limited by the lack of unity and autonomous leadership.

13.

ROLE OF WOMEN IN THE INDIAN NATIONAL MOVEMENT

The participation of women in politics during the Indian Freedom movement has recently emerged as a significant area of research in historiography. Despite being a highly patriarchal society, women contributed to the Freedom movement in multiple ways. Their contributions were often neglected in historical accounts, but recent studies have highlighted their critical roles.

EARLY EXAMPLES OF WOMEN LEADERS

- **Bimbai Holkar:** Successfully defended her status by defeating the British in guerrilla warfare.
- **Rani Chennamma:** Protected the independence of her Kittur state.
- **1857 Revolt:** Rani Lakshmi Bai and Begum Hazrat Mahal played heroic roles in the first war of Indian independence.

WOMEN AND THE INDIAN NATIONAL CONGRESS (INC)

- **Gandhi's Strategy:** Mahatma Gandhi skilfully mobilized women, particularly in constructive programs like Swadeshi and Khadi. Women played pivotal roles in these initiatives.
- **Prominent Women Leaders:** Figures such as Annie Besant, Sarojini Naidu, Madame Cama, Sucheta Kriplani, and Rajkumari Amrit Kaur were instrumental in the movement

EXAMPLES OF WOMEN LEADERS

- **Rani Gaidinliu:** A Naga woman who remained steadfast against colonial and patriarchal oppression.
- **Social and Economic Empowerment:** Leaders like Pandita Ramabai, Durgabai Deshmukh, Vasanti Devi, and Suniti Devi contributed significantly to the social and economic empowerment of women.

WOMEN ORGANIZATIONS

- **Young Women's Christian Association (YWCA):** Established in 1875, played a significant role in the upliftment and organization of women.
- **All India Women's Conference (AIWC):** Founded in 1927, was pivotal in addressing women's issues and promoting education and social reforms.

NATIONALIST IDEOLOGY AND WOMEN'S ISSUES

- **Sumit Sarkar's Analysis:** According to historian Sumit Sarkar, while women were active participants in the INC, the movement itself was initiated by men. INC leaders, although supportive, did not prioritize women's issues as core issues.
- **Gandhi's Utilization of Women:** Gandhi often used women as a resource for mass movements rather than focusing on their upliftment.
- **Peripheral Focus:** Like the issues of peasants and workers, women's issues were often peripheral in the nationalist agenda.
- **Patriarchal Attitudes:** The patriarchal approach of mainstream leaders was evident in their strong opposition to Ambedkar's Hindu Code Bill, even from leaders like Dr. Rajendra Prasad.

Women's participation in the Indian National Movement was significant and multifaceted. Despite the neglect in historical narratives, their contributions were crucial in various aspects of the struggle for independence.

From leadership roles in revolts to participation in the INC and social empowerment initiatives, women played dual roles in both the nationalist ideology and addressing women's issues.

However, the mainstream leadership often relegated these issues to the periphery, reflecting the patriarchal context of the time.

UNIT 1B: NATIONALISM AND DIFFERENT PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

SYLLABUS – PERSPECTIVES ON INDIAN NATIONAL MOVEMENT; LIBERAL, SOCIALIST, AND MARXIST; RADICAL HUMANIST AND DALIT

PREVIOUS YEAR QUESTIONS

- Analyze the Marxist perspective of the nature of Indian National Movement. (2021)
- Role of socialists in Indian National Movement. (2020)
- Dalit perspective on Indian national movement. Discuss. (2019)
- Revolt of 1857 is a 'Sepoy Mutiny' or 'First War of Independence'. (2018)
- Critically examine the Radical Humanist perspective on Indian National Movement. (2016) Marginalization of the left ideology in India. Comment. (2014)
- Marxist understanding of India's freedom movement. Comment. (2013)
- Dalit perspective on Indian National Movement. Comment. (2011)
- Indian nationalism as depicted in S.N. Banerjee's 'A Nation in the making'. Comment. (2010)

2. INTRODUCTION

Nationalism is a complex and multifaceted concept that can be understood in various ways depending on the perspective taken. At its core, nationalism is an ideology and a movement that promotes the interests of a particular nation, especially with the aim of gaining and maintaining the nation's sovereignty (self-governance) over its homeland.

According to **Walker Connor** "Defining & conceptualising nation is a difficult task because the concept is intangible, psychological and hence it remains shadowy illusive idea."-

1. KEY ELEMENTS OF NATIONALISM

- **Sense of Belonging:** Nationalism fosters a sense of unity and belonging among the people of a nation. It emphasizes shared identity based on common history, culture, language, and values.
- **Political Sovereignty:** Nationalism often involves the desire for political independence and sovereignty. It advocates for self-governance and the right of a nation to make its own decisions without external interference.
- **Cultural Identity:** Nationalism celebrates the unique cultural identity of a nation. It includes the preservation and promotion of national traditions, customs, language, and heritage.
- **Patriotism:** Nationalism can inspire strong feelings of patriotism, where individuals feel a deep loyalty and devotion to their nation.
- **Nation-State:** The concept of the nation-state is central to nationalism. It is the idea that **political boundaries should align with national boundaries**, creating a state that represents and serves the interests of a particular nation.

Partha Chatterjee: "If all nations are imagined, all nations are imagined differently by different sets of people."

2. THEORETICAL PERSPECTIVES ON NATIONALISM

- **Essentialist Perspective:** Nationalism is viewed as a **natural and inherent phenomenon**. It consists of nations are timeless entities with distinct characteristics that differentiate them from others. For example, **Johann Gottfried Herder's** theory of cultural nationalism suggests that **each nation has a unique spirit** expressed through its language and culture.
- **Constructivist Perspective:** Nationalism is seen as a social construct, created by human actions and ideas rather than being naturally occurring. Within constructivism, there are sub-schools:

- **Liberal Constructivism:** Nationalism is a **product of modernity** and the spread of print media. It involves the creation of a shared national identity through education, media, and public institutions.
- **Marxist Constructivism:** Nationalism is an ideological tool used by the bourgeoisie to maintain control and suppress class struggle. It creates false consciousness among the working class, diverting attention from class issues to national identity.
- **Cultural Perspective:** Nationalism emphasizes the **importance of cultural identity and heritage**. It advocates for the preservation and celebration of a nation's unique cultural traits.
- **Political Perspective:** Nationalism is a political ideology that **seeks to achieve and maintain self-governance** for a nation. It involves political movements and actions aimed at gaining independence or enhancing national sovereignty.

3. CRITICISMS OF NATIONALISM

- **Exclusivity and Ethnocentrism:** Nationalism can lead to exclusionary practices, where the interests of the nation are placed above those of other groups. It can foster ethnocentrism and discrimination against minorities or foreign cultures.

Eric Hobsbawm highlighted that nationalism often relies on invented traditions, which can promote an exclusionary and rigid sense of identity that leaves little room for diversity.

- **Conflict and Aggression:** Nationalist movements can sometimes result in conflict, both within and between nations. Extreme nationalism can lead to aggressive policies and wars.

Benedict Anderson suggested that the imagined communities created by nationalism can become sites of conflict when the imagined identity is challenged, leading to violence and aggression to protect the national identity.

- **False Consciousness:** Critics, especially from the Marxist perspective, argue that nationalism creates a false consciousness that diverts attention from class struggles and economic inequalities.

For example, **Karl Marx** viewed nationalism as a tool used by the bourgeoisie to divert the proletariat's attention from class struggle, thereby maintaining the status quo.

- **Constructed Nature:** Nationalism is often criticized for being a constructed and artificial concept, relying on invented traditions and myths rather than genuine historical or cultural continuity.

Ernest Gellner asserted that nationalism is not the awakening of nations to self-consciousness but the invention of nations where they do not exist.

Nationalism is a powerful and pervasive ideology that shapes the political, cultural, and social landscape of nations. While it can inspire unity, patriotism, and cultural pride, it also carries the potential for exclusion, conflict, and manipulation. Understanding the various dimensions and implications of nationalism is crucial for comprehending its role in the modern world.

4. CRITICISM OF WESTERN EUROPEAN CONCEPT OF NATION – PARTHA CHATTERJEE

Partha Chatterjee critiques the **universalist approach of imperialists**, arguing that nationalism is not a derivative discourse. Applying the concept of orientalism, Chatterjee shows that **nationalism is a dialectical and multi-layered phenomenon**, with each nation having its own unique history.

Indian nationalism evolved in three phases:

1. Movement of Departure: Symbolized by B.C. Chatterjee, viewing Indian nationalism as a product of modernization under British rule.

- B.C. Chatterjee used the categories of Western scholars, provided critique to orientalist discourse, and searched for India's awakening in its cultural and spiritual tradition.

2. Movement of Manoeuvre: Represented by Gandhi, who provided a critique of modern civilization and created a broad framework for different sections of Indian society.

- Gandhi called the British state satanic and advocated for Ram Rajya as a desirable goal. He emphasized politics of accommodation, adjustments, and compromises towards attaining utopia.

3. Movement of Arrival: Represented by Nehruvian nationalism, focusing on nation-building post-independence. Nehru addressed contradictions through programs like strengthening democracy, constitutional reforms, planning, and a centralized federation.

According to **Dipesh Chakrabarty** "Partha Chatterjee has expanded the narrow concept of nation and nationalism by including heterogeneous practices of colonial societies."

2.

INDIAN NATIONALISM AS DEPICTED IN S.N. BANERJEE'S 'A NATION IN THE MAKING'

Surendranath Banerjee, a prominent leader in India's early nationalist movement, played a crucial role in shaping Indian nationalism during the late 19th and early 20th centuries. His work, "**A Nation in the Making**," offers a detailed account of his efforts and the broader nationalist movement in India.

1. KEY THEMES IN 'A NATION IN THE MAKING'

- **Moderate Nationalism:** Banerjee advocated for constitutional methods and gradual reforms. He believed in achieving political rights and representation through dialogue and cooperation with the British government rather than through violent or radical means.
- **Political Education and Representation:** Emphasizing the importance of political education among Indians, Banerjee argued for increased political participation and greater representation of Indians in the administration. He saw education as a tool to awaken national consciousness and to prepare Indians for self-governance.
- **Role in Indian National Congress (INC):** As a founding member of the INC, Banerjee played a vital role in building the organization as a platform for uniting Indians from different regions and communities. He fostered a sense of shared purpose and collective identity.
- **Critique of British Policies:** Despite his moderate approach, Banerjee was critical of discriminatory British policies, especially regarding civil services, the economy, and self-governance. He fought for the rights of Indian citizens to enter government service and opposed policies that marginalized Indians.
- **Inclusivity and Unity:** Banerjee sought to unite Indians across different castes, religions, and regions. He encouraged them to fight together for common political goals and condemned divisive practices. His vision included a secular and socially harmonious India.

- **Economic Nationalism:** Banerjee supported the Swadeshi Movement, advocating for the use of indigenous goods over foreign products as a form of economic nationalism. He saw economic independence as integral to political independence.

SCHOLARLY VIEWS: SUPPORTERS

- **Bipin Chandra** views Banerjee as a pioneer in Indian nationalism, who laid the groundwork for future movements by promoting political education and gradual reforms. Chandra highlights Banerjee's role in awakening national consciousness through his speeches and writings.
- **Judith Brown** emphasizes Banerjee's contribution to the early nationalist movement by fostering a sense of unity among Indians. She acknowledges his efforts in building the INC as a platform for inclusive nationalism.

SCHOLARLY VIEWS: CRITICS

- **R.C. Majumdar**, in "**History of the Freedom Movement in India**", highlights that while Banerjee and his contemporaries laid important groundwork, their moderate tactics were insufficient to compel the British to enact significant reforms.
- **B.R. Nanda**, in his work "**Gokhale: The Indian Moderates and the British Raj**", suggests that moderate leaders like Banerjee were often seen as too accommodating to British interests and unable to galvanize mass support for more immediate and profound changes.

"Nations are not by any means enduring concepts. They are constructed, contingent, fluctuating, illusionary, spurious communities representing ideological smokescreens." - **Rogers Brubaker**

3.

DIFFERENT PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

- Scholars are divided on how to characterize the political events that occurred on the sub-continent from 1857 to 1947. The overarching view is that these activities represent a National Movement, but this interpretation has faced criticism from various perspectives, including those of Dalit, Marxist, and subaltern studies.



- To gain a deeper understanding and analyze the political actions of that era, it's beneficial to consider narratives beyond the dominant one. The origin of this debate can be traced back to the writings of colonial historians and officials.
- Figures such as **Curzon, Dufferin, and Herbert Risley** often contested the notion of India as a unified nation and questioned the portrayal of actions by the Indian National Congress as part of a National Movement.

1. COLONIALIST PERSPECTIVE

- The colonialist perspective on the Indian freedom rooted in **notions of superiority** and the **maintenance of imperial control**. This perspective often downplayed or **justified British rule** while portraying **Indian resistance as illegitimate** or disruptive to the established order.

Key Scholars- Valentine Chirol, Henry Elliot and, W.W. Hunter, and Vincent Smith, John Strachey and John Seeley, Herbert Risley

Key statements-

- "The first and the essential thing about India is that there is no India and never was." **John Strachey -India: Its Administration and Progress(1888)**
- India as a nation is a vulgar error which political scientists should aim at eradicating. **John Seeley-Expansion of England(1883)**
- India was a 'mere geographical expression', and even this geography was forged by the British. **Valentine Chirol- Indian Unrest (1910)**

SALIENT FEATURES OF COLONIAL PERSPECTIVES ON INDIAN NATIONAL MOVEMENT

- **Rejection of Indian nationhood on the basis of diversity and unity:** Colonialist thinkers rejected the concept of India as a unified nation, highlighted the diversity and internal divisions within India, portraying it as a land of warring units.

Scholars' views- **W.W. Hunter, Herbert Risley** and many others emphatically attempted to prove it by segregating and classifying the country in innumerable tribes and castes.

John Strachey and John Seeley asserted that it was impossible to forge a nation in India because it has never had the characteristics of a nation nor it could ever have it in future. According to them, India was a conglomeration of different and often antagonistic religious, ethnic, linguistic and regional groups which could never be welded into a nation.

- **Justification of colonial rule:** They justified colonialism by portraying it as a unifying force in a supposedly fragmented and hostile land.

According to Valentine Chirol-'There are far more profound racial differences between the Maratha and the Bengalee than between the German and the Portuguese'. It was only the British rule which 'prevents these ancient divisions from breaking out once more into open and sanguinary strife'.

- **Early portrayal of India as land of hostility and conflict:** Since the early days of colonial rule, India was depicted as a land characterized by hostility and conflict among its various regions and communities.

Dufferin challenged INC as he held that '**congress represented microscopic minority**'.

According to **Vincent Smith**, there was a basic lack of unity among the Indians. Except during brief periods of imperial rules, Indian body politic always consisted of '**mutually repellent molecules**'. The lack of cohesion among the Hindu states made them '**an easy prey to fierce hordes of Arabs, Turks, and Afghans, bound together by stern fanaticism**'.

KEY CRITICS

- "The national movement in India was essentially the result of the contradiction between the interests of the Indian people and British colonialism, rather than being merely a product of British reforms or the Western education system."-**Bipin Chandra**
- "The Swadeshi Movement was not just a movement of the boycotting of foreign goods, but also a mass awakening that saw the involvement of various sections of Indian society, including students, workers, and women, who were all united in their desire for Swaraj."-**Sumit Sarkar**

According to these views, there was no possibility of a movement which could be called national. Even when the national movement became a pan-Indian reality as a mass movement after the First World War, the colonialist historians questioned its effectiveness and attempted to highlight the religious, caste and linguistic divisions to deny it a national character.

VALUE ADDITION

Views of Cambridge school scholars like—Percival Spear, Louis Nemier, Anil Seal

- It is wrong to call political activity a national movement. It was essentially a '**communal movement**' and the leaders were communal and power brokers. They were competing among themselves rather than fighting against British.
- They were looking for favours from Raj for their communities. There was '**no grand idea**' inspiring these leaders, they were guided by '**animal instincts**', that is looking for employment etc.
- It was a communal politics, and the '**formation of Pakistan**' is the logical result of communal politics. The **nature of politics in independent India** is hardly different from what was happening at that time.

2. NATIONALIST PERSPECTIVE

Nationalist views on Indian nationalism and national movement were formed in response to the colonialist view. While the nationalist writers **accepted some of the ideas present in colonialist historiography**, they strongly **reacted against colonialist denigration of India** and its people. Nationalist historians adopted an '**idea-centric approach**'.

1. EARLY NATIONALISTS

- Accepted the orientalist discourse—**India is not a nation**.
- Under the process of modernisation introduced by British **India is evolving as a nation**.
- The objective of the national movement was **to bring together Indians from diverse regions** and backgrounds into one unified nation, bonded by their shared challenges.

2. CULTURAL NATIONALISTS (EXTREMISTS)

- **India** had been a nation **since the earliest times**.
- **Sri Aurobindo** known as '**Prophet of Indian Nationalism**'. He held that nationalism is a spiritual concept. He held that India has always been a nation.
- Emphasizes India's long history of unity and nationhood, predating colonial rule.

- Highlights the shared cultural heritage that binds diverse linguistic, religious, and ethnic groups in India.
- Points to India's ancient achievements in various fields as evidence of a sophisticated and unified civilization.

KEY STATEMENTS

- There had existed a sense of geographical unity of India since early times, and even the idea of nationalism was already present in early India. – **Radha Kumud Mookerji**
- 'The ancient Hindus were the greatest nation that has yet flourished in the earth'. **Har Bilas Sarda, Hindu Superiority (1906)**
- India was not merely a geographical entity but rather embodied a more expansive civilizational and cultural unity. India's national identity was rooted in this inclusive and assimilative approach, distinct from the divisive political conflicts seen in European nationalism. – **Rabindranath Tagore**
- India possessed everything which modern Britain could claim: big empires, enduring and successful republics, representative elective institutions, strong parliaments, a constitutional monarchy, and supremacy of Law above the executive authority. – **K.P. Jayaswal, Hindu Polity (1924)**
- India possessed 'a fundamental unity' despite endless diversity – **Subhas Chandra Bose**

Rabindranath Tagore depicted India as a civilization where numerous invaders, including Greeks, Shakas, Huns, Turks, Persians, Afghans, and others, arrived and gradually integrated into its ethos, thereby enhancing its culture.

3. MARXIST PERSPECTIVE

Diving into India's quest for freedom with a Marxist outlook unveils the intricate web of economic disparities and societal rifts that fuelled the drive for independence.

SALIENT FEATURES:

Marxist historians criticise both colonialist and nationalist perspectives on Indian nationalism:

- They condemn colonialist views for **their discriminatory portrayal of India and its people.**
- They criticize nationalist **commentators for attempting to trace the origins of nationalism solely to ancient history.**
- They argue that both perspectives **neglect to consider economic factors and class distinctions** in their analysis of the nationalist phenomenon.
- They emphasize the significance of ideas, beliefs, and the non-violent strategies adopted by the leaders of the movement.
- They acknowledge that the movement was influenced by the interests of the wealthier classes.
- However, they also point out that it allowed for participation from diverse social backgrounds.
- This participation demonstrated a blend of various social groups and ideologies.
- Marxist interpretations, like **M.N. Roy** and **R.P. Dutt**, place the Indian nationalist movement within the **broader context of global capitalism**, viewing it as the **political expression of an emerging Indian bourgeoisie** influenced by international capitalist developments.
- Dutt**, in his work "**India Today**," traced the national movement's origins to the late 19th century, **criticising the Congress's initial loyalty to British rule and highlighting its evolution into a more assertive anti-colonial force due to popular nationalist pressures**

Key Scholars

S.A. Dange, Subrata Mukherjee, M.N. Roy, R.P. Dutt, A.R. Desai, E.M.S. Nambooripad, Hiren Mukherjee, Sumit Sarkar, Irfan Habib, Bipin Chandra.

- Karl Marx** viewed the 1857 Revolt as a feudal rebellion, suggesting British rule brought necessary modernization to India, a perspective that has been both influential and controversial in understanding the impact of colonialism on India.
- M.N. Roy** criticized the Indian National Congress for not fully empowering the masses and argued that Gandhi's non-violent methods suppressed mass activism, casting Gandhi as a representative of bourgeois interests.

- R.P. Dutt** analyzed the 1857 Revolt as driven by feudal interests and claimed that the Congress was initially a tool of British policy, primarily serving the big bourgeoisie, but noted a later shift towards broader mass involvement.
- E.M.S. Namboodripad** while acknowledging Gandhi's efforts to involve the masses, critiqued the restricted nature of Gandhian mass mobilization, suggesting Gandhi preferred mass movements to remain under bourgeois control, without aligning with a specific class agenda.

Key Scholars– R.G. Pradhan, B. Prasad, R.C. Majumdar and Lajpat Rai, Tara Chand

Key Statements

- R.C. Majumdar** contended, "the conception of India as a common motherland was still in the realm of fancy. There was no India as it is understood today. There were Bengalis, Hindustanis, Marathas, Sikhs, etc. but no Indian, at the beginning of the nineteenth century."

He believed that it was the initiatives undertaken by the Congress which "gave reality to the ideal of Indian unity," suggesting that the concept of a unified Indian identity was brought to life by these movements.
- Tara Chand** also thought that **creation of an Indian nation was a recent phenomenon** which emerged due to 'the combined economic and political change'.
- British rule has been a '**blessing in disguise**'. He believed that India can emerge as a nation. The goal of INC should be to promote and protect this emerging consciousness. – **S.N. Banerjee (Nation in making-autobiography)**

CRITICS OF MARXIST PERSPECTIVE

For the nuanced perspectives offered by these historians on Indian nationalism, key statements are:

- Bipan Chandra:** "The Indian National Congress spearheaded what was arguably the most inclusive and expansive mass movement in history, challenging the traditional Marxist view of its bourgeois character."
- Sumit Sarkar:** "The attempt to neatly categorize the national movement's phases by class interests oversimplifies the complexities. The distinctions between moderates and extremists, in terms of class representation, are not as clear-cut as traditionally portrayed."

- **S.N. Mukherjee:** "Indian nationalism cannot be fully understood through a simplistic class analysis alone; it was a multifaceted process influenced by a variety of factors including caste and utilized a blend of traditional and modern political languages."

From a Marxist angle, the struggle for India's freedom is seen as a clash of economic interests and social classes under British dominance. Critics point out that while the movement's leaders often came from elite backgrounds, the push for independence gradually drew in people from all walks of life, making it a broader fight against colonial oppression.

4. SOCIALIST PERSPECTIVE

Socialism in India, deeply influenced by the Russian Revolution, resonated with the nation's youth, finding champions in leaders like Nehru and Bose who introduced socialist ideals within the Congress. The Congress Socialist Party, founded in 1934 by progressives such as JP Narayan, Acharya Narendra Dev, and Minu Masani, sought not to oppose Congress but to steer its agenda towards more radical solutions, drawing inspiration from Gandhi as well.

Key Figures: Nehru, SC Bose, JP Narayan, Minoo Masi, Acharya Narendra Dev, Ram Manohar Lohiya

SOCIALIST INSIGHTS ON THE INDIAN FREEDOM MOVEMENT:

- **Jaya Prakash Narayan:** In his work "Why Socialism?" (1935), Narayan, drawing from Marxist principles, criticised Gandhi's vision as overly idealistic, pointing out overlooked societal contradictions, and advocated for a socialist revolution as the path to true freedom, emphasizing economic equality.
- **Acharya Narendra Dev:** His book "Socialism and National Revolution" sharply criticized Gandhi's methods, particularly his attempts to reconcile class differences and his religious overtones, alongside rejecting Gandhi's critique of modernity.
- **Ram Manohar Lohiya:** Lohiya offered a socialist reinterpretation of Gandhian ideals, contextualizing socialism within an Asian framework and proposing a multi-faceted revolution leading to a 'four-pillared state'.
- **Nehru:** A staunch socialist, Nehru envisioned a post-independence India aligned with socialist goals. In his 1929 Lahore Congress presidential address, he openly identified as a socialist and

republican, linking India's struggle for independence with the broader fight against exploitation

- **Subhash Chandra Bose:** Bose envisioned a social revolution alongside political liberation, emphasizing the eradication of all forms of bondage and inequality to achieve true freedom.

Socialists within the Congress advocated for political independence as a means to broader social and economic reforms, aiming to imbue the Congress agenda with a socialist direction, ensuring the movement's end goals extended beyond mere political freedom to encompass the eradication of class disparities and economic injustices.

5. DALIT PERSPECTIVE

The Dalit perspective on the Indian national movement, led by figures like Jyotiba Phule and Dr. B.R. Ambedkar, diverged from mainstream nationalism by prioritizing the empowerment of Dalits.

SALIENT FEATURES:

- They **criticises the upper caste dominance within mainstream nationalist movements** like the Indian National Congress (INC), highlighting their failure to address caste-based inequalities.
- Dalit intellectuals **criticized Congress for not sharing power with Dalits** and doubted upper caste commitment to social equality.
- Their **notion of nationhood prioritized abolishing existing inequalities and ensuring equal rights** in all spheres.
- Anti-caste movements were seen as more democratic and nationalistic than mainstream nationalist movements.
- **Advocacy for socio-economic and political rights** stemmed from experiences of injustice in an unjust society.
- True nationalism requires ending oppression like untouchability and promoting collectiveness, fraternity, and dignity for all.

AMBEDKAR'S VIEWS ON INC AND GANDHI

- Ambedkar criticized the Indian National Congress (INC) and Gandhi, viewing them as **protectors of the bourgeoisie and indifferent to Dalit concerns**.
- He **advised Dalits against joining the INC**, seeing it as representing the interests of the upper caste.

➤ Ambedkar **doubted the effectiveness of Gandhian methods** and Congress's commitment to uplifting lower castes.

➤ **Influenced by the French Revolution**, he aimed to establish Indian society and polity on principles of liberty, equality, and fraternity.

Rejecting India as a nation, Ambedkar viewed it as **a collection of segmented communities perpetuating exploitation**.

➤ He emphasized the **importance of social unity alongside political unity** for India to be a true nation.

➤ Ambedkar **advocated for separate electorates for Dalits** to ensure genuine representation and prevent their political isolation from the majority community.

➤ Separate electorates would empower Dalits to have representatives who prioritize their interests and cannot ignore them due to their low population.

Key Scholars: Jyotiba Phule, Ramaswamy Naicker, Narayn Guru, Periyar, Dr. B R Ambedkar, T.N Nair, Kumaran Asan

The Dalit perspective on the Indian national movement underscores the necessity of addressing caste-based oppression and inequality alongside the struggle for political freedom. While skeptical of mainstream movements, efforts to raise awareness about Dalit issues within nationalist movements contributed to the empowerment of Dalits.

6. RADICAL HUMANIST PERSPECTIVE

OVERVIEW

- Critique of conventional humanism and capitalism.
- Emphasizes human liberation, social justice, and equality.

NEW HUMANISM: M.N. ROY

- **Core Philosophy:** Situates "freedom of the individual" at its centre. The individual is an end in itself; society is a means to that end.
- **Key Work:** "Reason, Romanticism and Revolution" – Advocates for societal transformation through rationalism and scientific inquiry.

Interpretation of Marx: Roy's radical humanism is a humanist interpretation of Marx, not a rejection.

➤ Critique of INC and Gandhi:

Accused INC and Gandhi of ignoring emerging mass movements.

Viewed Gandhian non-violence as conventional and saw Gandhi as collaborating with industrialists.

➤ **Nationalism Critique:** Believed nationalism suppresses individual freedom, proposing a cosmopolitan union of free persons.

➤ **Radical Democracy:** Advocated for decentralized democracy based on networks of people's committees.

LOHIA'S CONTRIBUTIONS

- **Key Work:** "Marx, Gandhi, and Socialism" – Synthesized Marxist and Gandhian principles.
- **Decentralized Socialism:** Emphasized the role of masses in social change and advocated for decentralized socialism.

RADICAL DEMOCRACY STOOD FOR:

Abolition of feudalism, Nationalisation of land, Modernisation of industries, Protection of rights of minorities, Compulsory education and Purification of politics.

Key Statement

Sudipto Kaviraj- "His (M.N. Roy) innovative reconceptualization has resulted into astonishingly daring radicalism and tragic heteronomy."

As India continues its journey in the 21st century, the radical humanist perspective serves as a beacon, inspiring us to uphold the values of justice, dignity, and human rights in our ongoing quest for a more equitable and inclusive society.

7. SUBALTERN PERSPECTIVE

The Subaltern perspective is a response to traditional narratives that centre on elite figures and institutions. The Subaltern perspective emphasizes the agency and contributions of marginalized groups such as peasants, tribal communities, and workers etc.

SALIENT FEATURES:

FOCUS ON MARGINALIZED GROUPS

- **Critique of Elite Narratives:** Traditional narratives often overlook the agency and contributions of marginalized groups.

- **Grassroots Mobilization:** Emphasize the significance of grassroots political action by subaltern groups such as peasants, tribal communities, and the working class.

DISTINCT SUBALTERN DOMAIN

- **Resistance and Rebellion:** Subaltern politics is characterized by resistance and rebellion against elite control and hegemony.
- **Diversity Within Marginalized Communities:** Highlight the varied experiences and struggles of tribes, peasants, and workers.

CRITIQUE OF CONGRESS NATIONALISM

- **Inadequate Representation:** Argue that Congress nationalism fails to represent the interests and aspirations of subaltern groups.
- **Nuanced Understanding:** Emphasize the conscious political agency of subaltern groups, challenging portrayals of spontaneous uprisings.

ALTERNATIVE HISTORICAL INTERPRETATIONS

- **Overlooked Contributions:** Shed light on overlooked aspects of the national movement and contributions of marginalized actors.
- **Community-Based Resistance:** Move away from focusing solely on charismatic leaders towards recognizing collective consciousness and community-based forms of resistance.

HISTORICAL ROOTS OF RESISTANCE: Argue that the roots of subaltern resistance lie in pre-colonial social and political structures, challenging the notion of colonialism as a complete rupture with the past.

Key scholars

- **Ranjit Guha**—The elite historiography represents blinkered view of national movement.
- **Gyanendra Pandey**—There is no concrete contribution of Gandhi towards peasantry. There were autonomous peasant movements, not dependent of INC & Gandhi.
- **Sahid Amin**—INC wanted that masses should worship Gandhi. The role of masses was limited to his devotees only.
- **Bhikhu Parekh**—“Gandhi looked at himself as Yugpurush. He projected that his program will lead to ideal state. He reduced traditions of India as his resources”. (**Colonialism Tradition & Reform: An analysis of Gandhi’s political discourse**)

The Subaltern perspective offers a nuanced and critical understanding of the Indian national movement, foregrounding the voices and experiences of those traditionally marginalized in historical narratives.

4.

CONCLUSION

“Interpretation of Indian nationalism from different perspectives is like 6 blind men trying to understand an elephant.”— R. Chandan (Book— A Textbook to Colonialism & Imperialism).

UNIT 2: MAKING OF INDIAN CONSTITUTION

LEGACIES OF THE BRITISH RULE, DIFFERENT SOCIAL AND POLITICAL PERSPECTIVES

PREVIOUS YEAR QUESTIONS

- Imprint of the British Constitution on the Indian Constitution. Comment. (2023)
- "The Constitution of India is a product of a historical process, rich with constitutional antecedents." Comment. (2021)
- The Constitution of India is the 'cornerstone of a nation'. (Granville Austin). Analyse. (2023)
- The making of the Indian Constitution is described as an attempt towards 'social revolution'. Comment. (2022)
- Mention the founding principles that define India's Constitution. (2021)
- "The Constitution makers faced the great task of forging a common national identity in the face of unparalleled social and cultural diversity in India." Comment. (2021)
- Indian constitution makers' concerns on social inequality. (2020)
- Unity and integrity of India was perhaps the single uppermost factor in the minds of the Constitution makers. Comment. (2019)
- Indian Constitution is a "Lawyers' Paradise". - Ivor Jennings. (2018)
- The Constituent Assembly was a one party body in an essentially one party country. The Assembly was the Congress, and the Congress was India." (Granville Austin). Critically examine and comment. (2010)

1.

LEGACIES OF BRITISH RULE

According to **Bipan Chandra**, India's post-colonial journey was marked by a "Transfer of Power," unlike China's Communist Revolution. If **China has gone** through the **Communist Revolution** what happened in India was "**Transfer of Power**".

Indian elites, educated in the western liberal tradition, preferred a liberal democratic political order. From a **Gramscian perspective**, British influence continued to dominate.

Evidence of British Legacy:

British legacy is evident in almost all spheres of Life – **From administration to art and architecture**. British legacy can be seen in following Spheres:

ECONOMY

- Post-independence, **India's economy remained colonial**, serving as a supplier of raw materials and market for Western goods.
- **Regional imbalances, rural poverty, failed land reforms**, agricultural crises, and a lack of public investment in agriculture reflect a continued colonial approach towards development.
- Most sectors, except the service sector, show little change from colonial practices.

INDIAN SOCIETY

- Social conflicts and the politics of caste, religion, and language stem from the **British divide and rule policy**.
- Contemporary issues persist due to **elites opting for continuity** over change

POLITICAL SYSTEM

- Despite opposition to the Simon Commission, the **Government of India Act of 1935** became the foundation of India's political system.
- Features such as the **Indian Federation, Governor's role, ordinance-making powers, and emergency provisions** are drawn from the colonial constitution.

Applying a **Structural Marxist perspective**, **Hamza Alvi** suggests that the elites in South Asia chose to maintain an "**Overdeveloped State**" because it offered numerous privileges to the ruling class.

- Bureaucracy retains a colonial character with draconian laws like Preventive Detention.
- The **Official Secrets Act and the delayed RTI Act** reflect a lack of transparency and accountability.
- The criminal justice system has seen little reform, with Victorian-era laws like Section 377 and Section 497 only recently updated. Preventive detention law still is in use today

EDUCATION SYSTEM

- The British system aimed at producing clerks, emphasizing rote learning over creativity and rational thinking.
- **Macaulay's education system** largely persists in India.

FOREIGN POLICY

The partition of the Indian subcontinent remains a significant and negative legacy of British rule. This historical division has continued to affect the political and social dynamics of South Asia, making it one of the least integrated regions globally.

LEGACY OF PARTITION

- **Lasting Impact:** The partition left deep-seated issues that South Asian elites have struggled to overcome.
- **Regional Integration:** South Asia ranks low in regional integration, second only to the Middle East.

NEHRU'S POLICY AND BRITISH INFLUENCE

- **Curzon's Policy:** Nehru's approach to neighbouring countries was heavily influenced by Lord Curzon's policies.
- **Treaty Diplomacy:** Nehru's treaties with Nepal and Bhutan were seen as superficial modifications of earlier British agreements.
- **Perception of India:** Neighbouring countries often perceive India as retaining a colonial mindset.

Thus, India's foreign policies exhibit more continuity than change from the British era. This colonial legacy has predominantly led to negative outcomes, affecting regional relations and perceptions.

2. THE CONSTITUENT ASSEMBLY

The evolution of the Constituent Assembly in India represents a significant chapter in the country's path to independence and self-governance. Initially, it was **proposed in 1934 by M. N. Roy**, a prominent figure in the Indian communist movement.

A. KEY DEVELOPMENTS LEADING TO THE FORMATION OF CONSTITUENT ASSEMBLY

In 1922, **Gandhi** promised that **Swaraj will not be the 'free Gift'**. Swaraj will be the expression of Indians.

- **Early Proposals:** The INC's demand for a Constituent Assembly was strongly articulated by **Jawaharlal Nehru in 1938**, emphasizing the need for a constitution based on adult franchise and free from external interference.
- **British Acceptance:** The British government acknowledged this demand in principle through the **"August Offer" of 1940** and the **Cripps Mission in 1942**, which provided a more concrete proposal for India's constitutional future. However, the Cripps Mission was rejected by the Muslim League, which advocated for a separate state for Muslims.
- **Formation of the Assembly:** The Constituent Assembly was constituted in 1946 under the **Cabinet Mission Plan**. It was indirectly elected by members of the Provincial Legislative Assemblies, initially comprising 389 members, later reduced to 299 following the partition in 1947.

B. STRUCTURE AND FUNCTIONING OF THE CONSTITUENT ASSEMBLY

- **Composition:** The assembly included representatives **from British India and princely states**, with seats allocated based on **population demographics**.
 - The first meeting took place on December 9, 1946, with Dr. Sachchidananda Sinha as the temporary president. Dr. Rajendra Prasad was later elected as the permanent president.
- **Committees:** Various committees were formed to address specific aspects of the constitution, including the **Drafting Committee chaired by Dr. B. R. Ambedkar**. Other committees focused on fundamental rights and the structure of government.
- **Objective Resolution:** On December 13, 1946, **Nehru introduced the "Objective Resolution,"** outlining the fundamental principles and aspirations of the constitution, emphasizing democracy, social justice, and the protection of minority rights. This resolution later served as the foundation for the Preamble of the Indian Constitution.

The Constituent Assembly played a crucial role in shaping India's constitutional framework. It met for nearly three years, culminating in the adoption of the Constitution on November 26, 1949, which came into effect on January 26, 1950.

C. LEGITIMACY OF CONSTITUENT ASSEMBLY

The framing of India's constitution was a critical event in the global history of both constitution-making and democracy. However, the legitimacy of the Constituent Assembly was not unquestioned at that point, and neither was the underlying scheme for its establishment and terms of reference.

The legitimacy of the Constituent Assembly of India has been challenged on several grounds:

- **Representation Issues:** Critics, including Winston Churchill, argued that the Assembly was predominantly Hindu (80% members upper castes, 25% Brahmins) and did not adequately represent all communities, particularly due to the Muslim League's boycott. This raised concerns about the Assembly's ability to reflect India's diverse demographics and questioned the Constituent Assembly's representativeness.

- **One-Party Dominance:** The Assembly, dominated by the Indian National Congress, was seen as a constitution framed by a single political party. The absence of the Muslim League and many princely states led to questions about its inclusivity.

- **Winston Churchill** view on Constituent Assembly- "**The assembly of Brahmins**".

- **Election Legitimacy:** Critics claimed the elections were not fully representative, excluding the Muslim League and princely states, which undermined the Assembly's legitimacy.

- **Concerns Over Federalism and Autonomy:** Scholars noted that the centralization of power in the Assembly's decisions might undermine provincial autonomy and federal principles, failing to address regional and minority needs adequately.

The Constituent Assembly of India faced significant opposition regarding its **legitimacy** but provided several justifications:

- **Historical Context:** The time was not conducive to holding elections. The Supreme Court, in the Kesavananda Bharati case, has affirmed that the phrase "**We, the people**" reflects the will of the people. The Court stated that there is no need to examine the factual correctness of the phrase, and it should be accepted as correct.

- **Legitimacy through Election Process:** The Assembly was formed through elections outlined by the British Cabinet Mission plan in 1946, with representatives from various political parties, despite the Muslim

League's boycott. Further, The results of the First General Elections (1951-52) indicated that the composition of the Assembly would not have been significantly different even if direct elections had been held, suggesting the outcome would have been largely the same.

- **Inclusivity and Consensus:** Despite being a "one-party assembly in a one-party state," as no other parties like the Hindu Mahasabha or Ambedkar's Republican Party of India secured any seats, the INC co-opted members from other parties to ensure the Constitution was a consensus document. Most provisions were adopted by consensus rather than a simple majority vote. Unlike Nepal's Constitution, which was formed based on majority rule, the Indian Constitution was developed through consensus.

- **Commitment to Safeguards for Minorities:** The Assembly committed to minority rights in the Constitution, enhancing its legitimacy. **Rajeev Bhargava** discussed these safeguards in "Politics and Ethics of the Indian Constitution."

- **INC's Dominance:** Although the Indian National Congress (INC) dominated the Assembly, Granville Austin, a leading authority on the Indian Constitution, suggested that the Congress party represented India and vice versa. The INC's broad base and inclusive nature helped it reflect the nation's will.

- **Granville Austin** view- "**Congress was India and India was Congress**".

The Constituent Assembly of India, despite facing significant opposition regarding its legitimacy, successfully framed a constitution that laid the foundation for the country's democratic governance. Scholars like **Granville Austin** and **Rajeev Bhargava** have highlighted the Assembly's inclusive and democratic efforts, reinforcing its legitimacy and enduring relevance.

3.

MAJOR DEBATES IN THE CONSTITUENT ASSEMBLY

The Constituent Assembly of India was the setting for numerous significant debates that shaped the foundation of the nation's Constitution. These debates addressed various critical aspects of governance, ensuring that the final document was comprehensive and reflective of diverse perspectives. Some of the major debates in Constituent Assembly are-

- ❖ **Nature of Political System:** Modernists like **Nehru and Ambedkar** advocated for **parliamentary democracy**, while **Gandhians** preferred a **Panchayati Raj system**. Ultimately, the modernists prevailed, and Gandhian principles were included in Part IV of the Constitution as non-enforceable directives.
- ❖ **Nature of Federation:** Members of parties like the **Hindu Mahasabha** favoured a **loose federation**, while **Nehru and Patel** supported a **strong central government**. This resulted in a highly centralized federation, often termed quasi-federal. Nehru also favoured a parliamentary system, whereas the Hindu Mahasabha preferred a presidential system.
- ❖ **System of Elections:** Minority representatives like **B. Pocker Sahib** demanded **separate electorates**, but **Patel and G.B. Pant** strongly opposed this, arguing it would be detrimental to minority integration. Even minority representatives like Begum Aizaas Rasul opposed separate electorates.
- ❖ **Uniform Civil Code (UCC):** This was a highly debated issue. Minority members like **Pocker Sahib and Ismail Sahib** opposed the **UCC**, while women members like Hansa Mehta, Raj Kumari Amrit Kaur, and leaders like K.N. Munshi strongly supported it.
- ❖ **Directive Principles of State Policy (DPSPs):** There was **dissatisfaction over the non-enforceable status of DPSPs**. Leaders like N.G. Ranga, Jaypal Singh, and Ambedkar wanted these principles to be guaranteed rights.
- ❖ **Nature of Judiciary:** The Constituent Assembly considered the **appointment of judges by judges to ensure independence**. However, Ambedkar opposed this, arguing against the concept of "**imperium in imperio**" (no state within a state), emphasizing the need for checks and balances.
- ❖ **Institution of Governor:** There was significant concern regarding the qualifications and role of governors. **Pandit Thakur Das Bhargava** recommended that there should be **elaborate provisions on the qualifications of governors** rather than relying on conventions.

Constitution-making is a continuous process, and as the Supreme Court has noted, the Indian Constitution is an "organic document." It strikes a balance between rigidity and flexibility. In addition to the formal amendment process, the Constitution has been continuously adapted to meet the aspirations of the people through judicial interpretations and the adoption of new conventions.

4.

INDIAN CONSTITUTION IS CALLED A "LAWYER'S PARADISE"

The Indian Constitution, often regarded as an elite document by scholars like Granville Austin, has long been criticized for its complexity and inaccessibility. Despite its endurance for 75 years, it initially struggled to become a people's book. Indian Constitution is Called a "Lawyer's Paradise" by **Ivor Jennings**.

Arguments For:

- ❖ **1. Length and Complexity:** The Indian Constitution, with its **448 articles, 12 schedules, and numerous amendments**, is one of the longest and most detailed in the world. Legal scholars like **Granville Austin** have noted its detailed nature, describing it as a "**cornerstone of the nation**," emphasizing the intricate legal framework it provides.
- ❖ **2. Intricate Legal Language:** The Constitution uses sophisticated legal terminology and detailed clauses. **Dr. B. R. Ambedkar**, one of the principal architects of the Constitution, acknowledged the **need for precision in legal language to avoid ambiguity**, which inherently makes it complex.
- ❖ **3. Frequent Amendments:** With over 100 amendments since its inception, the Indian Constitution requires continuous legal scrutiny. This creates constant work for lawyers. Granville Austin referred to this adaptability as a strength, though it adds layers of complexity.
- ❖ **4. Extensive Judicial Review:** The power of judicial review allows courts to interpret and reinterpret constitutional provisions, which make it lawyer's paradise. This dynamic process of interpretation was highlighted in landmark cases like **Kesavananda Bharati v. State of Kerala**, which underscored the Constitution's evolving nature.
- ❖ **5. Wide Range of Provisions:** The Constitution's comprehensive coverage of governance aspects means frequent legal interpretation is necessary. For example, issues relating to fundamental rights, such as in the case of **Maneka Gandhi v. Union of India**, have required detailed legal examination.
- ❖ **6. Legal Precedents and Case Law:** The body of case law surrounding the Constitution provides lawyers with numerous precedents. **Rajeev Dhavan** has extensively discussed that, this growing body of case law creates a robust but complex legal environment.

Arguments Against:

- **1. Accessibility and Education:** Despite its complexity, the Constitution has been translated into multiple languages and is taught in schools. Scholar **Upendra Baxi** has discussed how constitutional literacy is crucial for democracy and how educational efforts aim to make the Constitution accessible to all.
- **2. Public Participation:** The framers intended the Constitution to be a document for the people. Efforts like the translation of the Constitution into regional languages and public legal education initiatives aim to demystify it. The Preamble is often cited in educational contexts to highlight its democratic ethos.
- **3. Judicial Activism:** The judiciary, through landmark judgments, has simplified constitutional principles. In cases like **Vishaka v. State of Rajasthan**, the Supreme Court laid down guidelines to address sexual harassment at the workplace, making the Constitution's provisions more practical and accessible.
- **4. Role of Civil Society:** Civil society organizations play a crucial role in interpreting and disseminating constitutional knowledge. Organizations like the **People's Union for Civil Liberties (PUCL)** work to educate the public about their constitutional rights.
- **5. Legal Aid and Awareness Programs:** Programs run by the National Legal Services Authority (NALSA) provide legal aid and conduct awareness campaigns. Scholar Marc Galanter has noted that such initiatives help bridge the gap between complex legal frameworks and public understanding.
- **6. Simplification Efforts:** Efforts to simplify legal procedures include the digitization of legal records and the use of technology to make legal information more accessible. Projects like the eCourts Mission Mode Project aim to demystify legal processes.

The Indian Constitution, often termed a "Lawyer's Paradise," is both celebrated and criticized for its complexity and intricate legal language. Scholars like **Granville Austin** highlight its detailed nature and foundational role in the nation, while critics point out that its length and frequent amendments necessitate constant legal interpretation, creating a robust environment for lawyers.

5.

INDIAN CONSTITUTION AS A SOCIAL REVOLUTION

The creation of the Indian Constitution marked a deliberate effort to initiate a social revolution. The framers sought to address and rectify the deeply rooted social inequalities and injustices of pre-independent India. Through legal and institutional reforms, the Constitution aimed to create a more just and equitable society.

➤ Key elements of this social revolution included:

- **Dismantling Social Hierarchies:** The Constitution aimed to dismantle the entrenched caste system that marginalized large sections of the population, particularly Dalits and other backward classes. It **explicitly abolished untouchability (Article 17)** and provided mechanisms for affirmative action (Articles 15(4) and 16(4)) to uplift disadvantaged communities.
- **Ensuring Equality and Social Justice:** The Preamble enshrines the ideals of justice, liberty, equality, and fraternity. The **Directive Principles of State Policy (Part IV)** outline the state's responsibility to promote the welfare of the people by securing a social order in which justice—social, economic, and political—permeates all national institutions.

Granville Austin view on abolition of **Untouchability**— He describes the abolition of untouchability as a "**bold assertion of human dignity and equality.**"

According to **Jawaharlal Nehru**, "**The first task of this Constituent Assembly of India is to free India through a new Constitution, to feed the starving people, and to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself.**"

- **Empowering the Marginalized:** Provisions such as reservations in education and public employment for Scheduled Castes, Scheduled Tribes, and Other Backward Classes (Articles 330 and 335) aim to create socio-economic mobility and rectify historical injustices.
- **Universal Adult Suffrage:** The adoption of universal adult suffrage (Article 326) granted voting rights to all adult citizens, ensuring equal participation in the democratic process, a significant departure from the limited colonial franchise.

- **Promoting Gender Equality:** The Constitution prohibits discrimination on the grounds of sex (Article 15) and guarantees equality of opportunity in public employment (Article 16). It also mandates the state to ensure women's equal right to **an adequate means of livelihood (Article 39(a))**.
- **Fundamental Rights and Freedoms:** The inclusion of Fundamental Rights (Part III), such as the right to equality (Article 14), the right to freedom of speech and expression (Article 19), and the right to constitutional remedies (Article 32), protects individual liberties and prevents abuse of power.

K. Santhanam reiterated that social revolution is a way that can divert India out of the medievalism based on birth, religion, custom, and reconstruct her on modern foundations of law and secular education.

Historian B.R. Rajam emphasizes that although foreign ideas influenced the Constitution, the Indian framers adapted them to India's specific conditions. The Constitution stands as a testament to this adaptation, incorporating the best of both worlds – global inspiration and indigenous values – to create a truly unique and representative document.

6.

WHETHER INDIAN CONSTITUTION IS A BORROWED DOCUMENT?

The Indian Constitution is not merely a borrowed document, but rather an **adaptation of foreign models blended with indigenous Indian traditions and values**. While the framers of the Constitution drew inspiration from Western sources like the United Kingdom, United States, Ireland, and Canada, they ensured the final product reflected India's unique socio-cultural and political context.

Indian Constitution incorporates indigenous features:

- **Preamble:** The Constitution's preamble emphasizes India's identity as a **"sovereign, socialist, secular, and democratic republic,"** highlighting its commitment to both indigenous and modern principles.
- **Directive Principles of State Policy:** Provisions inspired by **ancient Indian traditions, such as village panchayats**, are included to blend modern governance with indigenous values. These directives promote village-level self-governance and local autonomy, acknowledging the significance of indigenous practices.
- **Negotiated Text:** Scholar **Rajeev Bhargava** argues that the **Indian Constitution is a "negotiated text,"** combining elements from various sources while preserving India's unique identity. It reflects the synthesis of global and indigenous principles.

UNIT 3: SALIENT FEATURES OF THE INDIAN CONSTITUTION

SYLLABUS—THE PREAMBLE, FUNDAMENTAL RIGHTS AND DUTIES, DIRECTIVE PRINCIPLES; PARLIAMENTARY SYSTEM AND AMENDMENT PROCEDURES.

PREVIOUS YEAR QUESTIONS

- ▶ The main goal of the Fundamental Duties in the Indian Constitution is to generate civic responsibility among the citizens. Explain. (2023)
- ▶ The Preamble of the Indian Constitution reflects itself as a 'social contract'. Elucidate. (2022)
- ▶ "Constitutionally reconciling the Fundamental Rights with the Directive Principles of State Policy has led to frequent amendments of the Constitution and judicial interventions." Comment. (2021)
- ▶ Comment on the relevance of the Directive Principles of State Policy in an era of liberalization and globalization. (2019)
- ▶ In the light of neo-economic policies adopted since 1991, examine the relevance of the term 'socialist' in the Preamble of the Indian Constitution. (2015)
- ▶ Increasingly higher focus on Directive Principles of State Policy. Comment. (2014)
- ▶ Significance of the Preamble. Comment. (2013)
- ▶ Discuss the extent to which the Indian Constitution reflects successful reconciliation of alternative perspectives. (2012)
- ▶ Examine the relevance of Directive Principles in the era of liberalisation and globalization. (2012)
- ▶ Examine the significance of the Directive Principles of State Policy in achieving the goal of socio-economic justice. (2011)

PREAMBLE

INTRODUCTION

The preamble is a **declaration of the purposes and the underlying spirit of the constitution**. It is a **commonsense statement** of the objectives of the constitution. It is **"the key to open the minds of the makers of the Act and the mischief which they intend to redress"**.

A. SIGNIFICANCE OF THE PREAMBLE

The Preamble embodies the fundamental values and philosophy of the Constitution, reflecting the grand vision of the Constituent Assembly. According to **K.M. Munshi**, it is the **"horoscope of our sovereign democratic republic,"** while **Sir Alladi Krishnaswami Iyer** described it as expressing **"what we had thought or dreamt so long."** **Pandit Thakur Das Bhargava** called it **"the soul of the Constitution,"** a "key" and a "jewel set in the Constitution," serving as a measure of the Constitution's worth.

THE PREAMBLE SERVES SEVERAL PURPOSES:

- ▶ Indicates the source of constitutional authority.
- ▶ Contains the enacting clause.
- ▶ Declares the aims, aspirations, objectives, and purposes of the Constitution.
- ▶ Embodies the philosophy and rights intended by the Constitution.
- ▶ Aids in constitutional interpretation during conflicts or ambiguities.

Therefore, the Preamble is crucial for establishing the legitimacy, purpose, and guiding principles of the Constitution, ensuring faithful application of its provisions.

B. STATUS OF PREAMBLE AS PART OF CONSTITUTION

The status of the Preamble has been the subject of various judicial interpretations, and its role has evolved over time.

CASE	SUPREME COURT'S INTERPRETATION	NOTES
Berubari Union Case (1960)	The Supreme Court held that the preamble is not a part of the Constitution.	Followed the precedent set by the USA, where the preamble is not considered part of the Constitution.

Keshavananda Bharati Case (1973)	The Supreme Court overruled its earlier interpretation and held that the preamble is a part of the Constitution.	Acknowledged the preamble as an integral part of the Constitution and stated that the ideals in the preamble contain the 'Basic Structure' of the Constitution.
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WHY IS THE PREAMBLE CONSIDERED AS A PART OF THE CONSTITUTION?

The Supreme Court, as the ultimate authority of constitutional interpretation, creatively interpreted the Preamble as part of the Constitution. Unlike the **Preamble of the United States**, which **precedes its Constitution**, the **Indian Preamble is designed to evolve alongside the Constitution**.

C. AMENDABILITY OF THE PREAMBLE

Article 368 of the Indian Constitution describes the procedure for amending its provisions. While the **Preamble is part of the Constitution, it is not explicitly listed** as a provision. This raised doubts about whether Article 368 could be applied to amend the Preamble. However, the Supreme Court clarified in the **Kesavananda Bharati Case** that, despite not being a formal provision, the Preamble **can indeed be amended**.

The Constituent Assembly **purposefully passed the Preamble last to ensure harmony** between it and the main body of the Constitution. Amendments to the Constitution could potentially create inconsistencies with the Preamble, necessitating amendments **to the Preamble to maintain coherence** and alignment with the Constitution's evolving nature.

So, Parliament can amend the preamble, however, it stands for the test of Courts, to check for **Basic Structure doctrine**. Consequently, the **Preamble was amended by the 42nd Amendment Act, 1976** which added three new words: **Socialist, Secular and Integrity** to the Preamble.

D. RELEVANCE OF PREAMBLE IN INTERPRETATION OF THE CONSTITUTION

The Preamble to the Indian Constitution plays a significant role in guiding the interpretation of the

Constitution. Its relevance has evolved through various landmark judgments, shaping the understanding of constitutional provisions and principles.

- **A.K. Gopalan vs. State of Madras (1950)**: Initially, the Supreme Court held that the **Preamble is not essential for interpreting the Constitution**. The Court stated that the Preamble does not serve as a source of power or prohibition and should be used only when there is ambiguity in the constitutional provisions.
- **Berubari Union Case (1960)**: This case reiterated that **the Preamble is not a source of substantive power or prohibition**. However, it acknowledged that the Preamble could provide assistance in cases of ambiguity within the Constitution's language.
- **Kesavananda Bharati Case (1973)**: This landmark judgment marked a **significant shift in the Supreme Court's approach**. The Court held that the **Constitution should be interpreted in light of the ideals enshrined in the Preamble**, considering it as providing valuable guidance for interpretation. This decision elevated the importance of the Preamble in constitutional interpretation and underscored its role in reflecting the fundamental objectives and values of the Constitution.
- **Minerva Mills v. Union of India (1980)**: The Supreme Court reaffirmed that the **Preamble is a part of the Constitution** and emphasized its role in outlining the basic structure of the Constitution. The Court stressed that the principles enshrined in the Preamble, such as justice, liberty, equality, and fraternity, are part of the Constitution's basic structure and cannot be amended in a way that destroys these principles.
- **S.R. Bommai v. Union of India (1994)**: The Court used the **Preamble to reinforce the secular nature of the Indian state**. It emphasized that the Preamble's assertion of secularism is a guiding principle for interpreting the Constitution and ensuring that the state remains neutral in matters of religion.

E. IDEALS AND OBJECTIVES ENSHRINED IN THE PREAMBLE

The Preamble of the Indian Constitution enshrines the ideals that the Constitution seeks to achieve for the nation. These ideals include:

- ◉ **Sovereign:** This signifies that **India is a completely autonomous entity**. It has the power to legislate on any subject without the interference of any external authority. This independence is critical for the country's self-governance and international relations.
- ◉ **Socialist:** This principle aims **to achieve a fair distribution of wealth** and eliminate income inequality. It reflects the intention to create an equitable society where the government plays a key role in economic activities to ensure welfare for all sections of society, especially the underprivileged.
- ◉ **Secular:** Secularism in the Indian context means that the **state has no official religion** and treats all religions equally. It ensures religious freedom and allows individuals to practice, propagate, and profess their beliefs without any discrimination or preference by the state.
- ◉ **Democratic:** Democracy in India means that the **supreme power lies with the people** who elect their representatives. It encompasses political democracy (free and fair elections, majority rule, and protection of minority rights) and a commitment to uphold civil liberties and fundamental rights.
- ◉ **Republic:** India being a republic means that the **highest public offices**, including the head of the state (the President), **are filled through elections rather than hereditary succession**. This underscores the principle that all positions of power are open to every citizen.
- ◉ **Justice:** The aim is **to provide social, economic, and political justice** to all citizens. Social justice aims to eliminate social discrimination, economic justice ensures equitable distribution of wealth, and political justice guarantees equal participation in the political process.
- ◉ **Liberty:** This refers to the **freedom of thought, expression, belief, faith, and worship**. It ensures that individuals have the freedom to develop their personalities and express themselves without fear of suppression.
- ◉ **Equality:** This ensures that **all citizens have equal status and opportunities**. It strives to remove inequalities in all forms, whether social, economic, or political, and promote equal access to resources and opportunities.

- ◉ **Fraternity:** This promotes a **sense of brotherhood among all citizens**, ensuring the dignity of the individual and the unity and integrity of the nation. It seeks to cultivate a spirit of solidarity and mutual respect, crucial for the nation's harmony.

F. RELEVANCE OF PREAMBLE IN CONTEMPORARY TIMES

The Preamble outlines the foundational principles and ideals upon which the Indian Constitution is built. These principles continue to influence the socio-political environment of the nation. Scholar **Granville Austin** describes the Preamble as the **"identity card of the Constitution,"** highlighting its importance in conveying the Constitution's purpose and objectives.

- ◉ **Justice and Equality:** The Preamble's **emphasis on justice and equality** remains pertinent in the context of social justice movements and the quest for equal rights among various segments of society. For example, **Reservation Policies in Education and Employment for EWS (103rd Constitutional Amendment Act)** aims to provide equal opportunities to economically disadvantaged individuals.
- ◉ **Liberty and Freedom:** The Preamble's focus on liberty and freedom serves as a guide in discussions on individual rights, freedom of expression, and democratic values. For instance, recent **debates over issues like freedom of speech and privacy (Puttaswamy v. Union of India case (2017))** underscore its contemporary relevance.
- ◉ **Secularism:** The Preamble's commitment to secularism is **essential for managing religious diversity** and addressing ongoing debates about the role of religion in public life. For example, **The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**, aims to curb forced conversions while respecting the freedom to practice any religion.
- ◉ **Fraternity:** In the context of regional and cultural diversity, the Preamble supports efforts to promote national integration and harmony. For example, **National Integration through Infrastructure Projects Initiatives** like the Bharat Mala and Sagarmala projects aim to improve connectivity and integrate remote regions with the rest of the country.

G. SIGNIFICANCE OF WORD 'SOCIALIST' IN THE PREAMBLE AMID POST-1991 ECONOMIC REFORMS

Socialism aims for an egalitarian society with public ownership and equitable distribution of resources. In India, socialism is enshrined in the Constitution, particularly through **the Directive Principles of State Policy (Part IV)**, advocating socio-economic rights. Despite its late inclusion in the Preamble by **the 42nd Amendment in 1976**, the socialist agenda was always present, emphasizing welfare and state intervention for reducing inequalities.

DICHOTOMY: LIBERALIZATION VS. SOCIALISM

India's shift towards liberalization since 1991, promoting privatization and reduced state control, seemingly conflicts with the socialist ethos. However, the courts have upheld those economic policies, including liberalization, do not necessarily violate socialism if they promote overall economic growth and public welfare.

RELEVANCE OF 'SOCIALIST' IN THE PREAMBLE

- **The Debate on Redundancy:** Post-1991 economic liberalization has sparked debate on the relevance of 'socialist' in India's Preamble. Critics argue that the New Economic Policy's minimal state intervention and promotion of a free market make the term redundant. The shift towards private sector involvement, encapsulated in the concept of 'minimum government and maximum governance,' further supports this view.
- **Constitutional Vision of Socialism:** However, these views overlook the broader constitutional vision. Socialism in the Constitution is not about state control over the economy but about justice and equitable access. It is a moral value aimed at social justice, rather than a rigid economic policy.
- **Role of LPG Reforms:** The LPG reforms enhance private sector roles but do not retract the state entirely. The state withdraws from non-essential sectors to avoid risks and improve service quality through private sector efficiency.
- **Democratic Socialism and Mixed Economy:** Democratic socialism supports a mixed economy, allowing private participation alongside state involvement. Liberalization broadens this mixed economy to promote welfare objectives, ensuring better services, value for money, and conserving state resources for critical sectors.

SUPREME COURT'S OPINION

According to a former judge of the Supreme Court, **Jus. O. Chinnappa Reddy**, Indian Socialism is about what the Constitution of India wants for the people of India, that is, the **establishment of a welfare state**.

Further, in **D.S. Nakara and Ors. v. Union of India**, the court opined that the basic framework of socialism is to provide a decent standard of life and security to the working people. The court also underlined the role of the state in achieving the goal of socialism.

Therefore, the term 'socialist' remains relevant and integral to the Constitution's vision. It signifies a commitment to social justice and equitable access, not exclusive state control. Therefore, the essence of socialism in the Constitution remains intact and does not necessitate redefinition.

SCHOLARS' VIEWS

- **Amartya Sen** in his book "Development as Freedom" emphasizes **integrating social welfare with economic growth**, arguing that economic policies should be evaluated based on their impact on human capabilities and social justice.
- **Jean Drèze** in his book "An Uncertain Glory: India and its Contradictions" advocates for active state intervention in areas like healthcare, education, and social security to ensure that economic growth translates into improved quality of life for all citizens.

CRITICS

- **Arvind Panagariya** in his book "India Unlimited," argues that the term "**socialist**" is **outdated in the context of a globalized economy** and that the focus should be on creating opportunities for wealth creation and economic growth.
- **Jagdish Bhagwati** in his book "India's Tryst with Destiny" contends that **excessive focus on socialist policies can hinder economic efficiency and innovation**. He advocates for a market-driven approach to ensure sustainable growth.

H. THE PREAMBLE OF THE INDIAN CONSTITUTION AS A SOCIAL CONTRACT

Social contract theory states that individuals coexist under mutually agreed rules for peace and security. While Hobbes supports absolute sovereignty, Locke advocates for a liberal democracy. The Indian Constitution embodies this Lockean social contract through its Preamble.

- **Source of Government Authority:** The phrase "We, the people of India" emphasizes that the power and authority of the government derive from the citizens,

reflecting the idea of a social contract where the government serves the people's interests.

- **Core Values and Objectives:** The Preamble outlines the goals of securing justice, liberty, equality, and fraternity for India's citizens. These principles embody the core values of a social contract, whereby the government takes on the responsibility of ensuring fairness, safeguarding individual freedoms, and promoting social equality.
- **Socio-Economic Rights:** The Preamble incorporates the words "Justice, social, economic, and political," signifying that the social contract encompasses not just civil and political rights, but also socio-economic rights. This implies that the government is dedicated to providing social and economic justice to its citizens, ensuring their welfare and well-being.
- **Popular Sovereignty:** The Preamble asserts that the power and sovereignty of the nation reside with the people. This concept aligns with social contract theory, indicating that citizens hold the ultimate authority to shape governance and hold the government accountable.

Thus, the Preamble of the Indian Constitution establishes a social contract by outlining the principles of governance, reflecting the collective will of the people, and ensuring justice, liberty, equality, and fraternity. This foundational agreement guides the relationship between the Indian state and its citizens.

FUNDAMENTAL RIGHTS

1. INTRODUCTION

Fundamental Rights are a set of basic human rights guaranteed to all citizens by the Constitution of that country. In the Indian Constitution, these are **enshrined in Part III (Articles 12 to 35) of the Constitution**, these rights are **essential for the overall development and dignity of individuals, ensuring their protection against any arbitrary actions** by the state. They form the **cornerstone of Indian democracy**, promoting values such as justice, liberty, equality, and fraternity.

FUNDAMENTAL RIGHTS INCLUDE

- **Right to Equality (Articles 14–18):** Ensures equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Abolishes untouchability and titles.

- **Right to Freedom (Articles 19–22):** Includes freedom of speech and expression, assembly, association, movement, residence, and the right to practice any profession. It protects individuals from arbitrary arrest and detention.
- **Right Against Exploitation (Articles 23–24):** Prohibits human trafficking, forced labor, and child labor in hazardous conditions.
- **Right to Freedom of Religion (Articles 25–28):** Ensures freedom of conscience and the right to freely profess, practice, and propagate religion. It provides for the freedom to manage religious affairs.
- **Cultural and Educational Rights (Articles 29–30):** Protects the rights of minorities to conserve their culture, language, and script. It grants minorities the right to establish and administer educational institutions of their choice.
- **Right to Constitutional Remedies (Article 32):** Empowers individuals to approach the Supreme Court or High Courts for the enforcement of Fundamental Rights.

2.

CHARACTERISTICS OF FUNDAMENTAL RIGHTS

The Fundamental Rights guaranteed by the Indian Constitution possess the following features:

- **Applicability to Citizens and Non-Citizens:** Some rights are for citizens only, while others apply to all persons, including foreigners and legal entities. Example: Right to vote (Article 326) is for citizens; Right to life (Article 21) applies to all.
- **Qualified Nature:** Fundamental Rights are not absolute; reasonable restrictions can be imposed. Example: Freedom of speech (Article 19(1)(a)) can be restricted for public order, decency, and national security.
- **Protection Against State and Private Actions:** Most rights protect against state actions, with some exceptions for private actions. Example: Right to equality (Article 14) protects against state discrimination; private discrimination requires ordinary legal remedies.
- **Negative and Positive Rights:** Some rights limit state authority (negative), while others grant specific privileges (positive). Example: Prohibition of discrimination (negative, Article 15) vs. right to education (positive, Article 21A).

- **Justiciable Rights:** These rights are enforceable in courts. Example: Violation of personal liberty (Article 21) allows court intervention.
- **Supreme Court as Guardian:** The Supreme Court defends and guarantees Fundamental Rights. Example: In *Maneka Gandhi v. Union of India* (1978), individuals can directly approach the Supreme Court for rights violations.
- **Amendability:** Fundamental Rights can be amended by Parliament but must not affect the Constitution's 'basic structure'. Example: 42nd Amendment Act, 1976, amended several rights, with limitations as upheld in *Kesavananda Bharati v. State of Kerala* (1973).
- **Suspension During National Emergency:** Rights can be suspended during a National Emergency, except Articles 20 and 21. Example: During the 1975-77 Emergency, several rights were suspended, but Articles 20 and 21 remained intact.
- **Self-Executing and Enforceable by Law:** Most rights are directly enforceable; some require legislation. Example: Right against exploitation (Articles 23 and 24) is self-executory; right to property (Article 31) required legislation before being removed by the 44th Amendment Act, 1978.

These features ensure Fundamental Rights are adaptable and balanced, protecting individual liberties in a democratic society.

3.

IMPORTANCE OF FUNDAMENTAL RIGHTS

The Fundamental Rights enshrined in the Indian Constitution are crucial for shaping a democratic and just society in India.

- **Preservation of the Constitution's Basic Structure:** Fundamental Rights are part of the Constitution's "basic structure," as established in *Kesavananda Bharati* (1973). **Example:** In *Indira Nehru Gandhi v. Raj Narain* (1975), the Supreme Court invalidated amendments threatening democratic principles.
- **Promotion of Equality:** Fundamental Rights ensure equal treatment under the law, prohibiting discrimination (Article 15). **Example:** *National Legal Services Authority v. Union of India* (2014) recognized transgender rights, promoting equality.

- **Ensuring Freedom of Expression:** The Right to Freedom of Speech and Expression allows open expression of views. Example: *S. Rangarajan v. P. Jagjivan Ram* (1989) upheld freedom of expression in film censorship.
- **Protection of Individual Liberties:** Fundamental Rights safeguard personal freedoms. Example: *Romesh Thapar v. State of Madras* (1950) protected freedom of the press as part of individual liberty.
- **Access to Justice:** Article 32 allows citizens to approach the Supreme Court directly for Fundamental Rights violations. Example: *Vineet Narain v. Union of India* (1996) demonstrated the Supreme Court's role in government accountability.
- **Defence Against State Tyranny:** These rights protect against state abuse of power. Example: *A.K. Gopalan v. State of Madras* (1950) emphasized procedural safeguards against arbitrary state action.
- **Protection of Religious Freedom:** Fundamental Rights ensure freedom of religion (Article 25). Example: *S.R. Bommai v. Union of India* (1994) reinforced the secular nature of the Indian state, protecting religious freedom.

Dr. Granville Austin described FRs as "the most justiciable part of the Indian Constitution."

4.

CRITICISM OF FUNDAMENTAL RIGHTS

The Fundamental Rights in India's Constitution, while **crucial for safeguarding individual freedoms**, have faced **criticism for limitations, ambiguity, and their balance with other provisions** like the Directive Principles of State Policy (DPSPs), raising questions about their comprehensiveness and enforceability.

- **Absence of Social and Economic Rights:** Fundamental Rights mainly include political rights, lacking essential social and economic rights such as social security, work, and rest. **Amartya Sen** argues that true freedom and justice require these rights.
- **Excessive Limitations:** Numerous exceptions and restrictions undermine Fundamental Rights. **Jaspat Roy Kapoor** suggested renaming the chapter as "Limitations on Fundamental Rights."

- ❖ **Vagueness and Ambiguity:** Terms like "public order," "minorities," and "reasonable restriction" are unclear, leading to varied interpretations. **Granville Austin** pointed out that this vagueness can cause judicial inconsistencies.
- ❖ **Not Immutable:** Parliament can curtail or abolish Fundamental Rights. For example, the 44th Amendment Act (1978) abolished the right to property.
- ❖ **Suspension During Emergency:** Fundamental Rights (except Articles 20 and 21) can be suspended during a National Emergency. **H.M. Seervai** argued that this undermines their protection, as seen during the 1975-77 Emergency.
- ❖ **Preventive Detention:** Article 22 allows preventive detention, which critics like **Nani Palkhivala** argue negates individual liberty and is contrary to democratic principles.
- ❖ **Lack of Consistent Philosophy:** The chapter on Fundamental Rights lacks a coherent philosophical foundation. **Sir Ivor Jennings** noted that this inconsistency challenges judicial interpretation.

These criticisms highlight perceived shortcomings in the scope, application, and interpretation of Fundamental Rights, suggesting areas where the Indian Constitution could potentially be improved to better safeguard individual liberties and address societal needs.

5.

AFFIRMATIVE ACTION UNDER ARTICLE 15 AND 16

Both **Article 15 and 16** allows for positive discrimination of certain classes of citizens to bring them at par with others.

The term '**Reservation**' used in popular sense is a form of affirmative action whereby a percentage of seats are reserved in the government service and educational institutions.

The Indian reservation system, designed to address historical injustices and promote social justice, continues to be a subject of robust debate and popular support. Despite its intent to create equality, the system has its complexities and criticisms.

A. NEED FOR RESERVATION

SOCIAL JUSTICE:

- ❖ **Historical Discrimination:** Reservations aim to address the deep-rooted historical injustices

- ❖ faced by marginalized communities such as Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). These communities have faced centuries of social and economic discrimination, and reservations seek to provide them with opportunities to achieve equality.
- ❖ **Equality of Opportunity:** Ensuring that individuals from disadvantaged backgrounds have access to education, employment, and other opportunities. This helps create a level playing field and promotes the idea of substantive equality.

ECONOMIC UPLIFTMENT:

- ❖ **Socio-Economic Disparities:** Reservations help bridge the economic disparities by providing opportunities to those who are economically weaker. By ensuring representation in education and employment, reservations aid in the upliftment of economically disadvantaged sections of society.

REPRESENTATION:

- ❖ **Diverse Administration:** Reservations ensure that marginalized communities are adequately represented in public services and educational institutions. This diversity in administration and governance helps in addressing the specific needs and concerns of these communities.
- ❖ **Promoting Inclusivity:** An inclusive environment where diverse perspectives are valued is essential for the holistic development of society. Reservations promote inclusivity by ensuring that all sections of society have a voice in governance and administration.

Former PM V.P. Singh argues that positive discrimination is necessary to help OBCs catch up socio-economically. According to the NSS, only 4.7% of OBCs are graduates, compared to 11.20% in the general population.

B. ISSUES WITH RESERVATION

MERIT VS. QUOTA:

- ❖ **Perceived Dilution of Merit:** One of the major criticisms of reservations is that they may undermine meritocracy. Critics argue that reservations might lead to the selection of less qualified candidates over more qualified ones, thus affecting the overall efficiency

VALUE ADDITION

SCHOLARS' VIEWS IN SUPPORT OF RESERVATION

- **B.R. Ambedkar:** Advocated for reservations to uplift oppressed classes and level the playing field for marginalized communities.
- **Amartya Sen:** Argued that reservations promote social justice by providing marginalized communities access to education and employment, enhancing equality of capability.

SCHOLARS' VIEWS AGAINST RESERVATION

- **Rajiv Gandhi:** Argued that reservations could divide society along caste lines and advocated focusing on economic criteria instead of caste.
- **Arun Shourie:** Critiqued reservations for promoting mediocrity and undermining meritocracy, suggesting measures for economic empowerment instead.

LEGAL AND CONSTITUTIONAL CHALLENGES:

- **Constitutionality:** The legal validity of various reservation policies, especially those related to promotions and EWS, has been a subject of intense debate and litigation.
- **50% Cap:** Balancing reservations within the 50% limit set by the Supreme Court is a significant challenge, especially when states seek to provide additional reservations for other categories.

IMPLEMENTATION ISSUES:

- **State-wise Variations:** Different states have different criteria and levels of implementation, leading to inconsistencies and confusion.
- **Administrative Challenges:** Effective implementation of reservation policies without compromising administrative efficiency and accountability is a complex task.

SOCIAL TENSIONS:

- **Inter-Community Conflicts:** The policy of reservations can lead to increased social tensions and conflicts between different communities, particularly when new categories are introduced, or existing quotas are expanded.
- **Political Manipulation:** Reservations are often used as a political tool, leading to potential misuse and deviation from the intended purpose.

C. SUPREME COURT JUDGEMENTS

- **Venkataraman v. State of Madras (1951):** The Supreme Court upheld reservations for backward sections but it ruled that divisions of vacancies on other bases were unconstitutional.
- **Indra Sawhney vs. Union of India (1992):**
 - The Court upheld 27% reservation for OBCs.
 - **Creamy Layer:** Introduced the concept to exclude the advanced sections within OBCs from reservations.
 - **50% Cap:** Reservations should not exceed 50%.
 - **No Reservations in Promotions:** Reservations should be confined to initial appointments and not extended to promotions.
- **Nagaraj Case (2006):** Upheld the concept but required proof of backwardness, inadequate representation, and maintenance of administrative efficiency.
- **Jarnail Singh Case (2018):** It opined that there is no need for quantifiable data to prove SC/ST backwardness for promotions. Further, the court Applied the concept of the creamy layer to SCs and STs as well (overturned by Parliament).
- **EWS Reservation (2022):** The court Upheld 10% **EWS reservation** (103rd Constitutional Amendment Act, considering it separate from the 50% cap for SC/ST/OBC.

D. WAY FORWARD

Review and Rationalize:

- **Periodic Review:** Regular reviews of reservation policies to ensure they meet intended goals.
- **Rationalization:** Adjust reservations based on socio-economic data and current needs

Focus on Education and Skill Development:

- **Quality Education:** Improve access to quality education for marginalized communities.
- **Skill Development:** Enhance skill development programs to make beneficiaries job-ready.

Economic Criteria:

- **Broader Economic Indicators:** Use comprehensive economic criteria for identifying beneficiaries.
- **Creamy Layer Exclusion:** Effectively implement creamy layer exclusion to ensure benefits reach the needy.

Balanced Approach:

- **Merit and Quota:** Balance merit and reservation to maintain administrative efficiency.
- **Inclusivity:** Promote policies that foster social harmony and inclusivity.

Reservation policies in India are essential for addressing historical injustices and promoting social and economic equity. Despite challenges and debates, Supreme Court judgments have provided clarity and direction. A balanced approach, including regular reviews, a focus on education, and rationalized criteria, can help these policies achieve their goals while preserving meritocracy and social harmony.

6.

DEMAND FOR RESERVATION BY DOMINANT CASTES

The demand for reservation from various middle castes, such as **Patels** in Gujarat, **Jats** in Haryana, **Marathas** in Maharashtra, and **Kapus** in Andhra Pradesh, has been increasing. This phenomenon highlights a significant trend where dominant and landholding castes are seeking backward reservation status.

A. DOMINANT CASTES' AGITATION

- **Marathas:** Demand reservations under the Socially and Educationally Backward Class category.
- **Patidars/Patels:** Seek reservations citing economic and educational challenges.
- **Jats:** Agitate for quotas in government jobs and educational institutions.
- **Gujjars:** Demand a separate backward category distinct from the existing OBC

B. REASONS FOR DEMAND

- **Farmer Distress:** Due to the ongoing agrarian crisis, there is significant distress among farmers in rural areas. Many of these communities belong to landed agrarian castes and are severely affected by the agricultural slowdown. This distress has fuelled the demands of communities like the Marathas and Patidars to be included in the OBC category to move away from agriculture.

- **Crippled Urban Economy:** With fewer jobs being created in the economy, dominant castes moving away from agriculture face limited opportunities in the private sector. Consequently, their only viable option is government jobs, but their general status makes the competition tough. Hence, they are asking for reservation.
- **Resentment Against Other OBC Communities:** Due to socio-economic and political disparities between these groups and those already categorized as OBCs, these castes seek OBC status to level the playing field.
- **Successful Quota System:** The representation of OBCs in government jobs has increased significantly due to reservations, leading to envy among dominant castes and motivating them to demand similar benefits.
- **Political Support:** Dominant castes often wield significant electoral and political power within their states, garnering support from opposition parties for vote-bank politics.

C. ISSUES AND CHALLENGES

- **Dilution of Purpose:** Offering quotas to dominant castes dilutes the original purpose of reservation, which was to uplift marginalized communities who faced socio-economic discrimination.

Sociologist Andre Béteille has criticized the extension of reservations to dominant castes, arguing that it undermines the original purpose of affirmative action, which is to uplift genuinely disadvantaged groups.

- **50% Cap:** The Supreme Court has imposed a 50% cap on reservations. Demands from dominant castes challenge this limit, leading to legal and political complications.
- **Political Manipulation:** Reservations are often used as a political tool to garner votes, leading to populist measures that may not address the real issues of backwardness.
- **Social Unrest:** The demand for quotas by dominant castes has led to social unrest and violence, as seen in the protests by Jats and Patidars.
- **Economic Criteria:** The introduction of economic criteria for reservation (e.g., EWS quota) has further complicated the reservation landscape, raising questions about the balance between economic and social backwardness.

D. WAY FORWARD

- **Holistic Review of Reservation Policies:** There is a need for a comprehensive review of reservation policies to ensure they address current socio-economic realities and are not merely politically motivated.
- **Focus on Economic Backwardness:** Introducing economic criteria for all reservations can help ensure that benefits reach the genuinely needy, regardless of caste.
- **Enhanced Enforcement of Creamy Layer:** Strengthening the implementation of the creamy layer exclusion within OBC reservations can help ensure that benefits reach the most disadvantaged sections.
- **Education and Skill Development:** Improving access to quality education and skill development programs can reduce the dependence on reservations and address the root causes of economic insecurity.
- **Legal and Constitutional Reforms:** Amendments to the Constitution and legal frameworks may be necessary to accommodate new realities and ensure that reservation policies are fair and just.
- **Public Awareness and Dialogue:** Encouraging public dialogue and awareness about the purpose and benefits of reservation can help mitigate social tensions and foster a more inclusive society.

The demand for reservations by dominant castes highlights the need for a nuanced approach to affirmative action in India. While addressing the genuine needs of economically and educationally disadvantaged sections, it is crucial to maintain the integrity and purpose of reservation policies. A balanced, inclusive approach that considers both social and economic factors can help create a more equitable society.

7. CONSTITUTIONAL REMEDIES UNDER ARTICLE 32

Article 32 of the Indian Constitution holds a pivotal role in safeguarding the fundamental rights of citizens. **Dr. B.R. Ambedkar** referred it as the "heart and soul" of the Constitution.

A. SIGNIFICANCE IN PROTECTING FUNDAMENTAL RIGHTS

- **Direct Access to Supreme Court:** Article 32 allows individuals direct access to the Supreme Court for swift justice. In **Maneka Gandhi vs. Union of India (1978)**, it expanded the understanding of personal liberty under Article 21.

VALUE ADDITION

- **Justice V.R. Krishna Iyer** highlighted the importance of Article 32 in maintaining the supremacy of the Constitution and providing a vital check against the misuse of power by the state.
- **Justice P.N. Bhagwati** stressed that Article 32 is a crucial element of the basic structure of the Constitution, essential for the preservation of democratic governance and the protection of individual freedoms.
- **Judicial Review:** Article 32 empowers the judiciary to review and invalidate actions infringing on fundamental rights. The **Kesavananda Bharati vs. State of Kerala (1973)** case emphasized its role in preserving the Constitution's "basic structure."
- **Enforcement Mechanism:** Article 32 ensures that fundamental rights are actionable. In **Bandhua Mukti Morcha vs. Union of India (1984)**, the Supreme Court addressed bonded labor issues, showcasing its enforcement power.
- **Foundation of Rule of Law:** Article 32 upholds the rule of law, ensuring everyone is subject to the law. **A.K. Gopalan vs. State of Madras (1950)** reinforced this by highlighting Article 32 as a fundamental right.
- **Empowerment of Citizens:** It empowers citizens to challenge violations and hold authorities accountable. **S.P. Gupta vs. Union of India (1981)** underscored this through Public Interest Litigations (PILs).
- **Safeguard Against State Excesses:** Article 32 acts as a check on state power. In **Vineet Narain vs. Union of India (1998)**, it directed the CBI to act independently, safeguarding against state excesses.

B. ISSUES WITH ARTICLE 32

B. ISSUES WITH ARTICLE 32

While Article 32 is crucial for protecting fundamental rights in India, it faces criticisms:

- **Excessive Judicial Intervention:** Some scholars argue that Article 32 leads to judicial overreach in executive or legislative matters. In the 2G Spectrum case (Centre for Public Interest Litigation vs. Union of India, 2012), the Supreme Court cancelled 122 telecom licenses, raising concerns about judiciary interference in policy domains.
- **Frivolous and Vexatious Petitions:** Direct access to the Supreme Court under Article 32 has resulted in frivolous petitions. For example, multiple petitions challenging the traditional bull-taming sport in the "Jallikattu" case were seen as frivolous and politically motivated, overburdening the court.
- **Centralization of Judicial Power:** Frequent use of Article 32 may undermine lower courts' authority, centralizing power in the Supreme Court. Prof. Upendra Baxi argued that Article 32 sometimes leads to judicial overreach. In the S.P. Gupta vs. Union of India (1981) case, the Supreme Court's direct involvement was criticized for bypassing High Courts, weakening lower courts' effectiveness.
- **Scope of Public Interest Litigation (PIL):** While PILs democratize access to justice, their broad scope under Article 32 raises concerns. In the Mumbai Mills case (Bharat Petroleum Corporation Ltd. vs. Mumbai Shramik Sangh, 2001), critics argued that issues of urban development and mill land use should be handled by urban planning authorities, not through PILs.

C. SUGGESTIONS TO MAKE ARTICLE 32 MORE EFFECTIVE

• PREVENTING JUDICIAL OVERREACH:

- **Define Boundaries:** Clearly delineate the boundaries of judicial intervention to avoid overstepping into the domains of the executive and legislature.
- **Judicial Restraint:** Encourage self-restraint among judges to respect the separation of powers.

• FILTERING FRIVOLOUS PETITIONS:

- **Screening Mechanism:** Implement a preliminary screening process to filter out frivolous or politically motivated petitions before they reach the Supreme Court.
- **Penalizing Misuse:** Impose penalties for filing frivolous petitions to deter misuse of Article 32.

• DECENTRALIZATION OF JUDICIAL POWER:

- **Strengthening Lower Courts:** Empower High Courts and lower courts to handle fundamental rights cases more effectively, reducing the burden on the Supreme Court.
- **Jurisdictional Clarity:** Ensure clarity on the jurisdiction of various courts to handle specific cases, avoiding over-centralization.

• SPEEDING UP JUSTICE DELIVERY:

- **Fast-Track Mechanisms:** Establish fast-track courts or dedicated benches for handling urgent fundamental rights cases to expedite justice.
- **Efficient Case Management:** Improve case management practices to reduce delays and ensure timely resolution of cases.

• REGULATING PUBLIC INTEREST LITIGATIONS (PILS):

- **Strict Guidelines:** Formulate strict guidelines for the admissibility of PILs to ensure they are used for genuine public interest and not for personal or political gains.
- **Focused PILs:** Encourage PILs that address systemic issues and broader societal concerns, rather than individual grievances.

• COLLABORATIVE GOVERNANCE:

- **Dialogue Between Branches:** Foster dialogue and collaboration between the judiciary, executive, and legislature to address systemic issues and uphold constitutional principles.
- **Feedback Mechanism:** Establish a feedback mechanism where the **judiciary can suggest improvements in laws and policies** to the executive and legislature based on their experiences in handling Article 32 cases.

Article 32 is integral to the Indian constitutional framework, ensuring that fundamental rights are not only guaranteed but also protected and enforced. It empowers the judiciary to act as the guardian of these rights, maintaining the balance of power between the state and individuals and promoting justice and equality in society.

FUNDAMENTAL DUTIES IN THE INDIAN CONSTITUTION

1. INTRODUCTION

Fundamental Duties are a set of **moral and ethical obligations** enshrined in **Part IV-A (Article 51A)** of the Indian Constitution. These duties were introduced by the **42nd Amendment Act in 1976**, inspired by the recommendations of the **Swaran Singh Committee**. The inclusion of Fundamental Duties was intended to emphasize that while citizens in a democratic society have rights, they also have responsibilities towards the nation's well-being and harmony.

2. REASONS FOR EXCLUSION OF FUNDAMENTAL DUTIES IN THE ORIGINAL CONSTITUTION

- **Deep-Rooted Concept of Dharma:** Dharma, meaning "right way of living," is ingrained in Indian society, implying that many duties are inherent without the need for legal enforcement.
- **Duties Implicit in the Preamble:** The Preamble expresses national aspirations and goals, suggesting that citizens should willingly perform their duties to achieve these goals.
- **Implied Duties through Fundamental Rights:** Fundamental Rights include implied duties essential for their realization, obligating citizens to perform corresponding duties.

However, the chapter on Fundamental Duties was added by the 42nd constitutional amendment.

3.

RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

Constitutional Foundations: Holistic Approach: The Indian Constitution enshrines Fundamental Rights to safeguard individual liberties and also outlines Fundamental Duties to ensure responsible conduct.

Correlating Duties: Rights and duties are interdependent, like two sides of a coin. They coexist in all spheres, including home, society, and nation. Rights are fully realized when citizens fulfil their corresponding duties, highlighting their mutual dependence.

Realizing Rights Through Duties: Fulfilling duties upholds social fabric and provides a moral basis to claim one's rights. The Constitution aims to create a harmonious society where rights are exercised responsibly.

Thus, Fundamental Rights and Fundamental Duties are intertwined, ensuring that individual liberties are balanced with collective responsibilities for the effective functioning of a democratic society.

Mahatma Gandhi in Hind Swaraj observed that **"Real rights are a result of the performance of duty"**. He held that **rights are present in duties in embryonic form**, when duties are performed it automatically gives rise to rights.

4.

SIGNIFICANCE OF FUNDAMENTAL DUTIES

H.R. Gokhale, the then Law Minister, emphasized that Fundamental Duties were incorporated to instil respect for the legal order, particularly during unrest before the Emergency in 1975. Some of the other arguments highlighting the significance are given below:

- **Participatory Governance:** Justice Kurian Joseph emphasizes the necessity of active citizen participation and responsibility in a democracy for its success.
- **Legal Interpretation:** Fundamental Duties, though non-enforceable, influence **legal interpretations and the constitutionality of laws**. Courts may consider these duties when interpreting statutes or assessing laws' reasonableness under Articles 14 and 19, linking rights and civic responsibilities.

- **Balancing Rights and Duties:** Fundamental Duties highlight the interconnection of rights and duties, promoting patriotism and national unity, reminding citizens of their responsibilities alongside their rights.
- **Socio-economic Revolution:** The 42nd Amendment Act aimed to facilitate socio-economic revolution by balancing individual freedoms with civic obligations.
- **Inspiration and Civic Commitment:** Fundamental Duties inspire citizens to be disciplined and committed, fostering a sense of active participation in achieving national goals like gender equality and education for all.
- **Political Consensus:** Despite numerous constitutional amendments post-Emergency, the retention of Fundamental Duties reflects broad political support and consensus on their importance.

Fundamental Duties emphasize the importance of balancing rights with responsibilities, encouraging active citizenship, and fostering national unity and socio-economic progress.

5.

ROLE OF JUDICIARY IN ENFORCING FUNDAMENTAL DUTIES

The judiciary plays a vital role in recognizing and enforcing Fundamental Duties, despite their non-enforceable nature. Key cases include:

- **AIIMS Students Union v. AIIMS (2001):** The Supreme Court emphasized that Fundamental Duties are as important as Fundamental Rights.
- **Mohan Kumar Singhania v. Union of India (1992):** Amendments to service rules highlighted the importance of training in line with Article 51A(j).
- **Vellore Citizens' Welfare Forum v. Union of India (1996):** The Court linked sustainable development principles to Article 21 and Article 51A(g), mandating environmental protection.
- **State of Punjab v. G.S. Gill (1997):** The Court urged public administrators to prioritize national interest over narrow considerations.
- **M.C. Mehta v. Union of India (1998):** Compulsory teaching on environmental protection was mandated under Article 51A(g).

- **S.N. Chouksey v. Union of India (2018):** The Court reinforced respect for the National Anthem as a citizen's duty.

Overall, while non-justiciable, Fundamental Duties guide judicial interpretation, influencing legislation and public policy.

6.

CRITICISM OF FUNDAMENTAL DUTIES

The inclusion of Fundamental Duties in the Indian Constitution has faced several criticisms:

- **Lack of Enforceability:** Fundamental Duties are not legally enforceable like Fundamental Rights, making them largely symbolic. Critics argue that this lack of enforceability undermines their significance.
- **Conflict with Religious Freedom:** Certain duties can conflict with religious beliefs. In *Bijoe Emmanuel v. State of Kerala*, the Court upheld the fundamental right to religious freedom for Jehovah's Witness children who abstained from singing the national anthem.
- **Subjectivity and Ambiguity:** Duties like "developing a scientific temper" and valuing "composite culture" are seen as vague and subjective, complicating the determination of violations.
- **Rajeev Bhargava**, in "**The Promise of India's Secular Democracy**," points out that the ambiguity in defining composite culture can lead to selective enforcement and interpretation, which might undermine the inclusivity intended by this duty.

Andre Beteille, in "**The Idea of Natural Inequality and Other Essays**," discusses that socio-cultural factors in India pose significant barriers to fostering scientific temper, highlighting the deep-rooted traditional beliefs and widespread illiteracy.

Non-Exhaustive List: The list of duties in Part IV-A is incomplete; for instance, duties such as tax payment and voting are absent, despite recommendations from the Swaran Singh Committee.

➤ **Legislative Intent:** Critics argue that the addition of Fundamental Duties during the Emergency was a reaction to the political climate, intended to assert government control over citizens and curb dissent.

Despite these criticisms, many believe that Fundamental Duties are essential for a robust democracy. The Supreme Court has acknowledged their importance, stating in *Minerva Mills v. Union of India* (1980) that Fundamental Duties complement Fundamental Rights and that the state has a duty to promote them.

7.

SUGGESTIONS TO STRENGTHEN IMPLEMENTATION OF FUNDAMENTAL DUTIES

➤ EDUCATION AND AWARENESS:

- **NCRWC:** Suggests the Union and State Governments sensitize citizens about Fundamental Duties.
- **Verma Committee:** Recommends displaying Article 51A in public spaces and broadcasting important messages on All India Radio and Door-darshan.

➤ INCLUSION OF MORE DUTIES:

- **NCRWC:** Proposes adding duties such as voting, paying taxes, and participating in governance.
- **Justice Kurian Joseph:** Suggests including duties to help accident victims, protect whistleblowers, keep premises clean, and raise voices against injustice.

➤ **OBSERVATION OF 2ND ARC:** The 2nd ARC states, "A vigilant citizenry, fully aware of its rights as well as its duties, is perhaps the best way to ensure that officials discharge their duties effectively and honestly."

➤ **COMMUNITY PARTICIPATION:** Encourage local initiatives focusing on environmental protection, promoting harmony, and respecting cultural heritage.

Strengthening the implementation of Fundamental Duties is vital for fostering civic responsibility, social cohesion, and ethical citizenship. These duties serve as the moral compass of the nation, reminding citizens that their responsibilities are as crucial as their rights in a thriving democracy.

DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)

1.

INTRODUCTION

The Directive Principles of State Policy (DPSP) in the Indian Constitution represent a set of **non-justiciable guidelines and principles for the government to follow**. They are **fundamental in shaping the social and economic framework** of the nation

- While they are not legally enforceable like Fundamental Rights, **DPSPs play a crucial role in governance**, reflecting the ideals of justice, equity, and welfare upon which the Indian state is built. These principles **aim to create a just and inclusive society** by directing the state in its policymaking.
- The DPSPs are enshrined in Part IV of the Indian Constitution, specifically **Articles 36 to 51**. A committee chaired by **B.R. Rajam** was responsible for **formulating the Directive Principles**. These principles were influenced by the **Directive Principles of Ireland**.

2.

SIGNIFICANCE OF THE DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)

According to **M C Setalvad**, the former Attorney General of India, the Directive Principles, although confer no legal rights and creates no legal remedies, are significant and useful in the following ways:

- **Upholding Constitutional Principles:** DPSPs serve as instruments of instructions to all authorities, ensuring cooperative federalism for citizens' welfare.
- **Judicial Guidance:** They assist courts in exercising judicial review, determining laws'

constitutional validity.

- **Complementing Fundamental Rights:** DPSPs fill the gap in Part III of the Constitution, fostering an environment for the enjoyment of Fundamental Rights.
- **Stability in Policies:** They provide continuity in domestic and foreign policies despite political changes.
- **Checks and Balances:** DPSPs enable the opposition to hold the government accountable, serving as a benchmark for performance.
- **Educative Value:** They promote constitutional awareness and inspire discussions, reflecting national ideals and balancing rights with societal duties.
- **Political Manifestos:** DPSPs offer a foundation for political parties to create inclusive election manifestos that prioritize long-term social well-being.

SCHOLAR'S VIEWS ON DPSP

- **Justice V.R. Krishna Iyer** viewed the DPSPs as a **guiding light for the judiciary** in interpreting laws and adjudicating cases to promote social justice, equity, and welfare.
- **Granville Austin** emphasized the DPSPs' role in shaping the government's socio-economic obligations, describing them as the **"conscience" of the Constitution**.
- **Dr. B.R. Ambedkar** considered the DPSPs as a **fundamental element of the Constitution**, crucial for achieving the social and economic transformation of Indian society.

3.

WIDENING SCOPE OF FUNDAMENTAL RIGHTS (FRs) VIS-À-VIS DPSPs

The Supreme Court has increasingly integrated Directive Principles into the interpretation of Fundamental Rights, enhancing their scope.

- **Integration of DPSPs into FRs:** The Court has affirmed that "Fundamental rights should be interpreted in the light of DPSPs." **Case Reference:** *Akhil Bhartiya Soshit Karmachari Sangh (Railways) vs. Union of India* (1981).

- **Socio-Economic Rights Recognition:** In *Olga Tellis Case (1985)*, the Court recognized the right to shelter as a fundamental right, impacting slum dwellers and exemplifying the advancement of social rights through civil rights.

Expansion of Article 21's Ambit: The right to life under Article 21 has been interpreted to mean "the right to live with dignity."

- **Significant Cases:** In *Mohini Jain vs. State of Andhra Pradesh* and *Unnikrishnan vs. State of Andhra Pradesh*, the Court linked these rights to the Directive Principles.

The Supreme Court's interpretations have effectively broadened Fundamental Rights to align with the ideals of DPSPs, promoting a more just society.

4.

CRITICISM OF DPSPs

Critics raise criticisms DPSPs on various grounds:

- **QUESTIONING INCLUSION IN THE CONSTITUTION:** Critics argue the Constitution should not include provisions that cannot be enforced. While DPSPs guide social justice, their practical implementation needs refinement.
- **VAGUE AND ILLOGICALLY ARRANGED:** **Dr. Jennings** and **Dr. Wheare** describe them as "generalities." **Prof. Srinivasan** notes the mix of outdated and modern ideas. Critics also argue many DPSPs, like **Article 41**, are vague and allow the State to justify non-performance.
- **IDEOLOGICAL SENTIMENTS:** **T. T. Krishnamachari** criticized them as a "dustbin of sentiments." While they reflect the ideals of leaders like Gandhi and Nehru, their constitutional inclusion is debated. **Example: Article 47** addresses the consumption of intoxicating substances, seen as non-essential for constitutional law.
- **CONSTITUTIONAL CONFLICT:** DPSPs may create conflicts between the Centre and States, and between different government branches (e.g., President and Prime Minister). **K. Santhanam** warns of possible conflicts arising from the Centre dismissing non-compliant state governments.
- **THREAT TO MINORITY INTERESTS: Uniform Civil Code (Article 44):** Critics argue that imposing majority laws could threaten minority cultures, leading to communal tensions.

Despite criticisms, DPSPs have the potential to influence social justice initiatives in India. Ongoing refinement and implementation can enhance their effectiveness.

5.

RELEVANCE OF DPSPs IN THE ERA OF LIBERALIZATION

The Directive Principles of State Policy (DPSPs) remain essential in the context of liberalization and globalization, providing a moral framework for governance and guiding policymakers toward a just society where economic growth benefits all segments.

- **Social Justice and Income Disparity Reduction:** DPSPs emphasize equitable resource distribution.

Example: The Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) offers rural employment, helping reduce income disparities.

- **Promotion of Equality and Affirmative Action:** DPSPs advocate for reducing inequalities and ensuring equal opportunities. **Example:** Reservations in education and jobs for Scheduled Castes and Scheduled Tribes reflect a commitment to social equality.

- **Education and Cultural Heritage:** DPSPs support free and compulsory education. **Example:** The Right to Education Act aligns with these principles, while preserving India's cultural heritage maintains its unique identity in a globalized world.

- **Public Health and Affordable Healthcare:** DPSPs stress the importance of public health and accessible healthcare. **Example:** Ayushman Bharat provides health insurance to millions, ensuring healthcare accessibility amidst globalization.

- **Agriculture and Rural Development:** DPSPs related to agrarian reform and village governance protect rural interests. **Example:** The National Rural Livelihood Mission empowers rural communities and reduces poverty.

- **Environmental Protection and Sustainable Development:** DPSPs guide policies for environmental conservation. **Example:** Initiatives like the National Clean Air Program and Swachh Bharat Abhiyan focus on environmental improvement.

- **Promotion of International Peace and Security:** DPSPs influence foreign policy decisions. **Example:** India's commitment to peaceful coexistence and active participation in international forums like the UN reflects these principles.

Thus, DPSPs serve as a crucial framework to ensure that economic growth and globalization contribute to social equity and environmental sustainability.

AMENDMENT PROCEDURE IN THE INDIAN CONSTITUTION

The amendment procedure under Article 368 holds critical importance in the Indian Constitution. It ensures a dynamic yet stable framework that allows the amendment procedure under Article 368 holds critical importance in the Indian Constitution. It ensures a dynamic yet stable framework that allows the Constitution to evolve with changing societal needs while safeguarding its core principles

1.

PROCEDURE UNDER ARTICLE 368

Article 368 outlines two procedures for amending the Constitution:

1. Amendment by Special Majority:

- **Special Majority:** Requires more than 50% of the total membership of each House and a two-thirds majority of members present and voting.
- **No Joint Sitting:** There is no provision for a joint sitting of both Houses.
- **Presidential Assent:** The President must give assent to the bill and cannot withhold it.

2. Amendment by Special Majority and State Consent:

- **Federal Provisions:** Certain provisions affecting states require ratification by at least half of the state legislatures in addition to a special majority in Parliament. Examples include **amendments impacting the Seventh Schedule** and the election of the President.

Amending critical features of the Constitution requires broad consensus and, in some cases, state participation, ensuring that the Constitution evolves responsibly without easy tampering.

2.

NATURE OF AMENDMENTS IN INDIA

The constitutional amendments in India can be classified based on their purpose and nature. Here are the main categories:

- **Administrative/Technical Amendments:** These amendments are procedural or technical,



addressing specific administrative needs without altering core constitutional principles

- **Example:** Extending reservations for Scheduled Castes and Scheduled Tribes (SC/ST) every ten years to ensure ongoing support and representation in legislative bodies.
- ◉ **Overruling Judiciary:** Some amendments aim to counter judicial decisions that the legislature finds disagreeable, restoring original legislative intent.
 - **Example:** The 77th Amendment (1995) added Article 16(4A), allowing reservations in promotions for SC/ST employees, responding to the Supreme Court's ruling in the Indira Sawhney case, which restricted such reservations.
- ◉ **Immediate Circumstances:** Certain amendments arise from pressing socio-political or economic conditions requiring swift legislative action.
 - **Examples:** The **52nd Amendment (1985)** introduced the anti-defection law to curb political defections and **73rd Amendment (1992)** instituted Panchayati Raj institutions to promote local self-government.
- ◉ **Political Reasons:** Some amendments are motivated by political considerations, aiming to fulfill electoral promises or gain political advantage.
 - **Example:** The 103rd Amendment (2019) provided for a 10% reservation for economically weaker sections (EWS) in government jobs and educational institutions, addressing economic disparities and seeking support from disadvantaged groups.

These classifications highlight the diverse motivations behind constitutional amendments, ranging from administrative needs to political strategies, all of which play a significant role in shaping governance in India.

3.

CRITICISM OF AMENDMENT PROCEDURE IN INDIA

The amendment procedure has been criticised by the experts on following grounds:

Issues with the Constitutional Amendment Process in India

- ◉ **No Special Amendment Body:** India lacks a specialized body, like the U.S. Constitutional Convention, for discussing amendments. **Dr. Subhash C. Kashyap** argues this limits diverse

inputs, leading to a narrow focus influenced by immediate political contexts.

- ◉ **Parliament's Sole Authority:** Only Parliament can propose amendments, centralizing power and excluding states from initiating changes. According to Granville Austin, this centralization undermines India's federal structure by not adequately reflecting state interests.
- ◉ **No Joint Sitting for Deadlocks:** There is no provision for a joint sitting of both Houses to resolve deadlocks on constitutional amendment bills, potentially stalling important changes. H.M. Seervai believes that the lack of a deadlock resolution mechanism hinders timely amendments, affecting governance and legal clarity.
 - **Similarity to Legislative Process:** The amendment procedure closely resembles the legislative process, requiring only a special majority. According to **Nani Palkhivala**, this similarity fails to provide a robust framework to protect the Constitution from frequent and frivolous changes, compromising its stability.

Despite these issues, the amendment process effectively adapts to changing needs, balancing flexibility and rigidity. **Pandit Jawaharlal Nehru** noted, "while we want this Constitution to be as solid and permanent as we can make it, there is no permanence in a Constitution... there should be a certain flexibility."

BASIC STRUCTURE DOCTRINE

The "**basic structure doctrine**" of the Indian Constitution, as articulated by the Supreme Court, asserts that certain fundamental features of the Constitution cannot be altered or destroyed through parliamentary amendments. This doctrine, not explicitly stated in the text of the Constitution, was expounded in the landmark **Kesavananda Bharati case** in 1973.

1.

EVOLUTION OF BASIC STRUCTURE DOCTRINE

CASE	JUDICIAL RULING/ DECISION
Champakam Dorairajan vs. State of Madras (1950)	Amendments cannot override Fundamental Rights unless explicitly stated.

	Government's Response: The First Amendment Act, 1951, introduced Article 31A and Article 31B, creating the Ninth Schedule to protect certain laws from judicial review.
Shankari Prasad vs. Union of India (1951)	Validated the First Amendment, indicating no limitations on Parliament's power to amend the Constitution.
Golaknath Case (1967)	Amendments cannot abridge Fundamental Rights; the doctrine of prospective overruling was applied for the first time.
Kesavananda Bharati Case (1973)	Validated the 24th and 25th Amendments but introduced the Basic Structure Doctrine, limiting Parliament's power to amend essential features of the Constitution.
Minerva Mills Case (1980)	Clauses 4 and 5 of Article 368 were declared null and void, reinforcing the Basic Structure Doctrine. Significance: Ensured Parliament cannot destroy core principles of the Constitution.
I.R. Coelho vs. State of Tamil Nadu (2007)	Amendments that destroy the identity of the Constitution are void, emphasizing the foundational nature of the Basic Structure.

Granville Austin argued that the **basic structure doctrine** ensures the supremacy of the Constitution, protecting its core values against transient political changes. He describes it as an essential mechanism to safeguard democratic integrity and the foundational ethos of the Constitution.

Upendra Baxi suggests that the **doctrine acts as a judicial check on majoritarian impulses**, ensuring that fundamental rights and the ethos of constitutional democracy are preserved.

2. SIGNIFICANCE OF THE DOCTRINE

- **Safeguarding Constitutional Integrity:** Protects the fundamental principles and values of the Constitution, ensuring stability and continuity.

liberties and human rights.

- **Balance of Powers:** Maintains a balance among government branches, preventing excessive parliamentary encroachment and ensuring healthy democracy.
- **Judicial Activism and Interpretation:** Encourages judicial activism, allowing for flexible constitutional interpretation and adaptability to evolving societal needs.

2. IMPORTANT CASE LAWS:

- **Minerva Mills Case (1980):** The Supreme Court applied the basic structure doctrine to strike down certain provisions of the 42nd Amendment, which were deemed to violate the principles of limited government and separation of powers. Thus, the ruling reinforced the Basic Structure Doctrine, declaring certain clauses of Article 368 null and void.
- **National Judicial Appointments Commission (NJAC):** The proposed amendment to establish the NJAC was struck down as it was seen as undermining the independence of the judiciary, hence violating the basic structure.
- **I.R. Coelho vs. State of Tamil Nadu (2007):** Affirmed that amendments destroying the Constitution's identity are void.

4. CRITICISM OF THE DOCTRINE

- **Judicial Overreach:** Critics argue it grants excessive power to unelected judges, limiting the authority of elected representatives.
- **Lack of Clarity:** The doctrine lacks precise definition, leading to subjective interpretation and uncertainty in constitutional amendment challenges.
- **Political Controversy:** Invalidating amendments on basic structure grounds can create political polarization and hinder legislative processes.
- **Potential Rigidity:** Critics contend it restricts flexibility, making it difficult to adapt the Constitution to evolving circumstances and emerging needs.
- **Political Interference:** Critics like Arun Jaitley have termed it the "tyranny of the unelected," suggesting that it allows the judiciary to override the will of the democratically elected legislature.

The Basic Structure Doctrine is crucial for maintaining the integrity and core principles of the Indian Constitution. While it acts as a safeguard against potential excesses by the legislature, ensuring that fundamental rights and democratic values are upheld, it also faces criticism for possibly enabling judicial overreach. Balancing the doctrine's application with respect for parliamentary sovereignty remains an ongoing challenge in India's democratic framework.

JUDICIAL REVIEW

Judicial review is the **authority of the courts to examine the constitutionality of actions** taken by government organs and declare them unconstitutional if they contradict or violate the core principles of the Constitution.

- **Article 13** of the Indian Constitution **empowers the judiciary to review acts of parliament and executive actions**. This doctrine is fundamental to ensuring the rule of law in democratic nations.

Judicial review involves:

- **Interpreting the provisions** of the Constitution.
- **Nullifying any laws** or administrative actions that are inconsistent with the Constitution.
- **Upholding constitutionalism**, maintaining checks and balances, and protecting fundamental rights.

In nations with written constitutions, courts interpret not only ordinary laws but also the Constitution itself. The judiciary acts as the supreme interpreter and guardian of the Constitution, maintaining neutrality unlike the political bodies of the executive and legislature.

The **doctrine of judicial review originated in America** through the landmark **case of Marbury v. Madison**. This concept has been integral to Indian jurisprudence as well, supported by various constitutional provisions and judicial precedents.

1.

CONSTITUTIONAL PROVISIONS SUPPORTING JUDICIAL REVIEW

- **Article 13:** Declares any law contravening the Fundamental Rights as void.
- **Articles 32 and 226:** Entrust the Supreme Court and High Courts with the roles of protector and guarantor of fundamental rights.

- **Articles 131-136:** Empower the courts to adjudicate disputes involving individuals, states, and the union, with Supreme Court interpretations becoming binding law.
- **Article 137:** Grants the Supreme Court the special power to review any judgment or order it has made.

2.

JUDICIAL REVIEW IN INDIA: CASE LAWS

Several landmark judgments have shaped judicial review in India:

- **1. L. Chandra Kumar v. Union of India:** Recognized the judicial review power of the High Court and the Supreme Court under Articles 226 and 227.
- **2. Kesavananda Bharati v. State of Kerala:** Emphasized the importance of judicial review, stating that it is an integral part of the Constitution.
- **3. Indira Gandhi vs. Raj Narain:** Established that judicial review is a basic structure of the Constitution.

3.

THEORETICAL APPROACHES TO JUDICIAL REVIEW

- **Traditional Approach:** Courts should only expound existing law and not create new laws (Literal/Legal interpretation). Example: AK Gopalan Case.
- **Contemporary Approaches:** Constitutions should be seen as "living documents," and courts should interpret laws according to the changing needs of society (Liberal approach). **Example:** Maneka Gandhi Case (Purposive and creative interpretation).

4.

SIGNIFICANCE OF JUDICIAL REVIEW

- **Protection of Individual Liberty and Human Rights:** Judicial review serves as a crucial remedy against the arbitrary exercise of powers, especially under special statutes dealing with terrorism and emergencies, ensuring that individual liberties and human rights are protected.
- **Check on Executive Power:** By providing oversight over the executive's use of extraordinary powers, judicial review prevents potential abuses during crises, maintaining a balance of power.

- **Historical Lessons:** The adverse impacts of past emergencies, such as the 1975 Emergency in India, highlight the importance of judicial review in upholding civil liberties and preventing the misuse of emergency provisions.
- **Development of Legal Principles:** Judicial review contributes to the evolution of law by interpreting and upholding constitutional rights. Key judgments, such as those addressing the suspension of fundamental rights, have shaped the legal landscape.
- **Educational and Research Significance:** The need for robust legal education and research underscores the role of judicial review in fostering a deeper understanding of constitutional principles and ensuring quality legal scholarship.
- **Rectification of Judicial Errors:** Judicial review allows for the correction of past judicial errors, exemplified by the Aadhaar case rectifying the judicial error in the ADM Jabalpur case, ensuring that fundamental rights are recognized and upheld.
- **Preservation of Democratic Values:** By providing a system of checks and balances, judicial review upholds the core democratic values enshrined in the Constitution, ensuring that no single branch of government becomes too powerful.

5. CRITICISM OF JUDICIAL REVIEW

- **Judicial Overreach:** Judicial review grants unelected judges significant power to strike down laws enacted by elected representatives, potentially undermining the democratic process and leading to judicial overreach.
- **Arbitrary Exercise of Power:** The extensive delegation of powers under special statutes to deal with terrorism and other extraordinary situations can lead to the arbitrary exercise of power, endangering individual liberties and human rights.

Historical Precedents: Instances like the ADM Jabalpur case highlight past judicial errors where the judiciary upheld the suspension of fundamental rights during emergencies, reflecting the risks associated with judicial review.
- **Impact on Governance:** The invalidation of constitutional amendments and laws through judicial review can lead to political controversy and polarization, affecting the smooth functioning of the legislative process and governance.

- **Delayed Justice:** Judicial review can be time-consuming and expensive, potentially delaying justice, especially when urgent policy measures are needed.
- **Lack of Accountability:** Judges, appointed through a collegium system, are not directly accountable to the public, raising concerns about the lack of accountability in the judiciary.

The Supreme Court has consistently upheld that **judicial review is a basic structure** of the Constitution (**Kesavananda Bharati** and **Minerva Mills** cases). Despite attempts by the government to curtail this power (24th and 42nd Amendment Acts), judicial review remains a robust and institutionalized part of the Indian legal system.

SECULARISM

Like all concepts in politics, secularism also remains a **contested concept**. The modern idea of secularism is European in origin. Secularism in Europe is based on the experience of the 30-year war. It is said that secularism is **child of Christianity** and **product of modernity**.

ASPECT	DETAILS
SECULARISM: CHILD OF CHRISTIANITY	
Protestant Movement	- Represented a reform movement within Christianity - Symbolized the rolling back of religion from the public sphere - Led to the privatization of God, confining religion to the personal sphere
Secularization	- The process of removing religion from public domains like education and business (Defined as the rolling back of religion from public life).
SECULARISM: PRODUCT OF MODERNITY	
Rise of Nation-State	- Modernity led to the emergence of the nation-state (a new rational basis for solidarity was needed to maintain peace and harmony).
Secular Nationalism	- In European countries, secular nationalism became the basis for solidarity.

	-Modernity required a secular state to foster universal citizenship and a Uniform Civil Code
Overlap with Democratic Values	- Secularism aligns with the principles of democracy, rights, liberty, justice, and human dignity.

VALUE ADDITION: T.N. MADAN'S PERSPECTIVE

- Argued that **secularization** is a prerequisite for successful secularism and South Asian societies remain deeply religious.
- Suggested that without reform movements like those in Christianity, politics and state in these regions may not remain secular.

1. EVOLUTION OF WESTERN SECULARISM

Some western thinkers collectively contributed to the foundation of Western secularism by promoting the separation of religious and political authority, advocating for the subordination of religious institutions to the state, and emphasizing individual religious freedom.

➤ Machiavelli:

- Advocated for the **separation of state and church** to maintain political stability.
- Emphasized that political authority should be independent of religious influence to ensure effective governance.

➤ Hobbes:

- Proposed that the **church should be subordinate to the state**.
- In his work "**Leviathan**," he argued that a strong central authority was necessary to avoid chaos, and religious institutions should not interfere with political matters.

➤ John Locke:

- Championed the principles of religious tolerance and freedom of conscience.
- His ideas laid the groundwork for modern secularism by advocating that individuals should have the freedom to practice their religion without state interference.

2. TYPES OF SECULARISM

- 1. Negative Secularism:** It refers to a strict approach that limits or excludes religious elements from public life and state activities, aiming for a neutral or non-religious public sphere. State is absent here.
- 2. Positive secularism:** If state is present then state has to **approach all the religions equally** so that person from any religion should not feel discriminated. In this, state follows the **policy of equidistant**.

3. INDIAN MODEL OF SECULARISM

One of the **earliest works** on the model of Indian secularism is attributed to **D.E. Smith's India a Secular State (1962)**. He held that India has few features of the secular state and not all the features.

According to **D. E. Smith**, the **essential features of a secular state** are:

- Freedom of Religion enjoyed by the citizens,
- Universal Citizenship, and Right to Equality,
- Separation between Religion and State.

SMITH'S OBSERVATIONS ON INDIAN SECULARISM

- Lack of Separation:** In India, the separation between religion and state is missing.
- Fragile Secularism:** Secularism's success is fragile due to the predominance of Hindus (80% of the population).
- Proactive Minorities:** Minorities must be organized and proactive to maintain secularism.
- Custodians of Secularism:** Minorities are seen as custodians of Indian secularism.
- Risk of Majority Influence:** Without minority vigilance, the state may incline towards the majority religion.



MARK GALANTER'S CRITIQUE OF SMITH'S THESIS

- **European Model Influence:** Smith's approach is heavily influenced by the European model of secularism.
- **Need for Unique Analysis:** Analysis of India as a secular state should be **based on the uniqueness of the Indian model**, not European standards.

4. UNIQUENESS OF THE INDIAN MODEL OF SECULARISM

Professor Rajiv Bhargava describes the Indian model of secularism as a politically negotiated model, emerging under specific historical circumstances and reflecting political bargaining among various social groups. This model was shaped by the ideas of leaders like Nehru, Gandhi, and Ambedkar.

- **Nehru** advocated religious neutrality, reflected in Article 15 of the Indian Constitution.
- **Gandhi** emphasized communal harmony and could not accept the separation between religion and politics. He viewed religion as ethics and promoted the **spirit of tolerance—Sarva Dharma Sambhava**, reflected in Article 25.
- **Ambedkar** believed secularism was based on democracy—'**one man, one value.**' He advocated constitutional guarantees for minority protection, reflected in **Articles 29 and 30.**

FEATURES OF THE INDIAN MODEL OF SECULARISM (RAJIV BHARGAVA)

Rajiv Bhargava's Indian model of secularism emphasizes a pragmatic, context-specific approach, balancing state and religion to foster communal harmony and respect religious pluralism. He has given **7 features of Indian model of secularism.**

- 1. State is **not identified by a particular religion**, but state is not entirely against the public character of religion. For example, religious practices and rituals are observed in the practice of the state, like during the inauguration of any public infrastructure like bridge, etc.

- 2. There are **no strict boundaries** (porous boundary), this means that the state creeps into religion and religion come inside the state.
- 3. **No active hostility** like communist countries; **no passive indifference.**
- 4. The Indian model is substantive, based on democracy, liberty, equality, fraternity, and human dignity.
- 5. Indian model is **context specific, politically negotiated.**
- 6. Indian secularism is not based on any over-arching idea. It means **opportunistic** (open ended—anything can be regarding as secular when context emerged).
- 7. Religion is present in the foundation of the state. It means that the **state symbols are not free from religion.** For instance, Buddhism has privilege over other religions in state symbols.

VALUE ADDITION

According to Rajiv Bhargava, there are three basic model of secularism:

- **A. Strict neutrality** example France
- **B. Ultra procedural**—USA (The USA constitution has an **anti-establishment** clause. It prevents the federal and state government to declare any religion as a state religion/official religion.)
- **C. Substantive model**—It is based on the values of democracy like liberty, equality, fraternity and human dignity.

5. CRITICISM OF THE INDIAN MODEL OF SECULARISM

- **Hindu Rightist Critique:** Figures like **Arun Shourie and Advani** criticize the model as '**pseudo-secular,**' implying minority appeasement. They argue for equal citizenship without special religious rights and advocate for the Uniform Civil Code.
- **Pratap Bhanu Mehta** describes the **principled distance model as asymmetrical**, arguing that it legitimizes vote bank politics and leaves all communities feeling insecure.
- **Romila Thapar** believes the current model is weak and unable to counter rising communalism, calling for a bolder secularism.

CONSTITUTIONAL MORALITY: A FRAMEWORK FOR GOVERNANCE IN INDIA

Constitutional morality refers to adherence to the core principles and values enshrined in a constitution, encompassing the spirit and ethics underlying a constitution. It promotes principles like justice, equality, liberty, and the rule of law. In the Indian context, **Dr. B.R. Ambedkar**, the principal architect of the Indian Constitution, emphasized the importance of constitutional morality as a foundation for a just and democratic society.

AMBEDKAR'S CONCEPT OF CONSTITUTIONAL MORALITY

- **Drawing from George Grote:** Ambedkar's idea is influenced by Greek historian George Grote. Grote defined constitutional morality as "paramount reverence" for constitutional forms, enforcing obedience to authority within these forms, and open speech with legal controls. Grote deemed it essential for a free and peaceful government.
- **Ambedkar in Constituent Assembly:** In his speech, Ambedkar explained that constitutional morality involves **adherence to constitutional principles by all elements of society**, including those in positions of power, political parties, pressure groups, and civil society.
- **Adherence to Constitutionalism:** Ambedkar equated constitutional morality to adherence to constitutionalism, arguing that for the constitution to endure, there must be a commitment to follow its principles consistently.

THE NEED FOR CONSTITUTIONAL MORALITY IN INDIA

- **HISTORICAL CONTEXT: AMBEDKAR'S "GRAMMAR OF ANARCHY"**
 - **Lack of Unity:** Ambedkar highlighted India's historical internal disunity and self-interest over collective good, leading to colonial subjugation.

IMPORTANCE OF NURTURING CONSTITUTIONAL MORALITY

- **Cultivating Constitutional Morality:** Ambedkar believed that constitutional morality is not natural and must be cultivated. The constitution provides a legal framework, but it is not sufficient by itself. Developing the necessary attitudes, dispositions, and sentiments for its survival is essential.
- **Self-Restraint and Avoiding Slavery:** At the heart of constitutional morality is self-restraint. Ambedkar emphasized that this is the only way to avoid slavery and revolution. Observing constitutional methods for achieving the resolution of claims and strictly avoiding direct actions that disrupt social order is crucial.

RECENT JUDGMENTS ON CONSTITUTIONAL MORALITY

- **Justice K.S. Puttaswamy (Retd.) vs. Union of India (2017):** The Supreme Court of India affirmed the **right to privacy as a fundamental right** derived from constitutional morality. The judgment underscored the importance of protecting individual autonomy to uphold constitutional values.
- **Navtej Singh Johar vs. Union of India (2018):** The Supreme Court decriminalized consensual same-sex relations, highlighting **constitutional morality and LGBTQ+ rights**. The judgment aimed to eliminate discrimination based on sexual orientation, reinforcing the constitutional principles of equality and dignity.
- **Sabarimala Temple Entry Case (2018):** The Supreme Court ruled that women of all ages could enter the Sabarimala temple, **overturning the practice of barring menstruating women**. The judgment invoked constitutional morality, gender equality, and individual rights, asserting that traditions must not contravene fundamental constitutional principles.

CRITICISM OF CONSTITUTIONAL MORALITY

- **Manu Singhvi** in his book "**The Trenches**," he argues that the subjectivity of constitutional morality can be harmful.
- **K.K. Venugopal** the Attorney General of India likened it to another divisive dogma similar to the "**Basic Structure**" doctrine.
- **Tushar Mehta** the Solicitor General of India viewed it as a dangerous theory that could turn the judiciary into a "**Third Chamber**."

Constitutional morality is essential for sustaining democracy, justice, and equality in India. It emphasizes adherence to the Constitution's ethical principles, fostering rational discourse, pluralism, and rejecting authoritarianism, thereby ensuring the nation's continued progress and harmony.

UNIT 4: PRINCIPAL ORGANS OF THE UNION AND STATE GOVERNMENT

SYLLABUS– Union Government: Envisaged role and actual working of the Executive, Legislature, and Supreme Court; State Government: Envisaged role and actual working of the Executive, Legislature, and High Courts

PREVIOUS YEAR QUESTIONS

Union Government: Envisaged role and actual working of the Executive, Legislature, and Supreme Court

- Do you agree that over the years the Supreme Court has become a forum for policy evolution? Justify your answer. (2023)
- The Speaker represents the freedom and dignity of the House. Examine. (2022)
- The role of the President of India becomes more significant during a minority government and a coalition government. Explain. (2021)
- Examine the evolution of the jurisdiction of the Supreme Court of India as a Constitutional Court. (2021)
- Has the thrust of the government tilted towards the executive in contemporary Indian Politics? Give your arguments. (2020)
- The Prime Minister's Office (PMO) has emerged as the most powerful institution in India. Discuss. (2019)
- Differentiate parliamentary supremacy from parliamentary sovereignty. Would you consider the Indian Parliament as a Sovereign Parliament? Examine. (2017)
- How is the President of India elected? Outline the salient characteristics of the electoral college of the Indian President. (2017)
- Decline of Indian Parliament. Comment. (2013)
- Analyse the position of the Prime Minister of India in a coalition regime. (2013)

State Government: Envisaged role and actual working of the Executive, Legislature, and High Courts

- The Legislative Council is a house without any effective powers. Comment. (2022)

- Do the Lieutenant Governors have more powers than the Governors of the States? Explain. (2018)
- Critically examine the role of the Governor in recent times. (2016)
- Critically analyse the discretionary powers granted to the Governor by the Indian constitution. (2015)
- In normal conditions, the Governor is a constitutional executive but in case of constitutional crisis, he can become a powerful and effective executive. Discuss. (2011)

1.

UNION PARLIAMENT

The founding fathers of the Constitution envisioned Parliament as **a means to ensure the social, political, and economic transformation** of the nation.

The **Parliament is the legislative organ** of the Union government, occupying a pre-eminent position in India's democratic political system due to the adoption of the parliamentary form of government, also known as the '**Westminster**' model.

A. FEATURES OF PARLIAMENTARY FORM OF GOVERNMENT

- Executive Accountability:** The executive is **accountable to Parliament** and stays in office as long as it enjoys its confidence.
- Primus Inter Pares:** The Prime Minister is the '**first among equals**' in the cabinet.
- Cabinet System:** The cabinet is the **nucleus of power** in a parliamentary system.
- Interdependence:** The legislature and executive share powers and depend on each other.
- Post-Election Process:** After a general election, the President appoints the Prime Minister and nominates the Council of Ministers or Cabinet.

VALUE ADDITION

➤ **Mahatma Gandhi: Against the Parliamentary System**

In his book "**Hind Swaraj**," Gandhi expressed **disdain for the parliamentary system, favouring self-sufficient and non-hierarchical socialist villages** functioning as units of direct democracy.

In Support for the Parliamentary System

Jawaharlal Nehru: Supported the parliamentary

- system for its method of argument, discussion, and deliberation, crucial for a diverse polity like India.

B.R. Ambedkar: Ambedkar believed that the

- Indian villages were a form of ghetto. A ghetto which is well knitted based on the caste system and where the Hindu social order can flourish well. He **preferred the parliamentary system for its emphasis on responsibility over stability**, ensuring interdependence, collaboration, and diverse representation

B. REASONS FOR ADOPTING THE PARLIAMENTARY SYSTEM

- **Familiarity:** The system was familiar due to its operation **during British rule**.
- **Responsibility over Authority:** Ambedkar emphasized the preference for a responsible government.
- **Prevention of Authoritarianism:** The parliamentary system was seen as **less prone to authoritarianism** compared to the presidential system.
- **Accommodation of Diversity:** The system offers greater representation to various sections, interests, and regions in the government.
- **Checks and Balances:** The presence of a **Parliamentary Opposition** maintains a check on the actions of the ruling government.

C. ROLE AND FUNCTIONS OF PARLIAMENT IN INDIA

- **Legislative Functions:** The primary function of Parliament is to enact laws.

Both houses participate in the legislative process, although the Lok Sabha has a more dominant role in financial legislation. Parliament legislates on subjects enumerated in the Union List, Concurrent List, and, under certain circumstances, the State List of the Constitution.

- **Representation:** Parliament represents the people of India. Members of Lok Sabha are directly elected by the people, ensuring their representation in the legislative process. MPs express the will of the electorate and bring their issues and concerns to the national forum.
- **Control and Oversight:** Parliament exercises control over the executive branch, ensuring accountability and transparency in governance through:

- **Question Hour:** MPs question ministers about their ministries' work and policies.

- **Motions and Debates:** Through motions and debates, Parliament scrutinise government policies and actions.

- **Committees:** Various parliamentary committees examine specific issues, legislation, and government spending in detail.

- **Financial Functions:** The Parliament has significant control over the country's finances, like:

- **Budget Approval:** The annual budget is presented by the government in the Lok Sabha and must be approved by Parliament.

- **Grants and Taxation:** No taxes can be levied or collected, and no money can be withdrawn from the Consolidated Fund of India without parliamentary approval.

- **Deliberative Functions:** Parliament is a forum for discussing various national and international issues. Members deliberate on critical national policies and legislation. It provides a platform for discussing public grievances and resolving them.

- **Electoral Functions:** Parliament participates in the election of the President and Vice President of India.

Amending the Constitution: As a Constituent Assembly, Parliament plays a role in the process of constitutional amendments. Parliament can initiate constitutional amendments that require a special majority.

➤ **Judicial Functions:** Parliament can exercise judicial functions in certain scenarios, like:

- **Impeachment:** Parliament has the authority to impeach the President, judges of the Supreme Court and High Courts, and other constitutional functionaries.

D. APPREHENSIONS OF SCHOLARS

Morris Jones in his book “**Parliament in India**” gave following reasons for his apprehension against the working of parliamentary democracy

1. **Western Origin:** The system was **not indigenous**.
2. **Lack of Experience:** India lacked experience with **modern democratic traditions**.
3. **Diversity:** Managing India's linguistic, ethnic, and religious differences was seen as challenging.
4. **Multi-Party Instability:** The multi-party system could lead to **unstable coalition** governments.
5. **Social Cleavage:** Social divisions could result in adversarial rather than **consensual democracy**.

However, despite the challenges and criticism, **Shankar and Rodrigues** in “**The Indian Parliament: Democracy at Work**” argue against the “parliamentary decline thesis” and establish that it has been a successful representative body. The Indian Parliament has aided the process of “broadening and deepening of democracy”.

E. STAGES OF THE EVOLUTION OF INDIAN PARLIAMENTARY DEMOCRACY

Shankar & Rodrigues in their book “**The Indian parliament: A democracy at work**” has identified -3 stages in the evolution of parliament.

Phase I: Until the 1960s (Nehruvian Phase)

- **Stability and Dominance:** **Bipan Chandra** notes that the Congress party, under Nehru's leadership, maintained a stable majority, fostering effective decision-making. **Example: Ninth Schedule** was added to **protect the land reforms** demonstrated Parliament's effectiveness.
- **Shared Vision of Nation-building:** **Granville Austin** emphasizes that the Western-educated elite shared a common vision of using Parliament for transformative nation-building.

➤ **Shared Political Culture:** **Rajni Kothari** observes that a shared political culture among politicians promoted cooperation and commitment to democratic values.

Parliamentary Hegemony: **M. S. Swaminathan** highlights Parliament's hegemonic role, which enabled it to implement key policy measures for social justice and development.

Phase 2: 1970s Onwards (Disillusionment with Parliamentary Democracy)

- **Disillusionment and Geopolitical Challenges:** **Upendra Baxi** points to the disillusionment that set in after Nehru's death, compounded by geopolitical challenges such as the wars with China (1962) and Pakistan (1971). **Example:** The 1971 war led to significant parliamentary debates on India's foreign policy.
- **Emergence of New Social Dynamics:** **Jagdish Bhagwati** notes that the Green Revolution created new social groups, necessitating Parliament's adaptation to address their concerns.
- **Erosion of Legitimacy:** **Pratap Bhanu Mehta** highlights the loss of legitimacy and political turbulence during the Emergency (1975-1977), showcasing the vulnerability of democratic institutions. **Example:** The Emergency period demonstrated the fragility of democratic frameworks.
- **Rise of Social and Regional Movements:** **Rajni Kothari** observes that the rise of social movements and regional political forces in the 1970s challenged the traditional dominance of Parliament.

Phase 3: 1990s Onwards (Greater Decline of Parliamentary Democracy)

In the words of **former Vice President Hamid Ansari**, Parliament has become a “**federation of anarchy**” since debates have become rare and informed debates have become rarer. Further, ruling and opposition parties meet as warring groups.

- **Decline in Parliamentary Effectiveness:** The period from the 1990s onwards is marked by a significant decline in the effectiveness and perception of Parliament due to several factors:

- **Intensified Multi-Party Competition:** The competition among numerous political parties became more intense, leading to fragmented politics.
- **Increased Role of Identity Politics:** The influence of caste, religion, and local factors in politics increased.
- **Coalition Instability:** Frequent formation and dissolution of coalition governments led to political instability.
- **Issues with Political Defections:** The problem of political defections became more pronounced.
- **Impact of Globalization:** The effects of globalization on Indian politics and policies became more evident.
- **Civil Society's Rising Influence:** There was a greater assertion by civil society groups in political discourse.
- **Judicial Activism:** Increased judicial activism and intervention in parliamentary matters became prominent.
- **Obstructive Opposition:** The opposition's role in parliamentary proceedings often became destructive.
- **Negative Media Representation:** Negative portrayal by the media damaged the image of Parliament.
- **Criminalization of Politics:** The rising influence of criminal elements in politics further tarnished the institution's reputation.

Further, on the basis of World Bank's 6 parameters (Financial accountability, compliance with rules, efficiency, effectiveness, relevance and sustainability) for evaluation of working of legislature, the performance of Parliament in India is far from satisfactory.

However, despite all the unfavourable scenarios, Parliamentary democracy has survived in the country. It is said that Indian democracy is becoming more mature. Yet we need to undertake critical institutional reforms like **electoral reforms** (considered as **the mother of all reforms**), **decriminalisation of politics**, **accountability of the Parliamentarians**, etc. to arrest the decline of parliamentary democracy in India.

F. DECLINE OF PARLIAMENT

The decline of Parliament refers to the perceived erosion of its effectiveness, authority, and role as a representative body in the democratic process. This decline undermines the fundamental purpose of Parliament to deliberate, debate, and pass legislation, thereby diminishing its ability to reflect the will of the people and oversee the performance of the executive.

INDICATORS AND EXAMPLES OF DECLINE OF PARLIAMENT

- **Disruptions and Conflict:** Persistent disruptions and conflict in parliamentary proceedings, such as the Budget Session 2023 saw Lok Sabha function for only 33% and Rajya Sabha for 24% of scheduled time.
 - **Venkaiah Naidu:** "Good governance needs good legislatures to oversee the performance of the executive."
- **Reduced Sitting Days:** The average number of days Parliament sits has significantly decreased from 120 days (1952-1972) to 58 days per year in the Seventeenth Lok Sabha (2019-2023).
 - **Note:** The British Parliament sits for an average of 150 days, while the US Congress clocks over 100 days each year.
- **Decreased Productivity:** Productivity (actual working hours) has declined from over 100% in the Twelfth Lok Sabha to 61% in the Fifteenth Lok Sabha.
- **Lack of Debate:** Many bills, including controversial ones, are passed without adequate discussion, such as the Farming Acts, which led to protests and were repealed without debate.
- **Weakening of Parliamentary Committees:** In the 17th Lok Sabha, only 16% of bills were referred to committees, compared to 71% in the 15th Lok Sabha.
- **Legislative Haste:** Bills are hurriedly passed, often without sufficient scrutiny, leading to flawed laws and unnecessary litigation.
- **Attendance Issues:** Poor attendance during crucial discussions, highlighting a lack of engagement by MPs.

REASONS FOR DECLINE OF PARLIAMENT

- **Persistent Disruptions:** Frequent disruptions and conflict, often initiated by both opposition and treasury benches, impede legislative business.
- **Political Partisanship:** Parties prioritize their political agendas over legislative responsibilities, resulting in obstruction and lack of cooperation. support from the INC and operated with limited resources.
- **Criminalization of Politics:** Increasing number of MPs with criminal charges, including serious crimes, undermines the moral authority and credibility of Parliament.
- **Money and Muscle Power:** Growing influence of illicit funds in elections and the involvement of candidates with criminal backgrounds distort the democratic process.
- **Lax Enforcement of Laws:** Ineffective enforcement of anti-defection laws and election regulations allows malpractices to continue unchecked.
- **Diminished Legislative Oversight:** Reduced time for discussion and scrutiny leads to poorly drafted laws and weak oversight of the executive.

SCHOLARS' VIEWS IN FAVOR OF DECLINE

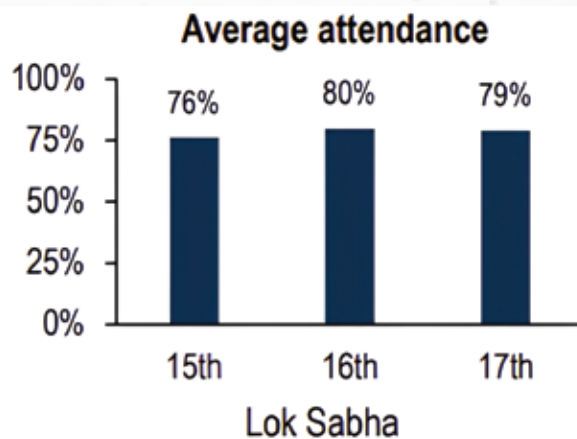
Pratap Bhanu Mehta in his book **"The Burden of Democracy"** argues that the decline in the functioning of Parliament reflects a broader erosion of democratic values. He highlights the over-centralization of power in the executive and the weakening of institutional checks and balances.

Zoya Hasan in her book **"Politics of Inclusion: Castes, Minorities, and Affirmative Action"** contends that the decline of Parliament undermines the principles of inclusive representation. She points out that disruptions and the dominance of the executive compromise the role of Parliament in representing diverse interests.

INDICATORS OF THE CONTINUED EFFECTIVENESS OF THE INDIAN PARLIAMENT

Despite criticisms, there are several indicators and examples that highlight the **continued effectiveness and vitality of the Indian Parliament**. For examples:

- **Legislative Productivity:** The 17th Lok Sabha passed 221 bills, including significant legislation like the Citizenship Amendment Act, 2019, and the revocation of Article 370.



Despite criticisms, there are several indicators and examples that highlight the **continued effectiveness and vitality of the Indian Parliament**. For examples:

- **Active Participation:** With 79% attendance, members actively raised questions and engaged in debates.
- **Comprehensive Debates:** Key national issues like the GST Bill saw extensive debates, showcasing Parliament's role in shaping policies.
- **Committee System:** Committees like the **Public Accounts Committee and Committee on Public Undertakings** hold the executive accountable through regular reports.
- **Representation and Inclusivity:** The 17th Lok Sabha has the highest number of women MPs (78) and addresses diverse issues like farmers' distress, public health, and education.
- **Executive Accountability:** Ministers are regularly questioned, and various motions indicate active executive oversight.

SCHOLARS' VIEWS AGAINST THE DECLINE

Arvind Virmani argues that quantitative metrics of parliamentary productivity, such as the number of bills passed and questions asked, suggest that Parliament remains functional and responsive.

Shashi Tharoor emphasizes the diversity of topics covered in parliamentary questions and debates, indicating that Parliament is actively addressing a wide range of issues. He argues that this engagement reflects a dynamic and responsive legislative body.

WAY FORWARD

- **Strengthening Parliamentary Procedures:** Implement measures to ensure orderly conduct and meaningful debate, such as stricter rules

against disruptions and better enforcement of disciplinary actions.

- **Enhancing Legislative Calendar:** Increase the number of sitting days to allow thorough discussion and scrutiny of bills.
- **Improving Attendance and Participation:** Mandate higher attendance and active participation of MPs in parliamentary sessions and committee meetings.
- **Reforming Electoral Processes:** Address the criminalization of politics by disqualifying candidates with serious criminal charges and regulating election funding to reduce money and muscle power.
- **Promoting Transparency and Accountability:** Ensure transparent legislative processes and hold MPs accountable for their performance and conduct.
- **Educational and Ethical Training:** Provide training for MPs on legislative procedures, ethics, and the importance of their role in democracy.

Parliament's design and functioning are crucial for democratic legitimacy. Reforming its practices is essential, and this responsibility lies with the members themselves.

2.

THE ROLE AND IMPORTANCE OF THE RAJYA SABHA

The Constituent Assembly of India debated the necessity of a second house, leading to **the formation of the Rajya Sabha (Council of States)**. While there were arguments both for and against its establishment, the Assembly ultimately decided in favour of **creating a bicameral legislature**.

The **Constituent Assembly** established the Rajya Sabha to **serve as a revising chamber** and represent state interests within India's federal governance structure.

A. IMPORTANCE OF THE RAJYA SABHA

- **Federal Representation:** Ensures **states have a voice** in legislation, representing diverse regional interests.
- **Legislative Role:** Reviews and amends bills passed by the Lok Sabha, contributing to a **comprehensive legislative process**. For instance, Rajya Sabha (RS) revised a bill passed by the Lok Sabha as the "Finance Bill of 2017."

Checks and Balances: Acts as a **check on hurried legislation**, with experienced members ensuring informed decision-making.

Continuity: Being a permanent body, it **provides stability**, with one-third of members retiring every two years.

Debating Forum: **Facilitates in-depth discussions** on national and international issues through seasoned politicians and experts.

Constitutional Amendments: **Shares equal power with the Lok Sabha** in initiating and approving constitutional amendments.

Special Powers: It possesses unique legislative powers to legislate on **subjects in the State List under specific circumstances** as provided by the Constitution of India, primarily under **Articles 249 and 312**.

KEY FACTS

The number of Ordinances issued by the centre has increased from an average of 7.1 per year in the 1950s to 15 in 2020. For example, the central government has promulgated the Commission for Air Quality Management in the National Capital Region and Adjoining Areas Ordinance, 2020.

- **Emergency Role:** **Operates during emergencies**, ensuring legislative functions even when the Lok Sabha may be incapacitated.

B. ARGUMENTS AGAINST THE RAJYA SABHA

- **1. Overrepresentation Concern:** Some feared that state representation in the Rajya Sabha might overshadow the direct representation of the people in the Lok Sabha.
- **2. Financial Burden:** Critics questioned the financial feasibility of maintaining an additional legislative house.
- **3. Potential Deadlocks:** The existence of two houses was seen as a potential source of legislative deadlocks and delays.
- **4. Limited or No Role:** Rajya Sabha's limited or no role in money bills and Ordinances reduces its relevance in the legislative process.
- **5. Nomination of Members:** The President's nomination of members sometimes favours political loyalists over genuine experts.

VALUE ADDITION: SCHOLARS' VIEWS

- **M.V. Rajeev Gowda:** Gowda in "Party Politics and Democratic Governance in India" notes that **party politics significantly influence legislative processes** and decisions, often prioritizing party agendas over public interest, leading to legislative inefficiencies and gridlocks.
- **Subhash C. Kashyap:** Kashyap in "Parliamentary Procedure: The Law, Privileges, Practice and Precedents" highlights that **legislative deadlocks occur when different parties control the two houses** of Parliament or lack consensus between the executive and legislature, hindering law passage and governance.
- **Pratap Bhanu Mehta:** Mehta in "The Burden of Democracy" discusses the **executive's misuse of ordinances to bypass the Rajya Sabha**, undermining democratic processes and legislative scrutiny.

C. SUGGESTED REFORMS IN RAJYA SABHA

Various committees and commissions have recommended reforms to enhance the functioning and effectiveness of the Rajya Sabha:

- **Balanced Representation:** Sarkaria Commission (1988) recommended **diverse representation**, including SCs, STs, and women.
- **Direct Election:** Venkatachaliah Commission (2002) proposed direct election for increased accountability.
- **Reducing Nomination Quota:** Punchhi Commission (2010) suggested reducing nominated members in favour of elected ones.
- **Transparency in Elections:** Election Commission suggests increased transparency and **ethical standards** in elections.
- **Roles Clarification:** Clarifying the Rajya Sabha's role, especially as a **revising chamber** for bills.
- **Election Reforms:** Law Commission recommends **reforms like proportional representation** and a single transferable vote.
- **Punchhi Commission:** It recommended **equal representation for small states** to bring them into the political mainstream.

- **Bill Deadlines:** Set deadlines for responding to **bills initiated in the Lok Sabha**.
- **Representation of Minorities:** Utilize the Rajya Sabha to **provide representation to underrepresented communities**.

3.**ROLE OF THE SPEAKER IN THE LOK SABHA**

The Speaker, as the ceremonial head of the Legislative Assembly, holds supreme authority marked by absolute impartiality. Tasked with arduous duties, the Speaker must ensure justice and fairness, instilling confidence in the House through sound and unbiased judgments.

Pt. Jawaharlal Nehru, India's inaugural Prime Minister, once remarked that within a parliamentary democracy, the **Speaker embodies the House's dignity and freedom**. Since the House represents the nation, the Speaker effectively becomes a **symbol of the country's liberty and freedom**.

The Speaker's role, powers, and functions are **outlined in Articles 93, 94, 95, and 96** of the Indian Constitution.

A. KEY RESPONSIBILITIES OF THE SPEAKER

- **Conduct of Business:** The Speaker, as presiding officer, oversees the proceedings of the House, **ensures parliamentary rules are followed**, and maintains order during debates.
- **Certification of Money Bills:** The Speaker certifies bills as Money Bills, limiting the Rajya Sabha's role in their passage.
- **Disqualification Decisions:** Under the Tenth Schedule, the Speaker decides on the disqualification of members due to defection.
- **Referral of Bills to Committees:** The Speaker has the power to refer bills to Standing Committees for detailed examination. For instance, in 2021, the Speaker referred the 127th Constitution Amendment Bill to parliamentary committees for scrutiny.
- **Member Suspension:** The Speaker can suspend members for grave disorderly conduct for up to five days.
- **Decision on Motions:** Determines the admissibility of various motions, including no-confidence, adjournment, and privilege motions.

- **Allotting Time for Debates:** Allocates time for **parliamentary discussions** on bills, motions, and national issues, ensuring fair representation of different political parties and members.
- **Summoning Sessions:** The Speaker has the authority to summon and prorogue sessions of the Lok Sabha and dissolve the house based on government recommendations.

B. ISSUES RELATED TO THE OFFICE OF SPEAKER

- **Appointment and Political Neutrality:** In India, the Speaker is chosen from the majority party and retains party membership, unlike in **Britain** where the Speaker resigns from their party for neutrality, as **Vithalbhai Patel did in 1925**. Concerns about impartiality arise as Indian Speakers often hold ministerial positions immediately before and after their term without a cooling-off period.
- **Bias in Disqualification Decisions:** Speakers have often been seen as favoring the ruling party in disqualification cases under the Tenth Schedule. For instance, Nabam Rebia (Speaker, Arunachal Pradesh, 2016) disqualified 16 MLAs despite no official defection.
- **Decline in Bill Referrals:** The referral of bills to Standing Committees has significantly decreased, from 71% during 2009–14 to 16% during 2019–24. It raises concerns about parliamentary efficiency and legislative scrutiny.
- **Misuse of Money Bill Classification:** Some bills are passed as Money Bills to skip Rajya Sabha scrutiny, despite not meeting strict constitutional criteria (e.g., Aadhaar Bill).
- **Suspension of Members:** There have been large-scale suspensions of Opposition MPs, such as during the winter session of 2023, which can undermine the robust functioning of Parliament.
- **Partisan Behaviour:** Accusations of **bias towards the ruling party** have undermined the Speaker's perceived impartiality, leading to frequent disruptions in parliamentary proceedings. For example, the Speaker's decisions on various motions and debates were seen as biased, causing repeated disruptions and walkouts by opposition members.
- **Independence and Tenure Security:** The practice of ruling parties electing Speakers and the **lack of a fixed tenure** have raised questions about the Speaker's independence and susceptibility to political influence.

C. SUGGESTED REFORMS FOR IMPROVING THE SPEAKER'S

SUPREME COURT'S STAND ON THE SPEAKER'S ROLE

1. **Kihoto Hollohan vs. Zachillhu (1992) and Raja Ram Pal (2007):** The Supreme Court in this case established judicial review of the Speaker's decisions on disqualification under the Tenth Schedule.
2. **Arunachal Pradesh Speaker Nabam Rebia Case (2016):** The Court emphasized the necessity for the Speaker's impartiality in legislative processes. It reinforced the principle that the Speaker should act impartially and not be influenced by partisan considerations.
3. **Shrimanth Balasaheb Patil vs. Hon'ble Speaker (2019):** It stressed the importance of the Speaker's timely decisions on disqualifications. It allowed for judicial review in cases of undue delays in disqualification decisions.

SUGGESTED REFORMS

- **Consensus-Based Appointment:** Before appointing the Speaker, the Prime Minister or Chief Minister should consult with the Leader of the Opposition to gain their confidence. This would create moral pressure on the Speaker to remain unbiased.
- **Withdraw Speaker's Powers Under Anti-Defection Law:** The Speaker's powers under the Anti-Defection Law should be transferred to the Election Commission to ensure more bipartisanship. The 2nd ARC recommended this change.
- **Establish the Convention of 'Once a Speaker, Always a Speaker':**
 - **UK Practice:** In the UK, no candidate is fielded against a former Speaker in subsequent elections to ensure their re-election and maintain their impartiality.
 - **V.S. Page Committee Recommendation:** In 1967, the V.S. Page Committee recommended adopting this convention in India to ensure the Speaker's unbiased attitude towards the ruling party.
- **Committee-Based Certification for Money Bills:** Instead of the Speaker alone deciding on the certification of money bills, a committee should be established to certify money bills. This would add a

a layer of scrutiny and reduce the potential for arbitrary decisions.

The Speaker represents the dignity and freedom of the House, becoming a symbol of the nation's freedom and liberty. As articulated by India's first Prime Minister, **Pt. Nehru**, the Speaker should be a **person of outstanding ability and impartiality**.

4. PRIVILEGES OF LEGISLATORS

Parliamentary privileges are vital to the legislative system, granting lawmakers **essential rights and immunities** necessary for democracy. Based on **constitutional provisions and historical precedents**, these privileges enable parliamentarians to perform their duties without fear or hindrance, ensuring the **autonomy, integrity, and efficiency of legislative bodies**.

The Indian Constitution provides for these privileges under **Article 105** for Parliament and **Article 194** for state legislatures.

A. TYPES OF PRIVILEGES

TYPE OF PRIVILEGE	DESCRIPTION	EXAMPLES
Collective Privileges	Enjoyed by the entire House to ensure its smooth functioning.	• Right to publish reports: The House has the authority to publish its reports and proceedings. • Exclude strangers from proceedings: The House can exclude non-members from its proceedings to maintain confidentiality and order. • Punish for breach of privilege: The House has the power to punish individuals, including its members, for contempt or breach of its privileges.

Individual Privileges

Enjoyed by members individually to perform their duties without obstruction.

Freedom of speech: Members can speak freely within the House without fear of legal action. Protection from arrest: Members are protected from arrest in civil cases during sessions and 40 days before and after the sessions.

B. SIGNIFICANCE OF PARLIAMENTARY PRIVILEGES

- **Ensuring Independence and Autonomy:** Parliamentary privileges are vital for preserving the legislature's independence and autonomy, shielding it from external pressures by the executive or judiciary. This upholds the principle of Separation of Powers.
- **Facilitating Open Debates:** These privileges enable Members of Parliament (MPs) to express their views freely without fear of litigation or prosecution, thus fostering open and candid debates on public issues.
- **Facilitating Government Scrutiny:** By protecting MPs from civil or criminal liability for actions performed in their parliamentary role, privileges facilitate rigorous scrutiny of government activities and policies.
- **Maintaining Order and Discipline:** Privileges support the enforcement of order and discipline within parliamentary sessions, ensuring effective functioning of the House.
- **Upholding Institutional Dignity:** They contribute to maintaining the respect and dignity of the Parliament, reinforcing its stature as a crucial democratic institution.

C. WHAT CONSTITUTES BREACH OF PRIVILEGE?

A breach of privilege occurs when these rights or immunities are violated. Examples include:

- **Character Assassination:** Defamatory remarks against members.
- **Publication of Secret Sessions:** Unauthorized dissemination of confidential proceedings.

- ❖ **Disorderly Conduct:** Persistent disruption of House proceedings.

Parliament can impose various penalties for such breaches, ranging from reprimands and imprisonment to suspension or expulsion of members.

Recent Example: Rahul Gandhi

Recently, Rahul Gandhi faced a breach of privilege notice due to **his remarks on the Prime Minister during his address in the Lok Sabha on the Motion of Thanks to the President's joint address to the Parliament (February 2023)**. This situation highlights the importance of understanding parliamentary privileges and the consequences of breaching them.

D. Key Judgments related to Parliamentary Privileges

While **Articles 122 and 212** protect legislative proceedings from judicial scrutiny on procedural grounds, courts can intervene if there is a substantive violation of constitutional rights. Notable cases include:

- ❖ **P.V. Narasimha Rao Case, 1998** – In this case, the Supreme Court ruled that the **lawmakers, who accepted bribes, could not be prosecuted for corruption** if they followed through with voting or speaking in the House as agreed.
- ❖ **State of Kerala Vs. K. Ajith and Others, 2021** – The Supreme Court has observed that parliamentary privileges and immunities are **not gateways to claim exemptions from the general law of the land** which governs the action of every citizen.
- ❖ **Sita Soren Vs Union of India Case, 2024** – In this case, the Supreme Court **overturned its judgment in the P.V. Narasimha Rao Case, 1998**. The court said that the **parliamentarians do not enjoy Parliamentary Immunity for acts of bribery**.

E. ISSUES ASSOCIATED WITH PARLIAMENTARY PRIVILEGES

Parliamentary privileges in India are criticized on the following grounds:

- ❖ **Hindrance to Public Scrutiny:** Critics contend that parliamentary privileges may obstruct public scrutiny, potentially concealing misconduct or decisions that ought to be transparent.

- ❖ **Potential for Abuse:** The broad scope of these privileges raises concerns about potential misuse, with members possibly evading legal accountability or suppressing free speech and press under the pretext of protecting parliamentary functions.

- ❖ **Ambiguity and Inconsistency:** The reliance on conventions and unwritten rules results in ambiguity and inconsistency in the application and interpretation of privileges.

- ❖ **Impediment to Democratic Accountability:** The extensive protection afforded to members can impede the accountability of legislators for their actions, both within the parliamentary context and in the media.

- For example, in 2017, two Karnataka journalists were sentenced to one year in prison and fined Rs 10,000 for allegedly defamatory articles about state legislators. The High Court later stayed the sentence.

- ❖ **Outdated Practices:** Certain aspects of parliamentary privilege, rooted in historical practices, may no longer align with contemporary democratic values of transparency and accountability.

- ❖ **Undermines Public Trust:** When privileges are perceived to be abused, it undermines public trust in legislative bodies and democratic processes. For example: The Kerala Assembly case where MLAs claimed privilege to avoid criminal charges for vandalism.

F. NEED FOR CODIFICATION OF PRIVILEGES

In this context, it is suggested that there is a need for codification of Parliamentary privileges in India, as:

- ❖ **Checks and Balances:** Codification would establish clear checks and balances on parliamentary privileges, preventing misuse and unnecessary restrictions on press freedom.
- ❖ **Principle of Natural Justice:** It would ensure MPs are not judges in their own cases and that breaches are adjudicated fairly, rather than self-determined.
- ❖ **Judicial Oversight:** Written privileges would be subject to fundamental rights and judicial review, limiting Parliament's absolute control over privileges.
- ❖ **Modernization:** Aligning with the House of Commons' approach, codification would mean defamatory acts are not treated as privilege questions.

- **Reduced Disruptions:** Clear rules would curb MPs' misuse of immunity to create disruptions and gain public attention.
- **Definition of Privileges:** The phrase "until so defined" in Article 105 implies that privileges should be defined and not left indefinite.

G. ARGUMENTS AGAINST CODIFYING PARLIAMENTARY PRIVILEGES

- **Threat to Legislative Independence:** Codification could undermine parliamentary autonomy by exposing its processes to external oversight and judicial intervention, weakening self-regulation.
- **Constitutional Conflicts:** Codification might clash with constitutional provisions like Article 122, which limits judicial scrutiny and protects parliamentary independence.
- **Loss of Flexibility:** A rigid codified system could reduce Parliament's ability to respond dynamically to unique or emerging political challenges.
- **Procedural Complexity:** The process of codification is complex, requiring broad consensus among diverse stakeholders.

H. WAY FORWARD

- **Clear Definition and Codification:** Ambiguity and inconsistency in parliamentary privileges should be addressed by clearly defining and codifying them where feasible.
- **Independent Oversight:** Implement an independent oversight mechanism to enhance transparency and accountability in the use of privileges.
- **Periodic Review:** Regularly review and update parliamentary privileges to maintain their relevance and effectiveness in a dynamic political and social context.
- **Public and Parliamentary Awareness:** Educate both parliamentarians and the public about the scope, importance, and limitations of parliamentary privileges to ensure their effective and reasonable use.

Codifying privileges is necessary to ensure transparency and accountability. The historical privileges of the British House of Commons should not control the present and future of Indian democracy.

5.

ANTI-DEFECTION LAW

The Anti-Defection Law, detailed in the **Tenth Schedule** of the Indian Constitution **was inserted by the 52nd Amendment (1985)** to address the **issues of political instability and party discipline**. This law aimed to **curb the frequent floor-crossing by legislators**, which often led to the toppling of governments and undermined the democratic process. It was later amended by **the 91st Amendment Act in 2003** to address its shortcomings.

GROUND S FOR DISQUALIF ICATION (52ND AMENDMENT	EXCEPTIONS UNDER THE LAW	CHANGES INTRODUCED BY THE 91ST AMENDMENT (2003)
1. Voluntarily Giving Up Membership: A legislator is disqualified if they voluntarily leave the party on whose ticket they were elected.	1. Speaker or Chairman: elected as Speaker or Chairman can resign from their party and rejoin upon demitting the post.	1. Merger Provision Clarification: The merger exception requires two-thirds of a party's members for immunity from disqualification.
2. Voting Against Party Whip: Disqualification occurs if a legislator votes or abstains from voting contrary to their party's direction without prior permission.	2. Party Split : No disqualification occurs if one-third of legislators form a separate group due to a party split (initially allowed but now outlawed by 91st Amendment).	2. Speaker's Role Removed: The responsibility for disqualification decisions shifted from the Speaker to the President or Governor , based on Election Commission advice.
3. Joining Another Party: Disqualification applies if a legislator joins another political party.		

4. Independent Members: Independent legislators supporting a party may be disqualified if they withdraw their support. 5. Nominated Members: Disqualification if nominated members join a party after six months of being nominated.	3. Merger of Parties: No disqualification applies if at least two-thirds of the legislators merge with another party.	3. Time Frame for Disqualification: The President or Governor must decide on disqualification within three months; failure to do so results in non-disqualification. 4. Election Commission's Empowerment: The Election Commission is given authority for impartial disqualification decisions. their support.
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A. ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF ANTI-DEFECTION LAW

The 1960s saw frequent coalition changes and political defections, leading to instability. This trend persists, impacting states like Goa, Manipur, Karnataka, Madhya Pradesh, and Maharashtra.

- **Ambiguity in Party Definition:** The law does not specify whether the "original political party" refers to national or regional levels, leading to manipulation by factions in states such as Goa and Maharashtra.
- **Merger Claims and Legal Fiction:** The law permits mergers if two-thirds of a party's members agree. However, defectors often exploit this by creating a "legal fiction," merging legislative members rather than political parties.

- **Impact on Democracy:** The law restricts legislators' ability to dissent, compromising their constitutional rights under Article 19 and prioritizing party loyalty over constituency representation.
- **Role of Speaker:** Unlike in the UK, Indian Speakers are politically affiliated, leading to concerns about bias. Additionally, there is no fixed timeframe for addressing anti-defection cases, causing delays, as seen in the Subhash Desai case.
- **Wholesale Defection:** The ambiguity around party definitions and merger provisions has facilitated wholesale defections, while retail defections are less addressed.
- **Judicial Observations:** The Kerala High Court recently criticized the Anti-Defection Law for its ineffectiveness in preventing defections (during Thodupuzha Municipal Council disqualification case).

B. RECOMMENDATIONS FROM VARIOUS COMMITTEES ON ANTI-DEFECTION LAW

COMMISSION/ COMMITTEE	KEY RECOMMENDATIONS
Sarkaria Commission (1983)	• Suggested disqualification only for voluntary party membership changes on confidence or no-confidence motions.
Dinesh Goswami Committee on Electoral Reform (1990)	• Suggested disqualification only for voluntary party membership changes on confidence or no-confidence motions.
National Commission to Review the Working of the Constitution (2002)	• Recommended limiting disqualification to voluntary party changes. • Suggested barring defectors from holding public office for the remainder of their term • Treating votes cast by defectors to topple the government as invalid
Justice Venkatachaliah Committee (2007)	• Called for re-examination to protect individual conscience while maintaining party discipline.

Law Commission of India (1999 and 170th Report, 2015)	• Urged deletion of provisions exempting splits and mergers from disqualification. • Recommended treating pre-poll electoral fronts as political parties under anti-defection laws. • Called for clearer guidelines and reconsideration of disqualification for abstention or voting against the party whip.
Election Commission and 2nd ARC	• Recommended that disqualification decisions be made by the President/Governor on the binding advice of the Election Commission.

6. ROLE OF OPPOSITION IN INDIAN PARLIAMENT

The opposition in India plays a crucial role as a check on the ruling party, ensuring accountability and representing diverse viewpoints. They contribute to robust democratic discourse and prevent the concentration of power in one party.

A. FUNCTIONS OF THE OPPOSITION

- **Government Accountability:** Scrutinizes government policies and actions to ensure they align with national interests and legal frameworks. For example, the opposition **raised concerns about the readiness of the GST Network (GSTN)** and the impact on small businesses, leading to several amendments to the GST Bill to address these issues.
- **Active Participation:** Engages in **parliamentary debates, offering alternative viewpoints** and constructive criticism. For example, during the debate on the **Citizenship Amendment Act (CAA) in 2019**, opposition parties actively participated, presenting alternative viewpoints and raising concerns about the implications for India's secular

INSTRUMENTS OF CONTROL BY THE OPPOSITION

- **Question Hour:** Questions government ministers to seek clarifications and explanations on various issues.

- **Debates and Discussions:** Participates in parliamentary debates to express views, raise concerns, and criticize government policies.
 - **Voting Power:** Uses voting power to oppose government bills, budgets, or motions.
 - **Public Mobilization:** Engages in public rallies, media, and campaigns to mobilize public opinion against government policies.
 - **Policy Influence:** Shapes government policy **through debates, lobbying, and mobilizing public opinion**. For instance, opposition played a crucial role in **influencing the Land Acquisition Bill in 2015**. Persistent opposition led to significant amendments to protect the rights of farmers and landowners.
 - **Representation of Diversity:** Ensures **minority views** and dissenting opinions are considered. For instance, the opposition's involvement in the **Triple Talaq Bill** ensured that the perspectives of minority communities, particularly Muslim women, were represented and debated in Parliament.
 - **Preventing Authoritarianism:** Acts as a check on government power to maintain a balance of power. For example, the **opposition's protest and legal action against the imposition of the Emergency in 1975** helped restore democratic norms and prevent authoritarianism in India.
 - **Constructive Criticism:** Proposes **alternative policies to address national issues**. For example, the opposition's **criticism of the government's handling of the COVID-19 pandemic** included proposing alternative strategies for lockdown implementation, vaccine distribution, and economic relief measures.
 - **Public Awareness:** **Informs the public** about government actions and their implications. For instance, the **opposition's campaigns and public meetings** on the implications of the **controversial farm laws in 2020-2021** educated the public about the potential impacts on farmers and agricultural markets.
- ### B. ROLE OF LEADER OF OPPOSITION (LOP)
- **Capturing the New Mood:** The LoP must harness the current sentiment of a more robust and influential Opposition.
 - **Ensuring Unity:** The LoP has the critical task of maintaining the unity of the Opposition to effectively challenge the government.

- **Prime Minister in Waiting:** As a potential future Prime Minister, the LoP must responsibly highlight government failures and present alternatives.
- **Primacy in Debates:** The LoP has a significant role in parliamentary debates and can demand the Prime Minister's presence during serious discussions.
- **Communication with the Prime Minister:** Traditionally, there is an open channel of communication between the Prime Minister and the LoP for major policy discussions.

C. ROLE OF THE OPPOSITION IN DIFFERENT ERAS IN INDIA

The role of the opposition in the Indian political landscape has evolved significantly across different eras. Scholars have studied these transitions to understand the impact on parliamentary democracy and governance.

DURING THE CONGRESS SYSTEM (1950S-1960S)

Marginal Opposition: The Congress party, under leaders like Jawaharlal Nehru, enjoyed an overwhelming majority in the Parliament and left little room for the opposition to play a significant role.

In the analysis of the **Congress System**, **Rajni Kothari** noted that the opposition was more symbolic than effective during this period.

BREAKDOWN OF CONGRESS SYSTEM (1967-1989)

Increased Role of Opposition: The political landscape began to shift with the **decline of Congress hegemony**, particularly after the split in the Congress party in 1969. The opposition became more assertive and influential. The emergence of multiple parties and the increasing regionalization of politics allowed for a more robust and vocal opposition.

Christophe Jaffrelot discussed the rise of regional parties and their impact on national politics, emphasizing the **growing significance of the opposition**.

ERA OF COALITION GOVERNMENTS (1989-2014)

Fragmented and Less Effective Opposition: This era saw the **decline of ideology-based politics and the rise of "Catch-All Parties"** that aimed to **attract a broad spectrum of voters**, often leading to coalition governments. The opposition became fragmented due to the proliferation of parties and the prevalence of coalition politics. This fragmentation often led to a less coherent and less effective opposition.

Zoya Hasan in her book **"Politics of Inclusion: Castes, Minorities, and Affirmative Action."** discussed the challenges faced by the opposition in a highly fragmented political environment. Proliferation of regional parties and coalition politics has made it **difficult for the opposition to present a united front**.

BJP DOMINANCE (2014-2024)

The BJP's rise has challenged the opposition, leading to a fragmented and weakened opposition. **Suhas Palshikar** calls it **"the second dominant party system"** whereas **Diego Maiorano, Ronojoy Sen and John Vater** (Study- "Is There a 'BJP System' in Indian Politics?", 2020) argue that the opposition parties have relegated themselves to the role of **"party of pressure"** i.e., parties that try to influence policy making through pressure on the dominant party.

SHIFT IN POLITICAL LANDSCAPE AFTER 2024 LOK SABHA ELECTIONS

The 2024 general election has brought a significant transformation in the political atmosphere of the Lok Sabha. For the first time in a decade, the Opposition has seen a substantial increase in its numbers, with over 234 Members in the Opposition benches. This shift has created an almost evenly divided House, drastically changing the dynamics and potential influence of the Opposition.

D. WAY FORWARD

- **Strengthen Democratic Traditions:** Following past traditions, such as open communication and presence during Question Hour, can strengthen parliamentary democracy.
- **Learning from Nehru:** Nehru's practices of being present in the House, encouraging opposition voices, and seeking truth can serve as valuable lessons.
- **Promoting Tolerance and Dissent:** Emulating the early parliamentary environment where intolerance towards dissent was not part of the tradition can restore normalcy and effectiveness in Parliament.

The role of the Opposition and the Leader of the Opposition is crucial for a healthy democracy. Despite challenges, the current political landscape offers an opportunity for the Opposition to assert its influence and restore parliamentary norms. Learning from past practices and maintaining unity and effective communication can enhance the Opposition's role in checking government power and shaping policy.

E. ISSUES ASSOCIATED WITH THE ROLE OF OPPOSITION

While the opposition is vital for democracy, it can also contribute to the decline of Parliament under certain circumstances:

- **Obstructionist Tactics:** Walkouts and disruptions **impede legislative processes.**
- **Reduced Deliberation:** Decreased debate time **due to disruptions** and government agenda management.
- **Partisan Politics:** Political polarization **leads to confrontational politics,** overshadowing constructive debate.
- **Electoral Focus:** Prioritizes **electoral concerns** over legislative duties. During the **2019 general elections,** opposition parties often focused more on electoral strategies and campaigning rather than participating in legislative debates and discussions.
- **Parliamentary Instruments:** **Overuse of tools like adjournment motions** can lead to legislative gridlock.
- **Media Influence:** Strategies may **prioritize media attention over substantive contributions.** For **example:** The 2015 Winter Session of Parliament was marked by opposition parties **staging walkouts and holding press conferences** to gain media attention rather than engaging in detailed legislative debates.
- **Democratic Backsliding:** **Ineffective opposition can weaken democratic norms,** enabling authoritarian tendencies.

7. PARLIAMENTARY COMMITTEES

A Parliamentary Committee is a **panel of members** from one or both houses of Parliament, constituted to **deal with specific subjects or issues.** These committees perform various functions such as considering bills referred to them, **examining the expenditure** of the government, and **investigating specific matters** of public interest.

A. TYPES OF COMMITTEES

Parliamentary committees are divided into two categories

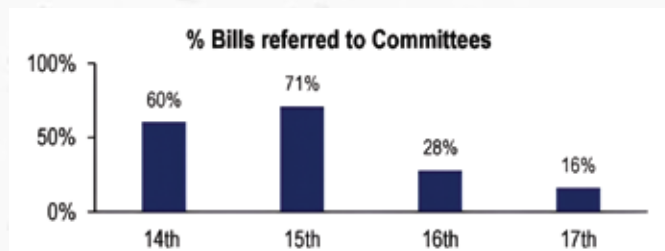
1. STANDING COMMITTEES: Standing Committees are permanent committees that carry out specialized, ongoing tasks. They are constituted every year or periodically and work on a continuous basis.

Examples include:

- **Public Accounts Committee (PAC):** Examines the accounts showing the appropriation of sums granted by Parliament for government expenditure.
 - **Committee on Public Undertakings (COPU):** Examines the reports and accounts of public sector undertakings.
 - **Estimates Committee:** Examines the estimates included in the budget and suggests economies in public expenditure.
- 2. AD-HOC COMMITTEES:** Ad-hoc Committees are temporary committees created for specific purposes. They dissolve once their task is complete. **Examples:**
- **Joint Parliamentary Committee (JPC) on the 2G Spectrum Scam:** Formed to investigate the 2G spectrum allocation scam.
 - **Select Committee on the Surrogacy (Regulation) Bill, 2016:** Formed to examine the provisions of the Surrogacy (Regulation) Bill, 2016 and suggest modifications.

B. KEY FUNCTIONS AND BENEFITS OF PARLIAMENTARY COMMITTEES

- **In-Depth Analysis:** Committees facilitate detailed **discussions and analyses of proposed laws,** ensuring thorough examination despite the high volume of legislative work.



- **Expertise Utilization:** These committees provide a platform for MPs to **engage with domain experts, for Example: Surrogacy (Regulation) Bill, 2016:** The Committee on Health and Family Welfare's study of the Surrogacy (Regulation) Bill, 2016, is a prime example of effective expertise utilization. The committee **engaged with a wide range of stakeholders, including medical professionals, legal experts, and representatives from non-governmental organizations.**
- **Executive Accountability:** Committees like the **Public Accounts Committee scrutinize public spending and laws,** holding the executive accountable for its actions and decisions.

- **Scrutiny of Public Funds:** Committees **examine government accounts** and spending, reducing the chances of misspending and validating financial statistics.
- **Legislative Support:** Committees can **recommend amendments** to bills, although these are **not binding on Parliament**.
- **Continuous Operation:** Committees continue their work even when Parliament is not in session.
- **Engagement with Stakeholders:** Committees engage with relevant stakeholders to gather insights and evidence on various issues. This practice enhances the committees' understanding and informs their recommendations.
- **Constructive Criticism:** Committees **shift the focus from the politicization of issues to constructive criticism**.

C. ISSUES WITH PARLIAMENTARY COMMITTEES

- **Declining Referral Rates:** There has been a noticeable decline in the referral of bills to committees, with only 16% in 17th Lok Sabha and **27% in the 16th Lok Sabha compared to 71% in the 15th Lok Sabha**, potentially leading to insufficient scrutiny.
- **Non-Binding Recommendations:** While significant, committee recommendations are not binding on the government, leaving the **final decision to Parliament** and the government.
- **Limited Time for Scrutiny:** Despite working throughout the year, committees often **face insufficient time for detailed examination** due to the complexity and volume of subjects.
- **Variable Expertise Among Members:** The effectiveness of committees can be influenced by the expertise of their members, who may lack a background or deep understanding of specific subject matters.
- **Poor Attendance:** Member attendance has been **around 50% since 2014**.
- **Short Tenures:** Members are reconstituted every year, limiting continuity.
- **Lack of Discussion:** Committee reports are **often not discussed in Parliament**.
- **Politicization:** Proceedings are often politicized, with **members taking strict party lines**.

D. RECOMMENDATIONS FOR IMPROVEMENT

- **NCRWC Suggestions:** Replace committees that **have outlived their utility** with new ones focused on economy and employment. **Amend the Rules of Business** to ensure all major bills are referred to the Departmentally Related Standing Committees.
- **Extend Tenure:** Increase the duration of committee memberships.
- **Enforce Minimum Attendance:** Implement policies to ensure **better attendance**.
- **Provide Research Support:** Enhance the research capabilities of committees.
- **Avoid Overlapping Functions:** Clearly **delineate committee responsibilities** to prevent overlap.
- **Institutional Mechanism for Reports:** Develop mechanisms to ensure committee **reports are discussed in Parliament**.
- **Adopt Best Practices:** Learn from other countries, such as having **ministers appear before committees to elaborate on and defend policies**.

8.

THE EVOLVING PROFILE OF INDIAN PARLIAMENTARIANS

The legislature is often seen as a reflection of society. To understand social change and the nature of democracy, it is essential to examine the social profile of legislators. The evolving profile of parliamentarians provides insight into the continuity and change within the country's political system and society.

A. HISTORICAL PHASES OF CHANGE

Shankar and Rodrigues have identified three broad phases in the socio-economic profile of Indian parliamentarians:

PHASE 1: UNTIL THE 1960S

- **Caste Composition:** Dominated by Brahmins and other upper castes.
- **Representation of SC & ST:** Due to reservations, those elected were often from privileged backgrounds.
- **Underrepresentation:** Significant underrepresentation of OBCs, women, and minorities.
- **Urban Elites:** Parliament was dominated by urban elites, many of whom were educated in foreign universities.

- **Authority from National Movement:** The authority of parliamentarians was largely based on their participation in the national movement.
- **Part-Time Politicians:** Many parliamentarians were part-time politicians.

PHASE 2: 1970S TO 1990S

- **Transition Period:** Known as the "Twilight Zone" or "Transition Zone."
- **Green Revolution:** Strengthened the position of OBCs, particularly the landowning class.
- **Breakdown of Congress System:** Rise of regional parties.
- **Indigenous Education:** Increase in parliamentarians educated in India
- **Agriculturist and Rural Elites:** These groups gained a dominant position in Parliament.
- **Full-Time Politicians:** More students began joining politics, influenced by initiatives like the Youth Parliament by Indira Gandhi.

PHASE 3: FROM THE 1990S UNTIL NOW

- **Plebianization of Democracy:** Increased role of caste, religion, and other ethnic factors.
- **Increased OBC Representation:** A significant rise in the representation of OBCs.
- **Higher Education Levels:** The number of educated parliamentarians has increased, with members from diverse backgrounds joining Parliament.
- **Diminished Rural-Urban Divide:** The divide between rural and urban representation is less prominent.
- **Gender Stagnation:** Representation of women remained stagnant, with the percentage hovering between 8-10% until the 15th Lok Sabha. Sociologist M.N. Srinivas attributes low female representation to a patriarchal mindset embedded in the subconscious.

B. PROFILE OF PARLIAMENTARIANS IN THE 18th LOK SABHA

EDUCATIONAL BACKGROUND

- **Graduates:** Around 78% of MPs are graduates.
- **doctoral degree:** Approximately 5% have a doctoral degree, including three women MPs.
- **School Education:** About 22% of the MPs had education up to the 12th standard.

PROFESSIONAL BACKGROUND

- **Agricultural Sector:** Around 37% of MPs come from an agricultural background.
- **Social Workers:** Constituting about 48% of the MPs.
- **Business Sector:** MPs with a background in business make up about 32%.

Note: The sum of the column values in the above chart may not add to 100%, as several MPs have indicated more than one profession. Each of these has been counted separately.

AGE AND GENDER

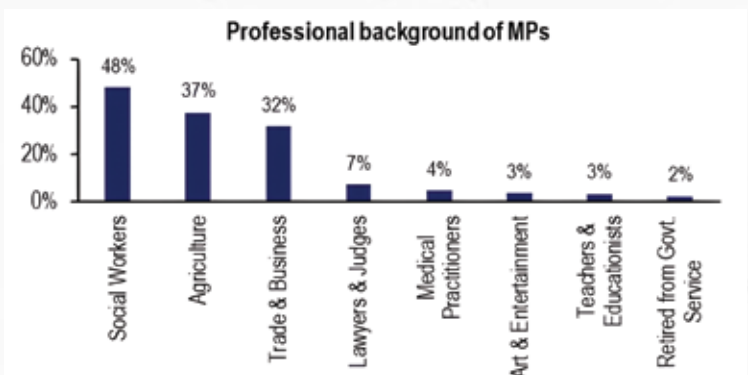
- **Average Age:** The average age of MPs is around 56 years.
- **Women Representation:** Women members of the Lok Sabha have reduced by 4 from 78 during last tenure to now 74 (~14%).

CRIMINAL BACKGROUND

- **Criminal Cases:** Around 46% (251) of MPs have criminal cases
- **Serious Criminal Cases:** MPs accused of serious crimes constitute about 31% (170)

C. ANALYSIS AND IMPLICATIONS

The changing profile of Indian parliamentarians



reveals significant trends and shifts in the socio-political landscape:

- **1. Diversity and Representation:** The increasing representation of OBCs and women in Parliament indicates a more inclusive and representative legislative body. However, the underrepresentation of certain communities and the dominance of specific professions highlight ongoing challenges.
- **2. Criminalization of Politics:** The rise in the number of MPs with criminal backgrounds raises concerns about the integrity and ethical standards of the legislative body. This trend could undermine public

trust in democratic institutions and the rule of law.

- **3. Professional and Educational Backgrounds:** The diversity in professional and educational backgrounds among MPs suggests a broader range of expertise and perspectives. However, the decline in MPs with international educational exposure might impact the global outlook of legislative deliberations.

- **4. Age and Experience:** The average age of MPs reflects a mix of experience and fresh perspectives. The increase in women MPs is a positive step towards gender equality in political representation.

D. SCHOLARLY PERSPECTIVES ON REPRESENTATION IN PARLIAMENT

- **M.N. Srinivas** in "Social Change in Modern India," attributes **low female representation in Parliament** to a patriarchal mindset embedded in the subconscious, highlighting deep-rooted societal biases that limit women's participation in politics and reflect broader gender inequality.
- **Shankar and Rodrigues** in "The Indian Parliament: A Critical Appraisal," discuss the three broad phases of socio-economic changes in parliamentarians' profiles, illustrating how evolving societal contexts have shaped the composition of Parliament over time.
- **Yogendra Yadav** in "Democracy in India," describes the **rise in OBC representation** as the 'first democratic upsurge,' marking a significant change in the political landscape by bringing previously marginalized communities into the center of political power and influence.
- **Pratap Bhanu Mehta** in "The Burden of Democracy," discusses the implications of a weakened Parliament on democratic governance, arguing that the **erosion of parliamentary authority undermines democracy** by concentrating power in the executive branch and weakening checks and balances.
- **Zoya Hasan** in "Politics of Inclusion: Castes, Minorities, and Affirmative Action," emphasizes the **threat to inclusive representation** due to the underrepresentation of minorities and women, arguing that this lack of diversity undermines the democratic principle of equal representation.
- In "The Indian Supreme Court and Politics," **Upendra Baxi** highlights concerns about the **erosion of the rule of law with a weakened Parliament**, suggesting that diminished parliamentary power compromises

legal standards and the balance of power essential for the rule of law.

9.

STATE LEGISLATURE

The State Legislature in India plays a crucial role in the state government, responsible for law-making within the state. Governed by Articles 168 to 212 of the Indian Constitution, the structure and functions of the State Legislature are clearly outlined.

A. KEY ARTICLES

- **Article 168:** Establishes the **State Legislature**, which may be unicameral (one house) or bicameral (two houses).
- **Article 169:** Describes the **process for creating or abolishing Legislative Councils** in states, which requires a resolution passed by the Legislative Assembly with an absolute and special majority, followed by the President's assent.
- **Articles 170–172:** Define the **composition and tenure of the Legislative Assembly**, capping membership at 500 and stipulating a tenure of five years, subject to earlier dissolution.

10.

STATE LEGISLATIVE COUNCILS (VIDHAN PARISHAD)

A. COMPOSITION (ARTICLE 171)

- The Council's strength is limited to **one-third of the Legislative Assembly's membership**, with a minimum of 40 members (except in Jammu and Kashmir, where it's 36).
- Members are elected from various constituencies, including local authorities, graduates, teachers, and Legislative Assembly members, with some nominated by the Governor.

B. NEED FOR LEGISLATIVE COUNCILS IN STATES

- **Diverse Representation:** Includes professionals such as leaders and academics, bringing varied expertise to the legislative process.
- **Detailed Legislation Review:** Ensures comprehensive discussion and refinement of laws.
- **Checks and Balances:** Provides oversight against rushed decisions by the lower house.
- **Accommodating Non-Electoral Talent:** Allows individuals with significant contributions in various fields but not inclined towards electoral politics to find representation.



- **Workload Management:** Helps legislative assemblies manage their heavy workload by sharing legislative responsibilities.
- **Preventing Autocracy:** Acts as a safeguard against any autocratic tendencies in the lower house.
- **Constructive Critique and Debate:** Encourages debate and consensus, addressing the diverse needs of large states.

C. CRITICISM OF STATE LEGISLATIVE COUNCILS

- **Limited Powers:** Perceived as having limited influence, especially in financial matters, with only a brief power to delay money bills.
- **Vested Interests:** May serve as strongholds for vested interests, **hindering progressive legislation** from the more representative lower houses.
- **Political Shelter:** Sometimes seen as a refuge for politicians who lose elections, offering a **backdoor return to power**.
- **Financial Burden:** Maintaining bicameral legislatures is seen as **costly, particularly for financially weaker states**.
- **Utility in Doubt:** Some states have abolished their Councils, casting doubt on their usefulness. The constitutional provision for their abolition further underscores these doubts.
- **Diverse Composition:** The mixed selection process, involving direct and indirect elections along with nominations, leads to a **heterogeneous composition** that may not effectively function as a revisory or check-and-balance body.

D. COMPARISON OF STATE COUNCIL WITH THE RAJYA SABHA

SIMILARITIES	DIFFERENCES
- Both serve as upper houses in bicameral legislatures at different levels. - Members are elected indirectly, with different electorates. - Neither house is subject to dissolution.	Powers and Functions: The Rajya Sabha has broader legislative and financial powers. Composition: Rajya Sabha's membership is fixed, while Legislative Councils vary based on the state assembly's size.

SIMILARITIES	DIFFERENCES
	• Constitutional Amendments: Rajya Sabha plays a key role in constitutional amendments, unlike Legislative Councils. • Creation and Abolition: The Rajya Sabha is a permanent constitutional body, while Legislative Councils can be created or abolished. • Representation: Rajya Sabha represents states and Union Territories, while Legislative Councils have more localized representation.

VALUE ADDITION: OPINIONS OF SCHOLARS AND COMMITTEES

The **Parliamentary Standing Committee** recommended **a national policy to establish Upper Houses in state legislatures** to prevent their abolition by incumbent governments, recognizing the political nature of decisions regarding Legislative Councils.

Yogendra Narain highlighted that **Legislative Councils expand political space for individuals unable to be elected or nominated to other state bodies**, noting varied and inconclusive discussions on their creation, revival, and abolition.

In "**The Indian Parliament: A Democracy at Work**," **Shankar and Rodriguez** emphasize that the legislature reflects society, acting as the visible face of democracy in India, addressing citizens' problems and finding solutions. Despite debates on its decline, the legislature has adapted to India's changing needs, contradicting Western scholars' scepticism about its potential failure.

11.

THE UNION EXECUTIVE

The Union Executive of India **comprises the President, Vice-President, Prime Minister, and Council of Ministers**, as outlined in **Part V of the Indian Constitution (Articles 52 to 78)**. These articles define the structure, powers, functions, and responsibilities of these offices and their relationships with other parts of the government.

A. CENTRALIZATION OF POWER IN THE EXECUTIVE

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary.

Several scholars have noted the increasing centralization of power within the executive branch:

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- **Power in the PMO:** **Christophe Jaffrelot** observes an **increasing centralization of power** in the Prime Minister's Office (PMO).
- **Legislative Bypass:** **Pratap Bhanu Mehta** highlights the **growing use of ordinances**, indicating a shift towards executive dominance.
- **Diminished Parliamentary Role:** Scholars note the **reduction in parliamentary scrutiny** and debate on key legislations, suggesting increasing executive influence.
- **Control Over Bureaucracy:** **Suhas Palshikar** discusses the executive's strong hold over the bureaucracy.
- **Influence on Judiciary:** **Upendra Baxi** examines the **executive's influence in judicial appointments** and decisions.

B. INCREASING ROLE OF THE PMO

The PMO has significantly expanded its role in recent years:

- **Decision-Making:** Coordinates and formulates policies across ministries, exemplified by initiatives like **Digital India and Swachh Bharat**.
- **Prime Minister's Role:** Under Narendra Modi, the PMO has been particularly active, reflecting **his assertive leadership style**.
- **Policy Implementation:** Oversees initiatives like the **Aadhaar project rollout**.
- **International Relations:** Plays a significant role in **foreign policy**, with the Prime Minister actively engaging in international forums.
- **Crisis Management:** Led the response strategy during the **COVID-19 pandemic**.
- **Media and Public Perception:** Uses media and communication strategies to shape public perception.

EVOLUTION OF PMO

HISTORICAL CONTEXT:

- **Nehru's Era:** Initially modest, led by a Joint Secretary with significant coordination by the Cabinet Office.
- **Shastri's Reforms:** Strengthened the PMO with a dedicated Secretary, laying the foundation for a more centralized structure.
- **Nehru's Era:** Initially modest, led by a Joint Secretary with significant coordination by the Cabinet Office.
- **Shastri's Reforms:** Strengthened the PMO with a dedicated Secretary, laying the foundation for a more centralized structure.
- **Indira Gandhi's PMO:** Further centralized with significant powers, introducing the official designation of "Prime Minister's Office".
- **Coalition Politics:** Under Morarji Desai and later PMs, the PMO balanced decisions to accommodate coalition partners.
- **Economic Reforms:** Narasimha Rao's PMO played a pivotal role during the 1991 economic crisis, steering deregulation and liberalization policies.
- **Vajpayee's PMO:** Enhanced influence with the introduction of the National Security Advisor, overseeing significant economic and security policies.
- **Manmohan Singh's Era:** Notably decentralized, with decision-making often influenced by the UPA coalition dynamics.

MODI'S ADMINISTRATION:

- **Strategic Appointments:** Brought influential figures like Nripendra Misra and Ajit Doval into key roles, marking a shift towards a more presidential-style PMO.
- **Policy Overhaul:** Addressed issues like NPAs, job crises, and sectoral reforms, but faced criticism for over-centralizing power.

FUNCTIONS OF PMO

The Prime Minister's Office (PMO) supports the Prime Minister in various functions, including:

- **1. Liaison:** Maintaining connections with union ministers, state governments, the President, governors, and foreign representatives.
- **2. Public Relations:** Managing the Prime Minister's interactions with the press and public.

- **3. Policy Oversight:** Assisting in responsibilities related to the Planning Commission and National Development Council.
- **4. Parliamentary Assistance:** Preparing responses for parliamentary questions on general subjects not assigned to specific ministries.
- **5. Case Examination:** Aiding in the review of cases submitted to the Prime Minister for decisions.
- **6. Think-Tank Role:** Acting as a strategic advisor to the Prime Minister.

The PMO does not handle functions related to the Prime Minister's role as head of the cabinet, except in personal communications with ministers or domestic party matters.

ISSUES OF CENTRALIZATION OF POWER WITH PMO

- **Compromised Sanctity:** Critics argue Modi's PMO is overly powerful, overshadowing ministries and key decisions, potentially undermining the office's sanctity.
- **Lack of Cabinet Involvement:** The strong centralization has alienated some Cabinet colleagues, with key decisions often bypassing traditional consultative processes.
- **Public Distrust:** Despite strong leadership, Modi's administration faces declining public support, reflecting dissatisfaction with the centralization approach.

WAY FORWARD

- **Balanced Governance:** Future PMOs should strive for a balance between strong leadership and inclusive decision-making, ensuring ministries and Cabinet members have substantial input.
- **Transparency and Accountability:** Increasing transparency in the decision-making process and holding the PMO accountable can mitigate public distrust.
- **Leveraging Expertise:** Utilize the expertise of capable individuals and institutions, both within and outside the government, to address India's complex challenges effectively.
- **Focus on Results:** The new PMO should prioritize impactful decisions and tangible results to maintain legitimacy and public trust.

The evolution of the PMO from Nehru to Modi reflects a trend towards centralization, each era responding to its unique challenges. However, to sustain democratic values and effective governance, a balanced approach that fosters inclusivity, accountability, and responsiveness to public needs is essential.

12.

THE PRESIDENT

The President of India is the ceremonial head of state, symbolizing the unity and integrity of the nation. Key constitutional provisions include:

- **Head of State (Article 52):** The President is the **ceremonial head** of state.
- **Part of the Parliament (Articles 79-122, especially Article 79):** The President forms an **integral part** of the Parliament.
- **Executive Powers (Article 53):** Exercises executive powers of the Union but **must act on the advice of the Prime Minister and the Council of Ministers** (Article 74).
- **Legislative Powers:** Includes **summoning and dissolving the Lok Sabha**, and giving assent to bills (Articles 85, 111, 200).
- **Judicial Powers (Articles 124-147):** Includes **appointing judges** and exercising **pardoning powers** (Articles 72, 143).
- **Emergency Powers:** Includes **national emergency (Article 352)**, state emergency (Article 356), and financial emergency (Article 360).
- **Diplomatic Roles (Article 53):** Represents India in international forums.
- **Military Powers (Article 53):** The President is the **supreme commander of the defence forces**.

NATURE AND ACTUAL POSITION

- **Ceremonial Role:** The President's **actual role is largely ceremonial**.
- **Constitutional Guardian:** Ensures the Constitution is upheld.
- **Symbolic Authority:** Symbolizes the **nation's dignity**.
- **Crisis Management:** Exercises **discretionary powers** during political crises.
- **Bipartisan Position:** Expected to remain **neutral and act impartially**.
- **Moral Leadership:** Provides moral leadership and **non-binding advice to the government**.

CONTROVERSIES AND PRESIDENTIAL ACTIVISM

- **Ceremonial vs. Discretionary Powers:** **Granville Austin** highlights that the framers intended the **President to have limited powers**. **Upendra Baxi** emphasizes the President's **constitutional duty** to act on the advice of the Prime Minister and the Cabinet.
- **Key Controversies:** Debates on **discretionary powers**, such as pardoning and dissolving Parliament, and the President's role in appointing the Prime Minister.

ELECTION OF THE PRESIDENT

- **System:** Elected by **proportional representation** with a **single transferable vote** and **secret ballot**.
- **Reason for Indirect Election:** Ensures **harmony with the parliamentary system** and avoids conflict between the PM and President. It is also **cost-effective** and **time-efficient** for a nominal executive role.

POWERS AND FUNCTIONS OF THE PRESIDENT

- **Executive Powers:** Includes carrying out executive actions, making rules for the Union government's business, **appointing key positions**, and declaring scheduled areas.
- **Legislative Powers:** Includes summoning and proroguing Parliament, assenting to bills, and ordinance-making power.
- **Financial Powers:** Includes **introducing money bills** and presenting the Union budget.
- **Judicial Powers:** Includes **appointing judges and exercising pardoning power**.
- **Diplomatic Powers:** Includes **signing international treaties** and representing India globally.
- **Military Powers:** Includes being the supreme commander of the defence forces and declaring war or peace.
- **Emergency Powers:** Includes national emergency, President's Rule, and financial emergency.

ROLE OF PRESIDENT DURING COALITION OR MINORITY GOVERNMENT

- **Formation of Government:** The President's **discretion is key in inviting the leader of the largest party** or coalition to form the government.

- **Discretionary Powers:** More frequently exercised in minority or coalition governments.
- **Appointing a Prime Minister:** Critical **when no clear majority** exists.
- **Guardian of the Constitution:** Responsibility to **uphold constitutional values** is heightened during politically unstable times.
- **Handling Deadlocks:** Role in **resolving legislative deadlocks** becomes more prominent.
- **Crisis Management:** Crucial **during political crises**, such as a vote of no-confidence.

13. ORDINANCE-MAKING POWER

An ordinance is a temporary law promulgated by the **President** or **Governor** when Parliament or a State Legislature is not in session, as provided under **Articles 123** and **213** of the Indian Constitution. This mechanism is intended for urgent situations requiring immediate legislative action, with the ordinance ceasing to operate six weeks after the legislature reconvenes unless ratified by it.

ISSUES WITH THE ORDINANCES

Ordinances have raised several concerns:

- **Re-promulgation:** The practice of repromulgating ordinances undermines the legislative process, as seen in cases like the Bihar government's use of ordinances and the Supreme Court's disapproval of this practice.
- **Lack of Urgency:** Many ordinances, such as the triple talaq ordinance, lacked genuine urgency, raising questions about their necessity.
- **Constitutionality:** Ordinances can violate constitutional rights, as demonstrated by critiques highlighting inconsistencies and the imposition of penalties for acts deemed void.
- **Abuse of Power:** The executive's use of ordinances can circumvent the democratic process and the role of the legislature, as established in landmark Supreme Court cases.

SUPREME COURT GUIDELINES (KRISHNA KUMAR SINGH V. STATE OF BIHAR, 2017)

The Supreme Court has laid down important guidelines regarding ordinances:

- **Judicial Review:** Ordinances are subject to judicial scrutiny; courts can assess whether the conditions for promulgation were met and if any abuse of power occurred.
- **Mandatory Tabling:** Ordinances must be presented before the legislature when it reconvenes, ensuring legislative oversight.
- **Enduring Effects:** The court ruled that ordinances do not create enduring rights beyond their operational term, underscoring the necessity for legislative approval.

14. PRIME MINISTER

The Prime Minister is the **central figure in India's parliamentary government**, often described as the **captain of the state** and the **keystone of the cabinet architecture**.

ROLE OF THE PRIME MINISTER

- **1. Head of Government:** Leads the executive branch.
- **2. Cabinet Leadership:** Appoints ministers and coordinates government policies.
- **3. Legislation:** Proposes bills, engages in debates, and pursues the government's legislative agenda.
- **4. Foreign Affairs:** Represents India globally and shapes foreign policies.
- **5. Crisis Management:** Provides leadership during crises.

EVOLUTION OF THE INSTITUTION OF PM

- **1. Nehru Era:** Nehru was "first among equals," with increasing power concentration after Patel's death.
- **2. Lal Bahadur Shastri Era:** Marked the beginning of centralization of power in the PMO.
- **3. Indira Gandhi's Rule:** PM's role took on features of a presidential form, with significant reliance on personal advisors.
- **4. Post-1989 Coalition Governments:** Coalition governments affected the PM's position, with Atal Bihari Vajpayee managing a coalition successfully.
- **5. UPA Government and Manmohan Singh:** Faced challenges, with the National Advisory Council influencing decisions.
- **6. NDA Government with Narendra Modi:** Considered highly dominant, with the PMO emerging as a key decision-making hub.

ROLE OF PM DURING COALITION

- **Consensus Building:** Continuous effort to maintain consensus **among diverse coalition partners**.
- **Policy Compromises:** Implementing the **PM's vision often requires compromises**.
- **Cabinet Composition:** Reflects the **need to accommodate different coalition partners**.
- **Political Stability:** Ensuring the coalition does not fall apart due to internal disagreements.
- **Regional Interests:** **Balancing regional demands** with national priorities.
- **Economic Policy Making:** Challenging due to opposition from coalition partners.
- **External Affairs and Security:** **Constraints in decision-making** but examples of decisive actions, like during the Kargil War under Vajpayee.

15. STATE EXECUTIVE: THE GOVERNOR

A. CONSTITUTIONAL PROVISIONS

The Governor serves as the constitutional head of each state, with executive powers exercised either directly or through subordinate officers, bound by the advice of the ministry.

- **Article 153:** Each state must have a Governor.
- **Article 154:** Executive powers are vested in the Governor.
- **Article 155:** Governors are appointed by the President.
- **Article 157:** A Governor must be a citizen of India and at least 35 years old.
- **Article 159:** Details the oath of the Governor.
- **Article 160:** Enables the Governor to discharge certain functions in case of contingencies.
- **Article 161:** Grants the Governor the power to grant pardons, suspend, remit, and commute sentences.
- **Article 213:** Deals with the power of the Governor to **promulgate ordinances**.

B. APPOINTMENT AND QUALIFICATIONS

- **Constituent Assembly Debates:** Highlighted a split between support for elected Governors for local representation and appointed ones by the President **to ensure provincial autonomy** and prevent factionalism.

a. CONCERNS AND CHALLENGES

- Governors **loyal to the ruling party** at the Centre were appointed.
- Politicians have been appointed as **Governors of States neighbouring the one** where these persons have been **politically active**.
- Persons appointed as Governors continuing their **connection with active politics, and in some cases even returning to active politics**.

The issues have resulted into following concerns:

- **Political Neutrality:** Concerns about governors' neutrality arise as appointments are often perceived as politically motivated.
- **Constitutional and Administrative Challenges:** Appointments and actions of governors sometimes lead to **allegations of partisanship and misuse of power**.

b. SUGGESTIONS FOR IMPROVEMENT

SARKARIA COMMISSION RECOMMENDATIONS

- **Panel Rejection:** Rejected selecting governors from a state-proposed panel.
- **Political Neutrality:** Active politicians should not be appointed as governors.
- **External Appointments:** Governors should be from outside the state.
- **Consultation:** The Chief Minister should be consulted to ensure effective parliamentary functioning.

NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION: Proposed a committee for governor selection including the Prime Minister, Home Minister, Lok Sabha Speaker, and the concerned State's Chief Minister.

c. REMOVAL OF GOVERNORS

Article 156(1): Governors hold office at the **pleasure of the President**, meaning there is no **fixed tenure**, and they can be removed at any time.

GROUND FOR REMOVAL OF GOVERNOR

- She is **out of sync with the policies and ideologies** of the Central Government or the party in power at the Centre.
- The Central Government has **lost confidence** in her.
- Or **change in government at the Centre**.

JUDICIAL INTERPRETATIONS

- **BP Singhal vs Union of India:** The Supreme Court held that the **President can remove a Governor at any time**, but this power should not be exercised arbitrarily.
- **Supreme Court Observations:** The Union government can **remove a governor without providing reasons**, and governors have no right to be heard in such cases.

RECOMMENDATIONS

- **Sarkaria Commission** recommended that the Governor's tenure of five years in a State should not be disturbed except very rarely and that too for some extremely compelling reason.
- **Punchhi Commission:** **Criticized the use of the pleasure doctrine** without appropriate conduct and recommended giving Governors the right to defend their position.

D. ROLE AND FUNCTIONS OF THE GOVERNOR

1. EXECUTIVE POWERS

- **Appointment of Chief Minister:** Appoints the Chief Minister from the majority party in the State Legislative Assembly (**Article 164**).
- **Council of Ministers:** **Nominates other ministers** as recommended by the Chief Minister (**Article 164**).
- **University Roles:** Serves as **chancellor of state universities** and appoints vice-chancellors.
- **Key Officials:** Names the Advocate General, State Election Commissioner, and members of the State Public Service Commission (**Articles 165, 243K, 316**).
- **President's Rule:** Can govern the state directly under **President's Rule (Article 356)**.

2. LEGISLATIVE POWERS

- **Legislative Address:** Holds the right to address and message the state legislature (**Article 175**).
- **Ordinance Promulgation:** Can issue ordinances when the legislature is not in session, subject to legislative approval within six weeks (**Article 213**).
- **Nominating Members:** Can nominate one member to the State Legislative Assembly from the Anglo-Indian community (**Article 333**).
- **Bill Assent:** Holds the power to assent, withhold, or return bills passed by the state legislature (**Article 200**).

3. FINANCIAL POWERS

- **Money Bills Initiation:** Can introduce money bills in the state legislature with prior recommendation (**Article 207**).
- **Contingency Fund Access:** Can make advances from the state's Contingency Fund (**Article 267**).
- **State Finance Commission Formation:** Constitutes a State Finance Commission every five years for financial review of panchayats and municipalities (**Articles 243-I, 243-Y**).

4. JUDICIAL POWERS

- **Advocate-General:** Appoints the Advocate-General of the state (**Article 165**).
- **District Judges:** Responsible for appointing, posting, and promoting District Judges in consultation with the High Court (**Article 233**).
- **Pardoning Powers:** Can nominate one member to the State Legislative Assembly from the Anglo-Indian community (**Article 333**).
- **Bill Assent:** Can pardon, reprieve, respite, or remit punishments (**Article 161**).

E. DISCRETIONARY POWERS OF THE GOVERNOR

The Governor has discretionary powers crucial for federal governance, allowing autonomy in decision-making independent of the state government.

- **Appointment of Chief Minister (Article 164):** The Governor may appoint the Chief Minister in cases where **no party secures a clear majority** in the state assembly.
- **Dissolution of Legislative Assembly (Articles 174, 163):** Can recommend dissolving the assembly **if the government loses its majority**, often following a floor test.
- **Reserving Bills for President's Consideration (Article 200):** Can reserve bills that **might conflict with central laws or policies** for the President's consideration.
- **Ordinance Promulgation (Article 213):** Can issue ordinances on urgent matters when the state legislature is not in session.

NOTABLE JUDICIAL CASES

- **Nabam Rebia and Bamang Felix vs Deputy Speaker (2016):** The court stated that the **Governor must work on the advice of the Chief Minister** and the

council of ministers, except in specific discretionary scenarios.

- **Rameshwar Prasad & Others vs Union of India (2006):** The court observed that the Governor's report for **imposing President's Rule could be judicially reviewed** if it is mala fide or based on irrelevant considerations.
- **S.R. Bommai vs Union of India (1994):** The Supreme Court ruled that the majority of a **state government should be tested on the floor of the assembly**, not by the Governor's judgment.
- **K. Nagaraj vs Union of India (1985):** The Supreme Court stressed that the Governor's **discretion should be rational**, in good faith, and cautious.

LIEUTENANT GOVERNORS IN UNION TERRITORIES

- **Articles 239 to 241:** Outline the powers and functions of Lieutenant Governors (LGs).
- **Role:** In UTs without a legislative assembly, **LGs exercise more direct administrative control**. In UTs with a legislature (such as Delhi and Puducherry), LGs have substantial discretionary powers and play a more active role in governance.
- **Discretionary Powers:** In Delhi, for example, the **LG has control over important subjects like land, police, and public order as per Article 239AA**, often leading to complex relationships with the elected government.

LIEUTENANT GOVERNORS IN UNION TERRITORIES

The **Delhi Services Ordinance**, issued by the central government, sought to amend the Government of National Capital Territory of Delhi Act, 1991, transferring control of services from the Delhi government to a central body

ISSUES WITH THE ORDINANCE

Ordinances can undermine democratic principles and the rule of law. The **Delhi Services Ordinance** raises concerns such as:

- **Violation of Representative Governance:** It disrupts the "triple chain of accountability," severing the link between the elected government and civil servants.
- **Lack of Justification:** The ordinance provides no concrete rationale for transferring power from the Delhi government, rendering it arbitrary. It expands the LG's discretionary powers, potentially overriding the elected government and preventing the Chief

arbitrary. It expands the LG's discretionary powers, potentially overriding the elected government and preventing the Chief Minister from convening essential Assembly sessions.

- **Constitutional Flaws:** It contravenes Article 239AA, which maintains the Delhi Assembly's authority over services, raising questions about its constitutionality. Further the removal of services from the Delhi Assembly's jurisdiction may require a Constitutional Amendment under Article 368.

WAY FORWARD AND SUPREME COURT GUIDELINES

The Supreme Court's judgment in **Government of NCT of Delhi vs. Union of India (2018)** and the subsequent ruling in **May 2023** emphasized the importance of the **"triple chain of accountability"** in ensuring democratic governance. The Court highlighted that **civil servants must be accountable to the elected government**, which, in turn, is accountable to the legislature and the electorate.

Moving forward, the following steps are crucial:

- **2018 and 2023 Judgments:** The Supreme Court ruled that the Delhi government has control over services, except police, public order, and land. It reinforced that the LG must act on the aid and advice of the Council of Ministers in matters within their executive competence.
- **Judicial Review:** The Supreme Court should adjudicate on the constitutionality of the Delhi Services Ordinance.
- **Legislative Clarity:** Parliament should provide clear guidelines on the use of ordinances, ensuring they are not misused to undermine democratic institutions.

The ordinance-making power, while constitutionally sanctioned, has been misused, leading to significant challenges in democratic governance. The Supreme Court's rulings have highlighted the need for stricter adherence to constitutional provisions and legislative control over this power. Moving forward, both the legislature and judiciary must uphold the principles of democracy by ensuring that ordinances are used judiciously and not as a substitute for the legislative process.

16.

INDIAN JUDICIARY

The judiciary in India holds a **paramount position in the country's governance**, serving as the **final arbiter of justice and the guardian of the Constitution**.

Former **U.S. Supreme Court Justice Earl Warren** once said, **"It is the spirit and not the form of law that keeps justice alive."** This sentiment underscores the judiciary's role in India, where the spirit of justice guides its functioning.

The **judiciary ensures the rule of law, protection of fundamental rights**, and accessible justice for all, forming an indispensable pillar of the nation's democratic foundation.

A. ROLE AND POWER OF THE SUPREME COURT UNDER THE CONSTITUTION

- **Guardian of the Constitution:** The Supreme Court of India is the guardian of the Constitution and the final interpreter of its provisions, with the authority to strike down any law or government action that violates the Constitution.
- **Protection of Fundamental Rights:** The Court plays a crucial role in upholding fundamental rights, such as the right to equality, freedom of speech, and the right to life and personal liberty. Under **Article 32**, individuals can directly approach the Supreme Court to enforce their fundamental rights.
- **Judicial Review:** The Court exercises judicial review over government actions, ensuring they comply with the Constitution. For example, in the **Kesavananda Bharati case (1973)**, the Court established the doctrine of the 'basic structure,' limiting Parliament's power to amend the Constitution.
- **Public Interest Litigation (PIL):** The Supreme Court actively engages in PILs, allowing citizens to seek justice on behalf of the marginalized and underprivileged. For instance, the **Vishaka case (1997)** led to guidelines against workplace sexual harassment.
- **Environmental Protection:** The Court has emerged as a prominent environmental protector, taking measures to safeguard India's ecological heritage. In cases like **M.C. Mehta vs. Union of India (1987)**, it issued directives to address environmental concerns.
- **Balancing Powers:** The Court plays a vital role in maintaining the delicate balance of powers between the executive, legislative, and judicial branches, acting as a check on potential overreach or abuse of power by any branch.

B. JUDICIAL ACTIVISM IN INDIA

Judicial activism involves the judiciary, particularly the Supreme Court and High Courts, taking an **active role in interpreting and enforcing the law, protecting fundamental rights, and ensuring accountability** when the legislative or executive branches fail to act or violate constitutional principles. This approach suggests that the judiciary should not remain passive but actively engage in addressing legal and social issues.

KEY ASPECTS OF JUDICIAL ACTIVISM IN INDIA

- **Broad Interpretation of Fundamental Rights:** The judiciary has expanded the scope of fundamental rights, as seen in **Olga Tellis v. Bombay Municipal Corporation (1985)**, which broadened the interpretation of the right to life to include the right to livelihood under **Article 21**.
- **Public Interest Litigation (PIL):** PIL allows citizens to seek judicial intervention for public interest issues. Landmark cases like **M.C. Mehta v. Union of India (1987)** addressed environmental protection, particularly the regulation of polluting industries around the Ganges River.
- **Oversight of Executive Actions:** Courts scrutinize executive actions to ensure constitutional compliance. In the **Indira Gandhi v. Raj Narain (1975)** case, the Supreme Court invalidated Prime Minister Indira Gandhi's election on grounds of electoral malpractice.
- **Constitutional Interpretation:** The judiciary interprets constitutional provisions to guide government actions. In **I.R. Coelho v. State of Tamil Nadu (2007)**, the Supreme Court reaffirmed the basic structure doctrine, protecting fundamental rights from constitutional amendments.
- **Establishing Legal Precedents:** Judicial decisions set legal precedents for lower courts and legal practitioners. In **Bandhua Mukti Morcha v. Union of India (1984)**, the Court set guidelines for the eradication of bonded labour, emphasizing the right to dignity.
- **Promoting Social Justice and Accountability:** Judicial activism often leads to policy changes and the protection of citizens' rights. In **Vishal Jeet v. Union of India (1990)**, the Supreme Court issued directives to prevent child trafficking and rehabilitate victims, promoting social justice and accountability.

VALUE ADDITION: PERSPECTIVES ON JUDICIAL ACTIVISM

IN SUPPORT

- **Prof. S.P. Sathe** strongly supports judicial activism, viewing it as **essential for protecting fundamental rights and promoting social justice**. He argues that the judiciary must step in when other branches of government fail to uphold constitutional values and human rights.
- **Justice P.N. Bhagwati**, a former Chief Justice of India believed that the **judiciary should play an active role in addressing societal** issues and safeguarding the rights of the disadvantaged, often through PIL.
- **Prof. Arun Shourie** supports judicial activism as a means **to combat corruption and inefficiency** within the executive and legislative branches. He emphasizes the judiciary's role in ensuring government accountability and transparency.

AGAINST

- **Prof. Madhav Khosla** raises concerns about the overreach of judicial activism, arguing that it can undermine democratic principles by encroaching on the functions of the executive and legislature. He stresses the need for judicial restraint to maintain a balance of power.
- **Justice A.K. Patnaik** a former Supreme Court judge, criticizes the misuse of PIL and judicial activism, noting that it can lead to **judicial overreach** and disrupt the balance of power. He argues for a more restrained and judicious use of PIL to avoid overburdening the courts.
- **Prof. T.R.S. Allan** warns against **excessive judicial activism**, suggesting it can lead to **judicial populism and undermine the rule of law**. He advocates for a more balanced approach, where the judiciary respects the roles and boundaries of other government branches.

IMPACT OF JUDICIAL ACTIVISM ON THE RELATIONSHIP BETWEEN THE EXECUTIVE AND JUDICIARY IN INDIA

- **Environmental and Social Justice:** Judicial activism addresses environmental and social justice issues, leading to significant policy changes. **Dr. Raju Ramachandran and Prof. Mahendra Pal Singh** highlight the transformative impact of judicial interventions in promoting justice.

- **Resolution of Conflicts:** The judiciary resolves conflicts between the executive and judiciary, reinforcing the supremacy of the Constitution. **Dr. Faizan Mustafa and Prof. Sudhir Krishnaswamy** emphasize its role in upholding the rule of law.
- **Checks and Balances:** Judicial activism reinforces the system of checks and balances by preventing potential abuses of power. Constitutional historian **Dr. Sarbani Sen** and legal scholar **Dr. Ashok Desai** emphasize its role in maintaining a balance of power among government branches.
- **Public Interest Litigation (PIL):** PIL empowers citizens to seek legal remedies for public concerns, promoting governance and accountability. **Justice V.R. Krishna Iyer and Dr. Abhinav Chandrachud** recognize PIL's role in aligning judicial actions with public interests.
- **Setting Legal Precedents:** Judicial activism establishes legal precedents that guide future cases, ensuring consistency in legal interpretation. Former Chief Justice of India **Dr. A.S. Anand and Prof. Shibani Ghosh** highlight the importance of these precedents in shaping the legal landscape.
- **Setting Legal Precedents:** Judicial activism establishes legal precedents that guide future cases, ensuring consistency in legal interpretation. Former Chief Justice of India **Dr. A.S. Anand and Prof. Shibani Ghosh** highlight the importance of these precedents in shaping the legal landscape.
- **Protection of Fundamental Rights:** The judiciary actively protects fundamental rights, striking down laws and executive actions that infringe on citizens' rights. **Prof. Surya Deva and Justice A.P. Shah** underscore the judiciary's role as the guardian of the Constitution.
- Example: In the case of **Prakash Singh v. Union of India**, the Supreme Court directed the implementation of **police reforms**, outlining specific changes in the functioning and structure of the police forces.
- **Environmental and Land Use Decisions:** Courts have made sweeping decisions in environmental and land use matters, often seen as delving into the executive's domain.
 - Example: In the case of **Godavarman Thirumulpad v. Union of India**, the Supreme Court issued **broad directives for forest conservation**, impacting policies on land use and environmental protection.
- **Social and Moral Issues:** The judiciary's involvement in issues with significant social and moral implications is often cited as an example of overreach.
 - Example: In the case of **Aruna Shanbaug v. Union of India**, the Supreme Court laid down guidelines for **passive euthanasia**, stepping into a highly sensitive and moral area.
- **Legislative Matters:** Courts sometimes venture into areas that are typically the domain of the legislature, effectively creating laws or policies.
 - Example: In the **Vishaka v. State of Rajasthan case**, the Supreme Court laid down guidelines for preventing sexual harassment in workplaces, effectively creating a law in the absence of specific legislation.
- **Policy Formulation:** Judicial overreach can manifest as courts formulating policies or making policy recommendations, a role traditionally reserved for elected representatives.
 - Example: In the case of **Bandhua Mukti Morcha v. Union of India**, the Supreme Court issued detailed guidelines for the **rehabilitation of bonded laborers**, effectively shaping policy.

C. JUDICIAL OVERREACH

Judicial overreach refers to situations where the judiciary, particularly the higher courts, is perceived as extending its authority beyond the constitutionally prescribed limits of interpreting and applying the law. It involves the judiciary making decisions or issuing orders that appear to encroach on the domains of the legislative and executive branches of government, thereby exceeding its role as an impartial arbiter.

JUDICIAL OVERREACH IN INDIA

- **Executive Interference:** Courts may actively interfere in executive functions, issuing directives on how government policies should be implemented.

KEY CONCERNS AND CRITICISMS

- **Role of the Judiciary:** Critics emphasize that the judiciary's primary role is to ensure the constitutionality of actions, not to engage in lawmaking or policy formulation.

➤ **Violation of Separation of Powers:** Critics argue that judicial overreach disrupts the balance of power among the three branches of government, undermining the principles of separation of powers.

- Example: In the case of **National Judicial Appointments Commission (NJAC) v. Union of India**, the Supreme Court struck down the NJAC Act, which was seen by some as overstepping its boundaries and encroaching on legislative powers.

➤ **Impact on Governance:** Detailed judicial interference in administrative matters can lead to inefficiencies and confusion in governance, affecting the effectiveness of the executive branch.

- Example: In the case of **Centre for Public Interest Litigation v. Union of India**, the Supreme Court **canceled 122 telecom licenses**, which led to significant upheaval in the telecom sector and raised questions about judicial overreach.

Lack of Accountability: Judges, who are not elected, are not directly accountable to the public. Judicial overreach raises concerns about decisions impacting public life without direct democratic accountability.

- Example: In the case of **Common Cause v. Union of India**, the Supreme Court directed the government to formulate a national policy for the **regulation of NGOs**, which some critics viewed as judicial overreach.

➤ **Disruption of Legislative Process:** By actively legislating or making detailed policy decisions, judicial overreach can disrupt the legislative process where elected representatives should be responsible for debating and passing laws.

- Example: In the case of **Shreya Singhal v. Union of India**, the Supreme Court struck down **Section 66A of the IT Act**, which some saw as judicial overreach into the legislative domain.

ADDRESSING JUDICIAL OVERREACH

➤ Mitigating judicial overreach requires a delicate balance between judicial activism and respect for democratic processes. This balance can be achieved through **judicial self-restraint, robust legislative oversight, public awareness**, and dialogue between the branches of government.

- Example: The Supreme Court's decision to refer the question of the validity of the Aadhaar scheme to a larger bench is an example of the judiciary recognizing the need for a balanced approach and seeking a comprehensive perspective on a contentious issue.

The line between judicial activism and judicial overreach is very narrow. When judicial activism crosses its limits and becomes judicial adventurism, it is known as judicial overreach.

D. SUPREME COURT AS A FORUM FOR POLICY EVOLUTION

In India, the Supreme Court has evolved into a significant forum for policy development through its expansive constitutional interpretation and proactive stance on policy matters, beyond its traditional role of resolving disputes.

➤ **Public Interest Litigation (PIL):** The Supreme Court has expanded Public Interest Litigation (PIL), allowing individuals and organizations to advocate for marginalized groups. Through PILs, the court has influenced policies on environmental protection (**M.C. Mehta vs. Union of India**), child rights, and labor rights (**Bandhua Mukti Morcha vs. Union of India**).

➤ **Broad Interpretation of Fundamental Rights:** The court has broadened fundamental rights to include socio-economic aspects, shaping policies on education (**Mohini Jain vs. State of Karnataka**), privacy (**Justice K.S. Puttaswamy Case**), and dignity (**Francis Coralie Mullin vs. The Administrator, UT of Delhi**).

➤ **Directive Principles of State Policy (DPSP):** Relying on DPSPs, the Supreme Court has guided social and economic policies. For example, **Unni Krishnan vs. State of Andhra Pradesh** influenced the **Right to Education Act, 2009**.

➤ **Landmark Judgments:** Several landmark judgments have had significant policy implications. The **Vishakha vs. State of Rajasthan** judgment led to the **Sexual Harassment of Women at Workplace Act, 2013**, and the **Navtej Singh Johar vs. Union of India** judgment decriminalized same-sex relations.

While the Supreme Court's policy evolution role is significant, it is controversial, with critics arguing it encroaches on elected branches' domains. Nonetheless, its contributions to policy development and social change are crucial in the Indian democratic system.

E. INDEPENDENCE OF JUDICIARY

The independence of the judiciary is crucial for maintaining the rule of law and upholding democratic values in India. An impartial judiciary acts as a guardian of the Constitution, protecting fundamental rights and providing a check on executive power. It ensures that all citizens, regardless of their political affiliations, are treated fairly and justly. Furthermore, an independent judiciary fosters public confidence in the legal system, promoting accountability and transparency while preventing the abuse of power by the government.

FACTORS AFFECTING INDEPENDENCE OF JUDICIARY

- **Political Influence:** The government has reportedly interfered in judicial appointments and case outcomes, raising concerns about the executive's control over the judiciary.
- **Judicial Appointments:** Delays and rejections in the appointment of judges, such as Gopal Subramaniam, hinder the judiciary's functioning and autonomy.
- **Legislative Pressure:** Attempts to alter the Collegium system with the National Judicial Appointments Commission threaten judicial independence.
- **Weaponization of the Judiciary:** The use of defamation laws and selective prosecution against political opponents compromises the judiciary's role as a neutral arbiter.
- **Judicial Accountability:** Personal motivations and post-retirement incentives can lead judges to align with executive interests, further undermining independence.

SUGGESTIONS

- **1. Strengthen Judicial Appointments:** Reinforce the Collegium system to ensure that judicial appointments remain insulated from political influence, with clear criteria and transparency in the selection process.

- **2. Legal Reforms:** Amend defamation laws to prevent their misuse against political dissent and opposition leaders, protecting the freedom of speech.
- **3. Institutional Safeguards:** Establish independent bodies to oversee the functioning of investigative agencies like the CBI to prevent selective prosecution.
- **4. Enhance Public Awareness:** Promote civic education on the judiciary's role and the importance of its independence, encouraging public discourse on judicial accountability.
- **5. Judicial Training:** Implement regular training programs for judges to strengthen their understanding of constitutional principles and safeguard against political pressures.

Safeguarding judicial independence is paramount for protecting democracy in India. Ensuring that the judiciary operates free from political influence will help restore public confidence and uphold the rule of law.

F. CHALLENGES IN THE INDIAN JUDICIAL SYSTEM

The Indian judicial system faces numerous challenges that impact its efficiency and effectiveness.

- **Underfunded Judiciary:** Inadequate financial resources allocated to the judiciary hinder reforms and lead to under-resourced courts. **Justice Ruma Pal** highlighted that underfunding the judiciary results in inefficiency, particularly in lower courts, and called for greater financial allocation.
 - Example: Many **district courts in India lack basic facilities** and modern technology.
- **Frequent Adjournments:** High rates of adjournments in court proceedings contribute to delays and backlog. **Justice Markandey Katju** criticized the **frequent use of adjournments**, arguing that it contributes to the backlog and delays.
 - Example: Civil litigation in family courts often experiences multiple adjournments, prolonging the process.
- **Public Trust and Perception:** Public perception of the **judicial system's efficiency and integrity** is sometimes marred by delays and corruption. High-profile corruption cases involving judges or lawyers contribute to scepticism about the system's integrity.

➤ **Complex Legal Procedures:** Lengthy and complicated legal procedures deter individuals from seeking justice, contributing to the backlog. **Dr. Upendra Baxi** discussed that **complex legal procedures deter individuals** from approaching the justice system and advocated for their simplification

- Example: **Property disputes** in India often take decades to resolve due to the complex litigation process.

➤ **Outdated Laws:** Outdated and colonial-era laws contribute to legal complications and delays. According to PRS Legislative Research, India still has several pre-independence laws in effect.

- Example: The **Sedition law under Section 124A** of the Indian Penal Code, a colonial-era provision, continues to be controversial.

➤ **Backlog of Cases:** A significant backlog of cases in Indian courts leads to delays in justice delivery. **Dr. N.R. Madhava Menon** emphasized that the backlog compromises the right to a speedy trial, which is fundamental to the Indian Constitution, and advocated for judicial reforms to address this issue.

- Example: The **Delhi gang-rape case of 2012** took several years to reach a conclusion despite being a high-profile case.

➤ **Limited Access to Justice:** Accessibility to justice remains a concern, especially for marginalized and underprivileged populations. According to the National Crime Records Bureau, **nearly 70% of prisoners in India are undertrials** who have not been convicted.

➤ **Shortage of Judges:** A significant shortage of judges at various court levels impacts the pace of justice. **Fali S. Nariman** underscored the shortage of judges as a critical issue and suggested timely and efficient appointments to address the problem.

- Example: Many High Courts in India operate with a substantial number of vacancies, slowing down case resolution.

Addressing these challenges requires **comprehensive reforms, such as increasing judicial capacity, simplifying legal procedures, updating laws, enhancing technology, and improving legal aid services** to ensure equitable access to justice for all.

G. SUGGESTIONS TO ADDRESS JUDICIAL CHALLENGES IN INDIA

➤ **Increase Funding:** Allocate greater financial resources to the judiciary to improve infrastructure, technology, and facilities in courts, especially at the district level.

➤ **Limit Adjournments:** Implement stricter regulations to minimize frequent adjournments in court proceedings, ensuring timely hearings and reducing backlog.

➤ **Enhance Public Trust:** Establish transparency measures and accountability mechanisms to combat corruption within the judicial system and restore public confidence.

➤ **Simplify Legal Procedures:** Reform complex legal procedures to make the justice system more accessible, particularly in civil litigation and property disputes.

➤ **Update Outdated Laws:** Review and repeal colonial-era laws, such as the Sedition law under Section 124A, to align legal frameworks with contemporary democratic values.

➤ **Address Case Backlog:** Introduce judicial reforms aimed at expediting case resolution, ensuring the right to a speedy trial is upheld.

➤ **Improve Access to Justice:** Enhance legal aid services and establish community outreach programs to ensure marginalized populations can access justice.

➤ **Fill Judicial Vacancies:** Prioritize timely appointments to address the shortage of judges across various court levels, increasing judicial capacity to handle cases efficiently.

Implementing these reforms can significantly enhance the efficiency, accessibility, and integrity of the Indian judicial system.

UNIT 5: GRASSROOT DEMOCRACY

SYLLABUS- PANCHAYATI RAJ AND MUNICIPAL GOVERNMENT, SIGNIFICANCE OF 73RD AND 74TH AMENDMENTS, GRASS ROOT MOVEMENTS

PREVIOUS YEAR QUESTIONS

PANCHAYATI RAJ AND MUNICIPAL GOVERNMENT

- Functions of District Planning Committee. Coment. (2023)
- Do you think that despite having significant limitations the Panchayati Raj institutions have strengthened the process of democratic decentralization? Give your views. (2021)
- New Panchayati Raj is an effective instrument for women empowerment. (2018)
- Examine the provisions of Panchayat Extension Services Act (PESA), 1996. (2018)
- The goal of Good governance will be achieved only by strengthening the grassroots level of democracy. (2016)
- Examine the role of Panchayati Raj Institution and Urban Local Bodies in deepening of democracy in India. (2015)
- Explain how the participation of women impacted the functioning of rural local bodies in India. (2014)

SIGNIFICANCE OF 73RD AND 74TH AMENDMENTS

- Discuss the major provisions of the 74th Constitutional Amendment Act. Do you think that the Act remains an "unfulfilled dream"? Argue your case. (2023)
- Examine the unique features of the 73rd Constitutional Amendment. Do you think this Amendment would contribute in achieving the goal of empowerment of marginalised sections of the society? (2022)
- To what extent has 73rd and 74th amendments of the Indian Constitution enhanced women's empowerment? (2020)
- Has the 73rd Constitutional Amendment empowered women in panchayats in India? Discuss. (2017)

- Examine the changing structure of Panchayati Raj institutions with special reference to the 73rd Constitution Amendment Act. (2013)

GRASS ROOT MOVEMENTS

- Political decentralization has not been matched by administrative decentralization at the grass roots level. Explain. (2019)

1.

PANCHAYATS IN INDIA: INSTITUTIONS OF SELF-GOVERNANCE

Panchayats are local government institutions at the **village or small-town level** in India. They serve as the foundation of India's decentralized system of governance, intended to bring democracy to the grassroots level.

The term "Panchayat" is derived from the Sanskrit words "**pancha**," meaning **five**, and "**ayat**," meaning assembly, traditionally representing a council of five elders. Today, Panchayats function as elected bodies responsible for local administration and development.

VISION BEHIND CREATION OF PANCHAYATS

The vision behind establishing Panchayats as institutions of self-governance is rooted in the **socio-economic fabric of India**, especially given the predominance of the rural population and widespread rural poverty. This vision was significantly influenced by Mahatma Gandhi's ideas.

Gandhi's Vision for Panchayats: Gandhi proposed Panchayats as a means to:

- **Revival of Villages:** Gandhi envisioned Panchayats as a way to revive village economies and social structures, making them self-reliant and prosperous.

Address Rural Poverty: He saw Panchayats as crucial instruments to combat rural poverty and uplift the living standards of the rural populace through:

- **Land Reforms:** Gandhi advocated for 'Land to the Tiller' as a fundamental approach to eradicate poverty and hunger. He believed that giving land ownership to those who cultivate it would ensure their economic independence and sustainability.
- **Promoting Village Industries:** Gandhi also emphasized the importance of promoting small-scale village industries, which could provide employment and sustain local economies, reducing dependence on urban and industrial centres.

2.

PANCHAYATS IN INDIA: INSTITUTIONS OF SELF-GOVERNANCE

Panchayats are enshrined in the Constitution of India as institutions of self-governance at the village level. They were assigned two primary functions:

- **Preparation of Plans for Social and Economic Development:** Panchayats are responsible for creating plans that address the socio-economic needs and development of their respective villages.
- **Implementation of Rural Development Schemes:** They are tasked with implementing rural development programs formulated by the Union and State Governments.

3.

LIMITATIONS AS DEVELOPMENTAL AGENCIES

Despite the 73rd Constitutional Amendment Act describing Panchayats as institutions of self-governance, they function more as developmental agencies rather than full-fledged governments. This distinction is significant because:

- **Governance vs. Development:** True self-governance implies not only the execution of development projects but also the maintenance of law and order and the ability to make binding decisions at the local level.
- **Lack of Authority and Resources:** Panchayats often lack the necessary authority, resources, and capacity to formulate comprehensive development plans independently. Consequently, they remain primarily as implementing agencies of plans and programs devised by higher levels of government.

4.

CHALLENGES IN DECENTRALIZED PLANNING

Studies have shown that decentralized planning in India remains largely ineffective. Several factors contribute to this:

- **Capacity Deficit:** Panchayats frequently lack the technical expertise and resources to develop and implement plans effectively. This capacity deficit limits their role to mere execution rather than independent planning and decision-making.
- **Circumscribed Role:** The role of Panchayats is further limited by the presence of NGOs and voluntary sector organizations, which often receive direct funding and take on the role of implementing various schemes at the grassroots level.

While Panchayats are **constitutionally established** as institutions of self-governance, their practical role has been limited due to various **structural and capacity-related challenges**. The vision of decentralized planning and governance remains unfulfilled to a significant extent.

For Panchayats to truly function as self-governing bodies, there needs to be a concerted effort to build their capacity, provide adequate resources, and allow them greater autonomy in decision-making. This would align more closely with Gandhi's vision of self-reliant and empowered villages, addressing rural poverty and ensuring a dignified life for the rural masses.

5.

STRATEGIES OF RURAL DEVELOPMENT AFTER INDEPENDENCE

At the time of India's independence in 1947, the country faced significant challenges, particularly in rural areas where the majority of the population resided. Rural India was marked by widespread poverty, illiteracy, and lack of basic infrastructure. The newly independent nation had to address these challenges to ensure equitable development and improve the living standards of its rural population.

- **Gandhian Approach:** Mahatma Gandhi envisioned a decentralized approach to rural development, emphasizing self-sufficient village communities. His vision included empowering Panchayats as local self-governing bodies and implementing land reforms to ensure equitable distribution of resources. However, his approach was considered by many to be too traditional and utopian.

➤ **Ambedkar's Critique:** Dr. B.R. Ambedkar, a prominent leader and architect of the Indian Constitution, criticized the Panchayati Raj system. He viewed **villages as "dens of ignorance"** due to the **entrenched caste system** and believed that empowering such structures could perpetuate social inequalities. Ambedkar **advocated for a more centralized approach** to social and economic reforms to address these deep-rooted issues.

➤ **Nehru's Modernist View:** Jawaharlal Nehru favoured a modernist approach to rural development. With an urban and industrial background, he preferred a **bureaucracy-led model**, believing a professional bureaucracy could drive India's social and economic transformation. Nehru had **limited faith in the rural masses'** ability to drive development on their own.

Post-independence, India's rural development strategies, shaped by diverse ideologies and practical challenges, initially focused on bureaucracy-led efforts. The eventual shift to the Panchayati Raj system emphasized community participation and decentralized planning, reflecting ongoing efforts to address rural challenges.

6.

DIFFERENT PHASES OF PANCHAYATI RAJ

➤ Phase-I: 1950s and 1960s (Phase of Enthusiasm)

- **Inauguration:** On 2nd October 1959, Pt. Jawaharlal Nehru inaugurated the Panchayati Raj system in Nagore district, Rajasthan. This marked the beginning of the Panchayati Raj institutions (PRIs) in India, leading to their introduction in almost all states. ongoing efforts to address rural challenges.

Widespread Adoption: *Following this inauguration, Panchayats were established in various states, ushering in a phase of enthusiasm for decentralized governance.*

➤ Phase-II: 1970s and 1980s (Phase of Stagnation)

- **Irregular Elections:** After their initial establishment, regular elections for Panchayats were not conducted consistently. Once dissolved, many Panchayats remained non-functional for extended periods.
- **Lack of Devolution:** There was a significant lack of devolution of the three Fs – **funds, functions, and**

functionaries. This hampered the effectiveness of Panchayats.

- **Exceptions:** Despite the general stagnation, some states like **Kerala, West Bengal, Karnataka, and Maharashtra** had more meaningful Panchayat activities. In Maharashtra, however, Panchayats were often controlled by dominant local classes.
- **Centralizing Trends:** Centralization in Indian politics during this period contributed to the stagnation of Panchayati Raj. **Wars with neighboring** countries and secessionist movements led to a more centralized governance approach.
- **State Governments' Role:** The central government failed to devolve adequate powers to state governments, which in turn, were often described as glorified municipalities. This lack of devolution from the Union to the states further discouraged the empowerment of Panchayats.
- **Union Government's Role:** The success of Panchayats depended significantly on the willingness of the Union Government to devolve power to the states, which was not sufficiently forthcoming.

➤ Phase-III: 1990s (Phase of Revival)

- **Rajiv Gandhi's Efforts:** Rajiv Gandhi introduced revolutionary bills aimed at establishing strong Panchayats and municipalities. However, these bills faced resistance in the Rajya Sabha as states feared that strong Panchayats would bypass state governments.
- **L.M. Singhvi Committee:** The committee recommended giving constitutional status to Panchayats, emphasizing the need for political reforms alongside economic reforms.
- **Economic and Political Reforms:** In response to changing global dynamics, India adopted the New Economic Policy in 1991 and the 73rd Constitutional Amendment in 1992. While economic reforms progressed, political reforms, particularly those empowering Panchayats, lagged behind.

7.

FACTORS RESPONSIBLE FOR POOR PERFORMANCE OF PANCHAYATI RAJ IN INDIA

- **Middle Class and Civil Society:** The failure of Panchayati Raj is partly attributed to the lack of

initiative from the middle class and advanced sections of civil society, who had previously driven the national movement.

- **Supply-Driven Nature:** The Panchayati Raj experiment has largely been supply-driven, with insufficient grassroots demand for good governance. Effective governance requires a shift to demand-driven initiatives, propelled by grassroots movements and social mobilization.
- **Lack of Regular Elections:** Regular elections are crucial for maintaining the democratic essence and legitimacy of Panchayats. Without regular elections, Panchayats lose their accountability and responsiveness to the local populace.
- **Insufficient Devolution of Powers (3Fs)**
 - **Funds:** Financial autonomy is critical for Panchayats to function effectively. Without adequate funds, Panchayats cannot implement development projects or provide essential services.
 - **Functions:** Essential functions need to be transferred to Panchayats to enable them to act as true self-governing institutions. Without these functions, their role is limited and superficial.
 - **Functionaries:** The lack of trained administrative staff hampers the ability of Panchayats to execute plans and policies effectively.
- **Bureaucratic Resistance:** Bureaucratic support is essential for the smooth functioning of Panchayats. Resistance from bureaucrats, who may fear a loss of power and control, can significantly impede the operations of Panchayats.
- **State Government Reluctance:** State governments play a pivotal role in empowering Panchayats. Reluctance from state leadership to devolve power and resources can stymie the effectiveness of Panchayats.
- **Corruption:** Corruption at various levels of governance, including within Panchayats, diverts resources meant for development and erodes public trust. Developmental projects are either poorly executed or not completed at all.

Despite initial enthusiasm and subsequent challenges, there is a recognized need for effective decentralization. The success of Panchayats hinges on **genuine devolution of power, cooperation from the bureaucracy, and active participation from the**

community. Future efforts must focus on transforming Panchayati Raj into a demand-driven system to achieve the envisioned goals of decentralized and participatory governance.

Scholars view's on PRIs

- **Rajiv Bhargava** emphasizes the potential of PRIs to deepen democracy and improve governance if adequately supported and empowered.
- **George Mathew** highlights the importance of devolving more functions and funds to PRIs to enhance their effectiveness.
- **Sudipta Kaviraj** points out the reluctance of state governments and the centralization trends that undermine the autonomy of PRIs.
- **Pranab Bardhan** argues that corruption and mismanagement within PRIs reflect broader systemic issues that need comprehensive institutional reforms.

8.

73RD CONSTITUTIONAL AMENDMENT ACT

- The 73rd Constitutional Amendment Act, **passed in 1992** and came into force on 24 April, 1993, was a landmark legislation aimed at strengthening Panchayati Raj institutions (PRIs) in India. This amendment sought to provide constitutional status to PRIs, thereby making them more robust and effective in decentralizing governance and promoting grassroots democracy.

A. KEY FEATURES

- **THREE-TIER STRUCTURE:** The amendment mandates a three-tier system of Panchayati Raj for all states with a **population of over 2 million:**
 - Gram Panchayat (Village Level)**
 - Panchayat Samiti (Intermediate Level)**
 - Zilla Parishad (District Level)**
- **ELECTIONS:**
 - **Regular Elections:** The act mandates regular elections every five years for all Panchayats.

- **Election Commission:** Establishment of a State Election Commission responsible for conducting free, fair, and regular elections to the Panchayati Raj institutions.

RESERVATION OF SEATS

- **Women:** Reservation of at least one-third of the total number of seats and offices of chairpersons for women.
- **Scheduled Castes and Scheduled Tribes:** Reservation of seats in proportion to their population.
- **Other Backward Classes:** States can provide reservations for OBCs if they wish.

- **DEVOLUTION OF POWERS AND RESPONSIBILITIES:** The amendment provides for the devolution of powers and responsibilities to Panchayats to enable them to function as institutions of self-government. This includes preparation of plans for economic development and social justice and implementation of schemes for these purposes.

FINANCES

- **State Finance Commission:** Establishment of a State Finance Commission every five years to review the financial position of the Panchayats and make recommendations regarding the distribution of financial resources between the state and Panchayats.
- **Grants-in-aid:** Provision for grants-in-aid to Panchayats from the Consolidated Fund of the State.
- **Planning (District Planning Committee):** The act provides for the establishment of a District Planning Committee to consolidate plans prepared by Panchayats and Municipalities and prepare a draft development plan for the district.

- **POWERS AND FUNCTIONS:** The amendment lists **29 subjects in the Eleventh Schedule** of the Constitution which may be devolved to Panchayats. These include agriculture, land improvement, irrigation, animal husbandry, fisheries, social forestry, rural housing, drinking water, roads, education, health, and sanitation, among others.

B. KEY FEATURES

- **Empowerment of Women and Marginalized Groups:** The reservation of seats for women and marginalized groups has increased their

participation in local governance and decision-making processes.

- **Decentralized Planning and Development:** The act has facilitated decentralized planning and the implementation of development schemes, making them more responsive to local needs and priorities.
- **Strengthened Local Governance:** PRIs have become more integral to local governance, with enhanced roles in planning, decision-making, and implementation of government schemes.

The 73rd Constitutional Amendment Act has been a significant step towards empowering Panchayati Raj institutions and promoting decentralized governance in India.

C. THE 73RD CONSTITUTIONAL AMENDMENT ACT AS A 'HALF-BAKED CAKE'

The 73rd Constitutional Amendment Act is often described as a 'half-baked cake' due to its partial and inconsistent implementation. While it introduced a framework for Panchayati Raj Institutions (PRIs), it left critical elements of empowerment to the discretion of state governments. It is called half-baked cake because of following issues:

ISSUES RELATED TO FUNCTIONS

- **Limited Role in Schemes:** Over 150 centrally sponsored schemes, except MGNREGA and BRGF, do not include a role for PRIs.
- **Devolution Disparities:** States like Kerala and West Bengal have devolved up to 26 departments to Panchayats, while others have devolved as few as 3 functions.
- **Resistance to Devolution:** Higher-level politicians and bureaucrats resist devolving powers due to fear of competition and losing control over service delivery.

ISSUES RELATED TO FINANCES

- **Fiscal Dependency:** PRIs receive 95% of their revenues from devolved funds, generating only 5% from own resources due to limited taxation powers devolved by state governments.
- **Low Taxation Efforts:** Few Panchayats levy taxes; leaders argue it's difficult to tax constituents. The Economic Survey 2018 noted a "low equilibrium trap" in local self-government.

Limited Implementation of Recommendations:

Many states do not implement recommendations from State Finance Commissions (SFCs), impacting the fiscal viability of PRIs.

ISSUES RELATED TO FUNCTIONARIES

- **Human Resource Shortages:** Many Gram Panchayats lack a full-time Secretary, leading to inadequate planning and monitoring.
- **Lack of Training and Literacy:** Elected representatives often lack proper training and understanding of their roles, with many being semi-literate.
- **Computing Facilities:** Although district and intermediate Panchayats are connected, only about 20% of Gram Panchayats have computing facilities, hindering efficiency.

OTHER ISSUES RELATED TO THE FUNCTIONING OF PRIS**ELECTORAL AND RESERVATION ISSUES**

- **Term Limits:** Constituencies are reserved for only one term, limiting opportunities for re-election and participation in Panchayats.
- **Reservation Discrepancies:** Women's reservation is not proportionate to their population, leading to many vacant seats. Women often have minimal influence in decision-making and are called upon only for specific issues.
- **Dominance of Influential Persons:** Proceedings are typically dominated by upper-caste individuals, marginalizing women and lower castes in Gram Sabha activities, beneficiary selection, and planning.
- **Discrimination in Polls:** Certain Panchayats, like Pappapatti and Keeripatti in Madurai District, have a history of preventing Scheduled Castes (SCs) from contesting elections.

PARTICIPATION BARRIERS

- **Illiteracy:** Illiteracy significantly restricts the effective participation of many women and SC/ST members.
- **Delays in Elections:** Frequent delays in conducting Panchayat elections due to political reasons violate constitutional provisions. The State Election Commissions are often pressured, raising concerns about their independence and the fairness of elections.

ELECTED REPRESENTATIVES

- **Role Distortion:** Gram Panchayat Sarpanches spend excessive time in Block Offices for funds and technical approvals, distorting their roles as elected representatives.
- **Local Planning Ineffectiveness:** Bureaucratic high-handedness undermines local planning efforts, and representatives often lack the capacity for effective planning.

PARASTATAL BODIES

- **Definition and Purpose:** Parastatal bodies are partially or wholly government-owned entities formed under state statutes or the Societies Registration Act for delivering specific services (e.g., District Rural Development Agency, District Water and Sanitation Committee).
- **Impediment to Panchayat Empowerment:** These bodies operate independently with considerable funds and staff, limiting the say of Panchayats in decision-making and hindering effective functioning.

D. DSUGGESTED REFORMS FOR STRENGTHENING PANCHAYAT RAJ INSTITUTIONS

- **Activity Mapping: Punchhi Commission & 2nd ARC:** Implement 'activity mapping' following the principle of subsidiarity for function transfers to Panchayats.
- **Re-Election Opportunities:** Reserve seats for more than one term to enable re-election for marginalized members.
- **Transparency Measures:** Mandate video recording of meetings to ensure transparency and accountability.
- **Capacity Building:** Conduct periodic training to enhance managerial, leadership, and communication skills among members.
- **Legal Enforcement:** Strengthen laws against atrocities toward women and SC/ST members.
- **Election Commission Strengthening:** Ensure regular elections under an empowered State Election Commission, as directed by the Supreme Court (1997).
- **Political Will:** Foster political commitment for effective devolution of functions to Panchayats.
- **Ombudsman Establishment:** Establish Panchayat Ombudsmen to combat decentralized corruption (Manishankar Iyer Committee).

➤ **Infrastructure Development:** Raise a dedicated cadre of functionaries and develop infrastructure (buildings, ICT) in rural areas.

➤ **Administrative Restructuring:** Merge DRDA with District Panchayats, as seen in Kerala and Karnataka, and restructure departments to enhance PRI autonomy.

Bureaucratic Accountability: Sensitize local bureaucracy to ensure accountability to local representatives.

These reforms aim to empower Panchayati Raj Institutions for better governance and service delivery.

VALUE ADDITION

➤ **Compromised Document: Rajiv Gandhi** aimed for a **robust Panchayati Raj system**, but faced significant opposition from state governments that feared a loss of power. **Dr. George Mathew** points out that the **Act was a compromised document** because states resisted strong PRIs, leading to a diluted version of decentralization.

➤ **Government's Publicity vs. Reality: M. Govinda Rao** argues that while the **government portrayed the Act as a significant step** towards decentralization, **in reality, it only facilitated limited devolution**, leaving substantial power in the hands of states.

➤ **Implementation Variability: James Manor** highlights the uneven implementation across states. States like Kerala and Maharashtra have strong PRIs, while Bihar and Uttar Pradesh have weak institutions, reflecting the Act's inconsistent impact.

SCHOLARLY VIEWS AGAINST THE ARGUMENT OF 'HALF-BAKED CAKE' PERSPECTIVE

➤ **Incremental Progress: Dr. B.S. Baviskar** suggests that the Act represents a **significant step forward in empowering local governance**, despite its limitations. He argues that it has laid the groundwork for further reforms.

➤ **Compulsory Provisions' Impact: Dr. E. Sridharan** emphasizes the importance of the compulsory provisions in establishing a basic structure for local governance. These provisions ensure regular elections and reserved seats for marginalized groups, which are essential for inclusive democracy.

➤ **State-Level Innovations: Dr. Niraja Gopal Jayal** notes that some states have used the flexibility of the Act to innovate and strengthen PRIs. For example,

Kerala's participatory planning model demonstrates how states can effectively implement and build upon the basic framework provided by the Act.

The Act's effectiveness depends heavily on the political will and administrative capacity of individual states to strengthen local governance and fulfil the vision of democratic decentralization.

9.

GRAM SABHAS

➤ The 73rd Constitutional Amendment Act establishes the Gram Sabha as the foundation of the Panchayati Raj system. It consists of persons registered in the village's electoral rolls and forms the base for the three-tier PRIs structure: Gram Panchayat, Panchayat Samiti, and Zilla Panchayat. The Act aims to empower the Gram Sabha to identify local needs, plan projects, and decide on their implementation.

KEY ROLE OF GRAM SABHA

➤ **Efficient Implementation:** Ensures effective execution of developmental programs and prevents fund misuse through vigilant oversight.

➤ **Participatory Forum:** Serves as an institutional platform for members to engage, suggest, and debate common problems, contributing to village-level decision-making.

Policy Discussion: Facilitates discussion and analysis of policy impacts on rural development, allowing collective expression of concerns from rural households.

➤ **Program Suggestions:** Addresses issues such as Quality of life improvement, Sustainable development, social security and gender justice, Hygiene and nutrition, Soil and water conservation and Infrastructure development.

SIGNIFICANCE OF GRAM SABHAS

➤ Gram Sabha (GS) empowers citizens by giving them a direct voice in decision-making, allowing them to express local problems, needs, and aspirations. Reflecting Mahatma Gandhi's view that "India lives in villages," Gram Sabhas serve as the foundation of democracy, embodying people's power (Lokshakti) through village power (Gramshakti).

CHALLENGES FACED BY GRAM SABHAS

- **Irregular Meetings:** Gram Sabha meetings are often infrequent and conducted merely to fulfil administrative formalities, resulting in frustration when decisions are ignored.
- **Poor Awareness:** There is a significant lack of awareness about the powers and responsibilities of Gram Sabhas among the general public and Gram Panchayat members.
- **Lack of Clarity:** Many State Acts do not clearly define the powers of Gram Sabhas or outline procedures for their functioning, leading to operational ambiguities (Manishankar Iyer Committee Report).

RECOMMENDATIONS FOR STRENGTHENING GRAM SABHAS

- **Clear Functions:** Like the PESA Act, the 73rd AA should define the functions of Gram Sabhas and confer original jurisdiction.
- **Capacity Building:** Enhance awareness of the rights and powers of Gram Sabhas among the community.
- **Monitoring System:** Strengthen the block-level monitoring of Gram Sabha progress, including enrolment, meetings held, and committee formation.
- **Binding Powers:** Ensure that the mandatory powers of Gram Sabhas are binding, preventing government overruling of their decisions.
- **Quorum Requirements:** State governments should establish quorum requirements for Gram Sabha meetings to ensure participation from panchayat representatives, including women (Dr. Venugopal Committee).

10.

PESA ACT

The Provisions of the Panchayats (Extension to Scheduled Areas) Act of 1996 (PESA) is a pivotal legislation designed to adapt the **Indian Constitution's Part IX provisions** on Panchayats for the Scheduled Areas. This Act empowers tribal communities through several critical mechanisms:

A. EMPOWERMENT OF GRAM SABHA UNDER PESA

- **Decision-Making Authority:** PESA empowers the Gram Sabha to sanction development projects and oversee local resource management, including minor water bodies, lands, and forests.
- **Resource Control:** It grants significant control over natural resources, aligning management with indigenous customs.

LOCAL INSTITUTIONS AND MARKET REGULATION

- **Institutional Management:** The Gram Sabha oversees local institutions like schools and health centers, ensuring services meet community needs.
- **Market Oversight:** It regulates local markets and manages the sale of intoxicants.

FOREST AND LAND MANAGEMENT

- **Forest Produce:** PESA acknowledges tribal rights to manage minor forest produce, promoting sustainability.
- **Land Protection:** The Act mandates Gram Sabha consultation before land acquisition and provides mechanisms to return unlawfully acquired lands.

CULTURAL AND DISPUTE RESOLUTION

- **Cultural Safeguards:** The Act protects tribal customs and cultural heritage, reinforcing tribal identity.
- **Dispute Resolution:** It empowers the Gram Sabha to use traditional methods for resolving disputes over resources.

B. IMPACT OF PESA ACT

- **Community Empowerment:** Scholars like Isher Judge Ahluwalia note PESA's role in enhancing tribal autonomy and localized governance.
- **Governance Improvement:** Experts suggest PESA can transform local governance structures, making them more responsive to tribal needs.

B. ISSUES RELATED TO IMPLEMENTATION OF PESA

- **Ineffective Control of Gram Sabha:** Gram Sabha consultations are often disregarded by government officials during land acquisition. Example: In Jharkhand's Khunti district, 65% were not consulted; in Gumla district, 26% reported similar issues.

- **Dilution of Tribal Advisory Councils:** Tribal Advisory Councils have become non-assertive due to political influences.
- **Lack of Coordination Between Central Ministries:** Overlapping influences between the Ministry of Panchayati Raj and the Ministry of Tribal Affairs hinder implementation.
- **State Reluctance to Fulfil PESA's Spirit:** State legislations often omit PESA principles and delay establishing necessary rules. Example: Only 8 out of 10 states have notified their PESA rules; Madhya Pradesh and Chhattisgarh only did so in 2022.
- **Ambiguous Definitions:** PESA lacks clear definitions for terms like minor water bodies and minor minerals, leading to subjective interpretations.
- **Dominance of Forest Departments:** Forest departments continue controlling forest produce, reducing PESA's relevance. People rely more on the Land Acquisition Act of 2013 and the Forest Rights Act of 2006.

These issues highlight the need for stronger political will, clearer definitions, and better coordination for effective PESA implementation.

D. 2ND ARC RECOMMENDATIONS FOR PESA IMPLEMENTATION

- **Promoting Awareness and Accountability:** Organize awareness campaigns for the tribal population on PESA and the 73rd Amendment to ensure they demand accountability when decisions contradict the Gram Sabha or Panchayat.
- **Land Records and Access to Information:** Overhaul and systematically reorganize existing land records, providing free access to landholding information.
- **Strengthening Compliance with PESA:** Amend state compliance legislations, subject matter laws, and rules in areas like money lending, forest, mining, and excise to align with PESA.
- **Harmonizing Legislation and Policies:** Harmonize various laws and policies with PESA, including the Land Acquisition Act, Mines and Minerals Act, Indian Forest Act, Forest Conservation Act, and National Policies on Water, Minerals, Forest, Wildlife Conservation, and Environment.

- **Inclusion and Exclusion of Tribes:** Develop a consultation mechanism with major states and those with tribal populations to establish a comprehensive methodology for determining the inclusion and exclusion of tribes in the Scheduled Tribes list.

E. FEW IMPORTANT RECOMMENDATIONS BY THE XAXA COMMITTEE

- An exercise to bring rules made by state governments in conformity with PESA needs to be undertaken.
- Fraudulently obtained or forged Gram sabha consent must be heavily penalized.
- Creation of New Nagar palikas or extension of existing one in 5th schedule areas and tribal areas should be backed by a law made by the parliament.

While PESA stands as a transformative framework for tribal empowerment and self-governance, its success hinges on overcoming administrative inertia, enhancing tribal awareness, and ensuring the robust implementation of its provisions. Scholars argue that addressing these challenges is essential for realizing the full potential of PESA and achieving sustainable development in India's Scheduled Areas.

11.

STRENGTHENING THE GRASSROOTS LEVEL OF DEMOCRACY CAN RESULT INTO GOOD GOVERNANCE

Strengthening grassroots democracy is crucial for achieving good governance. This relationship is underscored by the foundational principles of inclusivity, accountability, responsiveness, and participatory governance, which are central to both concepts. Strengthening grassroots democracy contributes to good governance, as discussed below:

MEASURE	STRENGTHENING GOVERNANCE THROUGH GRASSROOT DEMOCRACY	GOOD
Enhanced Participation and Inclusivity	John Gaventa emphasizes that greater inclusivity ensures that marginalized groups have a voice, leading to fairer policy outcomes and enhanced societal equity.	
Increased Accountability and Transparency	Ananya Roy highlights that transparency and accountability mechanisms at the local level help curb corruption and ensure that services reach intended beneficiaries effectively.	
Responsive and Tailored Development	Elinor Ostrom's work suggests that localized governance leads to solutions that are better tailored to local conditions.	
Strengthening of Democratic Institutions	Daniel Kaufmann notes that strong grassroots institutions enhance democratic resilience, promoting a culture of rule of law.	
Better Resource Management	Jessica Green's research supports that local governance structures are effective at managing resources sustainably.	
Empowerment and Capacity Building	Amartya Sen argues that empowered local institutions are pivotal for good governance, as they implement policies more effectively and adapt to local needs.	

Strengthening grassroots democracy is indispensable for achieving good governance, as it aligns democratic principles directly with governance practices. Empowerment of local bodies is **essential for inclusive, accountable, and effective governance.**

Addressing the barriers to effective local governance is crucial for ensuring that the ideals of the 73rd and 74th Constitutional Amendments are fully realized, creating a more equitable and just society.

12.

INEFFECTIVE POLITICAL DECENTRALIZATION AND ADMINISTRATIVE DECENTRALIZATION

Political Decentralization involves **transferring decision-making** authority to lower levels of government, such as local elected bodies like Panchayats and Municipalities. **Administrative Decentralization**, on the other hand, entails the **devolution of administrative powers**, resources, and responsibilities to these local governments.

In many instances, political decentralization has not been adequately matched by administrative decentralization at the grassroots level, leading to several challenges, such as:

A. KEY CHALLENGES INVOLVED IN ACHIEVING DECENTRALIZATION

LIMITED DEVOLUTION OF ADMINISTRATIVE POWERS

- **Retention of Control:** State governments often retain significant control over planning, budgeting, and personnel management, undermining decentralization efforts (James Manor).
- **Limited Authority:** Local bodies frequently lack authority over crucial functions like public works, health, and education, controlled by state-level departments (D.L. Sheth).

INADEQUATE FINANCIAL AUTONOMY

- **Dependence on State Funding:** Local governments rely heavily on state and central funds, limiting their capacity to generate revenue and execute local projects (Richard M. Bird).
- **Delayed Fund Transfers:** Bureaucratic delays hinder timely implementation of local development projects.

BUREAUCRATIC DOMINANCE

- **State-Appointed Officials:** These officials often hold more power than elected representatives, overshadowing local decision-making (**Anirudh Krishna**).
- **Resistance to Devolution:** Higher-level officials resist relinquishing control, impeding decentralization (**Jean-Paul Faguet**).

WEAK INSTITUTIONAL CAPACITY

- **Lack of Training and Skills:** Local representatives often lack necessary skills, leading to inefficiencies (**Arun Agrawal**).
- **Insufficient Resources:** Inadequate infrastructure, personnel, and technology hinder effective administration (**Robert Chambers**).

FRAGMENTED RESPONSIBILITIES

- **Overlapping Jurisdictions:** Lack of clarity in responsibilities between government levels causes duplication and service delivery gaps (**Merilee Grindle**).
- **Coordination Challenges:** Poor coordination with higher-level agencies impedes policy implementation (**Elinor Ostrom**).

LEGISLATIVE AND POLICY GAPS

- **Inadequate Legal Framework:** Weak or incomplete frameworks lack clear guidelines for devolution of administrative powers (**James Manor**).
- **Lack of Political Will:** Inconsistent efforts due to insufficient political commitment to decentralization (**Larry Diamond**).

B. EXAMPLES AND CONSEQUENCES

- **Public Service Delivery:** Mandates for local services like water supply and sanitation are undermined by lack of administrative control, resulting in poor delivery and dissatisfaction.
- **Project Implementation:** Local development projects face delays due to the need for state-level approvals and coordination, reducing responsiveness and efficiency.

- **Citizen Participation:** Political decentralization encourages citizen participation, but without administrative decentralization, their inputs and decisions are often not effectively implemented.

For effective political decentralization, administrative decentralization must also occur, transferring decision-making, administrative powers, resources, and responsibilities to local governments. This requires strong political will, robust legal frameworks, capacity building, and accountability mechanisms to achieve improved service delivery, citizen participation, and inclusive development.

13. WOMEN'S REPRESENTATION IN LOCAL GOVERNMENT: CREATING A POLITICS OF PRESENCE

Rabindranath Tagore once said, "Woman is the builder of a nation's destiny. Though delicate and soft as a lily, she has a heart far stronger and bolder than man."

A. POSITIVE IMPACT OF WOMEN RESERVATION IN PRIS:

- The 73rd Constitutional Amendment Act reserves one-third of seats for women in Panchayati Raj Institutions (PRIs), providing a vital platform for women in public life.
- Elected Women Representatives (EWRs) demonstrate efficient leadership, often focusing on health, education, and sanitation.
- Women in leadership roles, like **Mamta Devi**, have significantly contributed to initiatives like the Swachh Bharat Mission.
- Approximately 44% of seats in local bodies are held by women (ORF 2023), with some states, like Karnataka, seeing more than 50% representation.

B. CHALLENGES FACED BY WOMEN IN PRIS:

- **1. Cultural and Social Barriers:**
 - **Patriarchal Mindset:** Women often need male family members' presence at meetings and face dominance by male officials.
 - **Proxy Leadership:** Many women serve as proxy leaders, controlled by male relatives.

- **Threat of Violence:** Women leaders often face threats if they assert authority.

2. Economic Barriers:

- **Financial Dependence:** Over 60% of women rely on family funds for election campaigns (International Journal of Rural Management, 2019).
- **Lack of Property Ownership:** Only 13% of agricultural landholders are women (Economic Survey of India 2017-18).
- **Low Digital Literacy:** In Bihar, only 63% of EWRs own a phone, and only 24% have smartphones.

3. Political Challenges:

- **Proxy Leadership:** 40% of women serve as proxy leaders (ActionAid India).
- **Lack of Mentorship:** Fewer than 10% receive formal training (Institute of Social Sciences).
- **Policy Barriers:** Rotation of reserved seats and policies like the two-child norm and education qualifications restrict women's political careers.

4. Institutional Barriers:

- **Limited Training:** Less than a third receive governance training (UN Women).
- **Poor Representation:** Actual participation can be lower than the 33% reservation.

5. Psychological Barriers:

- **Low Self-Esteem:** Many women feel uncomfortable speaking up in male-dominated meetings (Tata Institute of Social Sciences).
- **Fear of Violence:** Nearly 20% have received threats or faced violence (Centre for Social Research, 2020).

- Strengthen women's Self-Help Groups for financial independence.

Safety and Security:

- Implement strict laws against threats and violence.
- Set up legal cells to assist women representatives.

Social Mobilization:

- Organize community meetings to change patriarchal mindsets.
- Use media to highlight successful women leaders.

Technological Empowerment:

- Offer digital literacy training and introduce e-governance tools for women.

Women representatives play a crucial role in redefining local priorities. Addressing challenges through capacity-building programs and institutional reforms is essential for strengthening their political agency and ensuring inclusive development.

14.

THE 74TH CONSTITUTIONAL AMENDMENT ACT

The 74th Constitutional Amendment Act, enacted in 1992, was a transformative piece of legislation aimed at revitalizing urban governance in India. This amendment was part of India's broader efforts to decentralize governance and enhance the effectiveness of urban local bodies (ULBs). Here's a detailed exploration of its context, provisions, and

A. HISTORICAL CONTEXT

- **Neglected Urban Governance:** Before the amendment, urban governance in India was largely neglected despite the country's rich history of urban planning, dating back to the **Indus Valley Civilization**. Post-independence, the focus was predominantly on rural development, with urban areas receiving insufficient attention.

- **Increasing Urbanization:** By the early 1990s, rapid urbanization and the growing importance of urban centres in India's economic development highlighted the deficiencies in urban governance structures.

C. STEPS TO EMPOWER WOMEN IN LOCAL SELF-GOVERNMENTS

Capacity Building and Training:

- Offer training programs and pair new EWRs with experienced mentors.
- Educate women about their rights and governance functions.

Economic Empowerment:

- Train women in budgeting and financial decision-making.

B. OBJECTIVES OF THE AMENDMENT

The primary objectives of the 74th Constitutional Amendment were to:

- **Provide constitutional status** to municipalities and ensure their democratic functioning.
- **Decentralize administrative** and financial powers to municipalities to enable them to function as effective units of local government.
- **Ensure regular elections** and fixed tenure for municipal governments.
- Improve **transparency and accountability** in urban governance.

C. KEY PROVISIONS

CONSTITUTION OF URBAN LOCAL BODIES:

Types of Municipalities: Establishment of Nagar Panchayats for transitioning areas, Municipal Councils for smaller urban centres, and Municipal Corporations for larger cities.

RESERVATION OF SEATS:

- Reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) based on their population proportion.
- At least **one-third of all positions**, including that of chairpersons, **reserved for women**, promoting gender equity in urban governance.

REGULAR ELECTIONS AND TENURE:

Municipalities are to have a five-year term. Elections must be held before the expiry of the term or within six months if a municipality is dissolved earlier.

DEVOLUTION OF POWERS AND RESPONSIBILITIES:

- Municipalities are empowered to formulate and execute plans for economic development and social justice.
- Specific responsibilities include urban planning, road maintenance, water supply, sanitation, education, and public health.

FINANCIAL EMPOWERMENT:

Introduction of State Finance Commissions to review and enhance the financial strength of municipalities every five years.

DISTRICT PLANNING COMMITTEES (DPCS):

Establishment of DPCs to ensure integrated development by consolidating the plans prepared by Panchayats and municipalities.

METROPOLITAN PLANNING COMMITTEES (MPCS):

Required in metropolitan areas with a population of over a million to draft development plans.

D. CHALLENGES FACED BY URBAN LOCAL BODIES (ULBS)

INADEQUATE DEVOLUTION OF POWER

- **Limited Devolution:** The 74th Constitutional Amendment has not resulted in meaningful devolution of powers; only states like Kerala and West Bengal have fully empowered ULBs.
- **Rise of Special Purpose Agencies:** Special Purpose Vehicles (SPVs), like those under the Smart Cities Mission, dilute ULB authority by bypassing existing structures.

LACK OF AUTONOMY: ULBs have limited autonomy due to state control through parastatals, hindering tailored city management. For example, the Bangalore Development Authority often overshadows the Bruhat Bengaluru Mahanagara Palike.

FRAGMENTED GOVERNANCE: Multiple overlapping agencies, such as the Delhi Development Authority and Municipal Corporation of Delhi, create coordination issues and fragmented governance.

FISCAL CHALLENGES

- **Limited Resources:** ULBs lack adequate taxation powers, leading to fiscal deficits and limited revenue generation, exacerbated by the impact of GST on local taxes.
- **Poor Financial Management:** Issues like inadequate user charge collection and improper accounting lead to financial mismanagement, as highlighted in CAG reports.

INEFFICIENCIES IN STATE FINANCE COMMISSIONS (SFC):

Many states fail to regularly constitute SFCs, and their recommendations often focus on grants rather than tax assignments, limiting ULB revenue capacity.

ADMINISTRATIVE CHALLENGES

Staffing Issues: Overstaffing of untrained personnel and a lack of qualified technical staff hinder service delivery.

- **Outdated Practices:** Inefficient governance and lack of modern technology result in poor service delivery, evident in waste management issues in cities like Chennai and Bangalore.

GOVERNANCE CHALLENGES

- **Delayed Elections:** Elections to ULBs have been postponed in states like Maharashtra, impacting democratic functioning. As of January 2024, no elected body exists in Maharashtra's 27 municipal corporations.
- **Politicization:** ULBs often serve as platforms for political mobilization, undermining effective local governance, as seen in Tamil Nadu's election delays from 2011 to 2019.

LOW PUBLIC PARTICIPATION: Factors like distrust in ULBs, corruption, and inadequate grievance redressal mechanisms contribute to low citizen engagement in urban governance.

E. SUGGESTED REFORMS TO STRENGTHEN URBAN LOCAL BODY (ULB) GOVERNANCE

To address the challenges faced by ULBs, reforms are necessary to empower these bodies, enhance their financial sustainability, and improve services through technology and community involvement. Key recommendations include:

URBAN RENEWAL INITIATIVES: The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) (2005–2012) aimed to enhance municipal governance in 65 cities through improved infrastructure and collaboration between ULBs and state governments. The Ministry of Urban Development has called for converting 3,784 Census Towns into statutory ULBs to promote planned urban development.

EMPOWERMENT AND AUTONOMY

- **Triple F's Paradigm:** Adopt the 'Functions, Finances, and Functionaries' model, similar to Kerala's people's plan, to grant ULBs the necessary autonomy and resources.
- **Subsidiarity Principle:** Ensure that state authorities only perform tasks that ULBs cannot handle effectively.
- **Public Participation:** Mandate public hearings before finalizing city development plans and facilitate engagement with non-government organizations.

- **Municipal Ombudsman:** Establish an ombudsman to address citizen grievances and enhance local government accountability.

FINANCIAL SUSTAINABILITY

- **Property Tax Reforms:** Allow ULBs to levy vacant land taxes, improve property tax administration using GIS and digitization, and create robust financial databases.
- **Revenue-Sharing Models:** Explore income tax revenue-sharing from cities, similar to Scandinavian countries.
- **Municipal Bond Market:** Develop a bond market for infrastructure projects, exemplified by Pune's INR 200 crore water supply project.
- **User Charges and PPPs:** Implement user charges for municipal services and engage in Public-Private Partnerships (PPPs) for projects like solid waste management and the Hyderabad Metro Rail.

REGULAR ELECTIONS: Hold regular elections to establish stable local leadership aligned with community needs, as recommended by the National Commission on Urbanization.

These reforms can enhance ULB governance, ensuring cities are well-equipped to meet the needs of their residents.

Learning from China

India's municipal administration can draw valuable lessons from China's approach, like:

- **Revamped Administration:** China has successfully overhauled its municipal administration, making it more efficient and attractive to foreign investment.
- **Paradox of Power:** Despite being a democracy, India's municipalities often lack significant power. Conversely, China, despite lacking a democratic framework, grants considerable autonomy to its provincial and local governments.
- **Powerful Mayors:** The Mayor of Shanghai holds as much power and prestige as the Mayor of London, showcasing the strength of local governance in China.
- **Diplomatic Roles:** China has integrated representatives of its municipalities into diplomatic initiatives, highlighting their importance and influence.

- **Stagnant Municipal Status in India:** Despite the 74th Constitutional Amendment, the status of municipalities in India has seen little improvement, indicating a need for more effective implementation and empowerment.

The 74th Constitutional Amendment Act has advanced urban governance through decentralization, inclusivity, and democratic processes. However, its implementation faces challenges such as financial constraints, bureaucratic hurdles, and political interference. Scholars like Isher Judge Ahluwalia emphasize the need for continuous efforts and genuine commitment from all government levels for effective municipal empowerment.

15. THE DISTRICT PLANNING COMMITTEE (DPC)

It is a **constitutional body** in India, established under **Article 243(ZD)** of the Indian Constitution by the 74th Amendment Act of 1992. It plays a pivotal role in decentralized planning and integrating development across rural and urban areas within a district.

A. COMPOSITION OF THE DISTRICT PLANNING COMMITTEE

- **Membership Composition:** The DPC consists of elected representatives from the Panchayats at the district level and the Municipalities.
- **Representation Proportion:** The proportion of members from **Panchayats and Municipalities** is determined based on the rural and urban population in the district.
- **Chairperson:** The Chairperson of the DPC is either elected from among the members or appointed by the state government.

B. FUNCTIONS OF THE DISTRICT PLANNING COMMITTEE

- **Consolidation of Plans:** Consolidates plans prepared by various Panchayats and Municipalities, ensuring coordinated development efforts across the district.
- **Drafting a District Development Plan:** Develops a comprehensive plan addressing both rural and urban development needs and priorities.

- **Integration of Spatial and Sectoral Plans:** Integrates land use, infrastructure, and sectoral plans such as health, education, and agriculture to promote balanced and sustainable development.
- **Resource Allocation:** Prioritizes projects and allocates resources to ensure equitable distribution and efficient use of funds across the district.
- **Review and Evaluation:** Monitors and evaluates the implementation of plans to ensure effective execution and achievement of development objectives.
- **Public Participation:** Facilitates involvement of community organizations, NGOs, and citizens in the planning process, ensuring that plans reflect the community's needs and aspirations.
- **Coordination with State Planning:** Ensures alignment of district plans with state and national policies, aiding in securing support and funding from higher government levels.
- **Addressing Local Issues:** Identifies and tackles local challenges that may be overlooked in broader state or national plans, catering to the unique needs of the district.

The District Planning Committee (DPC) is crucial for cohesive development across India's districts, harmonizing rural and urban plans and ensuring effective resource allocation. Its role in fostering public participation and aligning local plans with state and national policies is essential for sustainable regional development.

16. GRASSROOT MOVEMENTS

Grassroot movements are collective efforts by marginalized communities advocating for social, economic, and political change. These movements emerge in response to perceived injustices from dominant development paradigms that prioritize industrial growth over local needs and environmental sustainability. In India, they critique the ecological and economic impacts of development on rural populations reliant on natural resources like land, water, and forests.

SIGNIFICANCE OF GRASSROOT MOVEMENTS

Grassroot movements play a vital role in reshaping development discourse and promoting democratic values:

- **Reclaiming Development:** These movements challenge technocratic growth models by presenting counter-narratives that prioritize inclusion and sustainability. They emphasize local knowledge and culture as essential for reorganizing society and the economy (Escobar, 1995; Shiva, 1989).
- **Democratizing Development:** They elevate questions of equity, equality, and inclusion, filling gaps left by formal democratic processes and ensuring marginalized voices are represented. Rajni Kothari notes that the rise of micro-movements reflects dissatisfaction with representational politics and a disconnect between citizens and their representatives.
- **Empowerment of Disadvantaged Groups:** Grassroot movements advocate for the rights of small farmers, landless laborers, women, and tribal communities, empowering these groups to challenge systemic injustices (Amrita Basu).
- **Challenging Dominance:** These movements counter neoliberalism and elite interests, striving to reclaim resources for affected communities (Smitu Kothari).

CHALLENGES TO GRASSROOT MOVEMENTS

Despite their significance, grassroot movements face several challenges:

- **State Repression:** Governments may employ legal and coercive measures to suppress dissent, undermining the democratic space for activism.
- **Fragmentation and Co-optation:** Internal divisions can lead to fragmentation, and there is a risk of political co-optation, diluting grassroots agendas.
- **Resource Limitations:** Many movements operate with limited financial and organizational resources, hindering their ability to sustain activism effectively.
- **Cultural Barriers:** Social hierarchies and cultural norms can restrict participation, particularly for women and lower castes, limiting diversity within movements (**Ranjitha Mohanty**).

WAY FORWARD

To enhance the effectiveness of grassroots movements, several measures can be implemented:

- **Building Solidarity Networks:** Encouraging collaboration among movements can strengthen collective voices and enhance impact.
- **Capacity Building:** Training and resources for grassroots activists can improve organizational skills and advocacy strategies.
- **Creating Supportive Policies:** Governments should foster an enabling environment that protects activists' rights and ensures their participation in decision-making processes.
- **Engaging with Democratic Institutions:** Grassroot movements should seek to engage with formal political processes, advocating for their inclusion while maintaining autonomy.
- **Raising Awareness and Mobilizing Communities:** Awareness campaigns can educate communities about their rights and the importance of participatory governance, fostering greater engagement.

By addressing these challenges and adopting strategic approaches, grassroots movements can deepen democracy, promote social justice, and reshape development in an inclusive and equitable manner.

UNIT 6: CONSTITUTIONAL AND STATUTORY INSTITUTIONS/COMMISSIONS

SYLLABUS– Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women, National Human Rights Commission, National Commission for Minorities, National Backward Classes Commission.

Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women

- The success of electoral democracy can partly be attributed to the status and role of the Election Commission of India." Explain. (2021)
- Examine the role and functioning of the Election Commission of India and the Comptroller and Auditor General in the last two decades. (2020)
- The Comptroller and Auditor-General of India enhances the accountability of the Government and serves as the watchdog of the finances of the Government. Explain. (2019)
- Discuss, in brief, the role of the National Commission for women. Do you think it is a toothless organization? (2019)
- Analyse the arguments in favour and against the lateral entry into higher civil services in India. (2018)
- Discuss the working of the National Commission for Scheduled Castes to curb violence against Dalits. (2014)
- The role of the Comptroller and Auditor General of India in promoting good governance. Comment. (2014)
- Role of National Commission for Women in India. Comment. (2012)
- Role of National Commission for Scheduled Castes Comment. (2011)
- Make an assessment of the role of the Election Commission of India in the conduct of free and fair elections. (2011)

- The functions, duties and powers of the appropriate National Commission as laid down in Clauses (5), (8) and (9) of Article-338 of the Constitution Comment. (2009)

Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women

- National Commission for Minorities. Comment. (2023)
- How far is the National Commission for Backward Classes an empowered body? Assess its role in the context of rising demand for backwardness among dominant communities. (2022)
- Examine the role of the National Commission for Minorities in preserving, promoting and protecting the rights of minorities in India. (2017)
- Examine the objective and role of the National Human Rights Commission. (2016)

ELECTION COMMISSION OF INDIA

The Election Commission of India is a permanent and independent body established by the Constitution to ensure free and fair elections across the country.

1. CONSTITUTIONAL PROVISIONS

- **Articles 324 to 329** of the Indian Constitution entrust the Election Commission with the responsibility of **overseeing and conducting elections at both national and state levels.**
- **Article 324** specifically provides the Election Commission with the power of superintendence, direction, and control of elections to the **Parliament, state legislatures, and the offices of the President and Vice-President of India.**

VALUE ADDITION: SCHOLARS' VIEWS

- **D.D. Basu**, a noted Indian constitutional expert, emphasizes that Article 324 is a crucial provision

ensuring the autonomy and authority of the Election Commission, thus enabling it **to conduct free and fair elections**.

- ▶ **Dr. S.Y. Quraishi**, former Chief Election Commissioner, in his book "**An Undocumented Wonder: The Making of the Great Indian Election**," highlights the **comprehensive nature of the powers vested in the Election Commission** by the Constitution.

2. STRUCTURE

1. Initially created in 1950 with only a Chief Election Commissioner, the Commission was expanded to a multi-member body in 1989.
2. The Commission now includes a Chief Election Commissioner and two Election Commissioners, with decisions made by majority vote.

VALUE ADDITION

Subhash Kashyap, a constitutional expert, asserts that the **multi-member structure** of the Election Commission helps in **mitigating the chances of arbitrary decision-making** and ensures broader deliberation on electoral issues.

3. APPOINTMENT AND REMOVAL

1. The Chief Election Commissioner (CEC) and the Election Commissioners (ECs) are appointed **by the President of India**.
2. The **CEC can only be removed** through a process similar to that for **removing a Supreme Court judge**, requiring a resolution passed by a two-thirds majority in both houses of Parliament on grounds of **proven misbehaviour or incapacity**.
3. **Other ECs can be removed by the President** on the **recommendation of the CEC**.

VALUE ADDITION

Fali S. Nariman, a senior advocate of the Supreme Court, argues that the **robust process for the removal** of the CEC ensures the independence and impartiality of the Election Commission.

4. INDEPENDENCE OF THE ELECTION COMMISSION

In the performance of its functions, the Election Commission is insulated from executive interference. It is the Commission, which decides the election schedules for the conduct of elections, whether general elections or bye-elections.

Again, it is the Commission, which decides on the location of polling stations, assignment of voters to the polling stations, location of counting centers, arrangements to be made in and around polling stations and counting centers and all allied matters. To ensure independent functioning of the Commission, the Constitution provides for the following provisions:

- ▶ **The Chief Election Commissioner (CEC) is provided with security of tenure.** He cannot be removed from his office except in the same manner and on the same grounds as a Judge of the Supreme Court of India. So, he can be removed by the President on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the grounds of **proved misbehavior** or **incapacity**. Thus, he doesn't hold office during the pleasure of the President, though he is appointed by the President.
- ▶ **The service conditions** of the Chief Election Commissioner can't be varied to his disadvantage after his appointment.
- ▶ Any other Election Commissioner (EC) or Regional Commissioner cannot be removed from the office, except on the recommendation of the Chief Election Commissioner.

5. POWERS AND FUNCTIONS

The powers and functions can be categorized into three categories of Administrative, Advisory and Quasi-Judicial.

A. ADMINISTRATIVE

- ▶ **Delimitation:** Determines the territorial areas of electoral constituencies based on the Delimitation Commission Act.
- ▶ **Electoral Rolls:** Prepares and periodically revises electoral rolls, ensuring all eligible voters are registered.
- ▶ **Election Dates and Nominations:** Notifies election dates and schedules and scrutinizes nomination papers.

- **Dispute Resolution:** Appoints officers to inquire into disputes related to electoral arrangements.
- **Code of Conduct:** Establishes a code of conduct for parties and candidates during elections.
- **Poll Cancellation:** Has the authority to cancel polls in cases of rigging, booth capturing, violence, or other irregularities.
- **Staffing Requests:** Requests the President or Governor for necessary staff to conduct elections.
- **Party Registration:** Registers political parties for elections, allots election symbols, and grants national or state party status based on poll performance.
- **Voter Education:** Works to promote voter education and electoral participation.

B. ADVISORY AND QUASI-JUDICIAL

- **Post-Election Disqualification:** The Commission has advisory jurisdiction over the disqualification of sitting members of Parliament and State Legislatures after elections.
- **Corrupt Practices:** The Commission provides binding opinions to the President or Governor on whether individuals found guilty of corrupt practices should be disqualified and for what duration.
- **Election Expenses:** The Commission can disqualify candidates who fail to submit their election expense accounts as required by law.
- **Modification of Disqualifications:** It has the authority to remove or reduce the period of disqualification under the law.
- **Political Parties and Symbols:** The Commission acts as a court to resolve disputes regarding the recognition of political parties and the allotment of election symbols.
- **President's Rule:** The Commission advises the President on whether elections can be held in a state under President's rule to extend the period of emergency beyond one year.

6. CONTRIBUTION AND PERFORMANCE OF THE ELECTION COMMISSION

When India adopted political equality, many questions were raised about the success of this experiment. Sincere and hard work of the Election Commission has played an important role in answering those critics and various steps taken by the Commission have led to further

deepening of democracy. The Election Commission has played an instrumental role in conducting free and fair elections. Some of its initiatives are as follows:

- **Electoral Photo Identity Cards (EPICs)** were issued in 1993 to prevent electoral fraud. From the 2004 elections, these were made mandatory.
- **Electronic Voting Machines (EVMs)** were introduced to improve reliability and efficiency.
- **Declaration of assets and criminal cases pending against candidates** made mandatory while filing nomination forms.
- **New guidelines for broadcasting on state-owned electronic media.**
- **Computerized electoral rolls.**
- **Measures for better enforcement of the Model Code of Conduct.**

Recently, the Commission has taken steps to check paid news, use of money power, abuse of social media etc. All these steps will further enhance people's confidence in our parliamentary democracy.

VALUE ADDITION

Ashutosh Varshney, a political scientist, highlights the Election Commission's role in **maintaining the integrity of the electoral process** through stringent enforcement of the Model Code of Conduct.

7. ISSUES AND RECOMMENDATIONS

A. APPOINTMENT ISSUES

- **No prescribed qualifications in the Constitution:** Members are appointed without any defined criteria or processes.
- **Appointments liable to politicization:** At present, the appointment is done unilaterally by the government of the day, which raises the potential for partisan appointments, thus diluting its credibility.
- **Security of tenure:** The Constitution has not specified the term of the members of the Election Commission. Further, Election Commissioners are not given the same level of security of tenure as that of CEC.
- **Post-retirement appointment:** The Constitution has not debarred the retiring Election Commissioners from taking up an office of profit under the state or joining a political party after retirement.

- **Financial autonomy:** At present, the budget of ECI is not charged on the Consolidated Fund of India which tends to reduce its independence and autonomy.

SUGGESTIONS TO STRENGTHEN THE ECI:

- **Give constitutional protection** for all three-election commissioners as opposed to just one at present.
- **Institutionalize** the convention where the **senior most EC should be automatically elevated** as CEC in order to instill a feeling of security in the minds of the ECs and that they are insulated from executive interference in the same manner as CEC.
- **Reducing the ECI's dependence on DoPT, Law Ministry and Home Ministry.** The ECI should have an independent secretariat for itself and frame its own recruitment rules and shortlist and appoint officers on its own.
- Its **expenditures must be charged upon the Consolidated Fund of India** similar to other constitutional bodies such as the UPSC.

Elections are the bedrock of democracy and the EC's credibility is central to democratic legitimacy. Hence, the guardian of elections itself needs urgent institutional safeguards to protect its autonomy.

B. SIMULTANEOUS ELECTIONS

The concept of 'One Nation, One Election' aims to **synchronize elections for the Lok Sabha and all state assemblies**. This will involve the restructuring of the Indian election cycle in a manner that elections to the **states and the Centre synchronize**.

This would mean that the **voters will cast their vote for electing members of the LS and the state assemblies on a single day, at the same time** (or in a phased manner as the case may be).

ARGUMENTS IN FAVOUR OF SIMULTANEOUS ELECTIONS

- **Minimizing Electoral Disruptions:** In case of multiple elections, imposition of Code of Conduct every now and then hampers the launch of new projects for public welfare. One time election will ensure continuity in policies, projects and programs of the central and state governments.
- **Social Welfare:** Huge manpower and machinery are deployed for the conduct of free and fair elections

in the country and states. Simultaneously elections would rationalize the use of this machinery and reduce the enormous costs and burdens placed on repeated use of manpower.

- **Focus on governance of country:** Simultaneous elections can deter the vote bank and appeasement politics. It will enable political parties to focus on national issues and governance instead of being constantly in election mode.
- **Voter turnout:** Simultaneous polls will boost voter turnout, according to the Law Commission.

ARGUMENTS AGAINST SIMULTANEOUS ELECTIONS

- **Undermining federal structure:** Simultaneous elections subsume various issues concerning three tiers of government under just one mandate for the voter. This would militate against **federalism**. Also, it would require the President the power to dissolve state assemblies unilaterally or impose President's rule indefinitely in case of dissolution of state government.
- **Constitutional Challenge:** According to **Article 85 and Article 174**, elections to Lok Sabha and Legislative assemblies have to be held within **six months** (respectively) of dissolving either of them. This is not feasible if elections are held only at fixed durations.
- **Impairs accountability:** The spirit of democracy lies in an elaborate mechanism of checks and balances imposed on every tier of government through **frequent elections and by-elections**. It ensures that the government is in tune with the realities and people have a chance to voice their feedback.
- **Effect on political parties and electoral outcome:** It is contemplated that implementation of simultaneous elections will **immensely benefit the ruling party in the centre**. In such a case, regional parties might **lose out on their due representation** because of the dominance of the national parties, thus overshadowing their agendas.
 - **Further,** Assembly elections are **closely associated with the local issues** and local voters. Hence one time election will not be accepted by the regional parties.
- **Under-represented or sidelined regional issues:** It is observed that elections for state assemblies and Lok Sabha are fought on different issues. Regional parties target local issues while national parties target national issues. So, there is a possibility that regional parties **will not be able to raise the local issues strongly**.

- **Logistical and functional difficulty** of organizing a massive, **one-time countrywide** exercise.

KOVIND COMMITTEE (HIGH LEVEL COMMITTEE) RECOMMENDATIONS

The Committee suggested following framework for conducting elections of Lok Sabha, state assemblies, and local bodies simultaneously.

- **Constitutional Amendment for Simultaneous Elections:**
 - **First step:** Simultaneous elections for Lok Sabha and State Assemblies.
 - **Second step:** Synchronization of local body elections within 100 days of Lok Sabha and State Assembly elections.
- **Single Electoral Roll and Election ID:** Constitutional amendment to prepare a single electoral roll and election ID for all tiers of government, in consultation with State Election Commissions.
- **Handling Hung House or No-Confidence Motion:** Proposal for fresh elections in case of a hung House or similar scenarios to constitute new Lok Sabha or state Assembly for the remaining term.

VALUE ADDITION

Madhav Khosla, in his book "India's Founding Moment," discusses the logistical and political challenges of implementing simultaneous elections in a federal structure like India.

C. STATE FUNDING OF ELECTIONS

State funding of election implies that state gives funds to political parties or candidates for contesting elections. Its main purpose is to make it less important for **contestants to take money from powerful moneyed interests and thus creates a fair playing field for parties with less money.**

State Funding of elections has been a contested issue when it comes to electoral reforms related to electoral financing and funding. A few government reports have looked at state funding of elections in the past, including:

Committee/Commission	Recommendations
Indrajit Gupta Committee (1988)	Endorsed state funding for elections and recommended it for national and state parties only. Short-term state funding should only be given in kind to national and state parties.
Law Commission of India (1999)	Desirable total state funding with prohibition on other funding sources. It also stressed on regulatory framework (for example, intra-party democracy, maintenance of accounts, etc.).
Second Administrative Reforms Commission (2nd ARC, 2008)	Recommended partial state funding to reduce illegitimate election expenses.
National Commission to Review the Working of the Constitution (2001)	Appropriate framework for regulation of political parties would need to be implemented before state funding is considered.

Arguments in favour of state funding	Arguments against state funding
➤ Transparency and Financial Restrictions: State funding increases transparency inside the party and also in candidate finance, as certain restrictions can be put along with state funding. ➤ Limiting Influence of Wealthy Individuals and Mafias: State funding can limit the influence of wealthy	➤ Forced Support Regardless of Agreement: Through state funding of elections, the taxpayers are forced to support even those political parties or candidates, whose view they do not subscribe to. ➤ Encouraging Status Quo: State funding encourages the status quo that keeps the

people and rich mafias, thereby purifying the election process.

➤ **Encouraging Internal Democracy and Representation:** Through state funding the demand for internal democracy in party, women representations, representations of weaker section can be encouraged.

➤ **Dependency on Corporate and Individual Funding:** In India, with high level of poverty, ordinary citizens cannot be expected to contribute much to the political parties. Therefore the parties depend upon funding by corporate and rich individuals, enhancing the possibility of quid pro quo arrangement.

established party or candidate in power and makes it difficult for the new parties.

➤ **Distance from Ordinary Citizens:** State funding increases the distance between political leaders and ordinary citizens as the parties do not depend on the citizens for mobilization of party funds.

➤ **Risk of Parties Becoming Organs of the State:** Political parties tend to become organs of the state, rather than being parts of the civil society.

VALUE ADDITION

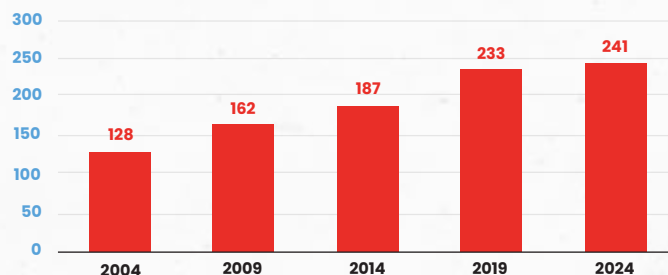
Milan Vaishnav, in his book "**When Crime Pays: Money and Muscle in Indian Politics**," discusses the influence of money in elections and calls for **stricter enforcement of regulations** to curb the misuse of financial resources.

D. CRIMINALIZATION OF POLITICS

Criminalization of politics in India involves the **infiltration of criminals and corrupt figures into the political system**, primarily to gain influence and avoid legal consequences. They exploit their financial resources to succeed in politics.

This phenomenon forces voters in many areas to **support local strongmen, and even national parties have fielded candidates with criminal records.**

MPs (Lok Sabha) with Criminal Background (ADR Report)



➤ **Lok Sabha 2024:** As per the **Association for Democratic Reforms**, **251 (46 per cent)** MPs in the 18th Lok Sabha have criminal cases registered against them. Among them, **31 per cent** have serious criminal cases that include cases related to rape, murder, attempt to murder, kidnapping and crimes against women.

REASONS FOR THE MENACE OF CRIMINALIZATION OF POLITICS

Milan Vaishnav in his book- "**Why Crime Pays**" have identified following reasons for prevalence of the phenomenon of the criminalization of politics in India. These are as follows

- **Historical Connection with Political Parties:** Criminals entered Indian politics post-independence, exploiting electoral activities as political competition increased and Congress's dominance declined.
- **Desperation for Resources by Political Parties:** As elections become costlier, parties in India sought "tainted" politicians for campaign financing, compromising ethics for financial support.
- **Self-Protection:** By gaining political power, criminals can shield themselves from legal repercussions, using their influence to escape prosecution and secure protection.
- **Voter Perceptions and Weak Rule of Law:** Indian voters, aware of politicians' criminal backgrounds, may still support them, perceiving strongmen with criminal ties as effective leaders in an environment characterised by weak rule of law.
- **Societal Divisions and Identity Politics:** Ethnic divisions in society enhance the appeal of strongmen who claim to represent specific communities. Fragmented, multi-party politics allows politicians to cater to core supporters and rely on a narrow electorate for victories.

This phenomenon of criminalization of politics undermines democracy, weakens governance, and fosters corruption. It erodes public trust in the political system, as politicians with criminal backgrounds prioritize personal interests and manipulate the legal system.

MEASURES NEED TO BE TAKEN

The **Goswami Committee on Electoral Reforms (1990)**, **Vohra Committee Report (1993)** and the **18th Report by the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on Electoral Reforms (2007)** had raised serious concerns regarding the problem of criminalization of politics in India.

- **The Law Commission's 170th Report (1999)** suggested adding **Section 4A** to the Representation of the People Act, 1951, requiring election candidates to declare their assets and any criminal charges against them.
- **Disqualification on Conviction: Section 8** of the RPA, 1951, currently disqualifies individuals only post-conviction, not during trials. Proposals by the **Election Commission** and **Law Commission** suggest disqualifying those facing charges with potential 5-year sentences, framed charges by competent courts, with a cutoff of six months pre-election.
- **Enhancing Election Commission's Authority:** Recommendations by the **Dinesh Goswami** and **Indrajeet Gupta Committees** advocate state funding of elections and empowering the Election Commission to black money. This includes conducting **financial audits of political parties or subjecting their finances to RTI provisions**.
- **Strengthening Legal Framework:** There is a need to strengthen the legal framework to hold politicians with criminal backgrounds accountable for their actions. This can **involve enacting stricter laws and penalties for political corruption, as well as ensuring an independent judiciary** that is free from political influence.
- **Fast Track and Special Courts:** In 2017, the Union Government started a scheme to establish 12 special courts to fast track the trial of criminal cases involving politicians (MPs and MLAs).

STEPS TAKEN BY THE ELECTION COMMISSION

- **Rejection of Nominations:** Returning Officers empowered to reject nominations of

candidates convicted on the day of filing, even if their sentence is suspended.

- **Use of Flying Squads:** Deployed to seize black money during elections.
- **Affidavit Requirement:** Candidates mandated to submit affidavits detailing criminal records, assets, liabilities, and educational qualifications.
- **Voter Awareness Campaigns:** Utilizing SVEEP initiatives and celebrity endorsements to discourage vote selling and promote voter education.

By adopting these reforms and fostering a **culture of transparency, accountability, and ethical leadership**, it is possible to curb the **criminalization of politics** and **ensure a healthier and more democratic political system in India**.

COMPTROLLER AND AUDITOR GENERAL (CAG) OF INDIA

Checks and balances play an important role in the functioning of parliamentary democracy by preventing power from being concentrated too much in one part of the government. Auditing of public finance serves as one mechanism of check and balance to ensure the accountability of the executive to the legislature.

Dr. B.R. Ambedkar emphasized the **significance of the Comptroller and Auditor General (CAG) office in the Constituent Assembly**, considering it the most crucial constitutional office as it acts as the **custodian of the public purse**.

The Comptroller and Auditor General (CAG) of India, established under **Article 148** of the Constitution, is **responsible for auditing all receipts and expenditures of the Government of India and the state governments**, including bodies substantially financed by the government. The CAG also serves as the **external auditor for government-owned corporations** and conducts **supplementary audits of government companies where the UNION GOVERNMENT HOLDS AT LEAST 51% EQUITY**.

1. CONSTITUTIONAL PROVISIONS

- Article 148:** Covers the **appointment, oath, and conditions of service** for the CAG.

2. Article 149: Details the **duties and powers** of the CAG.

3. Article 150: States that the accounts of the Union and States shall be kept in the form prescribed by the President, advised by the CAG.

4. Article 151: Mandates that the **CAG's reports be submitted to the President**, who then places them before Parliament.

5. Article 279: Specifies that the CAG certifies the calculation of "**net proceeds**," which is final.

2. POWERS AND FUNCTIONS

The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of CAG in relation to the accounts of union and states and of any other authority or body. Accordingly, Parliament enacted **the CAG's (Duties, Powers and conditions of service) Act, 1971**. This act was amended in 1976 to separate accounts from audit in the central government. However, for state Governments both the Audit and Accounts are managed by the CAG.

The powers and functions of CAG are as follows:

- 1) He audits accounts related to all expenditure from the consolidated fund, contingency fund and public account of India; consolidated fund, contingency fund and public account of each state and Union territory (those having such fund).
- 2) He audits the receipts and expenditure of the centre and each state to satisfy himself that rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue.
- 3) He audits the accounts of any other authority when requested by the President or Governor. For example, the audit of local bodies.
- 4) He audits the receipts and expenditure of the following:
 - a. All bodies and authorities substantially financed from the Central or state revenues;
 - b. Government companies; and
 - c. Other corporations and bodies, when so required by related laws.
- 5) He advises the President with regard to prescription of the form in which the account of centre and states shall be kept.
- 6) He submits his audit reports of central accounts to the

President, who shall in turn place them before both houses of Parliament. Analogously in a state, he submits his audit reports of state accounts to the Governor, who shall in turn place them before state legislature.

7) He ascertains and certifies net proceeds of any tax or duty and his certificate is final in this regard. The 'Net proceeds' means the proceeds of a tax or a duty minus the cost of collection.

8) He compiles and maintains the account of state government. Earlier, he was also responsible for maintenance of account of central government but after 1976 he was relieved of this responsibility.

9) He acts as the friend, philosopher and guide to the Public Accounts Committee of the Parliament which exercises detailed financial control on the behalf of Parliament.

The CAG submits three audit reports to the President-audit report on appropriation accounts, audit report on finance account, and audit report on public undertakings. The President lays these reports with both the Houses of Parliament. After this, the Public Accounts Committee examines these reports (only first two, the report on PSUs go to the Committee on Public Undertakings) and lays down its findings in the Parliament.

TYPES OF AUDITS DONE BY CAG

Regulations on Audit and Accounts, 2007 classifies audit into **financial, compliance and performance audits**.

TYPE OF AUDIT	EXPLANATION	EXAMPLE
Financial Audit	"Financial Audit" provides assurance that the financial statements properly present the financial situation.	CAG examines and certifies the Finance Accounts and the Appropriation Accounts of the Union and of each State and the Union Territory having a legislative assembly.
Compliance Audit	Compliance audit is an assessment as to whether the provisions of the Constitution of	Audit of a government department's procurement process to ensure compliance with procurement laws and guidelines.

	India, laws, rules and regulations, orders and instructions issued by the competent authority are being complied or not.	
Financial and compliance auditing are usually performed together by which the auditor also gives an assurance that funds have been spent in accordance with the laws and regulations, in addition to a true and fair view of the financial statements.		
Performance Audit	Performance audit is an independent assessment of the extent to which an organization, Program or scheme operates economically, efficiently and effectively. The main objective of performance audit is to: - Constructively promote economical, effective and efficient governance. - Promotes accountability by assisting those charged with governance and oversight responsibilities. - Improve performance through an examination of whether:	The performance audit of MGNREGA (2008) conducted in 26 states revealed 96% of the poor didn't get 100 days of work. The audit identified significant deficiencies in implementation like alleged corruption, inefficiency, diversion and misutilisation of funds and unreliable figures.

- Decisions by the legislature or the executive are efficiently and effectively prepared and implemented and - Taxpayers or citizens have received value for money. - It does not question the intentions and decisions of the legislature but examines whether any shortcomings in the implementation of the law and framing of regulations have prevented the specified objectives from being achieved. - Performance audit focuses on areas in which it can add value for citizens and which have the greatest potential for improvement. - It provides constructive incentives for the responsible parties to take appropriate action.	
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3. WHY IS CAG CONSIDERED AS A FRIEND, PHILOSOPHER AND GUIDE OF THE PUBLIC ACCOUNT COMMITTEE (PAC)?

The PAC examines the accounts related to the expenditure and annual finance accounts of the Government of India, and other accounts laid before Parliament. In this task, the Committee takes into account reports of the CAG.

The Committee has to ascertain whether the money granted by Parliament has been spent by the

government within the scope of the demand. The committee also examines cases involving losses and financial irregularities.

CAG is considered a friend, philosopher and guide to PAC because:

- **CAG provides support for PAC:** CAG provides the PAC with the required information and guidance that might help in the examination process. PAC scrutinizes the CAG reports and reports by various government departments related to the expenditure of the government.
- **Impartial auditing:** CAG is considered as an impartial authority, and its audits are based on facts and figures. Therefore, the reports given by CAG are significant in providing unbiased information for the PAC.
- **Accountability:** CAG holds the government accountable for its activities, and the Public Accounts Committee ensures that the findings reported by CAG are acted upon.
- **Interpreter and translator:** CAG acts as interpreter and translator, explaining the officials' views to the politicians and vice-versa.
- **Listing the urgent matters:** CAG prepares a list of the most urgent matters which deserve the attention of the PAC.

For these reasons, CAG is considered as the friend, philosopher, and guide of PAC.

4. ROLE PLAYED BY CAG

- **Upholding the Constitution and Parliamentary Laws:** The CAG ensures adherence to the Constitution of India and the laws enacted by Parliament in financial administration.
- **Ensuring Executive Accountability:** The CAG secures the accountability of the Executive (Council of Ministers) to Parliament through audit reports.
- **Agent of Parliament:** The CAG acts as an agent of Parliament and is responsible solely to it.
- **Conducting Legal and Regulatory Audits:** The CAG ascertains that money was legally available, approved for spending by requisite authority, and spent on sanctioned activities.
- **Performing Performance Audits:** The CAG evaluates the value for money of the output and outcome,

looking into the wisdom, faithfulness, and economy of government expenditure, and commenting on wastefulness and extravagance.

- **Highlighting Systemic Weaknesses:** The CAG's reports, such as those on the 2G spectrum sale and coal block allocations, play a crucial role in highlighting systemic weaknesses and promoting transparency and accountability in government functions.
- **Non-Binding Reports:** While CAG reports are not binding on the Executive, they provide a mechanism to hold the Executive accountable for any waste of public money.
- **Auditor General Role:** Despite the title, the CAG functions primarily as an Auditor General, auditing government spending without controlling the issue of money from the Consolidated Fund, unlike the British CAG who has both Comptroller and Auditor General powers.

5. CHALLENGES FACED BY THE INSTITUTION OF CAG

While carrying out its constitutional mandate, CAG suffers from the following challenges.

ISSUE AND EXPLANATION	RECOMMENDATIONS
Issues Related to Appointment Procedure of CAG: The CAG's appointment is in the hands of the executive without any role for the legislature in the process. Qualification criteria has not been provided and there is no selection committee. The process is entirely arbitrary and opaque. Given that the CAG's findings may often be critical of government policies, the government may appoint a more pliable individual. The Union government	The 2nd ARC report (Citizen Centric Governance) suggested the need to establish a multi membered body for appointing CAG with a role for the opposition. For example, a Committee composed of the Prime Minister and Leader of Opposition and the Law Minister must head the selection process. One of INTOSAI's (International Organization of Supreme Audit Institutions) principles for independence of Supreme Audit Institutions (SAI)

The Union government appoints the CAG without any consultation from state governments. This goes against the principles of federalism.

Issues related to Coverage of audit:

Neglect of Performance Audits:

There is a greater emphasis on **compliance and financial audits**, leading to neglect of performance audits of key schemes and programs.

For example, the CAG has not conducted a Union level performance audit of the implementation of the MGNREGA since 2013.

Limited power to Audit Private Companies:

Supreme court in *the Association of Unified Telecom Services vs Union of India case held that:*

CAG can go into the entire gamut of audit functions where **public interest** is involved.

It can examine the accounts of even private companies if they were dealing with natural resources.

However, CAG has refrained from auditing **private companies that provide services under a PPP model**.

states that the law should outline the criteria and procedures for appointment, removal, and retirement of the head of SAI for ensuring their independence from the Executive.

International Best Practices

The Exchequer and Audit Act of the United Kingdom, 1983 provides that the CAG will be jointly selected by the Prime Minister and Chairman of the Committee of Public Accounts and thereafter ratified by the House of Commons.

According to **Montek Singh Ahluwalia** (former Dy. Chairman, Planning Commission), the CAG should **hire more economists, engineers and social scientists** in order to improve the efficiency of the performance audits. Further, the CAG should undertake more performance audits.

Widening the Ambit:

According to former CAG **Vinod Rai**, "The CAG Act needs to be updated.

For example, after the 73rd and 74th Amendments, PRIs and ULBs have become institutions through which the government schemes are delivered.

Exclusion of NGOs, PRIs, and ULBs from audit scope:

Currently, there are no provisions for auditing funds allocated to non-governmental organizations (NGOs), elected local bodies like PRIs/ ULBs and District Rural Development Authorities that manage significant funds for rural development.

Quality of Audits:

The quality of CAG reports has often been questioned especially when they criticize government policy.

The **International organization of the Supreme Auditing Institution (INTOSAI)** assessment for the 2010-11 period analysed 35 reports of CAG to evaluate their quality.

It found 50% of CAG reports could have been more balanced in context and findings in 50% of the reports were not supported by enough evidence.

Critics have raised concerns about the **estimated losses** (presumptive losses) mentioned in the reports. For instance, in the controversial 2007-2008 **2G spectrum sale**, the CAG calculated notional loss to the exchequer at Rs 1.76 crore.

Similarly, PPP models have been adopted. All these need to be brought under the automatic legal mandate of the CAG."

INTOSAI recommended for **regular peer-to-peer assessments** (once in 3 years) to monitor whether quality of CAG reports have improved over time or not.

CAG should estimate the 'notional' number carefully, making the assumptions and methodology clear.

Delayed Tabling of CAG Reports:

Delayed Tabling of CAG Reports:

The delay in tabling CAG reports and PAC's findings on government policies and their impact has often been intentionally done by governments as this could be a major embarrassment for them.

However, it deprives the legislature and the public of a quality source of evidence to hold the executive accountable.

For example, in **2023**, **only 18 audit reports on the Union government's accounts**, prepared by the CAG, were tabled in Parliament. On average, 22 reports were tabled each year between 2019 and 2023, compared to the 40 reports tabled between 2014 and 2018.

The **2nd ARC** and the **PAC** have repeatedly recommended a **time bound procedure** for tabling CAG reports and PAC findings **preferably within a year** before the legislature.

Challenges in Accessing Documents:

Obtaining necessary documents for audit purposes has been a persistent challenge for the audit department.

In some instances, relevant documents have been denied to CAG officials, necessitating intervention from the

The CAG proposes statutory powers similar to those in the **RTI Act of 2005 to access government files and records**, allowing for penalties on officials withholding information.

This would enhance audit efficiency by ensuring timely access to necessary information.

judiciary.

For example, Karnataka Government refused to part with the files relating to postings and transfers of police personnel to State Audit Wing of Karnataka in 1999 when a systems audit of 'Manpower management of Police Department in Karnataka' was being done.

FINANCE COMMISSION OF INDIA

The Finance Commission of India is a **quasi-judicial body** established under **Article 280** of the Constitution.

- It is convened by the President **every fifth** year or sooner if necessary.
- The Finance Commission plays a **pivotal role in the financial administration** of the country, serving as a **critical mechanism for the distribution of financial resources** between the central and state governments, ensuring economic equity across different regions.
- **Composition:** The President appoints a chairman and four additional members.

1. FUNCTIONS

The Finance Commission is obligated to submit recommendations to the President of India on:

1. The **distribution of net tax revenues** between the Centre and the States, and the allocation of these proceeds among the states (both vertical and horizontal distribution).
2. The principles guiding the **Centre's grants-in-aid to states** from the Consolidated Fund of India.
3. Measures to **augment the state's consolidated fund** to supplement the resources of panchayats and municipalities, based on the state finance commission's recommendations.
4. Any other matters referred to it by the President for sound financial management.

2. NEED FOR THE FINANCE COMMISSION

- It serves as the **balancing wheel of India's fiscal federalism**.
- It **ensures equitable distribution** of tax revenue between the central government and the states. In the Indian federal system, the centre collects the majority of tax revenue due to its economic scale and collection efficiency, but the states are responsible for providing public goods.
- Due to regional differences, some states struggle to generate adequate resources compared to others. The Finance Commission's recommendations aim to ensure equity in public service delivery across states.

3. CHALLENGES ASSOCIATED WITH WORKING OF FINANCE COMMISSION

The Finance Commission of India has faced criticism related to following matters:

- Issues Related to Appointment:** The Finance Commission Act of 1951 provides for a **vague qualification criterion** for chairman and members.

Thus, appointments have often been allegedly used to **accommodate retired bureaucrats and politically favoured individuals** rather than qualified experts.

Political interference and favouritism often translate into partisanship. **For example, the Ninth Finance Commission's arbitrary adjustments** benefited states like Kerala, while poorer states like Bihar received less favourable treatment.

- Terms of Reference (TOR):** Article 280 also empowers the President to refer "any other matter" to the Commission in the interests of sound finance.

However, the central government often uses the '**any other matter**' clause to impose **specific guidelines and bind the Finance Commission with a particular line of thinking**, narrowing the scope of the Commission's work.

- Criteria for distribution of revenue:** The Finance Commission **decides the criteria** for distribution of revenue between the Centre and the States. These criteria have often been criticised by many states.

For example, many Southern states in India criticized the use of the **2011 population census** by the 15th Finance

Commission as a basis for the devolution of taxes from the Central government to the States. This is because while states like Uttar Pradesh, Maharashtra and Bihar have more than doubled their population between 1971 and 2011, southern states like Tamil Nadu, Karnataka and Kerala have grown far slower. Thus, adopting the 2011 census in place of 1971 makes Southern states uncomfortable.

- Lack of coordination between the Finance Commission and other institutions:** There is no institutional mechanism to ensure coordination between the finance commission and other institutions such as State governments and the GST council.

- Irregularities in constitution of SFCs:** Many states fail to constitute the State Finance Commissions (SFCs) on time and there are delays in submission of the reports by the State Finance Commissions. Since some of the recommendations of the Union Finance Commission in the context of local bodies are based on the reports of SFC, it may face difficulties in assessing the financial needs of local bodies.

Thus, the Finance Commission of India plays a crucial role in ensuring fiscal federalism and resource allocation among the central and state governments. To fulfil its mandate effectively, it must navigate numerous challenges related to economic disparities, data availability, changing economic realities, and political sensitivities, among others.

4. REFORMS SUGGESTED FOR STRENGTHENING THE FINANCE COMMISSION

Reforms have been proposed to strengthen its institutional capacity, improve its effectiveness, and enhance its role in promoting fiscal federalism. Some of the proposed reforms in the Finance Commission are as follows:

- ENHANCING CAPACITY:** The Finance Commission should improve its analytical and advisory capabilities to increase its effectiveness. This can be achieved by utilizing reliable data sources, employing robust methodologies, and actively engaging with experts and stakeholders.
- QUALIFIED CANDIDATES:** The Central Government should appoint highly qualified and impartial individuals through a transparent selection process.
- FORMULATION OF TOR:** The TOR should be formulated

through a transparent and consultative process involving states, independent experts, and relevant stakeholders. This approach will ensure that the TOR are comprehensive, balanced, and reflective of diverse perspectives and prevent the imposition of narrow, specific guidelines that could constrain the Commission's work.

- **EMERGING CHALLENGES:** Considering the evolving economic and social dynamics, such as issues related to GST implementation, rising public debt and widening fiscal deficit, demographic dynamics, Climate Change, and Digital Transformation, the Finance Commission needs to remain proactive and responsive.
- **STRENGTHENING STATE FINANCE COMMISSIONS:** The XIV and XV Finance Commissions have stressed the need for timely constitution of the state finance commissions and submission of the reports. The 14th FC also suggested provisioning of administrative support for the SFCs by the respective states.
- **OTHER SUGGESTIONS:** Enlarge the Divisible Pool: Include a portion of cess and surcharge in the divisible pool and gradually discontinue various cesses and surcharges by rationalizing the tax slabs.
 - Increase Weightage for Efficiency Criteria: Enhance the weightage for efficiency criteria (demographic performance and tax effort) in horizontal devolution.
 - Formalize State Participation: Establish a more formal arrangement for state participation in the constitution and working of the Finance Commission, similar to the GST Council.
- **INCORPORATING PERFORMANCE BASED INCENTIVES:** There is a suggestion to incorporate performance-based incentives for states that have shown remarkable progress in areas such as education, health, and infrastructure development. This will encourage states to perform better and achieve more.

These reforms in the Finance Commission will help in strengthening its institutional capacity, improve its effectiveness, and enhance its role in promoting fiscal federalism.

5. CONSTITUTION OF SIXTEENTH FINANCE COMMISSION (16TH FC)

The Sixteenth Finance Commission of India was established on December 31, 2023, with **Shri Arvind**

Panagariya as the Chairperson.

Mandate and Timeline: The Commission is tasked with submitting its recommendations by October 31, 2025. These recommendations will guide fiscal allocations for a five-year period starting April 1, 2026.

Terms of Reference: The Commission is to provide guidance on several key financial relationships and policies:

- It will recommend how the net proceeds of taxes, which are shareable between the Union and the states, should be distributed, and how these proceeds should be apportioned among the states themselves.
- It will outline principles for determining grants-in-aid from the Consolidated Fund of India to state revenues, along with specific allocations under Article 275 of the Constitution for purposes not listed in the existing provisos of that article.
- It will suggest strategies to enhance the financial resources of state Consolidated Funds to better support local government bodies like Panchayats and Municipalities, based on the state Finance Commissions' recommendations.

The Commission is also expected to evaluate and propose changes to the financial structures supporting Disaster Management, focusing on the funds established under the Disaster Management Act of 2005.

VALUE ADDITION

Dr. P.V. Rajmannar, Chairman of the Fourth Finance Commission, emphasized that the Finance Commission's recommendations should not be disregarded by the Government of India unless there are compelling reasons.

Dr. R. Venkataraman highlighted the role of the Finance Commission in maintaining the balance of fiscal federalism in India, ensuring equitable sharing of financial resources, and contributing to the economic development of both the Union and the states.

Prof. M. Govinda Rao, in his various works, has discussed the need for a transparent and participatory process in the selection of Finance Commission members and the importance of clear delineation of responsibilities to avoid overlaps with other central agencies.

PUBLIC SERVICE COMMISSIONS

1. INTRODUCTION

The smooth functioning of any government relies on a strong administrative framework. Civil Servants occupy an important role in the successful administration of the state at different levels. Therefore, their recruitment, training, emoluments, conditions of service, promotion policies, etc. assume importance.

For an impartial consideration of these matters relating to civil servants, an independent and expert authority is required which is known as the institution of public service commission.

In India, UPSC is a central recruiting agency concerned with recruitment to the All-India Services and Central Services- Group A and Group B and advises the government, when consulted, on promotion and disciplinary matters. The State PSCs are the recruiting agencies functioning at the state level for provincial services etc.

2. FUNCTIONS OF PSCS

The functions of the PSCs as specified under Article 320 of the Constitution. These functions bear resemblance to those of the Federal Public Service Commission as specified in Government of India Act 1935. Let's look at the important functions of PSCs.

1. Conducting Examinations: It conducts examinations for appointments to the all-India services, Central services, and public services of the centrally administered territories. (SPSC conducts examinations for appointments to the services of the state).

It assists the states (if requested by two or more states to do so) in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

It serves all or any of the needs of a state on the request of the state governor and with the approval of the president of India.

2. Consultation on Personnel Management:

- Recruitment methods and principles.
- Suitability of candidates, promotions, and transfers.
- Ratifying departmental promotion recommendations.

- Disciplinary matters:
- Censure, withholding increments/promotions.
- Recovery of pecuniary losses.
- Demotion, compulsory retirement, removal, dismissal.
- Legal expense reimbursement claims.
- Pension awards for injuries sustained during service.
- Temporary appointments and regularizations.
- Extension of service and re-employment of retired civil servants.
- Other personnel management matters.

Note: The additional functions relating to the services of the Union can be conferred on UPSC by the Parliament. And In case of SPSCs, additional functions relating to the services of the state can be conferred on SPSC by the State legislature. Apart from these functions, jurisdiction of UPSC can also be extended by Parliament.

3. REPORTS OF THE COMMISSION

UPSC presents an annual report to the President regarding its performance, which is placed by the President before both the Houses of Parliament. Along with such a report, the government also presents a memorandum explaining reasons for non-acceptance of advice of the Commission. Also, any such non-acceptance must be approved by the appointments committee of the Union Cabinet, as the individual ministry and department has no power to reject the advice of the UPSC.

4. INDEPENDENCE OF UPSC

UPSC acts as a watchdog of merit while recruiting for various government positions. To ensure its independent functioning the following provisions have been provided in the Constitution.

- The Chairman or a member of UPSC can be removed from office by the President only in a manner and on grounds mentioned in the Constitution. Some of the circumstances under which they can be removed are
 - a) If he is adjudged insolvent or bankrupt
 - b) If he occupies any other office of profit
 - c) If he is unfit to continue in office by reason of infirmity of mind or body

Also, the Chairman and members of UPSC can be removed by the President on the grounds of misbehaviour. However, in this case the President has to refer the matter to the Supreme Court for an enquiry and the advice tendered by the Supreme Court is binding on the President. Thus, members of UPSC enjoy security of tenure.

- ❖ The conditions of service of the Chairman or a member, though determined by the President, cannot be varied to his disadvantage after his appointment.
- ❖ The entire expense including the salaries, allowances and pensions of the Chairman and members of the UPSC is charged on the Consolidated Fund of India. Thus, they are not subjected to vote by the Parliament.
- ❖ The Chairman of UPSC after ceasing to hold his office is not eligible for further employment in the government of India or state.
- ❖ A member of UPSC (on ceasing to hold office) is eligible for appointment as the Chairman of UPSC or SPSC, but not for any other employment in the government of India or a state.
- ❖ The Chairman or member of UPSC is not eligible for reappointment to that office i.e. not eligible for a second term.

5. PERFORMANCE OF UPSC

UPSC is faced with dual challenges of attracting the best minds in the country and also to make the civil service more representative of all sections and regions of society. UPSC has performed well in these tasks and some of major initiatives taken are:

- 1) To conduct civil service examination in all languages mentioned in the Eighth Schedule.
- 2) Periodic reform in the examination pattern to suit the needs and demands of an effective and honest public service
- 3) Use of IT in filling of forms, admit card dispatch, grievance redressal etc.

UPSC has maintained high standards of integrity, competitiveness and innovation in its examination process. Its success has been globally recognised and public service commissions of many countries, like Malaysia, have collaborated with UPSC to improve their civil service recruitment processes.

LIMITATIONS OF THE UPSC

UPSC has maintained high standards of integrity, competitiveness, and innovation in its examination process. Its success has been globally recognised and public service commissions of many countries, like Malaysia, have collaborated with UPSC to improve their civil service recruitment processes.

However, UPSC is facing various issues:

- ❖ **Limited Functional jurisdiction of the UPSC: the UPSC is not consulted** on the following matters:
 - While making reservations of appointments or posts in favour of any backward class of citizens.
 - While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.
 - With regard to the selections for chairmanship or membership of commissions or tribunals, posts of the highest diplomatic nature and a bulk of group C and group D services.
 - With regard to the selection for temporary or officiating appointment to a post if the person appointed is not likely to hold the post for more than a year.
- ❖ **Advisory recommendations:** The recommendations made by the UPSC are not binding on the government. The answerability of the government for departing from recommendation is limited only to explanation in the parliament.
- ❖ **Overlapping Functions:** The roles of other bodies like the Central Vigilance Commission (CVC) can sometimes overlap with the functions of the UPSC, particularly in disciplinary matters, potentially leading to inconsistencies.
- ❖ **Autonomy Concerns:** Despite its constitutional status, the autonomy of the UPSC can occasionally come into question due to the influence of the executive in the appointment of its members.

6. LIMITATIONS OF THE SPSCs

While the UPSC has continued to maintain high standards of recruitment process, many SPSCs have unfortunately adopted dubious practices adversely affecting the quality of personnel recruited to the state services.

The issues are discussed as follows:

- **Integrity and Credibility Challenges:** Frequent incidents of question paper leaks (e.g., BPSC paper leak incidence in 2022).
 - Allegations of corruption and malpractices in the examination process. For instance, writ petitions were filed in the Karnataka High Court alleging malpractices in the functioning of the Karnataka PSC.
- **Arbitrary Appointments:** As of now, the selection of chairman and members of the PSC is entirely the discretion of the Chief Minister.
 - In Tamil Nadu, the Madras High Court quashed the appointment of 11 members of the Tamil Nadu PSC in 2017 on the grounds that they were appointed arbitrarily without following any process.
- **Legal and Regulatory Challenges:** Frequent legal interventions such as annulments of examination results and appointments.
 - Court-ordered inquiries that disrupt the function of the commissions.
 - For instance, the exams and results for state services in Maharashtra are often delayed or postponed due to political interference and legal challenges.
- **Lack of Confidence Among Candidates:** Growing distrust among candidates, as reflected in protests and demands for more credible exam conduct.
- **Calls for UPSC to take over the responsibility of conducting state exams** due to lack of faith in state commissions.

7. RECOMMENDATIONS TO IMPROVE THE FUNCTIONING OF PSC

The Public Service Commissions are the backbone of the Indian civil service, ensuring and protecting its meritocracy. However, some improvements and reforms may be necessary to improve the efficiency of the Commission. The following are some reforms that can be implemented:

- **Involvement of Research Institutes and Universities:** The PSC should collaborate with advanced institutions to conduct specially designed administration courses and to keep the services up to date with new technological and knowledge developments.

- **Commission to serve as a think-tank on personnel issues:** The Commission should go beyond the role of recruiting candidates in answering the issues relating to civil services and their role in a rapidly changing society.
- **The necessity for decentralization:** The UPSC is frequently overburdened with work, and it also receives and manages tens of millions of applications. With such a large workload, the organization's efficiency generally suffers.
 - As a result, it becomes critical to decentralize the duties of the Commission in order to speed up the work.
- **Maintain synchronicity with the passage of time:** So far, UPSC has demonstrated exceptional expertise, impartiality, and integrity. However, a new world has formed, one based on transparency, accountability, and delivery, and UPSC must adapt to these changes.
- State governments should establish **specific qualifications and experience requirements for appointing chairpersons and members to the Public Service Commission (PSC)** to ensure that only individuals with impeccable integrity are eligible.
- **Broader Consultative Role:** There is a need to expand the advisory role of the UPSC in matters concerning the governance and administration reforms.

It is crucial that the examination process is conducted **freely and fairly, with no external interference in the evaluation of written exams or oral tests**, guaranteeing that selections are based solely on merit and devoid of extraneous considerations.

It is undeniable that our Public Service Commissions have performed well in their roles and will continue to do so at a far higher level if such reforms are implemented.

NATIONAL COMMISSION FOR SCs

The National Commission for Scheduled Castes (NCSC) is a constitutional body mandated to monitor and investigate issues related to the social, economic, and educational development of Scheduled Castes. It serves as an advisory body to the government, providing recommendations to ensure the protection and promotion of SC rights and interests.

1. FUNCTIONS OF THE COMMISSION

- To investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working.
- To enquire into specific complaints with respect to deprivation of rights and safeguards of the SCs.
- To participate and advise on the socio-economic development of SCs and to evaluate their development under the union or a state.
- To report to the President regarding working of the safeguards and other measures for protection, welfare and socio-economic development of the SCs.
- To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the SCs.

In summary, NCSC monitors and evaluates broadly 5 **types of constitutional safeguards** for SCs: (a) social safeguards (b) economic safeguards (c) educational and cultural safeguards (d) political safeguards (e) service safeguards. We shall learn about these safeguards and working of NCSC in section "Working of the commission".

2. POWERS OF COMMISSION

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or inquiring into any complaint has all the **powers of a civil court trying a suit**. It can summon and enforce the attendance of any person from any part of India and examine him on oath. It also has the power to receive evidence on affidavits and requisitioning any public record from court or office. The central and state government are required to consult the commission on all major policy matters affecting the SCs.

3. CHALLENGES FACED BY THE NCSC

The NCSC in India faces several challenges in fulfilling its mandate to protect and promote the interests of scheduled castes (SCs) in the country. Some of these challenges include:

- **Issues related to appointment:** NCSC often face vacancies for longer duration. The Supreme court had

to fill up vacancies in NCSC in an expeditious manner. Also, there is lack of institutionalisation in the procedures of appointment leading to politically motivated appointments in the commission.

- **Issues related to its performance:** NCSC is more effective in the monitoring the implementation of **area of service-related constitutional and legal safeguards** for SCs and thus is criticized to carry an **elite bias**. Its working on the prevention of atrocities or welfare of SCs is less encouraging. Its functioning in this arena is often hampered due to underreporting of crimes against SCs, lack of political will to address the issues facing SCs.
- **Lack of real power:** NCSC's decisions are **only advisory and not binding**, but recommendatory. In 2022, **Madras High court** held that NCSC was not empowered to interfere in service matters and issue directions to either promote a particular employee to a higher post or transfer him/her to a specific place.
- **Inadequate resources:** The NCSC has limited resources, which can hamper its ability to effectively address the issues facing SCs. This includes both financial resources as well as human resources.
- **Issues related to Reports:** Annual reports are not regularly tabled in Parliament. For instance, the last annual report for the year 2019-2020 (As in June 2024). Of all special reports, only the report **on special safeguards** has an all-India scope. Even when Reports are tabled in Parliament, they are frequently not discussed. The reports of the Commission are characterised by more statistical data than qualitative data.

4. RECOMMENDATIONS TO STRENGTHEN THE NCSC

The Second Administrative Reforms Commission (ARC) in India made several recommendations for the National Commission for Scheduled Castes (NCSC) in its 7th report on **"Capacity Building for Conflict Resolution"**. Various other recommendations have been suggested for SCSC. Some of the important recommendations are:

MEASURES	EXPLANATION
Timely and apolitical appointments	There should be institutionalisation in procedure of appointments. The qualifications of the Chairperson and Members should be publicly available , and there should be an effort to involve people from different professions concerned with Scheduled castes. Also, appointments should be done in a timely manner to avoid vacancies.
Ensuring autonomy	The NCSC should be made more autonomous by giving it the power to investigate and take action against instances of discrimination against SCs. It should also have the power to review and monitor the implementation of laws and policies related to SCs.
More focus on working of social safeguards	Apart from its focus on working of service safeguards, NCSC should work efficiently on preventing and addressing instances of atrocities and ensure socio-economic welfare of SCs.
Mandatory consultation	The governments should mandatorily consult NCSC on all major policy matters affecting Scheduled castes.
Availability of manpower and funds	NCSC should be provided with sufficient funds for its smooth functioning.
Partnership with civil society	The NCSC should work in partnership with civil society organizations such as NGOs, academic institutions, corporations, and other stakeholders to promote the rights of SCs.
Public awareness	The NCST should play a more active role in creating public awareness about the issues faced by SCs by conducting campaigns and outreach programs to educate the public about the rights of SCs.

NATIONAL COMMISSION FOR STs

The National Commission for Scheduled Tribes (NCST) is a constitutional body tasked with safeguarding and promoting the socio-economic and educational welfare of Scheduled Tribes. It conducts investigations, advises the government on policy matters, and ensures the effective implementation of safeguards for STs.

Its composition, power and functions are similar to that of the National Commission for SCs, only difference being that it is concerned with STs.

1. FUNCTIONS OF NCST

Functions of NCST are similar to National Commission on SCs, the following functions were entrusted to the Commission in 2005:

- Measures to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- Measures to be taken to safeguard the rights of the tribal communities over mineral resources, water resources etc. as per law.
- Measures to be taken for the development of tribals and to work for more viable livelihood strategies.
- Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996.
- Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment.

2. WORKING OF THE NCST

NCST has contributed significantly in ensuring the welfare of tribals.

Case Study: Eviction of tribals from forest areas affected by Polavaram Project (Sept. 2021)

The NCST intervened in this case and directed the state government to take steps to protect the rights of Koya and Konda Reddy tribes in Andhra Pradesh. The Commission recommended that the government provide adequate compensation and alternative arrangements for their rehabilitation before the displacement of tribal people.

However, the working of the commission has faced many criticisms. The following case studies highlight its lacunae:

- The **Supreme Court's 2019 order** to evict more than one million forest dwelling people went against the spirit of the Forest rights Act and the Commission couldn't do anything.
- The commission was not able to safeguard the tribal rights of **Dongria Kondh community of Odisha** who faced eviction on a Vedanta development project.
- Tribal culture and identity have been declining. As per a report by **People's Linguistic Survey of India**, as much as 250 tribal languages have disappeared. NCST has failed to arrest the phenomenon.

3. CHALLENGES FACED BY THE NCST

The National Commission for Scheduled Castes (NCST) in India faces several challenges in fulfilling its mandate. Some of the challenges observed by the Centre for Policy Research, New Delhi include:

- **Issues related to appointments:** Appointments to the NCST are often delayed, with key positions, including Chairperson and members, left vacant for extended periods. Additionally, political appointees from the ruling party often avoid addressing issues uncomfortable for the government.
- **No Consultation by the government:** While the constitution (Article 338A (9)) requires governments to consult the Commission on all major policy matters affecting Scheduled Tribes, in majority of the cases, the governments do not consult the Commission on policy matters.
- **Lack of real powers:** The NCST, intended as an independent advisory body, lacks sanctioning power against officials committing atrocities against Scheduled Tribes, leading to challenges in protecting ST rights over land, forest resources, and addressing resettlement and rehabilitation needs.

- **Pendency of cases:** In the financial year 2023-24, the Commission has met only two times. Its rate of resolution of pendency of complaints and cases that it receives is also close to 50%.
- **Dysfunctional NCST:** According to the Standing Committee on Social Justice and Empowerment, the NCST has not delivered a single report to Parliament since 2018.
- **Manpower and Budgetary Shortage:** As many as 70 posts out of 124 sanctioned posts in the Commission are lying vacant (February 2023).

Considering the challenges faced by the Commission, various recommendations have been suggested to strengthen the institution of the National Commission for Scheduled Tribes.

4. RECOMMENDATIONS TO STRENGTHEN THE NCST

The Centre for Policy Research, New Delhi made several recommendations for the National Commission for Scheduled Tribes (NCST) in its report on **Study of performance of the National Commission for Scheduled Tribes**. Some of the important recommendations are:

MEASURES	EXPLANATION
Timely and apolitical appointments	The qualifications of the Chairperson and Members should be publicly available , and there should be an effort to involve people from different professions concerned with Scheduled Tribes. Also, appointments should be done in a timely manner to avoid vacancies.
Mandatory consultation	The governments should mandatorily consult NCST on all major policy matters affecting Scheduled Tribes.
Availability of manpower and funds	NCST should be provided with sufficient funds for its smooth functioning. (The Parliamentary Committee on NCST)
Capacity building of Regional Offices	The Regional offices need to be strengthened, along with an independent investigating mechanism. More Regional Offices in the country need to be opened.

Partnership with civil society	The NCST should work in partnership with civil society organizations such as NGOs, academic institutions, corporations, and other stakeholders to promote the rights of STs.
Public awareness	The NCST should play a more active role in creating public awareness about the issues faced by STs by conducting campaigns and outreach programs to educate the public about the rights of STs.

NATIONAL COMMISSION FOR BACKWARD CLASSES

National Commission for Backward Classes is a constitutional body under **Article 338B** of the Indian Constitution. It was established by **the 102nd Constitutional Amendment Act, 2018** to investigate and monitor all matters relating to the safeguards and welfare of the Other Backward Classes (OBCs). It also advises the President and the Parliament on the issues and policies concerning the OBCs.

1. WORKING OF NCBC

The NCBC has been working for the OBC's welfare for the past three decades.

➤ **Advice on various issues related to the OBC welfare and development:** It has advised the government on various issues related to the welfare and development of the OBCs, such as the sub-categorization of OBCs, the creamy layer criteria, the reservation in private sector, the implementation of the OBC reservation in the NEET, and the extension of the OBC reservation in the central educational institutions.

➤ **Redressal of specific complaints of violation of rights and safeguards of the OBCs:** It has inquired into specific complaints of violation of rights and safeguards of the OBCs and has taken appropriate action to redress them.

For example, it has intervened in cases of **denial of caste certificates, harassment of OBC students and employees, and discrimination in admission and recruitment.**

➤ **Participation and evaluation of the socio-economic**

development of the OBCs: It has participated and advised on the socio-economic development of the OBCs and has evaluated the progress of their development under the Union and any State.

- For example, it has conducted studies and surveys on the status and condition of the OBCs in various sectors and regions, and has suggested measures to improve their education, health, employment, income, and social empowerment.

2. SUB-CATEGORIZATION OF OTHER BACKWARD CLASSES (OBC)

The aim of sub-categorization is to ensure that **the more backward among the OBCs can also access the opportunities and advantages of reservation**, and that **the benefits of reservation are not monopolized by a few dominant and advanced OBC castes.**

The idea is not new, as some states like Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu, etc. have already implemented it in their respective domains. However, at the central level, there is a single OBC list, with entries from each state, and no sub-categorization within it. This has led to some complaints and grievances from the less represented and more deprived OBC castes, who feel that they are being crowded out and marginalized by the more influential and prosperous OBC castes.

To address this issue, the central government in 2017 set up a commission under the chairmanship of **Justice (Retd.) G. Rohini.**

Terms of reference:

- To examine the extent of inequitable distribution of benefits of reservation among the castes or communities of OBCs.
- To work out the mechanism, criteria, norms and parameters, in a scientific approach, for sub-categorization within such OBCs; and
- Identify the respective sub-castes and classifying them into their respective sub-categories.

The commission, after several extensions due to the task's complexity, has submitted its report on OBC sub-categorization to the Ministry of Social Justice, which remains unpublished. The sub-categorization aims for equitable reservation distribution among OBCs. However, it must be based on objective criteria to prevent further societal divisions and inequalities within the OBC community.

3. CHALLENGES FACED BY NCBC

Chairperson and Members- Expertise and Tenure:

Unlike the 1993 Act, the 103rd Amendment Act (2018) does not specify the expertise required for Commission members or provide a fixed tenure. It also does not clearly state whether the Commission will review complaints of exclusion from or requests for inclusion in the list of classes granted 27% reservation.

- The tenure of the chairperson and members of the NCBC is not predetermined, leaving it subject to government discretion. This may affect the independence of the Commission from the political class.

Delayed Appointments:

After the tenure of the 8th NCBC ended in April 2022, the Central Government did not appoint a chairperson and other members until December 2022. These delayed appointments hindered the Commission's ability to address the grievances of the backward classes effectively.

Nature of Advice: The NCBC's advice, on complaints regarding wrongful inclusion in and exclusion from the list of those groups who are eligible for 27% reservation, was to be ordinarily binding on the government.

In case the government rejected the advice, it had to state its reasons in writing.

However, the 103rd Amendment does not factor in this principle, which is in violation of the Mandal Judgement (1992).

No Role in Preparation of the List:

The new Act vests in Parliament the authority to include groups in the Central list or exclude them from it. This decision was earlier the Central government's, based on the Commission's advice.

- The Act does not give the role of deciding inclusion and exclusion to the Commission, which the earlier Commission had. This is again in violation of the Mandal Judgement. (View of PS Krishna, former Member Secretary of first NCBC and expert on Social Justice).

Scramble for quotas:

Till now, the selection of OBCs has been a complex exercise carried out by the Commission. However, after the Amendment, many dominant castes will scramble for quotas, turning the selection process into a politically driven exercise,

potentially leading to socio-political turmoil and undermining the constitutionally mandated procedure.

- For example, recently the Maratha community, a dominant caste in Maharashtra, protested aggressively for reservation. In March 2024, the Maharashtra Government granted OBC status to Marathas which might be challenged in the Courts.

Identification and Classification of OBCs:

There is a lack of clarity and uniformity in the criteria and methods for identifying and classifying OBCs across different states and regions. Further, the Commission also struggles to address the issue of numerous castes seeking Backward Class status due to a lack of authority in defining clear parameters.

Moreover, the Commission has also been facing the challenge of staff shortage and poor logistical support from the government. Thus, there is a need to strengthen the Commission in order to fulfil its Constitutional mandate.

4. SUGGESTIONS

Some suggestions to improve the working of the National Commission for Backward Classes (NCBC) are:

Timely and Transparent Appointments:

The government should ensure the timely appointment of the NCBC chairman and members to avoid any gaps in leadership. Towards this end, it can make the appointments well before the expiration of previous terms.

- Further, the government should establish a transparent and merit-based selection process for the chairman and members. This measure will help protect the independence of the Commission.

Clear Mandate and Powers:

Define and expand its powers clearly, allowing it to enforce its recommendations and decisions.

Binding Nature of Recommendations:

The NCBC should have a certain degree of binding effect on the recommendations provided to the government. It will ensure its advice on the inclusion or exclusion of any class of citizens as a backward class is taken seriously and not ignored or rejected without justification.

Adequate Data and Resources:

Understanding the

problems of backward classes and solving them is a continuous process. Thus, the NCBC should have latest and sufficient data as well as resources to monitor and evaluate the implementation of reservation policies.

- ◉ **Regular Surveys:** Conduct regular, comprehensive surveys to update the list of backward classes and assess their socio-economic conditions.
- ◉ **Technological Integration:** Use advanced data collection and analysis tools to maintain accurate and up-to-date information on backward classes.
- ◉ **Collaboration with Other Commissions:** The NCBC should collaborate with other commissions, such as the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes, and the National Commission for Women, to ensure effective coordination and integration of welfare measures and programs.

Dr. Bhagwan Lal Sahni (Former Chairman of 8th NCBC) suggests that the government should provide adequate staff, logistics and funding support for effective functioning of the Commission and serving the interests of backward classes in India.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

The National Human Rights Commission (NHRC) of India is a statutory public body established on October 12, 1993, under the Protection of Human Rights Ordinance of September 28, 1993, and later given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA).

The NHRC is responsible for the protection and promotion of human rights, defined by the Act as "Rights Relating to Life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."

1. COMPOSITION OF THE NHRC

- ◉ **Chairperson:** Typically, a former Chief Justice of the Supreme Court or another judge.
- ◉ **Judicial Members:** Two members from the judiciary, one of whom should be a sitting or former Supreme Court Judge and the other a Chief Justice of any High Court.

- ◉ **Human Rights Experts:** Two other members selected based on their expertise in human rights issues.
- ◉ **Ex-officio Members:** Chairpersons of the National Commissions for Women, Minorities, Scheduled Castes, and Scheduled Tribes.

2. APPOINTMENT

The President appoints the chairperson and members of the NHRC based on recommendations from a **committee comprising the Prime Minister, Home Minister, Leaders of the Opposition in both Houses of Parliament**, the Speaker of the Lok Sabha, and the Deputy Chairman of the Rajya Sabha.

3. FUNCTIONS OF NHRC

The PHRA mandates the NHRC to:

- ◉ **Investigate Violations:** Proactively or reactively inquire into violations of human rights by the government or negligence of such violations by public servants.
- ◉ **Promote Human Rights:** Recommend measures for effective implementation of human rights protections.
- ◉ **Review Factors Inhibiting Human Rights:** Assess factors, including acts of terrorism, that inhibit human rights enjoyment and recommend remedial measures.
- ◉ **Study Treaties and Instruments:** Review international human rights treaties and recommend their effective implementation.
- ◉ **Promote Research and Education:** Conduct research and raise awareness about human rights.
- ◉ **Visit Jails:** Inspect jails to study conditions of inmates.
- ◉ **Support NGOs:** Encourage and support NGOs working in the field of human rights.
- ◉ **Requisition Public Records:** Request any public record or copy from any court or office.

4. ASSESSMENT OF WORKING OF NHRC

The National Human Rights Commission (NHRC) in India faces several structural and practical limitations. These are as follows:

STRUCTURAL LIMITATIONS RELATING TO HR PROTECTION ACT	PRACTICAL LIMITATIONS RELATING TO THE WORK CULTURE
Recommendations only: The recommendations made by the NHRC are non-binding and without the power to enforce decisions, which makes it only a recommendatory body. Non-control over SHRCs: The NHRC has not been given any powers to exercise control over the state human rights commissions (SHRCs)	Non-filling of vacancies: The NHRC is functioning with less than the prescribed five Members. This limits the capacity of commissions to deal promptly with complaints.
Composition criteria: The Act does not specify whether the judges should have a proven record of human rights activism or expertise or qualifications in the area. The government can appoint any judge, or retired judge of the SC as chairperson. For example, In 2019, the Centre appointed Jus. Arun Kumar Mishra- a retired judge of the Supreme Court as chairman of NHRC. Mishra has been alleged of chairing benches that delayed hearing habeas corpus petitions filed by political prisoners. 👁️ Limited role of Chairperson in appointment: The chairperson has no say in the appointment of the members in the NHRC.	Non-availability of funds: Big chunk of the NHRC's budget goes in office expenses and in maintaining their members, leaving disproportionately small amounts for other crucial areas such as research and rights awareness programmes.

Time bar: Under the Act, human rights commissions cannot investigate an event if the complaint was made more than one year after the incident. Therefore, many genuine grievances go unaddressed.	Too many complaints: A common problem faced by most human rights commissions is that they are deluged with complaints. In the year 2020-21, the NHRC received over 74,968 complaints and 1,02,539 cases in the year 2021-22.
Bar on violations by Armed Forces: In this context, the powers of the NHRC are restricted to simply seeking a report from the Government and then issuing recommendations. Even the PHRA 2019 Act does not permit the NHRC to probe into acts of human rights violations by the armed forces.	Bureaucratic style of functioning: As NHRC primarily draws their staff from government departments, the internal atmosphere is usually just like any other government office.

POSITIVE ROLE OF NHRC- MAJOR HUMAN RIGHTS CASES

Refugee Cases (Chakmas) in Arunachal Pradesh, 1990s: The Chakmas (Buddhists), originally from East Pakistan, faced persecution on grounds of religion in Arunachal Pradesh. When they attempted to flee to Assam, the Assam Government threatened to shoot them. However, due to the NHRC's proactive role, the Court ordered the Arunachal Government to protect the lives and personal liberty of the affected people.

Punjab Mass Cremation Case: The NHRC, which went through 2,097 cases of killing of youth and mass cremation of their bodies by the Punjab police during the peak of militancy in the State, has ordered a relief of Rs.27.94 crore to the families of 1,513 victims of such extra-judicial killings.

Mental Health Rights: In February 2023, the NHRC in a report flagged the "inhuman and deplorable" condition of all 46 government-run mental healthcare institutions across the country; out of which three are run by the Union government and the remaining by State governments.

5. RECOMMENDATIONS FOR NHRC

If NHRC is to truly protect and promote human rights in India, changes must be made to enable it to become a more effective institution. Some suggested proposals are:

- ▶ **Enforceability of decisions:** The effectiveness of NHRC will be greatly enhanced if its decisions are made enforceable by the government. This change will save time and effort for NHRC as it will no longer need to send reminders to government departments or resort to lengthy judicial processes to enforce recommendations.
- ▶ **Including armed forces in their ambit:** Allowing commissions to independently investigate complaints against the military and security forces and summon the witnesses and documents will help end the culture of impunity and hold them accountable.
- ▶ **Commissions' membership:** Ex-bureaucrats filling non-judicial member positions raise concerns that NHRC is seen more as extensions of the government than independent oversight agencies. Thus, if commissions are to play a meaningful role in society, they must include civil society and human rights activists as members, rather than ex-bureaucrats.
- ▶ **Independent recruitment of staff:** NHRC should create an independent staff cadre with relevant experience instead of relying on deputations from government departments. Specially recruited and qualified staff can help manage the high volume of complaints more effectively.
- ▶ **Separate agency to investigate police-related complaints:** It is perhaps time to think about an alternative agency, dedicated solely to civilian oversight of the police to check police excesses.
- ▶ **Civil society groups:** They need to mobilise people across the nation through targeted advocacy strategies. Reform initiatives can only bear fruit when ordinary citizens take an active interest in good governance and human rights.
 - For instance, the 2019 Act has emphasised on the efforts to increase the presence of Civil Society in the composition of the Commission.
- ▶ **Key Recommendations of Jus. AM Ahmadi Committee (Advisory Committee to Review the PHRA, 1993)**
 - To bring paramilitary forces (excluding Army, Navy,

and Air Force) under the ambit of NHRC.

- Appointment of members, secretary and DGP should be made in consultation with the Chairperson of NHRC.
- To empower the NHRC to inquire into any matter after the expiry of one year.

"We have to make recommendations to governments, but in case they are not followed up, we have no further course of action. If by any reason the Central government contemplates giving appropriate powers to NHRC through amendment in the Act, NHRC will certainly become a Toothful Tiger."

– HL Dattu, Former NHRC Chief

NATIONAL COMMISSION FOR MINORITIES (NCM)

UN Definition: Minorities are defined by the UN sub-committee on prevention against discrimination and protection of minorities as **'non-dominant' groups in a population wishing to preserve their ethnic, religious, or linguistic traditions**, which differ from the rest of the population.

India's Notified Minorities: The Government of India has notified **Muslims, Sikhs, Christians, Parsis, Buddhists, and Jains** as minorities. However, India lacks a specific definition or policy to define minorities.

1. APPROACH FOLLOWED BY INDIA

- ▶ **Constitutional Provisions:** At its creation, India's constitution acknowledged special rights for minorities.
- ▶ **Government Initiatives:** The Government of India has established various statutory commissions and committees, such as the Sachar Committee and PM's 15-Point Program in 2006, to address minority issues.
- ▶ **Establishment of NCM:** The Ministry of Home Affairs created the National Commission for Minorities in 1978 to address the perceived insecurity and unfairness among minority groups.

Statistics on Muslim Minorities

According to the **Sachar Committee** on the Socio-Economic Status of Minorities in India (2006):

1. Nearly a **quarter of Muslim children** between 6 and 14 years have **never attended school or have dropped out**.
2. Only **4% of Muslims who** graduate have a postgraduate degree, with only one out of every 20 being a PG holder.
3. Muslims make **up 1.3% of the IFS, 3% of the IAS, 4% of the IPS, and 4.5% of the Railways**, indicating a lack of proportional representation.

2. ORIGIN OF NATIONAL COMMISSION FOR MINORITIES

1. **Establishment:** The commission was **established by the NCM Act of 1992**, which gives it statutory authority.
2. **Historical Precedents:** The first minorities commission was established by the Congress government in Uttar Pradesh in 1960. Bihar and Gujarat followed with their respective commissions in the 1970s.

3. COMPOSITION

The NCM is a multi-membered board with all members from the minority group, including one chairperson, one vice-chairperson, and five members selected by the Government of India from persons of eminence, talent, and integrity.

4. CONSTITUTIONAL PROVISIONS

1. **Article 15 and 16:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
2. **Article 25-28:** Right to religious freedom.
3. **Article 29:** Protection of cultural and educational rights of minorities.
4. **Article 30:** Right of minorities to establish and administer educational institutions.
5. **Article 350-B:** Appointment of a Special Officer for Linguistic Minorities.

5. FUNCTIONS OF NCM

1. ASSESS THE **progress and development of minorities** in the union and its states.
2. Examine **the implementation of constitutional safeguards**.

3. Address specific complaints about the denial of rights and minority protection.
4. **Conduct research and analysis** on topics concerning minorities' socio-economic and educational development.
5. Address any other problem referred to it by the central government.

6. POWERS OF NCM

The NCM has all the **powers of a civil court**, including:

1. Summoning and questioning any person under oath.
2. Requiring any document to be discovered and produced.
3. **Receiving affidavit** evidence.
4. Requisitioning records from any court or office.

7. IMPORTANT CONCERNS AND DRAWBACKS

- ❖ **Lack of Transparency in Appointments:** There is **no prescribed selection process** for appointments, leading to arbitrary selections.
- ❖ **No Constitutional Status:** Unlike the National Commission for SCs, STs, and OBCs, **the NCM lacks constitutional status**.
- ❖ **Limited Powers:** The NCM lacks **powers to inquire Suo moto**, investigate using government agencies, intervene in legal proceedings, or visit detention facilities.
- ❖ **Non-mandatory Consultations:** The union and state governments are not required to consult the NCM on matters concerning minorities.
- ❖ **Marginalization of Certain Communities:** The NCM's function has been criticized as being purely political, marginalizing certain minority communities.

8. WAY FORWARD

1. **Evaluate Performance:** Set specific performance criteria to ensure accountability.
2. **Reduce Pendency:** Set baseline targets to reduce case pendency rates.
3. **Address Staffing Needs:** Conduct regular staffing assessments to fill vacant positions.

4. Feedback Mechanism: Develop a mechanism for feedback on the processing of appeals.

5. Strengthen State Commissions: Expand and empower state minorities' commissions.

6. Constitutional Status: Grant the NCM constitutional status and broader investigative powers to better safeguard minority rights.

VALUE ADDITION

Vision for Social Justice: Dr. Ambedkar's advocacy for the **protection of marginalized communities** laid the foundation for the establishment of commissions like the NCM, emphasizing the need for dedicated bodies to address the unique challenges faced by these groups.

Sociological Perspective: Prof. M.N. Srinivas highlighted the complexities of caste dynamics in India. He argued for **nuanced policies that consider socio-economic conditions** rather than relying solely on caste for affirmative action, a principle relevant to the functioning of the NCM.

Economic Analysis: Dr. Ashwini Deshpande's work on **caste and economic disparities** underscores the importance of targeted policies and robust data collection, suggesting that the **NCM must focus on empirical evidence** to drive its recommendations and policies.

Legal Insights: Prof. Marc Galanter's research on affirmative action and equality law in India provides a framework for understanding the legal and constitutional basis for bodies like the NCM, advocating for strong legal backing and enforcement mechanisms to ensure effectiveness.

In an era of **populist majoritarianism**, the NCM has the potential to **rise as a beacon of minority rights in India**. Strengthening its powers and ensuring its independence can help it serve as an effective institution that **upholds the country's commitment to "Unity in Diversity."**

NATIONAL COMMISSION FOR WOMEN

The National Commission for Women (NCW) was established by the Government of India in 1992, under

the provisions of **the National Commission for Women Act, 1990** as a statutory body. This move was influenced by global events focusing on women's issues and India's own economic changes that started in 1991, which altered social and gender roles. The rise of women's movements in India also played a key role, pushing for better laws and systems to protect women's rights, leading to the creation of the NCW.

1. NATIONAL COMMISSION FOR WOMEN ACT, 1990

- The National Commission for Women Act, 1990, provides the legal framework for the establishment and functioning of the NCW.
- This act outlines the composition, powers, functions, and responsibilities of the commission.
- The Act empowers the commission to summon witnesses, examine documents, and conduct inquiries.
- It empowers the NCW to investigate complaints related to women's rights, conduct research, and make recommendations regarding legal reforms and policy changes to the government.
- The act bounds the central government to consult the Commission on all major policy matters affecting women.

2. GOALS OF NCW

The NCW plays a crucial role in advocating for women's welfare, ensuring their protection, and promoting gender justice.

The goals of the NCW are as follows:

- To review the Constitutional and Legal safeguards for women and safeguard the constitutional and legal rights of women.
- To recommend remedial legislative measures to address gender-based discrimination.
- To provide a voice to women, ensuring their equitable participation in society, and to address the challenges and discrimination they face.
- To facilitate the redressal of grievances faced by women across various domains.
- To advise the Government on all policy matters affecting women.

3. STRUCTURE AND COMPOSITION

The Commission is composed of a chairperson, five members, and a Member-Secretary. At least one Member has to be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes, respectively.

4. FUNCTIONS AND POWERS

NCW performs many important functions, which can be categorized as follows:

STATUTORY FUNCTIONS:

- Investigating complaints related to women's rights violations.
- Conducting studies and research on gender-related issues.
- Recommending legal reforms and policy changes.
- Advocating for women's empowerment and gender equality.

ADVISORY ROLE:

- The NCW advises the government on policy matters affecting women. It collaborates with other ministries, NGOs, and stakeholders to promote gender justice.

INVESTIGATIVE POWERS:

- The NCW has the authority to summon witnesses, examine evidence, and conduct inquiries.
- The Commission shall, while investigating any matter referred to it, have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:
 - summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - requiring the discovery and production of any document;
 - receiving evidence on affidavits;
 - requisitioning any public record or copy thereof from any court or office;
 - issuing commissions for the examination of witnesses and documents;
 - any other matter which may be prescribed.

5. EFFECTIVENESS OF COMMISSION

Effectiveness of the NCW in India involves considering various aspects of its functioning and the impact it has had on women's issues in the country. Analyzing its work in India, we can see both its successes and areas where it faces challenges.

A. SUCCESSES OF THE NCW

- **Raising Awareness:** The NCW has effectively raised awareness on women's rights through campaigns, workshops, and financial support to NGOs for Legal Awareness Programs.
- **Policy Influence:** The Commission has influenced policy changes and recommended reforms in laws like the Dowry Prohibition Act and IPC.
- **Handling Complaints:** NCW has provided legal assistance and counselling, sponsoring programs like Parivarik Mahila Lok Adalats for family dispute resolution.
- **International Representation:** NCW has represented India in international forums, notably engaging with the UN Commission on the Status of Women.

CASE STUDIES AND LANDMARK DECISIONS

Workplace Harassment and Gender Discrimination: The National Commission for Women (NCW) has addressed workplace harassment, unequal pay, and gender discrimination, advocating for the implementation of Sexual Harassment of Women at Workplace Act, 2013. Through its persistent efforts, the NCW has significantly raised awareness about these critical issues, motivating organizations across various sectors to establish safer and more respectful workplaces for women.

Protection of Women from Cyber Crimes: The NCW has tackled cybercrimes against women, collaborating with law enforcement for online safety and legal protection.

KEY INITIATIVES

The National Commission for Women (NCW) has launched several key initiatives for women's empowerment:

We Think Digital: A collaboration with the Cyber Peace Foundation and Facebook, this global digital literacy program aims to train 1.50 lakh women in effectively using online resources, initially launched as the 'Digital Shakti' campaign.

Empowering Women through Entrepreneurship: This program offers a business and management course to aid digital learning among aspiring women entrepreneurs.

Partnership for Gender Sensitization of Police Personnel: The NCW has partnered with the Bureau of Police Research and Development to sensitize police personnel nationwide, fostering attitudinal and behavioral changes towards gender issues.

Capacity Building and Training: The NCW worked with the Lal Bahadur Shastri National Academy of Administration to train Protection Officers, enhancing their skills to better support women under the Domestic Violence Act.

➤ **Dependency on Government:** Being a government body, the NCW's autonomy has been a point of debate. Its dependency on the government for funding and approvals can impact its effectiveness and impartiality.

5. SUGGESTIONS FOR STRENGTHENING OF NCW

- **Implement a merit-based and transparent process** for appointing chairpersons and members of women's commissions.
- **Strengthen its monitoring and evaluation mechanisms** to ensure the effective implementation of its recommendations and interventions for women's empowerment and rights protection.
- **Enhance its coordination and collaboration with other stakeholders**, such as civil society organizations, media, academia, judiciary, and law enforcement agencies, to create a conducive environment for women's participation and leadership in various spheres.
- **Increase its outreach and awareness activities** to educate and sensitize the public, especially the rural and marginalized communities, about the legal and constitutional provisions, policies, and schemes for women's welfare and development.
- **Promote the use of digital technologies and platforms** to facilitate the access and delivery of its services, such as online complaint registration, helpline, counselling, legal aid, and information dissemination.
- **Conduct regular research and analysis** on the emerging issues and challenges faced by women in India, such as gender-based violence, trafficking, discrimination, health, education, employment, and political representation, and suggest evidence-based solutions and best practices.

The National Commission for Women has had a significant impact in advocating for women's rights and bringing attention to their issues in India. It has made notable strides in policy influence, legal assistance, and awareness campaigns. However, its effectiveness is sometimes limited by challenges related to implementation, resource constraints, and its ability to swiftly address emergent issues.

B. CHALLENGES AND CRITICISMS

The National Commission for Women (NCW) in India has made significant strides in advocating for women's rights, but it faces various challenges like:

- **Implementation and Enforcement:** While the NCW has been instrumental in policy formulation, there have been challenges in the implementation and enforcement of these policies and laws at the ground level.
- **Limited Reach and Resources:** The Commission, at times, has been criticized for its limited reach, especially in rural and remote areas. The lack of resources and manpower can hinder its effectiveness in addressing the issues of a vast and diverse population.
- **Response to Emergent Issues:** The NCW's response to emergent and complex issues, such as cyber-crime against women or the impact of pandemics on women, has sometimes been seen as inadequate or slow.

UNIT 7: FEDERALISM

SYLLABUS- CONSTITUTIONAL PROVISIONS, CHANGING NATURE OF CENTRE-STATE RELATIONS, INTEGRATIONIST TENDENCIES AND REGIONAL ASPIRATIONS.

PREVIOUS YEAR QUESTIONS

CONSTITUTIONAL PROVISIONS

- Discuss asymmetrical federalism in India. (2018)
- Cooperative federalism produces a strong central, or general government, yet it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies. Indian federation has demonstrated this." (Granville Austin) Examine the uniqueness of Indian federalism in the light of the above statement. (2013)
- "Articles 2 and 3 of the Indian Constitution are inconsistent with the spirit of federalism." Critically examine and comment. (2010)
- Inter State Committees. Comment. (2009)

CHANGING NATURE OF CENTER-STATE RELATIONS

- Discuss the composition and functions of the Inter-State Council. To what extent has this body been successful in achieving its objectives? (2022)
- Does the functioning of the federalism in India tend to make it appear as a unitary state in practice? (2020)
- Implementation of GST and NEET is a major challenge to Indian federalism. (2018)
- Indian federation has moved from cooperative federation to competitive federation. (2017)
- The philosophy and administration of the distribution of powers between Centre and State is required to be re-assessed. (2016)

INTEGRATIONIST TENDENCIES AND REGIONAL ASPIRATIONS

- Does the actual working of Indian federalism conform to the centralising tendencies in Indian polity? Give reasons for your answer. (2023)
- Do you think that there has been a gradual shift in the basis on which the demands for the creation of new States have been raised in different regions of India? Explain. (2021)
- Cooperative Federalism in India. Comment. (2015)
- Demands for the creation of new States in India. Comment. (2012)

INTER-STATE DISPUTES

- Mechanism for settling inter-state disputes. Comment. (2020)
- Despite constitutional mandate the Inter-State Council has not come of age. Discuss. (2019)
- Identify the contested areas in centre state relation in India. (2015)
- Examine the efficacy of available mechanisms for resolving inter-State dispute in India. (2012)
- It is not constitutional law but political factors that ultimately determine Centre-States relations in India. Critically examine and comment. (2011)
- Inter- State water disputes. Comment. (2010)

1. INTRODUCTION

- The term "federalism" is derived from the Latin word "Foedus," meaning a contract, signifying a government founded on a constitutional agreement. An independent judiciary acts as a neutral mediator to resolve disputes.



- Federalism seeks to balance self-governance and shared governance, aiming to prevent majority tyranny and promote strength through unity. It harmonizes freedom with cohesion and integrates diverse political cultures with effective collective action.

federal character and ensuring coordination between central and state authorities.

- **K.C. Wheare's Classification: Quasi-Federal Nature:** He categorizes India as **quasi-federal**, acknowledging the central government's significant powers in specific circumstances.

VALUE ADDITION: VIEWS OF SCHOLARS ON FEDERALISM

- "Federation is a system which consists of two sets of governments which are independent, co-ordinate and distinct."- **K.C. Wheare**
- "Federation is a political contrivance intended to reconcile national unity with the maintenance of State Rights."- **Prof. A.V. Dicey**
- "The partition of legislative and executive power of the centre and units is the main criteria of federation."- **Dr. B.R. Ambedkar**

2. NATURE OF INDIAN FEDERALISM

India's federal structure has been the subject of extensive analysis and interpretation by various scholars. Their perspectives provide a nuanced understanding of how federalism operates within the Indian constitutional framework. Below are insights from prominent scholars on the nature of Indian federalism:

- **Granville Austin's Perspective: Cooperative Federalism:** He describes Indian federalism as **characterized by a cooperative relationship** between the central and state governments, emphasizing **harmony and collaboration** in governance.
- **Durga Das Basu's View: Cooperative Federalism with Unitary Features:** He highlights Indian federalism as a **blend of cooperative federalism with strong unitary aspects**, maintaining a delicate balance between decentralization and national unity.
- **Morris Jones' Observation: Quasi-Federalism:** He views Indian federalism as **quasi-federal** due to the central government's substantial powers in certain domains, which lean towards a unitary structure.
- **M.P. Jain's Analysis: Cooperative and Coordinate Federalism:** He underscores the **role of the judiciary**, particularly the Supreme Court, in upholding India's

3. FEDERAL VS. UNITARY NATURE OF INDIA

The debate over whether India is more federal or unitary hinges on the interpretation of its constitutional and practical features.

FEDERAL NATURE	UNITARY NATURE
➤ Autonomous States: States have their own governments and legislative powers, particularly over the State List subjects.	➤ Emergency Provisions: The Centre can assume control over state functions during emergencies, reflecting a unitary character.
➤ Decentralization Initiatives: Efforts like the 73rd and 74th Constitutional Amendments (Panchayati Raj and Municipalities) aim to empower local governance, reflecting federal principles.	➤ Central Legislation: The Centre can legislate on Concurrent List subjects and, under certain conditions, on State List subjects.
➤ Division of Powers: The Constitution clearly demarcates the powers between the Centre and the states through three lists – Union List, State List, and Concurrent List.	➤ Governor's Role: The appointment of Governors by the President and their role in state politics often leads to accusations of central interference.
➤ Bicameral Legislature: The Rajya Sabha (Council of States) represents the states at the federal level.	➤ Strong Centre: The Centre has overriding powers over the states, especially in the Concurrent List and during emergencies.
	➤ Single Constitution: There is one Constitution for both the Centre and the states.

➤ **Independent Judiciary:** The Supreme Court and High Courts have the authority to resolve disputes between the Centre and states. The Supreme Court can strike down laws that violate the federal balance.

➤ **Subhash C. Kashyap** in "Our Constitution: An Introduction to India's Constitution and Constitutional Law" asserts that **despite strong centralizing features**, the Indian system remains fundamentally federal due to the **autonomy and significant powers vested in states**.

➤ **Single Citizenship:** Citizens have a single Indian citizenship, unlike dual citizenship in classic federations.

➤ **Emergency Provisions:** During emergencies, the Centre can assume significant control over state functions.

➤ **A.G. Noorani** in "Constitutional Questions in India" criticizes the overuse of central powers, arguing that **India's federal system is often undermined by unitary tendencies**, particularly during political crises.

POST-INDEPENDENCE ERA- QUASI FEDERAL

➤ **Constitution of India (1950):** Established a **federal system with a strong centre** to maintain unity and integrity in a diverse nation. The division of powers between the centre and states was clearly outlined in the **Seventh Schedule**.

➤ **State Reorganization Act, 1956:** Redrew state boundaries **on linguistic lines to address regional demands** and promote administrative efficiency.

INDIRA GANDHI ERA (1970s-80s)

➤ **Centralization of Power:** Indira Gandhi's tenure saw **increased centralization, particularly during the Emergency (1975-77)**, which strained Center-state relations.

➤ **Sarkaria Commission (1983-88)-Recommended measures to improve Center-state relations** and promote cooperative federalism, including **greater consultation and decentralization**.

ECONOMIC LIBERALIZATION (1990S ONWARDS):

The liberalization of the Indian economy led to greater economic autonomy for states, encouraging them to attract investments and boost development.

Granville Austin in "The Indian Constitution: Cornerstone of a Nation," analyses the **historical context and debates that shaped the Indian Constitution** and its federal framework.

A. G. Noorani In "India's Federalism at Crossroads," examines the **challenges and opportunities facing Indian federalism** in the 21st century, including the **rise of competitive federalism**.

BALANCING ACT

Granville Austin emphasizes that the **Indian system's success lies in its flexibility and capacity for cooperation**, which allows it to adapt to changing circumstances while maintaining the federal balance.

4. HISTORICAL EVOLUTION OF FEDERALISM IN INDIA

Federalism in India can be traced **back to the colonial era**, with the **Government of India Act of 1935** introducing a with divided powers between the centre and provinces. However, the **post-independence Constitution** of India, adopted in 1950, established a quasi-federal system with a strong centre.

COLONIAL PERIOD- FEDERAL STRUCTURE:

Government of India Act, 1935 laid the foundation for federalism in India by **introducing provincial autonomy** and a federal structure. However, the central government retained significant powers.

5. FUNCTIONING OF INDIAN FEDERALISM

Indian federalism operates through a dynamic interplay between the central and state governments, with a structure designed to balance regional autonomy and national unity. The functioning of this system involves several key aspects:

➤ **Balancing Powers in India's Federal Structure:** India's Constitution, through the **Seventh Schedule**, divides powers between the Union and states, ensuring a balance between centralized authority and state autonomy. **M.P. Jain in Indian Constitutional Law** emphasizes that this delineation effectively maintains both central control and state independence.

- **Central Authority in Crisis Situations:** During crises like the COVID-19 pandemic, the central government's extensive powers, particularly under **Article 356**, enable the enforcement of nationwide measures. **Rajat Prakash Anand**, in *Federalism in India: Origin and Development*, underscores the importance of a strong central authority during such times.
- **Cooperative Federalism and Economic Reforms:** The implementation of the **Goods and Services Tax (GST)** exemplifies cooperative federalism, where central and state governments collaborated on unified taxation. **Subrata Mitra**, in *Power, Politics and Reform: Indian Polity in the Twenty-First Century*, highlights GST as a successful model of this cooperation.
- **Intergovernmental Coordination Mechanisms:** Institutions like the **National Water Commission** and the **National Disaster Management Authority** are key to fostering intergovernmental coordination. **Balveer Arora** in *Federalism and Inter-State Relations in India: A Critical Appraisal* discusses their significance, though **A.G. Noorani** points out that their effectiveness can be hindered by political and bureaucratic challenges.
- **Unity Through Single Citizenship:** India's concept of **single citizenship** promotes a unified national identity across states. **Granville Austin** argues that this principle is essential for the stability and integrity of the federal structure.
- **Asymmetric Federalism and Special Provisions:** Special provisions like **Article 370**, which was abrogated in 2019, exemplify asymmetric federalism. **B.L. Fadia** in *Indian Government and Politics* discusses the role of such provisions in accommodating regional diversities within the federal framework.
- **Constitutional Adaptability:** The Indian Constitution's flexibility is demonstrated by over 100 amendments, including those enhancing local self-governance through the **73rd and 74th Amendments**. **Rajeev Bhargava** in *Politics and Ethics of the Indian Constitution* praises this adaptability as a strength in evolving governance.
- **Judicial Role in Safeguarding Federalism:** The judiciary, particularly in landmark cases like **Keshavananda Bharati vs. State of Kerala**, plays a crucial role in interpreting the Constitution and safeguarding federal principles. **Upendra Baxi** in *The Indian Supreme Court and Politics* underscores the judiciary's importance in maintaining the balance of federalism.

- **Central Residuary Powers:** Matters not specifically assigned in the Constitution fall under the central government's **residuary powers**, ensuring national unity. **H.M. Seervai** in *Constitutional Law of India* argues that these powers help address unforeseen issues, maintaining the coherence of the federal system.
- **Emergency Provisions and Constitutional Order:** **Article 356**, which allows the imposition of President's Rule in states facing governance crises, is a contentious but significant provision. **Subhash C. Kashyap** in *Our Constitution* defends its necessity for maintaining constitutional order, while **A.G. Noorani** warns of its potential for misuse and its impact on federalism.

6. ISSUES PERTAINING TO INDIAN FEDERALISM

Indian federalism is dynamic, shaped by evolving economic, social, and political contexts. The federal structure faces several challenges due to the complex nature of India's diverse and pluralistic society.

Key Challenges:

- **Political Dominance and Coalition Governments:** Initially, one-party dominance led to a strong central government, but the rise of coalition governments has introduced power-sharing conflicts between the Centre and states.
- **Regionalism:** Regional identities and demands, like the creation of new states (e.g., Telangana), challenge national unity, reflecting regionalism's influence on federalism.
- **Language Conflicts:** Language disputes, such as opposition to the three-language policy, highlight tensions between regional and national identities.
- **State Reorganization:** The ability of the Centre to alter state boundaries without state consent (e.g., Telangana) raises concerns about the centralization of power.
- **Role of Governors:** The Governor's position, often seen as a tool of the central government, has been a source of controversy, especially during political transitions.
- **Central Agencies and State Autonomy:** Agencies like the CBI, often viewed as instruments of the Centre, can lead to tensions, particularly in states with opposing political leadership.

- **Economic and Social Planning:** Despite states gaining more control, the Centre's influence through bodies like NITI Aayog can lead to conflicts in planning and resource allocation.
- **Legislative Conflicts:** Disputes over legislative powers, especially when both Centre and states have overlapping jurisdiction (e.g., NIA vs. state police), are common.

Indian federalism is challenged by political dynamics, regionalism, language issues, and centralization tendencies. Addressing these challenges requires a balanced approach, fostering coordination and respecting the autonomy of states.

7 COMPARATIVE ANALYSIS WITH OTHER FEDERATIONS

When compared to other federations like the **United States, Canada, and Australia**, Indian federalism exhibits both similarities and unique features.

- **Daniel J. Elazar**, in his work "Exploring Federalism," compares different federal systems and notes that **Indian federalism is unique due to its asymmetric nature**. Unlike the symmetrical federal systems of the **US and Australia**, where **all states have equal powers**, **India grants special autonomy to certain regions** (e.g., states under Article 371).
- **Ronald L. Watts**, in "Comparing Federal Systems," emphasizes that **Indian federalism is characterized by its flexibility and adaptability**, which allows it to address the unique challenges posed by the country's diversity. He contrasts this with the **rigid federal structures in other countries**, arguing that India's approach is better suited to managing regional diversity. **Critics argue** that the comparative advantage of Indian federalism is overstated.
- **Chanchal Kumar Sharma** in his paper "Reimagining Federalism in India: Exploring the Frontiers of Collaborative Governance" argues that while Indian federalism is indeed unique, it **often struggles with issues of over-centralization and lack of genuine autonomy for the States**, which can lead to inefficiencies and conflicts. He contrasts this with the **more balanced federal systems in countries like Canada**, where provinces have significant autonomy and a greater role in national decision-making.

Indian federalism is **unique due to its emphasis on**

cooperative federalism, the vision articulated by **Granville Austin**, and the **specific balance of powers between the Centre and the States**. While it shares some features with other federal systems, it also faces distinct challenges and criticisms that highlight the complexities of managing such a diverse and populous nation.

8. COOPERATIVE FEDERALISM IN INDIA

In India, cooperative federalism refers to **a system where the Central and State governments work collaboratively** to formulate and implement policies, ensuring that both levels of government function harmoniously and in coordination.

VALUE ADDITION: SCHOLARLY VIEWS

C. P. Bhambhri: In "The Indian State: Fifty Years," Bhambhri argues that cooperative federalism is essential for managing India's diverse needs. He stresses that effective governance and development rely on cooperation between the Centre and States. Without such collaboration, addressing India's complex diversity and varied aspirations would be difficult.

Rajat Prakash Anand: In "Federalism in India: Origin and Development," Anand highlights the importance of cooperative federalism for addressing regional disparities and promoting national integration. He acknowledges the strong Centre in the Constitution but emphasizes the need for intergovernmental collaboration to ensure balanced development and reduce regional imbalances.

K. C. Wheare (Critic): In "Federal Government," Wheare critiques the Indian federal system's centralizing tendencies, which he believes undermine State autonomy. He argues that the Central government's dominance leads to conflicts and inefficiencies, weakening the federal structure and creating tensions between the Centre and the States.

A. GRANVILLE AUSTIN'S PERSPECTIVE ON INDIAN FEDERALISM

THREE STRANDS OF THE INDIAN CONSTITUTION:

In "The Indian Constitution: Cornerstone of a Nation," he argues that the **Constitution is a seamless web of secularism, democracy, and federalism**.



- This structure is designed to accommodate India's vast diversity while maintaining national unity.

COOPERATIVE FEDERALISM:

- Austin emphasizes the importance of cooperative federalism, where the Centre and States work together in **a spirit of cooperation and coordination**.
- He believes this approach is **essential for managing the country's socio-cultural diversity** and addressing regional aspirations.
- The framers of the Constitution envisioned this collaborative **framework to ensure effective governance** and national integration.

CRITIQUES OF AUSTIN'S PERSPECTIVE

- Critics argue that Austin **underestimates the centralizing tendencies** inherent in the Indian federal system. The Central government often exerts **undue influence over the States, leading to an imbalance of power**.
- In "Politics in India," **Rajni Kothari** contends that the practical implementation of cooperative federalism reveals **a dominance of central authority**. Central government's influence can **undermine the autonomy of state governments**. This **centralizing tendency can overshadow the spirit of cooperation**, making it difficult to achieve true federalism as envisioned by the framers.

B. CURRENT STATE OF COOPERATIVE FEDERALISM

STRENGTHS

- **Collaborative Mechanisms:** The **NITI Aayog**, established in 2015, serves as a platform for cooperative federalism by promoting dialogue between the Centre and States on policy matters. The **GST Council**, which includes representatives from both the Centre and States, facilitates the uniform implementation of the Goods and Services Tax, exemplifying effective cooperative decision-making.
- **Fiscal Transfers:** The **Finance Commission**, tasked with recommending the distribution of financial resources between the Centre and States, plays a key role in ensuring equitable fiscal transfers. For example, the 15th Finance Commission's recommendations aimed to address disparities and provide fiscal support to States, helping to balance resources and responsibilities.

CHALLENGES

- **Political Divergences:** Political differences can obstruct cooperative federalism. For instance, the conflicts between the Central government and various opposition-led State governments over issues like the implementation of the **National Register of Citizens (NRC)** and the **Citizenship Amendment Act (CAA)** highlight how divergent political agendas can impact cooperation.
- **Implementation Gaps:** Bureaucratic inefficiencies and coordination issues often hinder policy execution. The rollout of the GST, despite its collaborative framework, faced challenges such as compliance issues and administrative delays, illustrating how gaps in implementation can affect the effectiveness of cooperative federalism.

C. RECOMMENDATIONS FOR STRENGTHENING COOPERATIVE FEDERALISM

- **Strengthening Institutions:** There is a **need to strengthen existing institutions** like the Inter-State Council and NITI Aayog to enhance their effectiveness in promoting cooperative federalism.
K.C. Wheare in "Federal Government" argues for **stronger institutional mechanisms** to ensure sustained cooperative federalism.
- **Enhancing State Capacities:** Building the administrative and fiscal capacities of states is crucial for **more effective participation** in cooperative federalism. **M. P. Singh** in "Indian Federalism in the New Millennium" emphasizes the importance of **empowering states** through capacity-building initiatives.
- **Promoting Inclusive Governance:** Ensuring that cooperative federalism **includes the perspectives and needs of all states**, especially smaller and economically weaker ones, is vital. **Raja Chelliah** in "Institutional Reforms for Inclusive Federalism" suggests reforms to **make cooperative federalism more inclusive** and participatory.

Ultimately, the strength of India's federal system lies in its ability to adapt and evolve through cooperative mechanisms, fostering a governance model that respects the autonomy of States while ensuring the unity and integrity of the nation. Moving forward, it is essential to continue strengthening these cooperative frameworks, promoting trust and collaboration across all levels of government for the holistic development of the country.

9. COMPETITIVE FEDERALISM IN INDIA

Competitive Federalism refers to a system of federalism where the different states or regions within a country compete with each other to attract investment, resources, talent, and economic opportunities. This competition is often driven by the desire to outperform other states in areas like economic growth, infrastructure development, ease of doing business, and social indicators.

A. HISTORICAL CONTEXT AND EVOLUTION

Historically, India's federalism was cooperative, with the Centre and states collaborating on policymaking. However, **since the 1990s economic reforms**, there's been **a shift towards competitive federalism**, driven by the **rise of regional parties, increased state autonomy, and competition for resources** and investments.

- **Economic Reforms (1991):** The **economic liberalization policies** introduced in 1991 ushered in **an era of market-driven competition**, prompting states to compete for investments and resources to fuel their economic growth. **Bibek Debroy** in "Economic Reforms and Performance: Indian Experience" discusses that **economic liberalization spurred competitive federalism** by encouraging states **to create favorable business environments**.
- **Rise of Regional Parties:** The emergence of regional parties in various states strengthened regional identities and demands for greater autonomy, leading to a more competitive dynamic between the Centre and states.
- **Fiscal Decentralization:** The **devolution of financial powers to states** through the Finance Commission recommendations and other measures has empowered states to take independent decisions and pursue their own development agendas. **M. Govinda Rao** in "Changing Contours of Federal Fiscal Arrangements in India" examines the impact of increased fiscal autonomy on state-level economic competition.
- **14th Finance Commission:** The recommendations of the 14th Finance Commission (2015-2020) further strengthened competitive federalism by **increasing the share of tax revenues transferred to states**, giving them more financial autonomy and responsibility.

- **NITI Aayog: Replacing the Planning Commission in 2015,** NITI Aayog promotes **cooperative and competitive federalism** by encouraging states to compete on various developmental indicators. **Ratan Roy** in "The NITI Aayog: Continuity and Change" highlights that NITI Aayog **fosters both cooperative and competitive federalism** through its policy initiatives and performance-based assessments.

B. KEY POLICIES AND PRACTICES OF COOPERATIVE FEDERALISM

Competitive federalism in India is manifested through various policies and practices:

- **State-Specific Policies:** States are **increasingly formulating and implementing** policies tailored to their specific needs and priorities, often diverging from central policies.
- **Investment Incentives:** States compete to attract investments by **offering tax breaks, land concessions**, and other incentives to businesses.
- **Ease of Doing Business Rankings:** The Department for Promotion of Industry and Internal Trade (DPIIT) publishes **state-wise Ease of Doing Business rankings**, encouraging states to improve their regulatory frameworks to attract investment. **Arvind Panagariya** in "India's Tryst with Destiny" argues that these rankings have driven states to reform their business environments, fostering healthy competition.
- **Smart Cities Mission:** The Smart Cities Mission encourages cities to compete for funding and recognition based on their proposals for urban development and innovation. **Partha Mukhopadhyay** in "Urbanisation in India: Challenges, Opportunities and the Way Forward" discusses that competitive selection processes in missions like Smart Cities **promote urban innovation and development**.
- **Aspirational Districts Programme:** Launched by NITI Aayog, this program identifies and targets districts lagging in key development indicators. Districts compete for additional resources and recognition based on their performance improvements. **Shyam Saran** in "How India Sees the World" highlights the **potential of the Aspirational Districts Programme** to drive competitive federalism at the district level.

- **Goods and Services Tax (GST):** While GST is often cited as a cooperative federalism initiative, its implementation also fosters competition among states to improve compliance and efficiency in tax administration.

M. Govinda Rao and R. Kavita Rao in "Governing Taxation: A Comparative Study of India and China" analyse that GST implementation has **introduced competitive elements** in state tax administrations.

C. CURRENT STATE OF COMPETITIVE FEDERALISM

SUCCESSSES	CHALLENGES
➤ Improved Governance: States have undertaken significant reforms in governance, infrastructure, and public services to attract investment. ➤ Economic Growth: Competitive federalism has contributed to economic growth by promoting a more dynamic and responsive state-level policy environment. ➤ Innovation: States have become more innovative in policy-making, adopting best practices from each other.	➤ Regional Disparities: Not all states have equally benefited from competitive federalism, leading to widening regional disparities. ➤ Resource Allocation: There is a need to ensure that competition does not result in suboptimal resource allocation or a race to the bottom in terms of regulations and incentives.

D. FUTURE DIRECTIONS FOR STRENGTHENING COMPETITIVE FEDERALISM

- **Balancing Competition and Cooperation:** While competition is essential for innovation and efficiency, there must also be mechanisms for cooperation, particularly in areas like public health, education, and environmental sustainability. **M. P. Singh** in "Indian Federalism in the New Millennium" emphasizes the need for a balanced approach that fosters both competitive and cooperative federalism.

- **Strengthening Institutions:** Enhancing the **capacity and autonomy of institutions** like the Finance Commission and NITI Aayog can help in better managing the competitive dynamics among states.

Rajat Prakash Anand in "Federalism in India: Origin and Development" argues for **institutional reforms to support competitive federalism** more effectively.

- **Inclusive Development:** Ensuring that **lagging states receive adequate support to compete** on a level playing field is crucial. This can be achieved through **targeted investments and capacity-building initiatives**. **Arvind Subramanian** in "Of Counsel: The Challenges of the Modi-Jaitley Economy" suggests **policies that can help less developed states catch up**, thereby making competitive federalism more inclusive.

- **Policy Innovation and Dissemination:** Encouraging states to **experiment with innovative policies** and disseminate successful practices can drive overall national progress. **Jean Drèze and Amartya Sen** in "An Uncertain Glory: India and its Contradictions" advocate for a system where states **can learn from each other's successes and failures**, promoting a more robust and dynamic federal system.

VALUE ADDITION

SUPPORTIVE VIEWS:

- **Rekha Saxena** argues that competitive federalism can **promote economic growth and development by incentivizing states** to improve their governance and policies.
- **Louise Tillin** suggests that competitive federalism can **empower states to address their specific needs** and aspirations more effectively.

CRITICAL VIEWS:

- **Balveer Arora** expresses concerns that competitive federalism can lead to a race to the bottom, where states compromise on social and environmental standards to attract investments.
- **A.G. Noorani** cautions that excessive competition between states can undermine

Competitive federalism is a complex and evolving phenomenon in India. While it has the potential to drive growth and innovation, it also poses challenges that

need to be addressed through a balanced approach that combines competition with cooperation.

By strengthening cooperative mechanisms, promoting fair competition, protecting national standards, and encouraging innovation, India can harness the benefits of competitive federalism while mitigating its potential negative consequences. Through these measures, India can achieve sustainable and inclusive growth, leveraging its federal structure to its fullest potential.

10. ARTICLES 2 AND 3 OF THE INDIAN CONSTITUTION

Articles 2 and 3 of the Indian Constitution deal with the admission, establishment, and reorganization of states within the Union of India. These articles provide the legal framework for the creation of new states, alteration of boundaries, and changes in the names of existing states.

A. ARTICLE 2: ADMISSION OR ESTABLISHMENT OF NEW STATES

PROVISIONS:

- Article 2 grants the Parliament the power to admit new states into the Union of India.
- It also empowers Parliament to establish new states by law. This means that Parliament can integrate territories into India that were not previously part of the Indian Union.

IMPLICATIONS:

- This article has been used historically for the integration of princely states after independence, as well as for the inclusion of territories like Sikkim, which was admitted into the Union as a state in 1975.
- Article 2 enables the Union of India to expand by incorporating new regions, whether through treaties, agreements, or other means.

B. ARTICLE 3: ALTERATION OF TERRITORIES OF STATES

PROVISIONS:

Article 3 allows Parliament to:

- Form a new state by separating territory from any existing state.

- Increase the area of any state.
- Diminish the area of any state.
- Alter the boundaries of any state.
- Change the name of any state.

However, before introducing such a bill in Parliament, the President is required to refer it to the legislature of the state(s) concerned for their views. The state legislature must express its opinion within a specified period, though Parliament is not bound by it.

IMPLICATIONS:

- Article 3 has been the basis for the reorganization of states, such as the formation of new states like Telangana (carved out of Andhra Pradesh in 2014) and Uttarakhand, Jharkhand, and Chhattisgarh (all formed in 2000).
- This article ensures that while the Union government has the power to reorganize states, the process involves consultation with the affected states, maintaining a balance between central authority and state autonomy.

STATE REORGANIZATION:

State reorganization in India has been a **continuous process**, driven by **linguistic, ethnic, and administrative considerations**. The **States Reorganisation Act of 1956** was a major event, creating linguistic states and significantly altering the political map of India.

S. R. Bommai v. Union of India (1994) is a landmark case where the Supreme Court of India emphasized the **federal nature of the Constitution**, asserting that **states are not mere administrative units but integral parts of the federal structure**. The court held that any changes to state boundaries should **respect the principles of federalism** and democracy.

FEDERALISM AND TERRITORIAL INTEGRITY

Provisions of Articles 2 and 3: The provisions under Articles 2 and 3 of the Indian Constitution emphasize the **flexibility** and **unitary nature** of the Indian federation. They grant Parliament significant power to manage **state boundaries**, while ensuring that the interests of states are considered through **mandatory consultation**.

SUPPORTIVE PERSPECTIVES

- **D.D. Basu** in "Introduction to the Constitution of India" argues that these provisions are crucial for maintaining the **territorial integrity** of the nation while addressing **administrative convenience and regional aspirations**.
- **Granville Austin** in "The Indian Constitution: Cornerstone of a Nation" highlights that the framers envisioned a **flexible federal** structure to respond to the changing needs and diversity of the country.

Criticism of Centralization: However, critics contend that these provisions undermine the federal structure by **centralizing power** in Parliament. **Rajni Kothari**, in "Politics in India," criticizes this centralization, asserting that it often leads to **arbitrary decisions** that do not adequately reflect the wishes of the affected states.

CRITIQUE AND ANALYSIS OF CENTRAL AUTHORITY OVER STATE BOUNDARIES

Provisions of Articles 2 and 3: The provisions under Articles 2 and 3 of the Indian Constitution emphasize the flexibility and unitary nature of the Indian federation. They grant Parliament significant power to manage state boundaries, while ensuring that the interests of states are considered through mandatory consultation.

Supporters argue that:

- It allows for **administrative efficiency and better governance**.
- It provides a **mechanism to address regional demands** and aspirations.
- It helps **maintain national unity and integrity** by preventing regionalism from threatening the sovereignty of the country.

Critics argue that:

- It centralizes too much power in the hands of Parliament, **undermining the federal principle**.
- It often **disregards the sentiments and wishes** of the affected states and their populations.
- It can be **used as a political tool** by the ruling party at the Centre to manipulate state boundaries for electoral gains.

B. D. Dua and M. P. Singh in their edited volume "Indian Federalism in the New Millennium" argue that the frequent reorganization of states has sometimes been **driven more by political considerations** than by genuine administrative or cultural needs.

11. DEMAND FOR NEW STATES IN INDIA

The resurgence of statehood demands in India reflects the complex interplay of economic, cultural, and political factors. Each movement underscores the perceived benefits of smaller states, such as more localized governance, better resource management, and the preservation of cultural identities. However, these demands also pose significant challenges, including the risk of further fragmenting the nation, potential administrative inefficiencies, and questions about the economic viability of new states.

A. FACTORS INFLUENCING STATEHOOD MOVEMENTS

The demand for new states in India is a multifaceted issue, driven by various factors:

- **Ethno-Linguistic Identity:** One of the most significant factors behind statehood demands. Communities with distinct languages, cultures, or ethnicities often seek recognition and autonomy to preserve and promote their identity.
 - **Paul R. Brass** emphasizes the **importance of language and ethnicity** in mobilizing statehood movements. He highlights that the **desire for cultural recognition and political representation** is a powerful motivator for these movements.
 - **Example:** The demand for Telangana was driven by the distinct Telugu culture, different from that of Andhra Pradesh.
- **Regional Disparities:** Uneven development and perceived neglect of certain regions within a state can fuel demands for separate states. Proponents believe a **smaller administrative unit can better address their specific needs** and concerns.
 - **Atul Kohli** highlights the **uneven distribution of resources and opportunities within India**, fuelling regional discontent and demands for separate states.
 - **Example:** **Vidarbha's demand for statehood** within Maharashtra due to its economic neglect.
- **Economic Factors:** Economic considerations, such as **access to resources, control over revenue generation, and potential for economic growth**, can drive statehood demands. Communities often believe that a separate state would enable them to harness their economic potential more effectively.

- **Jean Drèze and Amartya Sen** underscore the **economic disparities contributing to statehood demands**, arguing that the creation of new states can **potentially improve economic outcomes for marginalized regions**.
- **Example:** The **demand for Bundelkhand**, spanning Uttar Pradesh and Madhya Pradesh, aims to address economic backwardness and chronic water scarcity.
- **Political Factors:** Political motivations, such as the **desire for greater political representation and power**, play a significant role in statehood movements. Local leaders and political parties may champion the cause of a new state to consolidate their power base and gain political leverage.
- **Lloyd I. Rudolph and Susanne Hoeber Rudolph** explore the **role of political elites and parties in shaping statehood movements**, emphasizing the interplay of regional identities, political aspirations, and electoral calculations.
- **Example:** The **Bodo community's demand for Bodoland in Assam** to ensure their political representation and protect their cultural identity.
- **Historical Grievances:** Historical injustices, **perceived discrimination, or a sense of historical neglect** can fuel resentment and lead to demands for a separate state. Communities may seek to redress past grievances and **achieve greater autonomy** through statehood.
- **Ramachandra Guha** sheds **light on the historical grievances underpinning many statehood demands**, arguing that addressing these historical legacies is crucial for resolving such conflicts.
- **Example:** The **demand for Gorkhaland in West Bengal**, driven by historical and cultural grievances of the Gorkha community.

B. IMPLICATIONS OF STATEHOOD DEMANDS

- **Administrative and Financial Burden:** Creating new states involves **substantial administrative and financial costs**, including setting up new infrastructure, institutions, and government machinery.
- **B. D. Dua** argues that while **smaller states can lead to better governance**, their economic viability and administrative sustainability must be considered.

- **Inter-State Disputes: Division of assets, liabilities, and resources** between the parent state and the new state can lead to conflicts and disputes.
- **Ashutosh Varshney** discusses how statehood demands can both alleviate and exacerbate political tensions, depending on how they are managed.
- **Political Instability:** Statehood movements can create political instability and unrest, especially if not handled carefully and through dialogue.
- **Amitabh Kundu** highlights that while state reorganization can **address regional disparities, it requires effective economic planning** and resource management.
- **Fragmentation:** Excessive fragmentation of states can **undermine national unity and pose challenges for governance and administration**.
- **Lancy Lobo** examines how statehood can **both strengthen and challenge social cohesion**, depending on the inclusiveness of the process.

The demand for new states in India is driven by ethno-linguistic identity, economic development, political autonomy, and historical factors, exemplified by **Telangana's creation**. While reorganization can **enhance efficiency and growth**, it poses challenges like political stability and resource management. A **balanced approach**, considering both regional aspirations and national implications, is essential. Dialogue and consultation are key to addressing statehood demands sustainably.

12. POLITICAL FACTORS IN CENTRE-STATE RELATIONS

Political dynamics significantly shape Centre-State relations in India. The relationship between the Centre and the States is influenced not only by constitutional provisions but also by the political context, including party politics, electoral considerations, and leadership dynamics.

➤ PARTY POLITICS

- **Same Party at Both Levels:** When the same political party or coalition is in power at both the Centre and in several states, Centre-State **relations tend to be more cooperative**.
- **Different Parties in Power:** Conversely, different parties or coalitions in power can **lead to conflicts and friction**.

- **Granville Austin** in "The Indian Constitution: Cornerstone of a Nation" points out that the **dominance of a single party** (like the Congress Party in the early decades post-independence) **helped maintain a cooperative federal structure**, but the rise of regional parties has added complexity to Centre-State relations.

➤ LEADERSHIP DYNAMICS

- **Influence of Leaders:** The personalities and political strategies of leaders at the Centre and State levels play a crucial role. Strong, charismatic leaders may influence Centre-State interactions more effectively than others.
- **M.P. Singh** in "Indian Federalism in the New Millennium" emphasizes that **leadership styles and personal rapport** between leaders at the Centre and States can **either smooth over or exacerbate** intergovernmental conflicts.

A. INFLUENCE OF POLITICAL DYNAMICS ON FEDERAL PRACTICES

Political dynamics can influence federal practices in several ways:

➤ POLICY IMPLEMENTATION

- **Resistance by Opposition States:** States ruled by **opposition** parties may resist or modify the implementation of central policies and programs, leading to conflicts. For instance, the **implementation of the Goods and Services Tax (GST)** faced resistance from some states initially.
- **Rajat Prakash Anand** in "Federalism in India: Origin and Development" highlights that **political considerations can lead to selective implementation** of policies based on the ruling party's agenda at the Centre and States.

➤ RESOURCE ALLOCATION

- **Preferential Treatment:** Political factors can influence the **allocation of central resources** to states. States aligned with the ruling party at the Centre may receive preferential treatment in terms of financial assistance and project approvals.
- **Amit Ahuja and Ashutosh Varshney** in "Migration, Bureaucracy, and Exclusion: Politics of Belonging in Contemporary India" discuss that central

➤ CENTRAL INTERVENTIONS

- **Use of President's Rule:** The central government may use constitutional provisions, such as **Article 356 (President's Rule)**, to **intervene in state affairs**, often influenced by political motives. The **frequent imposition of President's Rule** in states ruled by opposition parties has been a contentious issue.
- **A.G. Noorani** in "Constitutional Questions in India" argues that the use of President's Rule has often been driven by political considerations rather than genuine constitutional crises.

B. CASE STUDIES AND EXAMPLES

TAMIL NADU AND THE CENTRE:

Political Leadership: Leaders like M.G. Ramachandran and J. Jayalalithaa often **opposed central policies unfavorable** to Tamil Nadu. **V.K. Natraj** in "Federalism in India: A Case Study of Tamil Nadu" highlights Tamil Nadu's historical assertion of state autonomy.

WEST BENGAL AND THE CENTRE:

State-Centre Conflicts: Under Mamata Banerjee, West Bengal has had **strained relations with the Centre** over issues of state autonomy. **Sumit Ganguly** in "Federalism and Regionalism in India" discusses that **political opposition in West Bengal** leads to policy and resource allocation conflicts with the Centre.

MAHARASHTRA AND THE CENTRE:

Coalition Politics: The coalition between Shiv Sena, NCP, and Congress against the BJP creates a unique political landscape. **Suba Chandran** in "Political Coalitions and Federalism: The Case of Maharashtra" explores that **state-level coalition politics** influence Centre-State interactions through bargaining and negotiations.

C. ANALYSIS OF POLITICAL VS. CONSTITUTIONAL FACTORS

Centre-State relations in India are shaped by a complex interplay between political dynamics and constitutional provisions. Both these factors play critical roles in determining how power is distributed, exercised, and contested between the Centre and the States.

► POLITICAL FACTORS:

- **Shaping Relations:** Political dynamics, including **party alignments, electoral strategies, and leadership styles**, often shape the practical aspects of Centre-State relations.
- **Cooperation or Conflict:** Political factors can lead to cooperative or contentious relationships, **influencing policy implementation, resource allocation**, and central interventions.

► CONSTITUTIONAL FACTORS:

- **Structured Mechanism:** The constitutional framework provides a structured mechanism for Centre-State relations, outlining the division of powers, financial arrangements, and dispute resolution mechanisms.
- **Balancing Act:** Constitutional provisions aim to balance the autonomy of states with the authority of the Centre, but political factors often override constitutional norms in practice.

Granville Austin in "**Working a Democratic Constitution: The Indian Experience**" argues that while the **Constitution provides a robust framework for federalism**, the practical dynamics of Centre-State relations are heavily influenced by political considerations.

Subhash C. Kashyap in "**Indian Polity: Retrospect and Prospect**" suggests that **political factors should be harmonized with constitutional principles** to ensure a stable and cooperative federal structure.

Political factors are crucial in shaping Centre-State relations in India. While the constitutional framework sets the structure for federalism, party politics, leadership styles, and electoral considerations significantly influence these interactions. Balancing political and constitutional elements is essential for harmonious Centre-State relations and the effective functioning of India's federal system.

13. INSTANCES OF CENTRALIZING TENDENCIES

Centralizing Tendencies in India refer to the **increasing concentration of power and decision-making authority at the central government level**, often at the expense of the autonomy and powers of state governments. These tendencies can manifest through legislation, policy decisions, or administrative practices

that the central government's control over various aspects of governance, reducing the role and influence of state governments.

A. KEY ASPECTS OF CENTRALIZING TENDENCIES IN INDIA

- **Dominance in Legislative Powers:** The Indian Constitution provides a division of powers between the Centre and States through the Union List, State List, and Concurrent List. However, over time, the Centre has increasingly legislated on matters in the Concurrent List, sometimes even encroaching upon subjects in the State List.

Example: The **introduction of the Goods and Services Tax (GST)** subsumed various state taxes into a single national tax, which is governed by the GST Council—a body in which the Centre plays a significant role.

- **Emergency Provisions:** The President's Rule under Article 356 allows the central government to dismiss a state government and assume direct control of the state's administration if there is a perceived failure of constitutional machinery. This provision has been used in the past, sometimes controversially, to dissolve state governments that were in opposition to the ruling party at the Centre.

Example: The **frequent imposition of President's Rule** in states during the 1970s and 1980s was seen as a tool for central dominance over state governments.

D.D. Basu in "**Introduction to the Constitution of India**" highlights that the **misuse of Article 356** has often been **criticized as a tool for political centralization**.

- **Control Over Financial Resources:** The Centre has significant control over the collection and distribution of financial resources, which can limit the fiscal autonomy of states. The Finance Commission and centrally sponsored schemes often determine how funds are allocated, sometimes imposing conditions that states must follow.

Example: The introduction of **centrally sponsored schemes (CSS)** like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) involves significant central control over how funds are allocated and spent by the states.

- **Rajat Prakash Anand** in "**Federalism in India: Origin and Development**" argues that financial dependence on the Centre limits the **fiscal**

autonomy of states, contributing to centralization.

- **National Security and Law & Order:** The central government's authority over national security and internal law and order can override state powers, especially in cases involving the deployment of central forces in states or the use of anti-terrorism laws that supersede state laws.

Example: The **use of central forces in states to maintain law and order**, sometimes without state consent, can be viewed as a centralizing tendency.

- **Policy Implementation:** The central government often implements nationwide policies and reforms, sometimes with limited input from state governments, leading to a more centralized approach to governance.

Example: The **rollout of the Aadhaar** (biometric identification) system and the Digital India campaign were centrally driven initiatives with significant implications for state administration and services.

B. IMPLICATIONS OF CENTRALIZING TENDENCIES

- **Reduction in State Autonomy:** Centralizing tendencies can lead to a reduction in the decision-making powers and autonomy of state governments, affecting their ability to address local needs and priorities.
- **Federal Imbalance:** A stronger Centre can create an imbalance in the federal structure, potentially leading to tensions between the Centre and States, especially in a diverse country like India where regional identities and needs vary significantly.
- **Political Tensions:** Centralizing tendencies can exacerbate political tensions, particularly when the central and state governments are led by different political parties, leading to conflicts over governance and resource allocation.
- **Challenges to Cooperative Federalism:** These tendencies can undermine the spirit of cooperative federalism, where the Centre and States are supposed to work together in harmony for the nation's development.

While centralizing tendencies can sometimes be justified in the interest of national unity and uniformity, they also need to be balanced with the principles of federalism to ensure that the diverse needs of India's states and regions are adequately addressed.

14. MECHANISMS FOR SETTLING INTER-STATE DISPUTES IN INDIA

In India, several mechanisms have been established to settle inter-state disputes, particularly those related to water sharing, boundary issues, and other administrative matters. These mechanisms are designed to ensure that disputes between states are resolved in a fair and constitutional manner, preserving the federal structure of the country.

A. MECHANISMS FOR RESOLVING INTER-STATE DISPUTES

The Indian Constitution provides **several mechanisms to address and resolve inter-state disputes**, ensuring the maintenance of cooperative federalism, like:

1. ARTICLE 131: ORIGINAL JURISDICTION OF THE SUPREME COURT

The Supreme Court has original jurisdiction in **any dispute between the Government of India and one or more states**, or between two or more states. This provision ensures **a judicial mechanism** to resolve conflicts.

2. ARTICLE 262: ADJUDICATION OF WATER DISPUTES

This article empowers Parliament **to enact laws for the adjudication of inter-state river water disputes**. Consequently, the Inter-State River Water Disputes Act, 1956, was enacted to provide for the **establishment of tribunals** to adjudicate such disputes.

3. ARTICLE 263: PROVISIONS WITH RESPECT TO AN INTER-STATE COUNCIL

This article provides for the establishment of an Inter-State **Council to inquire into and advise upon disputes** which may have arisen between states, and to discuss subjects of common interest between the Union and states.

4. ZONAL COUNCILS

Establishment and Composition:

- Established under the **States Reorganization Act, 1956**, there are **five Zonal Councils** (Northern, Southern, Eastern, Western, and Central).
- Each council is **chaired by the Union Home Minister**, with Chief Ministers of the states in the zone as members.

Functions:

- **Discussing and resolving issues related to economic and social planning**, border disputes, inter-state transport, and matters concerning linguistic minorities.
- **Promoting regional cooperation** and coordination.

5. NEGOTIATION AND MEDIATION

States often engage in **direct negotiations and mediation efforts to resolve disputes amicably** before resorting to legal mechanisms. Central government intervention sometimes aids in facilitating these negotiations.

B. INTER-STATE COUNCIL: ASSESSMENT OF WORKING

The Inter-State Council is a permanent constitutional body created for inter-State coordination. It is the only constitutional body to deal with federal disputes in a comprehensive manner. It has a high potential to strengthen vertical and horizontal cooperation in Indian Federalism. It was established in 1990 based on the recommendations of the **Sarkaria Commission**.

Functions:

- **Inquiring into and advising upon disputes** between states.
- Investigating and **discussing subjects of common interest**.
- Making **recommendations for better coordination** of policy and action.

However, the potential of the ISC as a federal platform has not been tapped effectively. Various issues and recommendations associated with the working of the ISC are as follows:

SR. NO.	ISSUES	RECOMMENDATIONS
1.	Non-permanent body: The ISC is not a permanent constitutional body; it only comes into existence through a Presidential Order.	The Punchhi Commission recommended that the ISC should be given either constitutional or statutory status and endowed with sufficient resources to carry out its functions effectively".

2.	Advisory in nature: ISC is a recommendatory body, and decisions are non-binding on the Center as well as states.	The Punchhi Commission recommended for strengthening consensus-building and voluntary settlement of disputes.
3.	Lack of technical expertise: Currently, the ISC lacks expertise on technical matters.	The Punchhi Commission also recommended that the ISC should have expert advisory bodies or administrative tribunals with quasi-judicial authority to give recommendations to the ISC as and when needed. The Sarkaria Commission had suggested that the ISC and its Standing Committee should be given the power to set up ad hoc Sub-Committees to investigate special matters .
4.	Infrequent meetings: As per the ISC order it is supposed to meet three times a year. However, there was a gap of ten years between the 10th meeting held in 2006 and the 11th meeting in 2016. The infrequent nature of meetings suggests a lack of seriousness on part of the Governments in focusing on issues intergovernmental cooperation.	Giving constitutional or statutory status to the ISC may ensure that the ISC meets regularly and is given sufficient resources. The meetings of the ISC need to be conducted more frequently with detailed preparation of the agenda by the Secretariat in consultation with the parties.

The Supreme Court's Suggestion: Supreme Court in *Lalit Miglani vs State of Uttarakhand* 2016 directed Union government to establish Inter-State Council for all riparian states through which Ganga flows to make recommendations to Central Government for the rejuvenation of river.

All the Chief Ministers of the riparian States can be inducted as members of the inter-State Council along with various experts in the field of ecology, environment, irrigation, etc.

C. INTER-STATE WATER DISPUTES IN INDIA

Inter-State Water Disputes in India are a significant challenge due to the shared nature of river systems and the competing demands from different states for water resources. These disputes arise primarily because rivers often traverse multiple states, leading to conflicts over water allocation, usage rights, and management, especially during periods of scarcity.

Except the Ravi & Beas Water Tribunal, all other Tribunals have taken between 5 to 27 years to give the final verdict. Further, the decisions by the Tribunals have been challenged in the Supreme Court which further delayed the implementation of the decisions.

a. ISSUES WITH FUNCTIONING OF ISWD TRIBUNALS

The fundamental issues with the provisions and the mechanism are:

➤ **CONSTITUTIONAL AMBIGUITY:** While the **Union List** mentions “**interstate water**,” the **State List** simply uses the term “**water**” to signify what is essentially “**surface water**” confined within the boundaries of the state.

This has allowed states to legislate on the entire extent of surface water available within its borders, regardless of whether the source of the river or its tributary is located outside its boundary, or the river is draining into another state.

The **Sarkaria Commission** has noted that Parliament should declare the extent to which its involvement is justified in this regard, before enacting legislation towards this end.

➤ **INSTITUTIONAL AMBIGUITY:** The tribunals lack the authority to enforce the awards efficiently, the Supreme Court's intervention under **Article 136 (Special Leave Petition)** undermines their role as adjudicators.

Thus, Article 262 prevents the judiciary from directly adjudicating ISWDs, but Article 136 allows the Supreme Court to hear appeals against tribunals, creating ambiguity over the ultimate adjudicatory power of the Tribunals.

➤ **OTHER ISSUES WITH WATER DISPUTES TRIBUNAL;** The tribunals were conceived as an innovative experiment in 1956, but they have failed in their endeavour (Fali. S. Nariman). The reasons are given below:

- **Operational Irregularities:** Operational characteristics of the tribunals **do not adhere to any established system**. For instance- The sittings are not routine, the functioning is outside the regular court system.
- **Poor Technical Expertise:** Most of the tribunal members for interstate water disputes are from the **Judiciary**, lacking diverse and technical expertise. This has resulted into lack of a multi-disciplinary approach to dispute settlement.
- **Lack of Scientific Data:** There's insufficient data on **water flows, seasonal changes, and availability**, leading to uncertainties regarding availability and sharing of water. Monsoonal rainfall variations can also cause water shortages.

Hence, historically **extraordinary delays** in constituting tribunals, like the Godavari water dispute (request in 1962, tribunal in 1968, award in 1979), led to prolonged disputes. The Cauvery Water Dispute saw a similar delay, prompting intervention in 1990 after the Tamil Nadu government's 1970 request.

Following efforts were taken by the Central Government to overcome the issues:

b. 2002 AMENDMENT TO THE ISWD ACT, 1956

- **Time-bound Constitution:** It mandated tribunal constitution within a year of the request.
- **Timeframe:** The tribunal was required to issue awards within **three years**, extendable by **two years**, establishing a **maximum five-year timeframe**.
- The Tribunal Awards will have the same force as the **order or decree of Supreme Court**.

c. THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2019

2019 Amendment bill was aimed at overcoming the inefficiencies and address above mentioned issues.

KEY PROVISIONS OF THE ISWD (AMENDMENT) BILL 2019:

1. Disputes Resolution Committee (DRC): Government-mandated committee for amicable resolution within one year, extendable by six months.
2. DRC Members: Experts from relevant fields appointed by the central government.
3. Permanent Tribunal: Standalone tribunal creation with multiple benches, dissolving existing ones and transferring pending disputes.
4. Data Bank and Information Maintenance: Transparent data collection nationally for each river basin, managed by a single agency.

In essence, the amendments aim to streamline dispute resolution, enhance tribunal efficiency, and establish a robust framework for transparent data management, providing a comprehensive approach to address interstate water disputes in India.

d. CHALLENGES AND ANALYSIS OF THE BILL

- **Issues with DRC:** Elevated role raises concerns about empowerment, neutrality, and clarity regarding its relationship with the Permanent Tribunal. Doubts persist about its ability to achieve negotiated settlements.
- **Conflict with Judiciary:** The bill doesn't address the Supreme Court's jurisdiction asserted in 2016 and 2018, leading to a jurisdictional conflict.
- **Selection of Tribunal Judges:** The inclusion of a committee, including political figures, raises concerns about potential politicization.

Therefore, it can be argued that, while the 2019 Amendment Bill aims to streamline water dispute resolution, addressing concerns related to the DRC's role, potential conflicts with the judiciary, and the selection of tribunal judges is crucial for effective implementation and the prevention of further jurisdictional challenges.

e. WAY FORWARD

Following measures can be taken to strengthen the mechanism and resolve the disputes in efficient manner:

- **Integrated Approach:** Rather than acting as a dispute resolution authority, the Union government should play a proactive role of a basin-wide authority.
- **Role of Inter-State Council:** Bringing inter-state water disputes under the purview of the Interstate Council can be **an effective political mechanism** for fostering a consensus-based decision-making approach.
- **Incentivize Water Efficiency:** The states should be incentivized to enhance water use efficiency across various sectors, **integrating water harvesting and recharging practices** to alleviate pressure on river water and local water sources.
- **Unified Water Management Agency:** The establishment of a unified water management agency, grounded in **scientific principles**, is essential for both ground and surface water.
- **Central Repository for Water Data:** The creation of a central repository for water data is vital to facilitate well-informed decision-making.

Lastly, the central government needs to play a **more proactive role** in addressing and resolving inter-state water disputes to ensure efficient and equitable water resource management.

While India has established multiple mechanisms to address inter-state water disputes, **challenges such as delayed adjudication, non-implementation of awards, and political tensions** persist.

Strengthening these mechanisms through legal and institutional reforms, promoting integrated water management, and **fostering cooperative federalism** are essential steps towards sustainable and equitable water dispute resolution.

VALUE ADDITION: SCHOLARS VIEWS ON WATER DISPUTE

- **Ramaswamy R. Iyer:** In "**Water and the Laws in India**," he emphasizes the **need for a holistic and integrated** approach to water management, advocating for reforms in the legal and institutional framework to address inter-state water disputes effectively.
- **S. Rajagopal:** In "**Inter-State Water Disputes in India: Institutions and Policies**," he highlights the **importance of strengthening institutions like the Inter-State Council** and promoting cooperative federalism.

➤ **E. Somanathan:** In "**The Economics and Politics of Water in South Asia**," he discusses the economic and political dimensions of water disputes, suggesting market-based solutions and incentives for cooperative water management.

15. CONCLUSIONS

While the Indian Constitution provides multiple mechanisms for settling inter-state disputes, their efficacy varies. Strengthening these mechanisms through regular engagement, enhanced authority, and effective implementation of recommendations is crucial for maintaining harmonious federal relations and ensuring the smooth functioning of India's federal system.

UNIT 8: PLANNING AND ECONOMIC DEVELOPMENT

SYLLABUS- NEHRUVIAN AND GANDHIAN PERSPECTIVES, ROLE OF PLANNING AND PUBLIC SECTOR, GREEN REVOLUTION, LAND REFORMS AND AGRARIAN RELATIONS, LIBERALIZATION AND ECONOMIC REFORMS

PREVIOUS YEAR QUESTIONS

NEHRUVIAN AND GANDHIAN PERSPECTIVES

- Compare the Nehruvian and Gandhian models of development. (2015)
- Gandhian perspective of development and its contemporary relevance. Comment. (2013)
- Do you think that post- 1991 reforms in India mark a significant shift from the Nehruvian model of economic development? Justify your answer. (2010)

ROLE OF PLANNING AND PUBLIC SECTOR

- How does NITI Aayog as a 'policy think tank with shared vision' visualise the reorganisation of planning in India. Justify your answer. (2023)
- Discuss the policy initiatives of the Fourteenth Finance Commission aimed towards promoting and strengthening agricultural development in India. (2022)
- Structure and Function of NITI Aayog. Comment. (2015)

LIBERALIZATION AND ECONOMIC REFORMS

- What explains India's modest improvements in social development outcomes even as the rate of growth has accelerated since the initiation of economic reforms? (2021)
- 'Liberalisation of Indian Economy has not been accompanied with adequate reforms'. Comment. (2020)
- Critically examine the politics of Economic growth in India. (2016)
- Economic liberalisation and uneven development among Indian States. Comment. (2010)

GREEN REVOLUTION, LAND REFORMS AND AGRARIAN RELATIONS

- What has been the political fallout of the Green Revolution in India? Explain. (2019)
- What do you understand by Green Revolution? Do you think that a Second Green Revolution is needed to adequately address the agrarian challenges in contemporary India? Examine. (2017)
- Land reforms have failed in the eradication of rural poverty. Comment. (2016)
- Critically examine Green Revolution as a strategy for sustainable agriculture development. (2012)

1. GANDHIAN APPROACH TO DEVELOPMENT

Gandhi, although not a conventional economist presented a distinctive vision for India's development, primarily outlined in his seminal work "**Hind Swaraj**." His perspective diverged sharply from the prevalent Western development models, which he critiqued for their unsustainable resource demands and ethical shortcomings. Gandhi's development philosophy was deeply interwoven with his broader socio-political ideals, emphasizing nonviolence, **self-rule (Swaraj)**, and the **minimization of needs**.

A. KEY ASPECTS OF GANDHI'S APPROACH TO DEVELOPMENT

- **Village-Centric Development:** Gandhi advocated for self-sufficient, self-reliant villages, emphasizing local production, sustainable agriculture, and reducing dependence on urban centres.
- **Simplicity and Sustainability:** He promoted a minimalist lifestyle, sustainable practices, and environmental stewardship to ensure long-term ecological balance.

VALUE ADDITION

Gandhi's approach to life is best understood through his concept of the Seven Sins:

- **Wealth without work.**
- **Pleasure without conscience.**
- **Knowledge without character.**
- **Commerce without morality.**
- **Science without humanity.**
- **Religion without sacrifice.**
- **Politics without principle**

- **Decentralization:** Gandhi supported decentralization through Panchayati Raj and community participation, viewing it as essential for true democracy and effective local self-governance.
- **Ethical and Moral Values:** Rooted in truth (**Satya**) and non-violence (**Ahimsa**), Gandhi's vision included **Sarvodaya** (welfare of all) and **Antyodaya** (upliftment of the poorest), emphasizing moral economics and justice.
- **Economy of Permanence:** He favoured small-scale industries and the Khadi movement over large-scale industrialization, opposing centralization of wealth and power.

VALUE ADDITION: SCHOLARLY PERSPECTIVES ON GANDHI'S DEVELOPMENT VISION

SUPPORTIVE VIEWS

- **E.F. Schumacher** in his book "**Small is Beautiful**," praises Gandhi's **emphasis on small-scale, localized economies**, arguing that it promotes sustainability and human well-being.
- **Ramachandra Guha** acknowledges Gandhi's holistic approach, integrating ethical, environmental, and social dimensions into the development discourse, providing a sustainable alternative to Western industrial models.

CRITICAL VIEWS

- **B.R. Ambedkar** critiqued Gandhi's **village-centric model**, arguing that it romanticized rural life while ignoring the oppressive social structures, particularly the caste system, prevalent in Indian villages.

- Modern Economists argue that Gandhi's model is impractical in the contemporary global economy, where large-scale industrialization and urbanization are seen as drivers of economic growth and development.

Gandhi's development vision rooted in "Hind Swaraj," **advocates for nonviolence, self-rule, simplicity, decentralization, and sustainability.** It offers a compelling alternative to modern development models, though its practicality in today's industrialized world remains debated.

B. THE GANDHIAN PLAN AT INDEPENDENCE

At the time of India's independence, Mahatma Gandhi's followers, such as S.N. Agarwal and Sriman Narayan, proposed the Gandhian Plan. This plan was fundamentally different from the industrial and urban-centric models of development that many post-colonial nations adopted. It focused on decentralized, sustainable development, emphasizing the importance of rural areas and small-scale industries.

C. KEY COMPONENTS OF THE GANDHIAN PLAN

• REFORM OF AGRICULTURE

- **Addressing Hunger and Unemployment:** The plan aimed to tackle the issues of hunger and unemployment through comprehensive land reforms. Gandhi believed that the redistribution of land to the tillers would create a more equitable agricultural system.
- **Cooperatives and Rural Credit:** Encouraging the formation of agricultural cooperatives to improve productivity and ensure fair prices for farmers. Cooperative societies were seen as a way to pool resources and increase bargaining power.
- **Organic Farming:** Promotion of organic farming techniques to maintain soil fertility and ensure sustainable agricultural practices.

• REVIVAL OF COTTAGE INDUSTRIES

- **Khadi and Village Industries:** Reviving traditional village industries, such as hand-spinning and weaving of khadi (hand-spun cloth), to provide supplementary income to rural households and reduce dependency on urban industries.

- **Employment Generation:** These industries were seen as vital for generating employment in rural areas, thereby preventing mass migration to cities.
- **Local Self-Reliance:** Encouraging local production and consumption to foster self-reliance and reduce dependence on external markets.

D. KEY CONCERNS OF THE GANDHIAN APPROACH

• MACHINES SHOULD SERVE HUMANS

- **Human-Centric Development:** Gandhi was not opposed to machinery but believed that it should serve the needs of humans rather than lead to their exploitation. He argued that technology should enhance human capabilities and contribute to the well-being of society.
- **Appropriate Technology:** Advocating for technology that is appropriate to the socio-economic context of rural India, which would not displace human labour or lead to environmental degradation.

E. CONSEQUENCES OF NEGLECTING THE GANDHIAN APPROACH

The neglect of Gandhian principles in India's development has led to several socio-economic and environmental challenges:

- **Unsustainable Economic Model:** Focus on heavy industries and urbanization led to environmental issues like pollution, deforestation, and climate change, with increased vulnerability to natural disasters.
- **Urban-Rural Divide:** The urban-centric model created economic disparities, mass migration, overpopulation, and strained urban resources, while rural areas suffered from poverty, lack of services, and cultural erosion.
- **Agricultural Distress:** Intensive farming and chemical use degraded soil and water resources, leading to reduced productivity, water scarcity, and increased farmer suicides.
- **Unemployment and Underemployment:** Neglect of cottage industries limited rural employment, causing migration to cities and saturating the urban job market, resulting in high unemployment.

- **Ethical Degradation:** The Western development model fostered consumerism, weakened community bonds, and led to labour exploitation, with corporations prioritizing profit over social and environmental responsibilities.
- **Political and Social Unrest:** Marginalized rural populations felt excluded, fuelling regional disparities, separatist movements, and communal tensions.

INDIRA GANDHI ERA (1970s–80s)

- **Centralization of Power:** Indira Gandhi's tenure saw increased centralization, particularly during the Emergency (1975–77), which strained Center-state relations.
- **Sarkaria Commission (1983–88)–Recommended measures to improve Center-state relations** and promote cooperative federalism, including greater consultation and decentralization.

F. CONTEMPORARY RELEVANCE OF GANDHIAN PERSPECTIVE ON DEVELOPMENT

Gandhi's vision for development, centered on principles such as nonviolence, self-reliance, and sustainability, holds significant relevance in today's world as:

- **Sustainable Development:** In the context of global climate change, Gandhi's principles of sustainable living and harmony with nature are increasingly relevant. His advocacy for organic farming and renewable energy resonates with contemporary environmental movements.
- **Decentralization and Local Governance:** Gandhi's vision for decentralized governance through Panchayati Raj institutions can lead to more responsive and accountable governance, particularly in rural areas. The importance of effective local governance has been highlighted during crises like the COVID-19 pandemic.
- **Rural Development:** Addressing rural distress and agricultural challenges requires a focus on holistic rural development, as advocated by Gandhi. This includes improving rural infrastructure, ensuring fair prices for agricultural produce, and supporting sustainable agricultural practices.
- **Ethical Economics:** In an era of increasing economic inequality, Gandhian principles of equity and justice provide a moral framework for inclusive development.

This involves promoting fair trade, ethical business practices, and corporate social responsibility.

- **Social Harmony and Non-Violence:** Gandhi's emphasis on non-violence and communal harmony is crucial for addressing contemporary social and political conflicts. His principles can guide efforts to foster peace and understanding in a polarized world.
- **Swadeshi Movement and Self-Reliance:** The Indian government's emphasis on self-reliance during the COVID-19 pandemic echoes Gandhi's Swadeshi movement. Encouraging local production and consumption can reduce dependency on imports and strengthen the domestic economy.

According to **Ashis Nandy** Gandhi's holistic approach to development, offers a compelling framework for addressing modern challenges. Integrating these principles into contemporary policies can promote more equitable, sustainable, and inclusive development. As global crises continue to unfold, Gandhi's vision provides timeless guidance for building a just and harmonious society.

2. NEHRUVIAN APPROACH TO DEVELOPMENT BOTTOM OF FORM

Although not an economist, Nehru was a modernist inspired by the USSR's achievements, aiming to transform India into a modern, scientific society through progressive socialism. He envisioned India developing a socialistic pattern of society, with his development strategy best exemplified by the Second Five-Year Plan, based on the **Nehru-Mahalanobis Model**.

A. KEY FEATURES OF NEHRUVIAN DEVELOPMENT APPROACH

- **Investment in Heavy Industries:** Nehru emphasized heavy industry to promote capital formation, aiming to reduce dependence on foreign imports and protect India from Western economic pressures.
- **Centralized Planning:** He introduced centralized planning, which conflicted with the spirit of federalism but was seen as necessary for cohesive development.
- **Neglect of Consumer Industries:** Nehru prioritized heavy industries over consumer industries, requiring short-term sacrifices for long-term benefits.

- **Agrarian Reforms and Industrialization:** While supporting agrarian reforms, Nehru believed industrialization would drive demand for agricultural products and provide necessary fertilizers and equipment.
- **Control Measures:** He introduced rationing and fiscal controls through administered pricing to manage potential shortages of basic commodities.
- **State Control and Income Disparities:** Nehru placed the state in commanding heights of the economy to prevent income disparities, weakening the private sector to check wealth accumulation and providing employment through the public sector.

B. THE GANDHIAN PLAN AT INDEPENDENCE

- **Structural Weaknesses:** The policy failed to address the structural weaknesses of the Indian economy. Rationing led to black marketing, and public sectors produced poor-quality goods at higher prices.
- **Import Substitution and Export Promotion:** The model aimed for import substitution and export promotion, but India struggled to produce exportable manufactured goods.
- **License Permit Quota Raj:** The model resulted in the "License Permit Quota Raj," eventually turning India into an "Inspector Raj" or an over-regulated state.

Despite recognizing these weaknesses, Nehru's successors did not implement necessary corrections and continued with populist policies like "Garibi Hatao," which remained largely rhetorical. As a result, as much as 10.2% of the Indian population lived below the poverty line.

C. SCHOLARLY VIEWS ON NEHRUVIAN DEVELOPMENT PERSPECTIVE

POSITIVE VIEWS

- **B.R. Ambedkar** supported Nehru's focus on industrialization, believing it was essential for eradicating social and economic inequalities.
- **Amartya Sen** praised Nehru's emphasis on education, scientific temper, and the establishment of institutions of higher learning, believing these efforts laid the groundwork for India's later economic growth and development.

CRITICISMS AND CONCERNS

- **Pranab Bardhan** highlighted economic inefficiencies due to over-regulation and protection of industries, leading to low productivity and technological stagnation.
- **Jagdish Bhagwati** criticized the import substitution strategy for creating inefficiencies, discouraging competition, and producing poor-quality goods.

MIXED ASSESSMENTS

- **Francine Frankel** acknowledged the establishment of a democratic polity and broad industrial base but noted the neglect of agriculture and rural development, exacerbating rural poverty and inequality.
- **Ashutosh Varshney** appreciated Nehru's vision of a secular, democratic India but criticized the lack of inclusivity, which left rural populations behind.

Nehru's holistic approach emphasized industrialization, state control, and centralized planning but faced significant challenges and criticisms due to its neglect of rural development and over-reliance on heavy industries.

3. PLANNING AND THE PUBLIC SECTOR IN INDIA'S DEVELOPMENT

Planning is a systematic process that involves determining objectives, devising methods to achieve them, and making decisions based on facts rather than speculation. It includes identifying problems, setting goals, selecting appropriate activities, coordinating efforts, formulating programs, implementing effective methods, and continuously reviewing and adjusting the plan. Planning is essential for all types of tasks, ensuring that actions are well-organized, goal-oriented, and adaptable to changing circumstances.

Planning is a cornerstone of socialist countries, designed to set priorities and ensure the optimal use of resources. The primary goals of planning in India were to achieve higher growth and balanced development, with the state playing a dominant role in the economy.

A. NEED FOR PLANNING IN INDIA

The need for planning in India arose from the complex and multifaceted challenges faced at the time of Independence, including:

- **Stagnant Economy and Poverty:** India inherited a stagnant economy with widespread poverty, lopsided growth, and agricultural backwardness. Systematic planning was essential to address these issues.
- **Agrarian Issues:** The agrarian sector suffered from fragmented land holdings, indebtedness, and low productivity. Planning was necessary to modernize agriculture, which was vital for industrial growth.
- **Industrial and Infrastructure Development:** The ruin of handicrafts, absence of cottage industries, and lack of modern infrastructure required coordinated efforts and centralised control to mobilize resources for development.
- **Colonial Neglect:** Colonial rule neglected investments in natural resources, human capital, and social services. Planning was needed to systematically rebuild and develop these sectors.
- **Economic Organization:** Planning became crucial for coordinating activities, mobilizing large-scale resources, and ensuring the orderly reconciliation of conflicting interests, all necessary for socio-economic development.

Thus, planning was vital to address the interrelated tasks of development and respond to the needs of a newly independent nation.

B. SUCCESSES OF PLANNING IN INDIA

- **Moderate Growth Rate:** Despite challenges, India has maintained a moderate economic growth rate.
- **Infrastructure Development:** Significant growth in infrastructure, including energy resources, irrigation, and transport facilities.
- **Industrialization:** Impressive industrialization with diversification and expansion of industrial capacity, particularly with the public sector's leading role.
- **Food Security:** India has achieved self-sufficiency in food production, reducing dependency on imports.
- **Social Services Expansion:** Development and expansion of education, social services, and human capital.
- **Increased Domestic Investment:** Domestic investment levels have risen, contributing to economic growth.

C. LIMITATIONS OF PLANNING IN INDIA

- **Inadequate Growth:** Despite decades of planning, issues like unemployment, poverty, and regional inequalities persist, with a significant gap between targets and achievements.
- **Poor Coordination:** There is a lack of effective coordination between the Planning Commission, Central Advisory Council and the private sector, leading to ineffective consultations and planning (view of 1st ARC).
- **Lack of Skilled Personnel:** Planning agencies suffer from a shortage of trained personnel, leading to inefficient plan formulation and implementation.
- **Weak Implementation:** Plans often face delays, cost overruns, and ineffective supervision, resulting in insufficient financial outlays due to inflation and slow execution.
- **Sectoral Focus:** Planning has been primarily sectoral, with weak grassroots-level planning. Regional and area-specific planning is largely absent, and local bodies often lack the autonomy to create full-fledged plans.
- **Absence of Realism:** Plans often lack realism, ignoring structural and social obstacles like the caste system, and focusing insufficiently on non-economic factors crucial for overall development.
- **Bureaucratic Inefficiency:** Plan execution and evaluation are marked by red tape, resource wastage, and a lack of urgency, further hampering progress.

However, to overcome the limitations of the planning system, it is essential to emphasize administrative research, simplify procedures, enhance sectoral coordination, and improve personnel training. Moreover, fostering greater people's participation in plan formulation and implementation will ensure that development strategies are inclusive and effective, leading to more sustainable progress for the nation.

D. OVERALL EXPERIENCE OF PLANNING IN INDIA

The overall experience of planning in India reflects an evolving strategy responding to changing economic conditions and challenges. While early plans were bold and innovative, later plans became more pragmatic, reflecting a shift towards infrastructure and liberalization. The demise of the Planning Commission in 2014 marked a significant transition, with the hope that lessons learned could inform future approaches to

development under NITI Aayog. The Indian planning experience demonstrates the importance of adaptability, stakeholder involvement, and the need for a balanced approach to achieve sustainable development goals.

E. VIEW OF PRONAB SEN

Drawing on six decades of India's experience with planning, the main lesson for the NITI Ayog is that it must devote as careful thought to the planning process as to the strategic plan itself. It must recognise that it is not engaged in a technical exercise, but one that involves a deep understanding of people and organisational behaviour. The government and the Prime Minister too must realise that they have to play a significant role in articulating an economic vision, as opposed to endorsing suggestions put up by the bureaucracy.

4. ROLE OF PUBLIC SECTOR IN INDIA

The public sector in India includes all government-owned organizations, crucially contributing to the economy. Post-independence, with only the Railways and Postal Services as public enterprises, the Industrial Policy Resolution of 1948 brought the public sector to prominence.

The Second Five-Year Plan further emphasized the state's role in economic development, adopting a socialistic approach. In the 1990s, the role of the public sector shifted again.

Overall, the public sector has been vital in laying the foundation for India's industrial development, especially in a country where the private sector alone couldn't address multi-dimensional challenges.

A. ROLE (OBJECTIVES) OF PUBLIC SECTOR

The public sector plays a vital role in India's economic development by:

- **Promoting Rapid Economic Development:** Filling industrial gaps and developing essential infrastructure for growth.
- **Strategic Economic Activities:** Undertaking crucial activities in areas where the private sector may not align with national objectives.
- **Preventing Monopolies:** Ensuring balanced power distribution and reducing income and wealth disparities.

- **Balanced Regional Development:** Diversifying resources and infrastructure in less developed areas to promote regional growth.
- **Employment Generation:** Creating jobs through significant investments in various sectors.
- **Self-Reliance:** Reducing dependence on foreign aid and technology by advancing indigenous capabilities.
- **Social Control and Regulation:** Managing sensitive sectors, controlling distribution systems, and supporting exports to reduce import pressure.

B. PERFORMANCE OF THE PUBLIC SECTOR IN INDIA

- **Capital Formation & Infrastructure Development:** Post-independence, the public sector played a crucial role in **capital formation and infrastructure development**, particularly in heavy industry, logistics, and transport.
- **Industrial Stagnation:** Rising **inequality** in rural India limited **public sector investment** growth by hindering **consumption** and **surplus transfer** to industrial investment, causing a decade of **industrial stagnation** starting mid-1960s.
- **Post-Reform Period:** Reforms reduced **public sector prominence** as **markets** gained importance, allowing private investments in previously reserved sectors. **Competition** improved **efficiency**, but public sector growth declined due to reduced investment in **machinery** and **intellectual property**.
- **Privatization & Performance:** Despite improved **financial performance** and a rise in **profit-making public enterprises**, current privatization seems driven by transferring public assets to **private ownership** rather than performance. **Institutional monitoring** and **transparency** have enhanced the performance of **Central Public Sector Enterprises (CPSEs)**.
- **Social Welfare & Employment:** Public sector enterprises have historically contributed to the growth of the **middle class** by ensuring **living wages**, with the share of **wages** in **value added** being higher than in the **private sector**.
- **Public Monopolies:** In **natural monopolies**, public ownership is preferable as it ensures **returns** are publicly owned. While **competition** boosts **efficiency**,

it shouldn't compromise access, especially in India. Public monopolies balance profit-making with service accessibility.

C. REASONS FOR POOR PERFORMANCE OF PUBLIC SECTOR IN INDIA

The poor performance of public enterprises in India can be attributed to several factors:

- **Underutilisation of Capacity:** Many enterprises operate below their rated capacity, leading to wastage and increased production costs.
- **Over-Capitalisation:** Poor planning, delays, and unfavourable input-output ratios contribute to excessive capital investment.
- **Administrative Inefficiency:** Bureaucratic management often lacks professional expertise, leading to inefficiency.
- **Pricing Policy:** Social considerations over profit motives result in low pricing, affecting profitability.
- **Takeover of Sick Units:** Loss-making units, often sick private sector enterprises, strain public sector resources.
- **Less Remunerative Enterprises:** Investment in low-return areas with long gestation periods and backward locations impacts profitability.
- **Higher Social Costs:** Significant spending on social overheads increases total costs.
- **Ministerial Interference:** Political interference leads to overstaffing, mismanagement, and unbalanced regional development.

D. SUGGESTIONS FOR IMPROVING PUBLIC SECTOR ENTERPRISES IN INDIA

- **Address Inefficiencies:** Implement performance audits and operational reviews to identify and rectify inefficiencies within PSUs.
- **Policy Realignment:** Reassess and update policies governing public sector enterprises to reflect contemporary economic realities and enhance responsiveness.
- **Investment in Technology:** Encourage modernization and technological upgrades to improve productivity and competitiveness.

- **Skill Development:** Focus on training and development programs to enhance the skills of the workforce, ensuring alignment with industry needs.
- **Public-Private Partnerships:** Explore collaborations with private entities to leverage expertise, resources, and innovation.
- **Market Orientation:** Shift towards a market-driven approach, allowing PSUs to operate with profitability while fulfilling social objectives.
- **Strengthening Monitoring Mechanisms:** Enhance institutional oversight and transparency to ensure accountability and improve performance metrics.

By implementing these suggestions, India can bolster the role of public sector enterprises in driving economic growth and social welfare.

5. LIBERALISATION OF INDIAN ECONOMY

A. INDIA'S ECONOMIC REFORMS: FROM CAGED TIGER TO EMERGING MARKET

India was once referred to as a **"caged tiger,"** with the prediction that, if freed, it would unleash its economic potential and sprint forward. This metaphor highlighted the **country's constrained potential due to populist policies.** However, structural adjustments were delayed until a crisis necessitated change, notably accelerated by **the war and disintegration of the USSR.**

PERIOD	KEY DEVELOPMENTS
Pre-1991	State-controlled economy and domination of PSUs.
Post-1991	Adoption of LPG Reforms amidst economic crisis.
2016-17	Notable transition to open economy, significant FDI inflows and reduced PSUs involvement and disinvestment.

B. SHIFT TO ECONOMIC REFORMS

- Nobel Laureate **Amartya Sen** noted that the anticipated economic sprint did not meet expectations. He emphasized the debate among scholars about whether internal or external factors prompted the **shift in economic policy** and the consequences of the new model.
- **Former RBI Governor Bimal Jalan** observed a broad agreement among major political parties on the

necessity of reforms. He Highlighted the lack of significant **debate over the desirability** of reforms.

C. CURRENT STATUS OF LIBERALIZATION

According to the Economic Survey of 2016-17, India has made a remarkable transition from a closed, sluggish economy to an open, thriving one. The progress has been evaluated based on four major standards:

- **Openness to Trade:** India engages in international trade more than expected relative to its size.
- **Openness to Foreign Capital:** Despite regulatory controls, India receives FDI at an annual rate of \$75 billion, comparable to China during its economic boom in the mid-2000s.
- **Extent of PSUs:** Contrary to the myth of a large public sector, India has significantly reduced public sector involvement, including in areas like civil aviation, telecom, and financial services.
- **Government Expenditure:** Government spending is in line with the country's development level, not excessive.

a. ACHIEVEMENTS OF ECONOMIC REFORMS

- **Economic Growth:** The New Economic Policy (NEP) of 1991 significantly boosted India's GDP growth, breaking out of the previous 3-5% range and reaching an average of 6.7% during 1991-1996. Post-2000, growth accelerated further, driven by sectors like IT and telecommunications.
- **Foreign Exchange Reserves:** India's foreign exchange reserves increased from a critical low of \$1.21 billion in 1991 to \$22.74 billion by 1996, stabilizing the economy and providing a buffer against external financial shocks.
- **IT Sector Boom:** The IT and BPO sectors became major contributors to India's economy, with IT services exports growing significantly. By 2012-2013, IT accounted for about 25% of India's total exports, driven by global demand and the rise of the internet.
- **Technological Adoption:** The rapid adoption of mobile phones and internet technology facilitated economic expansion. States with higher mobile penetration experienced faster economic growth, demonstrating the impact of technology on development.

b. FAILURES OF ECONOMIC REFORMS

- **Uneven Development:** Advanced industrial states have experienced significant growth post-reforms, while poorer states have lagged, exacerbating regional disparities.
- **Income Disparity:** The gap in per capita income has widened, with poorer states facing a dual challenge of slow economic growth and high population growth.
- **Sectoral Imbalance:** The tertiary sector has become the primary driver of growth, with insufficient industrial development, especially in less developed states.
- **Investment Challenges:** Backward states struggle to attract investment due to poor infrastructure, low-income levels, and governance issues, perpetuating underdevelopment.
- **Population and Income Growth:** An inverse relationship between population growth and income growth exacerbates unemployment and socio-economic issues in poorer states.
- **Migration and Social Tensions:** Large-scale migration from backward to advanced states can lead to socio-political tensions, given India's diverse linguistic, religious, and caste composition.
- **Resource Conflicts:** Disparities in growth and population are likely to cause conflicts over resource allocation among states, as seen in disagreements over allocations by the Planning and Finance Commissions.

D. UNEVEN DEVELOPMENT IN INDIA POST-LIBERALIZATION REFORMS

Post-1991 liberalization in India led to significant GDP growth and improved economic indicators. However, the unplanned and uneven development resulted in concentrated industrial growth, overcrowded cities, and environmental issues highlighting missed opportunities for balanced growth.

- **Concentration of Industries:** Post-1991, liberalization led to the concentration of industries in select regions like Maharashtra, Tamil Nadu, and Karnataka. These regions already had established infrastructure, leading new businesses to cluster there, leaving other states with diminished industrial growth.

- **Urban Overcrowding:** The concentration of industries in specific urban areas resulted in significant migration from rural areas to cities. This led to overcrowded cities like Mumbai and Pune, with severe strain on housing, infrastructure, and basic services.
- **Rise in Slums:** The rapid urbanization and high cost of urban housing have forced many migrants into slums. The number of slum towns in India grew significantly, highlighting the inadequate urban planning and affordable housing.
- **Pressure on Resources:** Overcrowded urban areas have led to depletion of natural resources such as water and increased pollution. Cities like Pune and Bengaluru have experienced falling water tables and rising air pollution levels due to the high concentration of industries and population.
- **Geographical Disparities:** While some states like Gujarat and Haryana benefitted from increased industrialization, others saw a decline in their industrial share post-liberalization. This has exacerbated regional inequalities, with some regions flourishing while others stagnate.
- **Quality of Life Issues:** The unbalanced growth has led to significant quality-of-life issues in urban centres, including increased commute times, deteriorating air quality, and inadequate access to basic services like water and electricity.
- **Lost Opportunities for Equitable Growth:** The rapid economic growth post-liberalization, with GDP increasing by 2,400% between 1991-2014, could have been more equitably distributed if proper planning and oversight were in place. The focus on select regions has left many areas underdeveloped, missing the chance for balanced national development.

a. REASONS FOR UNEVEN DEVELOPMENT POST-LIBERALIZATION

- **Industrial Concentration:** Industries gravitated towards regions with established infrastructure, leading to development in select states while others were neglected.
- **Urban Migration:** Economic opportunities in industrial hubs caused mass migration, overcrowding cities and straining resources, leaving rural areas underdeveloped.

- **Inadequate Planning:** Lack of government oversight and planning during liberalization allowed uneven distribution of industry, worsening regional disparities.
- **Resource Strain:** Overconcentration in urban areas led to depletion of essential resources like water and increased pollution, further impacting quality of life.
- **Exclusion of Peripheral Regions:** Peripheral and rural regions lacked the necessary infrastructure to attract industries, deepening the divide between urban and rural development.

b. SUGGESTIONS TO ADDRESS UNEVEN DEVELOPMENT POST-LIBERALIZATION

- **Balanced Industrial Policy:** Implement policies that incentivize industries to set up in underdeveloped regions, ensuring more equitable distribution of economic growth.
- **Infrastructure Development:** Invest in building infrastructure like roads, power supply, and skilled labour pools in less-developed areas to attract industries and reduce urban concentration.
- **Decentralization of Economic Activities:** Encourage the development of smaller cities and towns as economic hubs to reduce pressure on major urban centres and prevent overcrowding.
- **Sustainable Urban Planning:** Focus on sustainable urban planning to manage resource strain, improve housing affordability, and address pollution issues in overcrowded cities.
- **Government Intervention:** Strengthen government oversight to ensure that liberalization processes are aligned with long-term, regionally balanced development goals.
- **Strengthen Social Safety Nets:** Expanding and improving social safety net programs like the National Rural Employment Guarantee Act (NREGA) and the National Food Security Act (NFSA) can help mitigate the adverse effects of economic reforms on vulnerable populations and ensure food security.
- **Agricultural Reforms:** Renewed focus on agricultural reforms is essential, including improving access to credit, enhancing irrigation facilities, ensuring fair prices for crops, and promoting sustainable farming practices. This will help increase rural incomes and

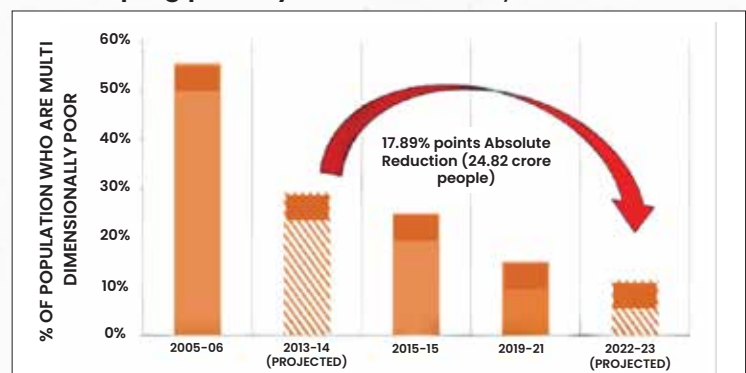
- **Wealth Redistribution:** The government should actively work to reduce inequality through progressive taxation, targeted subsidies, and welfare programs. These measures can help diffuse social tensions and ensure a more equitable distribution of economic growth benefits.
- **Diversified Job Creation:** Policies should encourage job creation across diverse sectors, beyond just IT. Fostering growth in manufacturing, services, and small-scale industries is crucial to absorb the growing labour force and reduce underemployment.

Had the liberalization process been more thoughtfully planned from the outset, the impressive economic growth witnessed could have been accompanied by more equitable development, thereby mitigating the challenges of uneven growth and the associated social and environmental issues.

E. POVERTY ALLEVIATION IN INDIA

Poverty alleviation has been a significant focus of India's development agenda since independence. With a large portion of the population living below the poverty line, successive governments have implemented a variety of strategies and programs to address this pressing issue.

- **1983:** 44.5% below poverty line (323 million people).
- **1993-94:** Slight decrease to 43.5%, but absolute number rose to 404 million.
- **2004-05:** Poverty declined to 37.2%, with the absolute number reaching 407 million.
- **2011-12:** Faster decline to 21.9%, with the number dropping to 269 million.
- According to **NITI Aayog's Discussion Paper 'Multidimensional Poverty in India since 2005-06'** India has made significant progress in reducing multidimensional poverty, with **24.82 crore people escaping poverty** in the last nine years.



a. CHALLENGES IN POVERTY ALLEVIATION

- **Remaining Poverty:** 269 million still in poverty, with marginal improvement for those just above the poverty line.
- **Basic Services:** India struggles in delivering education, health, sanitation, and drinking water.
- **Employment Quality:** In India, there is **lack of substantial employment growth**, with much of the new employment being of poor quality.

Poverty alleviation in India requires a multifaceted and sustained approach that addresses the root causes of poverty. While progress has been made, continued efforts are needed to overcome the challenges of remaining poverty, basic service delivery, and employment quality. By focusing on inclusive growth, better governance, and innovative solutions, India can make significant strides toward eradicating poverty and achieving sustainable development for all its citizens.

b. RECOMMENDATIONS

Montek Singh Ahluwalia, in his article "Economic Reforms - A Retrospective View," notes that reforms have succeeded in some areas while neglecting others. As India transitions to middle-income status, it faces the risk of falling into the middle-income trap unless reforms are carefully designed. Ahluwalia suggests the following measures:

1. Tackle corruption
2. End red tapism
3. Invest in human capital
4. Reform factor markets
5. Promote inclusion through job creation
6. Rehabilitate state capacity

Poverty alleviation in India requires a multifaceted and sustained approach that addresses the root causes of poverty. While progress has been made, continued efforts are needed to overcome the challenges of remaining poverty, basic service delivery, and employment quality. By focusing on inclusive growth, better governance, and innovative solutions, India can make significant strides toward eradicating poverty and achieving sustainable development for all its citizens.

F. POST-1991 ECONOMIC REFORMS IN INDIA: A SHIFT FROM THE NEHRUVIAN MODEL

The economic reforms initiated in 1991 marked a significant departure from the Nehruvian model of economic development. These reforms shifted the focus from a **state-controlled, centrally planned economy to a more liberalized, market-driven economy**. The post-1991 reforms contrast with the Nehruvian model, as:

ASPECT	NEHRUVIAN MODEL	POST-1991 REFORMS	POST-1991 REFORMS
ECONOMIC LIBERALIZATION VS. STATE CONTROL	Emphasized centralized planning and state control over key industries. PSUs dominated major sectors, with the government playing a commanding role in the economy.	Introduced economic liberalization, reducing the role of the state in business. Privatization of PSUs and encouragement of private sector participation. Dismantling of the License Raj.	Aimed to increase efficiency , productivity, and global competitiveness by reducing bureaucratic control and fostering a free-market environment
GLOBALIZATION AND TRADE LIBERALIZATION	Focused on import substitution and industrialization to reduce dependence on foreign goods. High tariffs and import restrictions to protect domestic industries	Reduction of trade barriers and tariffs. Promotion of export-oriented growth and integration into the global economy. Liberalization of FDI policies.	Aimed to integrate India into the global economy, boost exports, attract foreign investment, and modernize industries through competition and innovation.
MARKET-DRIVEN ECONOMY VS. PLANNED ECONOMY	Relied heavily on five-year plans for economic development. Resource allocation and production targets were centrally determined.	Emphasis on a market-driven economy where market forces determine resource allocation and production. Reduction in the government's role in economic decision-making.	Aimed to improve economic efficiency and responsiveness to market demands, encouraging entrepreneurship and innovation.
FINANCIAL SECTOR REFORMS	Highly regulated financial sector with significant government intervention. Interest rates and credit allocation controlled by the state.	Liberalization of the financial sector, including banking reforms, capital market reforms, and the establishment of regulatory bodies like SEBI. Deregulation of interest rates and reduction of state control over credit allocation.	Aimed to create a more robust and efficient financial system to support economic growth and stability.

The post-1991 economic reforms marked a fundamental shift from the Nehruvian model by embracing liberalization, globalization, and market-driven principles. These changes led to significant economic growth, poverty reduction, and global integration, contrasting sharply with the state-controlled, inward-looking approach of the Nehruvian era.

G. AMARTYA SEN'S CRITIQUE OF INDIA'S ECONOMIC LIBERALIZATION

- Amartya Sen argues that India's economic liberalization did not yield the expected rapid growth. The main issue lies in the growth pattern, which has not improved living standards. Social indicators have declined compared to the pre-reform period, and agriculture remains stagnant.
- While the service sector has grown significantly, it has not benefited the broader population due to a lack of skills. Poverty has increased in BIMARU states, and the paradox of hunger amidst plenty persists.
- Sen admires China for its investment in basic human capabilities, enabling it to fully reap the benefits of globalization.

H. VIEWS OF BIMAL JALAN ON ECONOMIC REFORM

- In "Emerging India: Economics, Politics, and Reforms," Bimal Jalan recognizes that economic reforms have sparked creative energy, accelerated growth, and boosted productivity.
- However, he highlights that India's social indicators are still among the lowest globally.
- Jalan cautions that failing to implement critical reforms to address these social issues would be a serious mistake.

6. LAND REFORMS IN INDIA

Land reforms in India have been a significant component of the country's socio-economic development policy, aimed at improving agricultural productivity, reducing inequality, and empowering marginalized communities. The philosophy of land reform in India is based on the socialist idea of redistributive justice.

A. HISTORY OF LAND REFORM

- During the national movement, peasants played a significant role, and land reforms were among the promises made by the Congress.
- According to American-born economist Daniel Thorner, India presents an interesting case study in land reform due to its extensive legislation and large numbers of poor and hungry people. In India, land reforms meant state-led institutional reforms aimed at addressing wealth concentration and providing land to the landless.

B. CONSTITUTIONAL PROVISIONS

- Directive Principles:** Article 39 B & C mandate the Indian state to address the concentration of wealth and economic resources.
- 44th Amendment Act:** Repealed the right to property.
- 9th Schedule:** Introduced by the first amendment act, it contains a large number of land reform legislations.

C. TYPES OF LAND REFORMS

TYPE OF LAND REFORM	OBJECTIVE	OUTCOME
Zamindari Abolition	Abolish intermediaries and redistribute land directly to cultivators.	Though aimed at dismantling the feudal system, zamindars often received significant compensation. Many became tenants, engaged in self-cultivation, or invested in rural industries, leading to only formal success.
Tenancy Reform	Secure tenant rights, preventing exploitation, and ensuring fair treatment.	Achieved relative success in states like Kerala and West Bengal (Operation Barga), benefiting intermediate castes by securing tenancy rights and improving economic conditions.
Land Ceiling	Limit landholdings to distribute surplus land to the landless.	One of the weakest reform areas due to legal loopholes. Landowners evaded ceilings by dividing joint family holdings, engaging in benami transactions, or even formal divorces to retain excess land.

Distribution of Surplus Land	Alleviate poverty by distributing land to the landless.	Despite being crucial for poverty alleviation, this reform saw limited success. Government efforts faced implementation challenges, leaving much land undistributed.
Consolidation of Land Holdings and Establishment of Cooperatives	Promote efficient agricultural practices through consolidated holdings and cooperatives.	This initiative largely failed, with cooperative movements sometimes dominated by wealthy farmers. In states like Maharashtra, cooperatives turned into joint-stock companies, deviating from their intended purpose.

D. IMPLICATIONS OF CENTRALIZING TENDENCIES

LAND REFORMS IN KERALA	LAND REFORMS IN WEST BENGAL
Land Redistribution: By 2007, around 31,043 hectares of land were distributed among 165,149 beneficiaries, accounting for 1-2% of the net cropped area. Tenancy Rights: Approximately 2.8 million tenants received ownership rights over 600,000 hectares of land. Homestead Ownership: Up to 1996, around 528,000 households gained ownership of homestead plots.	Land Redistribution: Between 1977 and 2011, about 205,444 hectares were redistributed among 2,102,529 individuals, accounting for 4% of the net cropped area. Tenancy Rights: The Operation Barga program successfully registered 1.5 million sharecroppers, about 75% of the total recorded tenants.
REASONS	REASONS
Legislative Framework: The Kerala Land Reforms Amended Act (KLRAA) of 1969 was key in abolishing tenancy and granting ownership rights to tenants. Government Commitment: The left government's determination to implement reforms, despite political opposition and challenges, ensured significant progress.	Active Party Involvement: The CPI(M) and its networks actively supported tenant registration and the identification of surplus land for redistribution. Operation Barga: This program was instrumental in securing tenant rights and reducing the rental share for sharecroppers.

Inclusive Policies: Provisions for subsidized ownership of homestead plots for the rural poor furthered the redistribution goals.	Two-Phase Implementation: Initial reforms (1967-1970) focused on land redistribution, while later efforts (post-1977) emphasized tenancy rights.
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E. CAUSES FOR FAILURE OF LAND REFORMS

India's land reforms have largely failed, as evidenced by data from **the 2011-12 Agricultural Census and the 2011 Socio-Economic Caste Census**. Despite efforts, only **4.9%** of farmers control 32% of **farmland**, and over **56% of rural households** remain landless, highlighting the stark inequalities persisting in agricultural land ownership.

- **Lack of Political Will:** Political leaders often lacked the commitment to fully implement land reforms, leading to half-hearted measures and resistance from powerful landowning classes.
- **Dominant Castes' Influence in Congress:** Dominant castes, with significant political influence, often resisted reforms that threatened their traditional landholdings, undermining efforts to achieve meaningful land redistribution.
- **Lack of Organized Peasant Movements:** The absence of strong, organized peasant movements meant there was insufficient pressure on the government to implement land reforms effectively and address peasant demands.
- **Inadequate Land Records:** Poor maintenance of land records created administrative challenges, complicating the identification of surplus land and rightful beneficiaries, hindering reform efforts.
- **Corruption:** Corruption within the administrative system led to misappropriation of resources and manipulation of land reform processes, preventing effective redistribution and perpetuating inequalities.

VALUE ADDITION: SCHOLARS VIEWS

- **Gunnar Myrdal** describes India as a "soft state," explaining why leaders like Nehru failed in land reform success.
- **Atul Kohli** argues that the **Indian state lacks the capacity to confront** the propertied class, citing successful land reforms in Kerala and West Bengal due to the communist party's support base among the poor.

- **Francine Frankel** suggests accommodative politics hindered the radical agenda of land reforms.
- **Sudipta Kaviraj** and **Pranab Bardhan** believe the Indian state represents **bourgeois interests**, leading to unenthusiastic land reform implementation due to the influence of propertied classes.
- **Hamza Alvi** applies the concept of the "overdeveloped state" to the Indian context.

F. SUGGESTIONS FOR LAND REFORM

While land reforms led to the empowerment of poor peasants and labourers, and reduced feudal practices, challenges remain. The transformation of landlords into rural traders, continued underground tenancy, exclusion of specific social groups, and limited surplus generation in agriculture indicate the mixed success of these reforms. Some of the suggestions are discussed below:

- **Legalize Tenancy:** Implement tenancy legalization in Kerala with appropriate safeguards and relax tenancy regulations in West Bengal to enhance the efficiency of land and lease markets.
- **Promote Inclusive Reforms:** Ensure land reforms are inclusive by addressing the exclusions of landless labourers, Dalits, and women, thus enabling equitable access to land.
- **Foster Agricultural Investment:** Stimulate investment in agriculture to transform it into a dynamic, surplus-generating sector, which could drive broader economic development and industrialization.
- **Diversify Livelihood Opportunities:** Develop alternative livelihood strategies to reduce the reliance of vulnerable populations on stagnant agricultural sectors.
- **Revitalize Land Reform Discourse:** Intellectuals should reinvigorate public discourse on land reform, integrating it into broader socio-economic reasoning.
- **Mobilize Civil Society:** Encourage civil society organizations to mobilize peasants and landless labourers, thereby exerting pressure on the government for reform.

- **Government Accountability:** The Government of India must prioritize land reform, as its failure contributes to rural poverty, hunger, and the rise of left-wing extremism.
- **Strengthen Legal Frameworks:** Enhance legal mechanisms, close existing loopholes, maintain accurate land records, and involve NGOs in identifying beneficiaries.

The land reform initiatives in India, aimed at redistributive justice, have faced significant challenges due to political, administrative, and social factors. While there have been some successes, the overall impact has been limited by structural weaknesses, lack of political will, and resistance from entrenched interests. As India continues to pursue economic development, addressing these challenges remains crucial for achieving equitable growth and reducing rural poverty and hunger.

7. GREEN REVOLUTION

In the 1960s, India faced severe food shortages, leading to widespread hunger and dependency on food grain imports from other countries. The country's agriculture was characterized by traditional farming methods, low productivity, and vulnerability to droughts and famines. To address these challenges, the Indian government and scientists embarked on a mission to transform the agricultural sector, marking the beginning of the Green Revolution.

The Green Revolution began in 1961 as part of the Intensive Agricultural Development Program (IADP). Initially, 14 districts were selected on an experimental basis. In 1965, it was extended to 114 districts under the Intensive Agricultural Area Program (IAAP).

A. PHILOSOPHY

The Green Revolution in India was driven by a production-centred approach rooted in capitalist philosophy. This approach emphasized the use of high-yield variety seeds, fertilizers, pesticides, and modern agricultural implements, making it capital-intensive and land-intensive.

B. KEY OBJECTIVES

- **Increase Food Grain Production:** To achieve self-sufficiency in food grains and eliminate the need for imports.

- **Enhance Agricultural Productivity:** To improve crop yields through modern farming techniques.
- **Ensure Food Security:** To provide a stable and adequate food supply for the growing population.

C. OUTCOMES OF GREEN REVOLUTION

The Green Revolution in India was initiated in the 1960's by introducing high-yielding varieties of rice and wheat to increase food production. Food production increased from **72.3 million MT in 1961 to 329.69MT in 2022-23** (Agricultural growth rates of 3-5%).

As per the **response of Agriculture Minister in Parliament** (December 2023), the positive effects of the green revolution are:

- **Increase in crop production:** The crop area under high-yielding varieties of wheat and rice grew considerably making India one of the world's biggest agricultural producers.
- **Self-sufficiency:** The import of food grains reduced as India became self-sufficient in food grains, rather India started exporting at times.
- **Availability:** The per capita net availability of food grains has increased.
- **Benefits to farmers:** The level of income of farmers increased as agricultural productivity improved. It promoted capitalist farming as big landowners profited the most.
- **Industrialization:** The large-scale mechanization of farms created a demand for machinery like tractors, harvesters, threshers, combines, diesel engines, electric motors, pumping sets, etc. Demand for chemical fertilizers, pesticides, insecticides, weedicides, etc. also increased considerably.
- **Agro-Industries:** Several agricultural products came to be used as raw materials in various industries giving rise to agro-based industries.
- **Employment:** The demand for labour force increased rural employment, and the industrial workforce at the same time.

D. SOCIAL, POLITICAL AND ECONOMIC COSTS OF THE GREEN REVOLUTION

While Green Revolution brought about significant agricultural and economic changes, it also had social and political costs. According to economist **V.K.R.V. Rao**,

the Green Revolution led to several adverse social and political impacts:

SOCIAL COST

- **Widening Wealth Gap:** The Green Revolution significantly widened the **wealth gap** between the rich and poor. Wealthier farmers with access to more land and capital adopted new technologies, increasing productivity and income. Regions like **Punjab, Haryana, and Western Uttar Pradesh** experienced substantial economic gains, exacerbating **regional inequalities**. The revolution primarily benefited large and medium-sized farmers, increasing class disparities between them and small-scale, marginal farmers.
- **Increased Rural Indebtedness:** Small and marginal farmers often took loans to afford high-yield seeds, fertilizers, and equipment, leading to **financial strain**. Rising input costs created a cycle of debt, trapping many in persistent rural indebtedness.
- **Loss of Land:** Many small farmers unable to repay debts were forced to sell or mortgage their land, resulting in **landlessness**. This consolidation of landholdings among larger farmers exacerbated **land inequality**. Land loss often forced displaced farmers to migrate to urban areas for employment, increasing **urbanization** and social challenges.
- **Broader Social Implications:** Economic disparities and loss of traditional livelihoods contributed to **social tensions** and unrest in rural areas. The shift in economic power altered **traditional social structures**, granting wealthy farmers increased social and political influence. Mechanization of agriculture reduced demand for manual labour, leading to **unemployment** and further aggravating social tensions.

POLITICAL COST

- **Emergence of Bullock Capitalists:** The Green Revolution led to the rise of "bullock capitalists," a term coined by **Rudolph and Rudolph**, describing wealthy farmers who adopted new technologies and significantly increased agricultural productivity. These farmers gained substantial **political power**, influencing local and regional governance in their favour.



- **Strengthening of Caste Roles:** The Green Revolution reinforced existing **caste hierarchies**, as higher castes had better access to land, resources, and technology. This resulted in pronounced **political mobilization** among different caste groups, complicating the interplay between caste and politics in rural India.
- **Poor Distributive Aspects:** Uneven benefits created **regional disparities**, primarily benefiting **Punjab, Haryana, and Western Uttar Pradesh**, while neglecting **Eastern India**. Scholars like **T.K. Oommen, Usha Patnaik, and Pranab Bardhan** noted these disparities fuelled **social unrest** and intensified political demands for government support, land reforms, and equitable resource distribution.
- **Impact on Rural Political Structures:** Economic changes altered **political dynamics** in rural areas, introducing new power structures and alliances. Traditional leadership based on caste faced challenges from the new economic elite, leading to shifts in **political loyalties** and erosion of dependencies between landowners and labourers.
- **Political Movements for Sustainable Practices:** Environmental degradation sparked political activism advocating for **sustainable agricultural practices**. **Vandana Shiva's** book, "**Violence of the Green Revolution**," emphasized the societal and environmental costs of these policies, calling for practices that prioritize **social equity** and **environmental health**.

NEGATIVE OUTCOMES

- **No Real Wage Increase:** Despite nominal wage increases, real wages stagnated due to inflation, as observed by **S.S. Grewal**.
- **Inflation in Food Grain Prices:** Increased demand led to inflation in food grain prices, straining poorer populations.
- **Declining Living Standards:** Small and marginal farmers faced declining standards due to rising input costs and debt, widening economic inequalities.
- **Labour Displacement:** Mechanization led to labour displacement, reducing employment opportunities and contributing to rural unemployment.
- **Rise of Migrant Labourers:** Displaced rural workers migrated to cities, becoming urban migrants in

precarious conditions, creating socio-economic challenges.

- **Social Unrest:** Economic disparities and disrupted labour relationships led to social unrest and tensions within rural communities.

The Green Revolution significantly transformed India's agricultural landscape and had mixed economic outcomes. While it contributed to self-sufficiency in food production and increased incomes for some farmers, it also exacerbated economic inequalities, labour displacement, and social tensions. Future agricultural policies need to address these challenges by promoting sustainable and inclusive growth strategies.

VALUE ADDITION: SCHOLAR'S VIEWS ON GREEN REVOLUTION

- **Norman Borlaug**, the father of the Green Revolution, emphasized its role in averting famines and feeding millions.
- **M.S. Swaminathan** often referred to as the **father of the Green Revolution in India**, advocated for an "**Evergreen Revolution**" that **combines productivity with sustainability**. He emphasizes the need for conservation of natural resources and promotion of eco-friendly technologies.
- **Vandana Shiva**, an environmental activist, has **criticized the Green Revolution** for promoting unsustainable agricultural practices that harm the environment.
- **Pranab Bardhan** highlights the **increased economic inequalities** resulting from the Green Revolution. He argues that while it succeeded in boosting agricultural productivity, it also led to **significant regional and class disparities**. Bardhan emphasizes the need for land reforms and equitable distribution of resources to address these issues.
- **Francine Frankel** in her book "**India's Green Revolution: Economic Gains and Political Costs**" acknowledges the economic benefits of the Green Revolution, noting that it has given India the hope of escaping from its cycle of poverty by significantly boosting agricultural productivity. However, she also highlights several **negative consequences**. She argues that the rapid rate of economic development has exacerbated social tensions and increased disparities, which threaten the stability of rural political structures.

E. NEED FOR A SECOND GREEN REVOLUTION IN INDIA

India's agricultural sector faces new challenges, necessitating a Second Green Revolution to address stagnating productivity, environmental degradation, water scarcity, climate change, and socio-economic disparities.

- **Stagnating Productivity:** Agricultural productivity has plateaued. **Ashok Gulati**, an agricultural economist, emphasizes the need for **technology-driven enhancements** like **precision farming** and **biotechnology** to boost productivity.
- **Environmental Sustainability:** The first Green Revolution caused soil degradation, groundwater depletion, and biodiversity loss. **Vandana Shiva** advocates for **agroecological practices**, including **organic farming** and **conservation agriculture**, to ensure sustainability.
- **Water Management:** Severe water scarcity has resulted from groundwater over-extraction.

Tushaar Shah, a water management expert, stresses the need for innovative water strategies like **micro-irrigation** and **rainwater harvesting**.

- **Climate Resilience:** Climate change poses new risks, making it essential to develop climate-resilient crops and adaptive farming practices. The **National Mission on Sustainable Agriculture** under the NAPCC aims to enhance farmers' climate resilience.
- **Socio-Economic Equity:** The first Green Revolution favoured wealthier farmers. The **NITI Aayog** highlights the need for inclusive policies supporting small farmers, ensuring equitable access to credit, markets, and technology.

Dr. Ashok Gulati also stresses the importance of market reforms, improved supply chains, and price support mechanisms to enhance agricultural productivity and farmer incomes.

Thus, a Second Green Revolution should integrate modern technology, sustainable practices, and inclusive policies to increase productivity while ensuring environmental and social equity.

UNIT 9: CASTE, RELIGION, AND ETHNICITY IN INDIAN POLITICS

PREVIOUS YEAR QUESTIONS

NEHRUVIAN AND GANDHIAN PERSPECTIVES

- The rise of caste politics is to be attributed to both regional aspirations and electoral manifestations. Comment. (2023)
- Ethnicity is the underlying cause which poses a great challenge in the resolution of the problems in the North-East region of India. Comment. (2022)
- Explain how caste as a social category is also becoming a political category in the democratic politics of India. (2021)
- Examine the role of religion in Indian Electoral Politics in the contemporary times. (2020)
- Development has overshadowed the influence of caste in electoral behaviour in recent elections. Discuss. (2019)
- Critically examine the ethnic conflicts in North-East India. (2018)
- Religion is still an important factor in Indian politics. Discuss. (2017)
- Comment on the emergence of backward classes in Indian Politics. (2016)
- Relation between ethnicity and democracy in India. Comment. (2014)
- Explain the phenomenon of ethnic politics in India in recent times. (2013)
- Explain the phenomenon of ethnic politics in India in recent times. (2011)
- "The OBC politics has challenged the nature of dominant caste politics in the states." Critically examine this statement and bring out your conclusions. (2009)

1. THE GOOD, THE BAD, AND THE UGLY OF IDENTITY POLITICS

2. Definition and Origin: Identity politics refers to political positions and activities that focus on the interests and perspectives of social groups with which people identify.

It is the outcome of the shared experiences of injustice faced by certain social groups such as ethnicity, religion, gender, sexual orientation, or caste.

3. Focus and Goals: Rather than organizing solely around belief systems, manifestos, or party affiliations, identity politics **aims to secure political freedom and representation** for specific constituencies marginalized within the larger context. These groups assert their distinctiveness to challenge dominant narratives, striving for greater self-determination and justice.

4. Response to Modernity: It emerged as a **response to modernity's impersonal nature**, offering a sense of belonging and community. This form of politics **focuses on recognizing and addressing the unique experiences and rights** of these groups while navigating the complexities of overlapping and contested identities.

5. Example of Identity politics includes the **U.S. Civil Rights, LGBTQ+, and feminist movements**; **India's caste-based politics**; South Africa's **anti-apartheid struggle**; UK's Scottish National Party and **Brexit**; the **Kurdish independence** and **Israeli-Palestinian conflicts** in the Middle East reflecting diverse global identities.

VALUE ADDITION

- **Craig Calhoun** discusses identity politics in his book "Social Theory and the Politics of Identity" as a distinctly modern phenomenon, arising from efforts to consolidate individual and categorical identities in an impersonal world. He suggests that the focus on identity provides a sense of belonging and community.

A. POSITIVES OF IDENTITY POLITICS

Empowerment and Strengthening Democratic Participation: **Nancy Fraser** argues that identity politics is **essential for marginalized groups** to gain a voice and representation. She states, "**Recognition is a matter of justice, not only because it provides self-respect and social esteem but also because it is a precondition for participation in democratic politics.**"

Combating Stereotypes and Injustice: Identity politics helps marginalized groups **combat negative stereotypes and develop positive self-images**. By organizing around

By organizing around a shared identity, these groups can challenge societal prejudices and advocate for equitable treatment.

B. NEGATIVES OF IDENTITY POLITICS

Division and Hostility: Identity politics can lead to **increased societal division and hostility** among different groups. By emphasizing group differences, identity politics may **foster a sense of superiority and animosity** towards other groups, undermining social cohesion.

Constraint on Individuality: **Todd Gitlin** points out that identity politics can constrain individuals by **promoting rigid categorizations**. He argues, "**Identity politics often reduces individuals to their group affiliations, limiting their freedom to express their unique identities.**"

Potential for Sectarianism: Identity politics can sometimes **prioritize group interests over broader democratic principles**. This sectarian approach **can impede egalitarian reforms** and create conflicts of interest that hinder collective progress. (Brian Barry and Amartya Sen)

C. WAY FORWARD

BALANCED APPROACH TO IDENTITY POLITICS

- **Critical Evaluation:** A balanced approach requires evaluating the benefits and challenges of identity politics to ensure they align with principles of justice and equality.
- **Common Goals:** Identity groups should focus on promoting civic equality, freedom, and opportunities for all individuals.
- **Ethical Implications:** Democracies must address the ethical implications of identity politics, supporting groups that combat injustice while scrutinizing those that perpetuate division.

PROMOTING INCLUSIVE DEMOCRATIC PRACTICES

- **Respecting Diverse Perspectives:** Democracies should strive to include the perspectives of various identity groups, fostering mutual understanding and collaboration.
- **Encouraging Participation:** Promoting democratic deliberation and participation from diverse groups strengthens the democratic process and ensures equitable representation.

By adopting a balanced approach and promoting inclusivity, societies can harness the positive aspects of identity politics while mitigating potential drawbacks, enhancing democratic justice and equality for all.

Chantal Mouffe argues for an **agonistic approach to democracy**. She comments, "**Engaging in constructive conflict and debate among identity groups can enhance democratic representation and participation.**"

D. THE ROLE OF IDENTITY POLITICS IN SHAPING INDIA'S DEMOCRATIC LANDSCAPE

In India, despite adopting a liberal democratic system post-independence, identity politics centered on caste, religion, ethnicity, and regional identity remains deeply ingrained. These collective identities significantly influence electoral politics, policy-making, and social dynamics, reflecting the nation's vast diversity.]

Theories and analyses by various scholars provide insight into these dynamics:

- **Christophe Jaffrelot's Analysis of Hindu Nationalism:** In "The Hindu Nationalist Movement and Indian Politics" (1996), Jaffrelot examines how religious identity has been politically utilized, particularly by the BJP, to cultivate a broad Hindu voter base, affecting communal relations.
- **Amartya Sen's Advocacy for Pluralism:** In "The Argumentative Indian" (2005), Sen underscores the importance of recognizing India's pluralistic fabric while being mindful of the divisive potential of identity politics.
- **Sudipta Kaviraj on Regional Identity Politics:** In "The Imaginary Institution of India" (2010), Kaviraj explores the influence of regional identity politics, highlighting parties like DMK and Shiv Sena that prioritize regional issues and cultural identity.
- **Rajni Kothari's Theories on Caste as Political Capital:** In "Politics in India" (1970), Kothari emphasizes the integral role of caste dynamics in political negotiations within India's democratic framework.
- **Partha Chatterjee on Mobilization of Marginalized Groups:** In "The Nation and Its Fragments" (1993), Chatterjee discusses how identity politics has been a tool for marginalized groups to assert their democratic rights.
- **Dipankar Gupta on Economic Development and Identity Politics:** In "Interrogating Caste" (2000), Gupta examines how economic inequalities can exacerbate identity-based divisions.

India, as a multi-ethnic, multi-religious society with diverse cultural practices, underscores the significance of identity politics for efficient governance, internal management, international representation, and policy formulation

2. INFLUENCE OF CASTE IN INDIAN POLITICS

Caste is a deeply entrenched and complex phenomenon in Indian politics, significantly influencing the nation's social dynamics, electoral processes, and policy-making. Historically, caste is a traditional form of social stratification in India, dividing people into hierarchical groups **based on birth and occupation**, dictating aspects of life including profession, marriage, and social interactions.

A. EVOLUTION OF CASTE IN INDIAN POLITICS

Caste has been a pivotal factor in Indian politics, evolving across different historical phases:

COLONIAL PERIOD:

- **Codification of Castes:** The British formalized the caste system through censuses, reinforcing rigid caste identities and hierarchies.
- **Separate Electorates:** The British introduced separate electorates, allowing caste groups to elect their own representatives, entrenching caste divisions.

POST-INDEPENDENCE ERA:

- **Constitutional Provisions:** Affirmative action for Scheduled Castes (SCs) and Scheduled Tribes (STs) was implemented to uplift marginalized communities.
- **Caste-Based Mobilization:** Regional parties like DMK mobilized voters based on caste, influencing political power.
- **Mandal Commission (1979):** Recommended OBC reservations, leading to significant political mobilization and realignments, especially in North India.

CONTEMPORARY PERIOD:

- **Caste-Based Political Parties:** Emergence of parties like BSP, mobilizing support based on caste identity and influencing elections.
- **Caste and Coalition Politics:** Coalition

governments are often formed based on caste arithmetic, affecting policy decisions related to social justice and development programs.

B. SOCIOLOGICAL EXPLANATION OF CASTE

- **Louis Dumont's Structuralist Interpretation:** In "**Homo Hierarchicus**," Dumont provides a structuralist interpretation of caste, emphasizing the **Hindu ideology of purity and pollution**. He highlights the religious and ideological underpinnings of caste, positioning Brahmins at the top due to their perceived purity, rather than its socio-economic aspects. Dumont described caste as the Indian model of social stratification, contrasting with the western model of class.

VALUE ADDITION: CASTE-CLASS DYNAMICS

- **Rigidity:** Caste is typically hereditary and rigid, while **class is more fluid**.
- **Basis:** Caste is based on birth and social norms (**purity and pollution**), whereas class is primarily an economic categorization.
- **Mobility:** **Social mobility** in a caste system is traditionally **limited**, whereas class allows for mobility based on economic success or failure.

C. M.N. SRINIVAS' PERSPECTIVE ON CASTE

- **Sanskritization:** Srinivas introduced the concept of Sanskritization, describing how lower castes adopt the customs and practices of higher castes to move up the social hierarchy, showcasing the dynamic and fluid nature of caste. For example, lower castes adopting vegetarianism and teetotalism, traditionally Brahmin practices.
- **Westernization:** He also discussed Westernization, describing societal changes due to the influence of Western culture and technology, affecting different castes in varied ways and often intersecting with Sanskritization. For instance, the adoption of Western education and clothing by Indian elites.
- **Caste as a Fluid System:** Contrary to Dumont's rigid hierarchy, Srinivas presented caste as a flexible and negotiable system influenced by economic and political changes. He emphasized that caste status could be dynamic.
- **Caste and Power:** Srinivas introduced the concept of

the dominant caste. He focused on the relationship between caste and power, observing that caste groups could leverage their numerical strength in democratic politics to gain social and economic advantages. For example, the rise of caste-based political parties that mobilize voters based on caste identity.

D. SCHOLARLY PERSPECTIVES ON CASTE'S ROLE IN INDIAN POLITICS

Rajni Kothari observed that in traditional societies like India, mobilizing people along **identity lines such as religion and caste is a natural phenomenon**.

M.N. Srinivas argued that caste exists **at a subconscious** level in the minds of Indians, making it challenging to envision Indian politics without the influence of caste.

Kanchan Chandra noted that when **political patronage is based on caste**, it is unrealistic to think of politics devoid of caste influences.

E. DOES CASTE INFLUENCE POLITICS OR DOES POLITICS INFLUENCE CASTE?

The relationship between caste and politics in India is intricate and bidirectional. Understanding whether caste influences politics or politics influences caste involves analyzing various dimensions of their interplay.

CASTE INFLUENCING INDIAN POLITICS

- **Voting Patterns:** Voters often align with candidates and **parties based on caste identity**. For example, **Yadav voters in Uttar Pradesh** frequently support Yadav candidates.
- **Candidate Selection:** Political parties choose **candidates from specific castes** to attract votes. For instance, a party may field a candidate from a Scheduled Caste to secure Dalit votes.
- **Caste-Based Political Parties:** Parties like the Bahujan Samaj Party (BSP) focus on the interests of specific castes, such as Dalits, and campaign for their rights.
- **Reservation Policies:** Policies providing reservations in education and government jobs for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) result from caste influencing political decisions, aiming to **rectify historical discrimination**.
- **Identity Politics:** Caste often forms the basis of

Identity politics in India, as seen in the mobilization of groups like **the Patidars in Gujarat** for reservation benefits.

INDIAN POLITICS INFLUENCING CASTE

- **Reservation Policies:** Government policies, driven by political considerations, have **improved the socio-economic status** of historically marginalized castes, such as the reservation of seats for SCs, STs, and OBCs.
- **Caste-Based Mobilization:** Political leaders and parties mobilize caste groups strategically during elections to **consolidate votes and gain political influence**, impacting the organization of these communities.
- **Alliances and Power Dynamics:** Political alliances are formed based on caste equations, **influencing the balance of power** within and between castes. For example, alliances between parties representing dominant castes and marginalized communities can shift power dynamics.
- **Policy Decisions:** Political decisions, such as **resource allocation and social welfare programs**, often address caste-related issues, aiming to uplift disadvantaged castes and bridge socio-economic disparities.
- **Data Collection:** The government's collection of caste data, driven by political considerations, informs policies and reservation quotas, **influencing the allocation of resources** and government representation for specific caste groups.

The intricate relationship between caste and politics in India demonstrates that both elements significantly shape each other. The evolution of caste politics illustrates the ongoing negotiation between historical social structures and contemporary political strategies, highlighting the need for continuous efforts to address caste-based inequalities and promote inclusive governance.

F. PERSPECTIVES SUGGESTING CASTE STRENGTHENS DEMOCRACY

- **Increased Representation and Participation:** **M.N. Srinivas** argued that the caste system, through mechanisms like Sanskritization, allows for upward social mobility, indirectly encouraging political participation across different caste groups.

Rajni Kothari observed that caste-based parties and

politics have **mobilized historically marginalized groups**, bringing them into the democratic process and enhancing political participation.

- **Empowerment of Marginalized Communities:** Christophe Jaffrelot notes that caste politics has **enabled lower castes**, especially Dalits and OBCs, to **gain political power** and visibility, which was previously unattainable. This, he argues, has been vital in democratizing Indian politics.
- **Social Justice and Equity:** Amartya Sen acknowledges **the role of caste-based affirmative action** in promoting social justice and equality, which are key tenets of democracy.

G. PERSPECTIVES SUGGESTING CASTE WEAKENS DEMOCRACY

- **Division and Polarization:** Andre Beteille argues that caste politics **leads to social divisions** and undermines the principle of equality in democracy. He fears that the politicization of caste may **solidify caste identities**, hindering social cohesion.
- **Erosion of Secular and Democratic Values:** Partha Chatterjee has expressed concerns that the politicization of caste identities can erode secular and democratic values, leading to a **polity divided along caste lines** rather than united by national interests.
- **Hindrance to Meritocracy and Development:** Atul Kohli suggests that caste-based politics might undermine meritocracy and impede development-focused governance, as political decisions are often made to appease certain caste groups rather than based on broader developmental criteria.

F. H. POLITICIZATION OF CASTE AS DEMOCRATIC UPSURGE

- **Yogendra Yadav** described the rise of caste-based parties and the **mobilization of lower castes** in politics as a form of '**democratic upsurge**.' He sees this as an expansion of the democratic space, allowing groups that were historically denied political power to gain representation and influence.
- **Christophe Jaffrelot's 'Silent Revolution':** He interprets the **increasing assertiveness of lower castes** in the

political arena as a significant **transformation in the power dynamics** of Indian society, reflecting a deeper democratization process.

VALUE ADDITION: DEMOCRATIC UPSURGES

First Democratic Upsurge

- Occurred around the time of India's independence in 1947 and the first general elections in 1951-52.
- Enfranchised a significant segment of the population, many of whom were voting for the first time.
- Marked the transition of political power from colonial rulers to the diverse Indian populace, establishing the foundation for democratic governance.

Second Democratic Upsurge

- Took place during the 1970s and 1980s.
- Saw the rise of lower castes and classes in politics, along with the emergence of new parties and leaders representing these groups.
- Linked to the implementation of the **Mandal Commission's** recommendations, which extended reservations to OBCs, democratizing political power among marginalized communities.

Third Democratic Upsurge

- Began in the late 1990s and continues into the 21st century.
- Characterized by increased political participation by localized groups, specific caste groups, regional parties, women, and youth.

3. DALIT POLITICS IN INDIA

Dalit mobilization in India dates back to pre-independence times, representing an assertion against exploitation by upper castes. **Dr. B.R. Ambedkar** made significant contributions to the **politicization of Dalits**. Within Dalit communities, there have been three primary approaches to upliftment:

CO-OPTION - ALIGNMENT WITH CONGRESS: Dalits aligned with mainstream national parties like the Congress **for social upliftment** through gradual reform within the existing system. It has provided **Dalits with a political voice** but sometimes diluted specific Dalit agendas.

- For instance, leaders like **Jagjivan Ram** served in various capacities within Congress governments, advocating for Dalit rights while being part of a broader national party.
- In contemporary time, some Dalit leaders like **Ram Vilas Paswan and Udit Raj** have shifted their belief that working with major parties yields tangible benefits, as they view the **complete annihilation of caste as unattainable**

AUTONOMY: Ambedkar advocated for **separate political representation** and organization for Dalits, exemplified by the **formation of the Independent Labour Party (ILP)** and later the **Scheduled Castes Federation (SCF)**. He emphasised the **Empowerment of Dalits** through their own political agencies, ensuring their issues were not subsumed under wider political narratives.

- For instance, The Bahujan Samaj Party (**BSP**) under **Mayawati** focuses on Dalit issues and has significant support in states like Uttar Pradesh.

RADICALISM: Some Dalit movements **draw inspiration from Marxist ideas**, viewing caste oppression through the **lens of class struggle** and advocating for a radical restructuring of society. For example, Dalits rejected the co-option approach and groups like the **Dalit Panthers** and the **Bhim Army** adopt a more radical stance in advocating for Dalit rights, often involving protests and direct action against caste-based discrimination.

A. ANALYSIS OF DALIT POLITICS

Pratap Bhanu Mehta in his article “**New Dalit Challenge**,” written in the context of the **Bhima-Koregaon incident**, suggests that new Dalit politics reflect profound changes:

- Dalits are **no longer satisfied with mere constitutional recognition**.
- There is a **rejection of the ‘managerial approach,’** where upper castes co-opt Dalits without shifting real power.
- Dalits are **building counter-hegemony**, challenging and rewriting history.
- The new Dalit imagination is **colliding with upper-caste strategies** of containment.

According to **C.P. Bhambri** while **increasing Dalit consciousness is positive**, Dalits should **form alliances with progressive forces** to avoid limiting their own struggle.

VALUE ADDITION: SCHOLARS VIEWS ON POLITICS

- **Prof. Yogendra Yadav** analyses electoral trends and voting patterns, noting the complexities of Dalit identity and the emergence of a Dalit middle class influencing politics towards issue-based agendas.
- **Milan Vaishnav** explores that economic liberalization influences Dalit political aspirations and agency, with economic factors becoming significant in shaping the Dalit political narrative.
- **Christophe Jaffrelet** highlights the rise of Dalit politics from the grassroots level, emphasizing the importance of Dalit political parties in providing an alternative to mainstream politics.
- **Anand Teltumbde** critiques the appropriation of Dalit politics by mainstream parties, emphasizing the need for Dalit movements to align with broader working-class struggles for genuine social transformation.
- **Sukhadeo Thorat** argues for economic upliftment as crucial for real empowerment, suggesting that Dalit politics should focus on breaking down economic barriers.
- **Kancha Ilaiah** advocates for a **radical rethinking of Dalit politics**, including economic empowerment and education as key components of social change.

4. CASTE AS A DETERMINANT OF ELECTORAL BEHAVIOR: RECENT TRENDS

- According to **Abhijeet Banerjee** economic development is not the primary basis of voting in India; voters are **driven by caste and religion**.
- **Milan Vaishnav** challenged the conventional view. According to him study indicates that economic issues are **becoming significant in voting behaviour**, although **caste remains influential**.
- According to **Christophe Jaffrelet** while caste has traditionally been crucial, **recent elections show its declining role**.
- According to **Arvind Panagariya** economics plays a **role alongside caste**, with BJP focusing on development and creating new categories like economically weaker sections, **thus diluting caste's influence and promoting class identity**.

A. KEY FACTS HIGHLIGHTING THE ROLE OF CASTES IN THE 2024 LOK SABHA ELECTIONS

- **Caste Persistence:** The Patna High Court's approval for a caste survey in Bihar on August 1, 2023, underscored the enduring significance of caste in Indian society and politics.
- **Shift from Religion to Caste:** Despite the BJP's focus on Hindutva, caste dynamics re-emerged, exemplified by the Dalit victory of Awadhesh Prasad in Faizabad, undermining BJP's anticipated gains from the Ram temple's popularity.
- **Caste-Based Political Strategies:** The Samajwadi Party (SP) successfully fielded Dalit candidates from non-reserved seats, benefiting from broader caste consolidation against the BJP.
- **Impact of Maratha Reservation:** In Maharashtra, the BJP faced backlash over the Maratha reservation issue, resulting in losses in key regions and favoring the INDIA bloc.
- **Bihar's Caste Composition:** The caste survey in Bihar indicated a diverse electorate, with EBCs, Dalits, and Yadavs forming a substantial base for the RJD and influencing election outcomes.
- **Coalition Dynamics in Karnataka:** Vokkaliga-Lingayat consolidation benefited the NDA, while Congress's AHINDA politics influenced results in Kalyana Karnataka.

5. ETHNICITY IN INDIAN POLITICS

Ethnicity can be defined as a **collective consciousness** based on **common descent, language, religion, and history**; ethnicity is central to nation-building. While some nations are homogeneous, others like India and the USA are multi-ethnic. India follows a '**salad bowl**' model of nation-building, incorporating federalism, secularism, and a welfare state.

According to **James Manor** ethnicity in India is **dynamic and influenced by historical, political, and social factors**. Ethnic identities are not fixed but can change over time due to politics, economic conditions, and social interactions.

Prof. S.D. Muni argues that **ethnic identities in India are fluid** and can be manipulated by political elites to suit their interests. Ethnic unity can be based on language, but can be disrupted by caste or religion

Political actors often mobilize **ethnic identities to garner support and win elections**. Ethnic identity and politics vary significantly from one region to another. Caste can be seen as a form of ethnic identity, influencing political and social dynamics.

- According to **Anthony D. Smith** ethnic identities in India are **rooted in ancient history**, with a deep connection to cultural or social groups.
- **Ashutosh Varshney** differentiates between "**civic**" and "**ethnic**" forms of nationalism in India.
- **Sudipta Kaviraj** explores the relationship **between caste and ethnicity**, highlighting caste **as a form of ethnic identity**.
- **Partha Chatterjee** emphasizes **grassroots mobilization** of ethnic identities.
- **Paul Brass** highlights the use of **ethnicity and communalism for electoral purposes**, leading to social and political conflict.

VALUE ADDITION

Paul Brass in his work "Ethnicity and Nationalism," outlines the Indian state approach to ethnic challenges:

- **Secessionist demands** are typically **rejected**.
- Demands framed in religious terms are less tolerated than those framed in linguistic or developmental terms.
- Government **responds when demands gain broad support**.
- Accommodating demands considers the views of other affected groups.

A. REASONS FOR ETHNIC POLITICS IN INDIA

According to **Romila Thapar** historical factors and centuries of social, cultural, and religious interactions have shaped ethnic identities.

According to **Bipan Chandra** policies of British colonial rulers exacerbated ethnic and communal divisions.

According to **B.R. Ambedkar** Socio-economic disparities fuel ethnic and caste-based politics.

According to **Atul Kohli** political leaders sometimes exploit ethnic divisions for electoral gain.

B. DEMOCRACY AND ETHNICITY

Democracy and ethnicity in India are deeply intertwined, presenting both opportunities and challenges. Indian experience demonstrates that managing ethnic diversity through democratic means requires a delicate balance of representation, inclusion, and constitutional safeguards.

- **Role of Ethnicity in Strengthening Democracy:** Ethnicity promotes inclusivity and representation of marginalized communities. It reinforces pluralism and tolerance. It provides a **framework for peaceful conflict resolution**.
- **Role of Ethnicity in Weakening Democracy:** Ethnicity **fosters polarization and divisiveness** through identity politics. It strains the social fabric through communal tensions. Ethnicity causes political fragmentation which **hinders effective governance and stability**.

C. ETHNICITY IN NORTH-EAST INDIA

The North-East region of India is one of the most ethnically diverse areas in the country. The region is home to a plethora of ethnic groups, languages, and cultures, each with its unique identity and history. This diversity has been both a source of rich cultural heritage and a catalyst for ethnic tensions and conflicts.

REASONS FOR ETHNIC CONFLICTS



Diversity of ethnic groups leads to competition over resources and identity. Example: Manipur Riots(2023)



Separatist movements fueled by ethnic identity and autonomy aspirations. Disputes over land and resources.



Demographic changes due to migration.



Economic disparities and lack of development.



Competition among ethnic groups for representation.



Human rights concerns resulting from conflicts.



Failure of peace initiatives and political negotiations.

According to **Neera Chandoke** state attempts at **homogenization** make people more conscious of ethnic identities.

VALUE ADDITION: SCHOLARS' VIEWS ON NORTH-EAST CONFLICTS AND INDIAN POLITICS

- According to **Sanjib Baruah** ethnic diversity has led to the fragmentation of the political landscape.
- **Udayon Misra** emphasises that ethnic conflicts have resulted in the emergence of insurgent groups.
- **D. Dhanuraj** advocates that conflicts have hindered development initiatives.
- According to **M.S. Prabhakara** political negotiations are essential for addressing grievances.
- **Sajal Nag** emphasises that insurgency and ethnic conflicts have significant implications for politics and security.

D. HANDLING OF ETHNIC MOVEMENTS IN INDIA

India's multifaceted approach to handling ethnic movements combines political, administrative, economic, and military strategies to address diverse ethnic grievances. Key methods include:

➤ NEGOTIATION AND ACCOMMODATION:

- **Political Dialogue:** Engaging in dialogue with ethnic groups to negotiate solutions.
- **Peace Accords:** Agreements like the Assam Accord (1985) and Mizo Accord (1986) to address political and economic demands.
- **Power Sharing:** Establishing autonomous regions, such as the Bodoland Territorial Region.

➤ DECENTRALIZATION AND INCLUSION:

- **Empowering Local Governments:** Delegating powers to local bodies for better governance.
- **Economic and Social Policies:** Implementing targeted development programs for ethnic minorities.

Special Status: Article 371 provides special status to North-Eastern states to preserve cultural identity.

➤ CONFLICT MANAGEMENT:

- **Dialogue and Mediation:** Continuous engagement to manage conflicts and find common ground.
- **Security Measures:** Deploying forces to maintain peace when necessary.
- **Rehabilitation Programs:** Supporting insurgents and displaced persons with education and employment.

➤ AFFIRMATIVE ACTION POLICIES:

- **Reservations:** Ensuring access to education, employment, and representation for marginalized communities.
- **Development Schemes:** Initiatives like the Integrated Tribal Development Programme (ITDP).
- **Legal Protections:** Enacting laws to safeguard minority rights.

➤ ELECTORAL STRATEGIES:

- **Inclusive Representation:** Including diverse candidates in political parties.
- **Coalition Politics:** Forming alliances with regional and ethnic parties.
- **Campaign Promises:** Addressing ethnic concerns in election campaigns focusing on development and social justice.

This comprehensive approach seeks to manage ethnic movements while promoting inclusion and stability.

E. SARKARIA COMMISSION RECOMMENDATIONS

The Sarkaria Commission examined the relationship between state and central governments, emphasizing democratic decentralization and balanced development to address ethnic movements in India.

➤ DEMOCRATIC DECENTRALIZATION:

- **Empowering Local Governments:** Devolve administrative and financial powers to local bodies to meet ethnic communities' needs.
- **Creation of Autonomous District Councils:** Establish councils with legislative, executive, and

financial powers in ethnically diverse regions for greater autonomy (e.g., Bodoland Territorial Region, Gorkhaland Territorial Administration).

- **Special Status for Regions:** Grant special status to regions with unique ethnic compositions for cultural preservation and autonomous development.

➤ EQUITABLE RESOURCE ALLOCATION:

- **Addressing Regional Disparities:** Ensure equitable resource distribution to mitigate ethnic tensions.
- **Backward Regions Grant Fund (BRGF):** Fund development projects in underdeveloped areas to reduce marginalization (e.g., Northeast India Development Projects, Tribal Sub-Plan).

F. SCHOLARLY VIEWS ON ETHNIC MOVEMENTS IN INDIA

- **Rajni Kothari** emphasized the need for recognizing the political aspirations of ethnic groups and integrating them into the broader democratic framework.
- **Ashutosh Varshney** highlights the importance of civil society in mitigating ethnic conflicts and promoting inter-community engagement.
- **Christophe Jaffrelot** analyzes the role of political mobilization and state responses in shaping the trajectory of ethnic movements in India.

India's handling of ethnic movements reflects a complex interplay of political accommodation, economic development, negotiation, and security measures. While significant strides have been made in addressing ethnic aspirations and grievances, challenges remain in ensuring lasting peace and integration. Continuous efforts and adaptive strategies are essential to manage the diverse ethnic landscape of India effectively.

6. ROLE OF RELIGION IN INDIAN POLITICS

Religion and politics have always been intertwined, not just in India but globally. The end of the Cold War and the subsequent rise of religious fundamentalism marked a significant shift in political dynamics worldwide.

Samuel P. Huntington in "**The Clash of Civilizations**" mention that people's cultural and religious identities will be the primary sources of conflict in the post-Cold War world.

Political ideologies aim to mobilize voters, and when religion is used for this purpose, it is termed communalism. **Communalism** represents identity politics, which appeals to people's passions and emotions, often leading to violence. While it is natural for individuals to be passionate about their religion, culture, or language, it is problematic when elites manipulate these passions for political gain.

A. EVOLUTION OF COMMUNAL POLITICS DURING BRITISH RULE

- British Colonial Policies: The British used "divide and rule" strategies to emphasize religious divisions for control.
- Partition of Bengal (1905) heightened communal tensions as it was seen as a move to divide Hindus and Muslims.
- Separate Electorates (1909): It was introduced for Muslims for institutionalizing religious divisions in politics.
- All India Muslim League advocated for separate Muslim representation, contributing to religious polarization.
- Communal Riots: Sporadic riots during this period deepened religious divisions.
- Partition of India (1947): The division of India and Pakistan on religious lines resulted in massive population exchanges and widespread violence.

VALUE ADDITION

British Historians' Perspective on communalism in India: British historians have claimed that Indians have always been communal, with the subcontinent's politics being inherently communal.

Romila Thapar challenges British Historians' narrative, arguing that significant communal violence only emerged with British colonialism, although local sectarian conflicts existed.

According to Bipin Chandra in 19th Century followers of specific religions began perceiving

common religious, political, social, and economic interests. In **early 20th Century** communities started recognizing their distinct interests and in **20th Century** communalism evolved into mutually antagonistic interests, leading to the two-nation theory and the creation of Pakistan.

B. ROLE OF RELIGION IN POST-INDEPENDENCE POLITICS

Religion has played a significant role in shaping the political landscape of post-independence India. This influence is multifaceted, involving political mobilization, policy-making, social dynamics, and inter-community relations.

- POST-INDEPENDENCE SECULARISM (1950S-1970S):** India adopted a secular constitution in 1950, aiming to separate religion from politics. Leaders like Jawaharlal Nehru emphasized secularism and inclusivity. During this period, communalism was marginalized in mainstream politics.
- RISE OF COMMUNAL POLITICS IN THE 1980S:** The 1980s saw the **emergence of the Bharatiya Janata Party (BJP)** with its Hindu nationalist agenda. The Ram Janmabhoomi movement, aimed at building a Hindu temple at the Ayodhya site, gained momentum.
- 1990S AND BEYOND:** The **demolition of the Babri Masjid in 1992** led to communal violence and polarization. Communal politics persisted, with the BJP gaining national power in 1998, **promoting Hindutva ideology**. Communal tensions, such as the 2002 Gujarat riots and Muzaffarnagar Riots (2013) etc. remained a concern.

VALUE ADDITION: SCHOLARLY VIEWS ON RELIGION IN INDIAN POLITICS

Thomas Blom Hansen explains the rise of BJP in "**The Saffron Wave.**" He notes BJP's transformation from 2 seats in 1984 to a dominant political force, potentially moving India towards a BJP-centric system.

Pratap Bhanu Mehta argues that **Hindutva politics is not new**, highlighting Congress's use of "**soft Hindutva.**" He Cites examples of Rajiv Gandhi's and Indira Gandhi's communal decisions.

Neera Chandoke criticizes Indian secularism for allowing communalism, noting BJP's success in positioning its model as genuinely secular compared to Congress's pseudo-secularism.

C. ANALYSIS OF COMMUNAL RIOTS IN INDIA

- **Essentialist School** views Hindus and Muslims as inherently antagonistic, with deep-seated historical conflicts.
- **Bipin Chandra (Instrumentalist School)** argues that elites manipulate communal identities for political gain.
- **Asghar Ali Engineer (Institutionalist School)** contends that state policies and public actions perpetuate communalism.
- **Social Constructivist School** suggests that societal stereotypes and lack of inter-community communication foster communal tensions.

VALUE ADDITION

- **Christophe Jaffrelot's** observations on changing dynamics are reflected in urban centers like Bengaluru and Mumbai, where economic issues often take precedence over caste and religious identities in voter considerations.
- **Ashutosh Varshney** highlights the continued significance of religion and caste. He supported his views by examples such as the **persistence of caste-based voting patterns in states like Uttar Pradesh and Bihar**, where political parties explicitly target specific caste groups.
- **Paul Brass** emphasised that **identity-based politics is evident in the selection of candidates from dominant castes** in regions like Tamil Nadu and Maharashtra, where caste affiliations remain a critical factor in electoral success.
- **Sudha Pai's** analysis of strategic use of identity and development issues is demonstrated by parties like the BJP, which balances Hindutva appeals with development promises to attract a broader voter base.
- **Rajni Kothari's** regional variation **perspective is**

evident in the differing political landscapes of states like Kerala, where caste plays a less significant role compared to states like Rajasthan, where it remains a dominant factor.

VALUE ADDITION: VIEWS OF PAUL BRASS ON COMMUNAL VIOLENCE AND ELECTORAL POLITICS

- **Electoral Mobilization:** Political parties exploit religious divisions to gain votes, leading to identity-based competition.
- **Political Instrumentalization:** Politicians may incite or tolerate communal violence for electoral gains.
- **Post-Violence Calculations:** Parties assess communal violence's impact on voting patterns, adjusting their stance accordingly.
- **Impact on Governance:** Communal violence distracts from development issues and complicates governance.

D. IS THE ROLE OF RELIGION AND CASTE DECLINING IN INDIAN ELECTIONS?

The role of religion and caste in Indian elections has been a subject of extensive debate among scholars, politicians, and the public. While some argue that their influence is waning due to economic development, urbanization, and the rise of new political issues, others contend that these factors continue to play a significant role in shaping electoral outcomes.

- **Continued Significance:** religion and caste remain crucial factors in determining voting patterns and candidate selection in India.
- **Changing Dynamics:** economic issues and urbanization are increasingly challenging traditional identity politics, with voters prioritizing economic concerns.
- **Strategic use of identity and development:** Political Parties strategically use identity and development issues to mobilize voters. Political Parties often adapt their strategies based on the political landscape, switching between identity-based appeals and development agendas as needed. This adaptability allows parties to navigate the complex and dynamic nature of Indian politics, where

where identity issues remain significant but are increasingly intertwined with development concerns.

- **Regional Variation:** Influence of caste and religion can differ widely from one state or region to another. In some regions, caste-based politics is more pronounced, heavily influencing electoral outcomes and political behaviour. In contrast, other regions may see a lesser impact of caste, with voters prioritizing other issues such as economic development or regional identity.

Religion and caste remain significant forces in Indian elections, **influencing voting patterns and candidate selection.** However, **economic development, urbanization,** and a growing youth voter base are **challenging the dominance of identity-based politics.** Political parties continue to use identity appeals strategically, adapting to changing electoral interests, with regional variations adding complexity to this evolving phenomenon.

UNIT 10: PARTY SYSTEM IN INDIA

SYLLABUS- National and regional political parties, ideological and social bases of parties; Patterns of coalition politics, Pressure groups, trends in electoral behaviour, Changing socio-economic profile of Legislators

PREVIOUS YEAR QUESTIONS

NATIONAL AND REGIONAL POLITICAL PARTIES, IDEOLOGICAL AND SOCIAL BASES OF PARTIES; PATTERNS OF COALITION POLITICS

- The decade 1989–1999 has created an epochal shift in the Indian party system at the national level. Identify the major national trends in the party system during this era. (2023)
- How far is it correct that the regional parties have strengthened Indian democracy and the federal system? Substantiate your answer with suitable examples. (2022)
- "The Indian party system is shaped by a complex interaction of the country's federal structure, electoral system and social cleavages." Explain. (2021)
- To what extent has the inadequate intra-party democracy affected the functioning of Indian Democracy? (2020)
- Political personalities are more significant than political parties in India. (2018)
- Explain the increasing role of regional political parties in the national politics. (2018)
- India has moved from 'one-party dominant system' to 'one-party led coalition'. Discuss. (2017)
- Cultural and Regional differences are the enduring bases on which politics is played out in India. (2016)
- Discuss the pattern of Political Parties from one dominant party system to coalition politics in national politics. (2016)
- Account for the rise of regional political parties and assess their role in contemporary India. (2015)

- Explain to what extent the concept of "one-party dominance" (W.H. Morris-Jones) model is relevant in Indian policy today. (2013)
- Examine the impact of coalition-politics on the Indian political system. (2012)
- Secularism in Indian politics is a myth. Critically examine and comment. (2011)
- Implications of the use of Electronic Voting Machines (EVMs) on electoral politics. Comment. (2009)

PRESSURE GROUPS, TRENDS IN ELECTORAL BEHAVIOUR

- Electoral behaviour of voters is governed more by the social and economic factors than the political factors. Explain. (2022)
- In the post-liberalization era, Indian politics is moving from ascriptive politics to developmental politics. (2017)
- Explain how pressure groups have been influencing public policy making with suitable illustrations. (2014)
- Trade union as pressure group in Indian politics. Comment. (2011)
- Examine the changing pattern of electoral behaviour in India. (2011)
- Upsurge in political participation among the marginalised communities in the Indian General Elections during the last two decades. Comment. (2010)

PRESSURE GROUPS, TRENDS IN ELECTORAL BEHAVIOUR

- The changing socio-economic profile of our legislators does not augur well for the health of Indian democracy. Comment. (2019)
- Account for the changes in the socio-economic profile of legislators during last one decade in India. (2014)
- Bring out the changing educational profile of the Members of the Lok Sabha over the years, "up to the present (15th) Lok Sabha. (2009)

1. POLITICAL PARTIES AND DEMOCRACY

- A political party is an **organized group of individuals** who come **together to contest elections, hold power in government, and influence public policy**. Political parties typically have a **specific ideological orientation** or set of values that guide their policies and actions.
- They **aim** to represent the interests of their supporters, mobilize voters, formulate policies, and provide a structured mechanism for political participation and governance.
- Political parties are essential components of democratic systems, as they facilitate the **functioning of government, ensure accountability, and provide a platform for political debate** and decision-making.
- Scholars like **Harold Laski** assert that **political parties are indispensable for democracy**. However, leaders like **Mahatma Gandhi, M.N. Roy, and Jayaprakash Narayan** have advocated for a **party-less democracy**, emphasizing **direct governance by the people**.

2. THEORIES OF POLITICAL PARTIES

- Political parties are essential components of modern democratic systems, and various theories have been developed to understand their origins, functions, structures, behaviours etc.

A. CLASSICAL THEORIES OF POLITICAL PARTIES

• Cadre vs. Mass Parties

- **Cadre Parties:** These parties, also known as elite or cadre parties, originated in the 19th century. They are characterized by a **small, highly organized group of elite members** who control party decisions and activities. Membership is often limited, and the focus is on maintaining internal discipline and cohesion.
- **Mass Parties:** In contrast, mass parties emerged with the **expansion of suffrage and the rise of mass political participation**. These parties seek broad membership and aim to mobilize large segments of the population. They focus on grassroots organization and mass mobilization.

B. SOCIOLOGICAL THEORIES

• Cleavage Theory (Lipset and Rokkan)

- According to this theory, political parties emerge and **develop based on major social cleavages** within society, such as class, religion, ethnicity, and region. Lipset and Rokkan identify four critical cleavages that have historically shaped party systems:
 1. Center vs. Periphery
 2. State vs. Church
 3. Landed Interests vs. Industrial Interests
 4. Owner vs. Worker
- For instance, **in Europe**, socialist and labor parties often emerged to represent the working class, while conservative and Christian democratic parties represented religious and business interests.

C. INSTITUTIONAL THEORIES

According to Maurice Duverger the electoral system shapes the party system. According to Duverger's Law:

- **Plurality (First-Past-The-Post) Systems:** Tend to produce **two-party systems** because only the candidate with the most votes wins, discouraging smaller parties.
- **Proportional Representation Systems:** Encourage **multi-party systems** as seats are allocated based on the percentage of votes each party receives, allowing smaller parties to gain representation.

D. BEHAVIOURAL THEORIES

• Rational Choice Theory

This theory views parties as rational actors seeking to maximize votes, power, and influence. It is based on the idea that political actors (voters, candidates, and parties) make decisions that will maximize their utility.

- **Median Voter Theorem:** Parties in a two-party system will gravitate towards the centre to capture the median voter's support, as this is where the majority of votes are located.
- **Issue Positioning:** Parties strategically position themselves on issues to attract the maximum number of voters.

• Cartel Party Theory

Proposed by **Richard Katz and Peter Mair**, this theory suggests that established parties in competitive democracies collude to form a cartel, **using state resources** to maintain their position and exclude new competitors. These parties focus on self-preservation and often blur ideological differences to protect their collective interests.

E. ORGANIZATIONAL THEORIES

• Iron Law of Oligarchy (Michels)

Robert Michels proposed that all complex organizations, including political parties, inevitably become oligarchic. Even in democratic parties, a small group of leaders will gain control and dominate decision-making, limiting internal democracy.

F. ORGANIZATIONAL THEORIES

• Functions of Parties (Sartori)

Giovanni Sartori identified several key functions that parties perform in democratic systems:

- **Interest Aggregation:** Combining various interests and demands into a coherent policy platform.
- **Interest Articulation:** Expressing and advocating for specific interests and policy preferences.
- **Political Socialization:** Educating and engaging citizens in the political process.
- **Recruitment of Leaders:** Identifying and nurturing future political leaders.

• Catch-All Party Theory (Kirchheimer)

Otto Kirchheimer observed that traditional mass parties evolved into catch-all parties to appeal to a broader electorate. These parties de-emphasize ideology to attract a diverse group of voters and focus on pragmatic and centrist policies to maximize electoral success.

G. Marxist Theory of Parties

- From a Marxist perspective, **political parties represent different class** interests. Bourgeois parties serve capitalist interests, while proletarian parties aim to advance the working class's goals. This theory emphasizes the class struggle and sees parties as instruments of either maintaining or challenging the status quo.

- These theories focus on the **role of identity, culture, and discourse** in shaping political parties. They argue that parties increasingly reflect diverse identities (e.g., gender, race, ethnicity) and focus on cultural and symbolic politics rather than traditional economic issues.

H. Comparative Party Systems

Giovanni Sartori classified party systems based on the number of relevant parties and their ideological distance:

- **Predominant Party System:** One party dominates, but others exist.
- **Two-Party System:** Two major parties compete for power.
- **Moderate Pluralism:** Multiple parties with a few significant competitors.
- **Polarized Pluralism:** Many parties with significant ideological differences and fragmentation.

3. PARTY SYSTEM

A party system is not merely about the number of parties but **their relevance in the political framework**. At India's independence, multiple parties existed, yet the **Congress party's dominance** established a **one-party dominant system**, effectively marginalizing other political entities.

A. UNIQUE FEATURES OF INDIAN POLITICAL PARTIES

Indian political parties **differ from their Western counterparts** in several ways, as **noted by Zoya Hasan**:

1. **Lack of Ideological Commitment:** Indian parties often prioritize practical governance over strict ideological adherence.
2. **Catch-All Parties:** They aim to attract a broad spectrum of voters rather than a specific ideological group.
3. **Office-Oriented:** The primary goal is to gain and retain power rather than implement specific policies.
4. **Disconnect with the Public:** There is often a significant gap between party leadership and the electorate.

5. Corporate Connections: Strong ties exist between political parties and corporate groups, influencing policy decisions.

6. Unique Party Structures: Parties like AIADMK have distinctive organizational frameworks characterized by strong centralized leadership. For example, it was closely associated with its founder M.G. Ramachandran and later with J. Jayalalithaa, with both leaders playing a crucial role in shaping the party's policies and direction

Paul Brass highlights the paradoxes within Indian political parties. They blend Western bureaucratic elements with indigenous political practices and often lack internal democracy, leading to centralized decision-making and a high command culture.

Yogendra Yadav observes that Indian political parties are simultaneously experiencing institutionalization and deinstitutionalization. While their organizational reach is expanding, voter engagement is decreasing, reducing political parties to mere vote-getting machines instead of instruments of broader democratic engagement and nation-building.

B. STAGES OF THE EVOLUTION OF INDIAN PARTY SYSTEM

1. Up to 1967: Dominance of the Congress Party.
2. 1967–1977: Breakdown of the Congress system as it lost majorities in several states.
3. 1977–1989: Transition to a two-party system with the rise of the Janata Party and the BJP.
4. 1989–2014: Emergence of a multi-party system and coalition politics.
5. 2014–2024: BJP System
6. 2024 Onwards: re-emergence of Multi-Party System and Coalition Politics

C. DOMINANCE OF CONGRESS SYSTEM

- After independence, the Congress party's dominance led **Rajni Kothari** to describe it as the "Congress System," characterized by Congress acting as a grand coalition encompassing various societal interests.
- Congress's dominance was due to its role in the freedom movement, its centrist policies, and Nehru's leadership, which promoted internal democracy, freedom of speech, and sensitivity toward minorities.

BREAKDOWN OF THE CONGRESS SYSTEM

The decline of Congress began in 1967 when it lost its majority in several states. **Factors contributing to this decline** include:

- **Internal Factors:** Lack of internal democracy, concentration of power in a single leader, loss of grassroots connection, and reliance on loyalists.
- **External Factors:** Deepening democracy led to the rise of OBC and Dalit movements, the green revolution, and state reorganization, which strengthened regional parties.

CURRENT STATUS OF CONGRESS

Suhas Palshikar argues that Congress is not just declining but may be experiencing its demise. The party's social and territorial base has shrunk, and it primarily represents minorities and tribal communities. Its poor performance in recent elections, including the 2014 general election, underscores this decline.

FUTURE PROSPECTS FOR CONGRESS

Pratap Bhanu Mehta suggests that Congress should lead a majority-minority coalition, forge strategic alliances, and transform itself from a defensive party to one focused on transformation and social movements, revitalizing its grassroots connections and democratic practices

D. NATURE OF PARTY SYSTEM SINCE 1989

Since 1989, India has seen a shift to a multi-party system characterized by coalition politics. This change has been driven by the fragmentation of national parties and the rise of regional parties, reflecting a more complex and representative democracy.

1. BJP SYSTEM

The concept of the BJP system in Indian politics reflects the party's substantial dominance since 2014, marked by a majoritarian agenda, assertive nationalist policies, effective branding of welfare programs, and strategic media management. This system has enabled the BJP to expand its social base, consolidate electoral strength, and reshape the political landscape, distinguishing it from previous political paradigms in India.

2. COMPARISON OF BJP'S CURRENT DOMINANCE WITH CONGRESS SYSTEM

While the debate over whether India currently has a "BJP System" continues, there is compelling evidence that the BJP holds significant dominance in Indian politics. However, this dominance does not entirely mirror the "Congress System" of the 1950s-1960s and exhibits unique characteristics.

SIMILARITIES:

- **Electoral Dominance:** Both parties have achieved significant electoral success by securing support from diverse sections of society. The BJP, like the Congress before it, attracts voters from urban and rural areas and across caste lines, except for religious minorities.
- **Nationalist Agenda:** Both parties built consensus around a nationalist agenda. However, the BJP's nationalism is more confrontational towards neighboring countries, has a religious tone, and is highly centralized.

DIFFERENCES:

- **Ideological Grounding and Flexibility:** Unlike the Congress party, which was pragmatic and accommodating, the BJP operates from a firm ideological base of Hindu nationalism, making it less flexible, especially towards minority groups.
- **State-Level Challenges:** The BJP faces stiff competition from strong regional parties, leading to losses in several state elections post-2014. This contrasts with the Congress party's more pervasive dominance across states during its peak.
- **Role of Congress as an Alternative:** The Congress, though weakened, retains potential to emerge as a national alternative by uniting with regional parties. This potential distinguishes the current political landscape from the Congress era, where a strong, unified opposition was largely absent.
- **Leadership:** The BJP's dominance is closely tied to Narendra Modi's leadership. The party's future power dynamics post-Modi remain uncertain, given the lack of a leader with comparable appeal and the uncertain role of the RSS in succession.
- **Internal Structure and Decision-Making:** During its dominant phase, the Congress party functioned with internal democratic processes. In contrast, the BJP's decision-making is highly centralized around Modi and Amit Shah, potentially making it less adaptable to changing power dynamics.

- **Impact on Democratic Institutions:** The BJP's tenure has coincided with a decline in the strength of India's democratic institutions, characterized by the use of government resources to influence media narratives, reduced media scrutiny, and targeting of critics. This contrasts with the Congress party's efforts to embed pluralism and accommodation within institutions to bolster their legitimacy.

While the BJP exhibits clear signs of political dominance, it differs significantly from the "Congress System" and shows potential vulnerabilities. Whether this dominance translates into a long-term "BJP System" remains to be seen, contingent on leadership transitions, the evolving role of the RSS, and the resilience of India's democratic institutions.

3. FACTORS CONTRIBUTING TO BJP'S ELECTORAL SUCCESS

- 1. Majoritarian Agenda:** The BJP has shifted the political discourse in India towards a majoritarian agenda, building consensus around issues like the abrogation of Article 370 and the construction of the Ram temple in Ayodhya. This approach has largely gone unchallenged by opposition parties.
- 2. Nationalist Agenda:** The BJP's nationalist agenda, which includes a confrontational stance towards neighbouring countries and a marked religious tone, has garnered widespread support. This agenda has centralized power and found acceptance among various political parties.
- 3. Welfare Policy Branding:** The BJP has effectively branded its welfare policies, expanding and strengthening the welfare architecture inherited from the Congress-led UPA. This has reinforced the state's role in supporting disadvantaged sections of society.
- 4. The "Modi Effect":** Prime Minister Narendra Modi's popularity has been a significant factor in the BJP's electoral success. His leadership has been pivotal in the party's consecutive victories in the 2014 and 2019 elections.
- 5. Media Management:** The BJP has adeptly utilized media to its advantage, employing inducements and threats to manage media narratives. Modi's refusal to submit to media scrutiny and the deployment of a robust social media strategy have further bolstered the party's image.

6. Organizational Strength: The BJP boasts a strong organizational structure and unparalleled financial resources. The party's income far exceeds that of its main rival, the Congress, giving it a significant advantage in electoral campaigns.

7. Expansion of Social Base: The BJP has successfully expanded its voter base beyond its traditional strongholds. It has made significant inroads into rural areas and among lower castes and classes, which had traditionally voted for other parties.

These factors collectively contribute to the BJP's electoral dominance, although the party continues to face challenges, particularly at the state level and with the potential emergence of strong national level coalitions.

4. REGIONAL PARTIES AND CAUSES OF THEIR RISE

Regional parties are political parties that primarily focus on specific states or regions rather than the entire country. They represent local interests, culture, and issues unique to their regions.

For example, Samajwadi Party (SP), Bahujan Samaj Party (BSP), Shiromani Akali Dal (SAD), Jammu & Kashmir National Conference (NC), All India Anna Dravida Munnetra Kazhagam (AIADMK) and Dravida Munnetra Kazhagam (DMK) etc.

E. Sridharan attributes the rise of regional parties to several factors:

- **Institutional Factors:** The linkage of parliamentary and state elections provides opportunities for regional parties to mobilize on local issues.
- **Federal System:** State governments deal with issues of daily relevance, giving regional parties an advantage.
- **Grassroots Connections:** Leaders of regional parties are often more connected to the local populace.
- **Linguistic Organization:** States organized on linguistic lines have seen dominant castes forming their own regional parties.

CONSEQUENCES OF REGIONALIZATION IN INDIAN POLITICS

Regionalization has led to both positive and negative outcomes:

POSITIVE IMPACTS

1. Increased Representation and Empowerment of Regional Voices

- Regionalization has allowed local issues and interests to gain prominence at both state and national levels, ensuring that diverse regions are represented effectively.
- Example: The Telangana Rashtra Samithi (TRS) successfully advocated for the creation of the state of Telangana, addressing long-standing demands for regional autonomy and development.

2. Strengthening of Federalism

- It has reinforced the federal structure of India, giving more power and autonomy to state governments, allowing them to tailor policies to their specific needs.
- Example: States like Tamil Nadu and Kerala have implemented progressive social policies, such as welfare schemes and healthcare initiatives, reflecting their unique priorities and resources.

3. Focus on Local Issues and Development

- Regional parties often prioritize local issues such as infrastructure development, education, and regional identity, leading to policies that better address local needs.
- Example: The Biju Janata Dal (BJD) in Odisha focuses on state-specific issues like disaster management and regional development projects, improving the state's resilience and growth.

4. Greater Accountability and Responsiveness

- Regionalization can enhance accountability, as regional parties are more directly answerable to their local electorate, leading to more responsive governance.
- Example: The Aam Aadmi Party (AAP) in Delhi has implemented policies focused on local governance, such as improvements in education and healthcare, reflecting its responsiveness to local demands.

5. Influence on National Policies

- Regional parties, as coalition partners in the central government, can significantly influence national policies, ensuring that they consider regional diversities and requirements.
- Example: The participation of the Dravida

Munnetra Kazhagam (DMK) in national coalitions has often influenced language policy and federal economic distributions, reflecting the party's regional interests.

NEGATIVE IMPACTS

1. Policy Paralysis and Instability

- Coalition politics often lead to policy paralysis due to differing agendas and interests of coalition partners, resulting in slow decision-making and frequent political instability.
- Example: The Janata Party government (1977-1979) faced significant internal conflicts among its constituent parties, leading to its premature collapse.

2. Increased Political Fragmentation

- The proliferation of regional parties has led to a more fragmented political system, complicating governance and policy implementation.
- Example: In states like Uttar Pradesh, the presence of multiple significant parties such as the Samajwadi Party (SP), Bahujan Samaj Party (BSP), and Bharatiya Janata Party (BJP) leads to highly competitive and fragmented electoral outcomes.

3. Challenges to National Unity

- While regionalization empowers local voices, it can also pose challenges to national unity by promoting regionalism and sometimes parochialism, leading to tensions between different regions and the central government.
- Example: The demand for statehood in various regions, such as Gorkhaland in West Bengal, sometimes creates friction with the central government and neighbouring states.

4. Increased Role of Money and Muscle Power

- The regionalization of politics has often led to the increased use of money and muscle power to win elections and maintain control, undermining democratic processes.
- Example: In many states, elections are marked by significant expenditure and sometimes violence, affecting the fairness of the electoral process.

5. COALITION POLITICS IN INDIA

Coalition politics has been **crucial in shaping India's governance and political landscape** at both national and state levels. The evolution of coalition governments reflects the complexities of India's multi-ethnic, multi-lingual, and multi-religious society.

A. EVOLUTION OF COALITION POLITICS IN INDIA

In his book **"Coalition Politics in India," Bidyut Chakravarty** analyses the **evolution of the coalition system** in India and asserts that coalition politics is not a new phenomenon in the country.

PRE-1990S: EARLY INSTANCES AND THE EMERGENCE OF COALITION DYNAMICS

- **First Coalition Government (1977):** The Janata Party government was the first notable coalition at the national level. It included the Bharatiya Jana Sangh, Congress (O), and the Socialist Party, united against Indira Gandhi's Emergency. This government collapsed in 1979 due to internal contradictions and lack of cohesive leadership.
- **1980s Dominance of Congress:** The Congress party dominated the 1980s, with occasional coalition governments formed by opposition parties, which were typically unstable and short-lived.

1990S: THE ERA OF PROLIFIC COALITION GOVERNMENTS

- **National Front Government (1989):** The 1989 election resulted in a fractured mandate, leading to the formation of the National Front coalition led by V.P. Singh, supported by the Left and BJP. This government implemented the Mandal Commission report, recommending reservations for OBCs, sparking significant political and social debates.
- **Short-Lived Coalitions and Minority Governments:** Following the collapse of the National Front government, India experienced several short-lived coalitions and minority governments, including those led by Chandrashekhar and P.V. Narasimha Rao.

1998–2014: STABILITY WITHIN COALITION FRAMEWORK

- **National Democratic Alliance (NDA):** Formed in 1998 under BJP's leadership, the NDA provided relatively stable governance under Prime Minister Atal Bihari Vajpayee. The coalition included several regional parties and is credited with significant economic reforms and infrastructural projects.
- **United Progressive Alliance (UPA):** Led by Congress, the UPA came to power in 2004 with Manmohan Singh as Prime Minister. The UPA, comprising multiple regional parties, introduced major policies like the Right to Information Act and the National Rural Employment Guarantee Act.

POST-2014: SHIFTS AND TRENDS

- **BJP's Majority (2014 and 2019):** Under Narendra Modi, the BJP achieved a majority on its own in the 2014 elections, reducing reliance on coalition partners. However, coalition dynamics remained critical at the state level and in the 2019 elections. Modi's governance has been marked by centralization, but regional parties and coalitions continue to influence state politics.

Value Addition

- **Subrata K. Mitra:** Coalition politics in India reflects societal complexities and helps accommodate diverse regional and communal interests.
- **E. Sridharan:** While coalitions can pose policy implementation challenges, they make the political process more inclusive.

RE-EMERGENCE OF COALITION POLITICS (2024 LOK SABHA)

The 2024 Indian general elections marked a significant shift towards coalition politics. Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) failed to secure a majority, winning 240 of the 543 seats in the lower house. Consequently, the BJP had to rely on its coalition partners in the NDA i.e., Janata Dal (United) and Telugu Desam Party (TDP), securing a total of 293 seats.

B. FEATURES OF COALITION POLITICS IN INDIA

- **Multi-Party System:** India's numerous regional parties necessitate coalition governments, especially at the national level where no single party often secures an absolute majority (**Paul R. Brass**).
- **Influence of Regional Parties:** Coalitions allow regional parties to influence national policies, ensuring local issues receive national attention (**E. Sridharan**).
- **Electoral Fragmentation:** India's electorate is fragmented by caste, religion, and region, leading to fragmented parliaments and necessary coalitions (**Christophe Jaffrelot**).
- **Pragmatic Alliances:** Coalitions often form based on electoral viability rather than shared policy goals (**Subrata K. Mitra**).
- **Dominance of Party Leadership:** Coalition politics enhances the role of party leaders in negotiating alliances and making pivotal decisions (**Rajni Kothari**).

C. IMPACTS OF COALITION POLITICS IN INDIA

Positive Impacts

- **Increased Federalism:** Coalitions promote a more federal governance structure by giving regional parties greater influence in national decision-making (**Balveer Arora**).
- **Policy Moderation:** Coalitions can lead to policy moderation, tempering extreme positions and promoting more centrist policies (**E. Sridharan**).
- **Enhanced Political Inclusivity:** Coalitions result in more inclusive politics, involving smaller and regional parties in governance (**Zoya Hasan**).

Negative Impacts

- **Policy Paralysis and Instability:** Coalition governments often face policy paralysis due to the need to appease multiple partners, leading to compromised effectiveness (**Atul Kohli**).
- **Corruption and Governance Challenges:** The necessity of securing coalition loyalty can lead to increased patronage and corruption (**Myron Weiner**).
- **Short-term Policy Focus:** Coalition governments may prioritize short-term, populist measures to appease partners, compromising long-term national interests (**Paul R. Brass**).

- **Political Uncertainty:** Coalitions can lead to frequent elections and political instability due to disagreements among partners (**Subrata K. Mitra**).

D. CONDITIONS FOR HEALTHY COALITION CULTURE IN INDIA

- **Mutual Respect and Trust:** It is essential for collaborative governance, ensuring stability and effective partnership.
- **Clear and Transparent Agreements:** Outlines power-sharing and policy priorities, maintaining accountability and reducing conflicts.
- **Inclusivity and Equal Participation:** It ensures all parties' interests are represented, preventing dominance by any single party.
- **Effective Leadership and Coordination:** Central leadership or coordination committees manage conflicts and provide strategic direction.
- **Conflict Resolution Mechanisms:** Predefined processes for addressing disputes maintain harmony and coalition stability.
- **Institutionalizing the Role of the Speaker:** Strengthening the role of the Speaker to ensure fair play and adherence to norms can help manage coalition complexities.

VALUE ADDITION: BEST PRACTICES OF COALITION POLITICS FROM OTHER COUNTRIES

Germany: Known for its "Grand Coalitions," Germany uses **detailed public agreements** to outline policies and legislative agendas, ensuring transparency and stability.

Netherlands: Detailed negotiations lead to **documented coalition agreements** outlining policies and ministerial positions, ensuring long-term stability.

Sweden: Extensive **pre-government negotiations** focus on policy agreements, emphasizing policy continuity and long-term planning.

6. POLITICAL PARTIES

Political parties are organized groups of individuals who share similar political ideologies and goals, working

collectively to influence government policy and decision-making processes. These parties aim to gain political power by participating in electoral campaigns, winning elections, and holding public office.

A. STATUS OF LEFT PARTIES IN INDIA

- **Praful Bidwai** notes the **decline of left parties** in India due to their **inconsistent stance during the freedom struggle**, lack of grassroots connection, internal **high command culture**, and the co-opting of their agenda by parties like AAP.
- The left has also struggled to adapt to globalization and has lost its appeal among the youth. Their focus has shifted from class and **development politics** to **electoral politics and identity issues**, leading to their marginalization.

B. RISE OF BJP

- The BJP's rise **from 2 seats in 1984 to 282 in 2014** is attributed to Congress's decline, strong organizational structure, nationalist rhetoric, and support from NRIs. Scholars like **Thomas Blom Hansen and James Manor** highlight the role of democratic transformation, middle-class anxieties, and majoritarian rhetoric in BJP's rise. The BJP's focus on cultural nationalism, strong leadership, and economic policies aligning with globalization have contributed to its success.
- **BJP** formed in **1951** by **Shyama Prasad Mukherjee**, the BJP grew from a challenger to Nehruvian consensus to a dominant political force. Influenced by **Deendayal Upadhyay's integral humanism**, the BJP advocates for cultural nationalism and positive secularism, aiming to protect all religions equally.

VALUE ADDITION: SCHOLARS VIEWS

"The BJP has effectively mobilized Hindu identity politics, capitalizing on religious sentiments and nationalism to consolidate its voter base."- **Christophe Jaffrelot**

"The BJP's disciplined party structure, sophisticated use of technology, and strategic campaigning have been crucial in its electoral successes."- **Milan Vaishnav**

"The BJP's emphasis on development and governance has resonated with the burgeoning middle class, who see the party as a vehicle for their economic aspirations."- **Pratap Bhanu Mehta**

"The BJP's strategy of combining Hindutva with promises of economic development has broadened its appeal beyond traditional voter bases."- **Ashutosh Varshney**

"The erosion of the Congress's dominance and the rise of regional parties created a political vacuum that the BJP has adeptly filled."- **Rajni Kothari**

C. THIRD FRONT

It is a **coalition of regional parties**, has **significant state-level presence** but struggles with national stability due to its parochial approach and lack of a cohesive agenda. It has occasionally formed national governments but often dissolves post-elections.

The Third Front represents various marginalized sections, including Muslims and backward castes, but lacks a unified national vision.

D. AAP PHENOMENON

The Aam Aadmi Party (AAP) emerged from the 2011 **India Against Corruption** movement led by **Anna Hazare**. Founded by Arvind Kejriwal in 2012, AAP focuses on **anti-corruption, transparency, and clean governance** and **reflects the urban middle class's demand** for good governance. It advocates for intra party democracy, a bottom-up approach.

It aims to change the system from within. AAP's rise reflects increasing democratic consciousness and demand for good governance. The party **rejects high command culture** and promotes internal democracy, with mechanisms like recall for executive council members.

KEY ELEMENTS OF ITS IDEOLOGY INCLUDE:

- 1. Anti-Corruption:** Eradicating corruption from public life is the central theme of AAP. It advocates for the Jan Lokpal Bill, a stringent anti-corruption law.
- 2. Transparency and Accountability:** AAP promotes transparent governance, ensuring that public officials are accountable to the people.

3. Swaraj (Self-Rule): Inspired by Mahatma Gandhi's principles, AAP advocates for decentralized governance, empowering local communities through direct participation in decision-making.

4. Education and Healthcare: The party prioritizes significant improvements in public education and healthcare systems.

CHALLENGES AND CRITICISMS OF AAP

Despite its successes, AAP has faced several challenges and criticisms:

1. Internal Conflicts: The party has experienced internal strife, leading to the expulsion of prominent founding members like Yogendra Yadav and Prashant Bhushan over ideological and strategic disagreements.

2. Allegations of Populism: Critics argue that AAP's policies, such as subsidized utilities and free services, are populist measures aimed at garnering votes rather than sustainable governance solutions.

3. Accusations of Authoritarianism: Arvind Kejriwal has been accused of authoritarian leadership and centralizing decision-making within the party.

Value Addition

"AAP started with a promise of clean politics but has increasingly engaged in the same old tactics of traditional parties."- **Suhas Palshikar**

"While AAP's policies are popular, their long-term economic viability remains questionable."-Milan Vaishnav

"AAP has redefined the expectations of urban voters and set new benchmarks for governance."- **Pratap Bhanu Mehta**

"AAP represents a new kind of politics that emphasizes transparency and accountability."- **Yogendra Yadav**

"AAP's anti-corruption stance has brought a much-needed focus on ethical governance in Indian politics."- **Rajeev Bhargava**

"AAP has tapped into the aspirations of the urban middle class, which had been largely neglected by traditional parties."- **Christophe Jaffrelot**

7. INTRA-PARTY DEMOCRACY IN INDIA

Intra-party democracy refers to the practices and processes that ensure democratic governance within a political party. This concept emphasizes the importance of internal transparency, participation, and accountability, enabling party members to have a say in decision-making processes.

- ▶ **Celebrated Resilience of Indian Democracy:** Indian democracy is celebrated globally for its resilience and continuity, thriving even under challenging circumstances.
- ▶ **Lack of Intra-Party Democracy:** Despite this, political parties often lack intra-party democracy. India lacks legal provisions to enforce this crucial aspect.
- ▶ **Limited Regulation by the Election Commission:** The Election Commission regulates parties under Section 29A of the Representation of People Act (RPA), but it lacks enforcement power regarding intra-party democracy.
- ▶ **Importance of Inner-Party Democracy:** Inner-party democracy is essential for the survival and consolidation of democracy in India. The Law Commission's 170th report highlighted this paradox within Indian democracy.

A. REFLECTIONS OF LACK OF INTRA-PARTY DEMOCRACY IN INDIAN POLITICAL PARTIES

1. **Gender Parity:** While women participate in voting on par with men, their representation in political parties and as candidates does not reflect this equality.
2. **Dynasty Politics:** Dynastic dominance in many political parties undermines the fundamental principle of equal opportunity in political participation.
3. **Political Defection and Horse Trading:** This practice facilitates leaders moving from one party to another, distorting internal political mobility and harming inner-party democracy and democratic stability.
4. **Criminalization of Politics:** The rise in criminal elements within politics is a significant threat to democracy. The inability to restrain party members often leads to illegal activities.

According to the Association of Democratic Reforms (ADR), 251 (46%) of the 543 newly elected Lok Sabha members have criminal cases, with 27 convicted. This is the highest number ever, showing a 55% increase in MPs with criminal cases since 2009.

5. Wealthy Political Leaders and Bribery: The lack of inner-party democracy is also evident in the wealthy backgrounds of many political leaders and the financial hierarchies within parties.

B. FACTORS AFFECTING INTRA-PARTY DEMOCRACY

1. **Institutional Weakness:** Political parties often have centralized organizational structures due to their patronage-based nature, rather than being power-dispersed.
2. **Absence of a Credible Regulatory Framework:** Legal and constitutional regulations to monitor inner-party democracy are limited or non-existent. Section 29A of the RPA only mandates party registration, leaving the Election Commission powerless to enforce internal elections for party office bearers.

C. WAY FORWARD

1. **2nd Administrative Reforms Commission (ARC) Report:** The 2008 Ethics and Governance Report highlighted that corruption results from over-centralization, which distances authority from accountability.
2. **Law Commission Report:** The 170th report of the Law Commission on electoral reform emphasized the need for laws to ensure internal democracy within parties. It noted that parties not respecting democratic principles internally cannot be expected to uphold them in governance.
3. **National Commission for Review of Working of the Constitution (NCRWC) Report:** Recommended comprehensive legislation to regulate the registration and functioning of political parties or alliances in India.

There is an urgent **need for an effective legal framework** to ensure **genuine adherence to the principles of inner-party democracy** in India. **Mitigating the influence of money and muscle power, along with addressing rampant defections and crossovers, is essential.** Significant legislation promoting **equal opportunity for political participation** in India is not only desirable but necessary.

VALUE ADDITION: SCHOLARLY VIEWS IN SUPPORT OF INTRA-PARTY DEMOCRACY

In every party, the tendency towards oligarchy is inevitable. Democratic processes within parties are essential to counter this trend and ensure accountability."- **Robert Michels** in his work "**Iron Law of Oligarchy**"

"Intra-party democracy is a crucial element for the legitimacy of parties and for fostering an inclusive political environment where diverse perspectives are considered."-**Susan Scarrow**

"Parties serve as schools of democracy, and their internal democratic practices play a critical role in educating citizens and promoting democratic norms."- **Giovanni Sartori**

CRITICS OF INTRA-PARTY DEMOCRACY

"Internal democracy, though theoretically sound, often leads to internal divisions and inefficiencies that can weaken party cohesion and effectiveness."- **Maurice Duverger**

"While internal democracy enhances participation, it often comes at the cost of efficiency and swift decision-making, which are crucial in the dynamic political landscape."- **Leon D. Epstein**

"Intra-party democratic processes are susceptible to manipulation by interest groups or charismatic figures, potentially leading to policies that do not reflect the party's core principles or broader electorate interests."- **John H. Aldrich**

8. PRESSURE GROUPS

Pressure groups, also known as interest groups, are **organized collections of individuals** or organizations that **seek to influence public policy and decision-making** without seeking electoral office.

- According to S.E. Finer, "the pressure groups are, by and large, autonomous and politically neutral bodies, which bargain with the political parties and the bureaucracy irrespective of the political complexion of the government in power."

- These groups use various forms of advocacy to achieve their goals, including lobbying, public campaigns, and direct action. Unlike political parties, they do not aim to control government but rather to influence those who do.

ASPECTS	PRESSURE GROUPS	POLITICAL PARTIES
Objective	Seek to influence policy without aiming for direct government control.	Aim to gain governmental power through elections and control policy by forming a government.
Function	Focus on specific issues or interests and influence policymakers regarding those issues.	Offer a broader political and economic platform and compete to form the government.
Methods	Engage primarily in lobbying, advocacy, and sometimes public demonstrations.	Engage in a wider range of political activities, including election campaigning, policy formulation, and governing.

A. POSITIVE ROLE OF PRESSURE GROUPS

- Representation of Diverse Interests:** Pressure groups ensure that various segments of society, including minorities and marginalized communities, have a voice in the political process.
- Enhancing Political Participation:** They mobilize citizens to participate in the political process, encouraging civic engagement and activism.
- Providing Expertise and Information:** Pressure groups often have specialized knowledge about specific issues, which they can share with policymakers to help shape informed decisions.
- Government Accountability and Transparency:** By monitoring government actions and advocating for public interests, pressure groups help hold officials accountable and promote transparency.
- Policy Innovation:** They introduce new ideas and perspectives into the policy-making process, leading to innovative solutions to societal problems.
- Checks and Balances:** Pressure groups act as a counterbalance to government power, ensuring that different interests are considered in the policy-making process.

B. NEGATIVE CONSEQUENCES OF PRESSURE GROUPS

- 1. Disproportionate Influence:** Wealthy and well-organized pressure groups can exert disproportionate influence on policymakers, potentially sidelining less powerful groups.
- 2. Fragmentation of Policy Making:** The influence of multiple pressure groups can lead to fragmented and inconsistent policies, as different groups push for competing interests.
- 3. Marginalization of Less Powerful Groups:** Smaller or less well-funded groups may struggle to have their voices heard, leading to an imbalance in representation.
- 4. Potential for Corruption:** Pressure groups may engage in lobbying practices that border on corruption, such as offering financial incentives to policymakers.
- 5. Promotion of Special Interests:** They may prioritize narrow special interests over the common good, leading to policies that benefit a few at the expense of the broader population.
- 6. Policy Gridlock:** Competing interests and excessive lobbying by pressure groups can lead to policy gridlock, making it difficult for governments to enact coherent and effective policies.

VALUE ADDITION:

SCHOLARLY VIEWS ON PRESSURE GROUPS

"Interest groups play a critical role in the political development process by organizing societal interests and enhancing citizen participation in newly formed democracies."- **Gabriel Almond**

According to **Robert Dahl**, pressure groups are crucial in ensuring that no single interest dominates the political landscape. They help balance power among competing interests.

According to **David B. Truman**-Interest groups are an essential feature of democratic politics because they allow for a plurality of interests to be represented in the policy-making process.

Critics

"Small groups with strong interests are more likely to organize and exert influence than large groups with diffuse interests, potentially leading to policy outcomes that benefit the few at the expense of the many."- **Mancur Olson**

"The power elite, consisting of corporate leaders, politicians, and military officials, often dominate pressure groups, resulting in policy decisions that reflect their interests rather than those of the broader public."- **C. Wright Mills**

"The privileged position of business in politics ensures that economic interests often have a disproportionate influence on policy-making, which can distort democratic processes."- **Charles E. Lindblom**

Pressure groups in India have not always played an effective role in the political landscape. However, since the 1990s, there has been a significant growth in pressure group politics. One of the earliest studies on pressure group politics in India was conducted by Rajni Kothari.

C. RAJNI KOTHARI'S VIEWS ON PRESSURE GROUPS

- 1. Agents of Modernization and Leadership:** According to Kothari, pressure groups have acted as agents of modernization and reservoirs of leadership.
- 2. Dominance of Communal Pressure Groups:** In India, communal pressure groups have been particularly dominant.
- 3. Lack of Legitimacy:** Pressure groups have not enjoyed much legitimacy in the eyes of the people.
- 4. Congress Dominance:** The predominant status of the Congress party did not allow pressure groups to gain primacy. Kothari referred to other political parties as "Parties of Pressure" due to their limited influence.

VALUE ADDITION:

Scholar's Views on Pressure Groups in India

Rudolph and Rudolph in "In Pursuit of Lakshmi," consider that despite the rise of associational groups, the dominance of communal and identity-based organizations remained intact and

played an important role in political mobilization. The role of major organizations like RSS, farmers associations like **Samyukta Kisan Morcha** is prominent one.

Hardgrave said, “Identity based interest groups not only are agents of interest articulation but they also increase political consciousness. In addition, identity-based interest groups may be reservoirs of political leadership. This has been particularly true for trade and caste unions of India.”

Jean Blondel recognizes the role of identity-based pressure groups as **community interest groups** which are formed to promote community interests and put pressure on the government to seek state protection and assistance.

Gabriel Almond and Powell talks about four types of pressure Groups, which includes Institutional Interest Groups, Anomic Interest Groups, Associational Interest Groups and Non-Associational Interest Groups.

Prof. Anand Chakravarty suggested that the Government of India should have shown greater accommodation towards pressure groups, as banning them has often led to increased alienation and secessionist trends.

G. EXAMPLES OF PRESSURE GROUPS IN INDIA

1. Rashtriya Swayamsevak Sangh (RSS): A prominent Hindu nationalist organization that influences the Bharatiya Janata Party (BJP) and advocates for policies reflecting Hindu cultural values.

2. Confederation of Indian Industry (CII): A leading industry association representing Indian businesses, advocating for pro-business policies and economic reforms.

3. All India Trade Union Congress (AITUC): One of India's oldest trade unions, representing workers' interests and advocating for labour rights and social justice.

4. Narmada Bachao Andolan (NBA): An environmental and human rights group campaigning against the construction of large dams on the Narmada River, highlighting the displacement and environmental issues caused by such projects.

5. Bharatiya Kisan Union (BKU): A farmers' union advocating for the rights of farmers, including fair prices for crops, and recently played a significant role in the protests against the farm laws.

6. Federation of Indian Chambers of Commerce and Industry (FICCI): An association representing Indian businesses and industries, advocating for economic policies that support business growth and development.

7. Dalit Panthers: A social organization advocating for the rights and upliftment of Dalits, addressing issues of caste discrimination and social justice.

8. Self Employed Women's Association (SEWA): A trade union representing women working in the informal sector, advocating for their rights, social security, and economic empowerment.

9. Association for Democratic Reforms (ADR): An organization focused on electoral and political reforms, advocating for transparency and accountability in politics.

E. CHANGING NATURE OF PRESSURE GROUPS IN INDIA

Robert Hardgrave and Stanley Kochanek have highlighted the changing nature of pressure groups in India:

- Since the 1990s, pressure group politics have shifted from state-dominated pluralism to more powerful and legitimate pressure group politics due to liberalization and globalization.
- The Government of India has incorporated various interest groups into policy-making institutions like the National Advisory Council (NAC), National Security Advisory Board (NSAB), and now the NITI Aayog.
- Business groups have gained substantial power and influence, often participating in foreign delegations and organizing parallel business summits alongside political summits.
- There is a growing influence of foreign lobbies and advocacy groups in India.

F. STATUS OF DIFFERENT PRESSURE GROUPS IN INDIA

1. Dominant Groups: Communal pressure groups, corporate sector pressure groups, and rich farmer pressure groups continue to play dominant roles.

2. Lack of Dominant Women's Organizations: India does not have a dominant women's organization. Environmental lobbies, student unions, and trade unions remain junior partners of political parties. Many left-wing pressure groups have been banned under the Unlawful Activities (Prevention) Act (ULPA).

3. State Dominance: The state continues to be a dominant actor in India. It has sometimes been intolerant towards certain pressure groups. A highly disputed Intelligence Bureau (IB) report recently suggested that many NGOs are involved in anti-national activities, which has given the state more power to constrain the role of pressure groups.

4. Farmer Movements: The recent successful movement by farmers against the farm acts, which led to the withdrawal of the acts by the government, has established the strong role of farmer pressure groups.

Pressure groups in India have evolved significantly since the 1990s, gaining more legitimacy and influence, particularly due to liberalization and globalization. However, challenges remain, including the dominance of certain groups, lack of representation for others, and state intervention. The changing dynamics of pressure group politics continue to shape the Indian political landscape.

9. ELECTORAL BEHAVIOUR IN INDIA

The study of electoral behaviour emerged with **the growth of the behavioural movement** in political science, helping **to understand the nature of democracy** and to strategize party programs.

Milan Vaishnav highlights the **complexity of studying electoral behaviour** in India due to its size and diversity. Despite these challenges, he has identified several trends:

1. Caste and Voting Patterns: Voters do not necessarily vote strictly along caste lines, indicating that social biases, while present, are not perfectly transmitted into political choices and may be weakening. Successful politicians skilfully combine identity-based concerns with economic evaluations.

2. Economic Influences: He emphasizes the significance of economics in electoral behaviour, noting that sound economic policies can be good politics in India, with macroeconomic realities playing an increasing role.

3. Criminality in Politics: Indian voters have a history of electing politicians with on-going criminal cases, demonstrating a complex relationship between voter behaviour and candidate backgrounds.

4. Dynastic Politics: While not always popular, dynastic politicians are prevalent, with one in five members of parliament elected in 2014 coming from political families.

A. THEORETICAL PERSPECTIVES

Kenneth Arrow's "impossibility theorem" suggests the difficulty in determining voter preferences when there are more than three choices, making India's electoral behavior an intriguing case study. The **high voter turnout** in India remains puzzling, especially when election outcomes often do not lead to significant improvements in governance and development.

B. ETHNOGRAPHIC INSIGHTS

1. Voting is seen as an **assertion of citizenship rights and duties**.

2. Elections are a time for **power inversion**.

3. Voters prefer to choose and reject their governors.

4. Some vote out of a sense of revenge.

5. Some vote because their **caste or community** member is contesting.

6. The Election Commission's role motivates some voters.

7. Concerns about the collapse of democracy spur some to vote.

8. Some view **voting as a sacred duty**.

C. TRENDS IN ELECTORAL BEHAVIOUR

🔹 **Early Post-Independence:** Congress enjoyed widespread support due to its role in the freedom struggle and promise of socio-economic reforms.

🔹 **1970s-1980s:** Rise of regional parties and decline of Congress dominance, reflecting growing regional and caste-based identities.

🔹 **1990s-2014:** Rise of coalition politics, with no single party securing an absolute majority, leading to

multi-party alliances.

➤ **2014–2024:** Rise of BJP and single party securing absolute majority

➤ **2024–** Return of coalition government under BJP

D. FACTORS IMPACTING VOTING BEHAVIOUR IN INDIA

CASTE AND ETHNICITY: **Christophe Jaffrelot** highlights that caste remains a critical factor in Indian elections, significantly shaping party strategies and voter alliances, reflecting the country's deep-rooted social structures.

For instance, the **2024 elections demonstrate the influence of the Bihar caste census**, which has revitalized caste-based politics, particularly in the Hindi heartland, potentially affecting the BJP's vote share.

RELIGION: **Paul R. Brass** discusses the crucial role of religion in **mobilizing voters**, noting how communal identities are leveraged by parties like the BJP to consolidate majoritarian sentiments.

For instance, in the context of the 2024 elections, issues like the **Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC)** are significant mobilizing factors, influencing voter behavior towards security and identity politics.

ECONOMIC ISSUES: **Atul Kohli's** research emphasizes the **increasing importance of economic performance** in influencing electoral outcomes, with voters holding governments accountable for economic growth and stability.

For example, **Economic recovery post-COVID-19**, job creation, and inflation are major issues in the 2024 elections, with parties proposing various economic reforms to attract the electorate.

GOVERNANCE AND PERFORMANCE: **Yogendra Yadav** suggests that voters are increasingly assessing the **performance** of incumbents in delivering public services and governance, moving beyond traditional loyalties.

For instance, the **Modi government's handling of the pandemic** and its impact on healthcare infrastructure are under scrutiny, as voters evaluate its **crisis management efficacy**.

MEDIA AND SOCIAL MEDIA INFLUENCE: **Robin Jeffrey** discusses the transformative role of media in shaping

public opinion and electoral outcomes, highlighting the growing influence of digital campaigns and social media in politics.

For instance, the 2024 election campaigns see extensive use of Twitter, WhatsApp, and Facebook, where parties actively engage with voters, disseminate their manifestos, and counter opposition through digital platforms.

REGIONAL DYNAMICS: **James Manor** emphasizes the impact of regional issues and politics, noting how state-level dynamics and local leadership can overshadow national parties and issues.

For instance, regional parties like the DMK in Tamil Nadu and the TMC in West Bengal leverage local issues and regional pride to mobilize voter support, often positioning themselves against central policies perceived as intrusive.

LEADERSHIP AND CHARISMA: **Sudipta Kaviraj** highlights the influence of charismatic leadership on electoral outcomes, where personal appeal can transcend party lines and ideological divides.

For example, Narendra Modi's image as a strong and decisive leader played a crucial role in previous elections and continues to be a central theme in the BJP's 2024 campaign.

POLICY INITIATIVES AND WELFARE SCHEMES: **M.R. Madhavan** discusses how targeted policy initiatives and welfare schemes can significantly sway specific voter groups, particularly among economically disadvantaged populations.

For example, the expansion of the **PM Kisan Samman Nidhi and direct benefit transfers** are emphasized in campaigns as achievements of the current government, aimed at securing votes from the rural electorate.

Yogendra Yadav notes a **shift from identity politics** to "identity plus" politics, where voters consider **both identity and development**.

E. SCHOLARLY ASSESSMENT OF INDIAN VOTERS

Prannoy Roy, Ashok Lahiri, and David Butler in their book "A Compendium of Indian Elections," they state, "The voting behavior of Indians is many times more mature than the voting behaviour of voters in Western countries."

M.P. Singh attributes the success of India's democracy to

the wisdom of its voters, remarking, "The credit for the success of India's democracy goes to the great common sense shown by ordinary voters in India." He suggests that the electorate consistently makes prudent choices, stating, "We cannot say that the verdict of any election was ever wrong. People always vote for the best possible option."

10 SOCIO-ECONOMIC PROFILE OF THE INDIAN LEGISLATURE

The socio-economic profile of the Indian legislature, particularly the Lok Sabha, has undergone **significant evolution over the decades**, mirroring broader societal changes and the maturation of India's democracy.

A. SOCIO-ECONOMIC PROFILE: EVOLUTION

This evolution can be divided into **three main phases**, as discussed by scholars like **Shankar and Rodrigues**, and further analysed by experts such as Yogendra Yadav.

1. PHASE-1: UNTIL THE 1960S

- Domination by **Brahmins and other upper castes**.
- **Representation of Scheduled Castes (SC) and Scheduled Tribes (ST)** was primarily due to **reservations**, with those elected often coming from privileged backgrounds.
- There was a **mismatch between the population and the representation** of Other Backward Classes (OBCs), women, and minorities.
- Parliament was **dominated by urban elites** educated in foreign universities.
- The authority of parliamentarians was largely based on their participation in the national movement.

2. PHASE-2: FROM THE 1970S TO 1990S

It is known as the "Twilight Zone" or "Transition Zone," this period is described by **Yogendra Yadav** as the **first democratic upsurge**, which led to the rise of OBCs in politics. This phase was influenced by several key developments:

- The **Green Revolution** strengthened the position of **OBCs**, particularly the landowning class.
- The **breakdown of the Congress system** and the **rise of regional parties**.
- An increase in the number of parliamentarians

educated in indigenous institutions.

- **Dominance of agriculturists** and rural elites.
- **Emergence of full-time politicians**, with students increasingly joining politics.

3. PHASE-3: FROM THE 1990S TO THE PRESENT

- Described as the era of "**plebeianization**".
- The **role of caste, religion, and other ethnic factors increased**, described by **Yogendra Yadav** as the **second democratic upsurge**, which led to Dalits forming their own parties and contesting elections based on Dalit identity.
- **Representation of OBCs increased**.
The number of educated parliamentarians also rose, with members from diverse backgrounds joining parliament.
- The **rural-urban divide became less prominent**.
- In terms of gender, there has been stagnation—until the 15th Lok Sabha, the representation of women remained between 8–10%, while 14% of MPs are women, with 74 women elected to the 18th Lok Sabha, slightly lower than the 78 women elected in 2019.

B. THE CRIMINALIZATION OF POLITICS

- **18th Lok Sabha:** 251 MPs (46%) have criminal cases registered against them in 18th Lok Sabha. Of these, 170 MPs (31%) face serious criminal charges, including rape, murder, attempt to murder, kidnapping, and crimes against women.
- **17th Lok Sabha:** Comparatively, in the 17th Lok Sabha, 233 MPs (43%) had criminal cases, with 159 (29%) facing serious charges.
- **16th Lok Sabha:** In the 16th Lok Sabha, 185 MPs (34%) had criminal cases, with 112 (21%) facing serious charges.
- Over the years, there has been a **55% increase in MPs with criminal cases** since 2009, and a 124% increase in MPs with serious criminal cases.

India's party system **reflects the diversity and dynamism** of its democracy. **Christophe Jaffrelot** underscores how this diversity both enriches and complicates governance. Presently, major parties like the BJP and Congress operate alongside influential regional parties, **blending national and local political interests**.

Looking ahead, the influence of technology and evolving public attitudes will likely shape new trends within this system, highlighting the necessity for **political adaptability** and broader representation.

C. PROFILE OF 18TH LOK SABHA

CRIMINAL RECORDS:

- Nearly 46% of elected members (251 MPs) have **criminal cases registered against** them.
- **170 MPs (~31%)** face serious charges, including rape, murder, attempt to murder, kidnapping, and crimes against women.
- In comparison, the **17th Lok Sabha had 233 MPs (~43%)** with criminal charges, **159 (~29%)** of which were serious.

EDUCATION:

- **All elected MPs are literate.**
- **78% of** MPs have at least **an undergraduate** education.
- **5%** of MPs hold **doctorates**.

PROFESSIONAL BACKGROUND

- Most MPs identified as social workers or agriculturists.
- **7% are lawyers.**
- **4%** are medical practitioners.

ECONOMIC STANDING:

- **93% of MPs** have family assets worth more than **₹1 crore** (US\$120,000).
- The **average assets** of all MPs amount to **₹46.34 crore** (US\$5.6 million).
- TDP member **Chandra Sekhar Pemmasani**, a doctor and businessman, declared the highest assets of ₹5,700 crore (US\$680 million).

WOMEN MPS IN THE 18TH LOK SABHA:

- **14% of MPs** are women, showing no significant change from 2019.
- **74 women MPs** have been elected, slightly lower than the 78 women elected in 2019
- 41% of the women MPs (30 MPs) have previously served in the Lok Sabha, and one has been a member of the Rajya Sabha.

- Despite a gradual increase in the number of women in the Lok Sabha over the years, India still lags behind several countries in terms of **female representation** in parliament, with women making up **46% of MPs in South Africa, 35% in the UK, and 29% in the USA.**

Note:

52% of newly elected MPs are first timers in Lok Sabha

The average age of MPs elected to the 18th Lok Sabha is 56 years; this was 59 years in the 17th Lok Sabha.

UNIT 11: SOCIAL MOVEMENTS

SYLLABUS- CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS, WOMEN'S MOVEMENTS, ENVIRONMENTALIST MOVEMENTS

PREVIOUS YEAR QUESTIONS

CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS

- To what extent has the inadequate intra-party democracy affected the functioning of Indian Democracy? (2021)
- Examine the nature of the civil liberty movement in India. (2020)
- Right to privacy is an intrinsic part of the right to life. (2017)
- The dilemmas of the human rights movements in India. Comment. (2014)
- In what ways do civil liberties and human rights movements influence the working of Indian democracy? Give your answer with suitable examples. (2010)
- Assess the effectiveness of the National Human Rights Commission in redressing grievances pertaining to human rights violations in India. (2010)

WOMEN'S MOVEMENTS

- Examine the scope and limitations of women's movements in India. (2014)
- Point out and comment on the historic importance of the document "Towards Equality (1974), for women's movement in India." (2013)

ENVIRONMENTALIST MOVEMENTS

- Environmentalism of the poor. Comment. (2023)
- High concentration of economic activities and consumption patterns in the post-liberalisation period has led to the failure of environmental movements in India. Elucidate. (2022)

- Write a short note on the significance of the Chipko Movement. (2019)
- Critically analyse the environmentalist movement in Tuticorin, Tamil Nadu. (2018)
- Critically examine the provisions made in the Constitution for the protection of the Environment. (2016)
- Compare and contrast Chipko Movement with Narmada Bachao Andolan. Comment. (2013)
- Discuss the impact of environmentalist movement on government policies in recent years. (2012)
- "The environmental 'movements' have challenged "the policy and pattern of economic development in post-independent India." Analyse with examples. (2009)

SOCIAL MOVEMENTS IN INDIA

A social movement is a collective, organized, and sustained effort by a group of people who share common goals or ideals, seeking to bring about social, political, economic, or cultural change.

These movements often emerge in response to perceived injustices, grievances, or the desire for societal transformation. Through various forms of activism, including protests, advocacy, and awareness campaigns, social movements aim to challenge existing structures and promote reforms or revolutions in society.

VALUE ADDITION: DEFINITION OF SOCIAL MOVEMENT BY SCHOLARS

"Social movements can be viewed as **collective enterprises** to establish a **new order of life**. They have their inception in the condition of unrest and derive their motive power on one hand from dissatisfaction with the current form of life, and on the other hand, from wishes and hopes for a new scheme or system of living."– **Herbert Blumer**

Social movement is a series of **contentious performances, displays**, and campaigns by which ordinary people make collective claims on others.

– **Charles Tilly**

Social movements is a contentious politics involving collective challenges by people with common purposes and solidarity in sustained interactions with elites, opponents, and authorities.– **Sidney Tarrow**

1. THEORIES OF SOCIAL MOVEMENTS

Various theories have been developed to understand and classify social movements:

- **Deprivation Theory:** Proposed by James C. Davies and Ted Robert Gurr, this theory posits that social movements emerge when individuals or groups perceive themselves as deprived of essential resources, rights, or opportunities. The sense of deprivation, particularly in comparison to others (relative deprivation), fuels frustration, leading to collective action to address these inequalities.
- **Resource Mobilization Theory:** Developed by John D. McCarthy and Mayer N. Zald, this theory emphasizes the importance of resources—such as money, leadership, and organizational infrastructure—in the development and success of social movements. According to this perspective, grievances alone are insufficient; effective mobilization of resources is crucial for sustaining collective action and achieving movement goals.
- **Political Process Theory:** Advanced by Charles Tilly and Doug McAdam, this theory treats social movements as a form of political activity, closely linked to the broader political environment. It suggests that movements emerge and succeed when political opportunities, such as shifts in power or policy openings, create a favourable context for collective action, enabling movements to challenge state power and authority.
- **New Social Movement Theories:** Scholars like Alain Touraine, Jürgen Habermas, and Alberto Melucci developed these theories in the 1960s and 1970s, focusing on movements that address cultural, identity, and environmental issues rather than purely economic or political concerns.

These theories emphasize the importance of collective identity, values, and symbolic action, highlighting how modern movements seek to redefine societal norms and challenge traditional structures through new forms of activism.

2. HISTORY OF SOCIAL MOVEMENTS IN INDIA

India's social movements have been instrumental in shaping the country's history, from the spiritual reformations of the Bhakti and Sufi movements to the struggles for independence and beyond. These movements have addressed various social, economic, and political issues, reflecting the diverse and evolving aspirations of Indian society.

A. PRE-INDEPENDENCE MOVEMENTS

These movements arose as a reaction to the exploitative policies of British colonial rule. They aimed at multiple objectives, including political rights, social reforms, and economic justice.

- **SOCIAL REFORM MOVEMENTS IN THE 19TH CENTURY:** Reformers like **Raja Ram Mohan Roy**, **Ishwar Chandra Vidyasagar**, and **Jyotiba Phule** led movements addressing social issues such as sati, child marriage, and caste discrimination. These movements laid the foundation for progressive social change by advocating for modern education, women's rights, and social equality.
- **MASS MOBILIZATION:** The early 20th century witnessed significant mass mobilization against British rule, marked by movements like the **Non-Cooperation Movement** and **Civil Disobedience Movement etc.** led by Mahatma Gandhi, which encouraged Indians to boycott British goods and institutions.

These movements played a crucial role in shaping India's struggle for freedom, blending social reforms with political activism and laying the groundwork for independence in 1947.

B. POST-INDEPENDENCE MOVEMENTS

1. NATION-BUILDING MOVEMENTS (1950s – 1970s): In the early decades after independence, India focused on socio-economic development and state-building, addressing deep-rooted inequalities.

- **Anti-Caste Movements:** Led by Dr. B.R. Ambedkar, these movements advocated for the rights of Dalits and challenged caste-based discrimination.
- **Green Revolution (1960s):** Aimed at modernizing agriculture to achieve food self-sufficiency, this government-led initiative significantly boosted agricultural production.

2. THE RISE OF PEOPLE'S MOVEMENTS (1970s – 1980s): The 1970s saw the emergence of grassroots movements emphasizing democratic values and local issues.

- **Chipko Movement (1973):** A non-violent protest in Uttarakhand, where local communities, especially women, hugged trees to prevent deforestation, highlighting the importance of environmental conservation.
- **Navnirman Movement (1974):** A mass protest in Gujarat against corruption and inflation, reflecting widespread public discontent.

Women's Rights Movements: This period saw the rise of movements advocating for gender justice and legal reforms, challenging patriarchal norms.

- **Emergency (1975-77):** Under Indira Gandhi's government, widespread protests against authoritarianism were led by Jayaprakash Narayan, demanding the restoration of democracy and civil liberties.

3. IDENTITY POLITICS AND SOCIAL JUSTICE MOVEMENTS (1980s – 1990s): The 1980s and 1990s witnessed a rise in identity-based movements centered on caste, gender, and regional identities.

- **Mandal Commission Agitation (1990):** A significant movement demanding reservation for socially and economically disadvantaged groups, leading to nationwide protests.

4. GLOBALIZATION AND ENVIRONMENTAL MOVEMENTS (LATE 20TH CENTURY – EARLY 21ST CENTURY): With economic liberalization, movements began addressing environmental degradation, economic inequality, and global interconnectedness.

- **Narmada Bachao Andolan (1985-Present):** Protesting against large dams on the Narmada

River, this movement highlighted environmental impacts and displacement of local communities.

- **Anti-WTO Protests (Late 1990s):** These reflected concerns about the negative impacts of globalization and free trade on economic inequality.

5. DIGITAL AGE MOVEMENTS AND CONTEMPORARY ACTIVISM (21ST CENTURY ONWARD): The 21st century saw the rise of digital-age movements, where technology, especially social media, became a powerful tool for mobilization and advocacy.

- **India Against Corruption Movement (2011):** Led by Anna Hazare, this movement used social media to rally support for the Jan Lokpal Bill, aimed at curbing corruption.
- **#MeToo Movement (2018):** A global movement that gained momentum in India, where survivors of sexual harassment and assault shared their experiences, leading to widespread discussions on gender-based violence.

The history of social movements in India reflects the nation's ongoing struggle for justice, equality, and rights. These movements have played a crucial role in shaping modern India, bringing about significant social changes and influencing government policies. They continue to be a vital part of India's democratic fabric, advocating for the rights and dignity of marginalized communities.

3. ROLE OF SOCIAL MOVEMENTS IN DEMOCRACY

- **Expression of Political Consciousness:** Social movements are a powerful reflection of the political awareness of the people. They demonstrate citizens' recognition of their rights and their determination to assert these rights. In a participatory democracy, social movements are vital as they embody active civic engagement, allowing people to voice their concerns and demands.
- **Encouragement of Political Participation:** By involving citizens in political issues, social movements foster discussions and debates that are crucial for a healthy democracy. This engagement not only helps in raising awareness but also sharpens political consciousness among the populace. Such involvement is essential for sustaining and deepening democratic values.

- **Expansion of Political Horizons:** The effectiveness of social movements largely depends on the level of mobilization they achieve. When a movement successfully mobilizes large sections of society, it can broaden the political landscape, pushing the boundaries of democracy and leading to greater inclusivity and participation in the political process.
- **Expression of Collective Aspirations:** Social movements provide a platform for expressing the collective aspirations, needs, and demands of the people. Through collective action, citizens can assert themselves and ensure that their voices are heard. This is crucial for holding policymakers accountable and ensuring that they remain responsive to the concerns of the populace.
- **Influence on Policy and Legislation:** Social movements often exert significant pressure on policymakers, compelling them to enact laws and policies that reflect the demands of the people. By influencing legislation, these movements help to advance and protect the interests of various social groups, thereby strengthening the democratic process.

4. CHALLENGES TO DEMOCRATIZATION THROUGH SOCIAL MOVEMENTS

- **Counter-Movements:** Not all social movements contribute positively to democratization; some may actively resist social transformation and oppose progressive changes. For instance, Hitler's National Socialist German Workers' Party in the 1930s mobilized Germans against Jews, Communists, and liberals, ultimately leading to a destructive and authoritarian regime. Such counter-movements can undermine democratic values and foster divisiveness within society.
- **Caution in Direct Action:** Rajni Kothari, a prominent political theorist, cautioned against indiscriminate use of direct action in the political process. He emphasized that direct action is justifiable only when the political change being sought genuinely offers greater political freedom than the existing system. Kothari's view highlights the importance of evaluating the potential outcomes of social movements, ensuring that they contribute to the enhancement rather than the erosion of democratic principles.

CIVIL LIBERTIES AND HUMAN RIGHTS MOVEMENTS IN INDIA

Civil rights are **fundamental rights granted by the state** essential for a civilized existence, such as the right to life, liberty, property, equality before the law, and protection against arbitrary detention. Rooted in liberalism, these rights serve to limit arbitrary power by the executive and uphold the rule of law. While socialist ideologies emphasize social and economic rights (such as those outlined in the Directive Principles of State Policy in India), civil rights are foundational to ensuring individual freedoms and justice.

1. HISTORY OF CIVIL RIGHTS MOVEMENT IN INDIA

- The Indian freedom struggle was not just a quest for independence but the **largest civil rights movement**.
- **Early nationalist demands for basic freedoms** like freedom of the press, greater representation in assemblies, and agitation against the Rowlett Bill were all examples of civil rights movements.
- **Pt. Nehru**, a prominent civil rights activist, established the '**Indian Civil Liberties Union**' on 7th November 1936, with **Rabindranath Tagore as President and Sarojini Naidu as working president**.
- Pt. Nehru **promised no black laws in independent India**.

2. CIVIL RIGHTS IN THE CONSTITUTION OF INDIA

- The **Indian Constitution is a revolutionary document**, perhaps the first to **incorporate the spirit of human rights**.
- Fundamental Rights (FRs) in India are available to **both citizens and non-citizens**, and the Constitution also includes social and economic rights.
- However, the **inclusion of preventive detention in the Constitution**, particularly in Part III, became a **major human rights issue**, especially during the Emergency.
- Recent amendments, **such as the UAPA in 2019, allowing the Central Government to declare individuals as 'terrorists'**, have sparked debates on potential misuse for suppressing dissent.

3. STATUS OF CIVIL RIGHTS POST-INDEPENDENCE

- Initially, **post-independence** saw a **decline in civil rights activism** until the 1960s, with a rise in executive overreach and corruption by the 1970s.
- The **1970s marked a new phase of civil rights activism**, spurred by economic failures and anti-price-rise agitations.
- Jaiprakash Narayan's** call for a '**total revolution**' and his encouragement of the armed forces to disobey government orders inspired the **formation of the People's Union for Civil Liberties and Democratic Rights (PUCLDR) in 1975**, which later split into PUCL and PUDR.

*The Emergency Period: The Emergency (1975-1977) was a dark period for Indian democracy, imposed on the grounds of internal disturbance, advocating for a committed bureaucracy and judiciary. Despite this, democracy survived and was subsequently strengthened. This period saw the proliferation of civil rights organizations like Citizens for Democracy and the Association for Democratic Reforms (ADR), led by lawyers like **Shanti Bhushan**, who used the judiciary to ensure the Rule of Law.*

4. HUMAN RIGHTS MOVEMENTS IN INDIA

Human rights movements in India have evolved significantly, reflecting the country's complex socio-political landscape and addressing various forms of discrimination and injustice.

PRE-INDEPENDENCE PERIOD:

- Colonial Rule and Early Activism:** Human rights activism during British rule was integral to the independence movement. Leaders like Mahatma Gandhi and Jawaharlal Nehru fought against colonial injustices and promoted civil rights.
- Social Reform Movements:** Reformers such as Raja Ram Mohan Roy, Jyotirao Phule, and Dr. B.R. Ambedkar challenged social evils like caste

discrimination, child marriage, and Sati, laying the foundation for future human rights efforts.

POST-INDEPENDENCE PERIOD (1947 ONWARDS):

- Constitutional Framework:** The Indian Constitution, adopted in 1950, established fundamental rights and freedoms for all citizens, along with social and economic rights through Directive Principles of State Policy.
- Legal Reforms and Activism:** Early reforms included the abolition of untouchability and the Hindu Code Bills, which aimed to enhance gender equality in inheritance and marriage laws.

1970S TO 1980S:

- Emergency Period (1975-1977):** The Emergency saw severe curtailment of civil liberties, prompting human rights activism and the formation of organizations like the People's Union for Civil Liberties (PUCL).
- Rise of the NGO Movement:** The 1980s witnessed the growth of NGOs addressing a broad spectrum of human rights issues, including environmental rights and marginalized communities.

1990S TO PRESENT:

- Globalization and Its Impact:** Economic liberalization introduced new challenges and opportunities, addressing labor rights, displacement, and environmental issues.
- Rights of Marginalized Communities:** Movements for Dalits, Adivasis (tribal communities), and LGBTQ+ rights gained prominence, including landmark legal battles like the fight against Section 377 of the IPC.
- Women's Rights Movement:** Gender-based violence and discrimination became focal points, notably after the Nirbhaya incident in 2012, leading to legal reforms and increased public awareness.
- Technology and Rights Activism:** The rise of the internet and social media has enhanced human rights advocacy, increasing visibility and mobilization.
- International Influence and Collaboration:** Indian human rights movements increasingly collaborate with international organizations, aligning with global human rights standards.

5. CHALLENGES FACED BY HUMAN RIGHTS MOVEMENTS IN INDIA

- **Diversity and Complexity:** India's vast diversity complicates human rights advocacy. Scholars like **Amartya Sen** note that different ethnic, religious, and cultural groups have distinct needs and perspectives, challenging efforts to address universal human rights.
- **Economic vs. Social Rights:** **Jean Drèze** points out the tension between economic growth and the protection of social rights. Rapid economic development has sometimes come at the expense of land rights, environmental protection, and labour rights.
- **Historical and Structural Inequalities:** The caste system and historical discrimination against Dalits and Tribals continue to challenge human rights efforts. **B.R. Ambedkar's** work highlights the ongoing impact of these inequalities.
- **Gender-Based Rights:** Despite legal protections, women and LGBTQ+ individuals face systemic discrimination and violence. **Nivedita Menon's** studies emphasize the persistent gendered nature of human rights issues.
- **Freedom of Expression and Civil Liberties:** The use of laws like the Unlawful Activities (Prevention) Act (UAPA) to arrest activists reflects a dilemma between national security and individual freedoms.
- **Theoretical Perspectives:** Different theoretical perspectives, such as Utilitarianism, Liberalism, and Marxism, offer varying views on human rights dilemmas. Utilitarianism focuses on the greatest good, Liberalism on individual rights, and Marxism critiques capitalist structures.
- **International Influence and Pressure:** International human rights organizations and foreign governments influence India's domestic policies, leading to debates about external interference in internal matters.
- **Economic Inequality and Rights:** **Amartya Sen's** capability approach highlights the challenge of addressing economic inequality while ensuring equitable rights distribution.
- **Technology and Rights:** The Aadhaar biometric database raises privacy and surveillance issues, reflecting modern dilemmas in human rights

advocacy.

These dilemmas and challenges reflect the ongoing complexities in advancing human rights in India, requiring continuous effort and adaptation to ensure the rights enshrined in the Constitution are fully realized for all citizens.

WOMEN'S MOVEMENT IN INDIA

The women's movement in India has **radically redefined the concept of justice**, addressing widespread **discrimination in rights**, violence, and cultural practices against women. Rooted in **feminist consciousness**, it has shaped organized **efforts for women's equality and liberation**, as **Neera Desai** noted.

Women's Movement in India Before Independence: Women movement in India was started by liberal men like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar.

1. ISSUES ASSOCIATED WITH WOMEN

- **Patriarchal society-** Deeply ingrained patriarchal norms limited women's roles to domestic spheres. Scholars like **Tanika Sarkar** have **highlighted these social structures as major obstacles**.
- **Educational Inequality:** According to **Geraldine Forbes** women's education was **grossly neglected**, keeping them uninformed about their rights and opportunities.
- **Child Marriage and Widowhood:** Prevalent practices such as child marriage and the mistreatment of widows, including the custom of Sati, were significant issues.
- **Limited Legal Rights:** Women had limited legal rights, particularly regarding inheritance and property. Historian **Uma Chakravarti emphasizes how this legal subordination perpetuated women's dependency**.
- **Lack of Health and Sanitation awareness:** Poor health facilities and lack of awareness about women's health, especially reproductive health, were significant challenges.

2. EVOLUTION OF WOMEN'S MOVEMENTS IN POST-INDEPENDENT INDIA

The Women's Movement in post-independent India has undergone several phases, each characterized by specific issues, challenges, and achievements, influenced by India's unique social, cultural, and political context.

A. PHASE 1: TILL 1970

Aparna Mahanta describes the post-independence years as the **"grey years" of the women's movement, noting a decline in activism** compared to the pre-independence era. She suggests that there was a belief that movements against the indigenous government were unnecessary, as it was expected that the government would address women's concerns automatically.

ISSUES AND CHALLENGES IN THIS PHASE

- **Legal Rights and Representation:** The primary focus was on establishing **legal rights for women** in the new democracy.
- **Socio-Cultural Norms:** Traditional norms and practices like **child marriage and dowry** continued to pose challenges.

ACHIEVEMENTS OF THIS PHASE

- **Constitutional Guarantees:** The Indian Constitution provided **equal rights to women**, a significant achievement.
- **Reform Laws:** The Hindu Marriage Act (1955), the **Hindu Succession Act (1956)**, and other laws aimed at gender equality were enacted.

B. PHASE 2: PHASE OF REVIVAL AND ACTIVISM (1970S-1980S)

The 1971 Committee on the Status of Women in India, through its 1974 report **"Towards Equality,"** marked a **watershed moment** in the women's movement. The report revealed critical issues such as a declining sex ratio, gender-based violence, discrimination, and decreasing female participation in political and economic spheres, underscoring the need for significant reforms.

Later, the first UN Women's Conference, 1975 (Mexico

City) designated **1975-85** as the **Decade for Women**, prompting governments to report on the status of women.

ISSUES AND CHALLENGES

- **Violence Against Women:** Issues like **domestic violence, dowry deaths, and rape** gained prominence.
- **Rural and Poor Women's Struggles:** The needs and rights of rural and marginalized women were often overlooked.

ACHIEVEMENTS OF THIS PHASE

- **Grassroots Movements:** The rise of grassroots movements and **NGOs focused on women's issues**.
- **Landmark Cases and Legislation:** The **Mathura rape case** led to changes in rape laws. The **Anti-Dowry Act** was amended to be more effective.
- **Growth of women organisations** including organisation of Muslim women like **Majilis, Aawaaz e-Niswaan**, organisation of dalit women like **All India Dalit Women Conference**.
- **Empowerment of Women:** Approach of government also changed from development to empowerment. Since the 6th **five year plan**, the government has introduced **gender components in each plan**.

VALUE ADDITION: PROMINENT ISSUES IN 1980s

- **Mathura Rape Case:** The Mathura rape case involved the custodial rape of a tribal girl in India. It sparked a nationwide anti-rape campaign in 1980, leading to the establishment of autonomous women's organizations in various cities and towns across the country.
- **Sati at Deorala:** The Sati incident at Deorala occurred in post-independent India, where Roopkuvarba Kanwar, a Rajput woman, was burned alive in Deorala village of Sikar district, Rajasthan, in a case of Sati practice.
- **Shah Bano Judgment:** The Shah Bano judgment was a controversial maintenance lawsuit in India. The Supreme Court ruled in favor of maintenance for an aggrieved divorced Muslim woman, leading to significant debates and discussions.

C. PHASE 3: GLOBAL INFLUENCES AND DIVERSIFICATION (1990s–2000s)

In the 1990s, a new trend emerged in Indian women's movements influenced by the global growth of feminist movements. Women's organizations **shifted towards Radical feminism**, aligning themselves with global feminist movements.

Some of the **new names adopted** by these organizations were **Saheli, Vimochana, Manushi, Jagoree**, reflecting a more radical and globally connected approach to women's issues.

ISSUES AND CHALLENGES

- **Economic Liberalization:** The 1990s economic reforms in India brought new challenges and **opportunities for women in the workforce**.
- **Increased Awareness of Diverse Issues:** Recognition of **diverse issues affecting women** from different social and economic backgrounds.

ACHIEVEMENTS OF THIS PHASE

- **Increased Women's Participation in the Workforce:** Economic reforms opened up **new job opportunities for women**.
- **International Influence:** India's participation in global conferences like the **Beijing Conference (1995)** brought international gender norms to Indian discourse.

D. PHASE 4: CONTEMPORARY ERA (2000s–PRESENT)

ISSUES AND CHALLENGES

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ACHIEVEMENTS OF THIS PHASE

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VALUE ADDITION: SCHOLARS VIEWS ON OVERALL WOMEN MOVEMENT

Madhu Kishwar criticizes the **women's movement**, suggesting that its only notable achievements are **unusual pieces of legislation**.

Challenges Identified by Neera Desai and Usha Thakkar:

- **Challenge of Identity:** The movement **grapples with defining its identity** and purpose.
- **Women's Issues are Universal:** Women's issues are **not limited to women alone**; they **affect society** at large.
- **Division along Ideological and Social Lines:** Internal divisions based on ideology, caste, and religion **hinders unity and progress**.
- **Lack of Unified Charter of Demands:** The movement has **not presented a cohesive set of demands**.

Samita Sen's Assessment:

- **Divisions within the Movement:** The movement is deeply **divided along lines of caste, religion, and ideology**, lacking solidarity and sisterhood.
- **Need for Viable Feminist Politics:** Sen emphasizes the **necessity of a practical, effective feminist political approach**.
- **Call for Transformative Agencies:** There is a need for agencies that can bring about **transformation beyond the boundaries** of class, caste, and religion.

3. SCOPE OF WOMEN'S MOVEMENTS IN INDIA

- **Legal and Policy Reforms:** Women's movements have successfully advocated for changes in laws concerning marriage, divorce, inheritance, and dowry. Key achievements include the prohibition of dowry and sati, legalization of abortion, and criminalization of instant triple talaq.

- **Political Empowerment:** These movements have played a crucial role in increasing women's political representation, particularly through the reservation of seats in local governance bodies like Panchayati Raj Institutions.
- **Awareness Creation:** Women's movements have been instrumental in raising awareness about critical issues such as gender-based violence, sexual harassment, and inequality in education and employment.
- **Empowerment of Women:** They have significantly contributed to the empowerment of women, especially in rural and marginalized communities, by promoting education, skill development, and economic initiatives.
- **Addressing Violence Against Women:** Women's movements have been central to campaigns against domestic violence, sexual harassment, and gender-based violence, leading to the enactment of laws like the Protection of Women from Domestic Violence Act and the Sexual Harassment of Women at Workplace Act.
- **Cultural Change:** These movements have challenged entrenched patriarchal norms and practices, fostering gradual cultural shifts in societal attitudes toward women.

VALUE ADDITION: SCHOLARS VIEWS ON CHALLENGES FACED BY WOMEN MOVEMENT IN INDIA

- **Flavia Agnes** emphasizes the **persistence of patriarchal norms** deeply embedded in Indian society, contributing to the challenges faced by the women's movement. The **legal framework** alone is insufficient without societal attitudinal changes.
- **Nivedita Menon** points out the challenge of addressing intersectionality, as **issues of class, caste, and religion intersect with gender**. Highlights the need for a more inclusive and intersectional feminist agenda.
- **Uma Chakravarti** focuses on **the hurdles in challenging deeply entrenched gender norms** and stereotypes. The women's movement grapples with the need for broader social transformation to address deeply ingrained misogyny.

4. IMPORTANCE OF WOMEN'S MOVEMENT

- **Impacted Post-Independence Movements:** Scholars such as **Partha Chatterjee** have analyzed that the **pre-independence women's movement set the stage for post-independence feminist struggles**, evolving the discourse on women's rights.
- **Intersection with Nationalism:** **Kumkum Sangari and Sudesh Vaid** explore that the women's movement intersected with the national independence movement, arguing that while it **raised the profile of women**, it also sometimes constrained them within nationalistic ideals.
- **Cultural Constraints:** Anthropologist **Leela Dube** has highlighted those cultural constraints **shaped the movement**, with women often having to navigate between traditional roles and the urge for emancipation.
- **Regional Variations:** **Gail Minault's** studies highlight the regional variations in the movement, with different parts of India **experiencing varied intensities** and focuses in their women's movements.

5. RESERVATION POLICY FOR WOMEN

The reservation of women in India refers to the policy of allocating a certain percentage of seats in various political and governance bodies specifically for women. This policy aims to enhance women's political participation and representation, particularly at the grassroots level.

OPPOSITION TO RESERVATION

- **Pandit Nehru** opposed reservation, arguing that it would **compromise merit and be irreversible** once implemented.
- **Sarojini Naidu** also opposed reservation, believing it would **impact women's confidence** and that they should be **elected based on merit**.
- **Towards Equality Report (1974)** opposed reservation in Parliament and assemblies but **favoured it in local bodies**. The report viewed women's issues as reformative rather than radical, **advocating for collaboration** between men and women.

- ▶ **Ela Bhatt (SEWA) opposes** reservation, suggesting that **economic empowerment** should be the focus.

IN SUPPORT FOR RESERVATION

- ▶ **Laura Keenan** supports reservation, **citing stagnant women's representation** in Parliament and the need for **proportional representation**.
- ▶ **Rohini Pandey** believes reservations have **reduced prejudice against female leaders** and enhanced respect for women.
- ▶ **Gabrielle Kruks** Wisner views reservation in Panchayats as key for **women's social mobility**.
- ▶ **Esther Duflo and Raghwendra Chattopadhyay** found that districts with female sarpanch/pradhan witnessed **greater investments in public goods** like drinking water, benefiting women.

SCEPTICISM

Sudha Pai: Expresses **doubts about true empowerment through reservation**, fearing the rise of "Pati Panchayats" and emphasizing the **need for female literacy and societal change**.

Feminist scholar **Laura Keenan** argues that **lack of women in Parliament** does not indicate lack of talent but rather **reflects the challenging social environment**, necessitating catalysts like reservations.

The women's movement in India, with its rich history and evolving phases, **reflects a continuous struggle** against deep-rooted patriarchy, societal norms, and institutional challenges. Despite significant achievements in legal, educational, and social spheres, the movement continues to **face numerous challenges, requiring persistent efforts and strategic adaptations** to address emerging issues and ensure sustained progress towards gender equality.

ENVIRONMENTAL AND ECOLOGICAL MOVEMENTS

Environmental movements revolve around the issues of **development and democracy**. These movements advocating for **constitutional and democratic rights**, emphasizing environmental protection, **ecological balance, and economic justice**.

- ▶ Globally this movement **emerged in the 1980s**, the **Global Green Movement** influencing India, Germany, and North America.
- ▶ These movements seek **economic justice, focusing on quality of life, indigenous cultural preservation**, and people's rights over resources, beyond just resource distribution.
- ▶ These movements are categorized by scholars as **tribal and peasant movements or New Social Movements**, with a diverse environmental discourse in India.

1. HISTORY OF ENVIRONMENTAL MOVEMENTS IN INDIA

The history of environmental movements in India reflects a rich legacy of resistance, conservation, and advocacy that has evolved over centuries.

A. PRE-INDEPENDENCE MOVEMENTS

- ▶ In colonial India, tribal communities **resisted forest policies** imposed by the colonial state.
- ▶ These tribal movements can be considered some of the earliest environmental protests, predating similar movements in the West.
- ▶ An early significant protest was the **Mulshi Satyagraha in 1921**, led by **Senapati Bapat** against the **construction of a dam in the Lonavala hills** intended to supply power to burgeoning industries in Mumbai.

B. POST-INDEPENDENCE ENVIRONMENTAL MOVEMENTS

Ramachandra Guha identifies four phases in the evolution of environmental movements in post-independent India:

PHASE I (1970S)

- ▶ **Perception:** Environmental movements were **perceived as "interlopers"** that **disrupted the consensus of developmental priorities**. Environmentalism was considered a luxury only wealthy nations could afford.
- ▶ **Opposition:** **Chipko Movement (1973)**, a defining



moment in Indian environmental activism was led by figures like **Chandi Prasad Bhatt and Sunderlal Bahuguna**, emphasizing the importance of forests for local ecosystems and communities. They were often accused of being foreign agents (e.g., CIA agents) trying to prevent India's development.

- **Marxist View:** Marxists in India viewed ecological concerns as **bourgeoisie distractions** from the core issues of economic and social justice.

PHASE II (1980S)

- **Rise of Environmental Journalism:** Journalists such as Anil Agarwal, Shekhar Pathak, and Nagesh Hegde began to highlight environmental issues, bringing them into the public eye.
- **Government Response:** Environmental issues gained media attention, prompting the government to establish a dedicated department for the environment in 1980, which was later upgraded to the Ministry of Environment and Forests in 1985.

PHASE III (1990S)

- **Professionalization:** Environmentalism became more professional, with social and natural scientists conducting rigorous research to provide credible data on environmental conflicts.
- **Academic and Scientific Engagement:** The involvement of academics and scientists helped in understanding the roots of environmental issues and conflicts more deeply.

PHASE IV (1990S ONWARDS)

- **Backlash:** With the government's adoption of a neo-liberal economic model focusing on private capital, environmental protests against activities like mining and the creation of Special Economic Zones (SEZs) were often seen as anti-development and anti-national.
- **Increased Tribal and Left-Wing Movements:** As tribal protests grew and left-wing movements gained strength, environmentalists and human rights activists were often branded as anti-national. They transitioned from being labeled as "CIA agents" in earlier phases to being called "**old-fashioned socialist guys.**"

2. SUNITA NARAIN'S VIEWS ON ENVIRONMENTALISM

Sunita Narain, a prominent environmentalist and director of the Centre for Science and Environment (CSE), focuses on urban environmental issues such as air pollution, water management, and sustainable urbanization

ENVIRONMENT AND DEMOCRACY:

- Environmentalism is **not just about saving tigers and planting trees**. It is about **democracy and empowering people** through decentralized planning and grassroots democracy to achieve sustainable development.
- Current development strategies in India are **neither pro-environment nor pro-poor**.

COMPARISON OF ENVIRONMENTAL APPROACHES:

- **Western protectionism** is **human-centered** and focused on "protectionist conservatism."
- Indian environmentalism is "**utilitarian conservatism,**" emphasizing **social ecology and the sustainable use** of resources.

3. NEW ENVIRONMENTALISM CONCEPT

- **Economic Development and Sustainability:** In a developing country like India, **economic growth cannot be ignored**. Environmentalism should integrate people as owners and custodians of natural resources, ensuring sustainable development.
- **Resisting Inequity:** Environmental movements resist the commodification and monopolization of natural resources, **inequitable distribution, unsustainable use**, exploitative power relations, and the disempowerment of communities.

4. ANALYSIS OF THE ENVIRONMENTAL MOVEMENT IN INDIA

- **Ramachandra Guha** in his book "**The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya**", he critiques India's development

highlighting how large-scale projects like dams often lead to environmental harm and social displacement.

- **Vandana Shiva** in her book "**Staying Alive: Women, Ecology, and Development**", she explores the intersection of feminism and environmentalism, arguing that women, especially in rural areas, suffer disproportionately from environmental degradation. She also critiques global corporations for "biopiracy" in "**Biopiracy: The Plunder of Nature and Knowledge**".
- **Madhav Gadgil** in his book in "**Ecology and Equity: The Use and Abuse of Nature in Contemporary India**", he combines ecological research with advocacy for sustainable development, promoting People's Biodiversity Registers to involve communities in conservation.
- **Anil Agarwal** in his report "**State of India's Environment: A Citizen's Report**" brought environmental issues to public attention, advocating for development models suited to India and critiquing Western industrialization.
- **Sunita Narain** in her book "**Excreta Matters: How Urban India is Soaking up Water, Polluting Rivers and Drowning in its Own Waste**", she critiques urban environmental issues and advocates for equitable global governance approaches that consider India's developmental needs.

5. INFLUENCE OF ENVIRONMENTAL MOVEMENTS ON GOVERNMENT POLICIES

Environmental movements in India have significantly influenced government policies and legislation, leading to important changes in environmental governance, like:

- **Environmental Regulations**—Movements have led to stricter environmental regulations. For instance, the '**Save Western Ghats Movement**' influenced the formulation of policies for protecting bio-diverse regions.
- **Renewable Energy Push**—Activism around climate change has pushed governments, including India, to **invest more in renewable energy** sources and commit to international agreements like **the Paris Climate Accord**.
- **Urban Planning and Pollution Control**—Protests

against **air pollution** have led to the implementation of policies like odd-even vehicle schemes, bans on certain types of fuels, and the promotion of public transport.

- **Forest Rights Act, 2006**—Partly a result of prolonged tribal movements and advocacy for the **rights of forest-dwelling communities**, ensuring their stewardship over land and resources.

6. FACTORS INFLUENCING THE RISE OF THE ENVIRONMENTAL MOVEMENT IN POST-INDEPENDENT INDIA

The rise of the environmental movement in post-independent India can be attributed to several factors:

- **Rapid Industrialization**—Swift industrial growth led to **severe environmental issues** like air and water pollution, deforestation, and soil erosion, sparking activism and concern among citizens. The **Bhopal Gas Tragedy of 1984** highlighted the need for environmental regulation in industrial practices.
- **Global Environmental Awareness**—The impact of **Rachel Carson's "Silent Spring"** and the **first Earth Day in 1970** resonated in India, leading to increased scrutiny of agricultural chemicals and environmental education programs.
- **Cultural Connection to Nature**—Practices like the **worship of trees and rivers in Hinduism**, and the **Jain principle of non-violence** towards all living beings, reflect India's cultural ties to nature, often providing a foundation for environmental activism and conservation efforts.
- **Grassroots Movements**—Movements like the **Chipko Movement** and the **Narmada Bachao Andolan** are prime examples of local activism influencing national environmental policy.
- **Governmental Policies and Legal Frameworks**—Establishment of the Ministry of Environment and Forests, and enactment of the **Wildlife Protection Act (1972)** and the **Forest Conservation Act (1980)**, reflect the government's response to environmental concerns.
- **Media Influence**—Coverage of environmental events has played a significant role in raising public awareness and promoting conservation efforts.

in the **Stockholm Conference (1972)** and the **Earth Summit (1992)** influenced the country's policies on sustainable development and biodiversity conservation.

- **Educational and Civil Society Initiatives**—NGOs and educational initiatives have been **instrumental in promoting environmental awareness** and action.

7. IMPORTANT ENVIRONMENTAL MOVEMENTS IN INDIA AND RECENT CASE STUDIES

MOVEMENT	CAUSE	KEY PERSONALITIES	OUTCOME
Chipko Movement, Uttarakhand	Protesting commercial logging threatens livelihoods and the environment.	Chandi Prasad Bhatt, Sunderlal Bahuguna	Successfully halted deforestation; led to a 15-year ban on green felling and inspired global movements.
Silent Valley Movement 1978–1983, Kerala	Proposed hydroelectric dam threatened a unique rainforest ecosystem.	Dr. Salim Ali	Project halted; Silent Valley declared a national park in 1985, preserving its biodiversity.
Appiko Movement 1983, Karnataka	Protecting Western Ghats forests from commercial logging.	Panduranga Hegde	Stopped logging activities; promoted afforestation and sustainable practices.
Tehri Dam Protests 1990s–2000s, Uttarakhand	Protests against environmental and social impacts of the Tehri Dam.	Sunderlal Bahuguna	The dam was completed in 2006; protests raised awareness about environmental and social consequences.
Anti-POSCO Movement 2005–2017, Odisha	Protest against POSCO steel plant threatening displacement and environmental damage.	Abhay Sahoo	Project cancelled in 2017; highlighted development vs. conservation conflict.
Aarey Forest Protest 2019	Opposition to tree cutting for Mumbai Metro car shed construction.	Local residents, environmental activists, celebrities	Construction halted; Maharashtra government announced relocation of the car shed project.

India's environmental movements **emerged from grassroots activism** against large-scale projects, evolving through phases of awareness, institutional response, professionalization, and contemporary challenges. Influential figures and organizations have shaped the discourse, addressing issues from local conservation to global climate change.

In India, despite the presence of institutions like the **NGT and EIA**, along with new approaches to **rehabilitation**, **environmental consciousness remains low**. Environmental protests are often localized and lack a long-term strategy. While these groups have stalled government projects temporarily, they have not been able to stop them entirely. The **environmentalist lobby is weak**, and there is **minimal middle-class awareness** and activism. Environmental concerns are not a priority in political party manifestos.

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