

## **FRAMING OF THE INDIAN CONSTITUTION**

### **Introduction:**

A Constitution "is a set of rules setting up the machinery of the government of a state and which defines and determines the relations between the different institutions and areas of government, the executive, the legislature and the judiciary, the central, the regional and the local governments," observed by M.V. Pylee. It is to be kept in mind, on the onset that the makers of the Constitution had envisioned India to be a welfare state. Given the historical context, socio-economic conditions during the time the Constitution was framed, it was but imperative to keep certain things in mind – Political rights, Social rights and overall economic upliftment. After 200 years of colonial rule, nothing could be left to legislative procedures or judicial interpretation. Though there is an element of interpretation so far the Constitution goes, which leaves behind a sense of ambiguity.

Often it has been said that the Indian Constitution is borrowed. It is a constitution which is one of the most detailed in the world.

The demand for the appointment of a Constituent Assembly to frame the constitution of India was made by the Congress for the first time in 1934.

It was reiterated in several other Congress sessions, Simla conference of 1945 and the Central legislative Assembly.

The Constituent assembly for india met on December 9, 1946. It was not a sovereign independent body, it was set by the British Government which could also abolish it.

It was only after the Indian Independence Act of 1947 which gave it a sovereign independent status. Dr Sachidandanand Sinha acted as the provincial President. Later Dr Rajendra Prasad was elected as the President of the Constituent Assembly. For framing the constitution, the Constituent Assembly appointed thirteen committees which submitted their reports in August 1947.

Dr B.N. Babu, the constitutional adviser submitted a draft of the constitution in October 1947. A Drafting Committee to study and consider this constitution was set up under the chairmanship of Dr B.R. Ambedkar. The constitution was finally adopted on November 26, 1949 and came into force on January 26, 1950.

The Indian Constitution reflects the historical, political and socio-economic conditions of its society and people and entails the following features:

1. **Parliamentary Government**: The Constitution of India states that India is to have a parliamentary system of government for the Centre as well as the states. The President (at the centre) and the Governor (at the state level) will be the titular (nominal) head.
2. **India is a federation** with a strong Centre. The constitution of India describes the nation to be a Union of states, where the units cannot secede from the main union. Though states will have their own independence, final decision over national policies rests with the centre. Indian federation is tilted over towards a strong centre.
3. **India is a secular state**. This primarily means that no one single religion is followed in India. Everyone has the liberty to practise, profess and propagate their own religion and activities and beliefs. India as a nation is a tolerant and allows all

religions to find a place here. The state is expected to remain neutral in all religious matters.

4. **India has a bicameral legislature.** We have an upper House (Rajya Sabha) and the lower house (the Lok Sabha)
5. The **judiciary in India is an independent one.** The Supreme court is the apex court deemed to be the guardian of our constitution. It protects the fundamental rights of Indian citizens, less they be violated at any point. There is also the prevalence of judicial review which has tried to balance the relation between parliamentary sovereignty and a written constitution.
6. **Fundamental Rights:** Part III of the Indian Constitution entails fundamental rights for the Indian citizen. They are however subject to Reasonable Restrictions in the interest of the national security of the country. The main purpose of Fundamental rights is to secure social equality along with political equality. Fundamental rights are justiciable in a court of law, which means that if any fundamental rights of an Indian citizen are violated, he may approach a court of law for the same.
7. **Fundamental Duties:** Rights always entail duties. Hence an Indian citizen also needs to fulfil certain duties.
8. **Directive principles of State Policy:** Part IV of the constitution mentions are in the form of directives given to the state to achieve its goal as a welfare state. These directives are however not justiciable but promotes social and economic democracy.

9. **Other Features:** India promotes single citizenship, all Indian citizens owe their allegiance to the nation. There remain special provisions for Scheduled Tribe and Caste etc.

### **PREAMBLE TO THE INDIAN CONSTITUTION:**

Interestingly the Preamble to the Indian Constitution is like an introduction. It is often labelled as the philosophy which the Constitution and its makers wanted to entail at that point of time.

On January 22, 1947, the Constituent Assembly adopted the Objectives Resolution drafted by Jawaharlal Nehru. Certain fundamental ideas about the Indian Union were to be incorporated for political agenda to be deliberated in future. The main principles of the resolution were as follows:

1. India was to be an independent, sovereign republic
2. It is to be a democratic union with an equal level of self-government in all the constituent parts
3. All power and authority of the government (centre and states) were to be derived from the people
4. The constitution must uplift the causes of social, political and economic equality to all its people by guaranteeing them justice through equality of opportunity and equality before law

5. There should be freedom of thought, expression, belief, faith, worship, vocation, association and action
6. The constitution must provide for rights for minorities and people from backward and tribal areas to being about inclusiveness and equality

THE PREAMBLE as embodied in the Indian Constitution (and amended in 1976) reads as:

“WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens, JUSTICE, social, economic and political, LIBERTY of thought, expression, belief, faith and worship, EQUALITY of status and of opportunity, and to promote among them all, FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.

IN OUR CONSTITUENT ASSEMBLY, this twenty-sixth day of November, 1949, do HEREBY, ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION,”

**Significance:**

As mentioned before, the Preamble to the Indian Constitution is like an introduction to what the makers of the Constitution envisaged India to be. After 200 years of colonial rule, it was but obvious for the framers to have ideals and objectives chartered in such a way that India could move forward in her goals of becoming a nation, truly independent.

However the Preamble is not enforceable in a court of law but it definitely provides a key to the understanding and interpretation of the Constitution.

**Interpreting the Preamble:**

The term Sovereign means that India is an independent nation and cannot be under the influence and authority of any external power. Internally sovereignty implies supremacy of the government over all institutions and individuals within its territory. Critics have argued India being a member of the Commonwealth of Nations. However the Preamble clearly states that irrespective of any membership, India is to remain independent and supreme. International Organisations like United Nations may advise but it is not mandatory for India to necessarily follow. She, as a nation, remains independent.

Socialist was incorporated in the Preamble by the 42<sup>nd</sup> Amendment Act, 1976. Given the context of independence and acquiring social and economic justice for all, the Constitution required to include socialism as a path to realise this objective. Economic justice and equality of opportunity was the main agenda set forth. However socialism in India does not mean abolition of private property and nationalisation of production. Political reality is never realised unless it is backed by economic equality. A “mixed economy” was envisaged. Post liberalisation in 1991, the essence of socialism has been often questioned raising doubt about the state’s intentions vis-a-vis market dynamics.

The word Secular was also incorporated by the 42<sup>nd</sup> Amendment Act, 1976. Unity has always been the primary goal of the framers of the Constitution. Even though the word secular has not been defined in the Constitution it essentially means there is no one religion to be practised in India. Discrimination on the basis of religion is prohibited and not encouraged. Freedom of all faith, belief and worship is allowed to all. The emphasis of this idea of secularism has been further elaborated in Part III of the Constitution in the chapter of Fundamental Rights. Freedom of Religion is a fundamental right of every citizen of India.

Over the years, ironically the concept of religion has been used as a tool in politics which has diluted the philosophy of secularism and contradicted the very foundation of our constitution.

India is regarded as the youngest democracy in the world. Democracy means common participation of the people, directly or indirectly. India follows representative parliamentary democracy both at the Centre and the States on the basis of universal adult franchise. The Preamble also tries to address social and economic democracy by trying to eradicate poverty and inequalities in society.

India became a Republic on the 26<sup>th</sup> of January, 1950. A republic derives its authority directly or indirectly from its people. India has a President at the head of the Union, who is the nominal head. All affairs of administration are done in his name. The President aids and advises the Prime Minister and his cabinet of ministers in matters of national and international interest. The President is elected indirectly for a fixed term by the people's representatives.

The Preamble also speaks of social, economic and political justice. No discrimination could be made on an individual on the basis of his class, caste, sex, religion and race. Time and again, all through the Constitution, the safeguarding of individuals and being non discriminatory has been addressed to bring about social justice within society otherwise greatly fragmented. Social justice is imperative in the Indian context and all citizens should enjoy equal opportunities in matters of public appointment.

Economic justice means that the gap between the rich and poor diminishes and exploitation as a rule ceases to exist. The chapter on Directive Principles of State Policy elaborates these features in detail and tries to realise the goals set by our forefathers to help India become a

welfare state. Political justice entails that every citizen has accessibility to political rights and the system.

The idea of democracy is closely related with the idea of liberty. Hence the stress on liberty for the individual. Freedom of expression and thought is once again a Fundamental Right for the Indian citizen incorporated in Part III of the Indian Constitution. However liberty of an individual should not be confused with license, if the latter happened, it may, very well, threaten the idea of democracy.

A nation in order to survive must grant equality to its citizens. The idea of equality also finds mention in the Preamble thereof. Right to Equality is a Fundamental Right of the Indian citizen where he or she is equal before the law and has equal access to law irrespective of class, caste, gender, race and religion. Once again the ideal of equality has been incorporated in order to prohibit any discrimination. In a diverse country like ours, ideas like equality needs to be addressed time and again so as to remind ourselves the true essence of our Constitution.

Closely related to all the above ideas is the idea of fraternity. “Fraternity,” said Dr B.R. Ambedkar, “is the principle which gives unity and solidarity to social life.” Given the way we gained our independence and partition which followed, in my opinion, the notion of fraternity (brotherhood) was given primary importance to secure a healthy and stable environment for India’s future. But one should remember that fraternity cannot be achieved if an individual loses his dignity. Dignity and respect of an individual is therefore to be preserved. Directives given to the State in Part IV ensures that an individual is respected by gaining access to policies framed by the state and being equal in all aspects.



Ideally the Preamble seems to be a document with a lot of promise for our country. The words selected have been selected after a lot of thought and therefore holds a lot of weight so far the Indian context is concerned. But often there remains a gap between intentions and implementation. Given our present scenario, it is often a huge challenge to follow the ideals set forth in our Preamble and our Constitution all the time. Loopholes continue to exist, in policies and the way the system reacts to adversaries.

Political motivation many a times takes precedence over achieving social and economic justice for all. It is then the purpose of the Preamble gets defeated.

However, even with moments of skepticism with this document, the Preamble continues to be the philosophy which even today guides us in being a true citizen of this nation and aids policy makers to be reminded of the contribution of our framers in forming such an excellent referral point to bring about equality in this country.

## **FUNDAMENTAL RIGHTS**

### **Introduction**

Part III of the Indian Constitution guarantees Fundamental Rights to the Indian citizen. These rights are justiciable, which means that at any time, that these rights are violated. A citizen may approach the court for its enforcement.

Articles 12-35 mention such rights, granted to individuals. These rights were finalised by a committee of the Constituent Assembly headed by Sardar Vallabhai Patel.

However it is to be remembered that these rights are not absolute and they are subject to what one may call reasonable restrictions. Critics argue that there lies a degree of ambiguity within what one actually means by the term. While at some places, the Constitution spells out what one means by reasonable restrictions, other places it is left for the Government to decide

(arbitrarily) and law to interpret. This has been done primarily to strike a balance between individual liberty and social control. The Constitution also mentions that Fundamental Rights can be suspended during emergency.

### **Classification of Fundamental Rights:**

The Constitution originally had embodied seven Fundamental Rights. But the 44<sup>th</sup> Amendment Act, 1978, abolished Right to Property from the list. Today there exists six categories of rights.

1. Right to Equality (Arts. 14-18)
2. Right to Freedom (Arts 19-22)
3. Right Against Exploitation (Art 23)
4. Right to Freedom of Religion (Art 25-28)
5. Cultural and Educational Rights (Art 29)
6. Right to Constitutional Remedies (Art 32)

### **Right to Equality:**

ARTICLE 14 declares that the “State shall not deny to any person Equality before the law and equal protection of the laws within the territory of India.” Equal Protection of laws has been borrowed from the US Constitution while equality before the law is an expression of the English Common Law. Both the phrases aim to establish what is called equality of status and

opportunity as embodied in the Preamble to the Constitution. It also connotes that no one is above the law of the land.

Interestingly Equality before the law somewhat reflects a negative connotation which means no individual could be favoured or given any special privilege irrespective of his status, while equal protection of laws reflects a more positive outlook implying equality of treatment under equal circumstances. Article 14 basically stands against any arbitrary discrimination by the laws themselves or by the administration. This Article not only prevents discrimination against any individual, additionally it also checks arbitrary powers vested in the executive as well. However one should keep in mind that Art. 14 prevents discrimination only by the State and not by individuals.

ARTICLE 15, available only to citizens, prohibits discrimination by the State on grounds of religion, race, caste, sex or place of birth. On the same ground, no citizen will be discriminated against in regard to access to shops, public restaurants, hotels and places of public entertainment, and use of wells, tanks, roads etc maintained out of State funds or dedicated to general public use. Art. 15 has, however, two notable exceptions in its application. The first of these permits the State to make special provisions for women and children. The second allows the State to make any special provision for the advancement of any socially or educationally backward classes of citizens or for SC/STs. The second exception was added to the Constitution by the First Amendment of the Constitution in 1951.

ARTICLE 16 assures the citizen of equality of opportunity in matters relating to employment or appointment to any office under the State, irrespective of religion, race, caste, sex, descent, place of birth. However, Parliament may make laws prescribing residence within a State as qualification for certain categories of posts under any State or local authority. The State may

also make reservation of appointments for any backward classes of citizens not adequately represented in the services under the State. The claims of SC/STs shall be considered in the matter of appointment to services and posts under the Union and States (Art 335).

ARTICLE 17 abolishes the practice of Untouchability. Any practice of it is considered an act of offence under the law and this power rests with the Parliament to deem any such act of untouchability to be a serious offence. Accordingly the Untouchability (Offences) Act, 1956, was enacted, later amended and renewed (in 1976) as the Protection of Civil Rights Act, 1956. This particular Act fights vehemently for social justice and prevents the loss of respect and dignity of an individual. Unfortunately legislation is a poor remedy for social prejudices and mindset. The greater task is to ensure that this battle against untouchability reaches its maximum potential by reaching out to the minds of the people to bring about greater acceptance and understanding. This could be achieved through mastering of public opinion and social action. Unless that is done, the purpose of this article gets defeated.

ARTICLE 18 prohibits the State from conferring any title. Conferring titles has been regarded undemocratic in a country like India because it encourages a hierarchy of aristocracy. The only exception made to the strict rule are military or academic distinctions. No Indian citizen can accept a title from a foreign State without the consent of the President of India.

Denial of equality is obviously a serious cause for resentment and anger. Given our historical background and the context when the Constitution was framed, granting social justice to all was a pre-requisite for the nation to remain stable after independence. Hence the emphasis of Right to Equality has been to fight discrimination of any sorts to bring about social justice by giving all individuals respect and dignity. Only a country which strives to grant equality

amongst its citizens can be successful in producing satisfactory democratic values. If the nation fails to do this, the true essence of democracy gets diluted and compromised.

### **Right to Freedom**

The idea of liberty mentioned in the Preamble finds its best expression in this fundamental right. Personal liberty is the most fundamental of all the fundamental rights. Articles 19-22 deal with the various interpretations of this basic right. There are six rights to further elaborate Article 19 which reflect the nature of “freedom” guaranteed to the citizens of India :-

- Freedom of speech and expression
- Freedom of assembly
- Freedom to form associations
- Freedom to move freely throughout the territory of India
- Freedom to reside or settle in any part within the territory of India
- Freedom to practise any profession

However these rights are not absolute. Absolute individual freedom cannot be guaranteed by any modern State, therefore the six freedoms in our Constitution are limited by the Constitution itself by giving the discretion to the State to impose laws (reasonable restrictions) for the good of the larger community.

Freedom of speech and expression are therefore subject to reasonable restrictions on grounds of sovereignty and integrity of India, security of the State, friendly relations with foreign states, decency and morality, maintenance of public order and property, incitement to any offence, clause against slandering or defamation and contempt of court. Therefore freedom of speech cannot, in any way, lead to disruption of public property or threaten the security of the nation, individually it the freedom to express or speak does not give a person the liberty to abuse or slander another individual.

Freedom to assemble is another freedom granted under Art 19 but the State requires this assembly to be peaceful and without arms. Once again this freedom is limited by reasonable restrictions imposed by the State to maintain public order and peace and to safeguard the sovereignty and integrity of India.

The Constitution allows Freedom to form associations and unions; but subject to reasonable restrictions once again keeping in mind to preserve public order and maintenance of law, order and peace.

A citizen of India has the Freedom to move freely throughout the territory of India apart from the places which are protected or prohibited by the State. There are zones or areas prohibited by the government for everyone to have access to, to safeguard the interests of some Scheduled Tribes or places of national security. Very closely linked to this is the freedom to reside or settle in any part of India. This is once again subject to the same restrictions as made in the earlier freedom with respect to the movement of people within the territory of India.

The last of the freedom allows a citizen of India to practice any profession or carry on any occupation, trade or business, subject to reasonable restrictions in the interests of the general public.

Articles 20-22 within Right to Freedom reflect protection of life and personal liberty.

ARTICLE 20 accords protection in certain respects to all persons against conviction for offences by prohibiting retrospective criminal legislative, or ex post facto legislation, punishment for the same offence more than once (double jeopardy) and lastly compulsion to give self-incriminating evidence, which means no person accused of an offence shall be compelled to be a witness against himself.

ARTICLE 21 states that no person shall be deprived of his life or personal liberty except according to procedure established by law. Art. 21 provides protection to life and liberty to all persons. This personal freedom is further elaborated through the writ of Habeas Corpus which is a part of Right to Constitutional Remedies (Arts.32/226).

Recently the Supreme Court has initiated Right to Privacy to be included within the purview of Art. 21. This particular Act came into existence after the Aadhar (UID) policy of linking personal information with the new identification number. (Justice K.S.Puttaswamy, Retd Vs Union of India, 2017).

ARTICLE 22 affords protection against arbitrary arrest and detention. It stipulates that no person who is arrested is to be detained. In custody without being informed the grounds of his arrest, no person can be denied the right to be defended by a legal practitioner, every arrested and detained person will be required to be produced in front of the nearest magistrate within



24 hours of his arrest. However these safeguards are not applicable for enemy aliens and a person detained under a law providing for preventive detention.

The Preventive Detention Act was passed in 1950 which expired in 1969. The Maintenance of Internal Security Act, 1971 (MISA) was repealed in 1978. But Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA) and National Security Act, 1980, remain. TADA (Terrorist and Anti Disruptive Activities Prevention Act) was discontinued owing to its increasing unpopularity and allegations of abuse.

### **Right Against Exploitation**

ARTICLE 23 prohibits traffic in human beings, beggar and other similar forms of forced labour, and violation of the provision is an offence punishable by law. But nothing in this article shall prevent the State from imposing compulsory service for public purpose provided it does not discriminate on grounds only of religion, race, caste, or class or any of them.

ARTICLE 24 prohibits the employment of children below 14 years of age in factories, mines and hazardous occupation. This prohibition is absolute and admits no exception.

Unfortunately loopholes remain and both these articles are more than often violated in India. There is still a huge gap between theory and practice so far this particular right is concerned.

### **Right to Freedom of Religion**

The preamble to the Indian Constitution declares India to be a secular state, which means there no single religion which is practised here.. Articles 25-28 mention Right to Freedom of

Religion. Subject to public order, morality and health and other provisions, all persons enjoy freedom of conscience and the right to profess, practice and propagate their religion. India therefore is intolerant to any policy which does not allow an individual to practice his or her own religion. At the same time the State does not allow religion to be used as a tool to usher in chaos and disruption. Hence while the freedom of religion is a fundamental right, citizens must be careful and sensitive to handling it as well.

ARTICLE 25 states all persons enjoy freedom of conscience and the right to profess, practice and propagate their religion. Nothing in this article shall affect the operation of any existing law or prevent the State from making in law regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice. It can also take measures for social reform and throw open Hindu religious institutions of a public character to all classes of Hindus.

Also the right does not imply that a person can be converted forcibly fraudulently and by offering any inducement.

ARTICLE 26 gives every religious group or denomination the right to establish and maintain religious institutions for religious and charitable purpose, to manage its own affairs in religious matters, to administer such property in accordance with the law. Once again all these freedoms are subject to public order, morality and health. Interestingly this guarantee is available not only to citizens of India but all persons, including aliens.

ARTICLE 27 states that no citizen will be compelled by the State to pay any taxes for the promotion or maintenance of any particular religion or religious institution.

ARTICLE 28 stipulates that no religious instruction shall be provided in any educational institution wholly maintained out of state funds. No person can be compelled to receive religious instruction imparted in an institution recognised by the State or receiving aid out of State funds without the person's consent or his guardian in case the person is a minor.

In a country like India, it is perhaps very difficult to achieve the targets set in this right by our Constitution. Though the intentions of the framers remain very noble, in practice the issue of religion, being a sensitive issue becomes a problem to handle. While the State aims to bring about equality and prohibit discrimination on religious grounds, religion in India sometimes tends to take a political colour which then becomes a problem. The true meaning of this right is only realised when there is peace, adaptability, tolerance and respect. If any of these go missing, the objective of this right gets lost.

### **Cultural and Educational Rights**

ARTICLE 29 mentions that the State shall not impose upon it any culture other than the community's own culture. A minority community has the right to preserve their own culture and religious interests without any interference. It also adds that no citizen shall be denied admission to any educational institution maintained by the State or receiving aid from State-funds on grounds of religion, race, caste, language, or any of them.

ARTICLE 30 confers upon a minority community the right to establish and administer educational institutions of its choice. The State can, in no way, discriminate in granting aid to such institutions on the pretext of it being a minority community. Full compensation needs to be given if the State tries to acquire the property of a minority educational institution based on either religion or language. All these rights belong to citizens.

## **Right to Constitutional Remedies**

Rights have no meaning if they are no effective machinery for their enforcement. Hence the Indian Constitution has guaranteed Right to Constitutional Remedies as a fundamental right for Indian citizens.

ARTICLE 32 guarantees to a person the right to move the Supreme Court directly for the enforcement of his fundamental rights on the event they are violated. The Supreme Court, on its part, has the authority to issue directions or orders or writs including writs in the nature of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition. The Right to Constitutional Remedies shall not be suspended except as otherwise provided in the Constitution, i.e. during Emergency under Article 352.

High Courts under Article 226 can also issue these writs though the Parliament can empower any other court to issue writs as well.

Habeas Corpus – taken from the Latin word, it means “to have a body”; it is in the nature of an order calling upon a person who has detained another individual to be produced before the Court for the Court to know the reason for this detention. It is a powerful safeguard against arbitrary arrest not only for private individuals but also for the executive. However this writ won't be issued on the event that the detention is lawful, the proceedings are for contempt of a legislature or a court, the detention is by a competent court and the detention is outside the jurisdiction of the court.

Mandamus – means “we command”. The writ commands the person to whom it is addressed to perform some public or quasi-public legal duty which he has refused to perform and the performance of which cannot be enforced by any other legal remedy.

Prohibition – is issued by the Supreme Court or High Court to an inferior court forbidding the latter to continue proceedings in a case in excess of its jurisdiction within which it is not legally vested. From this point, it is evident that this writ can be issued only against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies and private individuals.

Certiorari – means ‘to be certified’; order issued to a lower court, after a case has been decided by it, quashing the order or decision. The objective is to secure the jurisdiction of an inferior court or tribunal.

Quo Warranto - is a proceeding by which the court enquires in the legality of the claim which a party asserts to a public office, and to remove him from the office if the claim is not well-founded.

## **CONCLUSION**

The American Bill of Rights had tremendous amount of impact on the framers of our Constitution during drafting Fundamental Rights for our citizens. The main objective at that time was a rapid modernisation of the country in the political, social and economic spheres. They believed that in India the idea of democracy and liberty and freedom would truly prevail if people were given rights they could enjoy. Fundamental rights were seen as a check

to state tyranny, should it ever emerge, which could manifest in the name of social welfare measures.

**DIRECTIVE PRINCIPLES OF STATE POLICY**

## **INTRODUCTION**

Part IV of the Indian Constitution mentions Directive Principles of State Policy. The framers wanted to give directives to the state (legislative and executive wing) to achieve its goal as a welfare state, while making policies for the country.

**ARTICLES 36-51** entail the Directive Principles of State Policy. The Directives are, to a great extent, influenced by Gandhi's way of thinking (socialist) as well as the objectives laid down in the Preamble in order to bring about economic and social democracy..The basic framework of these principles have been adopted from the Irish Constitution. However one point needs to be remembered that these directives are not enforceable in a court of law which means that if the State ever fails to implement these policies, the government wont ne held responsible for inaction. This very characteristic of the directives have drawn sharp criticism thereof from various quarters. Often the Directives have been branded as “post dated cheques, payable when able.” While the enthusiasm for such principles have always been encouraged, limiting its scope has brought it under fierce scrutiny.

ARTICLE 36 and 37 define the term “State” and mention that the Principles mentioned in this chapter of the Constitution are non-justiciable, i.e. cannot be enforced in courts. However even though they are not enforceable they remain invaluable for the State to take a referral point while formulating policies.

ARTICLE 38 directs the State to promote the welfare of the people and to secure a just social order. The main focal point of this article has been on achieving equality – by minimising inequalities in income by eliminating inequalities of status, facilities and opportunities.

ARTICLE 39 directs the State to implement policies towards securing adequate means of livelihood for all citizens, distribution of ownership and control of material resources, an economic system which does not lead to concentration of wealth, equal pay for equal work for both men and women, health and strength of workers, protection of children from exploitation. ARTICLE 39A added by the 42<sup>nd</sup> Amendment Act, 1976, requires the State to ensure equal justice and free legal aid to the poor.

ARTICLE 40 requires the State to take steps to organise village panchayats for the functioning of local self governance

ARTICLE 41 directs the State to make effective provision for securing the right to work, right to education, right to public assistance in case of unemployment, old age, sickness and disability.

ARTICLE 42 seeks for just and humane conditions of work and for maternity relief.

ARTICLE 43 directs the State to secure to all workers –

agricultural, industrial or otherwise – living wages and promote cottage industries

ARTICLE 43A, inserted 42<sup>nd</sup> Amendment, speaks for the participation of workers in management of industries

ARTICLE 44 directs the State to make efforts to secure a uniform civil code throughout the territory of India

ARTICLE 45 directs the State to provide for free and compulsory education for children upto 14 years within a period of 10 years from the commencement of the Constitution.



ARTICLE 46 speaks of promotion of educational and economic rights of SC/STs and other weaker sections, and protection to these persons from social injustice and exploitation.

ARTICLE 47 directs the State to raise the level of nutrition and to improve the standard of living and health of the people, and to enforce prohibition on intoxicating drinks and drugs.

ARTICLE 48 requires the State to raise to organise agriculture and animal husbandry on modern and scientific lines, it prohibits cow slaughter.

ARTICLE 48A, inserted by the 42<sup>nd</sup> Amendment Act, 1976, directs the State to protect and improve the environment and safeguard forests and wild life.

ARTICLE 49 directs the State to protect and maintain places of historic or artistic interests.

ARTICLE 50 directs the State to establish separation of the judiciary from the executive.

ARTICLE 51 directs the State to promote international peace and amity.

Initially the Directives were called “Fundamental Principles of Governance,” in the original report of the Advisory Committee but later got adopted as Directive principles of State Policy.

While the Directives stated in the Constitution brings in a lot of promise in aiding the State to achieve its goal of being a welfare state, the fact that it is non-justiciable makes the enthusiasm a little subdued.

But in the end, they are in the end positive instructions to the Government to take steps to establish a just social, economic and political order. Directives are like a guideline and continue to remain fundamental in the governance of the State, as well as while formulating

laws. They are “moral precepts” and the courts are increasingly taking these principles into account while interpreting the Constitution.

Though much remains to be done with respect to the implantation of the Directive Principles there is much that has been done. The Minimum Wages Act 1948, the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965, the Contract Labour Regulation and Abolition Act, 1970, the Factories Act, 1948, the Mines Act, 1952.

Upto September 2001, more than 20 million acres of land had been distributed to SC/STs and the landless poor. The implementation of a uniform civil code for all citizens has not been achieved owing to widespread opposition from various religious groups and political parties. There is a mixed feeling so far these Directives are concerned.

Justice Sapru rightly said that “in these directives, will be found the entire philosophy on which the welfare state in any modern community can be founded.”

**THE PRIME MINISTER**

The Constitution of India mentions that the real executive in India is the President. He is the head of the State and the formal constitutional head. But the Prime Minister of India is the rallying force and along with the Council of Ministers directs the nation through his leadership skills and management. The Council of Ministers are supposed to be in agreement to the decisions taken by the Prime Minister in all policy matters and give constant support to his office. ARTICLE 74 (1) of the Indian Constitution mentions that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President.

The office of the Indian Prime Minister has been one of utmost relevance and significance ever since independence. However there have been challenges to its office when governments have been vulnerable to coalition politics and have failed a majority at the Centre. It is then that the Prime Minister has been tested when unfortunately the same Council of Ministers who have been assigned the task of giving him support, have perhaps challenged his leadership and position. The 90's politics in India witnessed some of the major coalition shifts when the Prime Ministers who held office during the time were deemed feeble. Critics have argued that even post 2000, Dr Manmohan Singh who held office from 2004-2014 was in fact a puppet Prime Minister in the hands of the leader of the Congress party.

However despite its challenges the Prime Minister of India is the man who actually matters spearheading the nation in the right direction.

### **Duties and Responsibilities**

As mentioned above the Prime Minister shall be appointed by the President and the President, shall, on the advice of the Prime Minister appoint his Council of Ministers. The PM and his ministers shall be collectively responsible to the Lower House of Parliament (Lok Sabha).

ARTICLE 78 prescribes the duties of the Prime Minister. They shall be

- To communicate to the President all decisions of the Council of Ministers relating to the administration of the Union and proposals for legislation
- To furnish such information to the President regarding administrative queries regarding the Union or legislative procedures as he may deem fit
- If the President so requires, to submit consideration of the Council of Ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council

As mentioned earlier the Prime Minister is the head of the Cabinet and the Council of Ministers. He is the leader of the party in power and the main actor in Indian politics.

However this may not always be true. During 2004-2014, while Dr Manmohan Singh was the Prime Minister of India, the leader of the Congress Party was Mrs Sonia Gandhi.

Interestingly though the Council of Ministers are expected to owe their allegiance to the Prime Minister, his relation with the former often depend on conventions, which in the end, are not codified but remain successful through interpersonal skills of the leader.

In the end power is about influence and hence if the leader lacks the ability to influence, he often loses his power.

Constitutionally he is first among equals. He holds enormous powers and his position is paramount. Although he has no superior title to show, he possesses discretion in matters of appointment and dismissal of the members of the Council of Ministers. The Council of Ministers is expressly made collectively responsible to the House of the People, which means

every bill tabled and every act passed in the legislature, owes its accountability to the people and therefore every Minister who holds office and till the point he resigns, is irretrievably responsible to the House.

While the theory of collective responsibility is important, equally important is the concept of individual responsibility, which implies each minister holds individual responsibility which is both political and legal.

Mostly critics have argued that while collective and individual responsibilities of the Ministers sound good on paper, in practice, the Ministers have been often subdued by the over bearing presence of the PMO. Cabinet selection and berths are at the discretion of the Prime Minister which leaves very little window for wider participation and selection.

In the Prime Minister's defense, one could point that he indeed has a dual role to play, one where he is the leader of the nation and the House and the other where he is the leader of the ruling party and holds the task of getting the party to retain its power in elections. Such responsibilities often cloud the dual role that the leader is expected to play.

Evaluating the Indian Prime Minister, one can easily narrate that there has been a shift in the way the role, office and the duties of the PM has changed over time.

If we take Nehru into account, Nehru's Congress's popular vote was 44.9% (1951), 47.78% (1957) and 44.72% (1962). He was accused of doing caste-based politics. Next came his daughter Indira Gandhi and she was held responsible for the Emergency in 1977. She was a strong-willed leader, determined which earned her the reputation of a dictator amongst the Indian political scenario.

Her life was short lived owing to her decision of implementing Operation Blue Star when later her son Rajiv Gandhi took over. His tenure was also cut short due to India's stringent foreign policy regarding targeting the LTTE in Sri Lanka and sending the United Nations Peace Keeping Force.

Post Rajiv Gandhi, India's political scenario has seen many upheavels in the office of the Prime Minister. During this phase, coalition politics came into prominence and the Congress hegemony was challenged by strong opposition parties and the rise of the BJP.

Since 2014, there has been once again a change. A change from coalition politics to more majority. In a way it has allowed stability to prevail but if analysed in depth, a waning opposition has threatened democracy to function to its optimal. While people's mandate has clearly reflected their choice of Prime Minister in Narendra Modi, there is a wave of populist absolutism which is travelling across India today.

The legacy of Atal Behari Vajpayee and his contribution in Indian politics as a perfect parliamentarian seems to be getting lost in the ideas that shape Indian politics today and the office of the Prime Minister – to retain power at any cost.

## **INDIAN PARLIAMENT**

### **INTRODUCTION**

Chapter II of Part V of the Indian Constitution is concerned with the Parliament. India has a bicameral legislature. The Lower House is called the Lok Sabha (House of the People) and the Upper House is called the Rajya Sabha (House of the States). ARTICLE 79 says that the Indian Parliament consists of the President and the two Houses.

The Lok Sabha has 545 members whereas the Rajya Sabha has 250 members.

The President however does not participate in the daily proceedings of the House but he has certain functions like summoning the Houses, proroguing them, dissolving the Lok Sabha, addressing the Houses etc.

The President's assent is necessary for a bill to become law. The Rajya Sabha was first constituted on April 3, 1952. The Lok Sabha held its first sitting on May 13, 1952, after the First General Election in 1951-52.

India is deemed to be the world's largest democracy and since independence, the Parliament has functioned with much success apart from the Internal Emergency it faced from June 1973 to March 1977.

### **COMPOSITION**

ARTICLE 80 gives details of the composition of the Rajya Sabha. As mentioned earlier the total strength of the House is 250 members, of which twelve; distinguished in the field of literature, science, art and social service and the remaining 238 members are representatives of the states and union territories. The Prime Minister advises the President over nomination of likely candidates.

Members of the Rajya Sabha serve a period of six years and a third of its body is up for elections every two years. As such the Rajya Sabha cannot be dissolved.

The representatives of each State are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of single transferable vote. It is to be kept in mind that the States in India are represented in the Rajya Sabha on the basis of population.

ARTICLE 81 details the composition of the Lok Sabha. As mentioned earlier, it consists of 545 members. The representatives of the States are directly elected by the people on the basis of adult suffrage. Article 331 mentions that two members from the Anglo-Indian community will be nominated to the Lok Sabha. The Speaker and the Deputy Speaker preside over the day-to-day sessions of the Lok Sabha.

Lok Sabha seats have been historically revised in light of the 10-year census to ensure that each constituency represents roughly the same number of people – uniformity of representation is provided for.

The normal term of the Lok Sabha is five years, but it may be dissolved earlier by the President. The normal term may be extended by an Act passed by parliament during a period of emergency – ARTICLE 83.

According to ARTICLE 84, to be eligible for membership of Parliament, a person must be a citizen of India, be at least 30 years of age for Rajya Sabha and 25 years of age for Lok Sabha. And possess such other qualifications as may be prescribed by Parliament.

The Parliament, as the legislative organ of the country, has, as Granville Austin (Working of a Democratic Constitution : A History of the Indian Experience) points out, united “Indians into one mass electorate having universal adult franchise, by providing for the direct representation of the voters in genuinely popular assemblies.” The Parliament represents the mass of Indians, across cultures and identities and uniting them under one platform....”

However the Indian Parliament is not above the Constitution. Only recently the Parliament can amend the Constitution but has been barred from interfering from the basic structure of the Constitution. The challenge in the end is to bring about a workable environment amongst the executive, legislature and the judiciary and striking a proper balance.

Where bicameralism is a significant and intrinsic feature of Indian parliamentary practice, both the Houses are crucial so far their functions and powers are to be followed and practised.

### **PARLIAMENTARY COMMITTEES:**



The two Houses of the Parliament work through committees. In fact, a close and continuous check on governmental activities is exercised through a comprehensive system of parliamentary committees. Broadly speaking the committees are of two types – ad hoc and standing.

Ad hoc committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit the report. The best known examples of ad hoc committees are the Select and Joint committees on bills. Among the Standing committees of the Lok Sabha, which tend to have a significant role in parliamentary affairs, the three financial committees on Public Accounts, Estimates and Public Undertakings – constitute a distinct class by themselves and keep a vigil on government expenditure.

The other important Standing committees are the Committee on Petitions, the Committee on Privileges, the Committee on Subordinate Legislation, the Committee on Government Assurances, the Business Advisory Committee and the Rules Committees.

### **POWERS AND FUNCTIONS OF THE PARLIAMENT**

In a parliamentary democracy, the executive is accountable to the legislature where a group of elected people commands the support of confidence. Hence a major task of the Indian Parliament is to conduct regular sessions and see to it that Cabinet meetings are held and are made responsible.

The Cabinet makes policy but it is upto the legislature to see if policies made can be implemented and enacted. This control over the executive comes through discussions and debates in the sessions of the Parliament with questions, resolutions, adjournments etc.

Constitutional Amendments are within the hands of the Parliament. Parliament participates in the election of the President and the Vice President.

The President can be impeached by Parliament for violation of the Constitution.

Parliament also has to approve a proclamation of Emergency for its continuance. All expenditure of the government needs to be tabled in the sessions of the Parliament and no taxes can be levied or implemented without the Parliament's assent.

## **EVALUATION**

Relationship between the executive and the legislature are important to maintain in a parliamentary democracy. but the relation could also be delicate. Often in coalition governments, this becomes an issue but when a majority government is in power and there is a weak opposition, often parliamentary procedures may suffer when governments tend to become autocratic.

It is crucial to keep in mind that for democracy to thrive, a strong opposition is required. While people's mandate is of significance for formulation of governments and Parliament to be in session, the essence of debates and discussions and laws implemented may get lost if the government (in majority) thwarts opposite suggestions or advice.

There is no doubt that our Parliament has performed successfully and without much hurdles apart from the suspension during Emergency in the 1970's and continues to function to the best of its ability.

## CASTE AND CLASS

### INTRODUCTION

The question of caste oppression and untouchability were first raised from below during the freedom movement by people like Jyotirao Phule and B.R. Ambedkar. Dalit groups also launched movements for dignity and development during the first half of the twentieth century. The caste system in India reflects a complex social hierarchy which stratifies society to a large extent. In a pluralist society like ours, caste system is one integral part which continues to thrive in the layers of society and has a profound influence as to how it may impact the social and political scenario in the country. Occupational specialisation is intrinsic to the caste system. Post independence, the Constitution of India has inserted many safeguards and reservations for the various SC/STs in India which is otherwise known as Affirmative Action. Professor G.S. Ghurey analyses characteristic certain features of the caste system as –

1. Segmental division of society
2. Hierarchy
3. Restrictions of feeding and social intercourse
4. Civil and religious disparities and social discourse
5. Lack of unrestricted choice of occupation
6. Restrictions on marriage

Historically, the Indian caste system has its origin in the Varna system – the Brahmins or the learned class, the Kshatriyas or the warrior class, the Vaishyas or the trading class and the Sudras or the downtrodden labour class.

Caste is also identified as a form of identity in India and it is from here that the concept of identity politics in India emerge. Rajni Kothari rightly draws a dichotomy between traditionalism and modernity with respect to the caste hierarchy in India. India is deemed to be a developing country and along with development comes modernity. However traditional institutions and beliefs also co-exist, point in reference here being the caste structure.

Since political institutions in India do not exist in a vacuum, such factors tend to have a degree of influence over how the political scenario is to work. It is at this juncture, we may note, that caste and politics seem to have a synergy in India.

### **CASTE AND POLITICS**

Post independence and especially after the inclusion of electoral politics, Moin Sarkar in his book State and Politics in contemporary India notes that after independence caste has a dual role in India – one in democratising the system and in the other being a hurdle to developmental process and evolution.

Interestingly politics is a competitive enterprise and the end goal is to retain power at any cost. Therefore in most political agendas, caste is seen as an instrument for mobilisation and support for acquisition of power. Politics is often identified to be organising itself through such mass-based structures.

The alleged “casteism in politics” is thus no more and no less than *politicisation of caste itself*. By drawing the caste system into its web of organisation, politics finds material for its articulation and moulds it into its own design.

The other argument holds that politics is held as an instrument for upward mobilisation and inclusion by the caste system for their own purpose – in the end political relationships are a mere extension of social relationships. Where caste itself becomes a political category, the question arises as to whether caste uses politics or politics uses caste.

The general election of 1967 is believed to have been the turning point in Indian politics. It was the first time the Congress hegemony was challenged when it lost in eight states and regional parties (on the basis of caste) started to make their presence felt. Scholars like Kothari, Brass, Frankel and Rao, Hasan have well documented these trends quite intensively.

By the 1980's, India began to witness new trends in the domain of caste politics. One very prominent amongst them was the separate quota system for Other Backward Classes (OBCs) by the then Prime Minister, V.P. Singh on the recommendations of the Mandal Commission in 1990. In case of the Dalits, we see the formation of the Bahujan Samaj Party which shows the trend of such influence within the system. Such developments have led to a sort of polarisation in the structure of society and politics in India. Examples of such polarisation are present – Brahmins versus non-Brahmins in Tamil Nadu and Maharashtra, Rajputs versus Jats in Rajasthan, Baniya-Brahmins versus Patidars in Gujarat, Kayasthas versus Rajputs in Bihar, Kammas versus Reddys in Andhra Pradesh and Nairs versus Ezhavas in Kerala.

However with the onset of grassroot democracy, has made certain shifts in the way political dynamics have taken place with respect to the caste structure. Yogendra Yadav writes that there has been a shift from “politics of ideology” to “politics of representation.”

## **CONCLUSION**

Sudipta Kaviraj writes, “ caste groups instead of crumbling with historical embarrassment, in fact, adapted themselves surprisingly well to the demands of the parliamentary politics.” Their participation in electoral politics also transformed “the structural properties of caste in one fundamental respect – it created a democracy of caste instead of a hierarchy.”

Caste structure has necessarily led to what one terms “vote bank” politics. In the end with the synergy of politics and caste, there is a tendency to out-do each other – who uses who and for what benefit?

The objective of development in the long run gets compromised. Identity-based politics leads to negotiations and accommodation and the end result is a lopsided patchy development process. Caste groups are today witnessing process of internal differentiation and dispersion through migration. Such processes are bound to weaken and further fragment caste identity. The net result would ironically no strong upward mobilisation for lower castes and this would continue to be a vicious cycle of exclusion and discrimination.

## **CLASS**

The concept of class is closely associated with Marxism. According to Karl Marx, the idea of class emerges from the understanding that society is clearly divided into two basic segments where one section are the dominant class since they are the owners of the means of production and the other section is the suppressed one who are the working class working for

the former. Marx calls this system the capitalist system characteristic of an “industrial society.”

“Class politics,” have had their fair degree of contribution in Western societies but in India their prevalence and influence have not cut much slack. In fact their presence and significance have been marginal.

Indian politics is clearly not determined on the basis of class differentiation – even given the nature of the otherwise stratified and highly fragmented Indian societal structure. Electoral process in India, on the contrary have been highly distinguished by caste, religion, language etc.

Class politics have more or less been redundant.

Organised working class was very effectively co-opted by the Congress post independence, through the formation of the INTUC – Indian national Trade Union Congress which was formed to uphold Congress policy in industrial matters. Even then organised labour in India is fragmented and weak. Level of industrial disputes and closures remain high on one hand and on the other hand the state has failed to deliver reforms for protecting the labour as well as the 83% population who work in the informal sector.

Labour legislations have not been addressed seriously. This has led to bottlenecks and hurdles to the gradual introduction of globalisation (free market economy) in India.

Union resistance have thereby slowed the pace of economic growth. Globalisation often leads to exclusion of the traditional work force, this has not been dealt with in a structured manner by the state and hence oppositions and resentments continue to make the headlines in the industrial sectors.

It is to be kept in mind, despite the boost given to industrialisation in India in 1991, India is still primarily an agrarian society. Post independence, with the abolition of the zamindari system and introduction of land reforms, there were shifts in the agrarian sector. Further the Green Revolution in the 1960's that gave rise to modern agriculture which brought about further class differentiation in rural society. Critics argued that such modernisation favoured the rich peasantry and their ability to influence India's economic development – Pranab Bardhan, Lloyd and Susanne Rudolph.

In India, as elsewhere in the world, it has been the middle class, and not the working class which have had a formidable influence in determining political outcomes of capitalist development. In modern times, post economic liberalisation, allowed the growth of the new middle class who represent an opportune-alliance of market-oriented commercial and professional interests eager to exploit new market opportunities. This new middle class does have a particularly privileged position in the political circle and are seen to making shifts in the way class differentiation is taking shape.

In the end, the subject revolves around the political economy of development which is closely related to the way socio economic classification exists in India. Inclusive development is the state's agenda but often, by default, development leads to exclusion. The marginalised continue to be in the periphery and the vicious cycle of poverty continues to exist under such circumstances. In Marxian terms, the gap between the "have" and the "have nots" increases leading to further class differentiation and resentment within the highly fragmented population. To conclude one can only say that the government in order to fulfil its goal to become a welfare state needs to strike a balance between free market economy and inclusive development.



## **CASTE AND CLASS : AN INTER RELATIONSHIP**

To understand the relationship between caste and class it is therefore important to recognise that two hierarchies are operative in Indian society: one according to ritual purity with the brahmana on the top and the untouchables at the bottom, the other according to political and economic status with the landlords at the top and the landless labourers at the bottom. The first corresponds to the formal representation of society, the second to reality – and together they make for the unique form of inequality that caste represents.

## **PATRIARCHY**

Patriarchy is a social system in which the role of the male as the “primary authority” is central to social organisation and structure. It implies the institutions of male rule and privilege which is interlinked to and dependent on female subordination.

It is a multidimensional condition of power and status – looked as a concept detrimental to the rights of women.

Sylvia Walby, in her book, “Theorising Patriarchy,” calls it a system of social structures and practices in which men dominate, oppress and exploit women.

In South Asia, patriarchy is called “pitrasatta” in Hindi, “pidarshahi” in Urdu and “pitratontro” in Bangla.

The one who is subject to subordination, experiences at a daily level, regardless of the class we might belong to, which also takes various forms – discrimination, disregard, insult, control, exploitation, oppression, violence within family, at the place of work and society at large.

It has many facets –

1. A gender bias which starts from birth – boy child/ girl child preference
2. Food distribution
3. Education
4. Play time
5. Time bound household work
6. Wife battering
7. Brother domination
8. No right to property
9. Boss interference
10. Husband submission
11. No control and say over child bearing

In the end it destroys self respect, self esteem and self confidence. According to V Geetha, specifically in the Indian context, in the analysis of patriarchy, she links it to the family and the economy to demonstrate how economic power of men and their domination of production is crucially linked to and determined by the organisation of the family and household.

The transformation of patriarchy from a descriptive to an analytical category took place around the 1970's - that gave birth to a rousing feminist political and intellectual culture in

diverse global contexts. Since that time “patriarchy” has been critically deployed, to include notions of authority and power in any social system, which automatically privileges men over women and in which women can lay claims to material, sexual and intellectual resources, only through fighting for them.

### **THE INDIAN CONTEXT:**

The late 1960’s and the early 70’s witnessed some political movements in Andhra Pradesh, Bihar and West Bengal – outbreak of communist or Left militancy, Naxalism – which saw women participation in armed struggles, along with men, for economic and social justice as well as gender justice.

In 1974, the Government of India produced the Towards Equality Report, over which many women had laboured.

V. Geetha further writes that nothing captures the rich insights that Indian feminists possessed in the 1980’s than two articles from “Manushi”

The first article is Madhu Kishwar’s analysis of women’s participation in household work, which includes both physical labour and producing a subsistence meal – depicting the hard unpaid labour that most women in India are subject to. The second article is on the subject of violence.

The state on its part refuses to act, and male violent act is further legitimised by the state’s refusal to intervene against it except in exceptional instances.

### **Presence of Patriarchy:**

1. In the family – the institution of the family, that basic unit of society is probably the most patriarchal.
2. There is a hierarchy in which man is superior and dominant, woman is inferior and subordinate
3. Reflection of subordination, subjugation, discrimination, domination, isolation, alienation, oppression, humiliation and exploitation.
4. Religion is patriarchal
5. Legal system is patriarchal
6. Economic institutions choose to be patriarchal
7. Political systems and institutions from village panchayats to Parliament

To conclude one may write that there seems to be an underlying equation so far patriarchy is concerned – one of superiority versus inferiority (women are considered inferior because men are considered superior). Domination versus subordination; women are allowed to be subordinated or oppressed where men continue to dominate.

## **RELIGION AND POLITICS**

As mentioned earlier in the chapters on Fundamental Rights as well as the Preamble to the Indian Constitution, India is deemed to be a secular state, which essentially means there is no single religion which is practised here. Articles 25-28 mention Right to Freedom of Religion. Subject to public order, morality and health and other provisions, all persons enjoy freedom of conscience and the right to profess, practice and propagate their religion. India therefore is intolerant to any policy which does not allow an individual to practice his or her own religion. At the same time the State does not allow religion to be used as a tool to usher in chaos and disruption. Hence while the freedom of religion is a fundamental right, citizens must be careful and sensitive to handling it as well.

Religion is a deep rooted cultural association which is symbolic with identity of the Indian people. It is based on customs, belief, faith and strong notions of values, where more than often, rationality takes a back seat. This makes the idea of religion a sensitive one.

Positively if one looks at the concept of religion, it is one of the most significant and relevant attributes associated with the people of India since India is a secular nation – there is a sense

of liberation associated with it. but if used as a tool to be destructive, it may negate the idea of tolerance and secularism in the country.

In a plural society like ours, where there is multiplicity of culture and backgrounds, religion is in fact used as a platform to bring people together.

But more than often the true meaning of religion has got diluted when politics has interfered with it. Interestingly religion and politics have always had a close relationship and their complex dynamic equation has existed in every society and in every age.

For Nehru, the concept of secular state had three connotations –

1. Freedom of religion or irreligion for all
2. The state will honour all faiths equally
3. And that the state shall not be attached to one faith or religion, which by the act becomes state religion

Crossman and Kapur suggest that the notion that secularism means equal respect for all religions has come to dominate legal and political thought.

In India's context, communalisation of politics has been a by-product of politicisation of religion. The process began in 1909 when the British granted communal/separate representation to the Muslims in Indian Councils. This ultimately resulted in communalisation of politics.

During the British rule, political parties based on religion were formed – the All India Muslim League, the Hindu Mahasabha, the Akali Dal, Christian Organisations. Ironically,

post independence, religion became symbolic with electoral politics. Added with this, the gradual communalisation of society has been paralleled by communalisation of politics.

The first ever noteworthy State Intervention came with the tackling of the Khalistan Movement and the genocidal attacks on the Sikh minority leading to the Golden Temple episode – what we known as Operation Blue Star in 1984. In 1992, a similar crisis surfaced with the Babri Masjid issue surrounding the Ayodhya Temple. Both Central and State Governments were unable to prevent the riots which took place all over the country. In 2002, the Godhra incident took place in Gujarat where almost 2000 Muslims were killed according to an Amnesty International Report. The inability of the state and central administration in combating such events and checking the spread of intolerance and violence has made the milieu of “secular India” rather gloomy. The notion of “Hindutva” and declaring India to be a Hindu nation by the ruling party erodes the philosophy of the Constitution and what the framers wanted India to stand for. Such fundamentalist and rigid ideas, defeat the purpose of the way people living in India, coming from different backgrounds, majority and minority are supposed to co-exist. Unity in diversity then seriously gets challenged.

In any traditional society like ours, the role of religion in our social life is always problematic where it tends to influence politics as well, despite our best efforts to remain secular.

In a way the partition of India weakened the secular position of the State to a certain extent. Today there is a tussle and controversy in implementing the Uniform Civil Code which is mentioned in Art. 44 of the Directive Principles of State Policy. Only recently the Supreme Court passed the very controversial verdict regarding Triple Talaq making it illegal. This interferes with personal Muslim laws and often seen as state interference with religious matters. The most famous case is the Shah Bano Case in the 1980's where the court directed

the husband to pay maintenance to the wife which was in direct conflict with personal Muslim laws.

In the end secularism is embedded in India's history. Almost 600 years of Mughal rule and 200 years of British Rule, India has been resilient and fought all odds to survive such conquests, India remained secular. The only challenge we face sometimes is the rise of Hindu Right which is fairly comfortable with the idea of formal equality as coded in the concept of sarva dharma sambhava. What it is not comfortable with is the idea of substantive equality which dictates that the vulnerable need special protection. That is in direct conflict with the idea of secular ideas that India stands for.

## **CHAPTER 10**

### **PARTIES AND PARTY SYSTEM IN INDIA**

A Pragmatic definition of a political party has been provided by Robert Huckshorn (Political parties in America) – a political party is an autonomous group of citizens having the purpose of making nominations and contesting elections in hope of gaining control over governmental power through the capture of public offices and the organisation of the government.

Political parties are, in short, the agencies and mechanisms through which power is exercised and organised in a democracy. It is to be noted here that democracy can never exist without the presence and functioning of political parties. They are the platforms which voice the opinion of the masses and are their sole representatives.

India has a multi-party system with the dominance of small but influential regional parties. Principally there are two recognised national parties – the Bhartiya Janata Party (BJP) and the Indian National Congress (INC). The Election Commission of India accords the status of



national party to those who have a presence in more than four or more states. This is however reviewed periodically from time to time. Political parties were significant institutions before independence and they still continue to be so.

Other popular and prominent parties in India are the Bahujan Samaj Party (BSP), Communist Party of India (CPI-M), Communist Party of India (CPI), All India Anna Dravida Munnetra Kazhagam (AIADMK), Dravida Munnetra Kazhagam (DMK), Trinamool Congress (TMC), Asom Gana Parishad (AGP), Shiv Sena, Jharkhand Mukti Morcha, Rashtriya Janata Dal, Samajwadi Party, Shiromani Akali Dal, Telegu Desam Party etc etc.

Of the political parties mentioned, the Congress established in 1885, is one of the oldest in the world. The Congress remains a major force in Indian politics. A split in the party occurred in 1979, when forces loyal to former Prime Minister Indira Gandhi broke off to form Congress (Indira) Since 2009, Congress (I) with its leadership of the united Progressive Alliance (UPA) have managed to get moderate mandates in successive Lok Sabha elections. Only in 2014 and recently in 2019, its strength has diminished substantially.

Bhartiya Janata Party is an important political party and led the National Democratic Alliance from 1999, won the 2014 Lok Sabha elections and recently with a massive mandate in the 2019 Lok Sabha elections.

The Congress practically ruled every state until 1967. The Congress, even though ruled mostly by upper castes, had Muslims, Scheduled Castes/ Tribes, and various regional and linguistic groups represented in its party hierarchy. It enjoyed enormous support of the rural and urban masses. This era in India political system is known as the era of Congress hegemony. But with the decline of the Congress dominance, the second phase of party

politics began taking shape. New opposition parties with different ideologies started to make inroads into the system. This period also saw the emergence of the BJP. It soon overshadowed the Congress as the largest party in the 1996, 1998 and 1999 elections. The BJP is looked upon as a party which promotes Hindu interests.

It has tied to the parent organisation – the Rashtriya Swayamsevak Sangh (RSS), and its various fronts like the Vishwa Hindu Parishad (VHP) and the Bajrang Dal.

The 1980's witnessed a period of turbulence in Indian politics and marked the emergence of several new political parties. Gradually it was seen, that regional parties started to become more important than the national parties. Coalition politics set in. Many of these state-based parties are not confined to one state, they have their presence in few – the Samajwadi Party, Rashtriya Janata Dal, Janata Dal, CPIM, CPI, BSP and so on.

Some regional political parties are formed on the basis of culture, ethnicity or language. Examples of such political parties are :- DMK, TDP, Shiv Sena, Asom Gana Parishad, National Conference, Indian Union Muslim League etc.

As mentioned earlier, regional political parties have come into prominence especially after 1989. The role of the regional parties are as follows:

1. They help discover regional aspirations and in the process become instrumental in articulating regional demands
2. They mobilise peoples' participation in public life

3. They often come in hand if parties at the centre fail a majority and therefore aid coalition government. This gives them a strong bargaining power at times to meet their own regional demands
4. Sometimes if they are prominent and popular in a particular state, they are effective for being strong oppositions for the central government.

### **POLITICAL PARTIES, IDEOLOGY AND SOCIAL BASE:**

Usually political parties come into prominence primarily because they have strong ideologies which distinguish them from each other and are the most distinctive during elections.

The national parties have their ideologies – The Indian National Congress is ideologically centrist – of secularism, socialism and democracy. It has advocated modernisation and industrialisation. The BJP, founded in 1980, has its roots in the Bhartiya Jan Sangh. It advocates for “one country, one nation, one culture and rule of law.” The Communist Parties advocate socialism and fight for the rights of workers and peasants and oppose too much privatisation and free market reforms. Too much market reforms, according to them, is a hindrance to development, since it brings in class divide.

The Bahujan Samaj Party is an interesting one – formed on the basis of caste lines – the dalits, advocates against discrimination and demands reservation status for the scheduled castes.

The social bases of the foundation of political parties in India differ from region to region and could also be issue-based. The north eastern states in India have issues regarding ethnicity and demand greater integration into the Indian Union. The DMK, AIADMK, AGP, TDP are all parties which are culturally-based.

In the end, the societal structure in India is a complex and fragmented one. There are issues regarding class, caste, religion, gender, culture etc which tend to influence the political milieu of the country. Hence political parties must cater to these issues and keep them in mind while trying to reach the general mass. Democracy allows equal participation and promotion. Since its the people who matter in a democratic form of government, it is up to the political parties to make their mark by creating an impression and being popular.

### **THE PARTY SYSTEM IN INDIA**

As mentioned earlier, the party system in India took shape with the establishment of the Congress in 1885. It was founded by A.O.Hume. Initially the Congress was not a political party but a pressure group – catering to the needs of the English-educated middle class Indians on social, political and economic reforms. Gradually by 1906, the tone of the Congress party started to change when it started command the support of a large number of young Indians fighting for independence. The arrival of Mahatma Gandhi around 1910 and taking leadership of the party changed the very character of the Congress. During this time the British government on their part, encouraged the formation of communal and caste-based political parties – All India Muslim League, Hindu Mahasabha, Akali Dal etc. The national movement became the Congress movement and the Congress movement became the mass movement – Civil Disobedience Movement, Quit India Movement etc lead to mass mobilisation of the people.

Post independence, from 1952 till about 1967, are the periods known as Congress Hegemony. The Congress won in subsequent four general elections and commanded a majority in the Lok Sabha. But gradually that hegemony started to decline.

The Indian party system is neither a single party system nor a bi-party system. Initially there was the dominance of the Congress but gradually that has eroded and led to the mushrooming of other national parties and regional parties, which has made the Indian party system quite unique and complex. The nature of the Indian party system has changed from time to time. Though the Indian party system is not a multi-party system, there is a multiplicity of political parties in India. The number of national and state level political parties have enormously increased. There were 53 national and state political parties in 1952, 15 in 1957, 27 in 1962, 34 in 1977, 113 in 1989, 145 in 1991, 209 in 1996 and 230 in 2004 for the Lok Sabha Elections. The number of recognised national parties in Lok Sabha has gone down sharply, while that of state political parties have steadily increased. Since 1989, the Indian party system has been subject to coalition politics or alliance politics, where one single party has failed to secure a majority and therefore other parties have come in to give it support to form the government.

Alliance politics or coalition politics have helped minimise centralisation of power and in the process led to a process of dispersal of power. However the trends in the 2014 and the recent 2019 Lok Sabha elections have reversed this to a large extent – where the BJP along with the NDA has secured a majority in the Lower House, clearly indicating once again a new era in the Indian party system. There has also been a decline of a strong opposition at the Centre.

There are six broad explanations for the fragmentation of the Congress over the years.

1. Growing politicisation of social cleavages along regional lines since the late 1960's
2. Delinking between parliamentary and state assembly elections since 1971

3. Gradual growth in political consciousness and assertion of the newly mobilised sections of the electorate
4. Growing centralisation and suspension of democracy within the Congress party itself
5. Bottlenecks in the way the Centre-State relations have shaped up
6. Growing politicisation of communal and caste-cleavages

### **THE JUDICIARY**

Of the three mechanisms of the government, the judiciary is considered to be one of the most significant, the other two being the legislature and the executive. The judiciary is deemed to

work in a manner to check and balance both the executive and the legislature, from either to go out of hand.

To quote Lord Bryce, “there is no better for the excellence of the government than the efficiency of the judicial system, for nothing more nearly touches the welfare and security of the citizen than his knowledge that he can rely on the certain, prompt and impartial administration of justice.”

Hence it is mandatory that the judiciary remains independent and impartial and is not compromised at the behest of the state. The judiciary is entrusted with the task of interpreting the constitution and is the sole custodian and guardian of our fundamental rights. Interpreting the Constitution can be a very tricky job hence it is imperative for the judiciary to remain totally independent.

### **The Supreme Court of India**

Chapter IV of Part IV (Articles 124-147) of the Constitution deals with the Union Judiciary which largely relates to the Supreme Court of India.

Article 124 says that there shall be a Supreme Court of India consisting of the Chief Justice and other judges whose number shall be prescribed by the Parliament, from time to time.

The Chief Justice is appointed by the President in consultation with such other judges of the Supreme Court and the High Court as he may deem necessary.

Usually the norm is to appoint the senior-most judge of the Supreme Court as Chief Justice. He takes his oath of office before the President.

To be appointed a judge of the Supreme Court, a person must be : -

1. A citizen of India
2. Either a distinguished jurist or one who has been a High Court judge for at least 5 years or an Advocate of an High Court for at least 10 years
3. No minimum age is fixed for appointment of a judge

Once appointed a judge of the Supreme Court remains in office till he attains the age of 65 years. He may resign before his tenure ends. A judge may be removed by the President upon an address being issued by both the Houses of Parliament by a special majority. The Constitution however does not provide for the impeachment of a judge. Article 125 empowers Parliament to determine by law, the salaries etc of the judges. By the 54<sup>th</sup> Amendment Act, 1986, the salaries of the judges were revised upwards to minimise the inflationary pressures. The salaries of the judges and other expenses of the Supreme Court are charged on the Consolidated Fund of India.

Article 130 mentions that the seat of the Supreme Court of India is New Delhi. However the Court may hold sittings elsewhere as per the Chief Justice's discretion.

### **Jurisdiction**

The Supreme Court has three types of jurisdiction under it.

1. Original Jurisdiction
2. Appellate jurisdiction
3. Advisory Jurisdiction



Original Jurisdiction – The Supreme Court has original jurisdiction – i.e. cases which can originate with the Supreme Court alone – over disputes between a) the Government of India and one or more States, b) the Government of India and any State or States on one side and one or more States on the other, c) two or more States (Article 131). However, this jurisdiction does not extend to disputes arising out of a treaty or agreement. The Supreme Court's jurisdiction may also be excluded in some other matters - inter-state water disputes, matters referred to the Finance Commission, adjustment of certain expenses as between the Union and the states.

Appellate Jurisdiction – the Supreme Court is the highest court of appeal from all courts in India. It hears appeals in cases which involves the interpretation of the Constitution – civil, criminal or otherwise (Article 132).; civil cases irrespective of any constitutional issue (Article 133); criminal matters irrespective of any constitutional issue (Article 134); besides the Supreme Court may grant special leave to appeal in certain cases (Article 136).

In constitutional matters, an appeal can be made if the High Court certifies that the case involves a substantial question of law regarding interpretation of the Constitution. In civil cases, an appeal against a judgement depends on a certificate of the High Court that the case involves a substantial question of law of general importance. In criminal cases, an appeal lies to the Supreme Court if the High Court certifies that the case is fit for appeal.

Advisory Jurisdiction – the Supreme Court renders advice on any question of law or fact of public importance as may be referred to it for the consideration of the President (Article 143). No litigation is involved and the opinion given by the Supreme Court is not to be considered a judgement.

## Miscellaneous Powers –

1. Article 129 declares Supreme Court as court of record; thus its proceedings are recorded for perpetual verification and testimony
2. The Supreme Court's orders are applicable and enforceable throughout the territory of India
3. The Supreme Court can make rules regarding the practice and procedure of the Court with the approval of the President
4. Disputes regarding the election of the President and the Vice-President are decided by the Supreme Court

## Judicial Review

Judicial Review is the power of the judiciary to declare the laws of the legislature and the orders of the executive unconstitutional if the judiciary finds such laws in conflict with the Constitution.

Judicial Review finds its source in the historical case of Marbury versus Madison (1803) in the United States when the Chief Justice Marshall gave the verdict that it was the judiciary, among the organs of the State which could decide on the constitutionality of a law or decree and if found violating the Constitution, can declare it void.

## **THE HIGH COURT**

At the State level, the Constitution provides a High Court which is the highest organ of judicial administration in the State. Part VI, Chapter V of the Constitution relates to the High Courts. Article 214 provides that there shall be a High Court for every State, but Article 231

also provides Parliament with the power to establish a common High Court for two or more States.

The High Court of a State consists of a Chief Justice and such other judges as the President may appoint from time to time – Article 216. The Chief Justice of the High Court is appointed by the President in consultation with the Chief Justice of India and the Governor of the State concerned. To be eligible to be appointed a judge of the High Court, a person must be a citizen of India, have held a judicial office for at least 10 years, have been an advocate of a High Court or Courts for at least 10 years – Article 217.

The independence of the judges of the High Courts is sought to be maintained by the following provisions:

1. By making the process of removing a judge of the High Court difficult
2. By providing that the expenditure in respect to the salaries and allowances of the judges shall be borne by the Consolidated Fund of India
3. Post retirement, no permanent judge of the High Court shall act in a court in India.

The Jurisdiction of the High Court can be summed up as follows:

1. Original – hears all disputes relating to matters of admiralty, will, marriage, company laws, contempt of court, relating to elections of Parliament and state legislatures, relating to revenue matters, relating to enforcement of fundamental rights, The High Court has the power to issue writs such as Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari (Article 226).

2. Appellate – Civil appeals against orders and judgements of district courts, additional courts, criminal appeals against sentences of more than seven years, and also control over subordinate courts

## Chapter 11

### **Social Movements : Workers, Peasants, Environment and Women's Movements**

Social Movements according to Oxford Concise Dictionary of Politics are “change-oriented political formations, using tactics such as direct action with loose and informal organisational

structures.” They are organised around ideas and concepts which give the individuals new forms of social and political identity. There are basically two elements associated with social movements –

1. Campaigns – a sustained, organised public effort making collective claims on public authority
2. Rallies, demonstrations, petition drives, vigils – all to get mobilisation done at a social or political level for a just cause

Sidney Tarrow, (Power in Movement- Collective Action Social Movements and Politics)

Defines social movements as, “collective challenges to elites, authorities, other groups or cultural codes, by people with common purposes and solidarity in sustained interactions with elites, opponents and authorities.”

### Workers’ Movements

Prior to independence, until the 1920’s, workers in India were unorganised and mostly concentrated around Bengal, Madras and Bombay. During the 1920’s, serious attempts were made to organise the working class. Bal Gangadhar Tilak did a great job in the formation of the All India Trade Union Congress (AITUC) with Lala Lajpat Rai and Chairman Lal as its office-bearers. The workers’ movement in India during this time was closely linked with supporting the nationalist struggle. Though the AITUC was formed in 1920, and numerous resolutions were passed with demands through the 1920’s upto the 1930’s, the clearest policy of the Congress came up in 1936 when the Congress appointed its committee to look after labour issues. Earlier there was a split in the AITUC, with moderates such as N.M. Joshi,

V.V.Giri, forming National Trade Union Federation (NTUF) and the communists such as S.K. Deshpande forming the All India Trade Union Congress (AITUC).

There was a growth of trade unions and trade union activity throughout the 1930's and the 1940's. Number of strikes went up by the end of the 1930's.

The movement entered a decisive phase in the 1940's and this phase coincided with the final phase of the National Movement, when the latter entered its last phase with the Quit India Movement of 1942. On the industrial unit, from 1939 onwards the working conditions of workers were affected seriously.

After independence, with the introduction of new industries, whether in public sector or private, with the state looking into the welfare of the workers, there was no organised action. Workers' agitations declined. But with the rise of inflation, workers' discontent arose between 1960 and 1970. The growth of trade unions started to be affiliated with political parties – so the workers' union gradually became politicised. India's socialist objective was getting challenged from time to time. There were strikes, workday lockouts, shutdowns, protests and demonstrations for workers' demands to be met. The gradual growth of lockouts have adversely impacted work culture and industrial working class in the country.

Politicisation of industrialisation has led to difficulties in growth and development. Added to this post industrial licensing of 1991, the working class in India have faced new hurdles. Privatisation has decreased the capacity of bargaining power of the workers in this New Economic Policy regime. Government control has diminished and private capital has taken over the negotiation power of the workers.

Peasants' Movement

The history of the peasants' movement in India can be traced to the colonial period when repressive economic policies, new land revenue system, colonial administrative and judicial system, and the ruin of handicrafts led to the impoverishment of the peasantry.

Some peasants uprising include Sanayasi Rebellion (1770), Wahabi uprising (1831), Santhal Revolt (1885), Indigo unrest (1859), Champaran Satyagraha (1912-18) etc. All these uprisings were directed against the colonial land revenue system and the zamindari system as developed by the British.

Some of the major features of the peasant movements during the colonial rule as:

1. These uprisings mobilised the peasantry
2. These were mostly spontaneous outbursts of the exploited rural poor
3. Economic discontent was the motivating factor in these uprisings
4. Most of these were suppressed brutally by the state power
5. The emerging middle class was indifferent and even hostile towards peasants' consciousness

Gandhi's entry into the Indian political scenario in 1915 changed the way the peasant movement in India took shape. Gandhi made the village as the primary focus and fought for the rural poor. All through the national liberation struggle, Gandhi's base was the village, though he never aimed at changing the basic land ownership structure in the countryside.

Post independence, the peasants' movement/agrarian movements in India fall into three categories:

1. Anti-feudal movements against exploitation by landlords or against the state – demanding redistribution of land, higher wages for labour, lower rents to small peasants, and an end to higher exploitative practices.
2. Movements by rich peasants/capitalist farmers following the Green Revolution in the 1960's and the resulting commercialisation of agriculture and class differentiation. Led by rich farmer organisations, these movements acted as pressure groups against the state and demanded policies beneficial to them
3. Since the early 1990's post the structural adjustment programme (SAP), farmers' movements entered a new phase.

Globalisation of the economy has been accompanied by a general crisis in agriculture. Which has reflected in slower growth and marked worsening of economic conditions of farmers' households, accompanied by increasing class differentiation and capitalist agriculture. A small but powerful elite section of big capitalist farmers in prosperous states such as Andhra Pradesh, Karnataka and Maharashtra find the new agricultural market-oriented policies attractive and support them.

#### Environmental Movements

Environmental movements as social movements have a lot to with lobbying, activism and education. This has been done primarily to protect natural resources and the eco system.

Most of the movements concerned with the environment surround itself with the ecology, health and human rights. Off late much talk revolves around global warming, climate change and sustainable development.



Preserving the environment and therefore the eco system is perennial for generations to come. If we preserve and conserve today, the future will be benefitted. Educating and spreading awareness is of utmost relevance. The State on its part, needs to take a lot of pro-activeness in its policies and laws so as to check the degradation of the environment. Critics have seldom argued that environmental policies and laws are to do with imposition from developed countries to interfere in matters relating to developing countries.

In India, these movements are to do with people from different regions and issues confronting them. These movements occur throughout the country and have emerged from Kerala, from Gujarat to Tripura. In the north, these movements are launched by middle and upper class people, while in the south, they are launched by hill peasants, tribal communities, fisherman and the underprivileged people.

The Chipko movement in 1972 regarding deforestation in the Himalayan region, the Narmada Bachao Andalan which was to safeguard a dam and not displace people was of great relevance so far environment-related issues were brought up in the country. However most of these movements get diluted when politicised.

### Women's Movements

Social reform and women's movement in India came hand in hand. The foundation of "stree-swadhinata" and equality was laid down through reforms in education and the removal of practices like child-marriage, sati, purdah or seclusion, and resistance to widow remarriage.

The national liberation struggle led by Gandhi witnessed women's participation. Sarojini Naidu became the first woman President of the Indian National Congress in 1923. During the national struggle, women's involvement was quite visible – Saroj Nalini Dutta (1913) in

Bengal, and Sarla Devi Chaudharian (1917) sought to assert women's independent identity. Under the leadership of Gandhi, women participated in the non-cooperation movement, the civil disobedience movement etc.

Post-1970 women's movements came to focus on the autonomy of women, gender, justice and women's identity. The post-1980's witnessed yet another phase of women's movement with emphasis on increased political and organisational activities of women and is now focussed on issues such as violence against women, especially Dalit women divorce, equal opportunity for equal work and equal wages etc.

Women's representation in the Parliament and state legislatures has not been encouraging through 1/3 reservation at the local level has been constitutionally guaranteed through the 73<sup>rd</sup> and 74<sup>th</sup> amendments.

While reservation for women in panchayati raj institutions have set in motion a process for political and economic self-determination for women at local levels, embodying what is called empowerment for women, the representation of women in the Lok Sabha has remained remarkably low, ranging from an average 5 percent till the 1990's to 8.8 percent in 1999.

## **Chapter 12**

### **Planned Economy and Neo Liberalism**

Planning in India was taken as an instrument of socio-economic change immediately post independence. Our then Prime Minister, Jawaharlal Nehru initiated and envisaged a socialist pattern of development for India. However it is to be kept in mind that Nehru's model of socialism was in no way similar to the idea of socialism as outlined by Marx.

Nehru encouraged socialisation but only of major industries; his type of economy was not fully capitalist, neither completely socialist – he went for a mixed economy, where the public sector units co-existed with the private sector.

Both sectors work with the thriving of free markets as well as that of strategised planning.

Planning was the true answer to India's economic conditions after she gained independence – solution to the ills, stagnation in the agricultural sector, poverty, unemployment, illiteracy and ill health. The main objectives of planning to sum up were:

1. Build industrial infrastructure
2. Expand and improve agricultural production
3. To lay down the foundation of a self-reliant and well-generating national economy
4. To increase and distribute national wealth
5. Promote social justice
6. Remove unemployment and poverty
7. Remove illiteracy and disease
8. Promote trade and commerce

9. Give incentives to entrepreneurs for export-oriented and import substituting production
10. To make the Indian economy modern, efficient and competitive

The Planning Commission and the National Development Council were deemed the highest planning bodies post independence. The Planning Commission of India was set up in March 1950 as a result of a cabinet resolution. The Planning Commission was required to make recommendations to the Cabinet. It was in charge of formulating five-year plans. But in 2014, Prime Minister Narendra Modi dissolved the Planning Commission and ever since it has been replaced by a new institution named Niti Aayog.

### **Neo-Liberalism**

Economic reforms in 1991, led to the boom in India's corporate sector, competitiveness and economic growth. The process led to India's transition from import substituting industrialisation to trade led growth. On July 23<sup>rd</sup>, 1991, India launched the process of economic reforms in response to a fiscal and Balance of Payments (BoP) crisis.

Back in the 1980's, the Government had taken recourse to a spate of similar economic reforms which was termed "partial liberalisation," the proper reforms started only in the early 1990's in the fields of industry, trade, investment and later agriculture. Today many criticise that such reforms have been pro-rich and anti-poor.

India's trade reforms involved

1. A gradual reduction in trade protection with substantially increased incentives for export promotion

2. Convertibility of the Rupee in the current account in 1994
3. Great boost to the IT sector
4. Investment policy favoured the Indian corporate sector over foreign corporations
5. Infrastructure sectors such as telecommunications, stock markets, banks attained a high level of efficiency

But the rural poor's access to these services were far less satisfactory. Infrastructure areas such as ports, power, roads, continue to be in poor shape, even though some progress has been made since 1991.

The process of trade and investment liberalisation in India suggests the importance of history and process in a political explanation. It is to be remembered that trade and private investment orientation were born from the inability of import-substituting economic policy to deal with. India's transition also suggests a mechanism for change, because inherent in any self-perpetuating regulatory regime are the sources of change. However the Indian transition holds lessons for the design of IMF conditionality. If IMF conditionalities are reviewed by the debtor country as being too intrusive, trade-led development requiring structural adjustment may not be forthcoming.

The impact of economic reforms may be summed up as follows:

1. Annual real GDP growth averaged 5.7% during the 1990's and 6.9% during 2000-01 and 2006-07
2. Poverty has fallen significantly. The poverty ratio has fallen from 37% in 1993-94 to 28% in 004-05

3. Life expectancy has increased from 53 to 63 in 1999-2003
4. External debt has declined to around 18% of GDP
5. There has not only been a steady upward shift in India's growth part but it has also been accompanied by an enduring stability
6. Fiscal reforms through fiscal responsibility and budget management is a significant measure