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# BPOL102 INDIAN POLITICAL SYSTEMS II



**BA (POLITICAL  
SCIENCE)  
2<sup>ND</sup> SEMESTER**

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# **Indian Political System -II**

**Bachelor of Arts**

**Second Semester**

**Paper 102**



**RAJIV GANDHI UNIVERSITY**

Arunachal Pradesh, INDIA - 791 112

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## UNIT-I

### CENTRE-STATE RELATIONS: LEGISLATIVE, ADMINISTRATIVE AND FINANCIAL

#### Structure

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#### 1.0 Objectives

After reading this unit you, will be able to

- explain the meaning and definitions of federation;
- understand the uniqueness of Indian federation;
- examine the reasons for strong Centre in Indian federation; and
- acquire knowledge on the working of Centre-State relations in India and the areas of conflict.

#### 1.1 Introduction

Federalism in India implies distributions of powers between the Union and the State Governments. The constitution of India has many such features which are federal as well as unitary in nature. In this context, the centre-state relations with its recent trends have also been discussed in this Unit.

#### 1.2 Meaning of Federation

Federation is a modern concept. Federalism implies a dual polity in which the powers are distributed between the central and the state governments and both are

autonomous within their allotted spheres. The word 'federal' or 'federation' has been derived from the Latin word 'Foedus' which means agreement. It is an agreement or coming together of two or more sovereign states to form a common entity on the basis of certain common interest. The modern Governments are classified as unitary and federal on the basis of concentration or distribution of power. If all the powers are concentrated in the central government, it is known as unitary; on the other hand, if the powers are clearly divided between the centre and the states by the constitution, they are known as federal. Thus, a federal form of government is one in which there is division of powers between centre and states and both enjoy their respective powers independently without mutual disturbances. According to Garner, "Federal government may be defined as a system of central and local governments combined under a common sovereignty, both the central and local organizations being supreme within definite sphere marked out for them by the general constitution or by the act of parliament which creates the system". In the words of Dr. Finer, "A federal state is one in which, part of authority and power is vested in the local areas, while another part is vested in a central institution deliberately constituted by an association of the local areas.

Federation is a result of historical evolution. It springs from the necessity for the union of a number of independent states which are not strong enough individually to protect themselves from outside danger, and whose union is requisite for their safety and for the promotion of their economic interest, but which are not prepared to surrender their independence completely. The basis for formation of a federation is usually the consideration of national unity, the desire to promote common economic interests, resolution of common problems and consideration of defence and international prestige. Thus a federal state is a political contrivance intended to reconcile the national unity and power with the maintenance of state's right; it is the fusion of several states into a single state in regard to matters affecting common interest, while each component states enjoys autonomy in regard to other matters. It is a union of a number of independent states whose territories are contiguous and whose citizens have certain affinities either racial, ethnological or traditional, who have a common historical background or heritage, a community of economic interests and feel a craving for spiritual and national unity but at the same time are anxious to maintain the identity and independence of their states, which are not strong enough in modern times to face external industrial competition or military menace.

### 1.2.1 Characteristics of federation

The study of above meaning and definition reveals four important characteristic of a federation:

- (i) **Distribution of powers:** It is an essential feature of a federal form of Government that the power is distributed between centre and the states. Both exercise their respective powers as defined by the Constitution. The clear distribution of power between centre and the states is necessary to avoid confusion and overlapping in the law-making process and its implementation.

- (ii) **Written and rigid Constitution:** A constitution of a federal polity must be written so that there is no uncertainty about the division of power between centre and the states. Further, the federal constitution is always rigid so that its provisions may not be changed or amended according to the whims of party in power.
- (iii) **Supremacy of Constitution:** In a federation, constitution is the supreme law of the land and both the governments i.e. centre and the states derived their powers from the constitution. Neither the federal government nor the state governments can go against letter and the spirit of the constitution.
- (iv) **Independent Judiciary:** It means the judiciary is independent from the control of both **centre as well as the states and various organs of the government**. The independent judiciary can nullify the acts of the centre or the states if it violates the provisions of the constitution. It interprets the constitution in case of dispute between centre and the states.

### 1.3 Nature of Indian Federation

There are considerable differences of opinion regarding the nature of Indian federation. Some scholars describe India as quasi-federal and some regard it as more unitary than federal. K.C. Wheare classified 'India as a unitary state with subsidiary federal principles rather than a federal state with subsidiary unitary principles'. Sir Ivor Jennings said that 'India has a federation with a strong centralizing tendency'. However, according to the traditional classification, a constitution is either federal or unitary; there cannot be the system like pseudo-federalism or quasi-federalism. But, it is important to note that there is no single pattern of federalism in the world. The contemporary social scientists tend to regard the American model of federation as an ideal one and any federal arrangement which deviate from the American system has been considered as unreal federation. Many countries have adopted federal system as per their suitability and requirements. Likewise, India has also adopted a federal structure keeping in view the peculiarities and uniqueness of our country. Article I of our Constitution declares "India, that is Bharat, shall be a Union of States".

The founding fathers of our Constitution deliberately used the word 'union' instead of federation because they felt that the unity and integrity of India could be better emphasized by the use of the term 'union'. Though, the word 'federation' is never used in our Constitution, the structural arrangement and use of word 'union' shows that India is a federation. The Indian federation deviates from the ideal federation due to the special circumstances and need of the time. The factors like diversity in culture, language, religion, custom etc. were the reasons for India to adopt federation with centralizing tendency. The other factors were the vastness of the country and need for integration of the princely States and democratic decentralization of power. During the time of framing the Constitution, the unity and integrity of the nation was threatened by the trauma of partition, communal riots, famines and poverty and other centrifugal forces active in Indian political system. That's why the framers of Indian Constitution favoured a

federation with strong Centre. However, the basic provisions of the Constitution like supremacy of the Constitution, separation and division of powers and independent judiciary testify India to be a federation. The following features of the Indian Constitution show that India is federal.

#### 1.4 Functioning of Indian Federalism: Federal and Unitary Features

Indian federalism is marked by both federal and unitary features. The federal features include the following:

- (i) **Written Constitution:** The Indian Constitution is a written document containing more than 400 articles and 12 schedules. Therefore, it fulfils this basic requirement of a federal Government. In fact the Indian Constitution is the most elaborate Constitution of the world.
- (ii) **Supremacy of the Constitution:** The Constitution is supreme in India. All the disputes between Centre and the States are adjudicated according to the provisions of the Constitution and neither the Centre nor the States can deviate from the provisions of the Constitution.
- (iii) **Rigid Constitution:** All the provisions of Indian Constitution concerning the Centre-State relation are rigid and can be amended only by the joint action of the States and the Centre. Such provisions can be amended by the two-third majority of the members present and voting in the Parliament and ratified by at least one half of the States.
- (iv) **Division of Powers:** The Seventh Schedule of our Constitution divides the subjects of administration as union list, State list and concurrent list. The Central Government enjoys exclusive power to legislate on the subject mentioned in the union List. The State Government has full authority to make laws on the subjects enumerated in the State list and both the Centre and the States can legislate on the items mentioned in the concurrent list.
- (v) **Independent Judiciary:** In India, the Constitution has provided for a Supreme Court and every effort has been made to see that the judiciary in India is independent and supreme. The Supreme Court of India can declare a law as unconstitutional and *ultra vires*, if it contravenes any provision of the Constitution. In order to ensure the impartiality of the judiciary, our judges are not appointed by the executive and their salaries cannot be curtailed by the Parliament.
- (vi) **Bicameral Legislature:** Bicameral legislature means the existence of two houses of legislature. The Indian Constitution provides for bi-cameral legislature at the Centre consisting of the Lok Sabha and the Rajya Sabha. The Lok Sabha consists of the elected representatives of the people, while the Rajya Sabha mainly



consists of the members elected by the State legislatures and they represent the States in the Parliament.

The above discussed features of Indian Constitution clearly establish that India is a federation. However, as stated earlier, the peculiar problems and needs of Indian political system necessitated a deviation from the ideal federation. That's why we find a considerable number of features of unitary elements in Indian federal arrangement. This has lent support to the opinion that the Indian Constitution is federal in form and *unitary* in spirit. Let us examine the *unitary factors*:

- (i) **Single citizenship:** In an ideal federation like that of United States of America, there is system of double citizenship. An individual is a citizen of the federal country and at the same time a citizen of the State to which he belongs. However, though India has a dual polity, we do not have dual citizenship. Every Indian is a citizen of India, not the States of which he resides.
- (ii) **A strong Centre:** The very nature of the distribution of power between Centre and the States in India makes the Central Government more powerful. There are provisions in the Constitution that the Centre can legislate on the subjects mentioned in the State list and can give mandatory directions to the State Governments. Further, the residuary power i.e. power to legislate on the subjects which are not mentioned in either of the three lists rests with the Central Government which is an anti-federal principle.
- (iii) **Single Constitution for Centre and the States:** Under a federation, the States usually have separate Constitution of their own. However, in India, we have common Constitution both for the Centre and the States. There is no separate Constitution of the States which is again the negation of federal features.
- (iv) **Centre can change name and boundaries of the State:** In federal polity, the States have distinct position and the Centre has no right to change the boundary or name of the States without its consent. However, in India, the Union Parliament can change the name and boundary of a State with a simple majority. The right of the Centre to change the boundary of the States is against the federal set up.
- (v) **Single Judiciary:** In certain federations like American and Australian Federation, the States have their own judicial system. But in India, we do not have separate judiciary of Centre and the States. The Supreme Court and High Courts form a single integrated judicial system. The courts in India are arranged in hierarchy.
- (vi) **Unitary in Emergency:** Under the Constitution of India, the President can declare emergencies in the States on two conditions. Firstly, the President can declare emergency in a State when the administration of the State cannot be carried out in accordance with provisions of the Constitution due to the political instability or otherwise. Secondly, the President can declare financial emergency when there is grave financial crisis in the State. During the period of emergency,

administration of the State is taken over by the Centre. This provision of the Constitution is most debatable one and against the spirit of federal set up.

- (vii) **Common all India service:** To ensure uniformity of administrative system and to maintain minimum common standard of administration in the country, we have common All India Services like Indian Administrative Services, Indian Police Service etc. These officials are posted in the key administrative positions in the States though they are recruited by the Central Government agency. In this way, the personnel autonomy of the state is curtailed and the central control is indirectly extended.
- (viii) **Inequality of representation in the Council of States:** In a federation, the States are equally represented in the federal legislature irrespective of their size and population. However, in India, there is no equal representation of the States in Rajya Sabha. Here, the population pattern has been followed and the bigger States have greater representation.
- (ix) **Appointment of Governor and High Court Judges by President:** Governor, Head of the State is appointed by the President on the advice of the Union Cabinet. The Governor holds office during the pleasure of the President which practically means the pleasure of the Union Government. This pattern of appointment and removal of the Governor enable the Central Government to extend their control over the States. The judges of the High Court are also appointed and transferred by the President.
- (x) **Appointment of the Comptroller and Auditor General:** The appointment of the Comptroller and Auditor General is made by the President of India. He is responsible for the audit and accounts of both the Union and State Governments. This indicates a Unitarian tendency of Indian federation.
- (xi) **Centralized Electoral machinery:** Another typical example of the unitary feature of our Constitution is the unified Election Commission. The Election Commission is appointed by the Union Government without consulting the States. The Commission conducts the election not only in the Parliament and other elective offices in the Centre but also those of the State legislatures.
- (xii) **Flexible Constitution:** In an ideal federalism, a Constitution is rigid so that its provisions cannot be easily amended. But Indian Constitution is not very rigid. Many provisions of the Constitution are flexible and can be amended by the Union Parliament. The flexibility of Indian Constitution is against the spirit of federal system.
- (xiii) **Intervention in the State list:** The Union Parliament can make laws on any subject mentioned in the State list under two circumstances. One, if the Rajya Sabha passes a resolution by not less than two-third majority declaring particular subject to be of national importance. Two, if it is felt essential by the Government

of India to honour or implement international treaty and agreement. In short, the Central legislature in India can encroach upon the legislative domains of the states, which is a clear negation of the federal system.

- (xiv) **Control over State laws:** Certain bills passed by the State legislature cannot become an act unless they have been reserved for the approval of the President of India. Further, the Governor of a State can reserve any bill passed by the State legislature for the consideration of President. The President may give his assent to a bill or may withhold his assent. In this way, the Centre can exercise an implicit control over the State laws.
- (xv) **Financial Dependence of the States:** To enjoy maximum autonomy in a federation, the States need to be financially self-sufficient and self-reliant. But in India, the States are heavily dependent on the Central grants for the developmental projects. The States have very limited sources of income but unlimited areas of expenditure. Such financial dependency has very much hindered the growth of autonomy of the States in federal lines.
- (xvi) **Finance Commission:** The Constitution of India provides for appointment of Finance Commission by the President on the advice of Union Cabinet. However, no nominee of the states is included in the Commission. The Commission makes the recommendations for distribution and allocations of revenues between Centre and the States and determines the conditions for giving financial allocation to the States out of union fund. Such practice is against the federal principle and the States have been raising their protest against this provision of the Constitution.

## 1.5 Analysis

The above discussion reveals that though the Indian Constitution is essentially a federal Constitution, it has so many unitary factors, which makes the Centre stronger and more powerful than the States. The strong Centre was felt inevitable by the framers of the Constitution due to various reasons. Firstly, the partition of the nation and subsequent growth of anti-national elements and the prevalence of fissiparous tendencies were main reasons for making the Centre more powerful. The leaders of the Constitution makers felt that only strong Centre could check those centrifugal forces. The strong Centre has, however, been a boon to keep India together when we find the separatist forces of communalism, linguism scramble for power playing havoc even after five decades of the working of Constitution. The framers of the Indian Constitution were aware of the fact that the general trend in other federations was also towards a strong Centre. After the enforcement of the new Constitution, the centralizing federalism in India has been the result of five main factors: (i) monolithic parties which control the State organizations through their national organs (ii) long rule of the Congress party in the Centre and in almost all the States (iii) dominating personality of Jawaharlal Lal Nehru as Prime Minister of India, (iv) introduction of national planning as means of rapid socio-economic development in the country and (v) national emergencies declared in wake of the Chinese aggression of 1962 and Pakistan war of 1965 and 1971. The strong central

bias in Indian constitution has not withered away the federal system. The most conclusive evidence of the survival of federal system in India is the co-existence of the government of the parties in the States different from that of the Centre. The federal system is expected to remain unimpaired notwithstanding changes in the party situation so long as the Supreme Court discharges its duties as guardian of the Constitution. It may be concluded with the words of D.D. Basu, 'The Constitution of India is neither purely federal nor purely unitary but is a combination of both'. It is a union or composite State of a novel type. The Indian Constitution upholds the principles of a structural federal State, in view of its national interest.

### Check Your Progress-I

1. Name the Latin word from which the term 'federation' has been derived.
2. What are the characteristics of a Federation?
3. Why the Indian federation is unique?
4. What are the natures of the Indian Federation?

## 1.6 Centre-State relations

The distribution of powers constitutes the pivot of federalism. It exhibits both the tendencies of Unitarism and federalism in its functional aspect. The Constitution of India prescribes structures to this federal functioning. The Indian union composed of 28 States and both the Centre and States derive their power from the Constitution. In a legalistic sense, neither the Parliament nor the State legislature can be said to be sovereign because each one is limited by the provisions of the Constitution relating to distribution of powers. From Article 245 to 307 of Indian Constitution, the Centre-State Relation has been dealt with. The relationship between the Centre and the States in India may be studied as follows:

### 1.6.1 Legislative relation

The legislative relationship between the Centre and the states is clearly outlined in Article 245-254 of the Constitution. The territorial jurisdiction of the union legislature extends to the whole territory of the India but that of the States confined to the territory of respective States only.

The legislative power of both the Centre and the States is divided in following manner:

- (i) **Union List:** The union lists composed of 99 subjects over which the union shall have exclusive right of legislation. It includes items such as defence, armed forces, arms and ammunition, atomic energy, foreign affairs, war and peace, citizenship, extradition, railways, airways, post and telegraphs, broadcasting, currency, insurance, banking etc. The selection of these items is made on the basis

of common interest to the nation and with respect to which certain uniformity of legislation throughout the nation is essential.

- (ii) **State List:** The State list comprises of 61 items over which the State legislature shall have exclusive power of legislation. It includes items like law and order, police, prisons, local government, public health, education, agriculture, animal husbandry, water and irrigation, forest, fisheries etc. The items of local interest which envisage the possibility of diversity of treatment has been kept under the State list.
- (iii) **Concurrent List:** The concurrent list comprises of 52 items over which both the Centre and the States have equal powers to legislate. It includes the items like marriage and divorce, transfer of property, contracts, bankruptcy, adulteration of food stuffs, drugs and poisons, trade union, labour welfare, newspaper, books etc. These are items on which uniformity of legislation is desired but not essential. In case of overlapping of items in the three lists, the predominance has been given to the union legislature. Further, in case of repugnance or conflict between Central law and the State law in concurrent power, the Central law will prevail, but the union Parliament can override such State law by subsequent legislation. Further, the residuary powers are vested in the Union Parliament in India.

Though the Constitution provides for clear division of legislative power between Centre and the States, there are certain exceptions which empower the union Parliament to legislate **on** any item enumerated in the State lists. According to article 249 of the Constitution, Parliament can legislate on the State subject (list) if the Rajya Sabha passes a resolution by two-third majority that it is necessary in the national interest and that the Parliament should make laws with respect to any items mentioned in the State list. After such resolution, it becomes lawful for the Parliament to make law **on the items mentioned in the state list for** the whole or any part of the territory of India. Such resolution remains in force for a period not exceeding one year and can be extended for another one year. Under Article 250, the Union Parliament is empowered to make laws on any items mentioned in the State list while a proclamation of national emergency is in operation. Article 252 empowers the Parliament to legislate on State list if two or more States request the Central Government to make law on a particular subject mentioned in the State list in so far as their State is concerned. Under article 253, the Parliament can make laws on the state subject for implementation of any treaty or agreement with other countries. During the State emergency under article 356, the legislature of a State stands dissolved or suspended and law making power is taken over by the Centre. Further, the Centre can exercise considerable control over the State in legislative matters. Certain bills introduced by the State legislature need prior approval of the President of India. The Governor of a State can reserve certain bills introduced by the State legislature for the consideration of the President. During the financial emergency also, the President can direct the State to reserve money bill as well as other bill for the consideration of Parliament after they have been passed by State legislatures.

Thus, it is evident from the above discussion that the Constitution of India assigns dominant role to the Centre in legislative affairs. The federal principles are largely modified to achieve the objective by distinct provision which gives power to the Parliament to legislate on the items mentioned in the State list. The close scrutiny of the Centre-State relationship in Indian federation shows that the entire scheme of distribution of legislative powers undoubtedly display a strong tendency towards high degree of centralization.

### **1.6.2 Administrative Relations**

The administrative relationship between Centre and the States is somewhat more complicated than that of the legislative relation. The executive power of a State is co-extensive with its Legislative Power which means the executive power shall extend only to its own territory and with respect to those subjects over which it has legislative competence. Conversely, the executive power of the Centre is co-extensive with its legislative power. However, in spite of the division of administrative power between Centre and the States, the Centre can exercise administrative or executive control over the States in following ways:

- (i) The executive power of every State is to be exercised in such a way so as to ensure compliance with the laws made by the Parliament. The Union Government can give direction to the States as and when it feels necessary. Further, the Constitution, under Article 257, calls upon every State not to impede or prejudice the executive power of union. If any Central agency finds it difficult to function within a State, the union executive is empowered to issue appropriate directions to remove the obstacles. The Union can give direction to the States in matters relating to construction and maintenance of means of communication which are of national or military importance, the protection of railways and other Central properties within the State etc.
- (ii) The Constitution empowers the union executive to entrust the State Governments or its officers to function which fall within the scope of union executive. This provision empowers the Central Government to make use of the State administrative machinery to enforce the Union laws.
- (iii) The presence of All India Services like IAS and IPS makes the authority of Central Government dominant over the State. The Parliament can also create new all India services.
- (iv) The emergency provisions under article 352 to 360 of the Constitution empower the Central Government to take over the entire administrative power of the State.
- (v) The Chief Executive of the State i.e. Governor is appointed by the President of India on the recommendation of union executives.

It is evident from the foregoing discussion that the Centre has effective control over the administrative power of the States also.

### 1.6.3 Financial Relations

The distribution of financial powers between Centre and the States is one of the most complicated aspects of a federal relationship. The Indian Constitution has elaborate provisions with respect to the relationship between Centre and the States in financial field. The Constitution lays down broad parameters for the distribution of revenue resources between Centre and the States but it left the allocation of resources to the Finance Commission.

Broadly, the taxes that have an inter-State base are levied by the Centre and those with the local base by the States. The Union list contains twelve items of taxation which fall under following five categories:

- (i) Taxes levied by the Union but collected and appropriated by the States,
- (ii) Taxes levied and collected by the Centre but assigned to the States,
- (iii) Taxes levied and collected by the Centre and compulsorily distributed between Union and the States,
- (iv) Taxes levied and collected by the Centre and may be distributed between Union and the States if law so provides,
- (v) Taxes levied, collected and retained by the Centre.

The State list contains the items of taxation like land revenue, liquor, stamps, agricultural income, sales, passengers and goods, electricity, vehicles etc. Every State is entitled to levy, collect and appropriate these taxes. The other aspects of the Centre-State relation in financial field are as follows:

**(i) Grants-in-aid:** Article 275 of the Constitution empowers the Parliament to give financial assistance to the States based on the recommendations of the Finance Commission. The Constitution further lays down that the cost of all schemes for the welfare of the Scheduled Tribes should be borne by the Centre.

**(ii) Borrowing powers:** The Constitution has made provisions for the Centre and the States to borrow funds on the security of their consolidated funds. The Union Government has no territorial limitation in respect of borrowing but the State Governments can borrow only within the territory of India.

**(iii) Exemption of Union Property from State taxation:** Under Article 285, the properties of Union are exempted from the State taxation. Further, the States cannot impose taxes on electricity consumed by the Government of India or consumed in the construction maintenance or operation of any railway by the Union Government. On the basis of the principle of reciprocal immunity, the State's incomes and property are also exempted from Central taxation, the exemption being the trade or business of any kind, carried on by the States.

(iv) **Finance Commission:** Members of the Finance Commission are appointed by the President of India. The distribution of the financial resources between Centre and the States are regulated by the Finance Commission. The duty of the Commission is to make recommendations regarding the distribution of net proceeds of taxes between Centre and the States and allocation of finance the States out of the consolidated fund of India; and any other matter referred to the Commission by the President in the interest of sound finance.

(v) **Financial Emergency:** During the proclamation of financial emergency, the President can suspend the provisions relating to the division of the taxes between Centre and the States and the grants-in-aid to the States. During the financial emergency, the executive authority of the Union shall extend to the giving of directions to any State to observe such canons of financial propriety as may be specified in the direction or any other directions which the President may deem necessary of the purpose. Office of the Comptroller and Auditor General (C.A.G): Office of the C.A.G is a Central organ but it maintains the audit and accounts of not only the Centre but also that of the States. The C.A.G, can direct the State Government to keep their records in particular manner to which the State is bound to obey.

The close examination of the Centre-State relation in financial field shows strong tendency towards centralization. Due to the limited sources, the States are bound to depend on the Central Government for financial aid. K.V.R.V. Rao rightly said, “I know no federation where its constituent units are so heavily dependent on the federal Government as they are in so called Indian Federation.”

### **Check Your Progress-II**

1. Under which articles the legislative relations between the Centre and the State outlined?
2. Explain Administrative relations between the Centre and the State.
3. What is CAG?

## **1.7 Trends and Issues in Indian federation**

The Indian federation has not worked upto the expectations of the framers of Constitution due to the emergence of various problems which were not envisaged earlier. During the last five decades, many problems have cropped up in the working of Indian federation. The basic complaint is about excessive centralization. The allegation is that the extra-ordinary powers of the Centre have more often been used in the most ordinary circumstances. There has been widespread dissatisfaction in the States in the Centre-State relation partly due to the Constitutional provisions and partly due to the political process. The Constitution makes the States responsible for development and regulation of the society without assigning sufficient resources for the same. The rights are vested in the Centre and duties are entrusted to the States. When there was dominant one party system,



the Centre-State conflict was more or less an intra-party affair which was resolved on the party lines. When the Congress party ruled the Centre and most of the States, the tensions in the Centre was not a significant issue. However, with the emergence of multiparty competitive politics in the Centre and State, the problem has assumed a greater magnitude. The conflict in the Centre-State relation tends to crop up more when the parties which are ruling in the Center are different from that of the States. The conflict in Centre-State relation in Indian federation has assumed different dimension. The political dimension of the conflict includes the dynamics of political parties, politics of coalition, Presidents' rule and integrity of the States. In administrative dimensions, the issues like role of the Governor, the bureaucracy, inter-State disputes and law and order are prominent. The financial dimension of the problem includes disparity in taxation share, grants-in-aid, role of the Finance Commission and Planning Commission etc. The other reason for tension in the Centre-State relation are absence of healthy political culture, step-motherly attitude to certain States, Parliament's right to legislate on State list and Governor's special right to kill the State legislations etc. In order to have a sound working of the Indian federation, the experts have suggested various amendments to the Constitution. The States also raise their demand for more power and autonomy from time to time. The Centre-State Enquiry Committee appointed by Tamil Nadu Government urged for greater autonomy of the States by re-distribution of legislative powers, deletion and revision of certain provisions of the Constitution, allotment of more taxes etc. Such demands for more State autonomy have necessitated the appointment of a Commission on Centre-State relation in Indian federation. The Sarkaria Commission, appointed in June 1983, is regarded as one of the most exhaustive and comprehensive reviews of the Indian federal system. Another committee called *Constitution Review Committee* was also appointed in 2001. Both the Sarkaria Commission and the Constitution Review Committee have already submitted their reports but their recommendations are yet to be fully implemented.

## 1.8 Let Us Sum Up

The Indian federation is a unique federation which is neither purely federal nor unitary but it is a combination of both. Indian federation is marked by both federal and unitary features. A careful study of Indian federation reveals the fact that the Indian constitution is essentially a federal one; however, it has various unitary factors which make the Centre more powerful and stronger than the States. It is evident from the foregoing discussion that the centre has effective control over the all spheres of the states. Prof. K. C. Wheare, describes Indian federation as 'Quasi-federal.'

## 1.9 Key Words

<b>Impeachment</b>	:	a process through which the Lok Sabha can remove the President and judges of the Supreme Court.
<b>Quasi-judicial</b>	:	judicial in nature; half judicial.

<b>Prorogue</b>	:	to adjourn or suspend the session.
<b>Ordinance</b>	:	an executive order.
<b>Monarch</b>	:	king.
<b>Anglo-Indian</b>	:	Indian of British origin.
<b>Quorum</b>	:	minimum attendance
<b>Coterminous</b>	:	of similar term
<b>Decorum</b>	:	discipline
<b>De-jure</b>	:	nominal head.
<b>Conventions</b>	:	traditions and practices which are usually followed since long period.
<b>Negative vote</b>	:	vote against the motion or proposal

### 1.10 Check Your Learning

1. What is federation? What are its essential characteristics?
2. What are the important features of Indian federation?
3. Examine the nature of Indian federation.
4. The Constitution of India is Quasi-federal, Discuss.
5. The Indian Constitution is federal in form but unitary in spirit. Discuss.
6. Discuss the unitary features of Indian Constitution.
7. Discuss briefly the distribution of legislative powers between the Centre and the States.
8. India is a federation with strong Centre. Elucidate in the light of the Centre-State relation in India.
9. Examine the areas of conflicts between the Centre and the State in Indian federation.

### 1.11 Suggested Readings

Basu, D. D.	:	<i>Introduction to the Constitution of India</i> , Wadhwa and Company, Law Publishers, New Delhi.
Fadia, B. L.	:	<i>Indian Government and Politics</i> , Sahitya Bhawan Publications, Agra.
Narang A.S.	:	<i>Indian Government and Politics</i> , Gitanjali publishing House, New Delhi.
Austin, Granville	:	<i>The Indian Constitution: Cornerstone of a Nation</i> , Oxford University Press, London.
Raj, Hans	:	<i>Indian Government and Politics</i> , Surjeet Publications, Delhi.
Ray, Amal	:	<i>Federal Politics and Government</i> , Delhi
Ray, Amal	:	<i>Tension Areas in India's Federal System</i> , Calcutta.

**1.12 Hints/Answers to questions in Check Your Progress****Check Your Progress-I**

1. 'Foedus'
2. Distribution of powers, written and rigid constitution, supremacy of constitution, Independent Judiciary.
3. It is neither purely federal nor unitary but combination of both.
4. See section 4.2.

**Check Your Progress-II**

1. Art-245-254 of the Indian Constitution.
2. See 4.5.2.
3. Comptroller and Auditor General.

## Unit-II

### POLITICAL PARTIES AND PRESSURE GROUPS: POLITICS OF DEFECTION AND COALITION

#### Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Meaning of Political Party
- 2.3. Growth of party system in India
- 2.4. Major National Political Parties - B. J. P., C. P. I., I. N. C.
- 2.5 Regional Political Parties- A.G.P., Akali Dal, D.M.K.
- 2.6 Defection and Coalition.
- 2.7 Let Us Sum Up
- 2.8 Key Words
- 2.9 Check Your Learning
- 2.10 Suggested Readings
- 2.11 Hints/Answers to Questions in Check Your Progress

#### 2.0 Objectives

After reading this Unit, you will be acquainted with

- the meaning of political party and working of party system in India;
- importance of national and regional parties and their political agenda;
- meaning and implications of defections;
- anti-defection measures; and
- meaning and implications of coalition politics.

#### 2.1 Introduction

Political parties are the indispensable links between the people and the representative institutions of Government. In a democracy, they are the vehicles through which individuals and groups work to secure political powers. When in opposition, they scrutinize the use of power and force of the Government to justify the policies and actions. In India, we have maintained a Parliamentary system based on free and fair elections. It is the party system, which has sustained the growth of the Parliamentary democracy. Our democratic political system requires people's support for Government programmes and policies. This support can be mobilized through a political party. In this Unit, we have discussed the process of democracy with reference to political parties.

## **2.2 What do we mean by a Political Party?**

Every party system is always a part of the larger political system. A political party is a group whose members propose to act in concert in the competitive struggle for political power. Further a party is a permanent organization, which consciously aims at capturing decision-making power alone or in coalition, through the pursuit of popular support by means of elections. Hence this presupposes the existence of a democratic climate and electoral process.

Parties are linked to the evolution of the modern State. In developing societies, the parties play an active entrepreneurial role in the formation of new ideas, in the establishment of a network of communication for those ideas, and in the linking of the public and the leadership in such a way that power is mobilized, generated and directed. Parties play a crucial role as instruments of modernization and social change. So democracy cannot function without political party/political parties.

For the formation of a political party, five things are required, i.e. organization, principles, policies, programmes and desire to capture political power. Political parties, as the brokers of political and economic ideas, stimulate public opinion. It is not necessary that a political party will stick to fix ideologies. This means, the changes in society compel political parties to change their policies to serve the need of the people. The ideologies of political parties are seen through the policies and programmes of party while in power and in opposition.

## **2.3 Factors for the growth of party system and its types**

The history, civic traditions, culture and economy of the country, to a considerable extent, are primary factors for the growth of party system. Party systems are basically classified into (i) one party, (ii) Bi party (iii) multi party. The bi party and multi party system provide a choice between alternatives. In one party system, there is no choice. Moreover, the society in which we live is always a factor for deciding the growth of political party.

### **Genesis of party system in India**

The origin of political parties in India may be traced back to the year 1876 when late S.N. Banerjee started an All India Organization known as 'the Indian Association' to counteract the formation of another association known as the European Defence Association. However, the birth of the Indian National Congress in 1885 sowed the seeds of the first Indian political party. The Indian National Congress passed through at least three major stages of political evolution. First it was a platform (1885-1904), then a forum (1905-1918) and finally a movement (1919-1947).

In the history of Indian Political parties, the year 1906 was significant. It saw the birth of the All India Muslim League, the first political party in India to be organized

along communal basis. As a reaction against the Muslim League, another communal party known as All India Hindu Maha Sabha was formed in the year 1909. The birth of these communal parties influenced the course of Indian political history. At the Gaya session of the Indian National Congress in the year 1922, another political party was born out of the Congress fold. It was the Swaraj Party established under the leadership of C.R. Das and Motilal Nehru. The Communist Party of India was organized in the year 1924 as the first Leftist party in India.

To understand the Indian party system, it is noteworthy to remember three factors that appear important in determining the pattern of Indian party system. These factors happened to be a major heritage of the national movement, from the basis of national Consensus. These are

- (i) National integration of a diverse social structure in a continental size country, comprising well defined and distinct socio-cultural regions, with their own dialects and specific patterns of caste, community and tribe;
- (ii) Economic development of rising standards of living in an underdeveloped and poverty-ridden society;
- (iii) Social equality to remove the inequalities perpetuated by centuries of caste oppression.

Since independence the party system has passed through various stages of growth (i) 1952-64, the epoch of national consensus - the Nehru Era (ii) 1964-69, the uneasy transition marked by the emergence of a multi party situation (iii) 1969-75 the period of new consensus and of increasing inter-party conflict, (iv) 1975-77 the emergency and authoritarian period, (v) the Janata Phase of coalition politics, 1977-80, (vi) 1980-89, the new phase of tussle between the Congress in the Centre and the regional parties in the States, (vii) since 1989, Multi party system.

### **1952-1964**

The Congress, which led a broad based nationalist movement before independence, transformed itself into the dominant political party of the nation. Although a number of political parties came into existence, the Congress was the chief party representing a historical consensus and enjoying a continuing basis of support and trust. In other words, in the phase, though multi-party system functioned in Indian party system, the Congress enjoyed a dominant position in terms of its strength in the Parliament and State legislatures. The dominance is largely due to (i) the failure of opposition parties to provide an alternative at the national and state level, (ii) Congress was the chief party representing a historical consensus and enjoying a continuing basis of support and trust, (iii) the social background of the Congress leadership as Congress absorbed dominant social elements. These had kept themselves aloof from the nationalist movement. People from the traditional caste, village leaders, landlords, businessmen made their way into the Congress. The Congress pursued its politics within the framework of pluralism.

### **1964-67**

During this phase, opposition parties played a significant role by influencing sections within the Congress. There were various factions within the party of consensus. They assumed the role of opposition often reflecting the ideologies and interests of other political parties. So, Indian politics witnessed a conflict not between the Congress and other political parties, but within the system itself.

In the 1967 assembly elections, the Congress failed to secure majorities in eight States and its majority at the Centre was reduced to a narrow margin of 54 per cent. So Congress dominance was reduced and we find the growth of political parties in right and left of the Congress - Jan Sangh now called the Bharatiya Janata Party and the Communist Party of India (Marxist). So this gave an opportunity to the highly fragmented opposition to come to power through coalition.

### **1969-1975**

The 1967 election created conditions for the Congress leadership to reorient their ideologies. The new political elite did not understand that the people through negative vote against the Congress had brought politics face to face with the socio-economic aspirations and challenged them to provide a framework of developing that could deal with these aspirations. This ideological reorientation brought a split in Congress in 1969, leading for the formation of the Congress and Congress (O).

After 1969 split, the Congress undertook broad based strategy to bring politics closer to the socio-economic aspirations of the people. The ideas of nationalization of banks, abolition of Privy Purse, and programmes like Garibi Hatao widened its support base. The Congress controlled by Mrs Indira Gandhi won 350 out of 520 seats with 43.5 per cent of the popular votes against united opposition in 1971 general elections. In 1971, the Congress campaign centred around issues such as development policy, particularly the removal of poverty and foreign policy. Mrs Gandhi's campaign emphasized the mechanisms of social change. The parliamentary election campaign was delinked from State level politics and the State leaders could not exercise the same influence as they had done in the past.

During this phase, there was distinct rise in political competition and political cleavages resulting from social change and the new groups and classes incorporated into the political system. The dominant party model had given way to the differentiated structure of party competition. The Congress accepted confrontationist posture, both towards the opposition parties at the national and the opposition controlled State Governments.

Mrs. Gandhi laid stress on centralization of decision-making. The new political process based on centralized decision-making structure in party and Government reacted to an overtly personalized regime. There was no intra-party democracy; positions in the

Congress in all levels were choices of the party leaders rather than through any organizational elections.

In spite of broad based strategy, the Congress could not succeed in alleviating poverty. Further rise in inflation and unemployment created conditions for the opposition to lead various agitations against the State Governments. This was a new challenge for the Congress party.

### **1975-77**

The imposition of emergency in 1975 June was a remarkable period. During the period of 19 months emergency, the representative Govt., freedom of press, liberties of the individuals almost remained paralysed. This further weakened the popular mass base of the Congress. None was allowed to talk against the party leadership, the Prime Minister and strict discipline was imposed on the Congress party. Any attack on the Prime Minister's authority was considered to be an attack on the Party's as well as the Nation's unity. The postponement of the General Election in 1976 and the decision to hold them in 1977 by extending the life of Parliament by one year were major decisions taken during the emergency. This provided the ground for further erosion of the base of the Congress.

### **1977-1980**

The years from 1977-80 were marked by inter-party conflict and factionalism within political parties. In 1977 election, Congress was defeated and the victory of the Janata party made up of a coalition of parties brought about significant changes. For the first time, India was governed by a non-Congress Government at the Centre. The 1977 election was a protest against the emergency regime of the Congress. This election brought polarization of political parties and we saw inter-party competition between two major parties i.e. the Congress and the Janata, as distinguished from intra-party competition under one-party dominance in 1952. The Janata party was a coalition of different opposition groups, including the Jan Sangh, the Bharatiya Lok Dal, the Socialistic Party and the Congress for Democracy (a group led by Jagjivan Ram, who left the Congress after emergency). So by character, the Janata party was primarily a coalition formed almost overnight by bringing such diverse and desperate elements together for the very survival. Internal bickering and factionalism therefore continued in the Janata party and tarnished the party's overall reputation and ultimately led to an atmosphere that proved to be conducive to its disintegration. Too sensitive to democratic values, its endeavour to economic development - whatever was possible within the framework of capitalist system- further slackened.



## **1980-89**

Within two years of Janata party's coming to power, the people had started looking at it with a distrust, the culmination of which was a sudden and complete rejection of it in the 1980 mid-term polls. In 1980 election, the Indian party system was restored to 'one party dominant system' again. Mrs. Indira Gandhi, who had established an authoritative command over her party after January 1978 split and had become the undisputed leader and sole arbiter of the party that identified itself with her name, was the lone leader in the Congress (I). Immediately after Mrs. Gandhi returned to power, it became clear that she was more important than Congress organization and meant to dominate political scene personally.

The Congress (I) played the consensus politics of stability in 1980. Soon after 1980 elections, it led to a politics of manipulation rather than purpose, a quest for power for its own sake. Consequently, within two years after her return, Mrs. Gandhi was confronting disarray in her own party, corruption and inefficiency in State Governments, and increasing violence in the urban and the rural areas. Though Congress support was still quite widespread with regard to class, community and region as compared to other parties, there was evidence that Congress had begun to lose its base in the Hindi heartland and its support in the Muslim-dominated constituencies was also reduced. These trends indicated an erosion of Congress's regional and minority support base.

The party lost elections in the southern States of Karnataka and Andhra Pradesh. It was unable to win clear majority in the northern States of Haryana also where elections to the State legislative assembly were held after 1980. It also lost a number of bye-elections during 1982-1984.

After the assassination of Mrs. Indira Gandhi in 1984, the Congress (I) not only got back to the power but it secured the highest ever vote percentage and number of seats in the Congress history. Once again, there was restored the one party dominance. During the election, emotion, personality, charisma, image, sympathy played important roles than party identifications and party loyalties. It is being viewed as a 'wave' phenomenon. This wave was also experienced earlier. For example, it was in 1971 that the "Indira Wave" played a significant role. 'Wave' was produced by the response of large segments of people to a combination of issues, images and personalities that a party projects at a particular time to transcend local, regional and other enduring consideration.

## **1989 and onwards**

The parliamentary elections held in December 1989 brought about a radical transformation of party system. First it captured to power a coalition Government at the Centre for the first time. Second, again for the first time in the Indian history, the party system at the Centre acquired a multi partisan character. By 1987, nearly half of the States had come to be ruled by non-Congress parties. In 1989 election, almost all the major non-Congress parties were in alliance against the Congress though not committed

to form a coalition Government. What was different, indeed unique about the 1991 election was that for the first time there were not two but three contenders. The three major parties in party-like formations were the Congress, the Janata Dal and National front allies, the BJP and its allies. So the Congress (I) formed a minority govt. under P.V. Narasimha Rao.

In 1996 elections, none of the political parties formed in combination of political parties could secure clear-cut majority. The BJP emerged as the largest party with 161 seats, while Congress (I) with 134 seats emerged as the second largest party. The seats secured by other political parties were: JD 44, CPM 33, TMC 20, DMK 17, SP 17, TDP (N) 16, SS 15, CPI 13, BSP 11, Akali Dal 8, Samata Party 8, RSP 5, AGP 5, independents and others 25. A notable feature of the 1996 election was that regional political parties started deciding the fate of central party politics. The Congress lost elections in many State elections. Power was found to be shared by various national and regional parties in different States.

A new trend was seen in the Indian party system. There was total deterioration of party ideology. Even parties like the CPI (M) and the BJP started addressing more to current issues than ideology, moving to politics than to political doctrine. In India, politics became issue-oriented rather than ideology-oriented. The existence of national Front Government at the Centre was a candid example of issue-oriented politics which got support from the extreme left CPI (M) to the extreme right (BJP). Even the Chandrashekhar Government which existed with Congress support lacked any ideological commitment. It was purely an opportunistic alliance between the Janata Dal (S) and the Congress (I). Since 1971, elections have been won not on the basis of the inherent strength of the ideology of a political party, but on the basis of issue of immediate concern to the electorate. Such an erosion of the party system has opened the Indian polity to forces of fragmentation and disintegration. This created conditions for regional factors to play an important part in the determination of patterns and changes in the party system.

Even at the Centre, United Front, a coalition of 13 parties, formed the Government, which confirmed that the era of single-party dominance had ended. In the elections of 1998, again none of the political parties could secure clear-cut majority in the Parliament and a coalition Government led by the BJP came to power. This further confirms that the era of single-party rule has ended and a new phase of multi-party coalition has set in. This is clearly reflected in the present day party-politics and the UPA Government under Dr. Manmohan Singh is a living case in reality.

The defeat of the Congress and the victory of the Janata Party in 1977 brought about important changes in the party system and the strategies of mobilization involved direct appeals to the majority and minority communities, thus downplaying social and economic issues at the expense of communal ones. This sort of strategy catalyzed communal passions.

## **2.4 Major National Political Parties in India**

### **Objective/Overview**

This section deals with the ideology, social base and organizational structure of a few national political parties along with their evolution.

### **The Congress Party**

#### **Introduction**

In the last section, it has been observed that the Indian party system was characterized as one-party dominance system till 1967. After this period, though the hegemony of the party has been broken and the party has been through many ups and downs, the Congress remains the largest single party in Indian politics. In fact still it is the party which has support base all over India from various demographic socio-economic and ethnic categories. The Indian National Congress was founded on 27<sup>th</sup> December 1885 in Bombay. It was an outgrowth of considerable intellectual awakening, social renaissance and reformist activity throughout the 19<sup>th</sup> century, and indirectly of the systems of administration, education, law and communications developed under a long and powerful imperial rule. In that respect, it is the oldest among the parties in India and among the parties founded in Asia. In a way the congress party is also the birth place and generation place of almost all other political parties. In early years of independence, its control over almost every aspect of political life in the country was so great that observers went to the extent of describing the Indian party system as “the Congress system”.

#### **Background**

The Indian National Congress was truly an ‘umbrella’ organization during the years of national movement. The Congress had the privilege in running provincial administrations. It enabled it to handle political power in independent India as the ruling party. The Congress identified itself with the rural masses even being a ruling party after independence. It increased its support base in the rural masses among peasants groups. The post-independence period witnessed the increasing influence of the parliamentary wing of the Congress over its organizational wing. It was till 1964 that the Congress was under the political dominance of Pandit Nehru. After his death, the party went for a split in 1969 basically due to Congress’s failure in 1967 general election. When Mrs. Indira Gandhi took the lead, the Congress swept the election in 1971.

In 1977, in the post-emergency era, the Congress faced a stiff opposition from the Janata Party. The then Bharatiya Jana Sangh, the Socialist party, the Bharatiya Lok Dal, and the Congress (O) came together to form the Janata Party. After the election, a break-away group from the Congress i.e. CFD (Congress for Democracy led by Jagjivan Ram) also joined the Janata Party. The Akali Dal and CPI (M) made seat adjustments with the

Janata Party. So after 1977, the Janata party got the mandate of the people but could not last long because of inherent ideological contradictions.

In the 7<sup>th</sup> General Election in 1979, the Congress under the leadership of Mrs. Gandhi returned back with two-third majority to form government at the Centre on 14<sup>th</sup> January, 1980. On 31<sup>st</sup> October 1984, Mrs. Gandhi was assassinated and once again the party lost its charismatic leader. In the 1985 General election, Rajiv Gandhi got the mandate leading the Congress to victory on issues of political stability, national unity and rapid socioeconomic changes. In the 1989 General Election, the Congress (I) had to make an alliance with the AIADMK in Tamil Nadu and National Conference in J & K. Though the Congress emerged as the single largest party, it did not stake its claim to form government on account of the clear anti-congress verdict of the people. In the mid-term elections in May-June 1991, the Congress (I) improved its position. In 1996 General Election, the Congress received a serious drubbing. In 1998 General Election, the Congress could not show any impressive performance and managed to capture only 141 seats and emerged as the second largest party in the Parliament after the BJP. In 1999 Lok Sabha election also, the Congress could capture only 112 seats, the lowest in 50 years. During this phase, it experienced another split in the form of the NCP led by Sharad Pawar and Congress I leadership remained under the control of Mrs. Sonia Gandhi.

### **Social base and ideology**

The Congress originally enjoyed a fairly wide social base and drew its support from various sections of society. Most importantly, the party drew its support from religious minorities. The Muslims, the Christians, the Sikhs consistently supported the party till 1984. The backward classes, labourers and women also supported strongly the party which projected itself as their benefactor and supporter. The rich and the capitalist classes also supported the party because they felt that this party alone could provide political stability which was so vital for the economic prosperity of the country. So the Congress represented the interest of different sections and strata of Indian society, such as the landless labourers, the landlords, the peasants, the tribals, the middle class, the Harijans and the urban capitalists. The Congress ideology was based on centrist ideology, and consensual political culture. Its ideology is a continuation of pre-independence ideology. The Congress (I) is ideologically committed to socialism, secularism and democracy. They purely profess its commitment to democratic socialism, and places special emphasis on the planned economic development of the county in which the government is expected to play a key role. Empowerment of Panchayati Raj and rural urban self-governance, emancipation of women, fighting communalism, social justice, policy of non-alignment are some of the major dynamics of the Congress (I) ideology.

The constitution of the Congress party provides for an elaborate organization headed by a president, assisted by working committee and supplemented by the All India Congress Committee. Its central office, located in New Delhi, supervises the work of the Pradesh Congress committees as well as subordinate organizations.

## **The Bharatiya Janata Party**

The Bharatiya Janata Party (BJP) was formally launched as an independent political organization in February 1980, after the split of the Janata Party on the RSS issue. Most of the erstwhile Jana Sangh members, along with a few others, left the Janata to form the BJP. Thus the BJP is a re-incarnation of the Jana Sangh, the militant Hindu nationalist party founded in 1951 by Shyama Prasad Mukherjee. The objective of the Jana Sangha was to rebuild Bharat as a modern, democratic society in accordance with religious precepts.

The party adopted four fundamentals: One country, one nation, one culture and a rule of law that would determine its future courses of action. The influence of BJS (Bharatiya Jana Sangha), the JP (Jaya Prakash) vision of glorious India, and the anti-emergency struggle have influenced positively in shaping BJP. The defeat of the Janata Party in the 1980 election witnessed another split. Most of the erstwhile Jana Sangh left the party with few others to form BJP. A.B. Vajpayee was elected the president of the party in its first national convention held at Bombay in 1980.

Ever since 1967, the high point for the Jana Sangh was when it won 36 seats in Lok Sabha with about 8 per cent of the popular vote, emerging as the first national alternative to the Congress. The party has made the Congress (I) as well as the communists nervous and they have allied in one form or another to isolate it in Indian politics. In 1977, with 98 of its men in Parliament under the Janata banner, it received only three cabinet berths. The 1980, the party backed Jagjivan Ram. In 1983, with their 18 members in the Karnataka legislature, the BJP supported R.K. Hegde, who was then in minority. In 1984, during its worst performance with only 2 Lok Sabha seats, it still polled 7.4 per cent of the national votes ahead of Janata's 6.7 per cent and Lok Dals's 5.6 per cent. In 1985, a 12-member working group was constituted by the BJP to review party's functioning, and to suggest necessary reforms in its ideology, organization and future electoral prospect. The national Executive and national Council of the party met at Gandhinagar in October 1985 to consider the recommendations. The recommendations of integral humanism of the erstwhile BJP were accepted as the basic philosophy of the party. The ideological structure of the BJP as it stands today is a combination of both the RSS-BJP and the liberal Gandhian perspective. In 1989 election, the BJP increased its tally in Lok Sabha to 88 with 11.5 per cent share of votes. With Hindu resurgence in mind, its president L.K. Advani took Rath Yatra in 1990. In 1991 Lok Sabha elections, the BJP's strength increased to 119 with 22.9 per cent popular votes. In this election, the BJP openly traded in the name of Rama and played with Hindutva emotions. Gradually the BJP appeared in the party politics as a national alternative.

### **Social base and ideology**

Its social base lies in urban educated Hindu middle class - professionals, small businessmen and white-collar workers. Of late, the party has started drawing its strength from all parts of the country, even though maximum number of its supporters

concentrated in northern India. Further its support base in urban areas far exceeds its support in the rural areas. Most importantly, educated youths and government servants have extended their support to the BJP. In this changing scenario of party politics, the scheduled castes, tribes and other backward sections of Indian society have started giving support to the BJP. This change is due to the fact that over the last two decades, there has been a rapid debasement in the standard of public life in the country. The body politics has suffered due to ideological vacuum. In this atmosphere of bitter frustration and moral degradation “Hindutva” appeared, to a large number of the youth, as an easily understandable and a familiar ideology to hang on it. However, the BJP has made inroads into the areas where the BJP was nearly non-existent.

As regards the ideology of the party, it stands for nationalism, national integration, democracy, positive secularism and Gandhian socialism. Its socialism is not only inspired by Gandhi and JP but also by Deendayal Upadhyaa. While laying emphasis on ‘Hindu idiom’ in its poll manifesto, the party stands for justice for all and appeasement of none. The party supports reservation policy for SC, ST and OBC on the recommendations of the Mandal Commission. The party is also ideologically committed for the welfare of the other weaker sections on the basis of their economic conditions. It supports the policy of writing off the debts of farmers, labourers and artisans. The party favoured smaller and stronger states, desires to abolish Article 370, and favours Uniform Civil Code.

The BJP’s development ideology seeks to provide full employment and remove poverty strengthening the agro rural base and by inculcating the spirit of Swadeshi. The BJP is criticized on the issue of rebuilding of the temple at Ayodhya, its demand for a total ban on cow slaughter, replacement of the minorities commission with a human rights Commission, and a review of the personal law relating to various communities.

As a cadre based party guided by a distinct ideology, the BJP has certain inbuilt advantages. It can work towards consolidating its electoral gain, and does not necessarily have to depend on waves and winds every time it faces an election. Can the BJP then explode the myth that Indian can only be ruled by a centrist? It has always been said that this country is too plural to be ruled by a right wing party and too traditional to accept the left.

The party has a national executive consists of the president of the party and 50 members to be nominated by the president. The president of the party is elected by an electoral college consisting of all the members of the State Council and all members of the National Council. The party has a parliamentary board, which is constituted by the national executive of the party. The board consists of the party president and eight other members, one of whom is the leader of the party in Parliament, with party president as the chairman. The parliamentary board regulates and coordinates the parliamentary activities of the party and frames necessary regulations in this regard.

## **The Communist Party of India (CPI)**

The Communist party is the second oldest party of India. It was founded in 1924. The communists were greatly inspired by the Bolshevik revolution. The CPI represents the interests of the workers, peasants and the toiling people. It is devoted to the cause of socialism and communism. It aims at a socialistic society in India. The CPI believes that a fundamental social transformation is necessary to remove inequality, ignorance, poverty and backwardness. This goal, according to the party, can be attained by adhering to the revolutionary principles of Marxism-Leninism. But the CPI wishes to creatively apply Marxism-Leninism to Indian conditions.

The Communist Party of India upholds the independence and sovereignty of the country. It is committed to fighting for national unity and national integration. The party is firmly opposed to all disruptionist and obscurantist conceptions of communalism and revivalism, untouchability and casteism, religious discrimination and denial of equal rights to women. It stands for secularism and freedom of conscience, for equality of opportunity for all, for the uplift of all backward sections and regions and equal development and progress of all languages and cultures of India.

### **Social base and ideology**

The communist parties have their support base both in rural and urban areas. They have strong base among the white-collar workers. Among the business class, their support is almost negligible. Their real strength lies in the agricultural and industrial working class. The communist party gets highest proportion of support from the low castes. They have good representation from the lowest income groups as well as from middle class of the urban areas. They are also well represented in the segment of small landholders. They have a larger support base among the landless.

The party firmly believes in the ideology of Marxism and Lenin and wishes to replace the present social and economic order by a new system. The new system shall be free from inequalities, caste system, exploitation and social evils and shall assure social and economic security to the weaker sections of the society.

The CPI is committed to the parliamentary road to socialism. In its manifesto, the CPI reiterates its demands for weeding out of criminals and corrupt men from body politics, tittering the Centre-State relations in favour of the latter, generating more jobs, implementing radical land reforms, reducing foreign debts by restricting imports, reversing the trend of handing over the public sector units to private industrialists and above all arresting the steep rise of prices. The CPI favours cooperation with all democratic and progressive forces including the Centre and the left of the Congress party. They hope to enlarge party's parliamentary strength through electoral pacts with the ruling party.

The organisation of the Communist Party is based on the principle of democratic centralism. This means that the central leadership is based on intra-party democracy and the intra-party democracy is based on centralized leadership. The primary unit of the organisation of the party is known as Branch. These branches represent in the villages, Panchayats, municipal ward, industry etc. They work as the basic units for collection of membership fees and sales of party literature. Above the branch exists the local council, the most powerful organ of the party. This local council is responsible for convening the party. It elects a central executive committee. The central executive committee can also set up such other bodies as it deems necessary to handle the party work. Then there are chairman and general secretary of party work. In addition there is a central secretariat that works like an inner cabinet of the party and directs the party administration.

At present there are two communist parties in India i.e. Communist Part of India (M) and Communist Party of India. This bifurcation of Indian Communist Party took place formally in the year 1964. Ideological difference between these two groups arose out of the Moscow Peking ideological breach since 1962. At present the CPI (M), commonly known as CPI (left), is the follower of Peking line i.e. China, while the CPI (Right) belongs to Moscow group i.e. Russia. Under the present circumstances, the CPI (M) has received the Marxism-Leninism, which was the original creed of the CPI. The CPI seems to favour the policy of cooperation and coexistence. Ideologically both groups of the communists profess radical socialistic reforms. Due to failure of the communist rules in Russia and eastern European countries in 1991, it is difficult to predict the future of the Communist parties.

### **Check Your Progress-I**

1. Which things are required for the formation of a political party?
2. What are the different kinds of a party system?
3. In which year the Indian National Congress was founded?
4. What was the old name of Bharatiya Janata Party (BJP)?
5. Who has given the slogan 'Garibi Hatao'?
6. When was the national emergency imposed by Mrs. Gandhi?
7. What does SGPC mean?
8. Discuss the evolution of regional political party in India.

## **2.5 Regional Political Parties in India**

### **Objectives**

This section deals with the growth of regional parties in the country, which is a post-independence development. It also discusses the reasons for such changes in the dynamics of the party politics need analysis.



## **Introduction**

In our multi-party politics, both the national political parties and regional political parties co-exist. The regional disparities in our political system have helped groups to assert their identity on regional basis. Such type of regional political mobilisation is responsible for the growth of regional political parties. In terms of ideology, strategy and method, the regional political parties are different from national political parties. It is found that socio-economic factors mostly influence the growth of regionalism and regional political parties.

Regionalism is a tendency to assert primacy of a region vis-à-vis a nation. This finds expression in cultural, linguistic, economic and political terms. Regionalism demands decentralization of administration. It is against centralization and concentration of political power. Regional political parties aim to achieve a degree of self-government within the federal structure. So, regional parties with strong social and emotional bases in their communities/regions have been a feature of Indian politics since independence.

In fact, in a country of vast diversity like India, where political fluidity continues indefinitely, because of the transition from the traditional caste politics to the democratic mass politics, primordial groups were the first ones to demand regional identity and personality of their own. So by its very nature, a regional party restricts its area of action to a single region which in the prevailing Indian situation means a State. It tries to articulate and seeks to defend a regionally based ethic or religious and cultural identity. It is in the very nature of a regional party to be primarily concerned with exploiting local sources of discontent on pressing a variety of primordial demands based on language, caste, community or religion.

## **Evolution of Regional Political Parties**

After independence, the political leaders of the country kept themselves busy in the process of national integration and this was our compulsion. In the process, the leadership forgot to concentrate on the socio-economic needs of all parts of the vast country effectively. Besides community conflicts, the country had some serious socio-economic problems which needed to be addressed. This created some regional disparities and the Centre-State relation was gradually strained after the collapse of one-party dominant Congress politics. Further, the linguistic reorganization of States and official language policy remained causes for strained Centre-State relations.

To fulfil the regional aspirations, we came across the growth of regional political parties in India. The DMK in Tamil Nadu appeared as the first regionalist force to capture political power in a follow-up sequences, many regional forces appeared in different areas of the country, as they developed the feeling that the national political parties failed to accommodate their genuine interests. In a plural social system like ours, the ethnic, the racial, the linguistic and religious heterogeneity provided a base for the regional political parties. Further the eclipse of inner-party democracy in major national political parties on the regional issues was also responsible for the growth of regional party politics in India.

The regional parties are mostly confined to a single State or at the most two States. They reflect, in their objective, a sublimation of cultural, economic and political values which cement unity within the people residing in that region. Regional political parties in India generally and exclusively operate within a limited geographical area within a nation/State. It represents the interests of particular linguistic, religious, ethnic or cultural groups whose population may be concentrated in areas as small as a single assembly constituency or as large as an entire State or region transcending the State.

### **Jammu & Kashmir national Conference (JKNC)**

The Jammu & Kashmir National Conference (JKNC) is a regional political party in the Indian union territories of Jammu and Kashmir and Ladakh. Founded as the *All Jammu and Kashmir Muslim Conference* by Sheikh Abdullah and Chaudhry Ghulam Abbas in 1932 in the princely state of Jammu and Kashmir, the organization renamed itself to "National Conference" in 1939 in order to represent all the people of the state. It supported the accession of the princely state to India in 1947. Prior to that, in 1941, a group led by Ghulam Abbas broke off from the National Conference and revived the old Muslim Conference. The revived Muslim Conference supported the accession of the princely state to Pakistan and led the movement for Azad Kashmir.

Since 1947, the National Conference was in power in Jammu and Kashmir in one form or another till 2002, and again between 2009 and 2015. It implemented land reforms in the state, ensured the state's autonomy under the Article 370 of the Indian Constitution, and formulated a separate Constitution of Jammu and Kashmir in 1957. Sheikh Abdullah's son Farooq Abdullah and grandson Omar Abdullah have led the party after Sheikh Abdullah's death. The party is a member of the People's Alliance for Gupkar Declaration electoral alliance.

### **The pre-independence period**

In October 1932, Sheikh Abdullah founded the All Jammu and Kashmir Muslim Conference in collaboration with Mirwaiz Yusuf Shah and Chaudhry Ghulam Abbas. On 11 June 1939 it was renamed as the All Jammu and Kashmir National Conference. The National Conference was affiliated to the All India States Peoples Conference. Sheikh Abdullah was elected its president in 1947. In 1946, the National Conference launched an intensive agitation against the state government. It was directed against the Maharaja of Jammu and Kashmir, Hari Singh. The slogan of the agitation was "Quit Kashmir".

### **The post-independence period**

In the elections held in September 1951, National Conference won all 75 seats of the Constituent assembly of Jammu and Kashmir. Sheikh Abdullah remained prime minister until his dismissal in August 1953 on the grounds of conspiracy against the state of India. Bakshi Ghulam Mohammad became prime minister of the state, and Sheikh Abdullah was arrested on 9 August 1953.

In 1965 the National Conference merged with the Indian National Congress (INC) and became the Jammu and Kashmir branch of the Indian National Congress. Sheikh Abdullah was again arrested in 1965 until 1968 for conspiracy against the state. Sheikh Abdullah's splinter Plebiscite Front faction later appropriated the name of the original

party when Abdullah was allowed to return to power in February 1975 after striking a deal with the central government. In 1977, the National Conference he led won the state assembly elections, and Sheikh Abdullah became chief minister. His son Farooq Abdullah succeeded him as the chief minister on his death on 8 September 1982. In June 1983 elections, the JKNC, led by Farooq Abdullah, again won a comfortable majority.

In July 1984 Farooq's brother-in-law Ghulam Mohammad Shah split the party. Acting on the behest of the central government, the Governor dismissed Farooq as chief minister and replaced him with Ghulam Mohammad Shah. His government was dismissed in March 1986 and Presidential rule was imposed. In the contested state assembly elections of 1987, the JKNC formed an alliance with the INC, and was declared to have won a majority. Farooq Abdullah again became chief minister and on Abdullah's watches an insurgency against the State government and India began. Abdullah was dismissed again in 1990 by the Union Government and Presidential rule was imposed in the state.<sup>[4]</sup> In 1991 the state elections were cancelled due to a revolt by the people.

### **1996 onwards**

In Jammu and Kashmir state assembly elections in 1996, the JKNC led by Abdullah was awarded the election yet again winning 57 seats out of a total 87. This election like its predecessors has been deemed to be rigged and Abdullah stepped down in 2000. His son, Omar Abdullah then took up the reins of power in the state. But in 2002 state assembly elections, the JKNC won only 28 seats, with the Jammu and Kashmir People's Democratic Party (PDP) emerging in the Kashmir Valley as a contender for power. In the December 2008 state assembly elections, no single party was able to get the majority. The JKNC led by Farooq's son Omar Abdullah emerged as a single largest party, winning 28 seats. After the elections, on 30 December 2008 the JKNC formed an alliance with the INC which had won 17 seats. Omar Abdullah became the Chief Minister of this coalition government on 5 January 2009

JKNC and INC contested 2009 general election in alliance. INC won all the two seats of Jammu region but lost Ladakh seat to NC rebel who contested as an independent candidate. NC won all the three seats of the Kashmir Valley in 2009.

In the 2014 general election, the NC contested the election in an alliance with Indian National Congress but did not win a single seat. Out of six seats in the state, PDP and Bharatiya Janata Party (BJP) won three each.

During 2014 Jammu and Kashmir Legislative Assembly election, INC broke its alliance with JKNC. JKNC contested all the assembly seats but won only 15 seats, a decrease of 13 seats. PDP won 28 seats and became the largest party in the assembly followed by BJP winning 25 seats. Omar Abdullah resigned as a chief minister on 24 December 2014.

### **Check Your Progress-II**

1. What do you mean by a regional party?
2. Examine the objectives of a regional party.
3. Discuss the reasons for the growth of AGP as a regional Party.

## 2.7 Defection and Coalition

### Introduction

One of the most significant developments in the post 1967 period has been the formation of numerous coalition governments of widely heterogeneous elements and the continuous process of changing party affiliation by legislators in large numbers. This has affected the fate of ministries and the course of State politics. Newer and newer combinations of groups and parties came into being. In many cases 'operation alliance' and 'operation topple' continued side by side. This has made Indian democracy extremely weak.

### Definition

The word 'defection' generally denotes 'abandonment', 'desertion' or running away from duty. In politics, it means crossing or changing of floors, the politics of musical chairs, the politics of opportunism, change of party or groups, shifting of loyalty or allegiance from one party or group to another. Broadly speaking, it means leaving one's party or leader, under whose symbol or leadership one has found a berth in Legislature, not on grounds of principles or due to split in the Party but in quest for individual power or personal disillusionment or disgust. According to Subash Kashyap, the term 'defection' means (a) leaving a particular party after being elected as a Legislature on its ticket and joining another party, (b) of resigning from the party but remaining independent thereafter, or (c) of joining a particular political party being elected as an independent. Thus the politics of defection begins with the shifting of one's political allegiance of culminating in the severance of his connection from a party with any motive whatsoever (S.C. Kashyap, the Politics of Power, new Delhi, 1974).

### Causes of Defection

The most important cause responsible for defection is allurements for high offices. Some legislators defect when they are offered some high jobs as a price for joining a new party and leaving their own. The other factor is the big difference between the emoluments, status and benefits attached to the office of a minister and that of an ordinary legislator. If and when a legislator was offered, or promised minister-ship, he did not hesitate to leave the party on whose ticket and symbol he was elected.

The personality cult is another cause of defection. When individuals so prominently dominate the political scene, their followers defect as soon as their leaders. Due to personality clashes, they decide to leave the Party. Political leaders try to dominate their legislators. In some cases ideological differences also become responsible for defection. Defections also take place when there is no dynamic leadership. Powerful lobbies and pressure groups also play a big role in defection politics. In some cases, big business or caste or religion might feel interested to lodge their people in authority. They start lobbying and put pressure on those who are near to them to defect from their party

and to associate themselves with those in whom they are interested, so that their group can come to power.

### **Implications**

This defection politics leads to political instability and delays in the decision-making process. Moreover, there is no continuity in policies because each Government which comes to power follows its own policies, many a time undoing the work of previous ones. Coalition Governments are formed and they continue to be unstable. Discipline, which is essential for running a Government, never works so effectively. The leaders are neither feared nor respected. This creates inconvenience for the bureaucracy. Political morality, constitutionalism, regard for political conventions, party discipline, and leadership are frequently disintegrated. Factionalism remains in optimum level. There is increase in political corruption and devaluation of moral values.

### **Measures to control defections**

On 11 August 1967, under late Y.B. Chauvan, a committee known as “Chauvan Committee” was constituted with prominent members like P. Govinda Menon, Ram Subhag Singh, Madhu Limaya, S.N. Dwivedi, N.G. Ranga, Bhupesh Gupta, C.K. Dapthry, M.C. Setalvad, H.N. Kunzru, Jaya Prakash Narayan to suggest measures to control defection. The committee recommended that:

- (a) Political defectors should be debarred from occupying any office such as minister, speaker, Deputy Speaker or chairman of any statutory corporation for a period of one year from the date of defection.
- (b) The size of the ministry in a State should be ten per cent of the strength of the Assembly where there was bicameral Legislature and eleven per cent where there was a unicameral Legislature.
- (c) Defectors should be debarred from becoming ministers up to one year from the date of defection, unless they got re-elected after resigning.
- (d) The Chief Minister should be made competent to seek dissolution of the house, even if reduced to minority, after his Party is reduced to minority on account of political defections.
- (e) The electors should be educated and made to realize the problems created by independent legislators, so that they do not return them.
- (f) No one who belonged to the Upper House should be elected either as Prime Minister or Chief Minister of a State. If necessary, the constitution should be amended accordingly.
- (g) Every elected legislator should find himself in the party discipline and should not violate that.
- (h) The political parties themselves should arrive at a code of conduct inter-alia providing against a defector being taken into the fold of another party.

The Home Ministry prepared a draft legislation incorporating the above recommendations. On 17<sup>th</sup> May 1973, Constitution's 52<sup>nd</sup> Bill or Anti Defection Bill was introduced in the Lok Sabha. It was referred to a select committee. It ultimately lapsed following the dissolution of the Lok Sabha in January 1977. Then in 1985, during the tenure of Prime Minister Rajiv Gandhi, the Anti defection Act, 1985 was passed in the form of 52<sup>nd</sup> Constitutional amendment Act 1985. This Act came into force from March 1, 1985. This Act prevents defection of members of Parliament and State Legislative from one party to another and destabilizing the government in the process. This act added a new Tenth Schedule to the Constitution. The schedule provides that the seat of a member of parliament/State Legislature shall fall vacant (a) if he voluntarily gives up his membership of such political party or (b) if he votes or abstains from voting in such house contrary to any direction issued by the political party to which he belongs without obtaining prior permission of such party, and such act has not endorsed by the concerned political party within 15 days from the date of such voting, or (c) if an independent member joins any political party after the expiry of six months from the date he took oath as member of the House.

The above mentioned provisions, however, do not apply in the following three cases:

- (i) *Party splits:* The disqualification on the ground of defection does not apply when there is a split in the concerned political party and he belongs to a faction arising out of such split and such group consists of not less than 1/3<sup>rd</sup> member of the House.
- (ii) *Party merger:* These provisions do not apply where two or more political parties decide to merge by two-third majority of the total strength of the Party in the Legislature.
- (iii) Resignation of Speaker/Deputy Speaker, Chairman/Deputy Chairman from the Party membership.

The Act accepts the nominated members from the purview of disqualification, if he joins any Party within 6 months of his nomination. Any question regarding disqualifications arising out of the defection is to be decided by a chairman or the speaker of the House as the case may be, and his decision shall be final. The courts do not have a jurisdiction in such matters.

### **The different provisions of Schedule X**

A member of a House belonging to any political party becomes disqualified for being a member of the House-

If he voluntarily gives up his membership of such political party or if he votes or abstains from voting in such house contrary to any direction issued by the political party to which he belongs without obtaining prior permission of such Party, and such act has

not been condemned by the concerned political party within 15 days from the date of such voting.

Any independent member of a House (elected without being set up as a candidate by any political Party) shall become disqualified to continue as a member of the House if he joins any political party.

### **Observation**

This law has not proved to be very effective in checking defections at the State level. The present law suffers from several weaknesses. Its provision regarding mergers of the parties is defective because while individual defection is punished under it, collective defection is condoned in the name of merger in the Party. Moreover, there is no provision in the law to deal with the situation when a political party which had set him up as a candidate gets elected to the house, and thereafter he joins another political party for whatever reasons, either because of his expulsion from the Party, or otherwise, he is deemed to have voluntarily given up membership of the political Party and he, thus incurs the disqualification.

The term 'unattached member' has no relevance or significance for purposes of schedule X. An elected member continues to belong to that Party by which he was set up as a candidate for election as such. This is so, notwithstanding that he was thrown out or expelled from that party. This proposition prevents the expelled member from escaping the rigour of the anti-defection law.

When a person who has been thrown out or expelled from the party which sets him up as a candidate or got elected, joins another party, it certainly amounts to his voluntarily giving up the membership of his original party.

In January 1992, the Supreme Court held by 3:2 majority that violation by the members of Parliament or State Legislature in five kinds of directions or whips by their Party would result in their ceasing to be a member of Parliament or State Legislature under anti-defection law. The five kinds of directions listed by Supreme Court, which would evoke provisions of anti-defection law, involved cases when such voting or abstinence (i) is likely to bring about a change of Government, (ii) is likely to prevent a change of Government, (iii) is on a matter which was a major policy or programme of the Party at the time of elections (iv) is on a motion of confidence or no confidence in the Government.

So it can be concluded that notwithstanding its inadequacies and costs, the anti-defection law has proved to be a step in the right direction. Instead of scrapping the existing anti-defection law, it should be improved. A blanket ban on defections or splits will be a threat to our very meaning and intent of Indian democracy.

## **Coalition Politics**

### **Introduction**

The post 1967 electoral politics both in the Central and State level, Indian Party politics went through a tremendous transformation. The Congress monolithism or one-Party dominant policies witnessed a challenge from other political parties. Further the regional disparities gave rise to the growth of regional party politics. The Congress lost its majority base in both the Central and State level electoral politics. A ground was ready for the participation of other political parties than the Congress to be partners in the decision-making process.

### **Meaning**

The term 'coalition' has been derived from Latin word 'coalition' meaning to go or grow together. In politics, the term is used for an alliance, a temporary union between and among political parties to control or exercise political power. The basic principle that guides such arrangements is the spirit of cooperation or compromise of respective political ideology. The parties to the coalition however do not lose their identity and can withdraw from the coalition, when they find it difficult to continue as partners.

In our political system, there are reasons for such coalitions in politics. The gradual weakening base of national political parties, and increasing role of regional political parties, the inter-play of multi-party politics are on the increase. So occasions have arisen when no single party is able to secure a working majority in the popular house on account of the presence of a multi-party system. Under such circumstances, like-minded political parties form the coalition to provide a workable majority and run the Government. Even before election, such coalition of political parties becomes necessary in view of changing loyalties of voters in a democracy. So parties make such arrangement to woo the voters for a common platform.

### **Nature**

It is understood that coalitions are made for some type of reward. This is an arrangement where political parties try to fulfil their respective interest. By nature, coalition politics is not static but dynamic, because every partner has his free choice of focusing and fulfilling its own objective. It works on certain minimum programmes, which may not suit to the original ideology of a political party. After all, politics is an act of 'possible' and coalitions its highest expression. Pragmatism is the hallmark of coalition politics. The purpose of coalition is to seize political power, after making political ideological adjustments. Often coalition is made to pull down a ministry. Even rightists and leftists come closer for coalition to challenge the existence of a ruling party. Coalition politics never believes in permanent friends or enemies. It has only permanent interest.



The Coalition Governments are generally unstable since they lack ideological similarities. So the internal contradictions among the parties are often a major factor for its collapse. Coalitions are marriages of conveniences. They are formed not on principles but on the basis of polarization of political forces. Defection politics is a threat to coalition politics and is a factor for coalition politics. So, political opportunism determines the nature, character and dimension of coalition politics.

### **Implication**

The Coalition politics has several political and constitutional implications. In our political system, it is often questioned whether it is possible to sustain the co-existence of a parliamentary Government vis-à-vis a federal polity within the confines of coalition politics. Generally the leader of the majority party and a leader of coalition majority carry a lot of constitutional significance. A person does not owe his responsibility as a Prime Minister or Chief Minister to his election as a leader of the political party in particular or to his pre-eminence within a party but to inter-party acceptance which is usually the result of hard bargaining. In such a situation, leadership is more a contractual assignment than a right in according to the desirability of a Constitution. Even during the distribution of portfolios and selection of Ministers, the leader remains always under pressure to respect the terms of the contract. Such situations undermine the importance of a leader of the Party in House as per the principles of collective responsibility. He remains all the time shaky and lacks confidence.

Further, the era of coalition politics in the States strengthens the discretionary powers of the Governments. The conduct of the Governors in exercising their constitutional powers in their discretion becomes the subject of criticism. For obvious reasons, Governors have found those situations delicate to handle where coalition partners have either been numerous. Where it is heterogeneous, its margin of strength is thin and where fringe parties and groups have been proved to hold the coalition at ransom. Political homogeneity remains missing altogether. Coalition Governments ought to believe in some common programmes which are generally not acceptable to the support structures of political parties. Often we feel, the minimum programmes made or contracted by political parties in Coalition Government are never a strength rather they function as sources of weaknesses for future ideological conflicts. Violations of political norms of parliamentary decorum inside and outside the house occur frequently.

Generally the coalition partners regulate the terms of their contract through all party coordination committee. This committee is always representative in character. This behaves like a super cabinet. The leader of the coordination committee functions like a super leader. Such situations make the coalition Governments often more accountable to the committee than to the public which negates the very spirit of parliamentary democracy. So a politically weak, faction-ridden cabinet proves as blessings for the bureaucracy to be pro-active. When parties are weak, divided or fragmented, the cabinet is unstable and if parties in Legislature are busy in manipulating the rise and fall of cabinets, the bureaucracy is left free to accomplish whatever it deems fit. Further,

coalition politics and government always have a tendency to retard the strength of federal functioning in our type of democratic set up.

However, it is very likely that under such pattern of party politics, the scope of misunderstanding and misjudgement of political actions are wide. It is difficult to generate a common standard of democratic functioning and moral behaviour for all partners. In coalition system, political parties almost behave like interest groups. The slight deviation may lead to its breakdown leading to administrative inefficacy. Evolution of common norms is a necessary precondition for successful operation of coalition political culture.

By and large till 1969, we saw Congress Government continuing to rule till its split. For the first time, the Congress was reduced to minority in 1969. However, the minority Government of Mrs. Gandhi continued to rule with the support of the CPI and the DMK. But the CPI and the DMK were not represented in the cabinet. In 1977, when the Janata Party came to power, we came across a sort of coalition of five political parties with different ideologies. Even the Janata Government involved members of Akali Dal and AIADMK to join the Government. But all coalition partners always projected their separate identity as they often levelled charges against each other. So the Morarji Government was forced to resign. The Charan Singh Government succeeded Morarji Government for a while as a pure coalition Government consisting of Janata (S) and Congress (I), while Congress (I) extended support to this coalition Government from outside. However, this Government proved short-lived and fell as soon as the Congress (I) withdrew its support.

The other such occasion which came in Indian politics was the period of 9<sup>th</sup> Lok Sabha election. In this election in 1989, of the 525 seats to which elections were held, the Congress captured 193 seats against 141 and 88 were managed by the Janata Dal and Bharatiya Janata Party. The seats captured by other parties were CPI (M) 32, CPI 12, AIADMK II, Akali Dal (Maan) 6, RSP 4, BSP 3, Forward Block 3, JMM 3, IUML (S) 2, Telugu Desam 1, Congress (S) 1, CPI (I), independents and others 16. Even though the Congress emerged as the lowest single political party, it lacked majority. So the National Front Government was insisted to form the Government with leftist parties and BJP agreeing to extend support to the Government from outside. Thus the Government which was formed at the Centre was technically speaking a single party Government which survived with support of the BJP and left parties. It collapsed as BJP withdrew its support.

Chandra Shekhar Government, which succeeded the National Front Government, was virtually a Government of splinter group of Janata Party which remained in the office with the support of the Congress (I) barely for four months. In the mid-term elections 1991, once again none of the political parties secured clear-cut majority and the Congress (I) was insisted to form a minority Government. The Government depended on the support of BJP and leftist parties for its existence. The minority Government of the Congress (I) was converted into a majority Government in December 1993 when Ajit Singh with 10 members of the Janata Dal (A) merged itself with the Congress.

**Check Your Progress-III**

1. What is a Pressure Group?
2. What does defection mean?
3. In which year the Anti Defection Act was passed by the Parliament?
4. What are the implications of Coalition politics?

The Lok Sabha elections on 1996 produced a hung parliament with BJP 161, Congress (I) 140, JD 44, CPM 33, TMC 20, DMK 17, SP 17, TDP (N) 16, SS 15, CPI 13, BSP 11, Akali Dal 8, Samata 8, RSP 5, AGP 5, Independents and others 25. As the leader of the largest single Party in Lok Sabha, Mr. A.B. Vajpayee was invited by the President of India to form the Government. He was given two weeks time to prove his strength. However, the BJP Government tendered his resignation on 28<sup>th</sup> May after 12 days. Thereafter on 1 June 1996, H.D Deve Gouda led the United Front Coalition of 13 parties and became the Prime Minister. The Congress and the CPI(M), two political rivals agreed to support the United front Government from outside. The coalition Government which thus came to power in the Centre was not the result of an alliance forged before the elections. It was the result of the compromises and bargains entered into after the elections to capture power and to keep BJP out of power. The other important features of this coalition were the preparedness of the regional political parties and the entry of the CPI for the first time in a coalition at the Centre.

The experiment of coalition Government at the Centre suffered a setback following the withdrawal of support by the Congress. On 11, April 1997, the United Front Government led by H.D. Deve Gouda failed to get confidence motion passed and this created a political crisis, as neither the Congress nor the BJP were in a position to form a Government. The Congress Party in Parliament declared its support to the formation of the Government led by a new leader of the United Front. Thereafter, I.K. Gujral was elected the new leader of the United Front and was Prime Minister on 21<sup>st</sup> April 1997. The Congress withdrew its support on the issue of the ouster of the DMK from coalition Government. Since no political Party was in a position to form Government, the Cabinet advised the President to dissolve Parliament on 3<sup>rd</sup> December 1997. So the election took place in 1998 and again it was seen that some of the political Parties could secure clear-cut majority. The BJP, as the largest party along with electoral alliance parties, were invited to form the Government. Thus, once again a coalition Government of 13 political parties headed by the BJP came to power at the Centre. This coalition Government lasted only for 13 months. In 1999 September-October, election was held and again some of the Political Parties could secure a clear-cut majority. This time the NDA (National Democratic Alliance) formed before the elections secured a comfortable majority of more than 290 seats in 543 Lok Sabha. The alliance, comprising of 24 Parties, elected Atal Behari Vajpayee as its leader and he was invited by the President to form the Government. This experiment succeeded for its full term. In 2003 election, it was found that the largest Political Party like Congress (I) was compelled to go for coalition politics to form a coalition Government. It also succeeded and presently Dr. Manmohan Singh is heading a Congress (I)-led coalition politics and coalition Government too.

## 2.8 Let Us Sum Up

So it is being believed that the Indian Party system has undergone a process of transformation. In our multi-party politics the coalition political culture is gradually gaining strength in view of regionalization of Indian party politics. It has also been gradually understood by our citizens that coalition is based on concrete programmes and not only on political opportunism and lust for power and it can greatly contribute to the smooth working of democracy and representative Government in India. Further, the law checking defection is becoming more and more successful. The anti-defection law is definitely a step forward in strengthening the culture of coalition of politics and coalition governments. The State politics is bound to play a positive role in making the prospects of coalition politics as the trendsetter for future Party Politics in Indian Political System.

## 2.9 Key Words

<b>Political party</b>	:	Permanent organisation with an aim of capturing power by means of election.
<b>Pressure groups</b>	:	Organised groups seeking to influence the decisions of the Government without formally participating in the machinery of the Government.
<b>Defection</b>	:	Crossing the floor or shifting loyalty from one political party to another.
<b>Coalition</b>	:	An alliance of temporary union between/among the political parties to exercise political power, especially to contest in election and seeking to form the government.

## 2.10 Check Your Learning

1. Explain in 50 words the meaning of a political party.
2. Describe in brief the evolution of Indian party system.
3. Examine the nature of party system after 1977.
4. Why regional party politics is there in our political system?
5. Explain in 200 words the factors responsible for the growth of regional party politics in India.
6. What is a coalition? Explain the working of a coalition Government in Indian political system.
7. What is defection? Examine factors responsible for the growth of defection politics in India.

## 2.11 Suggested Readings

Narain, Iqbal : *State Politics in India*, Meerut, 1976,  
 Bombwall, K. R. and Choudhery, L. P.: *Aspects of Democratic Government and Politics in India*, Delhi, 1968.

- Fadia, Babulal : *Pressure Groups in Indian Politics*, New Delhi, 1980.
- Hartmann, Horst : *Political Parties in India*, Meerut, 1971.
- Sahni, N.C. (ed), : *Coalitiona Politics in India*, Jullundur, 1977.
- Weiner, Myron : *Party Politica in India*, New Jersey, 1957.
- Kothari, Rajni : *Politics in India*, New Delhi, 1970.
- C. Kashyap, Subhash : *The Politics of Power -Defection and State Politics in India*, Delhi, 1974.

## 2.12 Hints/Answers to Questions in Check Your Progress

### Check Your Progress-I

1. Organisation, principles, policies, programmes and desire to capture political power.
2. Party system can be classified into three categories:
  - (i) One party system
  - (ii) Bi-party system
  - (iii) Multi party system.
3. 1885
4. Jan Sangh
5. Mrs. Indira Gandhi
6. June, 1975
7. Shiromani Gurudwara Prabandhak committee
8. See section 8.4

### Check Your Progress-II

1. Check your answer from section 8.4 (Introduction)
2. Check your answer from section 8.4 (Introduction)
3. Check your answer from section 8.4 (AGP)

### Check Your Progress-III

1. Pressure group is an organised group of people seeking to influence the decisions of the Government without formally participating in the machinery of the Government.
2. Defection means closing the floor or shifting the loyalty from one political party to another.
3. Anti-Defection Act was passed in 1985 in the form of 52nd Constitutional Amendment Act.
4. See section 8.6 (Coalition politics).

## UNIT III ELECTORAL SYSTEM

### Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Significance of Elections in India
- 3.3 Election Commission of India
- 3.4 Elections and the Process of Politicization
- 3.5 Electoral Reforms
  - 3.5.1 Role of Identity and Crime in Election
- 3.6 Summary
- 3.7 Key Terms
- 3.8 Answers to ‘Check Your Progress’
- 3.9 Questions and Exercises
- 3.10 Further Reading

### 3.0 Introduction

Elections in India, the second most populous nation in the world, involve a mega exercise by gigantic government machinery. The most common understanding of elections is the general elections or the Lok Sabha elections in which registered adult voters cast their votes. Based on the results of these votes, the directly elected members of a political party form the government with the majority party choosing its leader as the Prime Minister. However, these are not the only elections conducted in India. Elections are held for the state assemblies or Vidhan Sabha through which the state governments are formed and the Chief Minister is chosen, and also for local government bodies such as the municipalities and the panchayats. The President of India and members of the Rajya Sabha are also elected, though, through a different method. In this unit, you will study about the significance of elections in India, the role of the Election Commission in organizing elections and the need of electoral reforms in India.

### 3.1 OBJECTIVES

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

- Explain the significance of elections in India
- Discuss the role of the Election Commission of India in organizing elections
- Identify the need for electoral reforms

## 3.2 SIGNIFICANCE OF ELECTIONS IN INDIA

Elections are particularly conspicuous and revealing aspects of most of the contemporary political systems. They highlight the basic nature and the actual functioning of the system as a whole. Elections are complex events involving individual and collective decisions which directly affect, and are affected by, the total political and social process. They open up channels between the polity and the society, between the elites and the masses, and between the individual and the government. They are major agencies of political socialization and political participation.

Elections are the crucial deciding factor in modern democracies. Elections provide an opportunity to the general masses to get political education. Issues are raised and their pros and cons are discussed, and in the process the electorate gets informed. Elections are primarily held to decide as to who would govern the country. Elections are the only medium available in modern democracies through which a peaceful change in the government is effected or, to use Michael Brecher's (Professor of Political Science, McGill University) words, they are means for the 'routinization of political change'. The electoral politics lead to increasing political consciousness in which every citizen of India uses his right to vote and participate equally in the political process. In fact, there can be no democracy without elections.

### 3.2.1 Elections in India

Unlike the situation in many developing countries, elections in India have been central, and not peripheral, to the system. They have been truly meaningful and not mainly ritualistic acts. They have served as links between the 'traditional' and the more 'modern' aspects of the Indian life and behaviour.

Elections can now be seen not merely as useful indicators of a modern democracy, but actually as the events through which the party system and hence, in a measure, the political system achieves its evolution. Within this system, the electoral process seems to have functioned with increasing effectiveness and acceptance, and the Indian voter seems to be developing a surprising degree of maturity and sophistication. Or, in other words, India seems to be developing a 'responsible electorate' which was missing when it attained independence.

Another point to be noted is that far from contributing to the increasing 'modernization' of Indian politics on a steadily accelerating scale, recent elections show some signs of becoming more 'traditionalized' in the Indian setting. The trend has been particularly manifested in the changing character of India political leadership. On the whole, this leadership is changing significantly with a declining role and influence of the westernized, educated, urbanized high caste modern elite that spearheaded the Indian National Movement and that provided most of the top leadership to India in the first decade of its independence. On the contrary, there is an increasing role and influence of the middle class, less educated, less westernized, more rural and locally based elite. Elections have been a major instrument for the emergence of this new leadership. Thus, the elections have served as a vehicle for bringing more traditional elites into a more central role in the political system, increasingly at all levels.

### 3.3 ELECTION COMMISSION OF INDIA

The Indian Constitution has made provision for a suitable machinery to conduct free and fair elections in the country. It provides for the setting up of an Election Commission for this purpose, which shall consist of the chief election commissioner and such other election commissioners, as are appointed by the President. The Constitution empowers the President to determine the conditions of service of the election commissioners. In the case of the chief election commissioner, it has been laid down that he or she shall not be removed from office except in like manner and on like grounds as a judge of the Supreme Court. The other election commissioners can be removed only on the recommendations of the chief election commissioner.

The Election Commission was set-up, under Article 324 of the Constitution of India, in January 1959. It has been assigned the following main functions:

- Superintendence, direction and control of the preparation of the electoral rolls, and keeping them up-to-date at all times.
- Conducting all elections of the Parliament and the State Legislatures (including casual vacancies), as well as the election to the offices of the President and the Vice President of India.
- Appointing of the Election Tribunals to investigate into complaints made in election petitions, and so forth.

The Election Commission is a statutory body. It has only a Secretariat and no attached or subordinate office under it. But the Election Commission, in consultation with the state governments, nominates or designates an officer of the state government in each state as the chief electoral officer for that state for the preparation, revision and correction of electoral rolls, and so forth. Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer is statutorily responsible for the preparation, revision and correction of all electoral rolls and the conduct of elections in the states.

The Election Commission, as at present constituted, consists of a Chief Election Commissioner, a Deputy Election Commissioner, and other secretariat officers and staff. The office of the Election Commission is organized in nine election branches and two administration branches. The Election Commission has a total strength of 165 staff members.

The Election Commission publishes a number of reports on the general elections in India. Besides, a number of casual publications on elections are issued, mainly at the time of elections.

### 3.4 ELECTIONS AND THE PROCESS OF POLITICIZATION

Elections in India, both at the national and the state levels have increased the process of politicization in the following manner:

- (a) **Democratization of polity:** The democratization of polity through regular elections was high



on the agenda of the Constituent Assembly. The Constituent Assembly itself was elected on the basis of restricted franchise. It took two landmark decisions regarding the franchise. Firstly, the principle of separate electorates was done away with. Second major decision was to have universal adult franchise. This was a revolutionary decision considering that only 14.6 per cent of population had the experience of right to vote in the colonial India. Also, majority of the population was illiterate and probably could not fathom the intricacies of voting. History has proved the members of the Constituent Assembly, who stood for the provision of adult franchise, right.

- (b) **Participation of women:** A remarkable feature of the Indian elections is the participation of women in them. There are still nations in Asia, Africa and Latin America where women are not allowed to participate in the elections (both as a voter and as a candidate). The zeal for voting among Indian women has been as strong as among Indian men (Figure 8.1). Today women actively participate not only in the voting process, but also in securing representation in the country's Parliament and legislatures. The number of women contestants has been steadily rising since Independence, even though their proportion is small compared to men. Most political parties are still not willing to give adequate number of 'tickets' to women, even though they show their support to the principle of reserving 33 per cent representation.
- (c) **Representation to weaker sections:** From the very beginning, a constitutional provision has existed in India for the allocation of seats proportionate to their population to some specific weaker sections of the Indian society, namely, the Scheduled Castes and the Scheduled Tribes. While it is possible for an SC or ST candidate to contest from a 'general' seat, only candidates representing those sections can contest from the 'reserved' constituencies. There has been a steady increase in the participation of the SC and STs in the legislatures. Not only that, a few parties (like the BSP) have also become popular in some states whose social base purely consists of SCs and STs.
- (d) **Mobilization of passive socio-economic groups:** An electoral competition has mobilized many formerly passive socio-economic groups and has brought them into the political arena. On one hand, this is a desirable outcome in a vibrant democracy but on the other, given the state's limited capacities for the redistribution of wealth and the intensity with which electoral support has been courted, these mobilized and dissatisfied groups have further contributed to the growing political turmoil. A major example of this phenomenon is the growing caste conflicts between the 'backward' and the 'forward' castes. Leaders in nearly all the states have utilized 'reservations' as a means to gain the electoral support of numerically significant backward castes. Higher castes, feeling that their interests are threatened, have resisted these moves.
- (e) **Populism and personalization of political power:** One important method for preserving power has been populism, i.e. to establish direct contact between the leader and the masses and to undermine those impersonal rules and institutions designed to facilitate orderly changes. Making direct promises that will affect as large a segment of the population as possible can enable a leader to mobilize broad electoral support.
- (f) **Intensity of class conflict:** Competing elites have sought to mobilize ethnic groups who share language, religion, caste or race. Leaders manipulate primordial attachments so

as to gain access to the state. If they are accommodated, the conflict often recedes. However, accommodation is not always possible. Moreover, sometimes those in position to make concessions have not made timely concessions in order to protect their own political interests. Such recalcitrance has only further encouraged the leaders of ethnic and religious groups to make use of violence and agitations as means of accomplishing their political goals.

- (g) **Proliferation of political parties:** Splits and /or mergers have become common to political parties in India. In the last two decades, this trend increased phenomenally leading to the growth of parties 'registered' and 'recognised' by the Election Commission.

#### **Check your Progress –I**

1. Discuss Article 324 of the Indian constitution.
2. Discuss the main function of Election Commission of India.
3. 'Elections increase political participations'. Discuss

### **3.5 ELECTORAL REFORMS**

Electoral reform is not an uncharted cognitive territory in contemporary India. Since the beginning of electoral politics in the fifties and particularly in the last two decades, this theme has been dealt with by a number of scholars. The key to a meaningful political discussion about electoral reform is the ideal of representation and its relation to the process of democratization in contemporary India. The institution of universal adult franchise started a democratic revolution involving greater and more intense participation along with higher expectations in the game of politics. However, the dissociation of electoral mandates from the process of government formation and policy-making has distorted the nature of representation.

This is what gives rise to the challenge of electoral reform. The challenge is to make the mechanism of election an effective instrument of the democratic will of the people, especially those who have so far been excluded from their due share of power. This is directly related to the character of representation, for effective democratization is achieved through a transition from formal representation to substantive representation.

Critics have pointed out that the elected members to the legislatures do not get sufficient number of votes to represent the people in the true sense. They get elected with twenty per cent or even less than twenty per cent of votes. They would be better representatives if they get more than fifty per cent at least of the votes cast. Further, the people in our country have a constitutional right to vote, but this right does not correspond with the duty to vote. With the result, our general elections record fifty to sixty per cent voting. The representatives in the legislatures, therefore, do not represent the people as a whole. There are few other problems as well.

The emergence of new parties, pursuing desperate regional, sectarian and segmental causes, and fragmentation of erstwhile vote banks, mounting expenditure on elections, vitiating muscle power, aggravation of caste and communal conflict, the eclipse of idealism and

ideology in public life, the evil of both capturing and rigging, public apathy resulting in lower turn out for voting, large number of candidates resulting in twenty per cent or some times less than twenty per cent of votes in favor of winning candidates are some of the evils that have so effected the situation that electoral reforms have become unavoidable. Many a times, the battle of ballots becomes the battle of bullets. On the day of elections, booths are captured, polling agents are attacked and bombs thrown to prevent the weaker sections from exercising their franchise. Criminal-politician nexus has resulted in the entry of criminals in legislatures (for example, Pappu Yadav, Rajan Tiwari, Mohd. Shahbuddin, Bablu Srivastava, and others). G.T. Nanavati, a Supreme Court Judge has pointed out, 'criminals found politics a profitable business and also an influential field, where they could get immunity from the law of the land so that their criminal activities could go on unchallenged'.

### **Representation of the People (Amendment) Act, 1996**

To overcome such weaknesses, the Election Law underwent some important changes through the Representation of the People (Amendment) Act, 1996. Some important changes were as follows:

- Disqualification on conviction under the Prevention of Insults to National Honour Act, 1971.
- To check the multiplicity of non-serious candidates, the amount of security deposits for an election to the Lok Sabha and a state Legislative Assembly was increased. In case of Lok Sabha, the amount of security deposits was increased from `500 to `10,000. For a member of scheduled caste (SC) and scheduled tribe (ST), it stands at `5000.
- In case of a state Legislative Assembly, the Act fixed `5,000 for a general candidate and `2,500 in case of candidate belonging to SC/ST as security deposit instead of `250 and `125 respectively.
- The nomination of a candidate in parliamentary or assembly constituency was to be subscribed by 10 electors of the constituency as proposers.
- Restriction was laid on contesting election from more than two constituencies.
- For listing names of candidates, they were to be classified as candidates of recognized political parties, registered—unrecognized parties and other candidates.
- No election was to be countermanded on the death of a contesting candidate.
- Grant of paid holiday to employees and daily wagers on the day of poll.
- Prohibition of sale and distribution of liquor within a polling area.
- By-elections to any House of Parliament or a State Assembly were now to be held within six months from the occurrence of the vacancy in the House.

From 31 December 1997, central government raised the maximum ceiling on election expenditure by candidates, for Lok Sabha constituency to `15,00,000 and for Vidhan Sabha `6,00,000. In 2011, this ceiling on election expense was further enhanced for Lok Sabha constituencies to `60 lakhs and for State Assembly seats to `16 Lakhs.

The Supreme Court of India directed the Election Commission to get the declaration from all candidates about their criminal antecedents, financial liabilities and educational qualifications.

Thus, from 2004 general elections, the 'model code of conduct' came into force. On 29 February 2004, the Election Commission issued detailed guidelines for the political parties and candidates. Accordingly, corrupt practices were prohibited (under Section 123 of the Representation of People's Act, 1951), declared electoral offences as punishable (under Section 125-137 of the Representation of People's Act, 1951), necessitated the disclosure of information about financial, criminal and educational status of candidates, restrained the use of excessive money or muscle during the elections and required the candidates to follow the model code of conduct and other related laws.

Despite all these efforts made by the Election Commission, one cannot undermine the role of good, clean democratic practice, watchdog news media, and a vigilant public opinion in raising the bar for all political parties. Above all, the Indian voter has also become quite discerning to understand which political party is able to prove its mettle and deliver the goods.

### **Problem of Defection**

In the 1980s, a problem that emerged in the parliamentary process was the problem of defections in state legislatures and even the Parliament. Defections meant that an elected representative of a particular party joined another party on the promise of more power or some other benefit. This was however not always true as some defections also took place on matters of principles or ideological differences.

To combat the problem of defection, the Rajiv Gandhi government moved the 52nd amendment to the Constitution and amended articles 101, 102, 190 and 191 and added a new schedule, the Tenth Schedule, which dealt with the disqualification of a member of Parliament on the ground of defection.

Today, an elected representative is disqualified from being member of either House of the Parliament or a state legislature if he or she incurs the disqualifications mentioned in the 10th schedule. These disqualifications are as follows:

- If a member voluntarily gives up the membership of the political party on whose ticket he or she is elected to the House.
- If the member votes or abstains from voting in the House against any direction of the political party or by any person or authority authorized by it in this behalf, without the party permission of such party and unless it has been condoned by the party within fifteen days from the date of voting or abstention.
- If any nominated member joins any political party after the expiry of six months from the date on which he takes his seat in the House.

Some scholars have suggested that the defection law has been used to impose a centralized structure on political parties and has resulted in the death knell of parliamentary dissent.

#### **3.5.1 Role of Identity and Crime in Election**

The enormous electorate and the large physical expanse of India make any election an expensive affair. The function of money in the electoral procedure has become important and introduced a big number of anomalies. Candidates and political parties use vast sums to persuade voters through a variety of inducements. This results in an unholy nexus between the political parties and vested interests that insist reciprocation after financing election costs. Appeal to the voters on the basis of caste, religion, region and such partisan matters have led to divide the communities with catastrophic impact upon the society. Another trend has been the propensity of elected members to alter their vote in opposition to the directions of their party. This allows horse-trading to go on where money rather than political ideology or policy decides the choice of the elected member. In many States, this became a main problem with a large number of legislatures candidly offering their votes for sale. All through a vote of no-confidence in the Parliament, a lot of opposition members showed wads of money that was supposedly given to them for switching their ballots.

A grave result of lax election laws has been the rising criminalization of politics in the country. Indian law forbids an individual from contesting election if he or she has been condemned of any criminal charges. This stipulation is easily circumvented, as court trials take tremendously long, even years, to come to a result. Meanwhile, the individual is free to contest polls and even gather ministerial posts upon winning the elections. Thereupon, it becomes rigid for police agencies to act against the person since he or she begins to unfavorably affect the witnesses and even the examiners by misusing the political associations. Many people, charged with solemn crimes such as murder and rape, have won polls and gained political surpluses. According to political researcher Mr. Verma, 'By one estimate in 1997, 700 of 4,120 elected members of 25 State-level assemblies had criminal records. Of these, some 1,555 were accused of heinous crimes such as murder, armed robbery, rape and the like.'

This criminalization of politics began from the initial days of Indian democracy when the forward castes and well-established groups stopped lower castes and other marginalized masses from casting their votes. Prearranged 'booth capturing' started in 1957 when a group of upper-caste muscle-men hounded away the electorate and powerfully cast the votes for their applicant. Such booth capturing, i.e., the aggressive casting of votes in favor of a particular candidate, which forces genuine voters to stop from exercising their rights, gradually became a serious problem in several regions of India and particularly in States like Bihar and Uttar Pradesh. In 2004, a number of special officers appointed by the Election Commission discovered blatant proof of violence, threat and 'silent booth capturing' by the supporters of a well-known ruling party leader. The query prompted the Election Commission to annul the results and order re-polling. However, in most cases, it is not trouble-free to notice such efficient operations.

### **Prevention**

A chief step taken by the Election Commission has been the improvement and introduction of electronic voting machines (Figure 8.2) for the course of conducting successful election in the country. The purposes were to address two setbacks vitiating the elections: the difficulties in calculating the paper votes by hand which often led to disputes and court challenges and

the other being the issue of booth capturing. It was noticed that criminals would rapidly stamp the voting papers and stuff them in the boxes which made it unfeasible to assess if a specific vote was authentically cast or done by an unlawful process. For that reason, the Commission approached the Electronic Corporation of India (ECIL) to devise a machine that would record votes at a time-consuming pace. At present, the existing machines record an utmost of five votes per minute. This design was made to aid in hardening the goal since the criminals would have to spend a great deal of the time at one booth to cast a large number of unlawful votes. This extra time would facilitate the police to respond to the call and arrive at even distant booths in time to nab the criminals. The machines could also be put out of action by polling personnel and would then need a supervisor to re-start. Furthermore, the electronic machines would also aid in calculating the total votes and declaring the results in the shortest possible time. This was expected to avoid harmful elements from disturbing the procedure.

### 3.6 Summary

In this unit, you have learnt that:

- 3.6.1 Elections in India, the second most populous nation in the world, involve a megaexercise by gigantic government machinery.
- 3.6.2 Elections are held for the state assemblies or Vidhan Sabha through which the state governments are formed and the Chief Minister is chosen, and also for local government bodies such as the municipalities and the panchayats. The President of India and members of the Rajya Sabha are also elected, though, through a different method.
- 3.6.3 Elections are the crucial deciding events in modern democracies. Elections provide an opportunity to the general masses to get political education.
- 3.6.4 Another point to be noted is that far from contributing to the increasing 'modernization' of Indian politics on a steadily accelerating scale, recent elections show some signs of becoming more 'traditionalized' in the Indian setting.
- 3.6.5 The Indian Constitution has made provision for a suitable machinery to conduct free and fair elections in the country. It provides for the setting up of an Election Commission for this purpose, which shall consist of the chief election commissioner and such other election commissioners, as are appointed by the President.
- 3.6.6 The key to a meaningful political discussion about electoral reform is the ideal of representation and its relation to the process of democratization in contemporary India.
- 3.6.7 The Supreme Court of India directed the Election Commission to get the declaration from all candidates about their criminal antecedents, financial liabilities and educational qualifications.
- 3.6.8 In the 1980s, a problem that emerged in the parliamentary process was the problem of defections in state legislatures and even the parliament.
- 3.6.9 An elected representative is disqualified from being member of either house of the parliament or a state legislature if he or she incurs the disqualifications mentioned in the 10th schedule.

### 3.7 Key Terms

<b>Vidhan Sabha</b>	: State Assembly
<b>Lok Sabha</b>	: Lower house of the parliament.
<b>Rajya Sabha</b>	: Upper House of the parliament.
<b>Proliferation</b>	: Rapid increase in the number or amount of something.
<b>Nexus</b>	: It is the connection or series of connections linking two or more things.
<b>Political alliance</b>	: It is an agreement for cooperation between different political parties.
<b>Model code of conduct</b>	: It is a set of guidelines laid down by the Election Commission to govern the conduct of political parties and candidates in the run-up to an election.
<b>Pressure groups</b>	: It is a group that tries to influence public policy in the interest of a particular cause.

### 3.8 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The Election Commission of India was established in January 1959.
2. The President determines the conditions of service of the Election Commissioners.
3. (a) women (b) populism
4. (a) universal adult franchise (b) legislatures
5. (a) True (b) False
6. (i) False (ii) True
7. The four types of pressure groups are: Institutional interest groups, the associational interest groups, Anomic interest groups and non-associational interest groups.
8. FICCI and CII

### 3.9 Check your Learning

1. What are the main functions of the Election Commission of India?
2. Why is it necessary to introduce electoral reforms in India?
3. Analyse the significance of elections in India.
4. Discuss the changes introduced with the implementation of the Representation of the People’s (Amendment) Act, 1996.
5. ‘Electoral reform is not an uncharted cognitive territory in contemporary India.’ Explain.
6. Discuss elections and the process of politicization.

**3.10 Suggested Reading**

1. Johari, J.C. 1974. *Indian Government and Politics*. New Delhi: Vishal Publications. Desai, A. R. 1976. *Social Background of Indian Nationalism*. Mumbai: Popular
2. Prakashan.
3. Kothari, Rajni. 1972. *Politics in India*. New Delhi: Orient Longman Pvt. Ltd. Bombwall, K.R., 1965. *Indian Government and Politics Since 1885*. 2nd edition,
4. Ambala Cantt.: Modern Publishers.
5. Singh, G.N. 1967. *Landmarks in Indian Constitution and National Movement*. New Delhi: Atma Ram and Sons.



## UNIT IV

### JUDICIARY IN INDIA: JUDICIAL REVIEW AND JUDICIAL ACTIVISM

#### Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Supreme Court of India and Judicial review
  - 4.2.1 Operation of Judicial Review
- 4.3 Judicial Activism
  - 4.3.1 Judicial Activism through Public Interest Litigation (PIL)
- 4.4 Lets Sum Up
- 4.5 Key Words
- 4.6 Check Your Learning
- 4.7 Suggested Readings

#### 4.0 Objectives

After reading this Unit, you will be acquainted with

- the meaning of Judicial review
- Working of Judicial review in India
- Meaning of Judicial Activism and Public Interest litigation
- Operation of Judicial Activism and Public Interest Litigation in India.
- Implication of Judicial review and Judicial Activism in Judicial process.

#### 4.1 Introduction

Judicial review is a process under which executive, legislative and administrative actions of a government are subject to review by the judiciary. It is the power of the courts of a country to examine the actions of the legislative, executive, and administrative arms of the government and to determine whether such actions are consistent with the constitution. A court with authority for judicial review may invalidate laws, acts and governmental actions that are incompatible with a higher authority: an executive decision may be invalidated for being unlawful or a statute may be invalidated for violating the terms of a constitution. Judicial review is one of the checks and balances in the separation of powers: the power of the judiciary to supervise the legislative and executive branches when the latter exceed their authority. The doctrine varies between jurisdictions, so the procedure and scope of judicial review may differ between and within countries.

Constitutional judicial review is usually considered to have begun with the assertion by John Marshall, fourth chief justice of the United States (1801–35), in *Marbury v. Madison* (1803), that the Supreme Court of the United States had the

power to invalidate legislation enacted by Congress. There was, however, no express warrant for Marshall's assertion of the power of judicial review in the actual text of the Constitution of the United States; its success rested ultimately on the Supreme Court's own ruling, plus the absence of effective political challenge to it.

Constitutional judicial review exists in several forms. In countries that follow U.S. practice (e.g., Kenya and New Zealand), judicial review can be exercised only in concrete cases or controversies and only after the fact—i.e., only laws that are in effect or actions that have already occurred can be found to be unconstitutional, and then only when they involve a specific dispute between litigants. In France judicial review must take place in the abstract (i.e., in the absence of an actual case or controversy) and before promulgation (i.e., before a challenged law has taken effect). In other countries (e.g., Austria, Germany, South Korea, and Spain) courts can exercise judicial review only after a law has taken effect, though they can do so either in the abstract or in concrete cases. Systems of constitutional judicial review also differ in the extent to which they allow courts to exercise it. For example, in the United States all courts have the power to entertain claims of unconstitutionality, but in some countries (e.g., France, Germany, New Zealand, and South Africa) only specialized constitutional courts can hear such claims.

After the end of World War II, a number of the constitutions drafted in Europe and Asia incorporated judicial review in various forms. For example, in France, where the Court de Cassation (the highest court of criminal and civil appeal) has no power of judicial review, a constitutional council of mixed judicial-legislative character was established; Germany, Italy, and South Korea created special constitutional courts; and India, Japan, and Pakistan set up supreme courts to exercise judicial review in the manner generally used in the United States and in the British Commonwealth.

## **4.2 Supreme Court of India and Judicial Review**

The Supreme Court of India enjoys the power of judicial review. It can pronounce upon the constitutional validity of laws passed by the legislature and the actions taken by the administrative authorities (Executives). It also meant that if these two wings of government ever and in any way endeavoured to go beyond the limit of their authority laid down by the Constitution they were to be curbed and reminded of their limitations. The term refers to the power of a court to inquire whether a law, executive order or other official action conflicts with the written constitution. If the Court concludes that it does so, it has the power to declare it unconstitutional and void.

The framers of the Constitution adopted the principle of judicial review to ensure that the Union and the State governments operate within their respective spheres and the fundamental rights guaranteed under the Constitution are not encroached upon. The framers largely borrowed the idea of judicial review from United States, even though

they preferred to grant much narrower powers to the Indian Supreme Court. They deliberately exempted a number of provisions of the Constitution from judicial review viz. the advice tendered by the Council of Minister to the President or Governor, the manner of authentication and execution of orders of the President and the Governor, privileges of members of the Parliament and State legislatures, validity and conduct of the proceedings in Parliament, delimitation of constituencies etc. Even the powers exercised by the President and the Governor are exempted from the judicial review. Further, in our country, the Supreme Court can pronounce upon the constitutionality of a law or administrative action, only if it is contrary to the provision of the Constitution. It cannot go into the objectives underlying the law or action and declare it as unconstitutional.

Judicial review performs two main functions:

- (i) legitimizing government action; and
- (ii) protecting the constitution against any undue encroachment by the government.

The system of judicial review prevailed better in a country having a federal constitution. In such a system governmental power was divided between the federation and its federating units. However, the Supreme Court was required to settle disputes as and when any dispute arose between them. The Supreme Court was not only to ensure that the Legislative and the Executive wings acted within their limit of authority, but also to guarantee that what the people had given themselves through the Constitution was enjoyed by them.

Thus, the essential requisites of a system of judicial review were a written and rigid constitution, a federation involving division of power and fundamental rights.

All these requisites were there in the Indian Constitution, but nowhere the term 'judicial review' had been used, and no direct and explicit authority had been conferred upon the Supreme Court for that purpose. The omission led some to conclude that the framers of the Constitution did not desire that the Supreme Court should exercise such an extraordinary power. But the Supreme Court can declare a law as invalid only if it is contrary to the letter of the Constitution.

Apart from the restricted power of judicial review conferred on the Supreme Court of India by the Constitution, the Parliament has also tried to further curtail this power, by carrying out certain amendments from time to time. Thus, by the First Constitutional Amendment in 1951, it placed certain statutes in the ninth Schedule and excluded them from the purview of judicial review. Over the years, the number of laws in the Ninth Schedule has greatly increased. Further restrictions were placed on the power of judicial review in the wake of the Supreme Court's decision in *Golak Nath*, *Bank Nationalization* and *privy Purses* cases through the 24<sup>th</sup> and 25<sup>th</sup> Amendment to the Constitution. The power of judicial review was once again curtailed in 1975 through the 39<sup>th</sup> Amendment which exempted the election of the President, Vice President, Prime Minister and Speaker from Judicial review. More restrictions were also imposed on the power of judicial review after passing the 42<sup>nd</sup> amendment. However, the Supreme Court

has not accepted all these restrictions tamely and at time asserted its authority by declaring some of these amendments as null and void. It asserted that curbs on judicial review were against the basic scheme of the Constitution.

#### **4.2.1 Operation of Judicial Review**

Since the adoption of the Constitution in 1950, the Supreme Court has exercised power of judicial review in numerous cases and greatly elaborated the principle of judicial review through its varied interpretations. It is not possible to deal within the limited space available with us to examine all the cases where the Supreme Court applied its power of judicial review. Here, some important cases have been discussed.

One of the most significant cases decided by the Supreme Court was Golak Nath case of 1967 in which the Supreme Court held that the Parliament had no right to abridge or abrogate the Fundamental Rights granted by the Constitution through an amendment of the Constitution. Thus, it made the Fundamental Rights transcendental and superior to the constituent power of the parliament through its power of judicial review. Again, the Supreme Court continued this approach in the Bank Nationalization and privy purses cases and challenged the right of the Parliament to curtail the Fundamental Rights by the parliament. To wipe out these effects ultimately, the parliament passed the 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> Constitutional amendments. It also made a bid to curtail the right of the Supreme Court to declare a law affecting Fundamental Rights under Articles 14, 19 and 31 as void if the law was passed to give effect to the Directive Principles under Article 39(b) or (c).

When these amendments were challenged in the Keshavanand Bharti case, the Supreme Court reversed its earlier decision of Golak Nath's case and upheld Parliament's right to amend the constitution including the Fundamental Rights. However, the Supreme Court also held that the Parliament could not change the basic structure or framework of the constitution.

During the emergency, again an effort was made to restrict the scope of judicial review through the 42<sup>nd</sup> amendment. The power to determine constitutional validity of the central laws was exclusively vested in the Supreme Court and the High Courts were deprived of their right in this regard. It was also provided that the Supreme Court could no longer declare the amendments to the constitution made by the Parliament as invalid.

When Janata Government assumed power in 1977, it made a bid to restore the powers which were taken away from the judiciary during the emergency. But owing to lack of necessary majority in the Rajya Sabha, it could not go very far.

In the Minerva Mills case of 1980, the Supreme Court held that the Parliament had no right to amend or change the basic structure of the Indian Constitution. It also held that 'limited amending power' is the basic feature of the Constitution. Thus, the Supreme Court asserted in very clear terms that it is the Constitution, not Parliament, which is supreme in India. The Supreme Court considerably widened the scope of judicial review in India through its judgment in Menaka Gandhi's case. Again as a result of the Supreme

Court judgment of March 1994 in the case of S.R. Bommai and others vs. The Union of India, also known as assembly dissolution case, the scope of judicial review was further widened.

Therefore, it can be said that in recent years, the judiciary has further widened its field of operation by declaring 'Judicial review' as a basic feature of the constitution. In simple words, the Supreme Court, through its power of judicial review, has tried to ensure that the basic structure of the constitution is not changed and the 'rule of law' established under the constitution is not thwarted.

#### **Check your progress – I**

1. Origin of Judicial review.
2. Discuss the operation of Judicial Review in India.

### **4.3 Judicial Activism**

The concept of 'Judicial Activism' is a recent phenomenon in India. The rise of 'Judicial Activism' in the 1990s has also greatly enhanced the powers and prestige of Supreme Court. The three wings of any government are – The Executive, the Legislature and the Judiciary. The legislature makes laws for the country; the Executive enforces those laws and administers the country; the law Courts punish the lawbreakers and acts as the guardian and protector of the constitution. The Judiciary guarantees fairness and justice, and protects the individual from the despotism of the Government. It is difficult to imagine a civilized State without an efficient judicial system. In the absence of an impartial judiciary, the citizens are as much exposed to danger from the public servant as from the outlaws.

As the Executive and Legislative wings of the government were not discharging their constitutional duties which give rise to instability, the judiciary assumed more active role and gave directions to the various authorities - Governmental and civic - to discharge their legally assigned duties. Thus, the excess activity undertaken by Judiciary inclusive of normal function is termed as Judicial Activism. For example, the Court recently directed the civic authorities of Delhi to dispose the garbage that was daily accumulating on the roads and lanes on an alarming scale and threatening the health of the people. It asked the Central Government to explain the criteria followed by it to allow certain persons to retain government accommodation after retirement or after ceasing to hold public office. Likewise in the Hawala case, the Supreme Court issued a mandamus to the Central Government and the CBI that they must complete inquiry into the allegation within a stipulated period against several Cabinet Ministers and other politicians who had illegally accepted huge amounts of money from two Jain brothers. In fact, at the initiative of the Supreme Court, several important and mighty people were booked in various cases

of cheating, forgery and corruption viz. Lakhubhai Pathak Case, St. Kitts Case, allotment of Petrol Pumps and Gas Agencies etc.

The active role being played by the judiciary has been subjected to criticism on various grounds. In the first place, it has been alleged that entertainment of public interest litigations on relatively trivial grievances - real or imaginary, is bound to lead to further piling up of the arrears in the courts. Secondly, the court has tended to impose fines on ministers without proper trial, which was of doubtful legality. Thirdly, there is every possibility of the courts getting drawn into positive policy making role - a role which has been assigned by the Constitution to the elected representatives of the people.

#### **4.3.1 Judicial Activism through Public Interest Litigation (PIL)**

The role of the Supreme Court of India has been further widened due to rise of Public interest litigation in India since mid-eighties. In the historic judgment in the Judge's Transfer Case, the seven Judge constitution Bench of the Supreme Court held that any member of the public even if not directly involved but having "sufficient interest" can approach the High Court under Article 226 in case of breach of Fundamental Rights, or the Supreme Court for redressal of the grievances of the persons who cannot move the Court because of 'poverty', helplessness or disability or socially or economically disadvantageous position'. The Court can be approached even through a letter in such a case (S.P. Gupta Vs. President of India, AIR, 1982 SC 149). After this judgment, it has been open to public-minded individual citizens or social organisations to seek judicial relief in the interest of general public. The courts took quite a liberal view and took the stand that matters could be raised even without formally filing a suit. It cannot be denied that the Public Interest Litigation is heavily weighted in favour of the poor, the weak, and the ignorant. The Supreme Court by encouraging Public Interest Litigation has not only protected the rights of the weaker sections of society but also tried to ensure socio-economic justice to weaker sections of the society.

Commenting on the importance of the Public Interest Litigation, former Chief Justice, Shri P.N. Bhagwati of the Supreme Court observed "Public Interest Litigation is meant to bring justice to the doorsteps of the weak, the unorganized and exploited sections of society who have no access to the courts because of the prohibitive cost of litigation". He also laid down certain principles and norms to ensure the welfare of the children and directed the Government and various agencies dealing with the matter to follow them.

The Supreme Court, in interpreting the Constitution, has been guided by the doctrine of progressive interpretation i.e. it has taken the ever-changing socio-legal context in view while interpreting the constitution.

The growing activism of the courts evoked strong protests from large number of members of Parliament who felt that their powers were being curtailed by the judiciary. They also felt upset about the manner in which the Court directed the CBI to report to it rather than to the Prime Minister's office, e.g. Supreme Court's Decision about former UP Chief Minister Mayawati's involvement in Taj Corridor scam and very recently the supreme court directed the pro-term speaker of Jharkhand in Shibu Soren case to prove his majority on the floor of the Jharkhand Assembly etc. Apart from these, the Supreme Court also intervened and delivered judgment against Modi about pollution. The UP pollution Board had sought to prosecute the Modi Industries for discharging untreated effluent into the Kali River. In a precedent setting judgment on September 22, 1987 in response to a public interest writ petition, the Supreme Court ordered the closure of 30 tanneries in Kanpur discharging untreated industrial waste in to the Ganga. Bhopal Gas leak compensation was settled by the Supreme Court and plays a role in improving the health of the environment. A total of 146 industrial units in Delhi closed down after the instruction of the Supreme Court.

Therefore, it can be said that there is nothing wrong with Judicial Activism because of the growing perception that the judiciary has the last right to right the wrongs done by bureaucracy and the inability and reluctance of the Parliament to decide issues which it alone should. Further, it is wrong to assume that only the Members of Parliament and state Legislatures have the right to speak about the people's rights. The judges of the Supreme Court and High Courts are also duty bound to protect the individual and public rights and interpret the provisions of the constitution. In fact, the judges enjoy a much higher degree of public confidence than the politicians and bureaucrats and its jurisdiction should not be curtailed directly or indirectly.

**Check your progress – II**

1. Discuss Article 226 of the Indian Constitution.
2. What is PIL?

#### **4.4. Let's sum up**

In this unit we have witnesses that in a representative democracy, administration of justice assumes special significance in view of the rights of individuals, which need protection against executive or legislative interference. Therefore, only an independent and impartial judiciary can act effectively as the guardian of the rights of the individual and that of Constitution. Judicial Reviews along with the concept of 'Judicial Activism' and PIL (Public Interest Litigation) have also greatly enhanced the powers and prestige of the Supreme Court.

#### 4.5. Key Words

<b>Judicial Review</b>	: It is a method by which the Superior judicial body can determine whether a legislative measure or an executive action is constitutional or not.
<b>Judicial Activism</b>	: A process through which the Judiciary guarantees fairness and justice, and protects the individual from the despotism of the Government.
<b>Public Interest Litigation</b>	: It means that any member of the public can directly write and draw attention of the Court to some injustice being suffered by the members of the public.
<b>Constitution Bench</b>	: <b>Constitution bench</b> is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case “involving a substantial question of law as to the interpretation” of the Constitution of India or "for the purpose of hearing any reference" made by the President of India under Article 143.

#### 4.6. Check your learning

1. Write a note on the history of judicial review in India.
2. Discuss the working of judicial review in India.
3. Discuss the importance of judicial activism in India.
4. Judicial Review and Judicial Activism are different. Find out the differences with suitable examples.
5. Identify two cases of Judicial Review in India
6. Find out some cases of Judicial Activism.

#### 4.7. Suggested readings

Basu, D.D.	:	<i>Introduction to the Constitution of India</i> , S.C. Shankar and Sons, Calcutta.
H.R, Macmillan	:	<i>Judicial review or Constitution</i> , Khanna, Delhi.
Palkivala, N.A,	:	<i>Our Constitution Defaced and Defiled</i> , Macmillan, Delhi.
Pandey, J.N. ,	:	<i>The Constitutional Law of India</i> , Central Law Agency, Allahabad.
Johari, J.C	:	<i>Indian Government and Politics</i> , Vishal Publications, Delhi.



## UNIT-V

### MAJOR ISSUES IN INDIAN POLITICS: REGIONALISM, COMMUNALISM AND CORRUPTION

National integration refers to a sense of common belongingness and unity. It is the assimilation of diverse interests under a coherent whole. However, certain divisive forces pose challenges to the unity and integrity of the country. Communalism and regionalism are the worst of such forces. In this Unit, these issues have been discussed.

#### **Structure**

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  - 5.2.1 Problems of Integration
  - 5.2.2 Challenges of National Integration
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  - 5.5.6 Acute Poverty
  - 5.5.7 Lack of Strong Public Opinion against the Evil of Corruption
  - 5.5.8 Economic Necessity
- 5.6 Structure or System of Government Induces Corruption to Influence Peddlers
- 5.7 Complicated and Cumbersome Working of Government Offices
- 5.8 Collusion of Commercial and Industrial Magnates, to serve their individual interests
- 5.9 Non-cooperation of Trade Associations and Chambers of Commerce
- 5.10 Protection given to the Public Services in India
- 5.11 Let Us Sum Up
- 5.15 Key Words

- 5.16 Check Your Learning
- 5.17 Suggested Readings
- 5.18 Hints/Answers to Questions in Check Your Progress

## 5.0 Objectives

After reading this Unit, the students will be able to

- know the meaning of nation and national integration;
- understand the challenges of national integration;
- know the measures to promote the national integration;
- understand the meaning and forms of regionalism;
- know the reasons for the growth of regionalism;
- know the meaning of communalism; and
- acquaint with various measures to fight communalism.
- understand the meaning of corruption
- Various forms of corruption
- measures to control corruption

## 5.1 Introduction

National Integration refers to bonds tying together the people of particular country into a unified relationship. India has been called so often as a model of ‘unity in Diversity’. However, it would be dangerously blind to existing situations to believe this implicitly for there is more diversity than unity at present.

India has been a nation in a limited sense of the term. It is a land of different faiths and groups which makes the problem of Indian nationalism more complex. India is as such termed as a plural society having different cultural patterns, religious beliefs, social mores, language and regional identities. This diversified character of our country can be maintained in proper shape through a process of strong integration of opposing tendencies.

The historical experience of this country has been that it was defeated due to the divisions in its ranks. As long as British remained in India, the analysis was that they took to the ‘Divide and Rule’ policy and hence delayed the process of National Integration. After independence, when the merger of the States was complete, these units were nationally reorganized on linguistic grounds. It was felt that the reorganization of the cultural units would pave the way for National Integration, and that the problem of national unity had been solved for one and all. The facts were to the contrary. The unity during an emergency is remarkable, but its base is weak. It tries to find an easy solution to a difficult problem but cannot guarantee composite nationalism. It, therefore, becomes essential to assess the difficulties standing in the way of National Integration.

## 5.2 Meaning of Nation and National Integration

Significantly, “Nation is a historically evolved community having a territory, common economic life and a common psychological make up”. In the language of Lord Bryce, “Nation is a nationality which has organized itself into a political body independent or desiring to be independent.” E.H. Carr, the famous historian, describes the nation as a human group with the following characteristics.

- (i) The idea of a common Government whether as a reality in the present or past or as an inspiration to the future;
- (ii) A certain size and closeness of contact between all its individual members;
- (iii) A more or less defined territory;
- (iv) Certain characteristics clearly distinguishing the nation from other nations and non-national groups;
- (v) Certain interests common to the individual members;
- (vi) A certain danger of common feeling or will associated with a picture of the nation in the minds of individuals.

Integration refers to unifying the diversified as well as plural elements into single whole. “Integration implies unification into a whole of diverse elements in a society. It is a process of converting diversity into unity, which is essential to nation-building and National Integration”. The integration occurs in two stages: (a) The integration of parts to the whole and (b) integration of parts themselves. The first ensures ‘social integration’ while the latter results in ‘emotional integration’.

According to Paul R. Brass, “National Integration is one which seeks assimilation of the entire population of a State to a common identity.” Myron Weiner has identified National Integration as:

- (i) Bringing together culturally and socially discrete groups i.e. Plural society, into a single territorial unity and establishment of a national identity which leads to the subordination of ‘parochial loyalties’ to national loyalty;
- (ii) Establishment of central authority of a national character to subordinate regional political units;
- (iii) Forging of a link between the ruling elite and the broad mass of people who are ruled i.e. reducing the gulf between the elite and the mass in terms of aspirations and life condition;
- (iv) Development of a minimal and means consensus which is essential to the maintenance of any social system;
- (v) Integrative behaviour which refers to the capacity of people in a society to organize for some common purposes or functions which change with the changing character of social organization.

Thus, National Integration aims at the creation of modern nation State where the loyalty to the national community as well as political structure merges. As a result, the nationalism and patriots become one.

### **5.2.1 Problems of integration**

In a vast country like India the problem of National Integration is related to the discovery of one's identity in a multi-lingual and multi-religious State. In such a State, the sub national communities are too strong to remain associated with a common loyalty. These communities revolve round religion, language, culture and history and they have not only influenced individual behaviour but have also absorbed their influence. The institutions of the different communities have challenged the democratic ones and it very often happens that the unbalanced progress of one community against the others leads people to their own communal cocoons and a vested interest develops in their own behaviour.

We, in our country, on the one hand, are surrounded by the institutions of a traditional society and on the other have modern institutions of the political system. Apparently, there is no relationship between these two. When western parliamentary institutions are to run in a traditional society, tensions between the two are natural. The traditional society uses the modern social and political institutions for furthering its interest. Even education in a semi-literate society does not help in merging ones identity in a common heritage but helps its discovery and promotes separatism. Thus educational institutions, student associations and the communal virus through text books have all disturbed National Integration. Counter measures have to be taken to wean away these structures from communalism.

Thus the problem of National Integration in India acquires importance due to a combination of four basic factors: (i) the continental dimension of Indian polity which is large by its size and complex by its diversity, (ii) existence in centuries of a plural society in terms of culture, language, religion, region, economy and urban-rural dichotomy, (iii) union type federal structure of Government and administration; (iv) democratic decentralization involving participatory functional politics.

Therefore, when we talk of the need for National Integration in India, we essentially refer to certain major aspects of the problem, namely, (i) cultural that is regional and linguistic variation;(ii) social, that is differentiation of caste, communities and tribes,; (iii) economic, that is rural-urban divergence and unequal income groups among them; and (iv) political, that is differences of ideology, and interests within the larger framework of democratic political system.

### 5.2.2 Challenges of National Integration

The divisive, chauvinistic, narrow sub-regional patriotism have been the major challenges to the process of National Integration in India. The following are some of the important manifestations of the challenges;

- (a) **Communalism:** The narrow religious loyalties cause communal feelings in the minds of the people which often lead to brutal communal riots. The seeds of communalism have been sown by the Britishers on the Indian soil. Since the days of independence India has been witnessing ghastly communal riots like Meerut

riots, Godhra communal riots, etc. Every time the communal riots harm the unity and integrity of our country.

- (b) **Linguistic Chauvinism:** Sometimes the linguistic groups express their unparalleled love for their own mother tongue and show hatred towards other languages. This linguistic narrow mindedness or the linguistic chauvinism disturbs the delicate unity of India.
- (c) **Casteism:** Indian society is highly caste-ridden. Guided by the caste feelings people often forget the interest of the nation and serve the interests of their caste only. In the contemporary politics, the politicians are exploiting the situation by playing the caste card. The States like UP and Bihar are passing through a cold caste war. On the whole, the narrow casteism badly weakens country's unity.
- (d) **Sub-regional patriotism:** The sub-regional patriotism is highly cancerous and disruptive within a polity. Sometimes the regional groups behave in the fanatic manner disregarding the pluralist and diversified character of our nation. Often secessionist and underground movements come out of the sub-regional or fanatic patriotism which become dangerous to the unity of India.

### 5.2.3 National Integration Council

The federal character of the Indian society accommodates diverse races, communities, cultures, languages and religions and ultimately ensures 'Unity in Diversity'. Rajni Kothari has rightly said that "India was not yet a nation but it certainly was a society and a civilization and there was widespread consciousness of being one." The great Indian traditions of assimilation and eclecticism have been responsible for the achievement of unity despite the differences.

There have been initiatives and efforts towards National Integration since independence. The Government of India in order to check further the centrifugal forces and promote the unity and integrity of the country convened a conference in New Delhi from September 28 to 1<sup>st</sup> October, 1961, to discuss and examine what is called the problem of National Integration. The conference noted that the political parties played a major role in fermenting linguism, casteism and regionalism. Therefore, the conference evolved a code of conduct for them. The principles evolved by the conference were as follow:

1. No political party should indulge in any activity which aggravate existing differences, create mutual hatred, or cause tension between different castes and communities, religious or linguistic groups;
2. Political parties should not resort to agitation which was likely to disturb peace, create bitterness or increase tension between the different sections of the public;
3. The political parties should desist from creating obstructions to or breaking up meetings, processions etc. organized by the parties;

4. The Government, while taking measures to maintain law and order, should take care not to impose undue restrictions on civil liberties, and should not employ such measures as interfered with normal functioning of political parties;
5. Political power should not be used to serve party ends

The conference set up National Integration Council with the objective of drawing a code of conduct for general public, students and the press. It could also suggest measures for the redressal of grievances of minorities and dealing with the problem of fasts undertaken for political purposes. The composition of council being;

Prime Minister	Chairman
Union Home Minister	Member
Chief Ministers of State	Member
Leader of Political Parties	7 Members
Chairman of University Grants Commission	Member
Educationists	2 Members
Commissioner for Scheduled Caste and Scheduled Tribe	Member
Nominees of the Prime Minister	7 Members

The Council made useful recommendations for National Integration. The second National Integration Conference was held in June 1968 in order to ponder over the problem with all seriousness. The size of the conference was increased by 20 more members, by adding representatives of business and trade unions. Apart from these, in August 1970 a non-official organization known as 'Insani Biradri' came into being. The formation of this organization grew out of the visit of Khan Abdul Gaffar Khan to India. Jay Prakash Narayan became its president and Sheikh Muhammad Abdullah, its vice president. The main idea of this organization was to check forces of communal and national disarray and bring about unity and understanding among all communities. Membership of this organization was thrown open to all communities and people possessing political ideology. In order to check communal hatred and promote National Integration in 1970, Mrs. Subhadra Joshi founded All India Sampradayikta Virodhi Committee. So, the National Integration Council has been very active and meeting regularly to achieve its objectives along with Non-Governmental organizations. Still then, we have yet to form a homogenous Indian society.

#### **5.2.4 Measures for Promoting National Integration**

For the promotion of National Integration, it is very essential that anti-communal and secular organizations should be constantly on the watch. All what has been happening till now is that such committees and councils come to the front only when there are disturbances. These become active, make certain valuable suggestions and thereafter become inactive and come to the front again only when violence breaks out again. These bodies should regularly and periodically meet and review the situation. Apart from this, the ruling political parties should try to end regional imbalances. In

addition, the grievances of minority communities should be promptly redressed before it is too late.

A Minority Commission has already been set up to recommend measures and steps for improving the conditions of minorities and the way in which communal disturbances should be checked. This commission should be given real power and its recommendations should also be seriously taken into consideration and implemented.

National Integration can be cemented only with the positive steps taken for the social and economic progress. It is, therefore, necessary that the Government takes up corrective and welfare legislation. The abolition of absentee landlordism, untouchability, the cementing of trade union movement, special concessions to the depressed sections in educational institutions and employment go a long way in consolidating the social and economic status of different segments and reducing the possibilities of communal violence. The countrywide agitational approach and violence are also related to regional imbalance and the distribution of resources. It is only when the old loyalties and institutions absorb the new political system that it gets its permanence. The present constitution, parliamentary democracy, federation, politics of socialism and secularism help the ideological basis of National Integration. The whole political system has been required institutional capacity to promote unity in diversity. The National Integration Council should play a major role in this regard. The National symbols like the national flag, national anthem, national emblem. Above all the hymns of humanism, fraternity and social justice would be utilized as cementing force for promoting National Integration in India. Within an integrated and modernized India, a democratic egalitarian and national society would evolve.

### **5.3 Regionalism**

#### **Introduction**

Indian polity is burdened with regionalism. Its entrance was marked by the British imperialists' policy of 'Divide and rule'. Its spread resulted in people thinking only in terms of their regions, not as the nation as a whole. In India, there is a strong case not only for the existence but also for the growth of healthy regionalism including sub-regionalism perceived from a democratic perspective and political angle. Regionalism and sub-regionalism are unavoidable in a country as vast expansive as India. Nothing is more basic to the very concept of federalism than regionalism and sub-regionalism. Once the federal nation State comes into being and national freedom becomes a reality, the regional sentiments and demands also manifest and assert. This has been the lesson of history.

After independence, a major problem was the integration of India's well-defined regions. Most of them today are constituted as States into a workable federal arrangement. There are regions and sub-regions in India based on clear socio-cultural factors. Let us, therefore, understand their nature of problems. We must remember that in a country of manifest diversities like India, unity does not mean uniformity, nor does

integration mean centralization. It was in order to bring about a commonality in the country that India opted for single citizenship and made a provision for a unified judiciary. In spite of India being a federal polity there is an All India service and a strong Government at the Centre.

### **Definition and meaning**

Regionalism is derived from the word 'region'. A region is defined as 'a characteristics distinct from those of neighbouring area'. The sociologists believe that 'a region is a profound sociological fact reflected in its being treated as the nucleus of a social aggregation for multiple purposes'. Hence, the region is primarily a socio-culture concept. It represents more analytical category than geographical entity within a national or provincial domain, a region is sufficiently unified to have a distinct identity or consciousness in respect of its customs and ideals.

Although regionalism like nationalism is associated with territory, it is basically a psychological phenomenon. Regionalism grows when the people inhabiting a particular region inside a nation State feels that they are bound together by ties which are distinct from and stronger than the bonds which link them to other sections of the people living outside the region. In other words, regionalism is a tendency which makes the people feel that their interests - political, economic, and cultural - are distinct and separate from similar interests of the people outside that region. Regionalism thus fosters among the people of a sense of being a distinct territorial community with its own life and interests; and inculcates in them a desire to organize themselves into a distinct political unit for the protection and promotion of their interests.

The regional feelings are more or less stimulated by State or local leaders to strengthen their leadership. In order to exploit the feelings of the people of a particular region to their advantage, they talk of regional imbalances and backwardness. The existence of sub-regionalism within a region is also not a new concept in India. Each sub-region wants proper representation from their regions in matters of high appointments. Therefore, regionalism broadly means love of a particular region or State in preference to the country as a whole. The reasons that can be attributed to the rise of such feelings are continuous negligence toward that particular region by the Government or due to the increasing awareness of those people regarding the discrimination meted out to them.

Regionalism has two aspects. On the one hand, it is a centrifugal tendency. It opposes loyalty to the nation State with the narrower loyalty to the region. In its extreme form, it becomes a negation of nationalism. It becomes antagonistic to and subversive of the national entity. It may aim at the dismemberment of the nation State with a view to achieving for the region the status of a sovereign State. In a milder form, it may aim at securing for the region a greater measure of administrative autonomy. So, regionalism in a sense is an integrative force. While fostering loyalty to the region, it opposes sub-regional tendencies like casteism, communalism and loyalty to other narrower entities within the region.



### 5.3.1 Reasons for the growth of Regionalism

Regional problems arise only when there is a combination of two or more factors such as geographical, racial, ethnic or religious peculiarities and local and economic class interests. We find that with the acquisition of national sovereignty in 1947 and the adoption of a democratic Constitution in 1950, we began the process of the democratic re-organization of India. This is evident from the fact that the composition of the federating States remained a continuing exercise even since the promulgation of the Constitution. A more thorough exercise was undertaken with the establishment of the State Re-Organization Commission in 1953, and the implementation of most of its recommendations through the State Reorganization Act, 1956.

Today, regionalism in India is a multi-dimensional phenomenon. Several forces promote regionalism or parochialism in different forms. The following important factors are responsible for the growth of regionalism in India:

- (i) **Worldwide phenomenon:** Regionalism is not a peculiar feature in Indian politics; it is a worldwide phenomenon. Although most modern States have been formed on the basis of linguistic and cultural homogeneity, there is no nation State which is perfectly homogenous in all respects. Almost in every State, there are regional entities, which have not been thoroughly assimilated into the body politic of the nation State. Scots in Britain, Tamils in Sri Lanka, Kurds in Iraq and in Turkey, Baluchis and Pakthoons in Pakistan are some well-known examples.
- (ii) **Regional Diversity:** In India, regionalism is a product of her regional diversity. There are more than two dozen well-defined homogenous linguistic regions. Each one of them has not only a developed language but also a distinct culture and historical tradition. The people are highly conscious of its cultural identity and very sensitive about it. The linguistic factor gave rise to linguistic regionalism and the movement for linguistic States. Out of this movement arose regional linguistic passions. There had been several movements and even communal riots for the creation of separate linguistic State. In the latter phase, the ethnic factors and the socio-economic issues led to the formation of regional groups which demanded for a separate State for them. Though the long-standing demand for Jharkhand has been fulfilled with the creation of the State of Jharkhand, still strong regional demands are there for the creation of Telengana, Bodoland, Vidharbha etc.
- (iii) **Socio Cultural and Economic Factors:** The economic and cultural development of the various regions of the country has been uneven. It is, therefore, not surprising that conflicts develop between peoples and even Governments of various States, and within States between regions on socio-cultural issues. After independence, India experienced unbalanced economic development. The political leadership adopted parochial and narrow approach and looked after the progress of their own State or region by allocation of funds, approving projects,

setting plants, factories etc. The backward and underdeveloped regions felt neglected, which resulted in strong regional movements.

One of the most significant aspects of the Indian polity is that it is an aggregation of regions and sub-regions. These regions and sub-regions have a distinct socio-cultural identity of their own. The cultural pattern and heritage form a cementing bond on the part of the people of a region. The culture is deeply rooted in the minds as well as the sentiments of the people, which provides a distinct identity. Further, the cultural minority remains under the apprehension that their culture might be absorbed on the majority culture. They believe in the principle: “Loss of culture is the loss of identity”. Hence the cultural group in a region get organized to seek protection for their cultural values and identities against deliberate interference by the majority.

- (iv) **Tribal Factor:** In the north east tribal factor gave birth to regionalism. The Indian tribal population at large is highly regional. The geographical concentration of the tribes gives rise to regionalism because the tribes are becoming revengeful towards the non-tribal leaders. The tribes believe that they were made to suffer as they were gradually pushed into ‘Refuge’ areas lying in the border or periphery. Hence, they are now pressing for the redressal of the historical injustice by organizing various agitations and movements. The north-eastern tribes inhabited in several regions, each having its own language, culture and traditions. These tribes have through ages stood apart from the mainstream national life and history. Besides, they are highly self-respecting people and proud of their cultural traditions. It is not unnatural that they fear for the preservation of their culture and find it difficult to merge in the mainstream of the nation’s life.

Apart from these factors, people in backward areas started having increasing awareness of negligence towards them in matters of education and job opportunities in their region and in carrying on developmental activities in their region in the allocation of central funds and grants. The bifurcation and creation of States on the basis of language has added much strength to the regionalistic tendencies. Finally, the ambitious politicians, who fail to get into the power at the State or national level, seek to exploit regional sentiments to promote their personal interests.

#### **Check Your Progress-I**

1. What is National Integration?
2. What are the challenges of National Integration?
3. Who is the Chairman of the National Integration Council?
4. Give the reasons for the growth of regionalism.

### **5.3.2 Forms of Regionalism**

Regionalism assumed four forms in the Indian polity, which are secession from the Indian Union, demand for separate Statehood, demand for full-fledged Statehood and inter-State disputes.

Secession from the Indian Union is the extreme form of regionalism in which a region demands break-away from the Indian Union. Such demands were made for a separate Dravida Nadu, Sikhistan, Khalistan, Nagaland etc. Demands for separate Statehood were aimed at developing the language and culture of a particular area so as to attain a distinct political entity for them. Such demands came in the form of bifurcation of Bombay, Punjab States. There were also demands for separate Vidharbha State, Telengana, Jharkhand, Bodoland, Gorkha Land and reorganization of Assam State. Out of these, Jharkhand has already been declared as a State. Demands for full-fledged Statehood was started by the Union Territories as a result of which Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Mizoram and Arunachal Pradesh became States.

Another form of regionalism in India is the inter-State disputes, which are usually the result of contention over boundaries, sharing of river waters etc. There is a dispute between Punjab and Haryana over Chandigarh, between Maharashtra and Karnataka over Belgam, between Assam and Nagaland on Rengma forests, between Assam and Meghalaya on several hill areas and between Assam and Arunachal on various border points. There was a dispute among States over the water resources of Narmada, Krishna and Cauvery rivers. Madhya Pradesh, Rajasthan, Gujarat and Maharashtra disputed over Narmada river water. Maharashtra, Karnataka and Andhra Pradesh, disputed over Krishna river water. Cauvery water dispute involved Tamil Nadu, Kerala and Karnataka. In resolving all such disputes, the Chief Ministers of the concerned States behaved like spokespersons of independent nations trying to draw maximum benefits for their States.

Regionalism in India is posing threat to national unity and territorial integrity, which the Constitution makers wanted to achieve at all costs. Threat of regionalism becomes still more serious because some of the States in the country have already been demanding that powers of the Centre should be curtailed and States should be made more powerful. Regionalisms on the whole in the country and regional political parties in many States have got deep roots. These parties propagate regional issues and undermine national issues. DMK in Tamil Nadu, Telugu Desam in Andhra Pradesh, Asom Gana Parishad in Assam, etc. are some examples to be quoted. In fact, in every State regionalism is raising its head.

As a whole, regionalism is one inevitable phenomenon within the federal parliamentary system of India. Regional movements do not operate as threat to the National Integration. Rather they provide more scope to the regional leaders for political participation as well as to bring the regional problems to the forefront. The only way to tackle regionalism is to adopt a macro vision which will remove the macro-variations at regional levels within the nation, which needs de-politicization of the planning process and allocation of resources. It can be possible only if political parties attain secularization by means of ideological polarization in relation to problems of caste and tribal loyalties.

According to Yogesh Atal, to create a sense of regional unity to the national level, openings should be created for entry into different regions and thereby establishing inter-regional relationships. In assessing the demands for separate Statehood, a closer study is to be made whether bigger or smaller States are making better progress or not and that whether they are contributing more to India's unity and prosperity or weakening it.

Finally, National Integration is necessary for modernization. It involves readjustment of loyalties of the people. The values of a tribal, a feudal and parochial ethos give way to the ideas and ends of a democratic egalitarian and an evolving national society. Integration is thus a movement away from traditional allegiances and towards a modernist allegiance - a movement for the establishment of a new national identity.

## **5.4 Communalism**

### **Introduction**

The challenges of communalism and religious fundamentalism, involving separatism and violence in India, are the major threats to our secular polity. They weaken the working and stability of our democratic secular federal system, and militate against the basic principles governing our national life and providing meaning to our new identity. Inter-communal and inter-caste tensions and violence over the years have disturbed national peace and order. In recent years there have been recurrent and increasing numbers of communal riots, caste carnages and language animosities. This should stop if India is to emerge as a democratic secular polity.

In general, communalism means the tendency of socio-religious groups to try and maximize their own economic, social and political strength at the cost of other groups. Today the word 'communal' denotes one of the most negative aspects in Indian political vocabulary. It is used to describe an organization that seeks to promote the interest of a section of the population, presumably to the detriment of the society as a whole, or who, in the name of religion or tradition, opposes social change. Thus, it involves anti social greed and reactionary outlook. Conflict is not merely between regions in India; communalism has acquired wider dimension with caste conflicts. Communalism is often seen as an inevitable result of the plurality of religions, cultures and traditions in India. The disturbing fact is that in spite of some education, urbanization and modernization, not only is communalism rampant but it has affected even those communities that were traditionally close to one another.

### **Definitions and meaning**

Scholars and politicians have defined communalism in different ways. According to one view, it is a negation of nationalism. This view contrasts communalism to "the common bonds of loyalty to mother country, its people and their cultural and heritage. Any tendency to oppose these 'common bonds of loyalty' with loyalties narrower or antagonistic to and subversive of the national entity is deemed to be communalism. This view is difficult to be accepted as it does not make any distinction between communalism

and other facts of society like casteism, regionalism, linguism which all are subversive of national entity. Then how do we define communalism?

Communalism is basically an ideology of political allegiance to a religious community as a primary and decisive group in the polity. Communalism envisages a religious community alone as its base and the universe of its political ambition and action. It perceives other religious communities as enemies within a polity and within a nation. Communalism is a political orientation that recognizes religious community and not the nation or the nation State as the local point of political allegiance. Therefore, communalism is a political strategy opposed to nationalism as a process of integration of multi-ethnic, multi-religious and multi-lingual communities. Communalism is opposed to secularism as a pattern of socio-cultural existence. Communalism is opposed to humanism and compassion taught by all religious and by all great philosophers. Militant and antagonistic politicization of a religious community per se opposed to other communities and the nation is the main plank of communalism. This leads to criminalisation of politics and brutalisation of the polity.

Prof. Bipan Chandra in his book 'Communalism in Modern India' observes, "The concept of communalism is based on the belief that religious distinction is the most important and fundamental distinction, and this distinction overrides all other distinctions. Since Hindus, Muslims and Sikhs are different religious entities; their social, economic, cultural and political interests are also dissimilar and divergent. As such, the loss of one religious group is the gain of another group and vice-versa. If a particular community seeks to better its social and economic situation, it is doing at the expense of the other."

#### **5.4.1 Communalism and religion**

Religion is a faith of life. A real man of God is a true believer of religion and a good human being. Deeply religious people are not only good humanists but also committed nationalist and patriots in their own right. All the religions are sacred and there is no place for animosity, hatred and ill feelings within one religion against the other. The moral teachings and values as well as the universalist-humanist ideas have been the very essence of every religion. When the essence of religion is ignored it becomes irreligious, anti-human, anti-national and above all communal. A communalist may not even respect and adhere to a religion except as a public posture. A communalist is basically interested in 'using' and 'exploiting' religion, and that too for political, electoral, factional or personal purpose, in order to get power position, wealth and cheap popularity. Communalism, thus, is exploitation of religion, sometimes obvious, sometimes subtle. In the language of Prof. Raseedduddin Khan, "Communalism is the enemy of progress, social change, democracy and of federal nation-State building or national scientific lines and above all of human decency, compassion and human fraternity".

### 5.4.2 Characteristics of Communalism in India

By communalism one may mean attachment or personal interest in a religious community; but that is not true. It is in fact the use of a religious community against other communities and against the nation. Communalism is the antagonistic assertiveness in political, social and economic spheres by one aggregation of individuals against another after being organized along religious, caste or other ascriptive lines. In fact, communalism in India is born out of social tension and insecurity, religious intolerance, mutual distrust between the two communities and the fear of the other communities. Precisely, communalism considers other religious communities as its enemies within a polity and nation. On the whole, the communalism makes the religious community as the focal point of political allegiance in place of the nation or the nation-State.

It is a perversion of religion from a moral order to an arrangement of contemporary political convenience, from a sublime faith into a mean tactic of politics, from a spiritual end to a wicked communal means. It exploits both religion and politics.

Communalism in India as a brutal political strategy and negative ideology is opposed to:

- (i) Nationalism as a process of integration of multi-ethnic, multi-cultural, multi-lingual and multi-religious communities;
- (ii) Secularism as a peaceful pattern of socio-cultural ideological and co-existence;
- (iii) Ideological and national civic basis of party formations and political system;
- (iv) Humanism, fraternity and compassion taught by all great religions and philosophies;
- (v) Democracy, nation and nation-State;
- (vi) Progressive social change, dynamic patterns of development and the process of nation building.

The net outcome of communalism has been the militant antagonistic politicization of a religious community against the other. As a sectarian concept, communalism creates divisions within a polity, a secular society, and a nation on purely religious lines by ignoring the political, ideological and class character of a modern political system. Thus, Jawaharlal Nehru once described communalism as the Indian version of fascism. He said, while all communalism is bad, we must remember that minority communalism is born out of fear, while majority communalism takes the form of political reaction. But he added "There should be no compromise on the issue of communalism. Hindu Communalism or Muslim communalism, as it is a challenge to Indian nationhood and Indian nationalism".

The seeds of communalism were sown in the Indian soil by the British imperialism so as to carry on their policy of 'Divide and rule'. First they exploited the prevailing religious differences to project the social and cultural narrations and then prompted political differences by treating Indians basically not as Indians but as members of religious communities. In this situation, Nehru further had rightly pointed out that the greatest danger for this country is from communalism and not so much from external

aggression. Because when there is external aggression, the people of India tend to get united but when communalism is rampant, the people get divided.

The main factors and forces which have encouraged the growth of communalism in India are as follow:

- (i) Economic backwardness of Muslims,
- (ii) Communal parties and organizations,
- (iii) Appeasement policy of the Indian national Congress,
- (iv) Electoral politics,
- (v) Communal media, literature and text books,
- (vi) Separation and isolationism among Muslims,
- (vii) Hindu chauvinism,
- (viii) Political opportunism,
- (ix) Divide and Rule policy of the Britishers.

#### **5.4. 3 Suggestions to combat communalism**

Today, communalism has become the biggest threat to the basic values of our life, to the working of our State, and to the new evolving civilization, because it is inimical to the vision of a secular and democratic India that we had promised to ourselves in the preamble of our Constitution. In the mindless communal violence and killings, “we are in effect killing ourselves - killing the Indian nation, killing our own larger family, killing our glorious heritage of humanism and composite culture”. Following suggestions may be taken into considerations to combat communalism

- (i) No communal organization should be allowed to take part in politics;
- (ii) No political party based on religion should be allowed to exist;
- (iii) The administrative organs of Government should be absolutely impartial and there should be complete non-interference of the administration in religious affairs;
- (iv) The provision of the Constitution relating to freedom of religion and conscience should be adhered to and implemented in letter and spirit;
- (v) There needs to be a legislation which will demarcate religion and politics;
- (vi) Foreign agencies or nationals should not be allowed to carry on religious propaganda in the country;
- (vii) Those, who arouse communal passions of the mass, are to be strictly punished;
- (viii) Communal orientations should be removed from the text books and reading materials prepared for schools;
- (ix) Instructions should be issued to T.V., radio and media to avoid coverage of news and views likely to promote communal prejudice and hatred.

Everybody should be made to realize that India does not have any specific State religion and accepts the principle of *Vasudhaiva Kutumbakam* and *Sarvadharmā Sambhava* in our multi-religious fraternity. To conclude with Prof Raseeduddin Khan, “There is a need for massive re-awakening of citizens in all walks of life to restore the national consensus on unity and integrity, secularism and democracy, equal rights and just and humane society”.

### **Check Your Progress-II**

1. What is communalism?
2. Which factors encouraged the growth of communalism in India?
3. Give some suggestions to combat communalism.

## **5.5 CORRUPTION**

Recently, the cases of corruption and public grievances have been on the rise in the departments of civil servants. In this section, we discuss these important topics.

### **5.5.1 Governmental Corruption**

Governmental corruption is a complex phenomenon, which is prevalent in all forms of government and for which various sociological, economic, administrative factors are responsible. Simple avarice may appear to be generally the motive but it is by no means the only motive. Poverty, power, wealth and status are all involved in these transactions and there is no clear demarcation between them.

This is the general picture and it would not be wrong to say that in the developing countries of Asia and Africa, public administration is seething with bribery and corruption. This situation may be compared to bushes and weeds that are flourishing luxuriantly, taking the good elements from the soil and suffocating those plants which have been carefully and expensively tended.

The following causes appear to have largely contributed to the prevailing widespread bribery and corruption, in public administration in India:

- Legacy from the past
- Wartime scarcities and controls

Before the advent of second World War, corruption did exist to some extent amongst lower-grade officials, particularly of revenue earning departments like income tax, customs and central excise, railways and forests and others. It also included money-spending departments like the public works department, police, health and others. However, the higher ranks were comparatively free from this evil. The lack of liquidity resulting from the ‘great depression’ which afflicted the nation after World War I and also the limited compass of state activities afforded fewer opportunities and limited capacity to corrupt and be corrupted. This situation, however, changed during the course of World War II. The immense war efforts involving heavy expenditure over various kinds of war supplies and contracts created unprecedented opportunities for amassing wealth by dubious means and methods. Later, wartime scarcities and controls provided opportunities for bribery, corruption and



favouritism, as governments subordinated all other considerations to that of making the war effort a success. Propriety of means was never considered, if it hampered the war effort. It was during this period that corruption reached the high watermark in India.

### **5.5.2 2G Spectrum Scam: An Example of Governmental Corruption**

We have had a number of scams in India; but none bigger than the 2G spectrum scam involving the process of allocating unified access service licenses. The scandal involved officials in the Government of India illegally undercharging mobile telephone companies for frequency allocation licenses, which they would use to create 2G subscriptions for cell phones. The shortfall between the money collected and the money which the law mandated to be collected is estimated to be `176,645 crore as valued by the Comptroller and Auditor General of India based on 3G and broadband wireless access (BWA) auction prices held in 2010. The issuing of licenses occurred in 2008, but the scam came to public notice when the Indian income tax department was investigating political lobbyist Nira Radia. A. Raja, an Indian politician from the Dravida Munnetra Kazhagam (DMK) political party and former Telecom minister at the Centre, is the main accused in the 2G scam case. It has been observed by the Supreme Court that Mr Raja 'wanted to favour some companies at the cost of the public exchequer' and 'virtually gifted away important national asset'.

### **5.5.3 Post-war Inflation**

The climate for integrity which had been rendered unhealthy by wartime controls and scarcities was further aggravated by the post-war flush of money and the consequent inflation.

### **5.5.4 Post-independence Atmosphere and Problems**

The administrative machinery inherited by Independent India had been considerably weakened by (i) wartime neglect and (ii) the sudden departure of a large number of British and Muslim officers, which necessitated rapid promotions including those of some unproven men and recruitment of a large number of officers in various grades. This inevitably caused a dilution of experience and ability. These officers could not gain familiarity with the traditions of service.

### **5.5.5 Conflict of Values in Our Expanding Economy**

In the olden days, a moral code prescribing simple living and high thinking profoundly influenced the mechanism of social control and social responses. But in the emerging society, with its emphasis on purposively initiated process of urbanization and industrialization, there has come about a steady weakening of the old system of values without it being replaced by an effective system of new values. Corruption thrives in such a conflict of values simply because there is no agreement on the definition of corruption. Consequently, honesty and integrity have become extremely scarce and malpractices have come to be regarded as something inevitable and inescapable in administration, business, politics, trade unions, education, and various other fields. These have spread to, in fact, practically every sphere of public activity in India. Following are the common examples of corruption:

- The warden of a hostel, using the hostel peons for running his domestic errands.
- An officer making the department's peon drive his car for personal use.
- A doctor issuing false medical certificates.
- A official using the staff car for his personal use.
- An official undertaking needless travels at official expenses.

What is striking is that these activities are considered legitimate. Some minor examples of modes of corruption, which are very much prevalent in the government and quasi-government offices are, the use of government vehicles for private purposes and taking of government stationery, and so forth, by government servants for their personal use.

### **5.5.6 Acute Poverty**

The coexistence of acute poverty and confounding prosperity has also eroded the integrity of the people. The Railway Corruption Enquiry Committee (1953–1955), which was presided over by Acharya J. B. Kripalani, observed:

‘While in most modern countries the difference between highest and lowest incomes is about ten times or even less, in India it is much more. This is out of all proportion to the difference in educational qualifications and ability. High salaries generally lead to luxurious living. The standard of living of high paid officials becomes the norm to be aspired to. Every subordinate tries to emulate his superior. If his salary does not warrant it, he gets money through dubious means. True, these high incomes are the privilege of the few, yet their demoralizing effect is out of all proportion to their number. We believe that, so far as the disparity in emoluments of the lowest and the highest paid government employees are conceded, it should be narrowed down. It is argued that as long as the disparity between the lowest and highest paid employees in trade and industry remains high, the Government, if it tried to reduce high emoluments of its executive, will not get the requisite talent for public service. This has not happened in other democratic countries, because of the power, prestige, fixity of service and other advantages enjoyed by government servants. All these advantages exist in India to a greater degree than in other countries where democratic traditions have been established for centuries. We believe that if the Government takes the initiative in reducing disparity of emoluments of its high paid and low paid employees, it will progressively reduce as we march towards socialism, which has been declared to be the goal of government policy’.

### **5.5.7 Lack of Strong Public Opinion against the Evil of Corruption**

Corruption is a consequence of the way of life of our acquisitive society, where people are judged by what they have rather than by what they are. The possession of material goods seems to have become the *sine qua non* of life. Thus, materialism, importance of status resulting from the possession of money and economic power, group loyalties and parochial affinities, and so forth, seem to be on the increase. This is because of the general apathy or inability of all sections of the society to appreciate in full, the need of strict observance of a high standard of behaviour. This has resulted in emergence and growth of white-collared and economic crimes and rendered the enforcement of laws themselves, not sufficiently deterrent, but even more difficult.

As a result of lack of a strong public opinion in India, there are many instances of bribes being paid in the country for ration cards, passports, building permits, and even for doing normal business. Street vendors and rickshaw pullers are forced to pay bribes for exercising their fundamental rights. Villagers across the country are forced to pay bribes for getting their

wages under the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) or for any other entitlements under other schemes. A government-sponsored recent study on the efficacy of the National Rural Employment Guarantee Act (NREGA) found corruption in program implementation where workers worked for one day and were paid wages for one day; however, records showed them as having worked for 33 days, with the wages for the remaining 32 days being misappropriated. On closer study, job cards, which all workers are issued under the programme, were found to have fake entries, and often in the possession of the local panchayat members. According to the study, workers were threatened not to complain about the fake entries lest they lose even the few days of work and wages that trickled down to them.

### **5.5.8 Economic Necessity**

Inadequate remuneration or salary scales and rising cost of living is probably one of the important causes of corruption. In recent years, the ever rising cost of living has brought down the real income of various sections of the community, particularly, that of the salaried classes. It is, therefore, inevitable that government servants are the worst hit and have had to face an appreciable fall in the standard of living. Though this cannot be placed in extenuation of the fall in the standard of integrity, the fact remains that the economic necessity has encouraged those who had the opportunities to succumb to temptations.

### **5.6 Structure or System of Government Induces Corruption to Influence Peddlers**

The assumption of new responsibilities by the government has resulted in highly complicated administrative procedures. Administrative powers and discretions are vested at different levels of the executive, all members of which are not endowed with the same level of understanding and strength of character. Where there is power and discretion, there is always the possibility of abuse and the administrative authority may act outside the strict scope of law and propriety without the injured citizen being in a position to obtain effective redressal, in the absence of the machinery for appeals. This has given rise to the impression of arbitrariness on the part of the executive. Consequently, there has been a phenomenal growth of influence, peddlers operating for various individuals or groups of commercial organizations. They are ostensibly designated as liaison officers, public relations officers, officers on special duty, or alternatively work independently as 'contact men', on commission basis. They are generally influential people who are either related, or otherwise closely connected with ministers and senior bureaucrats, or retired high government officers who are in a position to influence or bring pressure upon the concerned officers. These concerned officers are likely to be their erstwhile colleagues or subordinates.

### **5.7 Complicated and Cumbersome Working of Government Offices**

It is alleged that the working of certain government departments for example, the customs and central excise, imports and exports, railway supplies and disposals, and others is complicated, cumbersome and dilatory. This has encouraged the growth of dishonest practices like the system of 'speed money'. In these cases, the bribe giver generally does not wish to get anything done unlawfully but only wants to expedite the process of movement of files and communications, relating to decisions. Apart from being the most objectionable

corrupt practice, this custom of 'speed money' has become one of the most serious causes of delay and inefficiency.

### **5.8 Collusion of Commercial and Industrial Magnates, to serve their individual interests**

It is not always a government servant, who takes the initiative in the matter of corruption. Corruption can exist only if there is someone willing to corrupt and capable of corrupting. Both willingness and capacity to corrupt are found in ample measure in the industrial and commercial classes. The speculators and war-period adventures further swell their ranks. For them, corruption is an easy way to secure large unearned profits by various devices, also the necessary means to enable them to pursue their vocations or retain their position among their own competitors. It is these people, who have control over large funds and are in a position to spend considerable sums of money on entertainment. It is they, who maintain an army of 'liaison men and contact men'. Further, there is another class of dishonest merchants, 'suppliers and contractors', who have perfected the art of getting government businesses, and contracts, by undercutting and making good their loss by supplying inferior goods, also by sharing a portion of their ill-earned profit with the government servants who would be prepared to oblige them in their nefarious activities.

### **5.9 Non-cooperation of Trade Associations and Chambers of Commerce**

Unscrupulous and dishonest members of industrial and commercial classes are major impediments in the purification of public life. It is as important to fight these unscrupulous agents of corruption to eliminate corruption in public services. In fact, they go together. The Trade Association, the State Chambers of Commerce and the Federation of Indian Chambers of Commerce could lend powerful support to the fight against corruption. However, unfortunately, they generally do not cooperate.

### **5.10 Protection given to the Public Services in India**

As the law exists at present, both, the giver and the receiver of bribes are held guilty. The result, therefore, is that evidence against the offenders is very difficult to procure, for not only there is collusion in the commission of crime, but also collusion in the suppression of evidence. The heads of departments are unable to do anything against a subordinate official, even though they are aware that the subordinate is corrupt because of the difficulties in obtaining formal proofs for conviction. The heads of departments are even unwilling to make adverse entries in the confidential rolls unless they are in a position to justify such entries with proof, when challenged by the subordinates concerned. Article 311 of the Constitution, as interpreted by our courts, made it very difficult to deal effectively with corrupt public servants. Reluctance of higher officials to exercise the disciplinary powers they possess may sometimes be due to their own incompetence, indifference or even downright collusion in corruption with the subordinate's concerned. Indeed, many heads of organizations are themselves corrupt and a corrupt officer will never combat corruption in his organization for fear of exposure by his subordinates.

There is too much security of tenure accorded to the bureaucracy by requiring that no public servant shall be dismissed or removed by an authority, subordinate to that by

which he was appointed and further no such person shall be dismissed, or removed, or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. The fifteenth amendment of the Constitution (October 1963) softens some of the rigidities by expediting the conduct of disciplinary proceedings against public servants. The effect of the amendment is that an accused government servant gets two chances to defend himself. His first chance to defend himself is at the time when charges are framed against him and his second chance is when penalties are proposed to be imposed. This is based on the evidence already adduced during enquiry of the charges against him, without bringing in any fresh evidence or other extraneous matters. The intention is to expedite the conduct of disciplinary proceedings.

### 5.11 Let Us Sum Up

To sum up, it can be said that national integration refers to a sense of common belongingness and unity of the people as a whole of a nation. India is often described as a land of “Unity in Diversity”, where the people of numerous faiths and beliefs co-exist. However, in India, the problem of National Integration is related to the discovery of one’s identity in a multi-lingual and multi-religious state. National Integration can be cemented with the positive steps taken for the social and economic progress.

Regionalism, Communalism and Corruption in India, is a multi-dimensional phenomenon; several forces promote regionalism or parochialism in different forms. On the other hand, the challenges of communalism and religious fundamentalism involve separatism and violence in India and these are the threats to our secular polity. Further corruption is gradually

### 5.12 Key Words

<b>National integration :</b>	a sense of common belongingness of the people of a nation
<b>Communalism :</b>	showing blind love for one’s own religion and hatred towards other religions.
<b>Regionalism :</b>	the feeling of the people for their own region ignoring the cause/interest of the nation. It has two forces - as an integrative force it opposes sub-regional tendencies; as a negative force it is opposed to national unity. In this latter sense regionalism is commonly understood.
<b>Linguistic chauvinism:</b>	becoming blindly possessive of one’s own mother tongue and showing disrespect to other linguistic groups.
<b>Casteism :</b>	serving the interest of one’s own caste blindly.

- Sub-regional patriotism:** the behaviour of the regional groups in an unreasonable manner ignoring pluralistic character of the nation.
- Corruption** : dishonest or fraudulent conduct by those in power
- Inflation** : a decrease in the purchasing power of money, reflected in a general increase in the prices of goods and services in an economy.

### 5.13 Check Your Learning

1. Explain the meaning of National Integration.
2. Discuss how regionalism and nationalism can be reconciled on the process of National Integration India.
3. Describe the ways to bring about National Integration in India.
4. What is communalism? Discuss how communalism is a threat to Indian democracy.
5. Discuss the measures to combat communalism.
6. What is corruption? Explain various forms of corruption.
7. Explain how corruption is creating hindrances in the growth of India.
8. Discuss ways and means to eradicate corruption from India.

### 5.14 Suggested Readings

- B. L. Fadia, : *Indian Government and Politics.*
- Kothari, Rajni : *Politics in India*
- Chandra, Bipin : *Communalism in Modern India*
- Brass, Paul R : *Indian Government and Politics*
- K. R. Bombwal, (ed) : *National power and State Autonomy*
- Atal, Yogesh : *Dynamics of Nation building*
- Hassan, Mushirul : *Nationalism and Communal Politics in India*
- Dixit, P. : *Communalism a Struggle for power*
- Rao, K. Subba : *Conflict in Indian Polity*
- Avasthi, A.P. : *Indian Government and Politics*



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