

**S 152**



**MADURAI KAMARAJ UNIVERSITY**  
(University with Potential for Excellence)



**M.A., POLITICAL SCIENCE**  
**FIRST YEAR**

*NATIONAL AND STATE  
POLITY IN INDIA*

**DIRECTORATE OF DISTANCE EDUCATION**  
(Recognized by DEC)

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Dear student

**National and State Polity in India** is one of the main branches of political science. It has become in the recent past a fascinating intellectual discipline. The study will be useful to you not only in getting your M.A., but also will be of much help in all the spheres of your life. We provide you 10 units basing on the **SIM** pattern. For the convenient sake of your study, we have divided the entire syllabus into 23 lessons covering all the topics spelt out in the syllabus. It deals about the ideological, structural and functional aspects of the Indian government and politics. This is very a lovely subject and so long as you concern deep interest in what is going on around you in the Indian political arena. You will find very rewarding. We also advice you to go through the TV channels and News papers regularly for the latest information on relevant topics.

With Best Wishes

Department of Political Science

# SYLLABUS

## National and State Policy in India

- Unit : 1 Introduction – the nature of the Indian Politics – Sources of the Indian Political Thought and stages of indian political system-transfer of power- British Legacy –
- Unit : 2 Basic Features of Indian Constitution- secularism and socialism in India- India and common wealth.
- Unit : 3 Fundamental Rights and Duties - Directive Principles of state Policy.
- Unit : 4 Federalism - unitary - federalism in centre state relation.
- Unit : 5 Union legislature – Prime Minister and Council of Minister –President and Vice President – Constitutional Amendments.
- Unit : 6 Civil service – Local Government – Rural and urban local government.
- Unit : 7 National issues : Linguistic Re-Organization of the States – Problem of official language - Terrorism - communisms and Linguism in India.
- Unit : 8. Elections and Electoral Reforms – Party system in India – Pressure groups.
- Unit : 9 State governments : the State Legislature – the Role of Governor – Judiciary - Supreme and High Court.
- Unit : 10 Society in the Madras Presidency in 1900 – Non- Brahmins – the Dravidian Movement – Modernization and Development – Human Rights.

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# **SCHEMES OF LESSONS**

## **Unit – 1**

The nature of the Indian politics.- Sources of the Indian political thought and stages of Indian political system - Indian Political system during monarchy. - Political system during Muslims period.- Transfer of power-the British legacy - Indian independence act, 1947.-The British legacy of Indian administration.- The legacy of Indian civil services.- Professional service of legacy.

## **Unit – 2**

**The preamble of our constitution** - Sources of our constitution - **The outstanding features of the Indian constitution** – Federation - Fundamental rights and duties-Directive principles of state policy - Universal adult franchise - **Single citizenship and provision of dual citizenship**-Independent judiciary - Membership in the common wealth of nations.- Secularism and socialism in India - Democratic socialism - India and the commonwealth

## **Unit – 3**

various kinds of fundamental rights - Right to equality ( Articles 14 – 18 ) - Right to freedom ( Articles 19 to 22 ) - Right against exploitation ( article 23 – 24 ) - Right to freedom of religion ( Articles 25 – 28 ) - Cultural and educational rights (Article 29 – 30) - Right to constitutional remedies ( article 32) - Restriction on fundamental rights - Fundamental duties - Nature of Directive Principles of State Policy - Classification of Directive Principles of State Policy - Distinction between fundamental rights and Directive Principles .

## **Unit – 4**

Federal features of the Indian constitution - The unitary elements of the Indian constitution - The State Governor - Critical assessment of Indian Federalism - Federalism centre – state relations in India - Legislative relations - Administrative

relations - Financial relations - Suggestion further improving centre – state relations - Sarkaria Commission improving centre state relations.

### **Unit – 5**

Council of state (Rajya Sabha) - Powers and functions of Rajya Sabha - The House of the people (Lok Sabha) - Powers and functions of the Lok Sabha - Speaker and deputy speaker of the Lok Sabha - Law making process - Committee system - The president of India - Powers and functions of the president - Prime Minister - Bridge between the president and the parliament - The Council of Ministers - Constitutional Amendments - Scheduled to the Indian constitution

### **Unit - 6**

All India, Central and state services - The civil service in India can be broadly classified into three - All India services - Central services - State public services. - the Importance of the part XIV – the Union Public Service Commission (UPSC) - State Public Service commission (SPSC) - Historical Development of Local Government - Post-73<sup>rd</sup> Amendment development - The panchayat union has the following duties and responsibilities - District panchayat - Urban Local government - Functions of Municipal Corporation

### **Unit – 7**

Secession from the Indian union: Demand for formation of Dravidastan - Separate statehood - Demand for full statehood - Inter – state disputes - Linguistic Reorganization of states - Appointment of states Reorganization Commission - Recommendations of the S.R.C. - Linguistic Reorganization Secured Integration - Problem of official language - Regional Languages - Terrorism and Communalism - Communalism in India.

## **Unit – 8**

Features of Indian Electoral system - Electoral reforms - Influence of Money in Election - Abuse of official machinery and position - Election Expenses and Election Returns - Review of Delimitation - Anti-Defection law - Conduct of elections - Recognition of the National party and The Regional Party - Party system in India - Dravida Munnetra Kazhagam (DMK) - All India Anna Dravida Munnetra Kazhagam (AIADMK) - Other political parties - The role of the pressure groups operate in Indian Political System - The Business Groups - Trade unions - The peasant group - Students groups - Community association

## **Unit – 9**

State Legislature - Composition of the legislative council - Composition of the legislative Assembly - Officers of the legislative assembly - Officers of the legislative council - State legislature Powers and functions - Office of the governor – The Chief Ministers and the Council of Ministers - The Council of Ministers and the Legislature - The Council of Ministers and the Governor – The Supreme Court - Independence of the High Court – powers and functions of the High Court – Subordinate Courts - Lok Adalat.

## **Unit – 10**

The social structure in Madras presidency - The Madras I.C.S. Brahmins and politics - Political awakening among the educated groups - The origin of the justice party - Montagu-Chelmsford reforms. - Demand for separate Andhra province - Demand for separate Tamil university. - Emergence of self-respect movement - Self-respect movement aimed casteless society - Elimination of the Brahmins - Justice party insisted communal representation - E.V.R. opposed caste based education - The role of press - The role of films - Modernization and Development - Nature and scope of Human Rights.

**THE NATURE OF THE INDIAN POLITICS –  
SOURCES OF THE INDIAN POLITICAL THOUGHT  
AND STAGES OF INDIAN POLITICAL SYSTEM –  
TRANSFER OF POWER – THE BRITISH LEGACY****INTRODUCTION**

After independence, the sovereign democratic Republic of India adopted the western Parliamentary form of Government. For the first time in the history of India, Governmental institutions were set up under the provisions of a constitution made by the people themselves. The positions of the President of the Republic, the Prime Minister, the Cabinet, the Parliament and the Courts etc. owe their structural as well as the functional origin to the west. For the theoretical basis such as popular sovereignty, responsible and representative Government, judicial review, bicameralism, etc., on which these institutions function originated in the west where they had been employed profitably and successfully. Therefore, to a casual student, Indian political system may seem to be essentially western. A deeper examination, however, would reveal that notwithstanding the western impact the political system in India had begun to assume forms which are more closely related to India's peculiar traditions, experience and needs. Beneath familiar forms are unfamiliar practices and attitudes. The Indian political structure is still in the process of becoming, and its final shape is not so clear as one might first assume. The indianisation of Indian Politics is still going on". (Norman D. Palmer).

**OBJECTIVES**

By studying this unit, the students will

- 1) Understand the nature of the Indian politics
- 2) Know the sources of Indian political thought and the stages of

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- 3) Be able to trace the transfer of powers from the British rule
- 4) Realize the importance of the British legacy.

## **UNIT STRUCTURE**

### **1.1 The nature of the Indian politics.**

- 1.1.1. Sources of the Indian political thought and stages of Indian political system.
- 1.1.2. Indian Political system during monarchy.
- 1.1.3. Political system during Muslims period.

### **1.2 Transfer of powers the British legacy.**

- 1.2.1. Indian Independence Act, 1947.
- 1.2.2. The British legacy of Indian administration.
- 1.2.3. The legacy of Indian civil services.
- 1.2.4. Professional service of legacy.

### **1.3 Summary**

### **1.4 Keywords**

### **1.5 Answers for cyp questions**

### **1.6 Books for further reading**

### **1.7 Questions and exercise**

## **1.1. THE NATURE OF INDIAN POLITICS**

Morris Jones, in his 'Parliament in India', gives almost the same caution to the students, of Indian political system. According to him, one should not assume that the "institutions with familiar names are necessarily performing wholly familiar functions. He should be ready to detect the political trends and forces in which he will be tempted to set aside as non-political movements". These seemingly non-political forces, therefore, are entirely Indian and their impact upon the western model institutions naturally indianise them. This peculiar characteristic feature has affected many levels of politics in India. The extra political leadership of Mahatma Gandhi before independence and the role played by Jayaprakash Narayanan, Kripalani and Vinoba Bhave since independence

reveals the Indian version leadership. The close relationship between the politics of today and the religious philosophy of yesterday manifests itself at various political levels and gives rise to phenomenon and problems innately Indian. Therefore, before we take up the task of judging whether the western type of Parliamentary System in India has been successful or not or whether it is suited to Indian condition or not, we must know the sources of Indian Political thought and the various stages of Indian Political System.

### **1.1.1. SOURCES OF INDIAN POLITICAL THOUGHT AND STAGES OF INDIAN POLITICAL SYSTEM**

Every civilized country at one stage or another looks back to its own past for inspiration and guidance. This is true for India also. According to Palmer, “to the extent that this search results in the excessive glorification of the past and an unobjective approach to it, has a harmful effect, not least of all in encouraging ultra nationalism and a rejection of ideas simply because they are not Indians, but to the extent that it helps Indians to understand and appreciate their own history and tradition, it is wholesome”.

#### **i) Political system in ancient India.**

The long and confused history of India contain many lessons and warnings. At various stages of its history, Aryans, Moghuls and the British have extended their control over her. To trace the sources of Indian political thought we have to look into these periods. Further the great classics of ancient India such as the Vedas, the Upanishads, the Puranas, and the Smritis etc, have had a profound influence on the patterns of thought and behavior throughout.

As early as 2000 B.C or even earlier, an advanced urban culture existed in the Hindu valley. It is possible that some practices associated with Hinduism today had existed even at that time. The impact of Buddhism helped these basic benefit and practice to take a definite form called Hinduism. Concepts such as Dharma, Artha, karma and moksha portrayed the four ends of life. The concept of Gita, the political philosophy of Ramayana and the Varna order of society have transcended centuries and therefore manifestations can be seen in various degrees and forms in current Indian political thought and social practice. Hinduism or the

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Hindu way of life is one of the most important historical ingredients of modern India.

### 1.1.2. POLITICAL SYSTEM DURING MONARCHY

Although the prevailing form was monarchy republican form of Government were also in existence. These little republics and the panchayats (Assemblies) contained germs of Democratic practice. Under the Mauryas and Guptas, a highly centralized bureaucratic, by its absence. Dharma, customs and traditions set the standards according to which conduct was judged. In theory the powers of the King were limited not by any man made laws but by expediency expressed through the concepts of danda and RajaDharma. The saptanga theory and the mandala theory were postulated for expressing the nature of internal and external relation respectively.

Under the cholas in the South, there is some evidence to believe, that villages were self-governing bodies under the monarchical protection. On the whole, the early period features monarchical, hero-worship, concept of Dharma, Danda and Karma. The concept of Ahimsa were mainly due to the influence of Buddhism and Jainism. Except in the ganas and sangas which were usually small and republican in character, no representative assembly of the common man was in existence. On the other-hand, the monarchy depends on Ministers. The absence of popular assemblies and the presence of Ministers distinguish the early Indian Political System from the early European polity.

After the Gupta period there was a sharp political decline in India, except for a brief period of Harsha's rule in the north and chola's and pallava's rule in the south. What India lacked was political unity and social solidarity. Her leaders counted by hundreds, her energy was fritted away in petty squabbles between various states. She may correctly be described as merely a "Geographical expression".

### 1.1.3. POLITICAL SYSTEM DURING MUSLIM PERIOD

During the middle ages, powerful foreign invaders challenged India. It marked a new era in Indian history during which a large number of muslim

invaders invaded into the muslim sub-continent and established themselves as rulers of most of the area. There developed a great political and administrative system under the Moguls. Thousands of Hindus were converted and in the absence of any significant degree of amalgamation, the Hindus and Muslims began to merge co-exist. The communal problem in the sub-continent during the freedom fight that resulted in the partition of India may be traced to the Muslim period in the History of India. The Mogul empire, for all practical purposes, came to an end after the death of Aurangzeb in 1707, but continued under puppet emperors until 1862. The failure and weaknesses of Mogul empire also lacked popular support based on patriotic feeling. It's instability was due to the absence of a foundation built on ancient tradition.

**i) The role of East India company**

The decline in Mogul power coincided with the western impact on Asia, particularly, India. The era started by vascodagama paved the way for the Portuguese, French, Dutch and the British trading companies to start trading in the East Indian regions; the British east India company formed in 1600 was one such. The rivalry between these European companies in the commercial activities resulted in their exploitation of regional political power in India. Naturally the British-French wars had their echo in the sub-continent. Ultimately, the british East India company secured vast territories in India and began to impose its Government in an effective manner. Thus, the commercial and political activities began to be concentrated in one body and it resulted in the negligence of the former and corruption of the latter. The British Parliament, therefore, wanted to reform the constitution and administration of the company by enacting Regulating Acts. Ultimately, the crown took over the territory and administration of the East India Company in 1858 and began to wield direct control until the sub-continent attained freedom in 1947

**1.2. TRANSFER OF POWERS – THE BRITISH LEGACY**

Lord Mountbatten succeeded Lord Wavell as Viceroy and governor-general and was sent to India to arrange for the transfer of powers. He had consultation with all important political leaders and found that a compromise

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between the congress and Muslim League was impossible for the formation of a United India. He was convinced with reasons for the necessity of an immediate political settlement and transfer of power, earlier in July 1947. He was also convinced that the transfer of power could only be on the basis of the partition of the country. With the approval of the British Government, he made public, on July 3<sup>rd</sup> 1947, his plan for solving the Indian deadlock. His plan provided for the establishment of two separate dominions, India and Pakistan and also for the division of Punjab and Bengal. His plan was also based upon self-determination for those parts of India which did not desire to remain within the Indian union. Therefore, the right was extended to all parts of India.

- 1) In Punjab and Bengal, the Muslim and non Muslim majority districts were given the right to decide in their respect Legislative Assembly.
- 2) In north western frontier province and in the Muslim Majority district of sylhet (in Assam), this was to be decided by referendum by an adult suffrage
- 3) In Sindhu the Legislative Assembly was to vote as a whole for the decision.
- 4) In Pakistan, a joint sitting of the representative institution was be held

(i) An arrangement was also to be made for the division of assets and liabilities between the two dominions. Both the states were to be given the status of dominion in the beginning with full right to live in the British Commonwealth at a later period. The majority districts of the Punjab and Bengal decided to remain within the Indian union. The north western frontier province, Sindhu, Palestine, misaim majority of districts of Punjab and Bengal and the sylhet district decided to join Pakistan.

(ii) Lord Mount batten's plan for the division of India under the transfer of power was accepted by the council of Muslim league on June 10<sup>th</sup> and by the congress on June 15<sup>th</sup>. With the approval of the Indian leaders, the Indian independent Bill was introduced in the British Parliament on July 5, 1947 and was passed in the House of Commons without a division in less than a week. After going through the House of Lords, it received that royal assent on July 18<sup>th</sup>, 1947, and became the Indian Independence Act 1947.

### **1.2.1. INDIAN INDEPENDENCE ACT 1947**

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This act provided for the partition of India and the establishment of the two dominions. Each dominion would have Governor General appointed by the King on the advice of the dominion cabinet. The Governor General was to act on the advice of his Ministers in all matters including the exercise of discretionary powers and special responsibilities. Until a new constitution was framed existing constituent assembly was the dominion legislature and the dominions and their province were to be governed in accordance with the Government of India Act of 1935. But changes would be introduced in the Act of 1935 as for the independence act, 1947. The office of the Secretary of State for India was abolished. The Act provided for the termination the control of the crown over the Indian states. India inherited many legacies from the British for their rule which have their own impact on the Indian political system. The Government and politics of India can be said to be build largely upon such a legacy of British rule. The territorial system, the system of the political movement, various mediating institution which link the political masses with the Government and problems and Promises which mark the Indian political life today have all been the result of British rule

#### **(i) Indian constitution based on the Government of India Act of 1935**

The constitution framed for India itself can be traced largely to the Act of 1935. For instance, the federal provisions in the constitution of 1950 have obviously been moulded on the 1935 Act, itemizing the powers of the centre and the states in three lists, namely, a union list, a state list, and a concurrent list. The constitution, as in the Act of 1935, gives the central Government, a wide area of discretionary authority, and quite a lot of power. The State legislatures have the power to make laws regarding any item on the state list and to share with the central Government in the supervision and control of subjects on the concurrent list. The constitution which contains centralizing and decentralizing features has ushered in the quasi-federation. Thus the federal structure is an important part of the material legacy of the British rule.

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### **1.2.2. THE BRITISH LEGACY OF INDIAN ADMINISTRATION**

The British legacy of Indian administration regarding administration and personnel bureaucracy in India today is the contribution of British. Whatever might have been the practice in early India, we cannot deny that, in the course of the last century British rule eradicated its own administrative system in which the local unit was the district. All the provision were divided into districts. Each district was divided as taluks which were made up of the number of villages, the towns and their own municipal Government. The prime work was inherited by free India. The district officer was the Collector, Magistrate and administrator. Administration itself was firmly hierarchical reforms in free India which have now taken most of the general judicial functions of the collector. Yet, it is he, as before, who preserves law and order, and collects revenue. Regarding local self-Government, even though there is vast literature that proclaims of self-governing village in ancient India, there are no remarkable reform in this area even today. thanks once again to the British. The introduction of the board's non-officials especially after Lord Ribbon's resolution of 1892 and the district lower level was not successful. Even the introduction of the Panchayat Raj has not helped to develop a viable local self-governing unit and this can be traced to the centralized, all power bureaucracy.

### **1.2.3. THE LEGACY OF INDIAN CIVIL SERVICES**

In fact, defending the all India services, VallaBhai Patel had said; "remove them and I see nothing but a picture of chaos all over the country". The need for reform has been continuously felt and many administrative reforms have been carried out. Yet, the Indian administration seems resistant to change. The British rulers had evolved a system of Civil Services where the provincial civil service grew considerably, and to some extent, at the expense of the All India Services. To-day, we have set up the Union Public Service commission and the State Public Service Commissions, but the essential mode of recruitment, training, and function of civil servant remains firmly based upon the British practice. We have also retained the system of central service. The concept and practice of western Parliamentary democracy, the party system, the rule of law separated by the

languages, religion, class, caste etc were inherited by India from the British rule. The emergency of linguistic state's can be traced to the British days.

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### **i) The role of congress party**

The national movement, apart from giving a sense of national unity, also prepared necessary leadership to take up the reins of free India. The Indian national congress which started as a movement became, in course of time, congress party ushering in the party system. The organization, structure, role and function of the political parties were thus inherited from the British, through the congress during the struggle. The official languages policy is yet another legacy. The congress as a movement was also faced with the task of developing and adopting an indigenous national language in the place of English. Since the spread of English language and education through English was wide and familiarity with Government transaction in English was inevitable for the educated, many regions which were reluctant totally to do away with English resisted the official Government policy. The official language problem is also thus a legacy of the movement during the British rule. Other legacies, connected with the movement, and indispensable to representative democracy are election, propaganda, Universal franchise etc.

### **1.2.4. PROFESSIONAL SERVICES OF LEGACY**

Professional services which had become almost entirely Indian in personnel having sympathy with the national movement served as a mediating influence. They provided a link between the movement and the imperial Government. The members of these services such as teachers, doctors, lawyers and others who shared the English values, in due course, filled important places in the movement and took part in the Legislative Council and Assembly during the British rule. These bodies provided raw ground for a dialogue between the Government and the movement and opened another avenue of action against the British. The movement, under the able leadership of Mahatma Gandhi, utilized this fresh avenue. He did not agree with those who wanted to take violent and direct action against the British. Nor did he accept the line of the British with only parliamentary participation. He combined the Parliamentary participation with

- | <b>Check Your Progress questions</b> |   |
|--------------------------------------|---|
| 1)                                   | Define the nature of Indian politics.               |
| 2)                                   | Describe Lord Mountbatten plan                      |
| 3)                                   | Discuss the Indian independence Act. 1947           |
| 4)                                   | Point out the professional service of legacy        |
| 5)                                   | What is the role of Patel to form the Indian Union? |

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non-violence resistance. This course of action had the merit of training the leaders in Government as well as of expediting independence. The British system of law and judiciary also served as a mediating factor. The courts, the legal codes, the lawyers all performed a vital function of making a bridge between traditional and modern-values. The British system of law and judiciary took deep roots and were also handed over along with power

**i) The role of Sardar Vallabhai Patel to form the Indian Unit.**

Apart from all these, India inherited certain other tasks also from British rule. Immediately after the plan to partition, the sub-continent and to grant independence on August 15, 1947, the problem of the princely state and how to handle them arose. Only three Indian States Hyderabad, Jammu & Kashmir and Mysore retained their original form of princely states. These larger states, along with 275 smaller states were merged with the Part A states; 61 others were merged with the Part C states of course the above system has since been modified. But the magnitude of the problem inherited was, indeed a great.

**ii) The formulation of economic policy**

Another problem facing through out India was to provide for the poor masses. To evolve a viable economic policy in a land of multitude sticken with poverty is a task requiring both head and heart. The British rulers has consistently negeled both policy and machinery towards sustained economic growth. The congress initially, under Ranade and Gokhale and later under the congress socialist and Nehru felt the need for voicing it's concern in this regard. Mahatma Gandhi had felt the need for afflicting village the economic and constructive economic programmes. It was basic magic picture of prohibition, village industries, non-violence, party-less Democracy and Democratic Decentralized and Democratic Socio-Political order that competed with the rival claims of industrialization, urbanization and modernization. Some of the Gandhian ideals have been incorporated in the Indian constitution. Social reforms, political reforms, economic reforms, educational reforms and administrative reforms were felt to be necessary. At last, India had freedom to grapple with this problem and to

solve them in her own way. To do that, certain basic decisions and objectives had to be framed that constituent assembly, in framing the new constitution of India.

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### 1.3 SUMMARY

This unit provides the details to understand the nature of the Indian politics, sources of the Indian political thought and various stages of Indian political system. Also you are able to recognize the nature of Indian politics and the political system in ancient India, the political system during monarchy, the transfer of powers from the British legacy enactment of Indian Independence, Act 1947, framing of Indian constitution, as the most material legacy of the British rule, the Indian administration on the basis of British system, a constitution and formation of local Government in India, the dawn of linguistic states like the State of Andhra Pradesh Karnadaka and Kerala. Merging of princely states with the Indian union by Sardar Vallabhai Patel like Mysore, Hyderabad and Jammu and Kashmir the constituent assembly in framing the new constitution of India.

### 1.4. KEYWORDS

- a) Legacy - something handed over by ancestors
- b) Harmful - injuries or causing harm or mischief or moral long
- c) Grapple - seize or struggle or grasp
- d) Inherited - receive (property etc.) by right of birth from ancestors or inborn
- e) Reluctant - unwilling or unenthusiastic
- f) Dawn - appear or first appearance or sunrise
- g) Erected - act of raising or standing straight up or upright
- h) Amalgamation - merger or join up or blend
- i) Transcend - rise above or go beyond or exceed

### 1.5. ANSWERS FOR CYP QUESTIONS

For question No.1 ... Refer section No.1.1.

For question No.2 ... Refer section No.1.2.

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For question No.3 ... Refer section No.1.2.1.  
For question No.4 ... Refer section No.1.2.4.  
For question No.5 ... Refer section No.1.2.4. (i)

## **1.6. BOOKS FOR FURTHER READINGS**

- 1) Washbrook, D.A. The Emergency of Provincial Politics, vikas, 1976
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## **1.7. QUESTION AND EXERCISE**

- 1) Indicate the sources and stages of the India political system.
- 2) Evaluate the political legacies of the British rule in India.
- 3) Describe the professional services British legacy.
- 4) Evaluate the impact of the Indian political system and legacy of British rule.

**BASIC FEATURES OF THE INDIAN CONSTITUTION  
– SECULARISM AND SOCIALISM IN INDIA – INDIA  
AND COMMONWEALTH****INTRODUCTION**

The present constitution of India came into existence from 26<sup>th</sup> day of January, 1950. It has made India as a sovereign democratic republic and ensured equality to every citizen in the eye of law. It was later added by the 42<sup>nd</sup> constitutional amendment in the year 1976 which made our nation as a sovereign socialist Secular Democratic Republic. It has adopted the basic concept of the human equality before law and provided universal adult franchise. The Constitution of India, which is one of the lengthiest constitution in the world has certain unique and novel features. It has combined in itself both unitary and federal features. It is unitary in emergencies and federal during normal times. It has extended certain fundamental rights and imposed certain fundamental duties to the citizen of India. The constitution of India contains a list of directive principles of state policy whose observance by the state is deemed essential for the welfare of the people. The framers of our constitution deemed it necessary to safeguard it by making the judiciary as an independent organ, which is the unique feature of our constitution. In India, some people are extremely wealthy and the majority are poor. To reduce this gap between the rich and the poor, it was decided to follow the policy of secularism in India. In the Indian context, the term secularism is used to represent the equal distance maintained by the State from all religions.

**OBJECTIVES**

By studying this unit, the students will

- 1) learn the Preamble of the constitution.
- 2) understand the sources of the constitution
- 3) be able to trace out the salient features of the constitution.

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- 4) realize the right and duties of citizens.
- 5) know the importance of the independence of the judiciary.
- 6) learn the secularism which promotes the communal harmony.
- 7) understand that the commonwealth is merely an ornamental association.

## **UNIT STRUCTURE**

- 2.1. The Preamble of our constitution**
  - 2.1.1. Sources of our constitution
- 2.2. The outstanding features of the Indian constitution**
  - 2.2.1. Federation
  - 2.2.2. Fundamental rights and duties
  - 2.2.3. Directive principles of state policy
  - 2.2.4. Universal adult franchise
- 2.3. Single citizenship and provision of dual citizenship**
  - 2.3.1. Independent judiciary
  - 2.3.2. Membership in the common wealth of nations.
- 2.4. Secularism and socialism in India**
  - 2.4.1. Democratic socialism
  - 2.4.2. India and the commonwealth
- 2.5. Summary**
- 2.6. Keywords**
- 2.7. Books for further reading**
- 2.8. Answer for CYP questions**
- 2.9. Questions and exercise**

### **2.1. INTRODUCTION TO THE PREAMBLE OF THE INDIAN CONSTITUTION**

The constitution of India begins with the introduction, or a preface, which is termed as the ' Preamble '. Preamble is often referred to as the 'Mirror' of the constitution as it reflects the various aspects of our constitutional provisions. The Preamble of our constitution , which came into existence on 26th January 1950, subsequently changed in 1976, by the 42nd Amendment which reads as follows :

We the people of India, having solemnly resolved to constitute India a sovereign Socialist Democratic Republic and to secure to all its citizens:-

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- Justice : social, economic and political;  
Liberty : of thought, expression, belief, faith hood worship.  
Equality : of status and opportunity; and to promote among them all.  
Fraternity : assuring the dignity of the individual and unity of the nation.

### 2.1.1. SOURCES OF OUR CONSTITUTION

The framers of our constitution were very wise and sagacious, and they have prepared the best possible document for our country. For this purpose they have ransacked all the known constitutions of the world and most of its provisions are substantially borrowed from other constitutions. The makers of the Indian constitution took all the good aspects in them and put them in our constitution in a suitable way. The main sources of the Government of India Act 1935, was mainly considered by the framers. Some provisions have been adopted from other constitutions; they have also been greatly modified, to suit the Indian constitution. Many critics have alleged that Indian constitution is a bag of borrowing which is totally wrong, as it is the best constitution which the framers produce after great sweat and toil.

The framers were influenced by the Government of India Act 1935. So the three - fourths of the constitution are based on the Government of India Act, 1935. The Parliamentary type of democracy, the cabinet system, the conventions of the constitution, the Parliamentary member's privileges are just as they are in the United Kingdom. The Indian President has been assigned a position similar to that of the British Queen. The provision for the Writs like Habeas Corpus also has been borrowed from Britain. Preamble of the constitution, the Supreme Court and the fundamental rights are based on the American model. The federal form provided by the Canadian constitution prompted them to make a strong Centre in India. The Directive Principle of State Policy had been borrowed from the Irish Constitution. The provision relating to the emergencies were borrowed from the constitution of German Reich. Indian constitution lays down Part IV-A which has been added by the 42nd Amendment Act, listing fundamental duties.

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## **THE OUTSTANDING FEATURES OF THE INDIAN CONSTITUTION ARE AS DETAILED BELOW:-**

### **2.2. IT IS THE LONGEST CONSTITUTION IN THE WORLD**

The constitution of India is one of the longest constitutions in the world. The 42<sup>nd</sup> Amendment also considerably added to the length of our constitution. The original constitution of 26th January, 1950 consisted of 22 chapters, 395 articles and 8 schedules. The subsequent Amendments to the constitution have raised the number of articles to 448, chapters to 24 and schedules to 12. A number of new articles (for example 31A, 31B, 31C, 39A, 43A, 48A, 51A, 134 A, 139 A, 224 A, 233 A, 239 A, 239 AA, 239 AB, 312 A, 323 A, 323 B, 338 A, 350 A, 350 B, 361 A, 361 B, 363 A, 371 A, to 371 I, 372 A, 378 A, 394 A, 361B,) and new Parts (e.g. Parts IVA, IXA, XIVA) have been added to the constitution and several articles (e.g. Articles 31, 238, 242, 259, 278, 291, 306, 314, 362, 379 to 391) or even full parts (e.g. Part VII) of the constitution have been repealed by the constitutional amendments, but following the standard practice in this regard and to facilitate referencing, the existing numbers, of articles, parts or chapters have remain unchanged.

The constitution has been amended 104 times till January 2005, since its inauguration in the year 1950. The incorporation of the provisions such as the Public Service Commission, Election Commission of India, All India Service, organization of Legislature, Executives and Judiciary in the Centre and States besides in the Union Territories, etc., The constitution has provided for the solution of the peculiar problems faced by the country. These related to separate provisions made for the scheduled castes, tribes, backward classes, Anglo - Indians, Jammu & Kashmir, and languages, etc., The Indian constitution lays down in details the nature of relationship between the Union and the State. It details the emergency power of the President of India, the composition and powers of the Supreme Court and High Courts.

### **MORE FLEXIBLE THAN RIGID**

The constitution of India is more flexible than rigid. It is only a few provisions of the constitution that require ratification by not less than one-half of

the state legislature, besides a two-third of the majority in both the houses of the Parliament present and voting. And some provisions of the constitution may be amended by a special majority of not less than two-third in both the houses of the Parliament present and voting. On the other hand, many of the provisions of the constitution can be modified or changed by a simple majority. Some such general legislation is changes in names, boundaries of State, abolition or creation of second chambers of a State legislature. The former is a flexible one and the later is rigid, though less rigid than American constitution. K.C Wheare observes that this variety in the amending process in wise, but it is rarely found. Thus our constitution combines the qualities of Flexibility than Rigidity.

### **A PARLIAMENTARY DEMOCRACY**

India has Parliamentary form of Government. The President of India is the Constitutional Head. The Prime Minister and the Council of Ministers enjoy real powers and also responsible to the Parliament. The Parliament consists of two chambers, the Lok Sabha and the Rajya Sabha. The Parliamentary form of government in India is based on the Britain model.

### **A SOVEREIGN DEMOCRATIC REPUBLIC**

The Preamble to the original constitution declares India to be a Sovereign Democratic Republic. It means that India is a sovereign state subject to no other authority, either in her internal affairs or external relations and transactions. Democracy implies that the government is run by the people, i.e. by the representatives of the people elected by them on the basis of universal adult franchise. This principle is the foundation of the system of government the constitution establishes both at the Centre and in the States. Further democracy implies the maintenance and preservation of rights of citizen. Republic means that the country has an elected President as the Head of the nation.

### **A SECULAR STATE**

The term secularism did not find in the original constitution until the 42nd Amendment of 1976. The term "Secularism" in English means "anti god ". But in the Indian context, the term is used to represent the equal distance

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maintained by the State for all religions. A state which does not recognize a particular religion may be called as a secular state. In secular state all religions like Islam, Christianity, Buddhism, Jainism, Sikhism, Zoroastrianism etc, get equal respect and reverence like our constitution.

### **2.2.1. FEDERATION**

The founding father of Indian constitution opted for a federal court characterized one at the centre and one at the state. The division of powers is based on three lists. The union list, state list and concurrent list. The union government enjoys authority over 99 subjects such as defence, home, atomic energy, science & Technology and foreign affairs etc. And the state government enjoys power over 66 subjects such as Health, social welfare, public health, local government etc, and both the Union and the States Share the power over 47 subjects such as criminal law, marriage, divorce education, transfer of our property, contract based on mutual consent and consultation. "Unity in diversity " is the key theme of Indian constitution. It has a federal system with unitary bias. It is federal in form, but unitary in spirit. Yet the Indian constitution is not wholly federal in structure, because the residuary powers are vested with the union by the States. The constitution significantly avoids the use of the term "federation" and uses only the term "union ". K.C. Wheare regards Indian constitution as partly federal and partly unitary i.e. Quasi - federation.

### **2.2.2. FUNDAMENTAL RIGHTS**

Fundamental rights are an inseparable part of a civilized society without which no person can develop his character and personality. In the 1950 constitution, there were seven fundamental rights of which, right to property was deleted from the list of fundamental rights by the 44th Amendment of 1978. Now, there are only six fundamental rights ranging from article 14 to article 32 under Part III of the constitution, they are:-

- a. Right to equality - (article 14 - 18)
- b. Right to freedom of thought and expression - (article 19 - 22)
- c. Right against exploitation - (article 23 - 24)

- d. Cultural and educational rights - (article 29 - 30 )
- e. Right to religion - (article 25 - 28)
- f. Right to constitutional remedies - (article 32 - 35)

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## PROVISION OF FUNDAMENTAL DUTIES

The fundamental duties was not a part of the 1950 constitution but a later addition was added through the 42nd constitutional amendment of 1976 under part IV-A in Article 51-A of the constitution. One of the fundamental duties calls upon the citizens to be at the service of the state whenever called upon to do so. However, the fundamental duties are not treated on par with the fundamental rights in the sense that they are non – Justifiable. Any violation of which cannot be taken to a court of law as they do not stand the scrutiny of law.

### 2.2.3. DIRECTIVE PRINCIPLES OF STATE POLICY

Directive principles of state policy are contained in part IV of the constitution. Article 37 says that the directive principles are not enforceable by the court. The directive principles enshrined in the constitution derive its inspiration from the Gandhian principles, socialist and liberal principles aimed at creating a welfare state. Some of the directive principles included in the Indian constitution are: abolition of liquor, abolition of cow slaughter, right to adequate means of livelihood, equal pay for equal work, uniform civil code throughout the country, separation of executive from the Judiciary etc.

### 2.2.4. UNIVERSAL ADULT FRANCHISE

The system of universal adult franchise is definitely a bold experiment with democracy. Popular sovereignty refers to the possession of ultimate sovereign power in the hands of the people expressed, periodically, by way of universal adult franchise, in which all eligible citizens of the country exercise their vote through a single non transferable vote to elect a government of their choice. A party or parties that win the majority support will form the government and other sits in the opposition. The 61<sup>st</sup> constitutional Amendment, of 1989 by universal adult franchise is means that every adult without any consideration for property, educational qualification or sex should be allowed to have the right to

#### Check your progress questions

- 1) Mention about the preamble of the constitution.
- 2) Explain the sources of the Indian constitution
- 3) Write a short note on parliamentary democracy
- 4) Define secularism

(Space for Hints)

vote. The voting age of the citizen is 18 years. During the first general election held in 1952, out of 180 million adult citizens, 88 million cast their votes.

### **2.3. SINGLE CONSTITUTION AND CITIZENSHIP**

The significant feature of the Indian constitution is the single constitution and single citizenship, unlike the U.S. constitution. One single law runs throughout the length and breadth of the country uniformly and all citizens enjoy one citizenship irrespective of the fact that in which state they live or belong to. From Kashmir to Kanyakumari all are citizens of India. However the state of Jammu and Kashmir is an exception, since the constitution has vested the powers of framing a separate constitution for Kashmir under Article 370 of the constitution.

#### **(A) PROVISION OF DUAL CITIZENSHIP**

Our parliament amended the Citizenship Act of 1955 in the year 2003 on 22- 12- 2003 to grant dual citizenship to the Indian origin. This amendment provides for the grant of overseas citizenship of India to Indian origins and also to those Indian citizens who choose to acquire citizenship of these countries at a later date. The amendment further specifies that an overseas citizen has no right as has been conferred on a citizen of India and has no right of equality of opportunity in public employment, in voting, and is ineligible to be a member of the either house of the Parliament. Our Indian government initially included only sixteen countries for dual citizenship of our citizen. They are U.S.A., U.K., Canada, Australia, Finland, Ireland, Italy, The Netherlands, Israel, New Zealand, Cyprus, Sweden, Switzerland, France, Greece, and Portugal. The advantage of getting dual citizenship is that it removes the obstacles in travel to and from India with no multiple visa requirements. Further it would foster better co-operation in vital sectors of development by way of investment and transfer of skills and resources as **persons of Indian origin.**

#### **2.3.1. INDEPENDENT JUDICIARY**

The Indian constitution has deliberately kept the Judiciary at an equal distance from Legislature and Executive in order to ensure judicial independence.

The framers of our constitution deemed it necessary to safeguard it by providing independent Judiciary. Therefore, the Supreme Court has been made as the custodian of the fundamental rights and guardian of the constitution. If the Parliament enacted any law contradictive of the constitution, the Judiciary has the power to declare such a law as illegal and therefore invalid.

### 2.3.2. MEMBERSHIP IN THE COMMONWEALTH OF NATIONS

India's membership of the commonwealth of Nations was agreed to the Prime Ministers conference held in London in the year 1949, where our former Prime Minister Nehru propounded the change in the name of the organization, as the commonwealth of nations from the existing name of British Commonwealth of nations. The declarations of the conference were ratified by the constituent Assembly of India. Though there is no mention of it in the constitution of India, it must be noted that the concept of the commonwealth without acknowledging allegiance to the crown, which is considered to be the symbol of the Unity of British Commonwealth of Nations.

### 2.4. SECULARISM AND SOCIALISM IN INDIA

The word 'Secular' has been assessed to the Preamble of the constitution by the 42<sup>nd</sup> amendment of 1976 and retained by the 44<sup>th</sup> amendment of 1978. The word 'secular' may be defined as the word pertaining to the worldly affairs or to things not religious or not connected with religion or churches. In the realm of politics, secularism becomes an ideology which treats the State as one, which is free from religious foundations, consideration or influence. A secular state thus becomes the antidote of a theocratic state which is based upon, and functions according to a particular religion. Thus, in a theocratic state the distinction between the state and religion is ignored to the detriment of religious minorities. On the other hand, secularism is a liberal concept which distinguishes the state from religion that ensures mutual non – interference. Therefore, freedom of faith, belief, religion and worship is obtained only in a secular state. Secularism has an added meaning that there are many religious communities living in a state.

#### Check your progress questions

- 5) List out fundamental rights and duties
- 6) Write a note on directive principles of state policy
- 7) What is universal adult franchise
- 8) Explain the meaning of independence judiciary.

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**i) India Needs Secularism**

India, inhabited by people with such diverse religious back ground and beliefs, in which religious factors were interwoven with historical experience to a degree hardly equalled in any other part of the world, very badly needed secularism. The thirst for secularism which is a western concept was the direct result of the western impact on India. Neither during the Muslim and Moghul rule nor either to it, can it be said that there was a secular state policies at times. The orthodox Hindu society and state had necessarily to make concessions and re-orient themselves to a certain extent to accommodate Buddhist and Jain principles and thereby lessen the danger faced from these religions. Eventhough Asoka established a Buddhist theocratic state, he followed a liberal and generous policy of religious toleration. The Muslim and Moghul rule which founded the basis for communal division for a long time to come, brought to bear on the caste – ridden orthodox Hindu society another element, namely, religion. As an alien and extreme from ruling force in the hands of minority, Islam precluded any significant degree of religious or cultural synthesis between the two dominant religions. When Islam was dethroned by the British rule and subsequently the Hindus increasingly found for themselves positions and influence in the administrative hierarchy, and when other minor religious groups such as the Sikhs voiced their demand for official recognition as separate political units, there were established mutually antagonistic and suspicious religious groups and leadership. The mass conversion to Christianity, the Hindu revivalist approach adopted by the Indian national congress and above all, the caste – ridden Hindu society established a socio – political climate favorable for the British political manoeuvring. Thus, the Indian society, always conscious of religious and caste distinction, remained a closed one and by nature did not easily imbibe liberal ideologies such as secularism or when it did accommodate such ideologies, they were considerably modified and interpreted to suit the Indian way. When the society remains in – secular, the state cannot be secular. Therefore, the process of secularizing the people becomes a state responsibility for which it is the least appropriate agency.

## ii) Causes for the inclusion of secularism in the constitution

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It is in this context that we must look at the problem of secularism in India. The term 'secularism' has been a rather elastic one used to denote different things in the words of different people. It has meant religious equality, absence of discrimination, religious concession for the minority, toleration and even atheism. A secular state is not an anti – religious state; it is only non – religious. The debates in the constituent assembly show that the framers of the Indian constitution were alive to the appeal of secularism as a panacea for the evils of Indian society, especially in the violent climate of partition. It was with a view to provide for a secular state that the makers of the constitution included the provisions securing the absence of discrimination on the grounds of religion and caste , and provided for freedom of faith, worship and religion. The clashes between groups in a state are common in all states, clashes between religious groups, especially between Hindus and Muslims in India, attract much attention. At times other clasher are given religious coloring also. For when secularism becomes more than protection of religious minority rights and results in religious minorities becoming a more than natural pressure group to attain non – religious goals, religion become politicized. This is self – defeating; yet, the root cause lies, as we have seen, in our history. This trend can be seen in the formation of religious or religion - based communal political parties. The Jana Sangh aimed at a Hindu Rashtra. The R.S.S. closely associated with the Jana Sangh became a sensitive issue. The Sikh movement for Punjabi suba, the Shiv Sena in Maharashtra, the Muslim league and the Christian Democratic Front are some such religio – political organizations, affecting the secular content of the state. These religious minorities play an ever – increasing role in Indian politics

Secularism as ideology has received great attention in India. Nehru, the champion of the concept of secular state, had a great aversion to the intrusion of religious factors into politics. His dream was to transform the country from a 'caste – ridden society' to "a national state which includes people of all religions and shades of opinion and is essentially secular as state". He felt that religions not be "mixed up with politics".

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### **iii) Origin of the Ideology of Socialism**

Socialist thought in India can be traced to the early days of the freedom struggle. Dadabhai Naoroji felt that poverty in India was mainly due to the drain of the wealth of India to Britain. British imperialism was, impact, analyzed in the light of this drain theory. Ranade and Telang had also expressed their criticism against laissez – faire. They wanted progressive governments which take a part in the development of the national economy so that the province of the state interference and control could be particularly extended so as to restore the “good points of the mercantile system without its absurdities”. But it was only after the Russian revolution that serious thinking on socialism took place in India. Since 1920 many vague socialistic and communistic ideas began to spread among the Indians. Planning became popular. Nehru and N.S.C. Bose declared themselves to be socialists. Nehru was convinced that industrialization and planning were necessary for India. Bose wanted to build up a belief in a sound system of state planning for the re-organization of agricultural and industrial life in the country. These two leaders were associated with the National Planning Committee set up by the Congress in 1938. The writings of M.N. Roy, the Congress Socialist Party which was founded by among others, Jayaprakash narayan, M.R. Masani, Ashoka Metha and Acharya Narendra Dev and the Communist Party of India provided a socialist climate.

#### **2.4.1. SOCIALISM IN INDIA AND NEHRU’S DEMOCRATIC SOCIALISM**

Gandhiji declared himself to be a socialist, pointed out that borrowed socialism was full of dangers and would not, anyhow, suit Indian needs. According to him, “The prince and the peasant will not be equated by cutting off the prince’s head nor can the process of cutting equalize the employer and the employed”. According to him, true socialism is that where even a king is a socialist by becoming the servant of the people; truth and non – violence much incarnate in socialism. Thus, Gandhiji preached humanitarian as against the scientific socialism of Karl Marx. He advocated spinning, village industries, trusteeship and renunciation; in short a special transformation in which the

individuals, and not the state, would play the leading part. His socialism was, nevertheless, directed against industrialization, mechanization and capitalism, as these were detrimental to the real growth of economy of the Indian villages. Further, it has the merit of ushering in a non – violent manner.

After independence, the status of socialism in Indian politics became a big question mark; Nehru's ardour for scientific socialism was dampened by many factors. He did not fully like the violent content inherent in the Marxian thought; nor did he like the role of the Indian communists during the freedom struggle. Gandhiji's influence as well as the impact of the liberal – democratic tradition of the west also made him to approach socialism cautiously. Yet, he had great faith in the policy of planning. As the first Prime Minister of India he became the foremost exponent of planning in India. While only 10% of the expenditure was allotted for industrial development in the first plan, Nehru insisted that more importance should be given to industry in the second five year plan. He was averse to wholesale nationalization or socialization of all existing industries. He wanted the state to play an important role in the economic field which was uncovered or not adequately covered by private enterprise. Yet at the Avadi Session of the congress in 1955, he persuaded the congress to accept a socialistic pattern of society as the goal. According to the resolution passed in that session, planning should take place with a view to the establishment of a socialistic pattern of society. Where the principal means of production are under ownership or control of the state and where production is progressively speeded up and there is equitable distribution of the national wealth. He explained that this resolution was merely a continuation of the earlier policy of the congress which had at its Karachi session. In 1931 it had resolved that the essential industries would be owned and controlled by the state. He laid down the principle of Indian socialism when he said that 'I do not want state socialism of that extreme kind in which the state is all powerful and governs practically all activities. My idea of socialism is that every individual in the state should have equal opportunity for progress'. His aversion to imitate the Russian pattern earned him the name "hesitant socialist", whereas Nehru came to believe in a mixed economy towards socialism. He wanted to synthesis socialism, democracy and economic planning.

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**i) The changes adopted by Indira Gandhi for the promotion of socialism**

After the death of the Nehru, the Congress continued to reiterate its faith in socialism. However, instead of an individual, a collective leadership took over in giving shape to the economic policies. By 1966 criticism of the Congress policies from within and without became vehement. The leftist section in the Congress, called the 'young Turks', clashed with the elder leaders. The impending Congress split in 1969 saw the leftists supporting the Prime Minister Indira Gandhi. From that time onwards the cautious attitude towards nationalization was given up. On 19<sup>th</sup> July 1969, an ordinance, announcing the nationalization of fourteen banks was issued. In May 1970, the Congress Government under Indira Gandhi brought forward the legislation in Parliament to abolish the privy purses and other privileges which the ex – rulers and princes had been enjoying. Since both in the bank Nationalization case, and in the Abolition of the Privy Purse case, the courts had questioned the validity of the Acts, the Congress manifesto in the 1971 election remarked that “as a result of certain judicial pronouncement, it has become impossible to effectively implement some of the Directive Principles of our constitution”. Amendment relating to the two Acts, were called as a great socialistic measures.

Land reforms the 20 – point Economic Program announced during the emergency, the primacy given to the Directive Principle of state policy over the Fundamental rights (42<sup>nd</sup> Amendment), the abridgement of the Judiciary's powers (42<sup>nd</sup> Amendment), and the limitation imposed on the Right to Property are all to be viewed as socialistic measures in India.

**2.4.2. THE NEED FOR THE MEMBERSHIP IN THE COMMON WEALTH OF NATIONS FOR INDIA**

When the constitution came into force on and from the 26<sup>th</sup> January 1950, the Crown of England ceased to have authority over India. This constitution was also not a gift of the British Parliament. India became truly a sovereign republic and her citizens had no allegiance to the British Crown. Yet, India did not sever all her ties with British Commonwealth.

In deciding to make India a republic, the Indian leaders had to decide the questions of continuing in or leaving the British Commonwealth of Nations. This organization included as members, all dominions having loyalty to the British dominion. So long as India was a British dominion, her membership in the commonwealth was taken for granted. But when India was to get total freedom, many persons in India felt that India should sever all ties with her former ruler, as did Eire by enacting the Republic of Ireland Act in 1945. Further, there was no precedent for a republic within the commonwealth. Many members of the commonwealth felt that if it were thrown open for the republics too, the organization would lose its character of being a small and homogeneous association. The congress had many spokesmen who had once independent India would break away fully from Britain. But later on, when the decision was to be taken, India decided to stay within the commonwealth.

There are many reasons for this, first there were happy relations between the Indian leaders and British government after the end of World War II and the Indian leaders did not want to start on independence all of a sudden and opted for membership in the commonwealth as a dominion for some time. Secondly, in 1947, at the commonwealth Prime Ministers meeting in London, a formula was evolved with a view to accommodate multiple citizenship with the King of England as "first citizen" in each dominion. The formula was announced in a declaration which said, "The Government of India have informed the other governments of the commonwealth, the intention of the Indian people that under the new constitution which is about to be adopted, India shall become a sovereign independent Republic. The government of India have, however, declared and affirmed India's desire to continue her full membership of the commonwealth of Nations and her acceptance of the King as the symbol of the free associations of its independent member nations and as such the Head of the Commonwealth".

"The government of the other countries of the commonwealth, the basis of whose membership of commonwealth is not hereby changed, accept and recognize India's continuing membership in accordance with the terms of this declaration." Thus, Nehru, by declaring India's decision to adhere to the commonwealth without acknowledging allegiance to the crown brought about a

**Check your progress questions**

- 9) Write a note on secularism in India
- 10) Describe Nehru democratic socialism
- 11) Discuss India's membership in the common-wealth of nation

(Space for Hints) charge in the Commonwealth organizational structure itself. It was no more the British commonwealth of Nations but Commonwealth of Nations.

**i) The detriments caused by the membership in the commonwealth**

This declaration is extra – legal and does not find a place in the constitution of India. “It is voluntary declaration and indicates a free association and no obligation”. There was, however, some criticism inside India of this decision. The critics pointed out that there were no affinities of race or religion or of language and culture between India and other members of the commonwealth to make such association natural and that the decision showed a lack of faith on the part of India in her strength and destiny. Nehru explained that “it is an agreement by free will, to be terminated by free will”

The commonwealth membership procured for India benefits in the cultural, educational and economic and trade fields since agreement, exchange programmes and bilateral and multi- lateral treaties among member countries were easily made. But criticism against India’s continuance in the commonwealth mounted, because of Britain’s role in the Suez issue. Further, commonwealth was not effective in solving the disputes among member countries. Indo – Pakistan disputes and the India – South African confrontation on the racial issue were not solved peacefully. The critics also pointed out that Britain’s membership in the European Common Market, and her immigration policies, of late, are detrimental to the interests of India. The Commonwealth today is more or less an ornamental association. Therefore India’s membership in it is now a non – issue.

## **2.5. SUMMARY**

This unit provides the details to understand the Preamble of the Indian Constitution. It also attempts to analyze the major sources of the Indian constitution. Also you are able to understand the basic salient features of the Indian constitution like the length of the constitution, it’s more flexibility, the parliamentary democracy, the status of the Sovereign Socialist Secular Democratic Republic, Federalism, Fundamental rights and duties. The Directive principles of state policy inspires from the gandhian principles, socialist, and liberal principles aimed at creating a welfare state, the 42nd constitutional

amendment of 1976 in part IV-A under article 51-A of the constitution. Popular sovereignty refers to the possession of the sovereign power in the hands of expressed, periodically, by way of universal adult franchise. The supremacy of Judiciary is established by the Indian constitution through its power of judicial review. The Judiciary can declare any law passed by the legislature or actions taken by the executive as ' null and void ' or ' unconstitutional', if they are violative of the enacted provision of our constitution. Nehru's ideas on Socialism as the panacea for the solution of the problems of the Indian poverty and the social backwardness and the promotion of the communal harmony. Nehru's idea of socialism is that every citizen should have equal opportunity for progress. India – Pakistan disputes and India-South Africa confrontation on racial issue were not solved peacefully by the commonwealth nations.

## 2.6. KEYWORDS

- a. Preamble - mirror of the constitution as it reflects the various aspects of the constitutional provisions,
- b. secular - without any religious learning
- c. Democracy - it is a government formed by the people and works for the people.
- d. Federation - join together with a common aim
- e. reverence - show respect to, venerate, respect for elders.
- f. universal adult franchise - all eligible adult citizens of the country exercise their vote.
- g. commonwealth - a union of independent governments.
- h. Zoroastrian - follower of Parsee religion.
- i. framer - make up into form, shape
- j. jurisprudence - the science of law
- k. sagacious - intelligent and judicious, clever, knowledgeable
- l. sweat - perspire
- m. toil - hard work

<b>(Space for Hints)</b>	n.	Secularism	-	The principle of being without any religion or non – religious learning.
	o.	Panacea	-	A remedy for all diseases.
	p.	Turk	-	wild turbulent person.
	r.	Trusteeship	-	one who manages the affairs and property of another.
	s.	Detriment	-	damage, injury.
	t.	Commonwealth	-	union of independent governments
	u.	Dominion	-	territory.
	v.	Abridgement	-	curtailment of rights.

## **2.7. BOOKS FOR FURTHER READING**

- 1) D.D. BASU, An introduction to the constitution of India, New Delhi, Prentice Hall, 1994.
- 2) C.P. BHAMBRI, the Indian State: Fifty years, New Delhi, shipra, 1996.
- 3) M.V. PYLEE, An introduction to the constitution of India, New Delhi, vikas, 1998.
- 4) Dr. R,C. Majundar, History & culture of the Indian People, volume IX.p. 373 – 387.
- 5) R.C. DUTT, Socialism of Nehru, New Delhi : Abhinav Publication, 1981.

## **2.8. ANSWER FOR CYP QUESTIONS**

For Question No.1	.... Refer section No. 2.1
For Question No.2	... Refer section No. 2.2.
For Question No.3	... Refer section No. 2.3.2.
For Question No.4	.... Refer section No. 2.3.4.
For Question No.5	.... Refer section No. 2.3.6.
For Question No.6	.... Refer section No. 2.3.8.
For Question No.7	.... Refer section No. 2.3.9.
For Question No.8	.... Refer section No. 2.3.11
For Question No.9	.... Refer section No. 2.4.
For Question No.10	.... Refer section No. 2.4.1.
For Question No.11	.... Refer section No. 2.4.2.

## **2.9. QUESTIONS AND EXERCISES**

**(Space for Hints)**

1. Indicate the various sources of the Indian constitution.
2. Give an account of the Preamble of the Indian constitution.
3. Describe the salient features of the Indian constitution.
4. Define democratic socialism. What are its main objectives?
5. Discuss India's membership in the commonwealth of nations.

## UNIT-3

# FUNDAMENTAL RIGHTS AND DUTIES: DIRECTIVE PRINCIPLE OF STATE POLICY

## INTRODUCTION

The fundamental rights are covered under part III of the Indian constitution. Fundamental rights are an essential and inseparable part of any civilized society and important for the development of personality of an individual. The fundamental rights are guaranteed by the constitutional law of the country. This provision is modeled on the American Bill of Rights. The demand for fundamental rights was made in the year 1928 in the Nehru Committee's report. Indian national congress at its Karachi Session prepared a document containing a list of fundamental rights and duties. Sapru committee report on constitutional proposals (1945), however, supported the idea of inclusion of rights in the proposed Indian constitution. Constitution makers of India were guided by public sentiments and national demand in this regard and accordingly a chapter on fundamental rights was added to the constitution. The Verma committee report on fundamental duties submitted in 1999 states that, "essentially all that is contained in fundamental duties is just a codification of tasks, integral to the Indian way of life. Moreover, Articles 36 to 51 in Part IV of the Constitution contains the Directive Principles of State Policy. By incorporating the Directive Principles, the constitution aims at the establishment a welfare state.

## OBJECTIVES

1. Learn the kinds of fundamental rights
2. Realize the fundamental rights as guaranteed under the Indian Constitution
3. Understand Article 32 as a heart and soul of our constitution
4. Know the people discharge of the duty to the nation
5. Be able to trace the importance of the Directive Principles of State Policy

## **UNIT STRUCTURE**

(Space for Hints)

### **3.1 Various kinds of fundamental rights**

3.1.1. Right to equality (Articles 14 – 18 )

3.1.2. Right to freedom (Articles 19 to 22 )

3.1.3. Right against exploitation ( Article 23 – 24 )

3.1.4. Right to freedom of religion (Articles 25 – 28 )

3.1.5. Cultural and educational rights (Article 29 – 30)

### **3.2. Right to constitutional remedies ( article 32)**

3.2.1. Restriction on fundamental rights

3.2.2 Fundamental duties

### **3.3. Nature of Directive Principles of State Policy**

3.3.1 Classification of Directive Principles of State Policy

3.3.2. Distinction between fundamental rights and Directive Principles

### **3.4. Summary**

### **3.5. Keywords**

### **3.6. Answers for CYP Question**

### **3.7. Books for further reading**

### **3.8. Question and exercise**

## **3.1. VARIOUS KINDS OF FUNDAMENTAL RIGHTS**

The fundamental rights are covered under Part III of the Constitution. The fundamental rights as enumerated in the Indian constitution are as follows;

- (1) Right to equality
- (2) Right to freedom of speech and expression
- (3) Right against exploitation
- (4) Right to freedom of religion
- (5) Cultural and educational rights
- (6) Right to constitutional remedies

(Space for Hints)

### 1.3.1. RIGHT TO EQUALITY (Articles 14 – 18)

This right provides for equality before law. This right prohibits the discrimination against any citizen on the grounds of religion, race, caste, sex, or place of birth, etc., According to Article 14; - ‘The State shall not deny to any person equality before the law within the territory of India’. Broadly speaking, it means the equality to all in the eyes of law. All people are equally subjected to the ordinary laws of the land administered by the ordinary courts of law. It aims at mitigating cruder forms of social inequality practiced over centuries.

Article 15; Right to equality also provides that no citizen can be subjected to any disability on the grounds of race, religion, sex, or place of birth in such matter as access to places of public entertainment, use of public wells, roads, etc.,

Article 16 provides equal opportunities in matters of employment or appointment to any office under the State. No citizen shall be discriminated on the grounds of religion, race, caste, sex, place of birth or residence in respect on any employment or office under the State.

Article 17. abolished the “untouchability and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law”.

According to article 18, “ No title, not being a military or academic distinction shall be conferred upon by the state”. Citizens of India are prohibited from accepting titles from foreign states without the permission of the President of India.

According to the interpretation of Sir Ivor Jennings, “equality is the equality among equals, the laws should be equal and should be equally administered, and the like be treated alike”.

In the year 1951, the first amendment to the constitution provided that the right to equality will not prevent the State from making special provision for the advancement of any socially or educationally backward classes or for the Scheduled Castes or Tribes. In fact, originally the reservation was for 10 years (1950 – 1960). But consequently it has been continued by successive government for every 10 years.

### 1.3.2. RIGHT TO FREEDOM (Articles 19 to 22)

(Space for Hints)

The usual liberties of every individual are embodied in Article 19 which lays down that all citizen shall have the right:

- a. To freedom of speech and expression;
- b. To assemble peacefully and without arms;
- c. To form associations or unions;
- d. To move freely throughout the territory of India;
- e. To reside and settle in any part of the territory of India;
- f. To acquire , hold and dispose of property, (and)
- g. To practice any profession or to carry on any occupation, trade or business.

However, a number of restrictions have been imposed on the rights enumerated above. In the interests of morality, decency, public order and security of the State, these rights can be restricted. The state has the right to make laws relating to slander, defamation, libel and contempt of court. Freedom of association and assembly is subjected to the Right of the State to impose reasonable restrictions. These restriction are imposed to check the abuse of freedom.

Article 20 provides that no person shall be convicted of an offence expect for the definite violation of laws in force at that time. It also provides that no punishment greater than that provided for by the law at that time of commission of the offence is inflicted. No person shall be prosecuted and punished for the same offence twice. This is embodied in the Doctrine of double jeopardy No person shall be forced to give evidence against him.

Article 21 says that “no person shall be deprived of his of life or personal liberty expect according to the procedure established by law”. This particular article is very important for the very fact that it attaches the great prominence to the life of the person. Everyone has a right to life. Even, committing suicide is an offence punishable under law. At the same time, this right can be suspended during emergency. Such is the importance of right to life.

(Space for Hints)

Article 22 lays down that “no person who is arrested shall be detained in custody without being informed of the charge and be given a chance to defend himself. Every person who is arrested and detained must be produced before the Magistrate within 24 hours of his arrest and can not be detained in custody longer than that without the authority of the Magistrate.

The State however has the power of preventive detention in the case of enemy aliens and even citizens and such detentions do not enjoy safeguards against arbitrary arrest.

### **3.1.3. RIGHT AGAINST EXPLOITATION (Article 23 – 24)**

According to article 23, “traffic in human beings” ( flesh trade ) and “begar” and other forms of “forced labour” are prohibited Any violation of this provision shall be an offence punishable in accordance with law.

Article 23 provides that “no children below the age of 14 years shall be employed at work in any factory or mine or in any hazardous employment “The State must make provision for “poor houses” or “work houses” for providing suitable work to children coming from poor families to enable them to earn their livelihood.

The right against exploitation is provided keeping in mind the objective of ‘the dignity of the individual’ as envisaged in the Preamble. However, the State may impose compulsory service for public purposes. Yet, in imposing such services the State cannot be discriminaive on any grounds such as religion, sex etc., Commenting on the provision, Raj Bahadur said in the constituent assembly, thus: “This frees the poor, downtrodden and drumb people of Indian state from the curse of beggar....”

### **3.1.4. RIGHT TO FREEDOM OF RELIGION (Articles 25 – 28)**

India is a multi – religious state inhabited by people of almost all religious faiths. The framers of Indian constitution could not forget the role of religions in the politics of the country. The leaders of India were wedded to a concept of

secular state. Jawaharlal Nehru, who used the term ‘secular’ in the Indian context for the first time, was opposed to a caste – ridden society and wanted “ a nation which includes people of all religious shades of opinion.”

(Space for Hints)

Article 25 aims at the establishment of the secular character of Indian polity. According to this Article, all people are equally entitled to freedom of conscience and the right to profess, practice any religion subject to public order, morality and health. Positively, this right safeguards the free exercise of religion by everybody subject to public order, morality and health, and negatively, it prohibits the state from compelling by law, any person to practice any particular creed or religion.

Article 26 provides for every religious section to have the right

- (1) To establish and maintain institution for religious and charitable purposes
- (2) To manage its own affairs in religion
- (3) To own and acquire movable and immovable property (and)
- (4) To administer such laws in accordance with law

Article 27 provides that no person shall be compelled to pay any taxes which would be spent for the promotion or maintenance of any particular religion or religious activity. The state cannot make any specific special provision for the development of any particular religion.

Article 28 state that no religious instruction shall be provided in any educational institution wholly maintained out of state funds. No person attending any educational instruction recognized by the state or recovering aid out of the state funds can be forced to take part in any religious instruction or that may be imparted in such instruction or to attend any religious worship that may be conducted in such an institution unless consented by the guardian.

### **3.1.5. CULTURAL AND EDUCATIONAL RIGHTS (Article 29–30)**

India is a multi lingual state. It comprises vast tracts of territory consisting of the people with different culture and tradition. Besides the 22 recognized languages apart from English there are more than two hundred spoken dialects in India.

(Space for Hints)

Article 29 states that any citizen residing in the territory of India having a distinct language, script or culture of its own has the right to conserve it. No citizen be denied admission into any educational institution maintained by the State or recovering aid out of the State funds, on grounds of religion, race, caste, language or any of them.

Article 30 provides that all minorities whether based on religion or language shall have that right to establish and administer educational institution of their choice. The State shall not discriminate in granting aid to educational institution on the ground that it is under the management of a minority whether based on religion or language.

However, Supreme Court has ruled that a State government can make learning of its regional language compulsory even in linguistic minority schools in order to strengthen the national integration and bridge the gap between the different cultural segments in society. To quote, the Supreme Court order (2004). The resistance to learn the regional language will lead to alienation from the main stream of life resulting in linguistic fragmentation within the State, which is an anathema to national integration.

### **3.2. RIGHT TO CONSTITUTIONAL REMEDIES (Article 32– 35)**

Dr B.R. Ambedkar describe Article 32 as heart and soul of our constitution. This articles guarantee every citizen to move the Supreme Court for the enforcement of the fundamental rights. But while a proclamation of emergency is in operation, fundamental rights related to seven freedoms stand automatically suspended. The President, by an order may suspend the right to move the courts to enforce the fundamental rights. Article 32 (1) allows the moving to the Supreme Court for the issue of directions or orders or Writs in the nature of habeas corpus, mandamus, certiorari, prohibition, quo -warranto. This right was described by Dr B.R. Ambedkar as “The Heart and Soul” of the Constitution.

## **a) Habeas Corpus**

(Space for Hints)

The word habeas corpus literally mean ‘to produce the body’. It is “an order calling upon the person who has detained another, to produce the latter before the court in order to let the court to know on what ground he has been confined and to set him free, if there is no legal justification for his imprisonment”. This Writ could be issued against an official or private person. Disobedience to this Writ will meet with punishment for contempt of court. The Writ is a safeguard against the arbitrary acts of individuals and also of the Executive. This Writ is available for the enforcement of the fundamental rights and for securing the release of the individual illegally imprisoned contined.

The Writ of Habeas Corpus is not issued in the following cases:

- 1) Where the person against whom the writ is issued or the person who is detained is not within the jurisdiction of the Court.
- 2) To secure the release of a person imprisoned by a court of law on a criminal charge.
- 3) To interfere with a proceedings for contempt by a court or by Parliament or State legislatures

## **b) Mandamus**

Mandamus means command. “it commands the person to whom it is addressed to perform some public or quasi – public the legal duties which he has refused to perform and the performance of which cannot be enforced by any other adequate legal remedy”. Only if the applicant has a legal right to performance of a legal duty of a public nature then only mandamus will be issued. If there is an alternative remedy, the courts may refuse to exercise their jurisdiction.

The writ of mandamus may be issued for the following purposes:

- 1) For the enforcement of fundamental rights.
- 2) To enforce the performance of a statutory duty.
- 3) To compel a person to perform his public duty.
- 4) To compel a court or judicial tribunal to exercise its jurisdiction.
- 5) To direct a public official or the government not to enforce a law which is unconstitutional.

(Space for Hints)

The writ of mandamus will not be issued against the President of India, the Governor of State and against a private individual or body.

**c) Prohibition**

The object of this writ is to compel the inferior courts to keep themselves within the limits of their jurisdiction. While mandamus commands activity, prohibition commands inactivity. Prohibition is issued only against judicial or quasi – judicial authorities. This writ is issued while proceedings are pending before courts or other judicial bodies. This writ is not issued against a public official, who is not vested with judicial functions.

**d) Certiorari**

The ground on which the writ of certiorari is issued are the same as for the writ of prohibition. The object of certiorari is also to secure that the jurisdiction of an inferior court or tribunal is properly exercised and that it does not usurp the jurisdiction which it does not possess. This writ is issued against judicial authorities only. This writ will not be available against administrative action.

**e) Quo – warranto**

The literal meaning of the term “quo warranto” is “what authority”. Utilizing this writ, the court could enquire into the claims of a party to public office and could oust him from its enjoyment, if his claim is not well – founded.

The writ of quo warranto is issued only in the following conditions:-

- 1) The office under dispute must be a public one created only by a statute or by the constitution.
- 2) The office must be a substantive one.
- 3) The person proceeded against must be in actual possession of the office.

This writ is a very powerful instrument for safeguarding against the usurpation of the public offices.

### 3.2.1. RESTRICTION ON FUNDAMENTAL RIGHTS

(Space for Hints)

The constitution itself prescribes certain limitations upon the enforcement of the fundamental rights. Article 33 of the constitution empowers the parliament to modify the application of the fundamental rights to the members of the armed forces. Article 34 says that Parliament could restrict the application of the fundamental rights in an area under martial law. While a proclamation of emergency is made by the President under Article 352 of the Indian constitution, the fundamental right, except the right to life liberty and the judicial remedies may be suspended. The right to life and liberty could be restricted under the Preventive Detention Act

### 3.2.2. FUNDAMENTAL DUTIES

The fundamental duties were incorporated in the constitution by the 42<sup>nd</sup> amendment in 1976 and the original constitution did not contain any provision specifying the fundamental duties of the citizen. The duties of citizen as outlined in article 51-A deals with 10 duties for every citizen of India. In 2002 by the 86<sup>th</sup> constitutional amendment another duty was added to the list of fundamental duties. Now there are eleven fundamental duties for citizen of India. They are as follows:

- 1) To abide by the constitution and respect its ideals and institution, the National Flag and the National Anthem;
- 2) To cherish and follow the noble ideals which inspired our national struggle for freedom;
- 3) To uphold and protect the sovereignty, unity and intergrity of India;
- 4) To defend the country and render national service when called upon to do so;
- 5) To promote harmony and the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;
- 6) To value and preserve the rich heritage of our composite culture;

#### Check your progress questions

- 1) Define various kinds of Fundamental Rights
- 2) Write a note on Right against Exploitation
- 3) What are the importance of Article 32
- 4) Analyse Fundamental Duties under the Indian Constitution

- (Space for Hints)
- 7) To protect and improve the natural environment, including forests, lakes, rivers and wild life, and to have compassion for living creatures;
  - 8) To develop the scientific temper, humanism and the spirit of inquiry and reform;
  - 9) To safeguard the public property and to abjure violence;
  - 10) To strive towards excellence in all spheres in individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.
  - 11) To provide opportunities for education to his child or ward between the age of 6 to 14 years.

There can be no claim to a Fundamental Right against these duties.

➤ **The directive principles of state policy**

### **3.3. NATURE OF THE DIRECTIVE PRINCIPLES OF STATE POLICY**

The directive principles of state policy is a declaration of “social political and economic policy” in the framework of the constitution. Articles 36 to 51 in Part IV of the constitution contain the directive principles of state policy. These directives include certain economic ideals, certain directions to the legislature and the Executives and certain rights of the citizen. Most of the directives are aimed at the establishment of economic and social democracy. In the matter of administration and in the making of laws, it is the duty of the State to follow these directives. By incorporating the directive principles, the constitution aims at the establishment of a welfare State. These principles have been borrowed from the constitution of the Irish Republic, which had copied them from the Spanish constitution. Fundamental rights have the legal justification whereas Directive Principles are moral precepts. In some ways, however, the direct principles and fundamental rights are linked with each other

**Directive Principles:** Articles 36 to 51 cover all directive principles enshrined in our constitution.

- 1) Definition of state (Art. 36)
- 2) Application of Directive principles (Art. 37)

- 3) State to secure a social order for the promotion of welfare of the people (Art. 38) (Space for Hints)
- 4) Certain principles of policy to be followed by the State (Art. 39)
- 5) Equal justice and free legal aid (Art. 39A)
- 6) Organization of village Panchayats (Art. 40)
- 7) Right to work, to education and to public assistance in certain cases (Art. 41)
- 8) Provision for just and humane conditions for work and maternity (Art. 42)
- 9) Living, wage, etc. for workers (Art. 43)
- 10) Participation of workers in the management of industries (Art. 43A)
- 11) Uniform civil code for the citizens (Art. 44)
- 12) Provision for early childhood care and education to children below age of six years (Art 45)
- 13) Promotion of educational and economic interests of scheduled castes, Scheduled tribes and other weaker sections (Art. 46)
- 14) Duty of the State to raise the level of nutrition and standard of living and to improve the public health (Art. 47)
- 15) Organization of agriculture and animal husbandry (Art. 48)
- 16) Protection and improvement of environment and safeguarding of the forests and wild life (Art. 48A)
- 17) Protection of monuments and places and objects of national importance (Art. 49)
- 18) Separation of judiciary from the executive (Art. 50)
- 19) Promotion of international peace and security (Art. 51)

### **1.3.1 CLASSIFICATIONS OF DIRECTIVE PRINCIPLES:**

The Directive Principles are embodied in as many as 16 Articles from Article 36 to Article 51. The Article 36 narrates about the various government agencies, who can utilize the principles, while Article 37 emphasises that the directives are fundamental to the governance of the country. The Directive Principles of State Policy can be classified into four categories, namely,

(Space for Hints)

- 1) Socialist Principles.
- 2) Gandhian Principles.
- 3) Liberal Principles.
- 4) General Principles.

**a. Socialist principles:**

Most of the Directive Principles aim at the attainment of a socialist society. The socialist principles are considered essential for the purpose of establishing a welfare state.

Article 38 provides that the State shall strive to promote the welfare of the people by securing and protecting a social order in which, justice – social, economic, and political prevail.

Article 39 States that the state shall direct its policy towards securing:

- 1) Adequate means to livelihood;
- 2) The ownership and control of the material resources of the community are so distributed as to serve the common good;
- 3) The working of the economic system does not result in the concentration of wealth at the cost of the poor;
- 4) Equal pay for equal work for both men and women;
- 5) The health and strength of workers, men, women and of children are not abused and that citizen are not to be forced into any work unsuitable to their age;
- 6) The childhood and youth are protected against exploitation and moral and material abandonments,

Article 41 seeks to ensure the right to work, to education and the public assistance in case of unemployment, old age, sickness and disablement.

Article 42 provides for just and the humane conditions of work and for maternity relief.

Article 43 calls upon the State to secure to all its workers works, wages and conditions of work ensuring a decent standard of life and full employment leisure and social and cultural opportunities.

Article 46 directs that the State shall take special care of the economic and educational interests of the weaker sections of the society and in particular of the scheduled castes and scheduled tribes and protect them from all forms of exploitation.

Article 47 says that the State is only bound to raise the level of nutrition and the standard of living of its people and the improvement of public health.

**b. Gandhian Principles :**

The framers of the constitution were greatly influenced by the Gandhian ideology. The Gandhian ideals and philosophy finds expression in many articles. It can be noticed in the following principles;

- 1) Article 40 states that villages must be enabled to function as units of local self-government.
- 2) Article 43 says that the State shall promote, with special care, the educational and economic interests of the harijans.
- 3) Article 46 emphasises that the State shall endeavour to promote the cottage industries on individual or co-operative basis in rural areas.
- 4) Article 47 insists that the State shall endeavour to effect prohibition of the consumption, except for medical purposes, of intoxicating drinks and drugs, which are injurious in health.
- 5) Article 48 states that the State shall take for preserving and improving the needs of milch and brought, cattle, including cows and calves and for prohibiting their slaughter.

The 73<sup>rd</sup> constitutional Amendment of 1993 has given statutory status to the Panchayat Raj System, the brainchild of Gandhian local self- government.

(Space for Hints)

**c. Liberal Principles:**

Liberal principles are those which are advocated by liberal intellectuals for the betterment of the citizens of India. The liberal provisions are embodied in the following provisions of the Constitution

- 1) Article 44 states that the State shall endeavour to secure to all its citizens uniform civil code throughout the territory of India.
- 2) Article 45 says that the State shall endeavour to provide within a period of 10 years, from the commencement of the constitution, free and compulsory education.
- 3) Article 48 insists that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines.
- 4) Article 50 is of the view that the State shall take steps to separate the executive from the judiciary in the public service of the state.
- 5) Article 51 directs that the State shall endeavour to maintain international peace and security, maintenance of just and honourable relations between nations; foster respect for international law and treaty obligations; encourage the settlement of international disputes by Arbitration.

**d. General Principles:**

There are certain provisions in the directive principles of state policy which can't be included in the above three categories. They are:

- 1) Article 49 says that it is the obligation of the State to protect every monument or place or object of artistic or of historic interest, which the Parliament of India has declared to be of national importance.
- 2) To develop the spirit of inquiry and scientific temper among citizens.
- 3) Article 335 says that the claims of scheduled castes and scheduled tribes are to be taken into consideration while making appointment to services under the Union or State Governments.
- 4) Article 350 directs the State to ensure that the minorities are taught in their mother tongue at the primary level.

5) Article 351 directs the State to spread the hindi language throughout India to promote unity in diversity.

(Space for Hints)

The last three principles (articles 335, 350, 351) are the directives provided outside the Part IV of the Constitution.

#### ❖ SANCTION BEHIND THE DIRECTOR PRINCIPLES OF STATE POLICY OF LAW

The Directives are not enforceable in the courts of Law and do not create any justiciable rights in favour of the individuals. That is, if the Government of the day fails to carry out the directives, no court can force the Government to implement them. DPSP is non-justicable. But the sanctions behind them are political. In other words it means that if any Government fails to implement these principles it would have to answer the electorate at the time of election.

Therefore many of the principles have been made laws and amendments were made to add new principles as the directives Some of the laws made are:

- The prohibition of alcoholic drinks passed by many State Government.
- The 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments to constitution, which has made it compulsory for all State Governments to implement panchayatraj institution – the gram panchayat, taluk panchayat, zilla panchayat.
- The right to education is provided to children.
- The various measures taken for the upliftment of the scheduled castes and scheduled tribes.
- The prohibition on cow slaughter has been enacted in various states.
- The policy undertaken by the five year plans and the community development programme (1952).
- The abolition of zamindari system and the intermediaries etc.

(Space for Hints)

### 1.3.2. DIFFERENCES BETWEEN DIRECTIVE PRINCIPLES AND FUNDAMENTAL RIGHTS

The directive principles of state policy and the fundamental rights outwardly resemble each other in so far as they aim at the working of the common good of the people of India, but there are vital differences between the two.

The fundamental rights are limitations upon State action. But the directive principles are instruments of instruction to the Government. The directive principles are to be implemented by suitable legislation. Originally, these directives did not create any justiciable rights, and they could not be enforced by courts of law. But, the 42<sup>nd</sup> amendment Act has given the precedence to the directive principles to cover the fundamental rights. This Act widens the scope of Article 31 (c) so as to cover the Directive principles enumerated in Part IV thereby giving more importance and sanctity to the directives and precedence over the fundamental rights. Originally, no court could compel the Government to implement the directives. There was only political sanctions behind the directives. Dr. Ambedkar said, “if any Government ignores them, they will certainly have to answer for them before the electorate at the election time”. Since these principles are considered to be fundamental in the governance of the country, Government, while shaping its policy, can not ignore the Directive principles of State Policy.

Fundamental rights are prohibitive in character. They require the State not to do certain things. The directive principles, on the other hand, are positive obligation of the State. They say that it is the duty of the State to promote certain social and economic objects. “Fundamental Rights are injunctions to prohibit the Government from doing certain things; as the directive principles are the affirmative instructions to the Government to do certain things” (A.Gledhill)

In 1951, Article 15 was to be amended by the addition of a new clause (4) by which Government got powers to take special steps for the admission of socially and educationally backward classes in educational institution notwithstanding the provisions of Art 29(2), which prevents the discrimination in admission in educational institution maintained or aided by the State. This amendment also affected the ninth schedule of the Constitution as well.

Constitution was again amended in 1955. Fourth Amendment of the constitution was passed in that year. It became necessary because the Supreme Court held in the case of Kameshwar Singh Vs. Bella Banerji that compensation for the acquisition of public property meant the payment of compensation at the market price. By this, constitution amendment, it was provided that if any property was acquired by the State for the public purposes, the same shall not be called in question in any court on the ground that the compensation provided by law was not adequate.

In 1967, the Supreme Court gave its historic judgment in Golaknath case, in which it was held that the state should certainly implement the directive principles, but while implementing these, it must ensure that the fundamental rights are not abridged.

In 1972, the constitution 24<sup>th</sup> and 25<sup>th</sup> Amendment Acts were passed. The 24<sup>th</sup> amendment of the constitution provides that no law shall be called in question on the ground that the amount fixed for compensation for acquisition of property was not adequate. The powers of the court, however, is considerably curtailed. In 1973, the Supreme Court, however, ruled in Keshavnanda Bharati's case that Parliament while amending the fundamental rights could not amend the basic structure of the Constitution. In the 1977 was passed the 42<sup>nd</sup> constitution Amendment Act which provided that parliament can amend any part of the constitutional amendment as null and void. By this amendment the fundamental rights were subordinated to the Directive principles. Thus, the relationship between the two was completely reversed. This amendment were challenged in the famous Minerva Mill Case which struck down the amended Art 31(3) on the ground that it violated the basic structure of the constitution. Thus the Directive Principles again got a subordinate position as compared with the Fundamental Rights.

**Check your progress questions**

- 5) Define Directive Principles of State Policy
- 6) Write a note on Gandhian Principles
- 7) Explain the distinction between the Fundamental Rights and Directive Principles of State Policy

(Space for Hints)

### 3.3.3. DIFFERENCE BETWEEN FUNDAMENTAL RIGHTS DIRECTIVE PRINCIPLES

<b>Fundamental Rights</b>	<b>Directive Principles of State Policy</b>
1. These are negative as they prohibit the state from doing certain things	There are positive as they require the state to do certain things
2. These are justiciable	These are not justiciable
3. They aim at establishing democracy in the country	They aim at establishing social, and political democracy in the country
4. They have legal sanction	They have moral and political sanction
5. They promote the welfare of the individual	They promote the welfare of the community
6. Can be suspended during emergency	No such provision
7. They are automatically enforced	They are not automatically enforced
8. The courts are bound to declare a law violative of any of the fundamental rights, as unconstitutional and invalid	The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid

### 3.4. SUMMARY

This unit provides the details that the fundamental rights give us the best fruit of democracy. These rights are natural and essential for good life. They are absolutely necessary for the development of the human personality and making the life completely. To know and understand the equality before law, equality of opportunities in matters of public employment, abolition of untouchability it also deals with the protection of life and property, freedom of speech and expression.

To understand the rights against exploitation and prohibition of employment of children below the age of 14 years in hazardous jobs. It included the right of minority etc. to conserve their language and script and to establish and administer the educational institution. Right to constitutional remedies and to protect our life. Everyone has duties to the community in which alone the free and full development of the personality is possible. Also you are able to understand the clear distinction between fundamental rights and duties. The Directive Principles are created for the welfare of the State and individuals. If any Government ignores them, they will certainly have to answer for them before the electorate at the election time

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### 3.5. KEYWORDS

- |     |               |   |  |
|-----|---------------|---|--|
| 1.  | Denomination  | - | designation or name or class             |
| 2.  | Hazardous     | - | adventures or dangerous                  |
| 3.  | Habeas corpus | - | to produce the body.                     |
| 4.  | Mandamus      | - | to command                               |
| 5.  | Quo-warranto  | - | what authority                           |
| 6.  | Prohibition   | - | command inactivity                       |
| 7.  | Certiorari    | - | to certify or to make certain            |
| 8.  | Intoxicating  | - | bring or be under the influence of drink |
| 9.  | Anathema      | - | curse or hated thing                     |
| 10. | Abjure        | - | renounce on oath                         |

### 3.6. ANSWERS FOR THE CYP QUESTIONS

- For Question No.1 ... Refer Section No. 3.1
- For Question No.2 ... Refer Section No. 3.1.4.
- For Question No.3 ... Refer Section No. 3.2.
- For Question No.4 ... Refer Section No. 3.2.3.
- For Question No.5 ... Refer Section No. 3.3.
- For Question No.6 ... Refer Section No. 3.3.1. (b)
- For Question No.7 ... Refer Section No. 3.3.2

(Space for Hints)

### **3.7. BOOKS FOR FURTHER READING**

- 1) Bakshi, P.M; The constitution of India, Universal Law Publishing, New Delhi, 2002 Ed.
- 2) Kashyap, Subhas; Our Constitution. An introduction to India's constitution and law; National Book Trust, India ; 2008
- 3) Poornima G.R; Suresh Kumar M. N; The constitution of India, Sura College of Competition; 2008.
- 4) Dubey S.N; Modern Governments, Varain's series, 2002.

### **3.8. QUESTIONS AND EXERCISES**

1. Examine critically the fundamental rights and their safeguards provided by the Indian constitution.
2. Analyse the position of fundamental duties under the Indian Constitution.
3. Why Dr. Ambedkar described Article 32 as the 'Heart and Soul' of our constitution.
4. Discuss the relationship between Fundamental Rights and Directive Principles.
5. Point out the importance of the Directive Principles found in the Indian constitution.
6. Give an account of the Directive Principles of State Policy under the Indian constitution.

# **INDIAN FEDERALISM: UNITARY STRUCTURE: FEDERALISM IN CENTER- STATE RELATIONS**

## **INTRODUCTION**

In a federal government, the powers and authority of government is divided between a government for the whole country and provisional governments of the country in such a way that each government is legally independent within its own sphere. The term “federation” is derived from the Latin word “Foedus” meaning “treaty” or “agreement”. Two or more provinces, after surrendering the sovereignty, on agreement, agree to work within the union with a certain degree of autonomy under a single sovereignty. Before the enactment of Government of India Act, 1935 India was unitary in nature modelled along British system. The 1935 Act made India a federal form of Government. Article 1 of the Indian Constitution describes India as a union of states instead of federation, though in India Federal form on Government has been adopted. The Indian federal system is based on the ‘Canadian model’ and not on the ‘American model’. The ‘Canadian model’ differs fundamentally from the ‘American model’ in so far as it establishes a very strong centre. The Indian federation resembles the Canadian federation. The best examples for the federal form of Government are the USA, Switzerland, Australia and Canada. Moreover, the center-state relations are decided by constitutional provision which favour centre domain over states in the legislative, executive and financial spheres.

## **OBJECTIVES**

- 1) Learning the salient features of the Indian Federation
- 2) Understanding the nature of the Unitary structure
- 3) Realizing the centre - state relation in India
- 4) Analyzing the centre – state relations review committees

## **UNIT STRUCTURE**

- 4.1. Federal features of the Indian constitution**
- 4.2. The unitary elements of the Indian constitution**
  - 4.2.1. The State Governor is appointed by the President
  - 4.2.2. Critical assessment of Indian Federalism
- 4.3. Federalism centre – state relations in India**
  - 4.3.1. Legislative relation
  - 4.3.2. Administration relation
  - 4.3.3. Financial relation
- 4.4. Suggestion for the further improvement of the centre – state relation**
  - 4.4.1. Sarkaria Commission for improving the centre state relation
- 4.5. Summary**
- 4.6. Keywords**
- 4.7. Books for further reading**
- 4.8. Answer for CYP questions**
- 4.9. Questions and exercises**

### **4.1. FEDERAL FEATURES OF THE INDIAN CONSTITUTION**

#### **a. Written and Rigid constitution**

The Indian constitution is a written document containing 395 Articles, 22 chapters and 8 schedules originally came into effect from 26<sup>th</sup> January, 1950. It stands at the top of hierarchy of all laws and all the authorities in India are legally bound to respect it. Our constitution is also one of the lengthiest documents in comparisons with the constitution of other federation. The Indian constitution is rigid to a larger extent. Those provisions of the constitution which concern the relations between the Federal and state government as well as the judicial organization of the country can be amended only by the joint action of the Federal and the state governments. These provisions not only require two-thirds majority of the two houses of Parliament, but also the approval by the majority of state legislatures.

## **b. Division of powers**

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Division of powers is the key to Indian federalism. The Legislative and Executive powers are divided between the centre and the state governments. Both enjoy the real powers as divided between them by the constitution. The division of powers in India is classified into three lists. They are Union list, State list and Concurrent list.

### **(I) Union list**

The union list consists of 97 subjects and the central laws are applicable throughout the length and breadth of India. The central government has full powers to legislate on subjects falling under union list. Some of the prominent subjects under union list are: defence, foreign affairs, science and technology, elections, banking insurance, atomic energy, war and peace, post and telegraph, citizen, census, currency, income tax, patent etc.,

### **(II) State list**

The state list consists of 66 subjects and its power extends throughout the boundary of the state. The state government has full powers to legislate on the subjects falling under state list. Some of the prominent subjects are: law and order, police, revenue, libraries, education, public health, local government, agriculture, forestry, and animal husbandry etc.

### **(III) Concurrent list**

The concurrent list consists of 47 subjects and the power of legislation on subjects falling under this list lies with both the centre and state governments. Here, coordination and cooperation between the two is the key element. However, if the subjects are conflicting in nature, the decision of the union legislature is supreme. Some of the subjects falling under concurrent list are: criminal law, price control, pharmaceuticals, social security, economic and social planning, newspapers, stamp duty; adulteration of food, electricity, industries, marriage, divorce, contracts, trusts, bankruptey etc.,

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**c. Bicameral Legislature:**

Like other federal systems, Indian federalism too has two chambers. They are: Rajya sabha (Upper House) and Lok sabha (Lower House). Rajya sabha is a nominated house whose members are from state legislatures. The members of Lok sabha are directly elected by the people through the system of universal adult franchise. Rajya sabha represents the interests of states, whereas Lok sabha represents the whole country.

**d. Independent impartial judiciary:**

Independent impartial judiciary is the heart of Indian federal system. The judicial system is uniform throughout the country. The judiciary arbitrates disputes of both central and state governments. There is no provision for special judiciary for states.

In the hierarchy of courts, supreme court acts as the final court of justice. That's why it is also called the Apex court. The high court acts as the highest court of justice in states. Two or three states may have a single high court. The courts below high court are called subordinate courts and they act as per directions of high court.

**e. Supremacy of the constitution:**

The constitution holds an undisputed position in Indian federal system. The centre and state governments derive their legislative and administrative power from the constitution. The judiciary acts as guardian of the constitution. In case, laws passed by the legislative or the laws implemented by the executive are not in accordance with the constitution, such laws may be declared "unconstitutional" or "null and void". Thus, the centre and state governments enjoy their power under the watchful eyes of the constitution. This establishes the supremacy of the constitution.

## 4.2. THE UNITARY ELEMENTS OF THE INDIAN CONSTITUTION

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Unitary means 'unit or unity'. But as already said India is not a perfect federation. It is a quasi-federal polity and has a powerful and strong centre. But the basic nature of the Indian constitution is unitary. The constitution of India does not use the word 'federation' Article 1 of the constitution says, "India that is Bharat shall be a union of states." The governmental system created by the constitution is highly centralized and the powers conferred on the federating units are extremely circumscribed. K.C. Wheare says, "The Indian constitution established indeed a system of government which is at most quasi-federal, a unitary state with subsidiary federal features rather than a federal, federal state with subsidiary unitary features. The united kingdom, France, Italy, Japan, China, Srilanka and Iran are some of the examples of a unitary state. The following are the unitary features of the Indian constitution.

### a) strong centre:

The constitution of India establishes a strong centre awarding all important power to the union government. The concurrent list contains many items. The union government appoints the Governor to states. The centre may take over the administration of the states on the recommendation of the Governor. During emergencies there is no bar on union government assuming supreme power. The legislative subjects listed under the state list will be included in the national interest. The constitutional functionaries, such as Comptroller and Auditor General, Chief Election Commissioner etc., are appointed by the President, whose sphere of working extends even at the state level. There is single civil code and criminal procedure throughout India. It is specified that full faith and credit be given throughout India to public acts, records and judicial proceedings of the union by the states.

### b) Single citizenship:

That there is a definite swing towards unitary system in the Indian constitution is an established fact. In the federal system of America, there exists double citizenship-one of the Union and the other of the states. In India, as in

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Canada and Burma, there is only one set of citizenship. In respect of Fundamental Rights and civil rights all citizens are equal. The law guarantees equality of opportunity to every citizen, irrespective of his place of birth, race, caste, sex, or religion. There is free movement of people from one province to another without any problem of citizenship. Single citizenship curbs provincialism and promotes the feeling of oneness in the country. India has single constitution, except for Jammu and Kashmir. Under Article 370, the constitution has provided for separate constitution for Jammu and Kashmir.

**c) Division of powers in favour of centre:**

The Indian constitution has distributed the powers between the centre and the states in such a way that the centre has become stronger than that of the state. The most important and almost all important subjects in the concurrent list between the centre and the states, the will be the centre will prevail and also, the powers which have not been mentioned in any of the three lists, go to the central government. The Indian constitution vests the residuary powers in the hands of union parliament under Article 248. In the U.S.A. the residuary powers go the states and not to the centre.

**d) Establishment of All India Service:**

Indian federalism differs from that of USA as far as the civil service is concerned. In U.S.A, the civil service is appointed by the provinces, who implement Legislations of both centre and the federal units. But in india, civil service is appointed by the union, which implements policies of both central and state government (Article 312). The officials are appointed by the Union Public Service Commission. The state governments have no power to suspend or dismiss a member of the union civil service. Instead, the state Government can only recommend for their suspension, dismissal and in some cases for recall. Such a provision is copied from the British civil system.

**e) United judiciary**

In a federal country like the U.S.A, there is dual system of judiciary one for the state and the second for the centre. In India on the other hand, we have

only one unified system of judiciary to which Supreme Court stands at the top. It shows clearly the unitary character our constitution.

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#### **4.2.1. THE STATE GOVERNOR IS APPOINTED BY THE PRESIDENT**

The President has to act on the advice of the cabinet. The Governor is actually a nominee of the party in power at the centre. The Governor holds office during the pleasure of the President. He also acts as an agent of the centre. The Governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the President. The president can withhold his assent to such bills not only in the first instance, but also in the second instance. Thus, the President enjoys absolute veto (and not suppressive vote) over state bills. But in US and Australia, the states are autonomous within their fields and there is no provision for any such reservation.

#### **4.2.2. CRITICAL ASSESSMENT OF INDIAN FEDERALISM**

Due to the presence of a strong central government the reality of federalism in India is questioned, K.M Munsh, said, "India is not a federation, but a union" Dr. K.C wheare said that the Indian constitution establishes a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features. Basing on the comparison of federal features of the U.S.A. and those of India, many scholars come to the conclusion that India is not a real federation. It is a quasi-federation. Division of powers, supremacy of the constitution and a powerful judiciary are said to be the essential basic features of a federation. These three features are present in Indian constitution. The special powers provided to the central government are not exercised during normal conditions. They are exercised only in emergency. Even in the so called real federations like the U.S.A. and Switzerland the federal governments are becoming stronger day by day. Hence it is argued that federalism in India is genuine. It is true that the framers of our constitution had purposely drafted the constitution to provide a strong centre. But that was a necessity at the time of framing the constitution. Things have changed a lot now as the people have learnt the fundamentals of politics. In many of the states opposition parties establish their government. This development has prompted the states to safeguard their rights

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after the successful experiment of so many years. The Indian federalism has started effective functioning. In course of time it will undergo changes. The Indian federalism suits India. Its features are decided by the political social and economic conditions prevailing in India.

### **4.3. FEDERALISM CENTRE – STATE RELATIONS IN INDIA**

We have already seen that the Indian constitution is more unitary than federal. In a federation, the powers are divided between the centre and the states. The Indian constitution has distributed the powers in such a way by which the centre has become more powerful. The Indian federation has 28 states and 7 union territories. Part XI and part XII of the Indian constitution deal with the centre–state relation. Articles 245 to 307 deal with the Legislative, Administrative and Financial relations between the centre and the states.

#### **4.3.1. LEGISLATIVE RELATION**

The union-state relations in the legislative sphere have been dealt by Articles 245-254. Although the constitution has distributed the legislative powers under three lists Union, state and concurrent under certain circumstances this system of distribution is either suspended or the powers of the union parliament are extended over state subjects. The lists are given in three list: The central list 99 subject such as defence, foreign relations, currency, communication etc., In the state list they are 66 subjects, like agriculture, local government, police, public health etc., In addition to that there is concurrent list containing 47 subjects like criminal law and procedure, marriage and divorce, education, economic and social, trust and trusteeships etc. over which both union and the state government can legislate. The President can authorize the parliament to exercise the powers of the state legislature during the proclamation of emergency due to break down of constitutional machinery in a state. But all such laws passed by the Parliament cease to operate 6 months after the proclamation of the emergency come to an end. If both the central and state governments passed laws in same subjects, according to article 254 of the constitution, the central law alone will become valid.

### **4.3.2. ADMINISTRATIVE RELATIONS**

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Part XI chapter II of the constitution contains the details of the administrative relations between the centre and the states. The administrative relations are mostly based on the Act of 1935. The central government can send directions to the states. According to Art. 256 the executives power of every state shall be so exercised as to ensure compliance with the laws made by the Parliament. The Parliament is empowered to direct, to command and to guide the state administration. The central government can send orders to the states with regard to army, railways, national highways and waterways which are of national importance. The state Governors can entrust the powers of the states to central government. According to articles 258, 258-A, they can powers among themselves. As per article 262 the central government is empowered to settle the issues between states on river waters and vallies. Article 263 permits the President to appoint a commission to settle the issues among the states. The President appoints the Governor of the state election commissioner. The Chairman of the Finance commission comptroller and Auditor General of India judges of both Supreme Court and high court appointed by the President of India. Article 263 says that the president may set up an Inter-state council for advising upon the disputes which may arise between the states

### **4.3.3. FINANCIAL RELATION**

The constitution of India too has special provision detailing the financial relationship between the union and state. The main sources of the financial relation as envisaged in the Indian constitution is based on the Government of India Act, 1935. Article 265 relates to financial relations or aims to avoide any confusion in sharing and allocation of the revenues received through taxation. The task of detailed allocation is left to the finance commission to be set up from time to time by the President of India. The first Finance Commission was constituted in 1951 and K.C. Neogy was the first chairman. The present 12<sup>th</sup> Finance Commission is functioning under the chairmanship of Dr. C. Rengarajan. The distribution of financial resources between the centre and the state is as under.

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### ❖ TAX REVENUE OF UNION GOVERNMENT

The following are the tax revenues the union government gets from the collection of taxes imposed by it. Some of them are customs duties, corporation tax, estate duties, income tax other than agricultural income, stamp duty imposed on bills of exchange, cheques etc, taxes on capital value of the assets of individuals or companies, excise duty on tobacco and on certain goods manufactured or produced in India, currency coins and legal tender, foreign exchange, duties of customs including export duties, lotteries, taxes on the sale or purchase of newspapers on advertisement published in the newspapers, peace in respect of the matters in the union list and terminal taxes on goods or passengers carried by air and seas. Non tax revenue of union government gets from the railways, post and telegraphs, public sector undertakings, loans to the public, and collection of the court fee.

### ❖ TAX REVENUE OF STATE GOVERNMENT

The following are the tax revenues of the state government gets from land revenue, succession duty on agricultural land, alcoholic drinks. Opium and other drugs vehicle tax, professional tax, sales tax, tolls. Non tax revenue of the state comes from incomes from electricity boards, road transport corporation income from irrigational system income from sales of forest products etc.,

### ❖ SHARING THE UNION REVENUE

The tax revenues of the union has been given to the state governments greatly for administrative purposes. The percentage of the revenues to be shared between the union and the state governments are decided by the union government on the recommendation of the finance commission once in five years. The whole guide of sharing of financial resources is seen in the constitution from article 268 to 281. The following are the constitutional provisions:-

- Duties levied by the union but collected and appropriated by the states

Article 268 provides that stamp duties on bills of exchange, Cheques and excise duties imposed on medicinal and toilet preparation containing alcohol shall

be imposed by the union government but shall be collected and appropriated by the states.

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- Taxes levied and collected by the union but assigned to the states (Article 269 )

**The following are the taxes levied and collected by the union but assigned to the states:**

- Duties imposed on succession of property.
- Taxes on railways fares and freights.
- Taxes on transaction in stock exchanges.
- Taxes on the sale or purchase of goods other than newspapers etc.
- Taxes levied and collected by union but distributed between the union and the states.

**Articles 270 and 272 has provided for taxes which are levied and collected by the union government but are shared by the union and the states.**

**They are as follows:**

- Income tax other than agricultural income.
- Union excise duties other than such duties of excise on medicinal and toilet preparations.

**The percentage of the net proceeds of any such taxes or duty to be distributed among the states will be prescribed by the finance commission**

#### **❖ Surcharge:**

The parliament, according to article 271, may at any time increase any one of the duties or taxes by a surcharge for purposes of the union and the whole proceeds of any such surcharge shall form part of the union government. For instance, presently a cess of 3% (budget 2007, 08) is imposed on some products but for the purpose of education, surcharge can be imposed by the union government.

#### 4.4. SUGGESTIONS FURTHER IMPROVING CENTRE – STATE RELATIONS

- ❖ Dr.P.V.Rajamannar committee on September 22, 1970, the tamilnadu government set up a three member consisting of Dr.P.V.Rajamannar, Dr. Lakshmanaswami mudaliar and P.C. Chandra Reddy to examine the improvement of the centre state relations. The committee submitted it's report in May 1971. The committee was of the view that:
  - 1) Inter-state council should be immediately set up. The inter-state council consist of the Prime Minister, the Chief Minister of all states, 6 Ministers of cabinet rank in the union council of Ministers and Administrators of union territories not having a legislative assembly. Inter-state council was set up on 28 1990. i.e Dr.P.V.Rajamannar committee was fullfied.
  - 2) Planning commission should made as on autonomous body and also finance commission should be made a permanent body
  - 3) States should be made financially less dependent on the centre and all the states should be given equal representation in the Rajya Sabha
  - 4) Special state of Jammu and Kashmir should be maintained and English should be link languages between the centre and the states
  - 5) The Governor should be appointed always in the consultation with the State cabinet or a high power body, that the Governor should be ineligible for a second term to the office
  - 6) That the emergency provision (Art, 356 & 357) must be omitted so as to provide alternate safeguards and to remove the danger of arbitrary imposition of President's rule.

#### 4.4.1. SARKARIA COMMISSION FOR IMPROVING THE CENTRE - STATE RELATION

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A commission headed by Mr. Justice R.S. Sarkaria, as the chairman and Mr. B. Sivaraman and Mr. S.R. Sen as members was set up in June 1983 to examine and review the working of the existing arrangements between centre and state on powers, functions and responsibilities in all fields and recommended such as changes or steps as may be appropriate. The report was officially published in the end of January 1988. The following important recommendations are in it:

- 1) The commission has recommended that the inter-state council called the inter-state governmental council i.e., proposed to be set up under article 263 of the constitution should be a permanent body to promote the socio-economic planning and development.
- 2) The commission did not favour the deletion of Article 353 of the constitution but suggested number of steps to ensure that the power was only rarely used.
- 3) It did not favour the idea of abolition of the office of the Governor and also the idea that the governor should be selected from a panel of names given by the concerned state government. It, however, favoured the idea that Governor should be appointed in consultation with the Chief Minister the concerned state.
- 4) It did not favour transfer of any subject from the central to the state or concurrent list but at the same time it favoured the sharing of corporation tax and levy of duty on consignment on advertisement and broadcasting.
- 5) It recommended implementation of three languages formula and also suggested creation of several new All India Services
- 6) It recommended that a Chief Minister should seek a vote of confidence in the assembly within 30 days of taking over. The issue of majority support should be allowed to be tested only on the floor of the houses

**Check your progress questions**

- 1) Discuss the nature of the Indian federation
- 2) Explain the meaning of Unitary
- 3) Explain the significant of Article 256
- 4) Explain the working of Inter-state council
- 5) Write a note on Sarkaria Commission Report

## 4.5. SUMMARY

This unit provides the details to understand the salient features of the Indian Federation. The establishment of central and state government, division of powers among them the superior nature of the constitution, and the restricted independent judiciary or few special features. But India is having a federal set up which is different from the federal features of USA and Switzerland. If we analyze them carefully we can understand that India is a Quasi-Federal set up. Also we are able to recognize the Indian constitution, centre and the state relations. The people also should function with the spirit of Nationalism and Patriotism, Regionalism, Parochialism and narrow minded disparities should be avoided. Dr.P.V. Rajamannar committee and Sarkari committee were appointed to discuss about the center state relations

## 4.6. KEYWORDS

- |    |              |   |   |
|----|--------------|---|---|
| 1. | Federation   | - | Act of uniting                                    |
| 2. | Unitary      | - | pertaining to one or one unit                     |
| 3. | Parochialism | - | narrow-mindedness                                 |
| 4. | Disparities  | - | inequality or differences                         |
| 5. | Harmonious   | - | agreeable   |
| 6. | Synchronize  | - | to take place or cause to happen at the same time |

## 4.7. ANSWERS FOR THE CYP QUESTIONS

- For Question No.1 ... Refer Section No. 4.1.  
For Question No.2 ... Refer Section No. 4.2.  
For Question No.3 ... Refer Section No. 4.3.2.  
For Question No.4 ... Refer Section No. 4.4.  
For Question No.5 ... Refer Section No. 4.4.1.

## 4.8 BOOKS FOR FURTHER READING

(Space for Hints)

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- 2) Setalvad, M.C; union and state relations under the Indian constitution, 1974.
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- 4) Ray. A; Tension Areas in India's federal system; Calcutta, the world press: 1970

## 4.9 QUESTIONS AND EXERCISE

- 1) Discuss the salient features of the Indian Federation
- 2) Quasi federal structure in Indian constitution – comment
- 3) Give an analysis of the central-state relation in India
- 4) Analyze the recommendation of the Rajamannar Committee for the re-structure center-state relations.

**UNION LEGISLATURE: THE PRESIDENT OF INDIA:  
THE PRIME MINISTER OF INDIA:**

**INTRODUCTION**

The legislature, popularly known as the Parliament, occupies an important place in the organization of State. The term 'Parliament' originally meant 'a talk' is derived from the French word 'parler' and the Latin word 'Parliamentum' meaning to speak or parley. Part V, chapter II and chapter III articles 79 to 123 deal with the union Parliament. Article 39 expressly states that 'there shall be a Parliament for the union of India'. India has adopted the Parliamentary system of Government. It is a bicameral legislature consisting of the House of the People (Lok Sabha) the Council of States (Rajya Sabha) and the President of India. Although the President is never a member of any House, these are considered a part of the legislature because no union law can be valid and force without his signature (Article 77). The most important function of the Parliament is to legislate. Parliament has the sole power to authorize the collection and expenditure of money. The Government cannot spend a single paisa without the consent of the Parliament. This chapter also discusses the Prime Minister and Council of Ministers.

**OBJECTIVES**

1. Understand the organizations and functions of the Indian Parliament
2. Be able to trace the role and function of the President of India
3. Know the performance and role of the Prime Minister
4. Learn the Council of Ministers' responsibility in Parliament

**UNIT STRUCTURE**

**5.1. Council of State (Rajya Sabha)**

- 5.1.1 Powers and functions of Rajya Sabha
- 5.1.2 The House of the People (Lok Sabha)
- 5.1.3 Power and function of the Lok Sabha

## **5.2 Speaker and deputy speaker of the Lok Sabha**

(Space for Hints)

5.2.1. Law making process

5.2.2. Committee system

## **5.3. The President of India**

5.3.1. Powers and functions of the President

5.3.2. Prime Minister

5.3.3. Bridge between the President and the Parliament

5.3.4. The Council of Ministers

## **5.4. Summary**

## **5.5. Answer for the CYP Questions**

## **5.6. Key words**

## **5.7. Books for further reading**

## **5.8. Questions and exercises**

## **5.1. THE COUNCIL OF STATES (RAJYA SABHA)**

The maximum number of members in Rajya Sabha should not exceed 250, of which 238 members are elected from the States through indirect elections by the single transferable vote. The 12 members are nominated by the President from among those with special knowledge and experience in the field of art, Literature, Science, Social service etc. The representation of the Rajya Sabha varies from State to State and is divided in proportion to the population of each State. The Rajya Sabha does not give equal representation to the States like the American Senate. The Council of State (Rajya Sabha) can not be dissolved. It is a permanent body. Its members are elected for 6 years, of which 1/3 of the members are retired every 2 years and are eligible for re-election. The quorum of the House is 1/10 of its total membership

### **a) Qualification for membership of rajya sabha**

- Must be a citizen of India.
- Should have attained the age of 30 years
- Owe allegiances to the constitution.
- Must not hold any office of profit under the Government - National, State or local.
- Should not be an insolvent or of unsound mind

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## **b) Chairman of the Rajya Sabha**

The Vice-President of India is the ex-officio Chairman of the Council of States. In his absence, the council is presided over by the Deputy Chairman. Most of the functions performed by the Chairman are similar to those performed by the Speaker of the House of People. (Lok Sabha). Certain special powers possessed by the Speaker are not possessed by the Chairman of the Council of States. The Deputy Chairman obviously holds office as long as he is the member of the Rajya Sabha. The Deputy Chairman of the Rajya Sabha can be removed from his office by a resolution of the Rajya Sabha, which is also to be approved by the Lok Sabha.

### **5.1.1. POWERS AND FUNCTIONS OF THE RAJYA SABHA**

The Council of States possesses, more or less, equal power with the House of the people. A notable difference is that money bills can not originate in the Council of States. Even without the concurrence of the council of States, a money bill could become an Act. The council of States can suggest recommendations to money bills and this must be done within fourteen days. It is not necessary that the House of People should accept the recommendations suggested by the council of States. The council of States does not have any powers over demands for grants. Ordinary bills may originate in the Council of States also. But they must be approved by the House of the people to become Acts. The Council of States can control the Government by moving resolutions and adjournment or by votes of censure or by asking questions or supplementary questions. The Council of States participates in the election of the President and the Vice-President. Amendments to the constitution are approved by it. The resolutions regarding the impeachment of the President and Judges must be approved by it. It can remove the Vice President from office. The establishment of a new All-India Service requires its approval. Extension of the President's proclamation of the emergency requires the approval of the council of States. Only if the council of States declares that it is necessary and expedient then, the Union Parliament enact temporary legislation with respect to matters contained in the State list. Article 312 of the constitution provides that the Rajya Sabha is entitled to create a new All India Service, by passing a resolution 2/3 majority of

the House, if it is feels that the creation of such a service is essentially needed in the national interest.

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#### **d) Special powers of Rajya Sabha**

Special powers of Rajya Sabha are in the form of initiating certain resolutions or bills.

Article 67, 249, 312 give special powers to the Rajya Sabha.

- (1) Article 67 : a resolution seeking the removal of Vice – President can originate only in the Rajya Sabha.
- (2) Article 249 : any resolution seeking creation of one or more All India Services including All India Judicial Services can only be initiated from the Rajya Sabha.
- (3) Article 312 : A resolution seeking legislation on any State of the State list can originated only in the Rajya Sabha.

#### **5.1.2. THE HOUSE OF THE PEOPLE (LOK SABHA)**

The Lok Sabha is the lower House of the Parliament. The maximum strength of the House envisaged by the constitution is now 552 (530 members to represent the States, 20 to represent the union territories, and the President may, if he is of the opinion that the Anglo-Indian Community is not adequately represented, nominate 2 members of that community). The present strength of the Lok Sabha is 545, consisting of 530 elected members from the States and 13 elected members from the union territories and the remaining 2 Anglo-Indians appointed by the President. The seats are reserved for the SC and ST in the Lok Sabha based on population ratio. The representatives of the States are to be directly elected by the people

#### **Qualifications for the members of Lok Sabha**

- Must be a citizen of India.
- Must have attained the age of 25 years.

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- Must owe allegiance to the constitution.
- Must not hold an office of profit under the Government national, State or local.
- Should not be an undischarged insolvent.
- Must not be a man of unsound mind.

#### **a) Tenure of the Lok Sabha**

The normal tenure of the Lok Sabha is 5 years. However, this tenure can be increased or the House can be dissolved even before the completion of its normal tenure. Thus by the 42<sup>nd</sup> constitutional amendment, the tenure of Lok Sabha was increased to six years. But again it was made five years by the 44<sup>th</sup> constitutional amendment. The life of the Lok Sabha can be extended while a proclamation of emergency is in operation, for a period of one year. At a time and not exceeding in any case, a period of 6 months after the emergency has come to an end. The constitution provides that the Lok Sabha shall meet at least twice a year and a period of six months. The quorum required for the meeting has been fixed at ten percent of the total membership of the House.

#### **b) Privileges of the Members of the Lok Sabha:**

The members of the Lok Sabha enjoy certain privileges and conveniences. They have absolute freedom of speech in the Lok Sabha and they can not be tried in any Court of law for any remark made by them on the floor of the House. They can not be arrested in connection with any civil proceedings against them during the session and forty days before and after a session. The Speaker protects the members against any infringement of their privileges.

### **5.1.3. POWERS AND FUNCTIONS OF LOK SABHA**

#### **a) Legislative powers**

The Lok Sabha can enact laws on the subjects mentioned in the union list and the concurrent list. It can enact laws on subject in State list in certain circumstances. Any bill can be introduced in this House. Money -bills can be introduced only in the House of People. A money bill is sent to the Rajya Sabha

for recommendation, which can only discuss, but cannot reject or amend it. If Rajya Sabha does not return a money-bill within 14 days, the bill is deemed passed in the original form by both the Houses. Regarding budget (the annual income- expenditure Statement), Lok Sabha being a representative House enjoys total authority. The Lok Sabha's position on financial matters is such that the demands for grants are placed only before the Lok Sabha.

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#### **b) Executive powers**

The Prime Minister is the leader of this House. The Council of Ministers is responsible to the Lok Sabha. By passing a no- confidence motion, it can be sent to the Council of Ministers, out of power. Its members can ask questions to the Ministers. The members can criticize the policies and actions of individual Ministers as well as the council of Ministers. It can initiate the process of impeachment of the President. In removing the Vice-President from office, the approval of the Lok Sabha is essential.

#### **c) Judicial powers**

The primary function of the Parliament is to make laws. In some extraordinary circumstances the Parliament has judicial functions. It can impeach the President, any Judge of the Supreme Court or High Court on the allegation of corruption and inefficiency. The Lok Sabha also sits in judgement, along with the Rajya Sabha, in removing High constitutional functionaries, such as the Comptroller and Auditor General (CAG), the Chief Vigilance Commissioner (CVC), the chief Election Commissioner (CEC) etc.

#### **d) Union Parliament expenditure**

The expenditure incurred in the running the Lok Sabha per session is a costly affair. It is astonishing to note that it costs Rs. 3 crore per day. Normally, the Government spends Rs. 32.66 lakh per hour to run the Lok Sabha, which may go upto Rs. 50 lakh during the budget sessions. The main expense is the voluminous paper work-truck loads of budgetary papers, railways budget, the general budget and the security involved. This also includes the T.V. coverage,

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supply of power, transportation, canteen expenditure and M.P.s and Minister' daily allowances.

Incidentally, the expenditure of the Lok Sabha as a whole has increased many times over the years. The total expenditure in 1990-91 was Rs.18.10 crores, which rose to Rs.97.78 crore in 1990-2000. By 2002-03, it went up to Rs.. 245.78 crores, 2003-07 Rs. 260.72 crores.

Sl. No	Name of the Sates	No. of Seats in Lok Sabha	No.of Seats in Raja Sabha
1.	Andra Pradesh	42	18
2.	Arunachala Pradesh	2	1
3.	Assam	14	7
4.	Bihar	40	1
5.	Goa	2	11
6.	Gujarat	26	5
7.	Haryana	10	5
8.	Himachal Pradesh	4	3
9.	Jammu and Kashmir	6	4
10.	Karnataka	28	12
11.	Kerala	20	9
12.	Madhya Pradesh	29	11
13.	Maharastra	48	19
14.	Manipur	2	1
15.	Meghalaya	2	1
16.	Mizoram	1	1
17.	Nagaland	1	1
18.	Orissa	21	10
19.	Panjab	13	7
20.	Rajasthan	25	10
21.	Sikkim	1	1
22.	TamilNadu	39	18
23.	Tiripura	2	1
24.	Uttar Pradesh	80	31
25.	West Bengal	42	16
26.	Uttaranjal	5	3
27.	Jharkand	14	6
28.	Chattishgarh	11	5

	<b>Union Territories</b>		
1.	Andaman & Nicobar Island	-	1
2.	Chattishgarh	-	1
3.	Dadra Nager Haveli	-	1
4.	Daman & Diu	-	1
5.	Lakshadweep	-	1
6.	Delhi	7	3
7.	Pondicherry	1	1
	Nominated Members		12
		<b>545</b>	<b>250</b>

## **5.2. SPEAKER AND DEPUTY SPEAKER OF THE LOK SABHA**

The Speaker is the Presiding Officer of the Lok Sabha. He is elected by the members of the House from among themselves. The Speaker presides over the meetings of the House, maintain order in the House, conducts the business of the House in accordance with the rules of the House. The constitution also provides for the office of the Deputy Speaker. He too is the member of the Lok Sabha and is elected by the members of the House from among themselves. The Deputy Speaker performs the duties of the Speaker when the latter is not in the House or while the office of the Speaker is vacant. A Speaker or a Deputy Speaker vacates his office, if he ceases to be a member of the Lok Sabha. A Speaker or a Deputy Speaker may be removed from office by a resolution of the House passed by a majority of the House. However, a notice of 14 days must be given for moving such a resolution. Whenever the Lok Sabha is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the newly constituted Lok Sabha. The Speaker or person acting as such shall not vote in the House in the first instance, but shall have exercise a casting vote in case of a tie. The Speaker presides over the meetings of the Lok Sabha and conducts all it's proceedings, except when the resolution for his removal is under consideration. He gives his ruling whether a bill is a money bill or not. He protects the infringement of the right of the members, their privileges and also he maintains order and discipline in the House.

### 5.2.1 LAW-MAKING PROCESS IN PARLIMENT

Before it's introduction, a bill is scrutinized by the Secretariat of the House. This is done to ascertain whether the bill has complied with the provisions of the constitution and the rules of procedure of the House. After scrutiny, the bill is printed and circulated among members of the House, even before its introduction. The House may refuse to permit the introduction of a bill.

After its introduction, a bill is printed in the gazette. (the Speaker may order the publication of a bill in the gazette even before its introduction). Once a bill has been introduced, the mover of the bill may rather move that bill to be taken into consideration, or that it be referred to a select committee of the two Houses, or that it be circulated for the purpose of eliciting opinion. After a bill has been introduced, no discussion takes place in the House. Details of the bill are not discussed at this stage. At this stage, members are not permitted to move the amendments to the bill. This stage is known as first reading of the bill and this is only a mere formality.

The second reading is the most crucial stage in the life of a bill. It is primarily concerned with the principles of a bill. A House also examines the bill in detail. At this stage the mover of the bill explains the objectives of the bill. After the second reading is over, the bill may either be referred to be a select committee or a joint committee of both Houses.

For considering the bills, the House appoints select committees. The members of the select committees are appointed or elected by the House, or nominated by the Speaker. Proportionate representation to different political parties and groups in the House is provided in the committee. The Chairman of the committee appointed by the Speaker from among its members. For the sitting of a committee, 1/3 of its total membership is the quorum. All questions at the sitting of a committee are decided by a majority of votes of the members present and voting. A committee may sent for persons, papers, and record. When a bill is referred to a committee, the time by which it should submit is also stipulated. The committee may ask for the extention of time. While making amendments to a bill, the committee should not destroy the principles of the bill, which was approved by

the House. Its second reading amendments beyond the scope of the bill should not be made. But a committee can alter, obstruct and postpone a bill. It can even submitted clauses in the place of the essential clauses of a bill. After its consideration, the bill will be sent back to the House alongwith the committee's reports

After bill has been reported back to the House by the committee, it could either be taken for consideration by the House, or return again to the same committee, or to a new committee, or circulated for any eliciting appropriate opinion. If the bill is taken up for consideration by the House, it is known as the third reading of the bill. The House proceeds to examine the bill clause by clause. Members may move amendments to the bill. After the bill has been passed by the House of the People, it is sent to the Council of States (Rajya Sabha) for its concurrence. If the bill is returned to the House from the Council of States with amendments, they should be accepted by the House. In case of disagreement between the Houses, a joint sitting is convened to resolve this issue. In the case of money bills, the Council of States should return them to the House within fourteen days. The council of States can recommend amendments to a money bill. But the House of the People is free either to consider or ignore these recommendations.

After a bill has been passed by both Houses of Parliament, it is sent to the President for his assent. He may either assent to the bill or withhold it. The President may recommend changes in the bill. If, after re-consideration, the House passes the bill with or without the amendments recommended by the President, he can not withhold his assent a second time. After having received the assent of the President, the bill becomes law.

### **5.2.2. COMMITTEE SYSTEM IN THE PARLIMENT OF INDIA**

Both Houses of Parliament have a number of committees. There are over a dozen committees in the House of the People. The most important committees are the Business Advisory Committee, Committee on Public Accounts, Committee on Estimates, Rules Committee, Committee on Government Assurances, Committee on Subordinate legislation, Committee on Petitions, Committee on Privileges, Committee on Private Member's Bill and Resolution and Select Committees.

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The businesses of following Committees are given below in detail:

The business advisory committees prepares the time-table for the Houses. It fixes the time to be allotted for a particular bill and for other matters to be discussed in the House.

- The major work of committee on public accounts is to examine the report of the comptroller and Auditor- general of India. It also examines the accounts laid before the House it examines whether the money allocated has been properly spent for the purpose, for which it was allotted. It also examines the faithfulness and economy of the expenditure
- The committee on estimates examines each department of the Government. It is on the basis of the report of these committee that Parliament is made to realize the reasonableness of the demand made by different groups
- The rules committee examines the matters to the procedure for the conduct of business in the House. This committee could make recommendations for the amendment or substitution of existing rules. The Speaker is the ex-officio Chairman of the committee.
- The committee on Government assurances scrutinizes the assurances, promise, and working, given by the Minister from time to time, on the floor the House. It reports on the extent to which the assurances have been implemented. Normally, an assurance should be implemented within 2 months.
- The committee on privilege examines all cases connected with breach of privilege of the House
- The committee on petition consist 15 members and this committee is appointed by the Speaker, during the first sitting of the House. This committee examines the petition submitted by the public and makes the recommendation to the House.
- The committee on private members' bills and resolution examines all the bills and resolutions submitted by the private members of

the House. This committee even allots time for the discussion in the House.

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- Select committee is appointed by the Speaker. This committee could call for persons and records. Witness may also be examined by it. This committee usually examines controversial issues.

### **5.3. THE PRESIDENT OF INDIA**

#### **INTRODUCTION**

The Indian Government is Parliamentary in form. In a Parliamentary form of Government, a nominal chief executive is needed. The President of India is the nominal chief executives. He acts on the advice of the council. The Indian President is like the British Queen. Part V, chapter I, article 52 to article 62 of the constitution deals with the President of India. The Article 52 of the Constitution explicitly States, “there shall be a President for the union of India’. So, the President along with Rajya Sabha and Lok Sabha is a part of legislation. The President besides being the chief executive of the Union also supervises the general administration. Article 53 clearly States that the executive powers of the Union shall be vested in the hands of the President. In India, the President is a nominal executive and discharges his duties as the constitutional head of the Union. Though the day to day administration is run by the real executive comprising of the Prime Minister and the council of Ministers, it is carried out in the name of the President. The 44<sup>th</sup> amendment to the constitution curtailed the powers of the President and made him to act on the advice of the council of Ministers.

#### **QUALIFICATION**

- Must be a citizen of India
- Must have attained the age of 35 years.
- Must have attained all qualification that of a Member of Lok Sabha
- Should not hold an office of profit – national, State or local
- Should not be of unsound mind or an insolvent or bankrupt
- Should abide by the Constitution.

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## ELECTION

**The President is elected indirectly by an electoral college consisting of the members of:**

- A) The members of Rajya Sabha and elected members of Lok Sabha  
(and)
- B) The members of the State legislative assemblies:

The election rule for the President and the Vice President 1952, which was amended in 1974 sets forth the following requirements for a person to contest for the post of the President.

- (I) A contestant's name must be proposed and supported by 50 Parliamentarians each.
- (II) He should deposit Rs. 15,000/- and
- (III) A declaration certifying that his / her name exists in the voter listing of his constituency is produced.

**The election process is as follows:**

**The total members in the electoral college in 2002 is 4896. The break up is as follows:**

(a)	Rajya Sabha	223
(b)	Lok Sabha	543
(c)	State Assemblies	4120
	Total	4896

The constitution stipulates uniformity as far as practicable, in the scale of representation of the different States for securing such uniformity among States as well as a parity between the States as a whole and the Union, a formula is given for the determination of the value of vote, which each elected MP or MLA is entitled to cast.

**Formula:**

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Value of votes: each MLA's vote is calculated on the following basis:

$$\frac{\text{State population}}{1000 \times \text{No. of State's MLAs}} = \text{value of one MLAs vote}$$

**Illustration:**

Total population of Andhra Pradesh us 43,502,708 (1971 census)

Total no. of elective seats in the Assembly is 294

Value of each MLA's vote:

$$\frac{43,502,708}{1000 \times 294} = 148$$

Total value of votes for Andhra Pradesh  $148 \times 294 = 43, 512$

Each MP's vote is calculated on the basis of

$$\frac{\text{Total vote value of all MLAs}}{\text{Total members of Parliment}} = \text{value of one MPs vote}$$

The election is held under a system of proportional representation by means of a single transferable vote, conducted by a secret ballot.

**Tenure:**

The President is elected for a period of 5 years. But, he may continue till his successor assumes office. The President is eligible for re-election on expiry of his term. But as a matter of convention, no President can contest for a third term, though the constitution has not laid down any such rule. Babu Rajendra Prasad was the only President who hold the office thrice.

If the office of the President falls vacant due to resignation, death or removal, the Vice President will take over the responsibility till the new President takes over.

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### **Emoluments:**

The salary of the President is determined by Parliament from time to time. At present, the President of India draws a salary of Rs. 1,50,000/- per month. The President's Pension and Emoluments Amendment Act 1998 and 2008 is the relevant Act deals with this subject. The President is entitled to rent free accommodation Rashtrapati Bhavan spread over 400 acres. The salary and other benefits of the President of India is charged on the consolidated fund of India, under the article 267 of the constitution.

### **Removal:**

The President may be removed from office by the process called 'impeachment' on grounds of proven misbehavior and inefficiency.

The motion for impeachment can be initiated in either house of Parliament. However, before impeaching the President, a 14 days advance notice must be given of the said cause endorsed and signed by not less than  $\frac{1}{4}$  of the members of the House. If the motion of impeachment is taken up by Lok Sabha, Rajya Sabha will sit in judgement and vice versa. If the motion is sustained by a  $\frac{2}{3}$  majority of members present and voting, the President stands impeached and shall demit office.

It is interesting to note that none of the Presidents of India was removed from office by an impeachment motion, though impeachment motion was initiated against Varaha Venkata Giri (V.V. Giri) and Neelam Sanjeeva Reddy (1979), but were eventually taken back.

### **Oath:**

According to article 60 of the Indian constitution, the President shall take the oath of the office in the presence of the Chief Justice of Supreme Court. At the oath, the President swears to conduct himself in keeping with the dignity of august office and to defend the Constitution.

1) Rajendra Pradesb	-- 26 Jan, 1950 – 13 May, 1962
2) S. Radhakrishnan	-- 13 May, 1962 – 3 May, 1967
3) Zakir Hussain	-- 3 May, 1967 – 3 May, 1969
4) V.V. Giri(in charge)	-- 3 May, 1969 – 20 July, 1969
5) Hidayatullah (in charge)	-- 20 July 1969 – 24 August, 1969
6) V.V. Giri	-- 24 August, 1969 – 24 August, 1979
7) Fakruddin Ali Ahmed	-- 24 August, 1974 – 11 February, 1977
8) B.D. Jatti (in charge)	-- 11 February, 1977 – 25 July, 1977
9) Neelam Sanjeeva Reddy	-- 25 July, 1977 – 25 July, 1982
10) Gyani Zail Singh	-- 25 July, 1982 – 25 July, 1987
11) R. Venkatraman	-- 25 July, 1987 – 25 July, 1992
12) Shankar Dayal Sharma	-- 25 July, 1992 – 25 July, 1997
13) K.R. Narayanan	-- 25 July, 1997 – 25 July, 2002
14) A.P.J. Abdul Kalam	-- 25 July, 2002 – 25 July, 2007
15) Partibha Patil	-- 25 July, 2007 -

In the Parlimentary Government, the position of the President is that of a respectful figure-head, representing the honour and dignity of the People of India, similar to the Queen of England. He ‘ doth no wrong’. (The President does not make any mistake), for the simple reason that the real powers are vested in the hands of Council of Ministers headed by the Prime Minister.

It has become a fashion to label the President as ‘a rubber stamp’. The impression is that he does nothing, but signing the bills brought before him. But there are occasions that offer scope for independent decisions. When no party enjoys a majority, the power to appoint the Prime Minister rests with the President (Article 75). In case of sudden demise of the Prime Minister, if the party fails to elect it’s leader, at the earliest, the President must appoint a person of his choice as the Prime Minister. Importantly, if a Government loses majority and recommends for the dissolution of the House (Lok Sabha), it is purely upto the

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President to dissolve the Parliament or not (Article 85). There are many occasions in recent times where the President has refused to give his assent for the same.

**The powers and functions of the President are as follows:**

**Executive powers:**

According to Article 53, the executive power of the Union is vested with the President. The President appoints the Prime Minister. Other members of the Council of Ministers are also appointed by him. The Governors, Lieutenant-Governors and Chief Vigilance Commissioner are appointed by the President. They are responsible to the President. The President appoints the Chief Election Commissioner and other High officials of the Election Commission, the Comptroller and Auditor-General of India, Attorney-General of India and the Registrar General are appointed by the President. He appoints the Chairman and members of the Union Public Service Commission, the Ambassadors and other Diplomatic officers. The union territories are administered in the name of the President. The President is the Supreme commander of the armed forces of India. The High officers of the defence Forces are appointed by the President. He declares war and peace. He can conclude treaties. He can mobilize the defence forces. All executive actions of the union are done in his name. He is to be informed about the affairs of the Government.

**Legislative powers**

The President is part of the Parliament. But he is not a member of the Parliament. The President summons and prorogues both the house of the Parliament. He has the power to dissolve the lower house of the Parliament. He nominates 12 members to the Rajya Sabha. The President can address either house of the Parliament. He can send messages to Parliament. Every year the President makes the opening speech in a joint session of the Parliament. He may summons a joint session of the two houses to solve legislative deadlocks. Every bill passed by the two houses of the Parliament has to receive his assent. When a bill comes to him, he may give his assent. On his assent the bill becomes law. He may send the bill back to the house of its origin for re-consideration. Or he may refuse his assent. In any such case, if the bill is passed again by both the houses, the President has to

give his assent. The money bills are introduced with the consent of the President. Certain other bills are also to be introduced with the prior consent of the President. Bills dealing with the change in boundary, name or the creation of a new State come under this category. There are some bills which cannot be introduced in State legislatures without the prior consent of the President. The President has the power to promulgate ordinances. Article 123 empowers the President to issue ordinances, when the Parliament is not in session. The ordinances are equal to laws.

### **Judicial powers**

The President appoints the Judges of the Supreme Court and High Courts. The rules and procedure of the Supreme Court are decided after consulting the President. The President has the power to grant pardon, reprieve and remission. The President is not answerable to any Court for the exercise and performances of the powers and duties of his office. No criminal proceedings shall be instituted against the President during his term of office. No warrant will be issued against the President. No civil proceeding in which relief is claimed can be made against the President during his term of office.

### **Financial powers:**

#### **The following are the financial functions of the President:**

It is the constitutional obligation of the President to see that the annual income and expenditure Statement. Budget is placed before the Parliament for approval.

- (I) Money bills cannot be presented in the Parliament without the consent of the President.
- (II) The recommendation of the finance commission and the planning commission are placed before the Parliament on the order of the President
- (III) The members of the finance commission and the planning commission are appointed by the President.

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**Military powers:**

**The following are the military Powers of the President.**

- (I) The President is the Supreme Commander of the armed forces.
- (II) The President has the power to declare war or peace but Parliamentary approval is essential for such a decision.
- (III) The President can raise funds for training and preservation of armed forces with the prior approval of the Parliament.
- (IV) The chiefs of Army, Navy and Air force are appointed by the President.

**Diplomatic powers:**

**The diplomatic powers of the President are purely symbolic in nature.**

- (i) The President represents the country in international affairs. His visits are of Courtesy nature aimed at strengthening the bilateral relations, He does not sign any treaties or agreements.
- (ii) The Ambassadors representing the country abroad are appointed by the President.
- (iii) The foreign Ambassadors are received by the President. No person can be considered an Ambassador, unless he is given the 'letter of Accreditation' by the President.

**Emergency powers:**

The emergency powers of the President are enumerated in the Constitution from Articles 352 to Article 360. The President may declare emergency under three circumstances.

- (i) The President may declare internal emergency under Article 352, if, in his opinion, there is a threat to India's security due to war or external aggression.

- (ii) The President may impose 'President's rule' under Article 356 if he is convinced that the law and order of a Particulars State has completely deteriorated and it cannot be governed as per the constitution i.e., a complete breakdown of constitutional machinery. Though the President's rule is imposed on the recommendation of the Governor of the concerned State, it is not compulsory.
- (iii) If the President is convinced that the financial stability and prestige of the nation is at risk, he may impose financial emergency under Article 360.

However, the imposition of internal and financial emergency should be placed before Parliament and its consent is to be taken within a month of declaration of emergency, otherwise such imposition considered invalid.

### **5.3.2. PRIME MINISTER**

The Indian Parliamentary system more or less follows the British Westminster model with minor modifications. Similar to Britain, India also has nominal and real executives. Though the powers are vested with the President, in practice, it is exercised by the Council of Ministers headed by the Prime Minister.

The power and position of the Prime Minister is so powerful that he is referred to as "the first among equals" (primus inters peres) Lord Morley regards Prime Minister as "the key stone of the cabinet arch. "Former British Prime Minister Harold Wilson considered Prime Minister as "a person who conducts an orchestra without using any instrument". The greatest ever British Prime Minister R.A. Butler once said, "A Prime Minister must be a good butcher, and know all the joints...."

Articles 74 of the constitution States that "there shall be a Council of Ministers headed by the Prime Minister for the union of India". The Prime Minister is elected from among the members of the majority party in Lok Sabha. In case no party enjoys majority it is left to the discretion of the President to pick the Prime Minister, who in his opinion will prove majority in a stipulated time.

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Traditionally, the Prime Minister should be from Lok Sabha. Some scholars compare the Prime Minister to the sun because the complete administration revolves on him. B.R. Ambedkar compares the power of the Prime Minister to that of the President of U.S.A.

The success or failure of a Prime Minister largely depends upon the personality, beside administrative knowledge and experience. For example, Nehru was known for his magnetic personality, shastri for his soft spoken, but firm nature, Mrs. Gandhi for 'never forget or forgive' attitude and Rajiv Gandhi was progressive. P.V. Narasimha Rao always was regarded not making any decision as the best decision, whereas A.B.Vajpayee was emotional.

The powers and function of the Prime Minister are detailed below:

1. Formation of Ministry
2. Allocation of portfolios
3. Chairman of the cabinet
4. Leaders of Lok Sabha
5. Leader of the Government
6. Co-ordination and supervision
7. Bridge between the President and the Parliament
8. Power of dissolution
9. Power of appointment
10. Special powers

1. Formation of Ministry: The primary task of the Prime Minister on assuming office is the formation of Council of Ministers. Normally Ministers are picked from the same political formation to ensure uniformity and continuity of policy. However, nothing prevents the Prime Minister from picking any one as Minister. For example, in 1950 Nehru's Council of Ministers also had members of other parties as well. Prime Minister enjoys the authority to pick and choose his Ministry because he is responsible for the efficiency and performance of the Government.

2. Allocation of portfolios: after forming the Ministry the next important task is allocation of responsibilities to Ministers. Certain key or heavy weight portfolios such as Home, Defence, Finance, commerce and industry, External affairs etc., are to be given to party heavy weights who enjoys a good clout and following among the party workers. Also to ensure efficiency and stability of the Government, Prime Minister enjoys the power of expanding and reforming the Ministry. For example Mrs. Gandhi rearranged her Ministry 6 times between 1971-1974 in just two and half years, Rajiv Gandhi re-arranged his Ministry 6 times. Any Minister who opposes policies of the Government or indulges in anti-Government activity may be ejected out of the Ministry by Prime Minister. For example, in 1975 Mohan Dharia who was a Minister in Mrs. Gandhi's Government was asked to resign because he was supporting Jayaprakash Narayan's movement in Bihar.

3. Chairman of The cabinet: the cabinet meetings are held under the chairmanship of the Prime Minister. The cabinet is a deliberating forum and differences may come up. It is the responsibility of the Prime Minister to mediate and soften the things and arrive at decisions. The Prime Minister has the authority to decide the matters to be taken up by the cabinet and may accept or reject the proposals. Normally the proposals brought by the Ministers for discussion are not required in the era of coalition politics. It is a challenge for the Prime Minister to hold the meaning together. It is very difficult to chair a cabinet full of divergent views, ideologies and principles. For example, for the last fifteen years we are witnessing the pulls and pressures exerted on the Prime Minister from different alliance parties.

4. Leader of Lok Sabha: Prime Minister is the leader of the Lok Sabha. All major decisions and announcements of the Government are made by the Prime Minister. It is the responsibility of the Prime Minister to ensure that all bills brought before Lok Sabha for approval are passed. And he has to defend the Government on the floor of the house. Though Ministers are individually responsible to their Ministries it is the Prime Minister, who provides general leadership and direction. If any Minister makes a mistake, the Prime Minister has the power to guide and correct him.

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5. Leader of the Government: The decisions of the Government, however good, are subjected to scrutiny and criticism. The opposition parties lose their identity, if they do not criticize the Government. So, to guard against it, the Prime Minister, as the leader of the Government has to defend the policies and Programme of the Government both in and out of Parliament. For example, when economic Reforms Programme was taken up by P.V Narasimha rao Government in 1991, it was severely criticized as a sell out. But the Prime Minister defended his Government and successfully carried out the economic reforms Programme. It is relevant to note that the incumbent Prime Minister Manmohan Singh was the key Architect of the 1991 reforms.

6. Co-ordination and supervision: In running the administrative machinery the Prime Minister will have to encounter numerous problems ranging from routine to serious. Under these circumstances it is essential to integrate different departments and to see that they work smoothly and the ability of the Prime Minister is tested on this count. A Prime Minister should not only pick a team, but also retain it as a team till the end of the term. Whenever problems arise between the departments, he has to mediate and sort it out amicably through dialogue and goodwill.

The Prime Minister is the general head of the Government and hence has the responsibility of supervising the administration. Though each Minister is in charge of a Ministry, Lack of general supervision results in poor administrative quality. To maintain quality in administration, the Prime Minister will have to supervise. It not only gives him a general feel of the administration, but also makes the Ministers more responsible. The Prime Minister may correct the working of a particular Ministry and offer suggestions. Commenting on the supervisory work of a Prime Minister, the former Prime Minister of India Mrs. Indira Gandhi once said, "on a good day, she has two or three very urgent problems to attend to on bad day there could be a dozen. A Prime Minister has always to be a little upset... but not imbalanced."

### 5.3.3. BRIDGE BETWEEN THE PRESIDENT AND THE PARLIMENT

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The Prime Minister has to act as the link between President and Parliament in a Parliamentary Government. As all executive power are vested in hands of the President, the Prime Minister is dutybound to keep the President informed about the decision taken by the Government. The President himself call for any information than the Government (article 78). The President seeks the advice of the Prime Minister before dissolving the Lok Sabha. There was confrontation between the President Rajendra Prasanth and Prime Minister Nehru as the President refused to sign the hindu Code Bill. The famous confrontation between President Giani Zail Singh and Prime Minister rajiv Gandhi as the President refuse the postal bill The President K.R. Narayan and Prime Minister A.B. Vajpayee confronted on the issue of President's rule in Bihar

### 5.3.4. THE COUNCIL OF MINISTERS

The executive powers of the Union is vested with the President. But in conformity with the principles of Parliamentary system of the Government the President is only the constitutional head. The real executive is the council of Ministers. Article 74 of the constitution provides that there shall be council of Ministers and Prime Ministers as a head to aid and advice the President. The Prime Minister is appointed by the President and the other Ministers are appointed by the President on the advice of the Prime Minister. The council of Minister is a three-tier body. It consists of Ministers who are member of cabinet, Minister of the State who are not member of cabinet but are of the cabinet rank, and Deputy Ministers

#### **Powers and functions of council of Ministers:**

- 1) **Executive function:** The Indian Governmental system being Parliamentary, the powers vested by the constitution with the President are actually exercised by the Council of Ministers. Article 74 of the constitution lays down in unmistakable terms that the President shall, in the exercise of his functions, act in accordance with the advice tendered by the Council of Ministers. The President appoints the Governors, Ambassadors and other Diplomatic personnel, the Chief Justice of India and other judges of the

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Supreme Court, the Chief Justices and other judges of the High Court, Attorney General and Auditor-general of India and various commissions such as the finance commission Election commission and the various commission. All these appointments are made by the cabinet, which is a body of the council of Ministers. The President has the power to remove the Attorney General of India, the governors of the States etc., but in removing these officers he has to act on the advice of the Council of Ministers.

- 2) **Military functions:** Declaration of war and conclusion of peace are the executive functions. They are exercised by the Council of Ministers in the name of the President.
- 3) **Functions of foreign affairs:** The executive power relating to foreign affairs is exercised by the council of Ministers. All treaties and international agreements are negotiated and concluded by the council of Ministers in the name of the President
- 4) **Legislative functions:** The President summons and prorogues the Parliament and dissolves the house of the people. He addresses the Parliament and sends messages to it. The addresses and messages are prepared by the cabinet. It is the cabinet that prepares the annual budgets and supplementary budgets, if any. They are laid before the Parliament by the finance Minister on behalf of the President. The President promulgates ordinances when the Parliament is not in session. He does it on the advice of the cabinet. Joint sittings of Parliament are summoned by the President on the advice of the council of Ministers. Twelve members to the Council of States and two Anglo-indians to the house of the people are nominated by the President on the advice of the council of Ministers. Most legislative measures (bills) are prepared and submitted to the Parliament by the Council of Ministers
- 5) **Judicial functions:** The President exercises his power of pardon, reprieve and remission etc. on the advice of the Council of Ministers.

6) **Emergency functions:** The President exercises vast emergency powers.

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There are three kinds of emergency:

- (1) Emergency arising out of war aggression or armed rebellion
- (2) emergency out of failure of constitutional machinery in a State; and
- (3) financial emergency, All these powers are exercised by the cabinet in the name of the President.

## 5.4. CONSTITUTIONAL AMENDMENT

The Indian constitution has a blend of flexibility and rigidity. There are three methods of amendment of the constitution. For amending certain provisions of the constitution the Parliament has to pass a constitutional amendment bill by simple majority. Certain provision can be amended by the Parliament by a majority of the total members and two-thirds of those present and voting. Some provision like the federal nature, powers of the President and divisions of powers could be amended by Parliament by the majority of total members and two-thirds of those present and voting and with the approval of at least half of the State legislatures. Article 368 provides for the amendment of the constitution. The 24<sup>th</sup> constitutional amendment of 1971 made President's assent obligatory for an amendment bill. The 47<sup>th</sup> Amendment exempted constitutional Amendments from judicial review. This curb on judicial review was repealed by 43<sup>rd</sup> amendment.

### Amendments

- 1<sup>st</sup> amendment (1951): it added the ninth schedule to the constitution. It aimed to remove certain practical difficulties experienced in the working of the fundamental rights.
- 2<sup>nd</sup> amendment (1952): amended article 81 with a view to re-adjusting the scale of representation of the house of people necessitated by the completion of the 1951 census.
- 3<sup>rd</sup> amendment (1954): it transfers certain subjects from the State list to concurrent list.

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- 4<sup>th</sup> amendment (1955): the amendment provides that when the State compulsorily acquires private property for a public purpose, the scale of compensation prescribed by the authorizing legislation could not be called in question in a Court. Another clause excludes the temporary taking over of a property by the State, either in public interest or to secure its better management, from the compensation clause. The amendment also operates as a saving clause for State monopolies. Seven new entries were also added to the 9<sup>th</sup> schedule.
- 5<sup>th</sup> amendment, 1955: empowers the President to fix a time limit for the State legislatures to express their views on proposed central laws affecting the area and boundaries, etc. of their respective States.
- 6<sup>th</sup> amendment, 1956: adds a new entry to the union list in the seventh schedule relating to taxes on the sale and purchase of goods in the course of inter-State transactions.
- 7<sup>th</sup> amendment, 1957: it was enacted by the Parliament in the seventh year of the republic. The amendment was necessitated by the re-organization of States. Part A, B and C States were abolished. The maximum strength of Lok Sabha was fixed at 525.
- 8<sup>th</sup> amendment, 1960: Article 334 was amended with a view to extending the period of reservation of seats for scheduled castes and scheduled tribes and to the Anglo-Indian community by nomination in Parliament and in the State Legislatures for a further period of ten years.
- 9<sup>th</sup> amendment, 1960: This added the first schedule of the constitution in order to give effect to the transfer of certain territories of Pakistan in pursuance of the agreements entered into between the Government of India and Pakistan in September, 1958. This amendment was necessitated in view of the judgement of the Supreme Court in “in Re Berubari union” by which it was held that any agreement to cede a territory to another country could not be

implemented by a law made under Article 3 but would only be implemented by an amendment of the constitution.

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- 10<sup>th</sup> Amendment, 1961: Incorporated the former Portuguese enclaves of Dadra and Nagar Haveli within India and provided for their administration by the President.
- 11<sup>th</sup> amendment, 1961: obviated the necessity of a joint meeting of the two houses of Parliament by forming them into an electoral college for the election of Vice-President. It also amended Article 66 and 71 so as to make it clear that the election of the President or the Vice President shall not be challenged on the ground of any vacancy, for whatever reason, in the appropriate Electoral College.
- 12<sup>th</sup> amendment, 1962: The twelfth amendment was passed to include the territories of Goa, Daman and Diu as a union territory in the first schedule to the constitution and to empower the President to make regulations for the peace, progress and good Government of the areas.
- 13<sup>th</sup> amendment, 1962: created Nagaland as the sixteenth, State in the Indian Union. By this amendment, a new Article 371 A was added to make special provision with respect to State of Nagaland in pursuance of an agreement between Government of India and Naga People's Convention.
- 14<sup>th</sup> amendment, 1962: Conferred necessary legislative powers on Parliament to enact laws for the creation of legislature and Council of Ministers in union territories. Former French establishments of Pondicherry, Karaikal, Mahe and Yanam were specified in the constitution as the union territory of Pondicherry.
- 15<sup>th</sup> amendment, 1963: It was a minor amendment empowering the President of India, in consultation with the Chief Justice of India to make final decisions on dispute about a High Court Judge's age. It

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also shortened the procedure for disciplinary action against State employees.

- 16<sup>th</sup> amendment, 1963: It sought to impose reasonable restrictions on the fundamental rights “in the interest of the sovereignty and integrity of India”.
- 17<sup>th</sup> amendment, 1964: It protected many land reform Acts passed by many State Governments. It enlarged the definition of the term ‘State’ to include ryotwari lands: The enforcement of certain Directive Principles of State Policy was ensured.
- 18<sup>th</sup> amendment, 1966: provided for the linguistic re-organization of the Punjab into a Punjabi speaking State called Punjab and a Hindi-speaking State called Haryana.

It further provided that the word ‘State’ in clause (a) to (e) of Article 3 includes a Union territory by combining any part of a State or Union Territory with any part of any other State or Territory.

- 19<sup>th</sup> amendment, 1966: Is a minor amendment clarifying the duties of the Election Commission. Article 324 was amended to effect a consequential change as a result of the decision to abolish election Tribunals and to hear the election petitions by High Courts.
- 20<sup>th</sup> amendment, 1966: validates the appointment of certain District Judges., irregularly appointed. A new Article 233A was added and the appointments made by Governor were validated.
- 21<sup>st</sup> amendment, 1967: provided for the inclusion of Sindhi in the Eighth schedule to the constitution.
- 22<sup>nd</sup> amendment, 1969: empowered the Parliament to carve a new State (Meghalaya out of Assam).
- 23<sup>rd</sup> amendment, 1969: provided for the extension of the reservation of seats for scheduled castes and tribes and the nomination of members of the Anglo-Indian community for another 19 years.

- 24<sup>th</sup> amendment, 1971: was passed by Parliament in August 1971. According to it (i) “notwithstanding any thing contained in the constitution. The Parliament may, in the exercise of its constituent power, amend by way of addition, variation or repeal any part of the constitution” (ii) that the President must give his assent to a constitution Amendment Bill if it has been passed by both the Houses’ and (iii) the Article 13 (which provides that the State shall not make any law which takes away or abridges the fundamental rights) shall have no application to laws passed under 24<sup>th</sup> amendment.
- 25<sup>th</sup> amendment, 1971: was passed by the Parliament in December 1971. It aimed at ensuring that the fundamental rights, particularly property rights, do not stand in the implementation of Directive Principles of State Policy as embodied in the constitution of India. The amendment bars the jurisdiction of Courts over the acquisition of property or on the ground that any such laws violates Article 19(1)(f) of fundamental rights. The rights of minority educational institutions guaranteed under Article 33 however, remain protected. The Amendment also inserts in the constitution, a new clause-3/c, to provide that any legislation passed in pursuance of the directive principles, Article 39 B and C (which concern the ownership and control of material resources and concentration of wealth and means of production shall not be challenged in a Court on the grounds that it takes away or abridges any rights contained in Articles 14, 19 or 31.
- 26<sup>th</sup> amendment, 1971: it contains three clauses. The first clause deletes the Articles 291 and 362 of our constitution which thereto gave protection to the rights of ex-rulers to privy purses and other privileges. The second clause inserts Article 363 (A) which deprives the princes and their successors of Presidential recognitions. The right obligation and other liabilities of the Government towards them are extinguished. The third clause, amending the article 366, re-defines the term ‘ruler’ as a person, who was recognized by the President as the ruler of the Indian State before the commencement of the constitution.

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- 27<sup>th</sup> amendment, 1971: recognized the North-Eastern Area Act, 1971 and established new States of Manipur, Tripura and Meghalaya and two new union Territories of Mizoram and Arunachal Pradesh. The Act defined their territories and made necessary provisions regarding representation in Parliament and in the legislative Assemblies of States and other matters.
- 28<sup>th</sup> amendment, 1972: Article 314 of the constitution is deleted by this Amendment and a new Article 312-A has been inserted to give Parliament the powers to vary or revoke by law the conditions of services of officers belonging to Indian Civil Service.
- 29<sup>th</sup> amendment, 1972: This amendment included the Kerala Land Reforms (amendment ) Act, 1969 and the Kerala Land Reforms (amendment) Act, 1971, in the ninth schedule the constitution so as to protect them from judicial review.
- 30<sup>th</sup> amendment, 1972: it was introduced in the Lok Sabha on may 24, 1972. It implements the Law Commission's recommendation according to which there should be no valuation test prescribed for declaring a case fit for appeal to the Supreme Court. The Bill seeks to amend Article 133 of the constitution which laid down that if the value of suit exceeded twenty thousand rupees, there was an almost unrestricted right of appeal to the Supreme Court on any judgement, decree or final order in civil proceedings of a High Court.
- 31<sup>st</sup> amendment, 1973: increased the upper limit of elective seats in the Lok Sabha from 525 to 545.
- 32<sup>nd</sup> amendment, 1973: implemented the 6-point Programmes for Andhra Pradesh.
- 33<sup>rd</sup> amendment, 1974: invalidated the acceptance of resignations by the members of the State Legislatures and Parliament, which were made under duress or coercion, or any other kind of involuntary resignations.

- 34<sup>th</sup> amendment, 1974: provided constitutional protection to 20 Land Reforms Acts passed by the various States, by including them in the 9<sup>th</sup> schedule to the constitution.
- 35<sup>th</sup> amendment, 1974: provided for the States of associate State to the Sikkim
- 36<sup>th</sup> amendment, 1975: made Sikkim a State of the Indian Union-the 22<sup>nd</sup> State in fact.
- 37<sup>th</sup> amendment, 1975: provided for a legislative assembly and a council of Ministers for the Union Territory of Arunchal Pradesh.
- 38<sup>th</sup> amendment, 1975: the amendment seeks to allot Sikkim one seat in the Lok Sabha and one seat in the Rajya Sabha. The amendment will confer on the Governor of Sikkim 'a special responsibility' for peace and an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim. The provision says that in the discharge of the special responsibility under this clause "the Government of Sikkim shall be subject to such directions as the President may give".
- 39<sup>th</sup> amendment, 1975: by this Act, disputes relating to the election of President, Vice-President, Prime Minister and Speaker are to be determined by such authority as may be determined by Parliamentary law. Certain central enactments were also included in the Ninth schedule by this Act.
- 40<sup>th</sup> amendment, 1976: amended Act 297<sup>th</sup> and declared that "all land, minerals and other things of value underlying the ocean within the territorial waters of the continental shelf or the exclusive economic zone of India shall vest in the Union and shall be held for the purpose of the Union".

" the limits of the territorial waters, the continental shelf, the exclusive marine zone or other maritime zones of India shall be such as may be specified from time to time by or under any law by Parliament".

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- 41<sup>st</sup> amendment, 1976: This amendment Act inserted a new chapter on the fundamental duties of citizens and made special provisions for dealing with anti-national activities. The Judiciary provision are amended by providing minimum number of judges to decide the constitutional validity of law and for a special majority of not less than two-third majority for declaring any law to be constitutionally invalid.

For the speedy disposal of the mounting arrears in the High Court this amendment provides a separate administrative and other tribunals to deal such matters and preserve the jurisdiction of Supreme Court in regard to such matters under article 136. The main features of the Amending Act are as follows:

- a) The preamble has been altered from 'Sovereign Democratic, Republic' to 'sovereign socialist, secular, Democratic, Republic' and 'Unity of the Nation' into 'unity and integrity of the nation'.
- b) The Directive Principles of the constitution given precedence over Fundamental Rights, whatever they came into conflict.
- c) Numbers of seats in the Lok Sabha and the State Assemblies which are based on population shall remain frozen as in the 1971 census till 2001 A.D.
- d) The duration of the Lok Sabha and the State Assemblies is increased from 5 to 6 years.
- e) Proclamation of emergency may be made applicable to any part of the country. Similarly emergency can be lifted from any part of the country while it remains in force in other parts.
- f) The duration of a Presidential proclamation taking over the Government of a State shall be one year instead of six months.
- g) No Court can questions the competence of the Parliament to amend the constitution.
- h) The Supreme Court alone can adjudicate on the validity of any central law and the High Courts can adjudicate on the validity of the State laws. If the

validity of any State law is dependent on the validity of any central law or vice versa, then the Supreme Court can adjudicate on them. In any case, any decision on constitutional invalidity has to be made by two-thirds majority of sitting judges, where the number is not less than five. If the number of judges is less than five the judgement has to be unanimous. It is also provided that the High Courts have no power to make an interim order, where it will impede or obstruct any enquiry or action by the Government.

- i) The President's liability to act in accordance with the advice of the council of Ministers has been made practically mandatory.
- j) This amendment is called mini constitution of India
  - 43<sup>rd</sup> amendment, 1977: it provides restoration of the jurisdiction of the Supreme Court and High Courts, earlier curtailed by the enactment of the constitution (42<sup>nd</sup> amendment) Act, 1976 and accordingly Articles 32A, 131A, 144A, 226A and 228A included in the constitution by the 42<sup>nd</sup> amendment, were deleted by this Act. It also deleted Article 31D which conferred special powers on the Parliament to enact certain laws in respect of anti-national activities.
  - 44<sup>th</sup> amendment, 1978: this amendment brought a lot of changes in many Articles. The preventive detention for a period of more than two months can be ordered only on the recommendations of an Advisory Board. The right to property was omitted as a fundamental right and made as a legal right. But minorities will have rights to establish or run their educational institution as before.
  - 45<sup>th</sup> amendment, 1980: it aims to extend the reservation for scheduled castes and tribes as well as for the Anglo-Indians for ten more years from January 1, 1980 to December 31, 1989.
  - 46<sup>th</sup> amendment, 1982: the bill was introduced in the Lok Sabha on April 3, 1981 and the same was passed by Lok Sabha on July 14, 1982. It seeks to insert an entry in the union list in the seventh schedule to enable the Parliament to levy tax on inter-State consignment of goods.

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- 47<sup>th</sup> amendment, 1984: this amendment provides for the inclusion of certain Land Reforms Acts in the Ninth schedule to the constitution with a view of obviating the scope of litigation hampering the implementation process of those acts.
- 48<sup>th</sup> amendment, 1984: this was an amendment to clause 5 of Article 356 of the constitution for the constitution of President's rule in Punjab for one more year.
- 49<sup>th</sup> amendment, 1984: the Government of Tripura recommended that the provisions of the sixth schedule to the constitution may be made applicable to the tribal areas of that State. the amendment involved in the Act is intended to give a constitutional security to the autonomous District Councils functioning in the State of Tribal.
- 50<sup>th</sup> amendment, 1984: it brings, apart from the armed forces, other forces connected with the administration of public property, persons in the intelligence departments and telecommunication department connected with the duty into the ambit of article 33 of the constitution with a view to maintain discipline among these people and ensure proper discharge of their duties.
- 51<sup>st</sup> amendment, 1984: amendment to article 330 provides reservation of seats for ST's in Meghalaya, Nagaland, Arunachal Pradesh and Mizoram in Parliament, and that of Article 332 for local tribal people for Nagaland and Meghalaya Legislative Assemblies.
- 52<sup>nd</sup> amendment, 1985: the amendment effected by a bill popularly called Anti-Defection Bill, was to curb defection by disqualification. The following are the salient features of the Act:

A Member of Parliament or State legislature belonging to any political party shall be disqualified to be a member of that house

- a) If he has voluntarily given up his membership of such political party or b) if he votes or abstains from voting in such house contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining in either case, a

prior permission of such political party, person or authority, and if such voting or abstention has not been condoned by such political party, person or authority within 15 days from the date of such voting or absenting.

- 53<sup>rd</sup> amendment, 1986: inserted a new article (371-G) conferring full Statehood on Mizoram.
- 54<sup>th</sup> amendment, 1986: amended part-D of the second schedule giving effect to the increase of salaries of the Chief Justice and Judges of Supreme Court and High Courts. An enabling provision for changes in the salaries of judges in future by Parliament by law, was made in Articles 125 and 221.
- 55<sup>th</sup> amendment, 1986: conferred full Statehood on Arunachal Pradesh and for this purpose, a new article 371 H has been inserted, which, inter-alia, confers, having regard to the sensitive location of Arunachal Pradesh to vest special responsibility with the Governor. The new Article also provides that the new Legislative Assembly shall consist of not less than thirty members.
- 56<sup>th</sup> amendment, 1987: with this Amendment a new State of Goa is created. Parts of Daman & Diu of the erstwhile union territory of Goa, Diu and Daman were separated and formed into the new union territory.
- 57<sup>th</sup> amendment, 1987: as the 51<sup>st</sup> amendment could not be implemented properly, 57<sup>th</sup> amendment was introduced for special arrangement in the reservation for scheduled tribes in the State assemblies of Arunachal Pradesh, Nagaland, Mizoram and Meghalaya, until re-adjustment of seats on the basis of the first census after 2000 A.D.
- 58<sup>th</sup> amendment, 1987: The constitution has been amended to empower the President of India to publish under his authority the translation of the constitution in Hindi signed by the Members of the constituent Assembly with such modification as may be necessary to bring it in

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conformity with the language, style and technology adopted in the authoritative texts of Central Acts in Hindi language.

- 59<sup>th</sup> amendment, 1988: gives power to declare emergency for a period upto 3 years in Punjab due to internal disturbance; but extended only for 2 years.
- 60<sup>th</sup> amendment, 1988: the act amends clause (2) of Article 276 of the Constitution so as to increase the ceiling of taxes on professions, trades, callings, and employment from two hundred and fifty Rupees per annum to two thousand and five hundred Rupees per annum. The upward revision of this tax will help the State Government to raising additional resources. The provision to clause (2) has been omitted.
- 61<sup>st</sup> amendment, 1989: it lowers the voting age from 21 to 18 to give wider representation and involve the present day literate youth, in the mainstream of political life of the nation.
- 62<sup>nd</sup> amendment, 1989: it seeks to extend the privileges and reservation of seats in the Lok Sabha and State assemblies for scheduled castes and tribes for another 10 years from 31 st December, 1989.
- 63<sup>rd</sup> amendment, 1989: repeated the 59<sup>th</sup> amendment which gave special powers to the Government to impose emergency in Punjab.
- 64<sup>th</sup> amendment, 1990: President's rule in Punjab was extended by another 6 months thus totaling it upto 3 years and 6 months.
- 65<sup>th</sup> amendment, 1990: to set up a national commission for scheduled castes and Tribes, with powers of civil Court, in the exercise of it's duties
- 66<sup>th</sup> amendment, 1990: Which Parliament gave its approval to the constitution (66<sup>th</sup> amendment) bill, it seeks to bring all land reforms laws enacted by different States into the Ninth schedule and thus protecting them from litigation.

- 67<sup>th</sup> amendment, 1990: extension of President's rule in Punjab by another 6 months.
- 68<sup>th</sup> amendment, 1991: extension of President's rule in Punjab by one more year (total 5 years).
- 69<sup>th</sup> amendment, 1991: Delhi became a ~~city~~ State with a legislative Assembly and a council of Ministers get a special status among the Union territories.
- 70<sup>th</sup> amendment, 1992: the elected members of Pondicherry and the national capital of delhi were included in the electoral college.
- 71<sup>st</sup> amendment, 1992: It was passed to include Konkani, Manipuri, Nepali languages in the 8<sup>th</sup> schedule of the constitution
- 72<sup>rd</sup> amendment, 1992: provision was made to determine the number of seats reserved for ST's in the Assembly of the State of Tripura.
- 73<sup>rd</sup> amendment, 1993: to add a new part for ensuring direct election to all seats in the panchayats. For the reservation of seats for SC's and ST's in proportion to their population and for the reservation of not less than  $\frac{1}{2}$  of the seats for women.
- 74<sup>th</sup> amendment, 1993: to ensure effective functioning of the urban local bodies, a new part IX-A relating to the Municipalities has been incorporated in the constitution to provide for among other things: constitution of three types of municipalities, i.e., Nagar panchayats for transition areas municipal corporations for larger urban areas.
- 75<sup>th</sup> amendment, 1993: provides for the establishment of State level tribunals to settle landlord-tenant cases and also provides for the reduction of tiers of all Courts, except Supreme Court relating to Rent litigation.
- 76<sup>th</sup> amendment, 1994: this amendment places the Tamil nadu bill of reservation within the purview of the Ninth Schedule to the constitution. The Government of tamilnadu reserves 18% to schedules

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castes, 1% to scheduled tribes and 50% to other backward castes (total 69%) in educational institution and public employments. This has received the President's assent.

- 77<sup>th</sup> amendment, 1995: makes provision for the reservation in matters of promotion in any class or classes of posts in the services of the State in favour of scheduled castes and scheduled tribes which in the opinion of the State are not adequately represented in service in a State.
- 78<sup>th</sup> amendment, 1995: inserts certain State laws in respect land reforms in the Ninth schedule of the constitution
- 79<sup>th</sup> amendment, 1999: extends reservations for scheduled tribes in the Lok Sabha and the State Assemblies till 25<sup>th</sup> January, 2010.
- 80<sup>th</sup> amendment, 2000: relates to the revenue sharing between the centre and the States whereby States' overall share was increased to 29% as per the tenth finance commission's recommendation.
- 81<sup>st</sup> amendment, 2000: relates to carrying forward the backlog vacancies of scheduled castes and scheduled tribes.
- 82<sup>nd</sup> amendment, 2000: relates to relaxation in qualifying marks and reservation of posts in super speciality courses in Medical and Engineering disciplines, etc. for SC/ST etc. (both 81<sup>st</sup> and 82<sup>nd</sup> amendments were made in supersession of Supreme Court's judgements).
- 83<sup>rd</sup> amendment, 2000: relates to the reservation of seats under panchayat Raj in Arunachal Pradesh.
- 84<sup>th</sup> amendment, 2000: relates to the creation of new States of Jharkhand, Chhattisgarh and Uttaranchal. The Parliamentary systems of Government, both at the centre and in the States in India is based on adult franchise, whereby all citizens of India who are not less than 18 years of age and are not disqualified under the constitution or any law

made by the appropriate legislature on certain grounds like non-residence, unsoundness of mind, crime, illegal or corrupt practices, have the right to be registered as voters in any election to Lok Sabha and legislative assemblies of the States.

- 89<sup>th</sup> amendment bill, 2000: the bill passed by Parliament on May 16, 2000, provides for the transfer of 29% share of net tax proceeds to the States for a five-year period and seeks to bring several central taxes and duties like corporation Tax and customs duty at par with personal income-tax for the purpose of sharing with the States.
- 93<sup>rd</sup> amendment bill, 2001: Union cabinet approved the constitution (93<sup>rd</sup> amendment) bill, 2001 on 20<sup>th</sup> sept., 2001. It seeks to provide free and compulsory education for the children aged 6 to 14 across the country.
- 94<sup>th</sup> amendment bill, 2003: The Lok Sabha passed the constitution bill (94<sup>th</sup> amendment) paving way for the setting up a separate National commission for the scheduled Tribes (STs).
- 95<sup>th</sup> amendment bill, 2003: It empowers the Centre to levy service tax and allow both the Centre and the States to collect an appropriate service tax.
- 96<sup>th</sup> amendment bill, 2003: The Lok Sabha unanimously approved it on 6<sup>th</sup> May 2003. It seeks to provide for re-adjustment of the electoral constituencies, including those reserved for scheduled Castes and scheduled Tribes on the basis of the population census of the year 2001 without affecting the number of seats allocated to States in the legislative bodies
- 97<sup>th</sup> amendment bill, 2003: It seeks to strengthen the anti-defection law and limit the size of the Council of Minister to 10 percent of the respective strength of Parliament and the State Legislatures.
- 98<sup>th</sup> amendment bill, 2003: The constitution 98<sup>th</sup> amendment bill seeks to constitute a National Judicial Commission (NJC) by including

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chapter IV-A in Part V of the constitution. The bill also provided for appoint to the Higher judiciary and for transferring High Court Judges. The bill also seeks to empower the National Judicial Commission to draw up a code of ethics for Judges, inquire into cases of misconduct or deviant actions of a Judge other than those that are punishable with his or her removal, and advise the chief Justice of India or Chief Justice of High Courts appropriately after such inquiry.

- 99<sup>th</sup> amendment bill, 2003: It seeks to protect the rights of the non-tribals in the newly-elected bodo territorial council (BTC) by keeping in act the existing representation of the scheduled tribes and non-scheduled tribes in the Assam legislative Assembly from the bodoland territorial Council Areas district.
- 100<sup>th</sup> amendment bill, 2004: This amendment has inserted Bodo, dogri, maithli, and santhali in the 8<sup>th</sup> schedule and will have 22 languages, Jharkhand-bodo and santhali; dogri is spoken in jammu and Kashmir. Maithili is spoken in Bihar. The President gave assent for it on January 2, 2004.
- Constitution (104<sup>th</sup> amendment bill, 2005): The Parliament passed the constitution (104<sup>th</sup>) Amendment bill proclaiming reservation for the socially and educationally backward classes, besides the scheduled castes and the scheduled tribes, in private unaided educational institutions.

#### **5.4.1. SCHEDULES TO THE INDIAN CONSTITUTION**

First scheduled: (under articles 1 and 4) gives a list of the States and Union Territories comprising the Union.

States: 1. Andhra Pradesh 2. Assam 3. Bihar 4. Gujarat 5. Kerala 6. Madhya Pradesh 7. Tamilnadu 8. Maharashtra 9. Karnataka 10. Orissa 11. Punjab 12. Rajasthan 13. Uttar Pradesh 14. West Bengal 15. Jammu Kashmir 16. Nagaland 17. Haryana 18. Himachal Pradesh 19. Manipur 20. Tripur

21. Meghalaya 22. Sikkim 23. Mizoram 24. Arunachal Pradesh 25. Goa  
26. Chattisgarh 27. Uttarakhand and 28. Jharkhand.

(Space for Hints)

Union territories: 1. Delhi 2. Andaman and Nicobar island 3. Lakshadweep  
4. Dadra and Nagar haveli 5. Daman and Diu 6. Puducherry 7. Chandigarh.

Second schedule: [under Article 59(3), 65(3), 75(6), 97, 125, 148(3)  
158(3)] consists of 5 Parts, A to E.

Part A- fixes the remuneration and emoluments payable to the President  
and Governors.

part B- has been deleted by the constitution amendment Act of 1956.

Part C- contains provisions as to the Speaker and the Deputy Speaker of  
the house of People and the chairman and the Deputy Chairman of the Council of  
States and the Speaker of the legislative Assembly and the Chairman and the  
Deputy Chairman of the Legislative Council.

Part D- contains provisions as to the emoluments of the Judges of the  
Supreme Court and of the High Courts

Part E- contains provisions as to the salary of the comptroller and Auditor  
General of India. at 30,000 per month. (the salaries have been revised since by  
amendments to the constitution).

Third scheduled: [under Articles 75(4), 99, 124(6), 148(2), 164(3), 188  
and 219] contains forms of oaths and Affirmations.

Fourth schedule: [under article 4(1) and 20] allocates seats for each State  
and Union Territory, in the Council of States.

Fifth schedule: [under article 224(1)] provides for the administration and  
control of scheduled areas. This schedule provides for the amendment by a simple  
majority of Parliament and takes out of the ambit of Article 368 (amendment of the  
constitution).

**Check your  
progress questions**

1. Explain the organization of the Lok Sabha
2. How is the president of the India elected?
3. Write a note on Vice- President of India
4. Describe the power and function of the Prime Minister
5. List out the Constitutional Amendment
6. Point out the schedules of the Indian Constitution

**(Space for Hints)**

Sixth schedule: [under article 241(2), and 275(1)] provides for the administration of tribal areas in Assam, Meghalaya and Mizoram. This is a lengthy schedule which goes into the details of the administration in the tribal areas concerned. This schedule can also be amended by a simple majority of the Parliament.

Seventh schedule: [under article 246] gives three lists: (a) union list containing 99 subjects in which the union Government has exclusive authority (b) State list containing 66 subjects which are under exclusive authority of State Government and (c) Concurrent List containing 52 subjects, where the union and States have concurrent powers.

Eighth schedule: [under articles 344(1) and 351(1)] gives a list of 22 languages as have been recognized by the constitution: 1. Assamese 2. Bengali 3. Gujarati 4. Hindi 5. Kannada 6. Kashmiri 7. Malayalam 8. Marathi 9. Oriya 10. Punjabi 11. Sanskrit 12. Sindhi 13. Tamil 14. Telugu 15. Urdu 16. Manipuri 17. Konkani 18. Nepali 19. Bodo 20. Dogri 21. Meitei and 22. Santhali languages are also included in this schedule by the 100<sup>th</sup> amendment.

Ninth schedule: [under article 31(b)] was added by the constitution (first amendment) Act, 1951. It contains Acts and Orders relating to the land tenures, land tax, Railways, Industries, etc., passed by the State Governments and the Union Government which are beyond the jurisdiction of civil Courts.

Tenth schedule: [under articles 101, 102, 191, 192] it contains the anti-defection Act.

Eleventh schedule: [under article 243 G] it deals with the Panchayat Raj system in India.

Twelfth schedule: it provides for three types of municipalities – Nagar panchayats for transitional areas, Municipal councils for smaller urban areas and Municipal corporation for large urban areas.

## 5.4. SUMMARY

(Space for Hints)

This unit provides the details about Part V, Chapter II and Chapter III, Articles 79 to 123 when deal with the Union Parliament. Also you are able to know Article 79 what expressly States that “there shall be a Parliament for the union of India”. Article 53 of the Indian constitution says that the executive power of the union shall be exercised by President. The President is the Supreme Commander of the Armed Forces of India. The Indian constitution law making process of modeled from the British constitution. The Committee system in India helps to reduce the work load of the Parliament.

## 5.5. ANSWER FOR THE CYP QUESTION

For Question No.1	...	Refer section No. 5.1.1.
For Question No.2	...	Refer section No. 5.3.
For Question No.3	...	Refer section No. 5.1.1.
For Question No.4	...	Refer section No. 5.3.2.
For Question No.5	...	Refer section No. 5.4.
For Question No.6	...	Refer section No. 5.4.1.

## 5.6. KEY WORDS

1. Coalition	-	alliance, union, partnership
2. Promulgate	-	transmit, propagate.
3. Ex-officio	-	in virtue of one's office
4. Reprieve	-	stay of execution
5. Prorogue	-	postpone or adjourn to meet again
6. Electoral College	-	body of voters as a whole

## 5.7. BOOKS FOR FURTHER READING

1. V.P. Varma, Studies in Hindu Political Thought and It's Metaphysical Foundaries, Delhi, Motilal Banarsidass, 1974.
2. B. Dasgupta, and W.H. Morris-jones, Patterns and Trends in Indian Politics. New Delhi, Allied Publishers, 1976.

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3. N.G. Jayal (ed), Democracy in India, Delhi, Oxford University Press, 2001.
  4. N.C. Sahni (ed), Coalition Politics in India, Jullunder, New Academic Publishing Company, 1971.

### **5.8. QUESTIONS AND EXERCISES**

1. Explain the power and function of the Indian Parliament
2. Describe the emergency provision 356 of the Indian constitution
3. Discuss the role of the Council of Minister in the union Government
4. Describe the powers and functions of the President of India
5. How is the Prime Minister appointed? What are the power and function of the Prime Ministers?
6. How can the constitution of India be amended?

## UNIT – 6

# THE CIVIL SERVICE: LOCAL SELF GOVERNMENT: RURAL LOCAL GOVERNMENT: URBAN LOCAL GOVERNMENT

### INTRODUCTION

The Civil Service is the backbone and the nerve centre of modern governments. Without Civil Service, administration will be on impossibility. The actual implementation of the policy and programmes of the governments is done by Civil Service. The Civil Service in India is one of the contributions of the British Rule. The act of 1870 is a turning point in the history of Indian Civil Service. For the first time the Civil Service was introduced during the period of Lord Cornwallis. Lord Wellesley introduces the system of training for Civil Servants. Moreover, the Panchayat raj system in India dates back to time immemorial. The new Panchayat raj system came into force on April 23, 1993. It has created three tiers system of Panchayat-village Panchayat, block Panchayat and district Panchayat the new schedule 11 is inserted in the constitution which contains 29 items of revenues to the local government the 74<sup>th</sup> amendment to the constitution is related to the Urban Local Bodies. The new schedule 12 is inserted in Indian constitution which contains 18 items of revenues to the urban local government

### OBJECTIVES

1. To understand why the civil service is the backbone of modern governments.
2. To learn how they union public service commission/state civil service commission is formed.
3. To know the aim for forming the local government
4. To understand the 73<sup>rd</sup> constitution amendment act is the grass root governance.

**(Space for Hints)**

3. N.G. Jayal (ed), Democracy in India, Delhi, Oxford University Press, 2001.
4. N.C. Sahni (ed), Coalition Politics in India, Jullunder, New Academic Publishing Company, 1971.

### **5.8. QUESTIONS AND EXERCISES**

1. Explain the power and function of the Indian Parliament
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6. How can the constitution of India be amended?

British power was such vast that they found it very difficult and costly to administer the territories. They came up with the idea of developing an Indian service to protect and promote the British interests. That of 1870 is the turning point of in the history of civil service. For the first time, Indians also found a place as professional administrator initially, the Indian civil servant were not well treated and well paid compared to the British civil servants. It was during the period of Lord Cornwallis that the first serious attempt was made to reform the civil service.

During his period, salaries were increased and the seniority principle was adopted for promotion. Lord Wellesley introduced the system of training for civil servants.

The Montford report of 1818 provided for simultaneous examination both in India and Britain and also higher pay and pension. The establishment of Civil Service Commission in its 1919 report made provision for Central Service. The Government of India Act of 1935 provided for the establishment of civil service commission both at the centre and the provisions. During the British rule, the Civil Service known as 'steel frame' was the chief instrument of the British administration. During latter stages of British rule, higher remuneration, social status, respect and prestige attached with Indian Civil Service was such that it was considered a 'heaven-born service'.

India attained independence in 1947 on the basis of 'Mountbatten plan' which partitioned India into India and Pakistan. With the enormous responsibility of developing a new born country, she needs expert and experienced professional administrator formulation and execution of external and internal policies. The problem was further complicated when the Muslim administrator opted to go Pakistan, which resulted in the loss of expertise. In order to fill the gaps, the government took steps to prepare a sound force of administrators. In 1947, the Indian Administrative Service Training School was set up at Delhi, which later came to be known as National Academy of Administration (now known as Lal Bahadur Shastri Academy of Public Administration), at Mussoorie.

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The civil service in India is protected by the constitution. Article 309 empowers the parliament and the state legislatures to regulate the recruitment and conditions of service of the Public Servant of the Union and the states respectively on subjects falling within their spheres.

### **The Civil Service in India can be Broadly Classified into Three.**

They are:

- 6.1.1. All India services
- 6.1.2. Central services
- 6.1.3. State public services.

#### **6.1.1. ALL INDIA SERVICES**

All India services are a unique feature of the Indian Administrative system. The usual pattern of any federation is to have two levels of services separately for the federal and the state government. The All India services were formed when India has had a unitary, centralized system of government. The First All India Services to be established was the now famous Indian Civil Service which owed its origin to the Macaulay report of 1854. Latter several other services were added and on the eve of Montfort (montage -Chelmsford) reforms of 1919. The All India Services were: Indian Civil Service, Indian Police service, Indian Forest Service, Indian Educational Service, Indian Agricultural Service, Indian service of Engineers, etc.

The Drafting committee of the Indian Constitution did not originally make a provision in the constitution for the establishment All India services. However, Sardar Patel insisted that a reference to All India Services should be included in the constitution. Article 312, of the constitution provides for the creation of All India Services. The All India Services act as an instrument of national integration and national unity establishing common standards all over the country in vital areas of administration. The officers of All India Services or appointed and controlled by the union government but can also appointed by the state governments.

The parliament has the power of creating All India Services common to the centre and the states. All India Services can be created if the Rajya Sabha finds it necessary in the national interests and passes a resolution by a 2/3 majority present and voting to this effect. However, the parliament cannot do so without the recommendation of Rajya Sabha. This power is given to the Rajya Sabha to protect the interests of the states in the Indian federal system. The central and the state must jointly agree to set up an All India Civil Service.

**All India services are as follows:**

- Indian Administration service (IAS)
- Indian Police service (IPS)
- Indian Forest service (IFS)
- Indian Engineering service (IES)
- Indian Medical service (IMS)
- Indian Economic Service (IES)
- Indian Statistical Service (ISS)

The three All India Services are managed and controlled by three different Ministries of the Central government. They are:

- IAS by the Ministry of personnel
- IPS by the Ministry of Home
- IPS by the Ministry of Environment and Forests

**6.1.2. THE CENTRAL SERVICE**

Article 309 empowers the parliament to regulate the recruitment and service conditions of persons appointed to the central services. They are functionally and technically specialized positions in various departments of the central government. Most of them are controlled and managed by their respective ministers or departments, while a few of them are controlled and managed by the Ministry of personnel. The Ministry of personnel also determines the general policies relates to all the central services.

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The constitution under Article 312 empowers the parliament to create services in the central administrative department called the central services. They come under exclusive control of the central government and enjoys administrative authority on subjects falling under the Union List, such as defence, external affairs, customs etc.

- Indian Foreign Service (I.F.S)
- Indian Postal service (I.P.S)
- Indian Information service (I.I.S)
- Indian customs and central Excise service (I.C.C.E.S)
- Indian Defence Service (I.D.S)
- Indian Audit and Accounts Services (I.A.A.S)
- Indian Revenue Service (I.R.S)

Under this category, besides the administrative services, central Secretariat Services is also included which is divided into two:

**a. Secretariat Service:**

1. Under secretary or Branch Officer.
2. Superintendent or section officer.
3. Assistance superintendent
4. Assistants

**b. The Clerical Service:**

1. Upper Division Clerks
2. Lower Division Clerks

### 6.1.3. THE STATE SERVICES

Under Article 309 of the constitution, the states are entitled to create their own service, make recruitment and lay down conditions of service. They work exclusively under the control of state government and administer on subjects falling under the state list such as revenue, health, education police etc.

- One of the most important services at the state level is the state civil service. This is the service under the Group I Service from which the officers get promoted to the Indian Administrative Service, Indian Police Service, and Indian Forest Service, who are originally appointed as the Revenue Divisional Officers, Deputy Superintendents of Police, Deputy Registrar of Co Operative Societies, Divisional Development Officers of the Rural Development and Local Administrative Department, District Registrar of Registration Department and Forest Range Officers of Forest Department, comprised in the Group I Service of Tamil Nadu Public Service Commission. The remaining state services have their own hierarchy of promotions basing their service seniority, besides the attainment of any additional qualifications and expertise and training.

## 6.2. THE IMPORTANCE OF THE PART XIV

The recruitment of the public personnel constitutes the primary step towards an effective Civil service, because the mode of selection determines efficiency of the Civil service. In a country with more than 100 crores people with diverse religions, languages, castes and sub castes, the political considerations and favouritism will do a greater harm to the nation which affects the efficiency and integrity of the services. The Joint Select Committee on Constitutional Reforms (1934) said: “The method of responsible government to be successful in political working requires the existence of a competent and independent Civil Service....”

The Draft Committee of the constitution found it suitable to leave the method of recruitment to respective legislatures. The Constitutional assembly agreed to this idea and left the details of rules of recruitment to the respective legislature laying down only general provisions. In order to do away with favouritism patronage, influence and at the same time attract the best talent in the country the Public Service Commission, both at the centre and the state was set up Article 315 to 323 deals with the Union Public Service Commission (UPSC). The UPSC conducts examinations to recruit for All India Services and the Central Services. The objective is to bring out the talented persons into administration

**(Space for Hints)** with a view to increase the efficiency, impartiality and service in administration irrespective of the political, social economic background.

To insulate the recruitment process from political pressures, the Public Service Commission is freed from the executive control by establishing it as an autonomous body. The Part XIV of the constitution of India has made provision for the establishment of public service commission for the Union of India. Article 315 to 323 of the constitution deals with power and functions of the Public Service Commissions.

### **6.2.1. THE UNION PUBLIC SERVICE COMMISSION (UPSC)**

- **COMPOSITION:**

Article 315 of the constitution of India, provides for the establishment of the Union Public Service Commission. The Union Public Service Commission shall be composed of a chairman and such other members to be fixed by the President of India. Article 316 requires that at least one-half of the Union Public Service Commission shall be officials and other half may be non-officials. Normally educationists, men of letters, administrators and representatives of the people are associated with the Union Public Service Commission. The President of India has the power to determine from time to time, the strength of the staff of the UPSC. The commission is composed of 11 members. Only those who have a minimum of 10 years of experience in government service and who are of impeccable character are normally selected and appointed to the UPSC.

- **APPOINTMENT:**

The Chairman and the member of the UPSC are appointed by the president of India. However, the President selects among them a list of eminent people suggested by the Union Cabinet. Therefore the members of the UPSC are appointed on the advice of the cabinet.

- **The union public service commission - Features**

1. It consists of seven to Eight members.
2. The president of India is the appointing authority.

3. 50% of them should have served in the government of India at least for minimum of 10 years.
4. A member will hold office for tenure of 6 years or upto his age of 65.
5. It acts independently.
6. The chairman of UPSC cannot hold any office in the government of India after his retirement.
7. The president of India can remove them from power after an enquire and report from the Supreme Court.
8. The president can remove those who have come physically unfit or mentally retarded.

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- **TERM**

The chairman and the members of the UPSC will hold the office for a period of 6 years or till they attain the age of 65 years. Those who have attained 65 years of age are not eligible for re-appointment to these offices. Further Article 319 of the constitution declares that the chairman and the members of the UPSC, after the completion of their term of office, are ineligible for further employment either under the union government or governments of any state.

- **EMOLUMENTS:**

The salary of the chairman and its member is determined by the Union parliament from time to time. Their emolument cannot be changed to their disadvantage. The entire expenses of the commission including the salary and allowances of its staff, are charged to the consolidated Fund of India. Hence these matters are not subject to the control of parliament of India. All these provisions have been made with a view to make the UPSC an independent and impartial body and thus help the commission to discharge its responsibilities without any fear or favour.

- **REMOVAL**

They should be removed from office only as prescribed by the constitution.

(Space for Hints)

The chairman and members can demit their office:

- a) By addressing the resignation to the president in their own hand writing.
- b) They may be removed from office by an order of the president on charges of insolvency, unsound mind or on grounds of misbehavior.

However, they can be removed from office only after an inquiry by the Supreme Court.

- **Independence of the commission:**

To ensure that the right types of people are recruited to various services, the constitution has sought to ensure the independence and impartiality of the UPSC. The independence of the UPSC members has been ensured through the following provisions:

- The Union Public Service Commission in India enjoy statutory basis. The Union Public Service Commission in India has been created by the constitution. This not only assures them greater prestige but also renders their abolition difficult without amendments to the constitution.
- The salaries of the chairman and other members of the UPSC are charged on the consolidated fund of India and are not subject to vote of the parliament. The salary, allowances and other service conditions of the chairman and other member of commission cannot be changed in their disadvantage after their appointment.
- The members of the commission are assured security of office and cannot be removed before the expiry of their normal term except on grounds of proved misbehavior or incapacity. Order for their removal can be passed by the president only after the Supreme Court on investigation reports to him that the charges are correct.
- To ensure the impartiality of the members of the commission they have been debarred from taking appointment after completion of their term.

However, the ordinary members of the UPSC can be appointed as chairman of UPSC or some state Public Service Commissions.

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- **FUNCTIONS**

Article 320 of the constitution of India requires the UPSC to perform the following functions:

1. It is called upon to conduct examination for appointments to the union.
2. It is called upon to assist the states, of course if requested, to frame schemes of joint recruitment, to two or more states and if necessary it has to operate such schemes in such a way as to secure the selection of candidates who possess special qualifications required for such services.
3. The UPSC may tender advice to the Union Government or state Government, on matters such as methods of recruitment, promotions, transfers from one service to another, on matters related discipline and claims of employees for pension etc.
4. To exercise such additional functions as may be provided for by an act of the parliament.
5. Under Article 323 of the constitution, the UPSC has to submit an annual report to the president regarding the work done by the commission.
6. The UPSC, if requested to do by the governor of a state may with the approval of the president, agree to serve all or any needs of the state.
7. Any other matter which may be referred to it by the president for advice.

The UPSC is only an advisory body and its advice is only suggestive in nature and therefore the recommendations are not binding on the government. However, though, the UPSC has been conferred with only recommendatory power

**(Space for Hints)** with regard to recruitment to various union services and the government is free to expect or disregard its recommendation, but in actual practice the advice of the commission is more or less accepted in all.

### **6.2.2. STATE PUBLIC SERVICE COMMISSION (SPSC)**

The constitution of India provides for the establishment of Public Service Commission for each state. the state Public Service Commission shall be composed of a chairman and such other members to be determined from time to time by the governor of the state. at least one half of the members of these commission must be persons who have put in a minimum of 10 years of service of the state. these commissions have given adequate representatives to varief interests of the community.

- **COMPOSITION:**

Article 315 of the constitution of India, provides for the establishment of the State Public Service Commission. The SPSC shall be composed of a chairman and such other members to be fixed by the governor of the state. Article 316 requires that at least one-half of the SPSC shall be officials and other half may be non-officials. Normally, educationist, men of letters, administrators and representatives of the people are associated with the SPSC. The Governor of the state has power to determine from time to time, the strength of the staff of the SPSC. The commission is composed of as many members as determined by the governor from time to time. Only those who have a minimum of ten years of experience in government service and who are of impeccable character are normally selected and appointed to the SPSC.

- **APPOINTMENT**

The chairman and the members of the SPSC are appointed by the governor of the state. However, the governor selects among a list of eminent people suggested by the state cabinet. Therefore, the members of the SPSC are appointed on the advice of the cabinet.

- **State public service commission - Features**

1. According to the Indian constitution every state has its own Public Service Commission.
2. They are appointed by the respective governors of the states.
3. The governor decides the number of members.
4. Generally there will be three or four member including the chairman.
5. 50% its members should have served in the government of India or state government atleast for a period of 10 years.
6. The chairman can be removed from the office after getting the report from the supreme court by the governor
7. After retirement they are eligible to become a government servant.
8. But the chairman is eligible to become the chairman of the UPSC or chairman of the Service Commission of any other state.
9. A member will be in service upto his age of 62 or for a period of 6 years .

- **TERM**

The chairman and the members of the SPSC will hold the office for a period of 6 years or till they attain the age of 62 years. Those who have attained 62 years of age are not eligible for re-appointment to these offices. Further Article 319 of the constitution states that those men are eligible to be appointed as Chairman or members of the UPSC. The members of the SPSC are eligible to be appointed as chairman of the same commission or chairman of the other. But those members are not eligible for re-appointment to the same office.

- **EMOLUMENTS**

The salary of the chairman and its member is determined by the state legislature from time to time. Their emoluments cannot be changed to their disadvantage. The entire expenses of the commission including the salary and allowances of its staff, are charged to the consolidated fund of the state. All these provisions have been made with a view to make the SPSC an independent and impartial body and thus help the commission to discharge its responsibility without any fear or favour.

(Space for Hints)

- **REMOVAL**

They should be removed from office only as prescribed by the constitution.

The chairman and the member can demit their office

- a) By addressing the resignation to the governor in their own hand writing.
- b) They may be removed from office by an order of the governor on charges of insolvency, unsound mind or on grounds of misbehavior.

However, they can be removed from office only after an inquiry by the High Court.

- **FUNCTIONS**

The SPSC is required to perform the following functions

1. The SPSC is called upon to conduct the competitive examinations for the selection candidates for recruitment to state services.
2. The SPSC is required to prepare rules of recruitment, promotion and transfer from one service to another.
3. The SPSC is required to advice the state government on all matters relating to problems of civil service of the state.
4. The SPSC is called upon to submit once in a year a report to the Governor on the work done by them. These reports are transmitted to the Legislatures of the states. These bodies are also consulted in disciplinary cases.

### **6.2.3. RECRUITMENT SYSTEM IN INDIA**

The recruitment system in India is based upon the bindings of the Maccaulay committee appointed in 1854. The constitution provides for the setting of a public service for the whole India and one for each state. The UPSC conducts examination for the recruitment of all India, the central and central secretary services. There is a railway service commission for the recruitment to the Indian railways, damodar valley corporations; Indian airlines corporations etc have their

own personnel. The UPSC receives the applications, scrutinizes them and permits a suitable candidate to appear for the preliminary examination. The UPSC conducts the preliminary examination during the month of June every year. The preliminary examination consists of two paper they are:

1. General knowledge
2. Optional subject

### 1. General knowledge:

General knowledge paper carries 150 marks. All question are of objectives type, the questions from different subjects such as political science, economics, history, geography, chemistry, physics, biology, mathematics and current events at 12 level or framed as objective type questions

### 2. Optional subject

Optional subject carries 300 marks. The UPSC has listed about 25 subjects as optional subject. The candidate have to selected one of the optional subject for the preliminary examination. Like general knowledge paper, all the question would be of objective type. The question framed in the optional subject are at master degree standard on the basis of the marks secured by the candidates in the general knowledge paper and optional subject, merit list is prepared in proportion of 10 candidates for each vacancy candidates are allowed to write the main examination. For examble if they are 400 vacancies in proportion of 1:10, 4000 candidates who have secured more marks in the merit list are allowed to appear for the main examination.

- The main examination consist of nine papers they are  
Paper 1 – English- 300 marks  
Paper 2 – Indian language -300 marks  
Paper 3 – essay- 200 marks  
Paper 4 and 5 – general studies- 600 marks  
Paper 6 and 7 – optional – 1 – 600 mark  
Paper 8 and 9 – optional – 2- 600 mark  
Viva voice- 200 marks

#### Check your progress questions

1. Indian civil service is the contribution of the British Rule – Discuss
2. Write a note on All India civil service
3. Write a note on UPSC
4. Describe the functions of the State Public Service Commission

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- English paper is a compulsory paper. It carries 300 marks. The candidate should pass the paper. The marks secured in this paper will not be taken into account in the preparation of the final merit list.
- The constitution of India has identified 22 languages as Indian languages. The UPSC age limit for 21 to 26 years. The candidate can prepare above any one of the Indian languages.
- The qualified candidates are called for interview. The UPSC itself conducts the viva voce with help of an expert. The interview has completely recorded by video. After the interview the commission prepares the list of eligible candidate in the order of merit and certificates appointments.

## **LOCAL SELF GOVERNMENT IN INDIA**

### **6.3. HISTORICAL DEVELOPMENT OF LOCAL GOVERNMENT**

The history of local self-government in India dates back to very ancient times. The research of number of Indian historians has brought out the fact that there was in ancient India well settled and more or less highly developed system of local government. The village communities of early times, the Sabha and Samiti, the two popular assemblies, and village Panchayat in the medieval and Mughal period existed as units of local government. Though local government institutions have existed in India since ancient times, these institutions in the modern sense never existed before the advent of the British. These institutions acquired representative character only during the British period.

Municipal Government was first introduced in India in the last quarter of the 17<sup>th</sup> century in the Presidency town of Madras. In short, between the years 1842 and 1868 a series of legislative enactments were passed for setting up a Municipal Institutions in mofussil towns. By 1870 there were 200 Municipalities in Bombay; 44 in Madras; 65 in Bengal; 67 in North West Province; 127 in Punjab and 40 in Central Province. However, real progress in this field was made

only during the time of Lord Mayo, Lord Mayo's Resolution of 1870 made province for a scheme of local self government.

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In 1907, a Royal Commission on Decentralization under the chairmanship of Sir Charles Hadow was appointed to submit a report on the progress made in the field of local self government. The commission submitted its report in 1907.

The Royal Commission on Decentralization for the first time put forward a powerful plea for the revival of the Village Panchayats, immediate effect was not given to its recommendations. But attempts were made to establish informal village authorities.

The recommendations of this commission may be grouped under the following heads

1. Village organization
2. Rural Boards
3. Municipalities

Gandhiji dreamt reviving Panchayat as part of a scheme of decentralization of administration was fulfilled the constitution of India in the directive principles of state policy Article 40 laid down the state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Local Government

The evolution begins in 1950 when the constitution of India came into operation. The constitution has made local government a state subject and the principle of local government was linked with local development. In order to eradicate poverty, ignorance, illiteracy and disease the Government of India initiated the Community Development Programme. In the middle stage it was gradually expanded. This programme aimed at an all round development of rural life. The concept of Panchayat Raj thus emerged as a by product of the Community Development and National Extension Programme. Development cannot progress without power and responsibility. As this programme has failed to achieve the expected result, a Study Team under the leadership of Shri

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Balwantral Mehta was appointed in January 1957, to study the working of the Community Development Projects and the National Extension Service. The Study Team submitted its report in November 1957. The study team has recommended a three-tier system of local government for rural areas: the Village Panchayats at the bottom, the Panchayat Samitis at the block level and the Zilla Parishads at the top. The recommendations were accepted by the National Development Council in the year 1958.

The government of Rajasthan at once took necessary steps and put the scheme into operation on October 2, 1959, Prime Minister Pandit Jawaharlal Nehru who inaugurated it conferred on it the indigenous name Panchayat Raj. A beginning was thus made, and it was followed by Andhra Pradesh, Punjab and other states.

Asok Mehta Committee was appointed in 1978 which recommended two tier system of Panchayat raj. The recommendations of this committee were ignored or rejected; but only Karnataka Government had implemented the two tier Panchayat raj – Mandal Panchayat and District level body or Zilla Parishad. The 73<sup>rd</sup> amendment to the constitution has mandated a third level of government with ample powers which came into force on April 23, 1993. It has created three tier system Panchayats – village Panchayats, Block Panchayats and District Panchayats. To augment the resources to the Panchayat raj bodies, there will be a State Finance Commission as Union Finance Commission to share the revenues of state and local bodies, is provided. The State Election Commission is also stressed to conduct the timely local bodies election and provided that the election have to be held within six months from the date of dissolution. The new schedule 11 is inserted in the Constitution which contains 29 items of revenues to the local government. The 74 Amendment to the constitution is related to the Urban local bodies. The 73<sup>rd</sup> Amendment is effective one.

### **6.3.1. POST-73<sup>rd</sup> AMENDMENT DEVELOPMENT**

The Tamilnadu Panchayat Act, 1994, replaced the Madras Panchayats Acts, 1958. It provides for: (a) a three tier system; (b) a gram sabha; (c)

establishment of a Election Commission (d) constitution of a state Finance Commission; (e) reservation for SC/SCTs proportionate to their population in membership in all tiers and for posts of chairpersons; (f) on third reservation of seats for women; and (g) constitution of district planning committee. The 73<sup>rd</sup> and 74<sup>th</sup> amendment do not apply to the states of Meghalaya, Mizoram, Nagaland and Jammu & Kashmir, the union territory of Delhi, hill areas in Manipur and Darjeeling in West Bengal. Also, these do not apply unless extended to SC and ST under article 242. The constitution 83<sup>rd</sup> amendment of the year 2000 has added a clause to article 243M to provide the reservation of seats for the SC and ST under article 243D shall not apply to the states of Arunachal Pradesh.

### 73<sup>RD</sup> Constitutional Amendment

- 3 tier structure
- Gram sabha
- 11<sup>th</sup> schedules 29 subjects
- 33.3% reservation of seats for women
- Reservations of seats for SC/ST proportionate to their population
- State election commission
- State finance commission
- District planning committee

In Tamilnadu State, there are 10 Municipal Corporations, 100 Municipalities, 50- Third Grade Municipalities, 561 Town Panchayats, 12618 Village Panchayats, 385 Panchayat Unions, and 29 District Panchayats.

### Gram Sabha

The gram sabha is the nucleus of the Panchayat Raj system under the 1994 Act. It has to meet thrice a year and at least once in six months. The president of the gram Panchayat presides over the meetings of the gram sabhas. The gram sabha has to approve the budget proposals and annual plan of the village

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Panchayat and give approval to its annual audit statement of expenditure. One-third of the members form the quorum for transacting the business of the gram sabha. As per government orders, beneficiaries are selected only by the gram sabha. But in reality, beneficiaries are selected by the Panchayat council in violation of the provisions of the state act. The government passed an order recently that all gram Panchayats have to convene gram sabha meetings four times a year-on 15 August, 2 October, 26 January and 1 May- and transact business as per the act. The quorum for the gram sabha has also been reduced from one-third to one-tenth of the membership. Officials from all the government offices concerned with development will also participate in the gram sabha meetings as observes and report the proceedings to the inspector of Panchayats.

### **Village Panchayat**

A village Panchayat or gram Panchayat will be constituted for a minimum of five hundred population, with its membership ranging from minimum of five to maximum of fifteen. The ward members and the president are to be elected directly by all the voters. The vice-president is to be elected indirectly by and from amongst the elected ward members.

### **The village Panchayat has the following subjects:**

- a) Construction, repair and maintenance of village Panchayat roads;
- b) Lighting of public roads and public place;
- c) Drainage facilities;
- d) Cleaning of streets;
- e) Public latrines;
- f) Burial and cremation grounds.
- g) Water for washing and bathing purposes;
- h) Such other duties as may be notified by the government.

The state government has decided that all village Panchayats will get financial resources from the government directly. Panchayat unions or block Panchayats will not interfere in the process. Gram Panchayat presidents have been designated as executive heads and they have been entrusted with the necessary

powers and responsibilities; village Panchayat road works can be taken up with Panchayat resolution; facilities like street light and water supply can be maintained and attended to if there is any disrepair; part-time clerks can be appointed by the Panchayat president; house construction plan approval has to be given by the village Panchayat; beneficiaries for the central government schemes and programmes have to be selected by the gram Panchayat in the gram sabha' and a new library and information centre in the village has to be established by the village Panchayat.

### **Panchayat union council**

A Panchayat union is to be formed for each development block. Each Panchayat union will have a Panchayat union council with a chairperson and a vice-chairperson elected by its members who are to be elected directly by the people. one union council member will be elected for every 5,000 populations. Members of parliament and Legislative Assembly elected from the area are to be ex-officio members of the Panchayat council.

### **6.3.2. THE PANCHAYAT UNION HAS THE FOLLOWING DUTIES AND RESPONSIBILITIES**

- a) Construction, repair and maintenance of public roads;
- b) Establishment and maintenance of dispensaries;
- c) Construction and maintenance of elementary schools;
- d) Preventive and remedial measures connected with any epidemic;
- e) Conduct of fairs and festivals;
- f) Veterinary relief;
- g) Opening and maintenance of Panchayat union markets;
- h) Extension of village sites and regulation of buildings;
- i) Maintenance of statistics related to births and deaths;
- j) Improvement of agriculture and agriculture stock;
- k) Promotion and encouragement of cottage industries;
- l) Other duties and responsibilities entrusted to it by the government through a notification.

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The state government through a notification has entrusted the Panchayat union with the following additional functions:

- a) Construction and maintenance of Panchayat union roads, irrigation tanks and lakes, initiating family welfare activities, executing noon meal schemes and implementing schemes for Adi Dravidas;
- b) Identification of works under employment scheme assurance schemes and their execution;
- c) Identification and execution of drought relief works.
- d) Execution of MP's and MLA's Area Development Schemes;
- e) Maintenance of its own buildings;
- f) Supervision of the activities of public health personnel, primary education, drinking water supply, roads, small culverts, khadi and village industries, technical training, education, libraries, rural electricity and non-conventional energy.

### **6.3.3. DISTRICT PANCHAYAT**

The district Panchayat is to be constituted with directly elected members (one member for every 50,000 population). Its chairperson and vice-chairperson are to be elected by its members from amongst themselves. Members of Lok Sabha and State Legislative Assembly from the district are the ex-officio members of the district Panchayat council. A Rajya Sabha member who is an elector in the district is also its ex-officio member. The district Panchayat will perform the following functions:

- a) Advise the government on all matters concerning Panchayati raj institutions particularly on services and development programmes;
- b) Watching the progress of the measures undertaken by the government, village Panchayat and Panchayat union councils in the district;
- c) Classification of markets fairs, and public roads in the areas of Panchayati raj institutions in the district; and

- d) Collection of data, publication of statistics, demanding any information from village Panchayats union councils.

(Space for Hints)

To enable the district Panchayat to perform the earmarked functions, the Divisional Development office has been reorganized. While the assistant director, Panchayats, will supervise the district Panchayat activities, the assistant director, rural audit and the assistant director, rural development, will be incharge of audit of the district Panchayat accounts and its development activities respectively.

#### **6.4. URBAN LOCAL GOVERNMENT**

74<sup>th</sup> constitutional amendment act; the 74<sup>th</sup> constitutional amendment is related to the urban local bodies it is incorporated 12<sup>th</sup> schedules, 8 subjects and 5 articles from 243-P to 243-G. the urban local government in India were classified into are they Municipal Corporation, Municipal Board, Cantonment Board, Notified Area , town ship. Let us discuss below briefly a various kinds of local bodies

- **Municipal Corporation**

The first municipal corporation was constituted in Madras 1687. Municipal corporations set up by the acts passed by central or state governments, which specifies the powers, functions, compositions, etc., of the Municipal Corporation. The Municipal Corporation are meant especially were civic problems occur a high degree complexity. The Municipal Corporations consists of Mayor, Councilor and commissioners and corporation committees at present Tamilnadu has 10 Corporatations like Chennai, Madurai, Coimbatore, Thrichy, Tirunelveli, Salem, Tiruppur, Erode, Tuticorin, and ----- . The Mayor is the first citizen of the city. He is elected directly by the electorate of the municipal corporation for the term of five years. The Deputy Mayor is elected by the ward councilors for the period of five years. The Municipal Corporation Councilors is elected directly by the electorate. The corporation council is the local legislative assembly articulating popular wish which gets transformed into the law of the city. The corporations committees are constituted in the corporations councils to look into various activity at the local level. The Corporation Commissioner is the chief executive

(Space for Hints) head of the corporation the commissioner is usually an IAS officer appointed by state government but receives salaries from the corporation

- **Municipalities**

The Municipalities are established in a smaller city there may be one or more than one Municipalities in a district. Thus in Tamilnadu have a class I, II and III Municipalities special grade Municipalities and selection grade Municipalities. At present Tamilnadu, they are, at present 101 municipalities practice in Tamilnadu the municipalities are created in the basis of acts passed by the state legislature. The municipalities chairman and ward members are elected directly by electorate the municipalities act provides for the constitution of a standing and other communities. The state government appoints the executive officer by the state government. He is responsible for the proper administration of the municipalities.

- **Township or Town Panchayat**

A town Panchayat is created in a traditional area, that is, on area in transition from a rural area to an urban area. The town Panchayat chairman, councilors / ward members are directly elected by the electorate for the period of 5 years. The Panchayat chairman keeps a watch over financial and executive administration of the town Panchayat. Town Panchayat council is a peoples assembly

- **Cantonment board**

The cantonment board is a local body constituted under the cantonment act 1924. Like other forms of local government, it is a body corporate having perpetual succession and a common seal with power to acquire and hold property and to enter contracts and capable of suing and be sued. The cantonment boards are centrally administered areas, being placed under the direct administrative control of the Ministry of Defence in the Central Government in contrast to other forms of local government, which are under the control of the State Government.

The Cantonment boards like any other forms of urban local government perform obligatory and discretionary functions.

(Space for Hints)

- **A Notified Area**

A Notified Area is established a place which is a small town or industrial centre. generally, the population of such area is a semi-urban. The Notified Area has an elected board. A chairman and a secretary. It performs the functions which are permitted to it by the government. Its main function relates to public health.

- **Urban Local Government important taxes**

1) Property tax 2) tax on company 3) profession tax 4) tax on carts 5) tax on timber brought into the city 6) tax on vehicle and animals 7) tax on theatre 8) tax on dog 9) advertisement tax 10) duty on transfer of property 11) educationcess 12) tax on the consumption or sale of electricity

#### 6.4.1. FUNCTIONS OF MUNICIPAL CORPORATION

The Corporation are assigned to two types of the functions, namely obligatory and discretionary. The most important obligatory function are:

- 1) The constitution, maintenance and clearing of drains, latrines, urinal and similar conveniences;
- 2) The construction and maintenance of works for providing supply of water for public and private purposes;
- 3) The scavenging, removal and disposal of filth and rubbish;
- 4) The construction or purchase, maintenance and conduct of undertakings for electric supply; water supply and transport;
- 5) The maintenance and regulations of places for the disposal of the deed;
- 6) Registration of births and deaths;
- 7) Prevention of the spread of dangerous diseases;
- 8) The establishment and maintenance of hospitals, dispensaries and maternity centres;
- 9) The construction and maintenance of municipal markets and slaughter houses;

**Check your progress questions**

5. Define Grama Sabha
6. Write a note on Lord Rippon Resolution
7. Define the composition of state election commission in local bodies
8. Mayor is the First Citizen of the city- Discuss

(Space for Hints)

- 10) The naming and numbering of streets and premises;
- 11) Primary education and
- 12) The maintenance of municipal office;

### **Discretionary functions**

- 1) Establishment of libraries, museums, art galleries, botanical and zoological collections;
- 2) Public parks, gardens and recreation grounds;
- 3) Survey of buildings and lands;
- 4) Registration of marriages;
- 5) Fire bridge, rest house, poor houses, children's home, shelter for destitute and asylums for persons of unsound mind, and the supply of milk.

## **6.5. SUMMARY**

This unit provides details to understand the origin of the Civil Service. It also attempts to analyse the formation of the Union Public Service Commission and State Public Service Commission are power and function and recruitment system. Moreover, local government is the government of a specify locality the people of locality form their own government to look after their problems. This local government relives the burden of central and state governments. Also you are able to recognize the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment to promote the communal harmony.

## **6.6. KEYWORDS**

1. Governance - supremacy, power, authority
2. Personnel - workers, staff, employees
3. Bureaucracy - system of government, administration
4. Negligible - insignificant, unimportant

## **6.7. ANSWERS FOR THE CYP QUESTIONS**

For Question No.1 ... Refer section No. 6.1.

For Question No.2 ... Refer section No. 6.1.1.

For Question No.3	...	Refer section No. 6.2.1
For Question No.4	...	Refer section No. 6.2.2.
For Question No.5	...	Refer section No. 6.3.1.
For Question No.6	...	Refer section No. 6.3.
For Question No.7	...	Refer section No. 6.3.1.
For Question No.8	...	Refer section No. 6.4.

(Space for Hints)

## 6.8. BOOKS FOR THE FURTHER READING

1. Government of India; Renewing local self government in rural India: New Delhi, Ministry of rural development, 1994.
2. Palanithurai, G. ; Rejuvenating republic through local government ; grass root governance vol-2, no 11, June 2004.
3. Maheswari, S.R; Local government in India New Delhi orient longman, 1984.
4. Maheswari, S.R; Public administration in India ;government of India publication 1953.

## 6.9. QUESTIONS AND EXERCISES

1. Critically analyze the various methods of Indian recruitment system
2. Describe composition, powers and function of the UPSC in India
3. Explain the composition and powers of the state public service commission
4. Trace the evolution of Panchayat raj system in India
5. Give on briefly account of the 73<sup>rd</sup> constitutional amendmend
6. Describe the importance of the 74<sup>th</sup> constitutional amendment

## UNIT-7

# REGIONALISM-LINGUISTIC REORGANIZATION OF STATE-PROBLEM OF OFFICIAL LANGUAGE- TERRORISM-COMMUNALISM AND LINGUISM IN INDIA

### INTRODUCTION

Regionalism means love of a particular region in preference to the country. Regionalism in India is a countrywide phenomenon. Its growth has been mainly due to three factors. The foremost among them is economic and industrial growth with little benefit to the common man. The people were told during the national struggle that the cause of their sufferings was the British rule which when ended would and the people got nothing but disappointment, hardships and exploitation. Secondly, there was growing realization among the people of the backward areas that they were being neglected in the setting up of plants and factories, in the construction of dams, bridges, in the creation of job opportunities and in the allocation of central funds. Thirdly, the national leaders in congress indulged in naked struggle for power propagating some time regionalism above the national interest. Contagious diseases, as if it were, it spread to other political parties also regionalism is like a kind of sectarian outlook, which has resulted in emotional cleavages among the susceptible sections of Indians. In the State re-organization committee appointed in 1953 and its committee submitted the report in 1955, Based on the report Bombay State re-organisation into Maharashtra and Gujarat. The Madras presidency divided into four region like Chennai, Telegana State, Kannada State and kerala. Articles 344 (1) and 351, there are 22 regional languages recognized.

### OBJECTIVES

1. To Understand the demand for succession from the Indian union
2. To Learn the demand for separate Statehood

3. To Analyse the recommendation of the State reorganizations commission (Space for Hints)
4. To Be able to trace terrorism and communalism

## **UNIT STRUCTURE**

### **7.1. Secession from the Indian union: Demand for formation of Dravidian State**

- 7.1.1. Separate Statehood
- 7.1.2. Demand for full Statehood
- 7.1.3. Inter – State disputes

### **7.2. Linguistic reorganization of States**

- 7.2.1. Appointment of States Reorganization Commission
- 7.2.2. Recommendations of the S.R.C.
- 7.2.3. linguistic Reorganization Secured Integration

### **7.3. Problem of official language**

- 7.3.1. Regional Languages
- 7.3.2. Terrorism and Communalism
- 7.3.3. Communalism in India

### **7.4. Summary**

### **7.5. Keywords**

### **7.6. Answer for the CYP question**

### **7.7. Books for further reading**

### **7.8. Questions and Exercises**

## **Regional politics in India**

Regional politics has been quite dominant in the Indian political systems. It has generally assumed four forms for its working. These forms are:

1. Demand for secession from the Indian union.
2. Demand for separate Statehood.
3. Demand for full Statehood, and
4. Inter-State disputes

(Space for Hints)

## 7.1. SECESSION FROM THE INDIAN UNION: DEMAND FOR FORMATION OF DRAVIDIAN STATE

This was the most dangerous demand made by the Dravida Kazhagam party of Tamilnadu. The whole history of this party from the origin was based on secession from the Indian union as they considered themselves altogether of a different stock, as distinguished from the north Indians. The Dravida Kazhagam party originated from the justice party in Madras. The justice party stood for the rights of non-brahmins against the monopolistic hold of the Brahmins on the administrative political position. The more militant among the members of the justice party formed Dravida Kazhagam (D.K.) which called upon the dravidan people of south India “to guard against a transfer of power from the British to the Aryans”.

It demanded a separate south Indian State, Dravidastan. E.V. Ramaswamy naicker, who led the movement, interpreted the hindu scriptures as non-dravidian and the sole fabrication of the Brahmins. Under his leadership, the south Indians burnt copies of the Ramayana, as being the story of a conflict between the north represented by the Aryans and the south by the Dravidians. It pleaded for the eradication of Sanskrit words from the south on the plea that the two represented basically separate and distinct cultures.

By 1954, however, political power shifted from the Brahmins to a distinctly indigenous “tamilized” non-Brahmin leadership under the new chief minister, Kamaraj nadar. The D.K. threw its support to the congress ministry. But the D.M.K. which was formed in 1949 due to acute difference with E.V. Ramaswamy Naicker, pledged again for the attainment of Dravidian State. In June 1960 the D.M.K. and the “we Tamil” movement organized a joint campaign for the secession of Madras from India for making it an independent sovereign State of tamilnadu. They burnt the maps of India. Then they proposed that the States of Madras, Andhra Pradesh, Kerala and Mysore should secede from India and form an Independent “ Republic of Tamilnadu”.

In April, 1961 several leading members of the D.M.K. resigned and formed the Tamil national party under the leadership of E.V.K. Sampath, a

member of Parliament. It rejected the D.M.K.'s secessionism and instead advocated a radical amendment to the constitution so that India should become a highly decentralized federation of autonomous linguistic States each of which could "have the right to secede". Several D.M.K. members of the State Assembly and of Madras Corporation including the Mayor of Madras joined the new party.

The D.M.K. under the leadership of C.N. Annadurai, made heavy gains in the third general elections in 1962. It, therefore, intensified its agitation for an independent Dravidian State. During a debate in the Rajya Sabha in May, 1962, C.N. Annadurai, asserted that the people of southern India were of different stock from those of the north. He alleged that the south has been "ignored" by the Union Government.

In view of the growing strength of the disintegrating forces in the country, the Parliament adopted in October, 1963, the sixteenth amendment to the constitution which

1. Enabled Parliament to make law providing penalties for any person questioning the sovereignty and integrity of the Indian union and
2. Laid down that a candidate for election to Parliament or a State legislature would have to undertake by oath or affirmation to have true faith and allegiance to the Indian constitution and to uphold the country's sovereignty and integrity. Consequently, the D.M.K. in November 1963, dropped from its programming the demand for a sovereign independent Dravidian federation and its secession from the Indian union. Instead, it declared the formation of a "Dravida Union" of the four States mentioned above "with as large powers as possible within the framework of the sovereignty and integrity of India and of the constitution".

The D.M.K.'s posture against Hindi as the official language continues unabated. The opposition in Hindi is very strong in Tamilnadu. On the question of introduction of Hindi, violence broke out in parts of Madras State in 1965. The result was a crisis that took the turn of an unprecedented act of self-immolation by a few DMK members.

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The agitation for autonomy within the Indian union continues. In mid-September, 1970, DMK held in Madras City a “State autonomy conference” which criticized Delhi for using its “financial strings” to control the States. Various other regional parties, including the Akali Dal. Were invited to attend the conference. It did not make much headway in the matter of autonomy as desired, as the extent of autonomy could not be defined.

❖ **Demand for formation of Akhalistan or Sikh State**

Master Tara Singh as the leader of the Akali Dal in Punjab raised the question of the formation of Akhalistan as early as 1946 when the cabinet mission visited India. But he met disappointment on securing no special recognition. Migration from newly formed Pakistan further added bitterness to the community’s sufferings. Then he demanded ‘sikh State’.

❖ **Demand for separate State for Mizos and Nagas Assam**

The people of the Mizo hill district of Assam demanded succession not only from Assam, but from India also and the formation of as “independent Mizo State”. this led to insurrections and repressions. The Government had made the Mizo Hill a union territory and was inaugurated on September 4, 1962. The hostile Nagas, however, continued their designs and get arms, ammunition and training in Pakistan and china. Phizo even threatened to take the Naga question to the united nations. But, there was a let up in the hostilities of the rebel Nagas after the formation of Bangladesh.

### **7.1.1. SEPARATE STATEHOOD**

Certain selfish politicians wanted to grind their own axe. This could be possible only raised a bogey a demand for a separate Statehood. Only then could their dreams of leadership be realized. The demand for separate Statehood arose from time to time in different parts of India.

❖ **Formation of Andhra**

The insistent voice within the congress, especially from the south where Telugu people were living in three State (Madras, Hyderabad and Mysore

demanded an Andhra State of their own. The congress party was obliged to appoint in 1948 a 'JVP'. Committee consisting of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya to look at the question presumably from a more purely political stand point. Their report also went, in general, against the linguistic State, but made 'an exception in the case of Andhra where a strong case could be made'. "A sentiments for Andhra soon mounted to the extent that the congress working committee was obliged to endorse the demand and recommend in 1949 the creation of a new State. The central Government was, however, reluctant since the creation of Andhra would encourage demands from other linguistic groups in the various multi-lingual States and promote linguistic Nationalism, Potti Sriramula undertook a fast unto death on this and died. To overcome the eventualities, a separate Andhra State for the Telugu speaking people was created in October, 1953.

#### ❖ **Telengana Agitation**

The States reorganization commission recommended the splitting up of the multi-lingual State of Hyderabad and added that the Kannada – speaking areas should be merged with Mysore, and the Marathi – speaking areas with Bombay. The commission observed that there were strong arguments in favour of the union of the Telegu – speaking areas of Hyderabad known as Telengana by merging it with Andhra to form a single Telugu – speaking State. but it did not suggest this step immediately because of a feeling that existed among the people of Andhra. The commission, therefore, recommended to make Telengana a separate, State but with a provision for its union with Andhra after the third general elections, if a two – thirds majority of the State legislature expressed itself in favour.

The Union Government, on the other hand, decided to unite Telengana with Andhra on the plea that uncertainty about the future of Telengana as a distinctive State would hamper its economic progress. Consequently, the congress leaders of Andhra and Telengana concluded the following accord.

1. The members of the State Assembly from Telegana would form a Regional Committee to deal with matters relating to that region.

(Space for Hints)

2. The entire revenue from Telengana would be spent on the development of the region, of course after meeting its proportionate share of the common expenditure of the State.
3. The recruitment to Government posts in the region carrying a salary of upto Rs. 500/- a month be made for five years only from among persons who had lived in Telengana at least for fifteen years.
4. When the chief minister of the State comes from Andhra, the Deputy Chief Minister would be drawn from Telengana and vice versa.

The agreement paved the way for the merger of Telengana area into Andhra Pradesh, but this system did not work longer. The people of Telengana began to express their dissatisfaction and resentment. They began to demand the formation of a separate Telengana State. the agitation was launched with peaceful intentions but turned violent as usual. The Government relented and transferred all the Andhras appointed on posts reserved for Telengana to the Andhra region and agreed to Honour the other commitments also. The mass transfer for Andhra officials from the Telengana region triggered an agitation in Andhra. The Telengana agitation was spearheaded by the Praja Samiti. The samiti demanded a separate Telengana. A “six-point Agreement” which provided for a Telengana Regional Committee, separate Five Year Plan for Telengana and chief Ministership to Telengana was concluded. Consequently. P.V. Narasimha Rao replaced Brahmananda Reddi as chief minister.

It was the force of regional feeling that compelled the Government of India to agree to bifurcate the bilingual Bombay State into two States in 1960, Maharashtra and Gujarat. Likewise the formation of Nagaland in 1963 and the Punjabi suba in 1966 can be attributed to the growing regional sentiment.

### **7.1.2. DEMAND FOR FULL STATEHOOD**

This is the third manifestation of regionalism, and to satisfy this demand the constitution fourteenth Amendment Bill was passed in 1962, which created local legislatures; for the territories of Himachal Pradesh, Manipur, Tripura, Pondicherry, Goa etc. when the union territories of Delhi and Andaman Nicobar

were denied this privilege they also began to agitate. Full Statehood was conferred on Himachal Pradesh in 1970 and on Manipur and Tripura in 1972. Delhi was granted Metropolitan council in 1970. It has now become the National Capital Territory.

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### **7.1.3. INTER – STATE DISPUTES**

The fourth and last manifestation of regionalism is the tendency to create inter – State – disputes. For instance Chandigarh became a bone of a contention between the Punjab and Haryana when Punjab was divided into two States. Thereupon , the central Government made Chandigarh a union Territory and it continues to be so. Then, there was the demand of Haryana for 10 districts of UP and two districts of Rajasthan in order to fulfill the dream of Vishal Haryana. Similarly, there is a long-standing boundary dispute between Karnataka and Maharashtra and the Cauvery water dispute between Tamilnadu and Karnataka.

Regionalism is a cancerous growth in the body politics of India. The unity and integrity of India depends on the extend to which the growing sentiment of regionalism is held in leash. This calls for able and dynamic leadership at the national level, redressal of regional grievances and removal of regional imbalances, which will go a long way to curb this menace of regionalism.

## **7.2. LINGUISTIC REORGANIZATION OF STATES**

The struggle against the British rule establishment our unity despite the differences in language, religion, creed, and caste. We worked unitedly for the common goal of freedom from foreign rule. But, during the days of unity among Indians against the common foreign enemy, the diversity in language, religion, caste, and creed germinated into huge formidable oaks of separation due to certain blunders. The determination of provincial boundaries purely on the circumstances of conquest and acquisition by the English irritated cultural viability of these entities. The national leaders, therefore, regarded this condition as unsatisfactory and in the course of movement, on several occasions, proclaimed that they would reorganize the provinces on a linguistic and cultural basis once India became free. The congress accordingly made a demand in 1920 for general revision of

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provinces and in 1921 based its own constitution on this. The Motilal Nehru committee in 1928 also recommended the creation of linguistic provinces. This remained essentially a plank of the national movement against the British rule.

❖ **Realization against linguistic reorganization**

The influential section of opinion demanded reorganization of country on linguistic basis. This became evident especially after the integration of princely India. But, the saner elements among those who asked for such a course did not believe in linguistic chauvinism. They were quiet prepared to accept any arrangement, which have a great measure of linguistic homogeneity to new administrative units. Informed opinions rose firmly against the reorganization of provinces on any grounds that hampered the growth of the spirit of nationalism among the people. they foresaw the very concept of linguistic States were fraught with the danger to the country's unity. The late pandit Govind Ballabh Pant disliked the idea so much that he would have given it a decent burial if he had the requisite power to do so. C. Rajagopalachari was no less opposed to the project. He appealed to the prime minister to pigeonhole the repor of States Reorganization Commission to some twenty-five years. He was not reconciled to this idea till his death. Writing in Swarajya on March 7, 1970; he observed: "Every major error leads to a chain of difficulties. The greatest mistake after the attainment of independence, a mistake that threatens to undo our worthy ambitions, was the reorganization of States on the basis of language". The establishment of such States, he asserted, had "created a vested political interest in discard and division".

Nehru also realized the concession to linguistic bigots would lead to the balkanization of the country. It may happen that the linguistic provinces produced more conflict and trouble than any kind of peaceful solution to the problem. Sardar Patel was even more forthright and denounced the champions of linguistic reorganization as the "assassins of nationalism". But Kulkarni said, "if Nehru had put into practice his own dictum, namely, that first things must come first, the question of re-organization of the States on linguistic lines could have been postponed indefinitely. With his unique prestige and popularity and with the powerful support of Sardar Patel, he could have silenced all vocal crusaders for

such a disruptive arrangement. But since he had no fear for staking his popularity on any issue, the disruptionists had their own way”.

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Linguistic fanaticism could, perhaps, have been avoided if the prime minister and the union Government had accepted the recommendation of the various experts as final, binding and irrevocable. The Linguistic Provinces Commission under the chairmanship of S.K. Dey, a retired judge of the Allahabad High Court, gave a firm and hostile verdict against linguistic reorganization to the Constituent Assembly in December 1948. It maintained the linguistic States could not be created without a loss of administrative efficiency. Above all, it will mean substantial and unnecessary threat, to national unity at a time where every effort was required to preserve it. The reports asserted the conceding the demand would be wholly unpatriotic.

### **7.2.1. APPOINTMENT OF STATES REORGANIZATION COMMISSION**

With the creation of Andhra, voice for linguistic reorganization of States gained momentum. The Government was obliged under the circumstances to appoint in December 1953, a State Reorganization Commission to examine “objectively and dispassionately the question of reorganization of the States so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted”. The commission was composed of men of independent standing and reputation such as Fazal Ali, K.M. panikkar and H.N. Kunzru. Their terms of reference told them to bear in mind national security and the need to preserve and enhance national unity, the viability of the units and the welfare of the people including linguistic minorities.

### **7.2.2. RECOMMENDATIONS OF THE S.R.C.**

The Commission, which submitted its report in October 1955 accepted the linguistic principle and recommended drastic revision of State boundaries. But it urged that nationalism was still a feeble in India. It lay down that States based on language are intolerant, aggressive and expansionist in character. The Commission warned that excessive pre-occupation with the concept of linguistic homogeneity would give rise to dangerous “homeland” doctrine. “The ideal that

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all people who speak the same language and constitute the majority, whether in a village or a taluk, should be attached to their home land will do immense harm to our national growth and must, therefore, be rejected unequivocally". Again and again the Commission warned against talking language as the only or even as major criterion for the formation of linguistic States. It said: "it has to be remembered that linguistic and other groups loyalties have deep roots in the soil and history of India. The cultural based regionalism, centering round the idea of linguistic homogeneity represent to the average Indian values easily intelligible to him, Indian nationalism, on the other hand, has still to develop into a positive concept. It must acquire a deep content before it becomes ideologically adequate to withstand the gravitational pull of the traditional narrow loyalties. In these circumstances, further emphasis on narrow loyalties by equation of linguistic regions with political and administrative frontiers must diminish the broader sense of the unity of country".

#### ❖ **Formation of Maharashtra and Gujarat**

The States reorganization commission recommended substantial changes to meet the wishes of the Malayalees and Kannadigas. But it did not agree at the splitting of Bombay State. instead, it recommended the formation of a State of Vidarbha out of parts of Bombay and Madhya Pradesh. It was a double concession to the Marathi – speaking people; but it left the Marathis in a weaker position as against the Gujaratis in undivided Bombay State. this resulted in tension that claimed the lives of eighty people in the Bombay city rioting in 1952. The Congress Working Committee was agitated over this problem. It resulted in the resignation of C.D. Deshmukh, Finance Minister, from the union cabinet who came to nourish differences with Nehru on this problem. One solution offered was to split the State into give Bombay to neither Maharashtrais who wanted their State inclusive of Bombay, nor to the Gujaratis. This gave rise to two factions with the names of Samyujta Maharashtra Samiti and Maha Gujarat Janta Parishad. Both of them comprised of diverse sections-rural leaders, students, artists, businessman and civil servants in a common enthusiastic sentiment and a sense of unity unparalleled on a regional scale; the 1957 general elections reduced the near monopoly position of Congress in the province to the slender majority, further

agitation and violence finally secured in 1960 the splitting of Bombay into Maharashtra and Gujarat.

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#### ❖ **Formation of Nagaland**

Further, the Central Government, in an attempt to put an end to the troublesome war with the naga tribal people agreed not merely to release them from subordination to the Government, but to allow them form a separate State. This was effected in 1966 and the Nagaland State was formed.

#### ❖ **Formation of Punjabi Suba**

Master tara singh, a veteran Akali leader when the Cabinet Mission visited India, raised the talk of Khalistan as early as 1946. But, he met disappointment on securing no special recognition. Migration further added bitterness to the community's suffering and retaliations. Separatist claims for Punjabi suba were put forward again. The agitation turned violent at times, but made no impact on the Government or the States Reorganization Commission. The Commission reported that the demarcation between the two languages, as they were spoken, was more theoretical than real. The Commission further pointed out that demand for further partition of Punjab was confined to "communal elements in the Sikh community". "the leadership of Master Tara Singh seemed" says Morris-jones, "as so often in the past to be at once fiery and uncertain reflection perhaps of the community's own division and its inability agree on whether intransigence or conciliation would secure most". The prominent leaders agreed in 1957 elections to back the congress though Master Tara Singh attempted a last minute reversal. As a result, compromise formula known as the Regional Formula and the "Sachar Formula" on language policy in the State were adopted. Master Tara Singh claimed that Sikhs were being discriminated against. A Commission consisting of S.R. Das (retired Chief Justice of India), M.C. Chagla (retired Chief Justice of Bombay High Court) and sir C.P. Ramasamy Aiyar (a distinguished lawyer) was appointed to go into the complaint. The Commission reported that the community had been receiving the most generous and honourable treatment in the country.

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The agitation for the attainment of Punjabi Suba continued, though haltingly. Having made an impact on the Government, the ardent supporters of Punjabi Suba pressed Tara Singh to go into a fast unto death. On this Morris Jones writes: "Government remained firm and Tara Singh lost must force by abandoning the fast in return merely for a promise to have a Commission to enquire into Sikh's grievances; the newspaper photos showed him engaged in the menial task of shoe cleaning as penance for his unwillingness to die". With this the leadership of the Akali Dal passed into the hands of Sant Fateh Singh who threatened to burn himself if their aspirations were not fulfilled. He was dissuaded from this act by the appointment of a Parliamentary Committee which went into the question and recommended in March, 1966, the creation of Punjabi Suba which came into being on 1<sup>st</sup> November, 1966. The trouble over Chandigarh continued which was made a Union Territory for the time being. By "the Indira Gandhi Award, Chandigarh stands transferred to Punjab and Fazilka and Abohar to Haryana. But the award still remains unimplemented.

### **7.2.3. LINGUISTIC REORGANIZATION SECURED INTEGRATION**

Nehru's opinion that first things should come first has remained a dead letter. This is due to the fact, says V.B. Kulkarni, that "unfortunately, Nehru despite his great status, was not a strong administrator. He easily succumbed to pressure and not infrequently reversed his own decisions to placate and appease powerful interests". The organization of States on linguistic basis has not ended the problem. It has rather given stimulates to further aspirations and ambitions and the Government is today confronted with a plethora of demands for new States. Telengana, in spite of its linguistic and cultural kinship with Andhra Pradesh, agitated for the abrogation of present arrangement.

Vidarbha had been making frantic effort to disengage itself from the embrace of Maharashtra. The coastal region of Maharashtra known as Konkan aspires to become Sagar Prant, while Goa considered its growth possible only by the conferment of a full Statehood upon it. Saurashtra and Kutch are also anxious to get out of Gujarat, Meghalaya, Manipur, Tripura Himachal have been conferred Statehood. The Maharashtra-Karnataka boundary dispute has defied any solution.

Both Maharashtra and Karnataka committed to accept Mahajan report but went back on it. In his report, Mahajan saw the unwisdom of treating language as the sole criterion for fixing boundaries. In October 1959, he said; “the 1950 Federal constitution with autonomous and linguistic States is a dead weight against the creation of Bharat Nation and in it lies a potential danger to the unity of India”.

### **7.3. PROBLEM OF OFFICIAL LANGUAGE**

The need for national language for India was realized very early during the freedom movement. The nationalist view was realized very early during the freedom movement. The nationalist view was that the use of English divided the people into two classes, the few who ruled and the vast majority who were ruled. It was because of this feeling that as early as 1918 Mahatma Gandhi declared; ‘it is my humble and firm opinion that unless we give Hindi its national status and the provincial languages their due place in the life of people all talk of Swaraj is useless’. Gandhiji asserted that we should reach the masses in the languages that they spoke. In 1923, the congress amended its party constitution to provide for the use of Hindustani for conducting the proceedings of the annual sessions of the party. The provincial congress committees, permitted to use the English language, also favoured the need for a common language for India. Hindustani was accepted as the common language and the all India medium of communication. It appears that during the freedom movement there was practically no controversy on the need for a common or national language for India.

When the constitution was being enacted, the need for incorporating the language provisions in the constitution arose. The language provisions of the present constitution are the result of a compromise based on what has come to be called the Munshi-Ayyangar formula. This formula provided that the official language of the union was to be Hindi in Devanagari script, but international numerals be used. English was to be in use for 15 years and the Parliament could extend this period, during this period of 15 years the president could order the use of Hindi in addition to English. The language of the Supreme Court and the High Court was to be English. Thirteen Indian languages were to be listed in a schedule. Two language commissions, one in 1955 and the other in 1960, were to be

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appointed to survey the progress of Hindi. But, the Hindi enthusiasts forced five amendments to the Munshi-Ayyangar formula and the same were accepted by the constituent Assembly. These amendments provided that after 25 years the Parliament could legislate on the use of Devanagari numerals as well as on the continued use of English. Hindi might be used in the proceedings of the High Courts with the sanction of the president. Bill, Acts etc, could be issued in the official language of a State provided an official English translation was published. Sanskrit was added to the list of languages in the schedule.

Nehru was very critical of Hindi fanaticism. He preferred Hindustani to Hindi. He was also not happy about the Sanskritization of Hindi because, in that case, Hindi will not be the language of the people, but the languages of the learned coterie. However, he accepted the formula, the best solution under the circumstances, for it represented a compromise over a very sensitive issue.

The rank fanaticism exhibited by the Hindi Zealots created in the minds of the southern people, especially in Tamilnadu, that Hindi as the sole official language, would place the non-Hindi people in a disadvantageous position and also would make them second class citizens in their own country. Hence, the non-Hindi south raised the demand that English should continue to be used for all official purposes indefinitely. Jawaharlal Nehru gave an assurance in this regard to the non-Hindi people.

In 1963 the official languages Act was passed. This act provided for the continued use of English in addition to Hindi even after 1965. The people of the south were not satisfied with this enactment and demanded a guarantee that Hindi would not replace English without their consent, and also demanded statutory recognition of the assurance of Nehru. To meet this demand, the Official Language Amendment Act, 1967, was passed. This act provided that even after 1965, the English language may continue to be used in addition to Hindi, for all official purposes of the union; that English shall be the language of communication between the union and a State which has not adopted Hindi as its official language.

This Act, claimed to have fulfilled Nehru's assurance to the non-Hindi people, failed to allay the fears of the people of the south. As Dr. K. Subba Rao, former Chief Justice of India rightly contends: "which under the 1963 Act both Hindi and English had equal treatment under the 1967 Act, Hindi was given a predominant position and the continued use of English as an additional language, may become the instrument to eliminate it". The Resolution passed by the Parliament in January 1968 for the purpose of accelerating the spread and development of the "Three language formula" placed heavier burden on the non-Hindi people in as much as while the candidates of the Hindi region need only know one language, a non-Hindi candidate has to learn atleast two languages. It was a subtle attempt to exclude English altogether, because a non-Hindi candidate who has to serve in the Central secretariat will prefer Hindi to English as under the provisions of the Act he has to learn Hindi after joining service.

### 7.3.1. REGIONAL LANGUAGES

Under the eight schedules ranging from Article 344(1) and 351, there are 22 regional languages recognized by the constitution. They are:

1. Assamese
2. Bengali
3. Bobo
4. Dogri
5. Gujarati
6. Hindi
7. Kannada
8. Kashmiri
9. Konkani
10. Maithili

11. Malayalam
12. Manipur
13. Marathi
14. Nepali
15. Oriya
16. Punjabi
17. Sanskrit
18. Santhali
19. Sindhi
20. Tamil
21. Telugu
22. Urdu

#### Check your progress questions

1. Define role of DK party
2. Write a note on Telegana Agitation
3. Discuss inter-state disputes
4. What are the problems of the official languages
5. Define communal terrorism

### 7.3.2. TERRORISM AND COMMUNALISM

Communal terrorism is the outcome of very vocal religious fundamental groups in the politics of India. Many of them are founded and instigated by inimical foreign interests. The Government of India from time to time succeeds in identifying them and banning them, but many of them resurface in different names

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and in different places. They vary from suicide attacks to violent targeting of property, facility and people. While the Government of India has stepped up its machinery to cure this form of terrorism, it also educates the Indian public in self-defence.

Another form of communal terrorism is the outcome of parochial religious groups irrespective of whether they belong to the majority or minority communities striving for narrow religious and political ends and thus subverting nationalism. This kind of terrorism believes in destroying harmony between communities by targeting religious places and leaders and instigating religious conflicts.

Another form of terrorism is born out of sub-national tendencies. Disputes between the centre and the States as well as disputes among the States which can be and ought to be solved through negotiations are today fanned by leaders in public to sway public opinion in their respective favour and in this they do not hesitate to use the inflammatory influence of caste, creed or languages or region.

The nexus between politics and the underworld, the drug mafia, arms smuggling and the role of certain popular leaders overtly or covertly supporting terrorist groups in India or elsewhere also contributes a lot in promoting terrorism.

Various measures have been adopted to bring this menace under control. The military and the police play an increasing role today in preventive as well as curative exercises. The legal structure has also been expanded to include such Acts as TADA, POTA and GOONDAS Act. But the people at large have to be eternally vigilant too.

### **7.3.3. COMMUNALISM IN INDIA**

Ever since the British adopted the policy of divide and rule in India, politics tended to include religious consideration and religious tended to political colouring. The religion of the majorities, the Hindu religion and the religions of the minorities such as the Sikhs, the Muslim and the Christians have become

embroiled in the political web to such an extent that many voices their concerns that secularism in India is increasingly threatened. Issues such as Ayodhya and a uniform Civil Code may be said to be examples of increasing communal tensions. Only enlightened and firm leadership and faith in peaceful settlement can bring about amity among communities.

#### 7.4. SUMMARY

This unit provides details to understand demand for succession from Indian union and separate Statehood. Article 343 declares that official language of the union shall be Hindi in Devanagari script but English shall continue to be used for all the official purposes of the union for the period of 15 years from the commencement of the constitution. The official language act 1967, provides that English have shall be used for communication between the union and States which do not have Hindi as official language. The cross border terrorism along with the Indo-Pakistan border claims in numerable lives of Indian military and civil person every year. The nexus between politics and the wonder world, the drug mafia, arms smuggling and the role of certain popular leaders covertly or overtly supporting terrorist groups in India. Various measures have been adopted to bring this menace under control. The form of communal terrorism instigating religious conflict in parochial. This has been led to subverting nationalism.

#### 7.5. KEYWORDS

1. Eradicate - eliminate, wipe out
2. Secessionism - belonging to a section or pertaining to a section
3. Grind - crush, break up,
4. Swamped - flooded, snowed under
5. Hamper - hinder, obstruct
6. Forthright - out spoken, frank, direct
7. Devanagari - it's a language script
8. Subvert - undermine, challenge, threaten, weaken
9. Covertly - Secretly, stealthily
10. Overtly - openly, clearly
11. Coterie - A Circle of families or friends meeting together for social or literary intercourse.

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## **7.6. ANSWER FOR THE CYP QUESTIONS**

- For Question No.1 ... Refer Section No. 7.1.
- For Question No.2 ... Refer Section No. 7.1.1.
- For Question No.3 ... Refer Section No. 7.1.3.
- For Question No.4 ... Refer Section No. 7.3.
- For Question No.5 ... Refer Section No. 7.3.3

## **7.7. BOOKS FOR FURTHER READING**

1. J.Dasgupta, Language Conflict and National Development, Berkeley, University of California
2. Irschick, Engine. F, Politics and Social Conflicts in South India (QUP, Bombay, 1969).
3. Paul Milikinson 'Terrorism and the Liberal State (London, Macmillan, 1986).
4. Jawaharlal Nehru 'The Discovery of India' Calcutta-1946.
5. Wrisingh Giselher : The Indian Experiment – Key to Asia's Future p.148 to 165.

## **7.8. QUESTIONS AND EXERCISES**

1. Critically examine the role of the Regionalism in Indian politics
2. Give an analysis of the inter-State disputes
3. Discuss the problem of official language in India
4. Bring out the problem of terrorism in India
5. Describe the form of communal terrorism found in the Indian polity
6. Linguistic re-organization of States has resulted in national integration. Do you agree?

## **ELECTIONS AND ELECTORAL REFORMS: PARTY SYSTEM IN INDIA: PRESSURE GROUPS**

### **INTRODUCTION:**

A well structured election system is essential for a representative democratic system of any country. Different countries have adopted different electoral system according to their conditions and needs. All electoral system operates on the basis of certain well defined rules. Generally, these rules specify the public officials who have to be elected through electoral process, the delimitation of the constituency preparation of the electoral role and the actual conduct of election for the election of representatives. Moreover, in the democratic countries party system is essential for successful functioning of democracy. The parties function on the basis of social, political and economic structure. In India, multi-party prevails. Political party is apart from pressure groups. The pressure groups are organizations of people created for common aims principles without any party affinity.

### **OBJECTIVES**

1. To understand the basic feature of Indian electoral system
2. To learn the role of the pressure groups in the Indian constitution
3. To realize to need for opposition party in democratic countries
4. To alyze what changes do you suggest in the Indian electoral system

### **UNIT STRUCTURE**

#### **8.1. Features of Indian Electoral system**

- 8.1.1. Electoral reforms
- 8.1.2. Influence of Money in Election
- 8.1.3. Abuse of official machinery and position
- 8.1.4. Election Expenses and Election Returns

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- 8.2. Review of Delimitation**
  - 8.2.1. Anti-Defection law
  - 8.2.2. Conduct of elections
- 8.3. Recognition of the National party and The Regional Party**
  - 8.3.1. Party system in India
  - 8.3.2. Dravida Munnetra Kazhagam (DMK)
  - 8.3.3. All India Anna Dravida Munnetra Kazhagam (AIADMK)
  - 8.3.4. Other political parties
- 8.4. The role of the pressure groups in the operation of the Indian Political System**
  - 8.4.1. The Business Groups
  - 8.4.2. Trade unions
  - 8.4.3. The peasant group
  - 8.4.4. Students groups
  - 8.4.5. Community association
- 8.5. Summary**
- 8.6. Keywords**
- 8.7. Answers for the CYP questions**
- 8.8. Books for further reading**
- 8.9. Questions and answers**

## **ELECTIONS AND ELECTORAL REFORMS**

### **8.1. FEATURES OF INDIAN ELECTORAL SYSTEM**

The electoral system adopted in India is borrowed from Britain. It is regulated by the Representation of the Peoples Act and is described as the simple majority system. It is also described as the First-Past-the post system i.e., the horse that goes past the winning post. First is the winner, the candidate who gets even one vote more than the other is declared elected. The only difference between the English and the Indian electoral system is that we have reserved certain constituencies for the scheduled castes and scheduled tribes. Some of the salient features of the Indian electoral system are discussed below:-

- India has been divided into single member territorial constituencies (at present 542). There are no functional or plural constituencies. Originally introduced had been abolished and today even the reserved constituencies are single member ones.
- Electing are determined on the basis of relative majority of the valid votes polled. It is not necessary for a candidate to secure an absolute majority. As most of the contests are multi – cornered, a candidate who secures 30 to 40 percent of the valid votes polled in a constituency is declared elected. Even if one candidate secures one vote more than others, he is declared elected and the majority votes polled by other candidates are ignored.
- Constituencies are delimited by a Delimitation Commission appointed once in 10 years, after every census. Parliamentary constituencies are delimited in such a way they consists of an integral number of assembly constituencies and no assembly constituency is split and placed under more than one parliamentary constituency. It is gratifying to note that there have been no complaints of Gerrymandering. (Arranging a constituency in such a way as to get majority for a particular party or individual is called Gerrymandering).
- After independence we have introduced universal adult franchise without any qualification of conditions. All citizen of India above the age of 18 are given the right to vote and those who have attained the age 25 have the right to contest elections. In the matter of right to vote and right to contest, no discrimination on grounds of caste, colour, creed, religion, sex or domicile is practiced.
- Upto 1971, elections to the parliament and to state. Assemblies were linked and there used to be one General Election for both. However, in 1971, elections, to the parliament were delinked from election to the state Assemblies. This change had tremendous effect which affected voting

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behavior of the people considerably. It changed the political complexions of various States and Centre.

- The number of election petitions challenging the elections of the winning candidates is large in India. The Representation of People Act place a large number of restrictions on the conduct of election campaign. It prescribes minimum standards of electoral behaviors. However, too elections petitions impair the prestige and the capacity of victors in the performance of their public duties. Election petitions remain often undecided for practically half of the term and this keeps an elected member distracted, occupied and entangled so as to prevent him plunging into his work with full devotion.
- Voting in India optional: yet the percentage of polling is fairly high. Even though higher voting turn-vote need not be a sign of political advancement, yet it does indicate that people are interested in and are aware of their right to vote which is a thing as an instrument of social change.
- In the Indian electoral system, there is no provision for recall of elected representatives. This enables the elected members to feel to as their own judgement in taking their decisions on issue that come before them of course, they have to obey the party whip and respect the wishes and aspirations of their constituency; yet, within reasonable limitations, they are free to act according to their own wishes.
- In the U.S. there is virtually the system of double elections. First of all, a person who wish to contest for the congress, the Presidency or for any other public office has to contest an election within his own party and then he has to face the second election. This is known as Primaries. But in India parties select candidates and even a person representing no party or group can contest elections.

### 8.1.1. ELECTORAL REFORMS

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Experience during the past years electoral system has shown its limitations and drawbacks. The various amendments made to the Representation of People Act of 1951 from time to time have not solved the problem of electoral defects. Some of the basic weakness and limitation of the present system require radical reforms urgently. The power of money including the black money, which has invaded the present electoral system on a dangerous scale, constitutes a major challenge to the Indian electoral system. Some of the main points of reforms thought necessary for our electoral system are discussed below:

#### a. Lower voting age qualifying age for membership

In the political, economic and social life of the country, the general people between the ages of 18 and 21 play an important part and their role is steadily growing. But the minimum voting age in India was 21 years till 1989. This excluded a large number of young people from the democratic process. Countries like the U.S.A, Soviet Russia, Britain and Sri Lanka have lowered the voting age to 18 years and in India under pressure from the youth many states had extended voting rights to those who had attained the age of 18 in the Panchayat and Municipal election. This privilege finally extended to the youths for the Assembly and parliament election by reducing the voting right to 18 years from 21 years. Like wise the minimum age to contest the general election also be reduced from the present 25 to 21 years.

#### b. Majority system

The present majority system and single member constituency suffers from serious limitations and distortion and is heavily loaded in favour of the moneyed class. Under this system, it is possible for a party to secure 70% of the seats in legislature by polling 40 % to 50% of the valid votes. Under this system, a few parties may not get even a single seat. Take the case of the failure of two communist parties in Tamilnadu where they did not get even a single seat in election to the Parliament held in January 1980. Moreover, this system feeds the monopoly of political power by a single party, regionalism and caste tendencies.

**(Space for Hints)** This system is particularly vulnerable to money power and to numerous corrupt practices in the elections.

In view of the above draw backs, the present “majority system” must be replaced by system of proportional representation. Of all the systems of representation, proportional representation will be best suited to our conditions to ensure that the legislative body more correctly reflects the popular support which the different political parties enjoy among the people. Seats will be allotted in proportion to the polled valid votes of the different political parties! Proportional representation ensures representation to different minorities, regions and different shades of opinion in the country.

Of the various forms of proportional representation, the most feasible one for India is the List System. The voters vote for the party list as a whole. The list of candidates is presented in the order of preference the party wants them to be elected. The voter votes for any one of party lists. Under the List System, the voter is called upon to accept the list of this party or that party and also the parties in the order of preference indicated in the list. Suitable provision may be made for the reservation of the seats for the Scheduled Castes and Scheduled Tribes. But it should be remembered that the List System is a highly complex procedure which could not easily be understood by the backward Indian electorate; further these system may lead to proliferation of political parties. Retaining the symbols in the List System also can eliminate the first draw back. In the case of second draw back, we have only to point out that even without the List System India has already a multiplicity of parties.

**c. Re-organized election commission**

The election commission and its organization should be strengthened all over the country. The election commission should not be a one-man body and should not include former I.C.S or I.A.S or I.P.S officers. Now the election commission has three members including the Chief Election Commissioner, appointed by the President.

#### **d. Electoral Rolls-corrections**

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In the errors in the voting lists have to be rectified and revised periodically to get the new names enrolled. For this, there should be an effective machinery to conduct an enquiry into series allegations about the false entries in the rolls. Once in 6 months the voters list has to be revised in order to enable those who have attained the voting age to enroll their names in the list.

#### **e. Speedy Disposal of Election Disputes**

The election disputes should be settled within a maximum period of six months through effective machinery after the results are announced. The Courts, which try the election petitions, should be instructed by the Government to take speedy actions recording elections.

### **8.1.2. INFLUENCE OF MONEY IN ELECTION**

The most important electoral reforms is curbing the growing influence of money in election. The candidates who have enough resources to meet the election expenditure is given the party ticket. Sometimes, the party either supplements the candidate or it meets the entire expenses to be incurred in the election. The Government has not taken any strict action over this aspects.

But the election commission submitted a list of recommendation of the eve of the fourth general election to lessen the influence of money in the election it suggests that

- A) A limit be imposed on the number vehicles that may be used for elections
- B) Processions and demonstration be banned during election
- C) The use of loud speakers on roads be prohibited
- D) Paid canvassers be allowed?
- E) Parties be made to account for the expenses incurred by them in promoting the election of particular candidates.

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**a. State must share election expenses**

The States should create a fund to meet the election expenses in order to reduce expenditure incurred from private or from the party funds progressively. For this, consultations should be held between the political parties and the Government.

**THE FOLLOWING FACILITIES MAY BE PROVIDED BY THE STATE FOR A CANDIDATE:**

- 1) The State may supply free of cost five copies of electoral rolls of the constituency from which of the candidates is seeking election. The candidates who forfeit their deposits may be required to reimburse the Government the cost of the rolls so supplied.
- 2) The State may issue to the candidate voters identity slips for the polling with names and other particulars free of cost
- 3) The State may provide postage for a specific amount of value as printed symbols, handbills, posters, etc upto a fixed quantity.

**8.1.3. ABUSE OF OFFICIAL MACHINERY AND POSITION**

Ministers and other legislators must not be available to use any official agency or specialty which is not available to the other candidate for use. Further, one election notification is issued by the election no new economic or social welfare programme or project be announced or launched by the party in power till the election are over and the ruling party must be denied Governmental resources or agencies or media to tout its achievements from the date of issue of election notification. During the above period the ruling party and the opposition parties must have equal access to public media, radio and television. Since 1977 elections, system of allotting equal time to all parties in radio and television to air their programmes is being tried in India.

**a. Disqualifications**

The representation of peoples Act, 1951 lays down the grounds for disqualification members of legislature. These grounds are not comprehensive enough and sometimes they are fraudulently bypassed. The grounds for

disqualification may be extended to included conviction for economic offences such as hoarding, black marketing, and smuggling etc, for practicing untouchability, for spying for foreign power and for dismissal from Government service on corruption charges.

#### **8.1.4. ELECTION EXPENSES AND ELECTION RETURNS**

Experience has shown that by putting a legal ceiling on the election expenses, the power of money in election can never be checked. Some other drastic steps are urgently called for. However, the present ceiling may be maintained subject to periodic modifications, warranted by general price level and other relevant factors.

All expenses incurred by the candidate and by any other individual or association or organizations except his political party should be brought within the ceiling and shown accordingly in the election returns. The election expenses incurred by the party specifically for a candidate must be included in the return expenses of that candidate.

Expenses incurred by a political party for its general election propaganda such as publication of election manifestoes, poster, hand bills and other materials which do not mention any individual candidate or constituency may not be computed as election expenses within the prescribed limit.

Donations by companies to political parties of individuals must be banned totally and attempt to circumvent the ban must be made a cognizable offence.

The Election Commission must be given power to hold instant enquiry if the Commission feels that a candidate has exceeded the prescribed ceiling for his election.

#### **8.2. REVIEW OF DELIMITATION**

Charges of manipulating and gerrymandering in the delimitation of the constituencies are not wanting although some parliament and Assembly members are associated with the work of delimitation; the final decision rests with the

(Space for Hints) Delimitation Commission appointed by the Central Government. To make the work of the Commission more impartial, all political parties must be given due representation in the Commission consisting of representatives of all recognized parties

**a. Expeditious Fresh Election**

Neither the constitution nor any other statute prescribes time limit for holding fresh election to the state assemblies when they are dissolved. So is the case with by-election to the parliament or to the state assemblies. Provision should be made the representation of peoples act to hold such elections within a specify period, say, six months. If postponement of such elections became unavailable due to some extra-ordinary circumstances it must only be done on a resolution of the parliament passed a prescribe majority

**8.2.1. ANTI-DEFECTION LAW**

On 13<sup>th</sup> January, 1985 anti-defection bill was passed by the Indian parliament in the form of the 52<sup>nd</sup> amendment bill, in the 10<sup>th</sup> schedule of the constitution with new provisions to Articles 101, 102, 190, 191. The bill was unanimously passed by the Rajya Sabha on 31<sup>st</sup> January, 1985. It imposes a born on legislators and parliamentarian defecting from one party to another

- Main provision of tenth schedule of the constitution
  1. A member of the parliament or state legislature belonging to any political party shall be disqualified from being member of that house, if he joins any other political parties after such election.
  2. However, if a group of members consisting of not less than 1/3 members of the party joins another party it is not considers as a defection under the anti-defection law and therefore he cannot be disqualified from the party. So, 1/3 split is not consider a defection by the anti-defection law.

### **a. Revention of impersonation**

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Impersonation and bogus voting has been on the increase, especially in metropolitan area to check this malpractice effectively identity card with photograph must be issued to all bonafide voters. The cost and labour should not stand in the way of implementing this must urgent measure to check impersonation.

### **8.2.2. CONDUCT OF ELECTIONS**

The elections including the polling should be conducted in such a way as to enable the people exercised their franchise freely without, intimidation, coercion, interference and undue inducement by political parties and other. The Anti-Democratic methods include the uses of force against the weaker section of society to compel them from going to the polling booth. Booth capturing, rigging etc are another criminal methods employed to sabotage fair and free election. To put down these criminal activities, laws must be enacted providing for stringent punishment to the culprits

Further, the number of polling booths in a constituency must be increased. The polling booths must be located in such a way that the maximum distance the residence of a voter and the booth should not be more than a kilometer and trained personnel should man the booth. The private holders of licensed fire arms should be made to deposit their weapons with the local police station at least seven days before the polling date.

In the case of vehicle there must strict restriction on the number and use of motor vehicle by the candidate and their agents in a constituency all cases of such use must carry authorization from the appropriate electoral authorities. The desirability of banning all private vehicle on the polling day except those used by the personnel connected with the conduct of the election and those used by the candidates must be seriously examine the candidates or their agents must have the right to accompany the ballot boxes from the polling booths to the place of counting and they should also be allow to keep watch on the seal boxes in order to avoid any possible attempt at tampering those boxes.

Leaders like late Jaya Prakash as well as M.G. Ramachandran and parties such as C.P.I. (M) and C.P.I. have advocated that the right to recall the elected representatives must be provided for in the electoral system in order to ensure effective accountability of the legislators to the electorates. However, the pros and cons conceding this right to the electorates must be examined before taking a final decision. This right is likely to be abused by some irresponsible parties.

More reforms the election commission has been recognized with a Chief Election Commissioner and to another Commissioner. The voter-photo identity card is now introduced. The Supreme Court has now suggested that a declaration may be made by candidates on matters relating to their public life including criminal antecedents at the time of filing their nomination.

## **PARTY SYSTEM IN INDIA**

### **8.3. RECOGNITION OF THE NATIONAL PARTY AND THE REGIONAL PARTY**

If a political party is treated as a recognized political party in four or more states, it shall be known as 'National party' throughout the whole. According to the election symbol, registration and allotment act, 1968, a political party to be considered a national party must secure 6% percent of the valid votes or 1/25 of the total seats in states in four or more states. If a political party is treated as a recognized political party in less than four states, it should be known as 'State Party' in the state or states in which it is so recognized. According to the election symbol, registration and allotment act, 1968, a political party to be considered as a recognized party in a state must secure 4% of the valid votes polled or 1/25 of the total seats in a state.

Political parties are essential for the successful functioning of parliamentary form of Government. In India there are many political parties. Hence the party system in India is called multi-party system. In modern Government the pressure groups have assumed an important role in decision making. In India, political parties and pressure groups play a very important role.

### 8.3.1. PARTY SYSTEM IN INDIA

(Space for Hints)

#### 1. Indian National Congress

The Indian national congress was formed in 1885 by A.O. Hume. It was formed to enable the educated Indians to discuss certain economic and political ~~problem~~ with the British Government. It was a mild organization in its early days. The ~~break~~ out of the First World War and the and the appearance of M.K. Gandhi on the political sense of Indian in 1919 changed the nature of the congress. It became militant in politics. Gandhi started to use his political weapon to the English out. The leaders and worker of the congress party fought with dedication and made India independent. From 1947 to 1977 it ruled the country. The party worked hard to make all sorts of development in India. In 1969 there was split in the congress. The party led by Mrs. Indira Gandhi was called congress(R) the party led by Nijalingappa was called congress (o) A second split took place in 1978 the party led by Mrs. Indira Gandhi came to be known as congress (I) the other faction was called congress (U) after the brief break the congress (I) became ruling party again in 1980.

In the years following independence the congress party faced a tough task in developing the country. The congress Government took certain effective measures like organization of five years plan improvement of education uplift of Harjians and implementation of panchayat system. In 1964 Kamaraj became the president of the congress party in the Bhuvaneshwar session of the congress he gave life to the idea of democratic socialism. After the split in 1969, Mrs. Indira Gandhi took many radical measures like nationalization of banks and abolition of privy purses. In December, 1971 India made a great victory in the war with Pakistan over Bangladesh Mrs. Indira Gandhi became a great leader of the masses. On June 12, 1975 the Allahabad court gave its verdict against her election. Justice Jadhwan Singh delivered the judgement and set aside her election

She filed an appeal in the Supreme Court, the congress parliamentary party requested her to continue as the prime minister. The opposition party organized agitations demanding her resignation. Jayaprakash Narayan organized a sort of non-cooperation. On the advice of the Prime Minister, a state of emergency was declared by the president on June 2, 1975 under Article 352 (1) of the Indian

#### Check your progress questions

1. Define the representations of the peoples Act.
2. Write a note on delimitation commission report
3. Explain the electoral reforms
4. Define the anti-defection law

(Space for Hints)

constitution. Mrs. Indira Gandhi announced her 20 points programme. Sanjay Gandhi, a son of the Prime Minister and a Leader of the Youth Wing of congress (I) announced a 5 points programme. The opposition leaders were behind the bar under MISA. The programmes mentioned above were implemented.

The president dissolved Lok Sabha on the advice of the Prime Minister and election were conducted in march 1977 Mrs. Indira Gandhi released the election manifesto of her party. it was document of 5,500 words. It expressed the parties faith in democracy. The party promised to reduce the problem of unemployment, to uplift the scheduled castes and tribes to protect the rights of minorities, to develop industries, to follow non-alignment and to develop education. The congress party was defeated in the elections. Mrs. Indira Gandhi and Sonia Gandhi were also defeated. The congress party won 153 seats to Lok Sabha. Many leaders of the party started to criticize Mrs. Indira Gandhi and responsible for the debacle. The all Indian congress committee was converted to examine the caused of the debacle. A wrangling started within the congress it led to another split. The new faction called itself congress (S) and latter congress (U) Mrs. Indira Gandhi had to face many difficulties. The Janata Government fell due to internal troubles, The lok Sabha was dissolved and midterm was conducted. The congress (I) won 354 seats , Mrs. Indira Gandhi became the Prime Minister again after a break of about 24 months. The return of Mrs. Indira Gandhi to power marked that the electorates in India could take decisions of their own. In 1977 they made a salient revolution and in 1980 they reversed what they had done earlier

At the ultimately and abnormal demise of Mrs. Indira Gandhi, her son Rajiv Gandhi became the Prime Minister of India. In the elections of 1984 the congress came out successfully with the biggest majority. Rajiv Gandhi started his carrier he was introduce new economic policy and new education policy.

## **2. Communist Party of India (CPI) and Communist Party of India Marxist CPI (M)**

The Communist Party came into existence in 1921. Before the 4<sup>th</sup> general election the party was divided into two namely CPI and CPI (M). In is manifesto

issued on February, 1977 it demanded the lifting of emergency, abolition of the press censorship and misuse of radio and television. It stressed the need of supply of essential commodities at a cheaper cost, nationalism of certain industries manufacturing clothes, sugar, jute and drugs guaranteed minimum wages and wages to workers. Besides, the party stressed the welfare of farmers landless labourers and weavers. It requested the reduction of voting age. In the fifth Lok Sabha the CPI had 24 seats. The party insisted to improved right to work in fundamental rights and a foreign policy establishing friendly relations with Communist countries. The party won 32 seats in 1980 elections in the year 1990 its own 32 seats

### **3. Janata party**

It is the resultant amalgamation of the opposition of the congress party and the leadership of Jayaprakash Narayan. It captured the power in the centre in the general election of 1977. Its election manifesto the emergency as the reign of terror. It dedicated itself to Gandhian ideals. It demanded the lifting of emergency, restoration of the fundamental rights, introduction of election reforms, deleting of property right from the list of fundamental rights, eradication of illiteracy, legal and inexpensive justice and a combat to end the corruption. This party won 299 seats in the Lok Sabha in 1977 elections. Moraji Desai became the Prime Minister on 24-3-1977. It lifted the external emergency, which was in force from 1971. It gave full freedom to press. It passed the 43<sup>rd</sup> and 44<sup>th</sup> amendments to the constitution to cancel the changes introduced by the 42<sup>nd</sup> amendments. The Government appointed a commission to inquire into the excesses of emergency. The Government was trying to solve some of the burning problems in India but the Prime Minister and other important leaders were busy in intra-party politics. Jayaprakash Narayan was making whispering requests the leaders of Janata Party to unite for the cause of nation which its leaders were much interested in School Boys games in politics. At last the party was in enviably split. Moraji Desai resigned. As a result the President of India had to dissolve the Lok Sabha and ordered mid-term poll. In the 1980 election the congress again captured the power in the centre by defeating the Janata Party.

#### **4. Bharatiya Janata Party**

It is the re-make of the old Jana Sang party. The jana sang was established in 1951 by Shyama Prasad Mukherjee. A.B.Vajpayee, L.K. Advani and Balraj Madhok were the leading personalities of the Jana sang party. This party was one of the constituents of Janata Party in 1977. At the fall of the Janata Party, it re-emerged under the new name Bharthiya Janata Party It was in favour of giving importance to Hinduism. It advocated Indianisation of many political, cultural and social aspects. The Rashtrya Swayam sevak sangh (RSS) is said to be an active part of the BJP this party had electoral adjustments with the national front in the elections of 1989. This party was responsible for the fall of the Government under V.P. Singh. This party has 86 members in the Lok Sabha as on 1-1-1990.

#### **2. Janata Dal**

This party was created in 1988 by the amalgamation of the Janata Party, the Jan Morcha and the Lok dal. The convention for the merger was held at Bangalore. V.P. Singh was elected as its President. The opposition discussed much about the formation of a united front against the congress. In the 1989 election it captured the power in the centre and V.P. Singh became the Prime Minister. His was a minority Government. Its election manifesto made many promises. The Government of V.P. Singh rested on a Sandy Ground. The expected fall of V.P. Singh Government came in the wake of Ayodhya issue. The BJP withdrew its support to V.P. Singh. Subsequently the Janata Dal split. At the fall of V.P. Singh's Government, an atmosphere of doubt and suspension prevailed. As the major parties declined to form the Government, the President invited Chandra Sekar to form the Government. Accordingly Chandra Sekar formed the Government with the support of congress from outside. His Government also stood on the sandy ground. Thus India faces a period of minority Governments.

#### **8.3.2. DRAVIDA MUNNETRA KAZHAGAM (DMK)**

Its origin and growth are interesting episode Justice Party was formed at Madras for the economic, social and political development of the Non-Brahmins communities. Later E.V. Ramaswamy Naicker, affectionately known as Periyar formed Dravidar Kazhagam (DK) in the year 1944 this party was found for the

upliftment of the Dravidians. It was against Brahminism and superstitions of Hinduism. Periyar made C.N. Anna Durai as his Chief Lieutenant. After independence, Periyar refused to recognize the constitution and the national flag. This attitude was not agreeable to AnnaDurai. At a later stage Annadurai demanded Democratization of the DK party but the gulf between him and Periyar was widened. At last the decision of Periyar to marry Maniammai resulted in the break of the DK party on 17-9-1949 Annadurai founded the Dravida Munnetra Kazhagam (DMK). It became an active force in politics in 1957 it won 15 seats in the Assembly, in 1962 it won 50 seats in the Assembly and 7 seats in the Lok Sabha. In 1965 the anti-hindi agitation was sponsored by the Dravida Munnetra Kazhagam (DMK) on a wider scale. Annadurai joined hands with Rajaji, the Kautiya of Tamilnadu and formed a united front to fight the elections in 1967. The DMK won 138 seats in the state assembly and 25 seats in the Lok Sabha. Annadurai became the Chief Minister of Tamilnadu. He managed the affairs efficiently. He earned the application of all people. However, he passed in 1969, leaving the party and the state in the lurch. M. Karunanidhi became the Chief Minister on the demise of Annadurai. In 1971 mid-term poll DMK got absolute majority in the assembly and 23 seats in the Lok Sabha. In 1972 the split occurred and Anna Dravida Munnetra Kazhagam (DMK) was formed by M.G. Ramachandran. In 1976 the DMK Government and the state assembly were dissolved on the basis of the allegations made by AIADMK and the CPI. Sarkaria Commission was appointed to inquire the corruption charges on DMK Government. In 1977 election DMK could won only one seat in the lok sabha and less than 50 seats in the assembly. In the 1980 election to the assembly DMK won only 50 seats and remain as the main opposition party.

The factional politics in AIADMK and the multi concerned contests enabled the DMK to win about 141 seats in 1989 elections to the assembly. DMK became a partner of the national front and supported V.P. Singh. In 1991 election to the assembly it was defeated by AIADMK. And Jayalalitha became the second woman Chief Minister of Tamilnadu. In 1996 DMK captured the power in Tamilnadu and was defeated in 2001. Now in the 2006 election to the assembly DMK won and Mr. M. Karnunanidhi is the present Chief Minister of Tamilnadu

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### **8.3.3. ALL INDIA ANNA DRAVIDA MUNNETRA KAZHAGAM (AIADMK)**

In 1972, a split accord in DMK party in Tamilnadu. Mr.M.G. Ramachandran the treasurer of DMK was sent out of DMK. MGR was supported by some young and militant leaders like K. Kalimuthu. The unity of the country, secularism, recognition of Mother Tongue, clean and non corrupt administration, setting up of a socialist society were declared as the ideals of All India Anna Dravida Munnetra Kazhagam (AIADMK) party. It said that it would strive to include the right to work and the right to recall in the constitution and it offered many other promises. It secured 19 seats in the Lok Sabha and in the Assembly election it won absolute majority. M.G. Ramachandran became the Chief Minister. He as a Chief Minister and as the party leader was very keen in the eradication of corruption. The interruption of his party in the administration was lessened. In the 1980 Lok Sabha elections it was routed out, it won only two seats. In the later the state Assembly was dissolved, but in the election to the assembly in June 1980 he came back to power, with the absolute majority. It repeated successful performance in the subsequent elections and he was in power till death 1987. After him the party split into two. Mrs. Janaki Ramachandran became the first woman Chief Minister of Tamilnadu, but she failed to prove her majority in the assembly and fell. Later the party was merged of the factions of Janaki Ramacharan and Jayalalitha

### **8.3.4. OTHER POLITICAL PARTIES**

Akalital is a regional and communal party of the Sikhs. It is confined to Punjab, Haryana and Delhi states. Muslim league is a party having bases all over India, but its influence is limited. Forward Block has influence in some states. In Jammu and Kashmir there is a Jammu and Kashmir national conference. In Meghalaya there are all party Hill Leaders Conference and Hill States People Democratic Party. The revolutionary party socialist party and republican party are functioning in a few states. Maharashtrawadi gomanthak is a party functioning in Goa.

India has a multi party system. The multi party system is not beneficial for a parliamentary form of Government. In Britain the parliamentary form is

successful due to bi-party system. In India there were amalgamations of political parties in 1977 and 1989 but they were failed. The Anti-Defection Act was expected to prevent the horse trading in politics but the wily politicians are able to evade the Act by mass exodus. The evil of horse trading in single numbers now became large in numbers. The evils of multi-party system are many in India. The Government under the Prime Ministership of Chandra Sekar was survived only by borrowed by breath. The worsening economical, political and law and order problems demand a stable and able Government in the centre. But at the same time there should be a recognized opposition party to check the ruling party. These seem to be far off now-a- days.

## **PRESSURE GROUPS**

### **8.4. THE ROLE OF THE PRESSURE GROUPS OPERATE IN INDIAN POLITICAL SYSTEM**

Pressure groups are of different kinds and they operate in every political system. The most prominent pressure groups are the groups of the business people and that of labour groups. These two groups are the most important in industrialized countries. The farmers groups are very important in agricultural countries. In addition to these groups, there are always a very large number of professional groups, representing different professions and there are other groups based on limited and parochial interests like ethnic groups, language groups etc. some groups acquire important due to their numerical strength, some due to their money power and some others due to their expert knowledge, (e.g. Medical Associations). These pressure groups provide a supplement to the modern legislature. They provide for functional representation. They act as the third house of the legislature. The following are the important pressure-cum-interest groups that operate in the Indian political system.

#### **8.4.1. THE BUSINESS GROUPS**

The business group is the most important pressure group in a free economy or a mixed economy. They are also the most effective. They are independent of the political parties that exist and they have enough resources with which they can safeguard their interests, Business associations have existed in

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India even before independence. In fact, the business association came into being in India in 1801 when the British traders and merchants established their own business association. In 1890, the traders association was established which again was the association of European traders and merchant. In 1884 the chamber of commerce was established in Calcutta and this was the first major businessmen association of the British traders. The Indian businessmen established their first Indian Chamber of Commerce was established. The purpose of this chamber was:

“To aid and stimulate the development of commercial enterprise in Bengal and to protect the interests of all persons trading therein; to promote unanimity of practice among members of the commercial community, to arbitrate when occasions arise between parties willing to submit their differences to the decision of the association; and generally to do all such things as may be conducive to the interests of the commercial classess of Bengal”.

A review of these purposes clearly shows that the chamber was created for the purpose of acting as a pressure group and the purposes of the later chambers had continued to be about the same as listed above. In 1900, the Marwari chamber of commerce came into being; it was later on renamed as Bharat Chamber of Commerce. In 1907, the Indian Chamber of Commerce was established; also the Muslim Chamber of Commerce was founded.

After independence, businessmen have been better organized than before. There are thousands of chambers of commerce spread all over the country. Practically every town has got a chamber of commerce or something similar to it. There is also a federation of these chambers, which is known as the Federation of Indian chamber of commerce and Industry. This is truly a national organization of the business people. Among the business groups this is a paramount organization. It has got its office at New Delhi, it is very comprehensive in its scope and includes all kinds of business activities. The All India Manufactures Organization was started in 1941. It represents the small industrialists of India, where as the Federation of the Indian chamber of commerce and industry represents big business as well as small business people. The All India Manufactures Organization has also its office in New Delhi.

### **a. Techniques and Targets**

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Before independence, the strategy of the business groups was to keep in contact with the Government and to establish links at different levels of Government: but they were also supporting the national movement. At that time they had representation in Legislative Assemblies and they were represented on the consultative bodies of the Government. After independence, the same strategy persists. Their main target, of course, is the Government, but they do keep contacts with the parties of the opposition as well. Since the nature of politics in India is federal, they operate at all levels of politics. They are no longer represented in the Legislative Assemblies as of right. But some businessmen are always there in legislatures at the national as well as the state level. Every ministry of the Government of India has some kind of Consultative Committee and business groups are represented there are they get a chance of being heard. Communication links between business and the Government are also maintained through their office in New Delhi which is very active during the time of its annual meetings. The Prime Minister as well as the Finance Minister usually agree to meet the business people at the time of the annual meeting of the Federation.

Business groups are not as effective in India as they in countries like the United States of America or even in Britain in pressurizing policy making. Whatever influence they have on the legislative or the executive wing of the Government is quite negligible. Professor Myron Weiner has pointed out that the strategy of the business committee in India has been directed towards the administration of policy. This is so because their influence on policy making is negligible

### **8.4.2. TRADE UNIONS**

The All India Trade Union Congress was established in the year 1920. Lala Lajpat Rai presided over the annual meeting. It came into existence as a national federation of trade unions. At that time the union was dominated by the Indian National Congress; by 1929 the AITUC was under the control of the Communist Party of India; in 1931, in the communist party of India established a separate federation of Trade Unions. In 1935, they were once again in control of

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the AITUC. In 1948, the Indian National Trade Union Congress was established. This is the Trade Union wing of the Indian National Congress. The Socialist Party established its own Trade Union Federation known as the Hind Mazdoor Sabha HMS. Other National Political Parties have got their own federation of the Trade Union in this manner, what we find in that trade unions in India are closely affiliated with the political parties. This affiliation thus does not exist in case of the business groups but in case of the trade unions, this close affiliation exists at all the levels of organization. For sometime, there was some amount of dissociation between trade union organization and the party organization but slowly close associations were established between the different trade union organization and the political parties. No amount of independence from political parties exists in the trade unions. In this sense, the trade unions do not act as independent pressure groups, but they only represent an extension of the various political parties that are on the Indian political scene.

#### **8.4.3. THE PEASANT GROUPS**

In 1920, there were a number of peasant movements that were led by Gandhiji and Patel. However it was in the year 1936 that the All India Kisan Sabha was established. In the year 1939, the national convention of the All India Kisan Sabha was presided over by Acharya Narendra Dev. In his Presidential address, Acharya Narendra Dev pointed out that there was a need for a separate kisan sabha, though the congress was there as the representative of peasants. He pointed out that within the congress, the peasant was not able to exercise his full influence. There were other groups within this congress that were able to frustrate the efforts of the peasants. A separate kisan was necessary in order to keep pressure on the Indian national congress and he concluded that this sabha would work not in competition with the congress party, but would help to supplement the work that the congress party was doing. After 1942 the communist party of India acquired control over the All India Kisan Sabha. Different political parties have got their own peasant organization. As in the case of the trade unions, there is no peasant organization that is independent of party control. In a country where a majority of people are peasants, it is very difficult to have a peasant organization, and in no case, can we have a pressure group representing the peasants because of

organizational difficulties, lack of resources and other factors. But at present, here and there some peasants associations are coming up. (eg Gujarat, Rajasthan and Tamil Nadu)

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#### 8.4.4. STUDENTS GROUPS

In 1928 the student organization was formed in Punjab under the leadership of Lala Lajapat Rai. In the same year all Bengal Students Association was presided over by Shri Jawaharlal Nehru. In 1936 the All India Student's Federation was established. Mr Mohammed Ali Jinnah was the first president of this organization in 1940 there was a conflict within this organization. The communists acquired control over the Students Federation the Congress people, in 1945, established another organization known as the All India Students Congress. In 1950 this organization was dissolved and it was decided by the Congress leadership that students should be advised not to be involved themselves in the politics of the country. Another organization was established which is known as the National Union of Students. This was to be a non-political students body. In the same year the Indian National Congress also established a Youth congress. Different political parties have got their own branches of the student organizations.

#### 8.4.5. COMMUNITY ASSOCIATION

A distinction is made between the pressure groups based upon class and occupational distinction, which have been discussed above, and the other kind of organizations, which are known as the Community Associations. It is generally believed among the Western scholars that the formal type of pressure groups is more prominent in that Western-countries whereas in the case of the under-developed countries the Community Associations are more powerful. In the case of India Myron Weiner has pointed out that there are four major types of Communities Association. There are based on religion, caste, language and tribe. He says, "Indian social system has both hierarchical (caste and class) and horizontal (tribal, religious, linguistic) groupings and political expression follow suit; and since both hierarchical and horizontal divisions tend to be local or regional character, there is a multiplicity of nations Here we main point out that

#### Check your progress questions

5. What are the important functions of the political parties?
6. The emergence and trends of Indian National Congress – discuss.
7. Define pressure groups
8. What are the significant features of pressure groups?

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the religious caste and linguistic groups are not purely horizontal division in the Indian society, and they are not contained within a well defined territory. These divisions also cross each other; for example, there are Muslims in different linguistic areas and within the same language area in the Punjab, there are different religions. Therefore, these divisions do not always reinforce each other, but also have the effect of contradicting each other. Moreover, interest groups of this type are by no means peculiar to India. In fact there are as many community associations in the United States as there are in India. A study of the Michigan Legislature in 1964, revealed that there were a very a large number of ethnic associations in the State of Michigan and that there were better organized than the Indian Community Associations and had greater effect in politics.

**PROFESSOR MYRON WEINER HAS POINTED OUT THAT  
THE DEMANDS MADE BY THESE COMMUNITY  
ASSOCIATION ARE OF TWO TYPES;**

1) For changes in political boundaries or the status of political entities. These many range from a demand for complete Independence (Nagas and Mizos) to one for regional autonomy (Akali Dal, Jharkhand Party and, perhaps the Dravida Munnatra Kazhagam in the fifties).

2) For greater opportunities from the existing Government more seats in the legislative assembly, more seats in the Colleges, or in the economic sphere and greater State investment in the areas in which the community predominates. Such demands are made by tribal organizations of West Bengal, Kamma and Reddi castes in Andhra, Lingayat and Okkaliga castes in Karnataka, nair Christian and Ezhava communities in Kerala, Rajput, Bhumihaar and Kayastha castes in Bihar, the Schedule Caste Federation, the Anglo-Indian association, the Gurkha league in West Bengal, the Shoshit Sangha in Uttarpradesh and the Lok sevak Sangha in Purulia district of West Bengal. It may be pointed out here that the demand for complete independence is no longer significant in India and the demand for regional autonomy has been more or less satisfied after the linguistic reorganization of India has been carried out. These demands of the minorities or likely persist because minorities more or less permanent sense of insecurity and the interest that they represent are more or less continues.

There are another organization of which Myron Weiner talks about. He described them as caste organizations, actually, they are class organization. In this category are the scheduled caste federations or the Backward class federation. First of all, these federations do not represent one-caste organization. They are caste federation. More over in the caste, and class seem to merge the scheduled caste are also the most poor class of the people in India, and therefore, their interests are more or less continues because they are based not only on caste consideration, but also on class division. The same is true of backward castes. He also talks of the lingayat and Okkaliga castes in Karnataka and of Rajput, Bhumihaar and Kayastha castes in Bihar. Here again castes seem to merge with the class because most people of these castes belong to the peasant class. The peasant is not a caste. It is a class division. What they are really demanding is the safeguard of the interests of the peasants. It is true that there have been conflicts and there have been divisions on the basis of castes among the peasants themselves. But it is a temporary and passing fact of Indian politics. When confronted with the landless labour; the peasant acts, not as a caste, but as a class.

## 8.5. SUMMARY

Under the constitution amendment act, 1993 section (10) consists of the Chief Election Commissioner and another Chief Election Commissioner. The Election Commission ensure free and fare elections held in a non-partisan and free from the influence and misuse of the official machinery by the ruling party of the day. Article 324 deals with Election Commission and its powers. Moreover the electorate constitutes the life-blood of Democratic Governance in which the people take part to elect a Government of their directly or indirectly. Political parties and pressure groups essential for the successful functioning of parliamentary of Government. In India political parties and pressure groups play a very important role. In modern Government the pressure groups and political parties play a very important role in decision-making.

## 8.6. KEYWORDS

1. Anti-defection - An act prevent the legislators from coming out of party which elects him/her

(Space for Hints)	2.	landslide	-	mud slide, complete success, rock
	3.	dethronement	-	depose, uncrown, removal from the throne
	4.	delimitation	-	act of determining boundaries
	5.	impersonation	-	representing some one unlawful
	6.	intimidation	-	threats, fear.

### 8.7. ANSWER FOR THE CYP QUESTION

For Question No.1	...	Refer section No. 8.1.
For Question No.2	...	Refer section No. 8.2.
For Question No.3	...	Refer section No. 8.1.
For Question No.4	...	Refer section No. 8.2.1.
For Question No.5	...	Refer section No. 8.3.
For Question No.6	...	Refer section No. 8.3.1.
For Question No.7	...	Refer section No. 8.4.
For Question No.8	...	Refer section No. 8.4.

### 8.8. BOOKS FOR FURTHER READING

1. Kashyap Suphash. C.: politics of defection 2002
2. Gupta, R.G. : An Ideal Constitution for India, Kanpur, 1988
3. Narain (ed.), State Politic in India, Meerut, Menakshi Prakashan, 1967

### 8.9. ANSWERS THE FOLLOWING QUESTIONS

1. What are the factors that led to re-originations of states?
2. What are the main features of Indian electoral system?
3. What changes do you suggest in the Indian Electoral system?
4. Explain the role of the pressure groups in Indian Polity.
5. Bring out the basic features of pressure groups.
6. Discuss the importance and significance of opposition parties in democratic countries.

**STATE LEGISLATURE: STATE EXECUTIVE: GOVERNOR:  
CHIEF MINISTER: AND COUNCIL OF MINISTER: THE  
SUPREME COURT: THE HIGH COURT****INTRODUCTION**

The legislature of a state consists of Governor and two houses, i.e., Legislative Assembly (Lower House) and the Legislative Council (Upper House). The Governor of a state is appointed by the President. The executive power of the states is vested with the Governor. All executive actions are expressed to be taken in the name of Governor. The constitution provides that there shall be a Council of Minister with Chief Minister as the head to aid and advice the Governor in his exercise of his function, except the cases where Governor acts in his own discretion. The Supreme Court is the highest judicial organ in India, situated in New Delhi, it consists of one Chief Justice and 26 companion judges. The Supreme Court is the final appellate tribunal in the country. The High Court is the highest Court in a state. Judiciary is the guardian of the constitution. Judicial Review is the need for the federal form of the Government. Thus, the Indian judiciary is independent and impartial.

**OBJECTIVES**

1. understand the organizations of the state legislature and role of Governor
2. Learn the powers and functions of the Prime Minister and Council of Minister.
3. be able to trace the independence and impartiality of judiciary
4. Realize the composition and powers and functions of the High Court of the state.

**UNIT STRUCTURE****9.1. State legislature:**

- 9.1.1. Composition of the legislative Council

(Space for Hints)

9.1.2. Composition of the legislative Assembly

9.1.3. Officers of the legislative assembly

9.1.4. Officers of the legislative Council

**9.2. The Powers and functions of legislature**

9.2.1. Office of the Governor

9.2.2. The Chief Minister and the Council of Ministers

9.2.3. The Council of Ministers and the Legislature

9.2.4. The Council of Ministers and the Governor

**9.3. The Supreme Court**

9.3.1. Independence of the High Court

9.3.2. Powers and Functions of High Court

9.3.3. Subordinate Courts

9.3.4. Lok Adalat

**9.4. Summary**

**9.5. Keywords**

**9.6. Answer for the CYP question**

**9.7. Questions and answers**

**9.1. STATE LEGISLATURE:**

Article 168 provides for a legislature for every state without uniformly adhering to the principle of bicameralism. Out of 28 states at present, six states have bicameral legislatures consisting of two houses, known respectively as the legislative Council and the legislative assembly. The states which have bicameral legislatures are Bihar, Jammu & Kashmir, Karnataka, Maharashtra, Andhra Pradesh and Uttar Pradesh. The remaining states have unicameral legislatures, consisting only of one house, known as the legislative assembly. In either case, the Governor is an integral part of the state legislature

The main reason of some states having bicameral legislature, while others having a unicameral legislature was that our constituent assembly did not want to bind the states to have legislative Councils. It was said in the constituent Assembly that the legislative Councils would not be representative bodies, that they would be expensive institutions and that they would cause unnecessary delay in the process of legislation. The matter was, therefore, left to be decided by the

members representing their respective states in the constituent assembly. The states whose representatives opted for bicameral legislature were given the legislative Councils while others were not.

Even with respect to those states which have been given a bicameral legislature, according to Article 169, parliament is empowered to abolish the legislative Council if the legislative Assembly of the concerned state passes a resolution to that effect by two thirds majority of its members present and voting and by an absolute majority of its total membership. With respect to those states which have unicameral legislature, parliament can create a legislative Council is to be adopted by a simple majority of members present and voting in each house.

### **9.1.1. COMPOSITION OF THE LEGISLATIVE COUNCIL**

Article 171 determines the minimum and maximum strength of the legislative Council. It declares that the total number of members in the legislative Council shall not exceed 1/3 of the total number of members in the legislative assembly. The composition of the legislative Council will be as follows;

- a) As nearly as one-third shall be elected by electorate consisting of members of the municipalities, district boards and such other local authorities in the state, as parliament may by law specify.
- b) As nearly as one-twelfth shall be elected by electorate consisting of graduates or of persons possessing equivalent qualification of three years standing and who are residents of the state concerned.
- c) As nearly as one-twelfth shall be elected by electorate consisting of teachers in educational institution in the state not lower in standard than of a Secondary School and who are in the profession for at least three years. The territorial constituencies for each election will be laid down by parliament by law.
- d) As nearly as one-third shall be elected by the members of the legislative assembly of the state from amongst the persons who are not

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members of the Assembly. This election shall be held in accordance with the system of proportional representation by means of a single transferable vote.

- e) The remaining members shall be nominated by the Governor from amongst persons having special knowledge or practical experience in respect of literature, science, arts, co-operative movements and social service.

As it stands at present, there is a combination of direct election, indirect election and nomination, which makes the legislative Council a hotchpotch of the representation. The elected members are elected on the basis of proportional representation by means of single transferable vote, and voting at such election is secret. The right of franchise in these elections has been given to graduates, teachers and members of the legislative Assembly and local bodies primarily on a functional basis. However, the functional representation is too narrow for it leaves out business, industrial, religious, cultural and other groups completely.

### **9.1.2. COMPOSITION OF THE LEGISLATIVE ASSEMBLY**

Article 170 says that the Legislative Assembly of each state shall consist of not more than 500 and not less than 60 members chosen by direct election from territorial constituencies in the state. For the purpose of election each state shall be divided into territorial constituencies in such manners that the ratio between the population of each constituency and number of members allotted to it shall so far as practicable be the same throughout the state. In this connection, population means the population as ascertained at the last preceding census of which relevant figures have been published. Upon the completion of each state into territorial constituencies shall be re-adjusted by such authority and in such manner as Parliament may by law determine. Such adjustment shall not affect the representation in the legislative assembly. Article 333 lays down that the Governor of a state may nominate in the case of the state of West Bengal, not more than two members and in case of any other state, one member of the Anglo-Indian

community to the legislative assembly, if in his opinion the community needs representation in the assembly.

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- **Qualification**

Article 170 read with articles 190 and 109, provides for the qualification of the members of state legislature. These are;

- a) He must be a citizen of India and make and subscribe before some person, authorized in that behalf by the election commission, an oath or affirmation declaring that he shall bear true faith and allegiance to the constitution of India and that he shall uphold the sovereignty and integrity of India to the best of his ability;
- b) In case of members to the legislative Council he must not be less than 30 years of age, and in case of legislative assembly of not less than 25 years.
- c) He must not hold any office of profit under the Government of India or that of a state.
- d) He must not be person of unsound mind.
- e) He must not be an undischarged insolvent.
- f) He must not owe allegiance or adherence to any foreign state.

- **Term**

Under article 172, the legislative Council is a permanent chamber and is not subject to dissolution. As far as possible 1/3 of its member retires every second year and their seats are filled in by fresh elections or appointment. The legislative Council, thus, is a continuing body like the Rajya sabha. Unlike the later, it can be abolished by parliament on the recommendation of the appropriate legislative assembly. The term of individual members is fixed at 6 years.

On the other hand, the legislative assembly is the popular chamber directly elected by the people. The normal life of the legislative Assembly is 5 years, unless sooner dissolved by the Governor. In case of emergency caused by war, external aggression or internal revolt, the life of the legislative assembly may be extended for not more than one year at a time, but in no case beyond six months after the proclamation of emergency has ceased to operate.

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- **Privileges and immunities**

Under Article 194 and 212, the following privileges and immunities have specifically been provided to the legislators.

- a) Freedom of speech in the house;
- b) Immunity from any proceedings in any Court in respect of anything said to have been done and any vote given by him in the house, or in any committee thereof
- c) Immunity from proceedings to any Court in respect of the publications by or under the authority of the house of any report, paper, votes or proceedings; and
- d) Prohibition on the Courts to enquire into proceedings of the house;

- **Sessions of the houses**

The legislature shall meet at least twice a year and a period of six months shall not intervene between the last sitting in one session and the date appointed first sitting in the next session. It is the Governor who will either summon to prorogue the legislature. The Governor can dissolve the legislative Assembly. The Governor of the state has a right to address the legislature and for the purpose he may require the attendance of members of house or of both houses as the case may be. In addition, the Governor shall address the legislature at the commencement of the first session after each general election to the legislative assembly and at the commencement of the first session of each year. The Governor may send message to the legislature. The message may be with respect to a bill pending in the legislature or otherwise, and the house to which any message is sent shall consider the matter contained in the message. The address of the Governor shall be discussed by the legislature. Rules must be made by the legislature for discussion of the matter referred to in his address. The Advocate-General of the state concerned has the right to speak in or otherwise to take part in the proceedings of the legislature. However, he shall not be entitled to vote by virtue of this provision. Each house of the legislature shall have separate secretariat and staff. Law of the legislature will regulate the recruitment and condition of the service of persons appointed to the secretariat.

### **9.1.3. OFFICERS OF THE LEGISLATIVE ASSEMBLY**

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There will be a Speaker and a Deputy Speaker to the Assembly. The members of the Assembly will choose them from amongst themselves. The Speaker of the assembly shall not vacate his office on the dissolution of the house. A member holding the office of the Speaker and the Deputy Speaker shall vacate his office, if he ceases to be a member of the assembly. He may at any time by writing under his hand resign his office. He may be removed from his office by a resolution of the assembly passed by a majority of all the members of the assembly. For moving such a resolution atleast fourteen days notice must be given when such a resolution for the removal of the Speaker or the Deputy Speaker from office, as the case may be, is being discussed in the house, he will not preside, even when present in the house. The Speaker, however, shall have the right to speak or otherwise to take part in the proceedings of the legislative assembly and will be entitled to vote only in the first instance, but not in case of equality of votes.

Interesting questions about the powers of the Speaker arose in west Bengal and Punjab after the fourth general election. In west Bengal, the Governor Shri Dharma Vira dismissed the Ministry of Ajoy Mukherjee in 1968 and had sworn in a Ministry headed by Dr. P.C. Ghosh. But the Speaker refusing to recognize the new Ministry adjourned the house. The Calcutta high Court lay down that it is not for the Speaker to recognize a Ministry, which is the function of the house. In Punjab, the Speaker adjourned the House for two months. The Government thereafter prorogued the house and promulgated an ordinance. The Speaker's contention was that the adjournment of the house by him remained valid and the prorogation of the house by the Governor was invalid. The Supreme Court turned down this contention and upheld the action of the Governor, including the promulgation of the ordinance.

### **9.1.4. OFFICERS OF THE LEGISLATIVE COUNCIL**

The legislative Council of a state shall choose two members of the Council respective for the Chairman and the Deputy Chairman thereof. A member holding the office of the Chairman or a Deputy Chairman shall vacate his office, if he

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ceases to be a member of the Council. He may resign his office and may be removed from his office by a resolution of the Council passed by a majority of all the members of the Council. Fourteen days notice shall be given of the intention to pass such a resolution. When such a resolution for the removal of Chairman or Deputy Chairman is being discussed he shall not preside even if present in the house. The Chairman, however, shall have the right to speak while a resolution for his removal from office is under consideration and shall be entitled to vote in the first instance, but not in the case of equality of votes.

The Speaker and the Deputy Speaker of the Assembly, the Chairman and the Deputy Chairman of the Council shall be entitled to such salary and allowances as may be respectively fixed by the legislature of the state.

## **9.2. STATE LEGISLATURE POWERS AND FUNCTIONS**

Articles 245 and 249 empower the state legislatures to make laws on 66 state matters enumerated in the state list of the VII schedule for the whole or any part of their respective states. In respect of these 66 matters, the jurisdiction of the state legislatures is exclusive, although parliament may interfere with the state list occasionally, under Articles 245, 250, 251 and 252. The states also have a concurrent jurisdiction with the parliament over 47 matters mentioned in the concurrent list of the VII schedule. However Article 254 provides that in case of inconsistency between the laws concerning concurrent matters passed by the parliament and the state legislature, the former shall prevail and the later shall be void to the extent of its inconsistency with the former.

The main function of the state legislature is the passing of laws on the state and concurrent matters on which it is competent to make laws under part XI and schedule VII of the constitution. Bills may be introduced in the house either by the members of the legislature or by other members in their private capacity. The former is known as official bills, while the later is known as private member's bills. In terms of their content, the bills are of two types, namely money bills and non-money bills. The former relate to the imposition, abolition or alteration of taxes, the payment of moneys into or out of the consolidated or contingency funds of the state. The other bills, which do not relate to these matters, are styled as non-

money bills. Since the state legislatures have no right to initiate amendments to the constitution by Article 368, the state legislatures are debarred from initiating constitutional amendment bills. They can, however, approve or disapprove such bill, if the centre refers these to them

The procedure for the passage of bills by the state legislatures is akin to the one adopted by union parliament. All legislative proposals are to be brought before the legislature in the form of bills. Each bill has to undergo three readings in each house. At the first reading, permission of the house is sought to introduce the bill. At the second reading, either house initiates clause wise discussion of the bill or takes it up after it has been referred to the appropriate committee of the house and has been received back from it, with its report. At the third reading, there is general discussion on the bill, after which it is approved or rejected as a whole.

The bill passed by one house is referred to the other house for consideration. If the other house also approves it, it is sent to the Governor for his assent. If there is no second chamber, the legislative Assembly passes the bill and sends it to the Governor for his assent.

However, if a bill has been passed by the legislative assembly of a state having a legislative Council, and the later rejects the bill or does not return the bill for more than three months, or makes such amendments to the bill as are not acceptable to the legislative Assembly, then the legislative Assembly can re-pass the bill and send it back to the legislative Council for approval. If the legislative Council passes the bill, it is sent to the Governor for his assent. If however, the second time too, the legislative Council rejects the bill or does not return the bill for more than a month, or makes amendments to it, then as it is deemed to have been passed by the legislative Council in the form in which it was sent to it for the second time. In that form it is sent to the Governor for his assent.

The Governor may assent to the bill, or withhold his assent thereto, return it for consideration, or reserve the bill for President’s consideration in certain cases. If a bill to which the Governor has not given assent is re-passed by the legislature, the Governor cannot refuse to give his assent to it.

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In case of money bills, the procedure is the same as in case of ordinary bills, except that it can be initiated only in the legislative assembly and on the recommendation of the Governor. No amendment can be moved to it without the prior consent of the Governor. If the state legislature has a legislative Council, then the money bills are also to be approved by the other house which can withhold it for not more than 14 days, and can make recommendations which may or may not be accepted by the legislative assembly.

- **Governor's Addresses and messages:**

Article 175 provides for address by the Governor in his discretion to either house or both houses of legislature. Article 176 makes it incumbent on the Governor to address the state legislature at the commencement of the first session after each general election to the assembly and the commencement of the first session of every year. These addresses are the statement of policy of the Government and are drafted by the Government to be read by the Governor. The state legislature considers these addresses at its earlier convenience and adopts a vote of thanks to the Governor.

Under article 175, the Governor can send a message to the state legislature with regard to a bill which is pending for consideration in the legislature. The legislature is to consider such message at its earliest convenience.

**Resolution:** resolution is a non-legislative decision of the house. It may be moved by a Minister or by a private member and relates to some matter of general public interest. The resolutions whether moved by the Government or by a private member may have a statutory effect, may relate to the proceedings of the house, or may merely be an expression of an opinion of the house. The legislature considers and adopts these resolutions by requisite majority from time to time.

- **Motions:**

Motion means any proposal submitted to the house for making its decision. A motion may be initiated by a member or by more than one member. After the motion has been accepted by the Chairman, there is a discussion on it, and unless the mover withdraws it, the house either rejects, adopts or modifies it.

- **Question hour:**

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One of the most important items of the non-legislative programme of the state legislature, like that of the parliament, is the asking and answering of questions. Unless the Chief presiding officer otherwise directs, the first hour of every sitting of the house is available for this purpose. State legislatures have adopted their own rules as to the form of question and the period of its notice. Like parliament, the state legislatures too have both starred and unstarred questions. The former requires an oral answer on the floor of the house, while the latter requires a written reply. Members are also free to ask supplementary or short notice questions. Finally, members are also entitled to give notice to raise discussion on matters of sufficient public importance and which have been the subject of a recent question. The answer to these needs further clarification. If the Chairman submits them, there is half an hour discussion at the end of the day's sitting. After the discussion, the Minister gives his reply, after which the matter is closed.

### **9.2.1. OFFICE OF THE GOVERNOR**

The Governor of a state is appointed by the President by a warrant under his hand and seal for a term of five years. He holds office during the pleasure of the President, but he may resign by writing to the President, he shall, however, continue despite the expiry of his usual term, till his successor assumes office.

According to article 157, a Governor must be a citizen of India and has completed thirty five years of age. He must not be a member of either house of parliament or of a house of the legislature in any state. If he is a member of any legislature, he vacates his seat on assuming office. He shall not hold any office of profit. He is entitled to rent-free official residence and to such allowances, emoluments and privileges as may be determined by the parliament. His emoluments shall not be diminished during his term of office.

Two conventions are now well established with regard to the appointment of a Governor. In the first place, the Governor must be acceptable to the state to which he is likely to be appointed. The union Government consults the Chief

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Minister of the state concerned prior to the appointment of a Governor. The union Government has also conceded that if a Chief Minister bases objection on grounds that are valid, or atleast agreeable, the union may drop his name. But the union is not prepared to concede to any Chief Minister the right to vote on the ground that the proposed nominee is a member of a particular political party, or that he is drawn from the ranks of the civil or defence forces, the second convention is that the person selected must normally be an outsider, that is, resident of another state. So far there had been only two exceptions to this practice, the first, Governor of west Bengal, H.P. Mukherjee and the second Jayachamaraja Udayiyar, the Governor of Mysore (now Karnataka) who was formerly the ruler of Mysore state.

The Governor is not answerable to any Courts for the exercise and performance of the powers and duties of his office for the acts done by him in the exercise and performance of those powers and duties. No criminal proceedings can be instituted or continued against the Governor in any Court during his term of office and no process for his arrest or imprisonment can be issued from any Court. No civil proceedings shall be instituted against a Governor in any Court in respect of any act done in his personal capacity during his term of office, whether before or after he entered upon office as Governor.

- **Role of the Governor**

The Governor is the constitutional head of the state and he acts on the advice of his Council of Ministers. He bears certain responsibilities to the President as the executive head of the state and is thus a link with union. He exercises certain discretionary powers too. The Governor as the constitutional head of the state, is exercising his executive powers as the executive which is vested in the Governor and it extends to all matters with respect to which the legislature of the state has the power to make laws. Like the President the Governor makes top appointments in the state. The Governor has to appoint the Chief Minister and with his advice the Council of Ministers. Of course it is natural that the Governor will always appoint the leader of the majority party as the Chief Minister of the State.

- **Union territories**

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Union territories are administered by the President of India. He is acting to such extent as he things fit through an administrative body appointed by the President. Administrators of Pondicherry and capital Territory of Delhi is vested with the designated as Lt. Governors and Andaman and Nicobar, Daman and Diu, Lakshadweep, Dadar and Nagar Haveli designated as administrator. The Governor of Punjab is concurrently the administrator of Chandigarh .

### **9.2.2. THE CHIEF MINISTER AND THE COUNCIL OF MINISTERS**

Article 163 of the Indian constitution provides for the Council of Ministers for the states. The Chief Minister is appointed by the Governor. The other Ministers are appointed by the Governor on the advice of the Chief Minister. By when no party could establish clear majority in the Lower House of the Legislature, the Governor can exercise his discretion. Any person may be appointed as a Minister. He should be member of the state legislature. If he is not a member at the time of appointment, he should became to it within a period of six months. The Salaries and allowances of Ministers are governed by laws made by the state legislatures. The Council of Ministers is responsible to the legislature and the Governor. If a no- confidence motion is passed in the lower house of the legislature, the cabinet resigns. The Governor may also recommend for the dismissal of the Government by the President of India.

- **Powers and Functions**

#### **Legislative powers:**

The Council of Ministers prepares many of the hills. It gives advice to the Governor on summoning and proroguing the legislature. The Ministers attend the meeting of the legislature and give answer to the questions asked by the members. The cabinet may be removed from power by the Lower House. The Council of Ministers discuss the budget proposals and the budget is submitted by the Finance Minister. The Governor is advised by the Council of Ministers and he can pass the promulgation of ordinances. In fact, ordinances are drafted by the Council. The role of the Chief Minister is like of the Prime Minister at the Centre.

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### **Executive powers:**

The Council of Ministers is the real executive. The Chief Minister is the centre of power. He decides the number of members of the Council of Ministers and allocation of portfolios. The Council of Ministers supervises the administration of the departments. Appointments to high official are made by the Governor on the advice of the Chief Minister. The Council of Ministers actually runs the Government in the State. In big States, there are Cabinet Ministers, State Ministers, Deputy Ministers and Parliamentary Secretaries. The number and ranks are decided by the Chief Minister. The Chief Minister of Andhra Pradesh made a record in 1980 by constituting the Council of Ministers with 61 Ministers.

### **Judicial powers:**

The Governor may be advised by the Chief Minister on matters of pardon reprieve and remission of sentences. The Governor may also be advised in matters of posting, promotion and other matters related to judicial officers of the lower level

### **9.2.3. THE COUNCIL OF MINISTERS AND THE LEGISLATURE**

All the members of the Council of Ministers are members of the legislature. The Chief Minister acts as the leader of the Lower House. The Ministers are responsible to the legislature. They attend the meetings and give answer to the question of members. They may be removed by motion passed in the Lower House. The Legislature has the power over the state purse. No expenditure can be incurred by the cabinet without the approval of the legislature. The Chief Minister may advise the Governor to dissolve the Lower House.

### **9.2.4. THE COUNCIL OF MINISTERS AND THE GOVERNOR**

The Chief Minister and other Ministers are appointed by the Governor. The Governor appoints the leader of the majority as the Chief Minister. The Chief Minister chooses other Ministers. On all matters, the Governor has to act on the advice of the Council of Ministers. The Chief Minister acts as the link between the Governor and the Council of Ministers. The Governor is normally bind by the advice of the Council of Ministers. During Emergency and breakdown of the

constitutional machinery, the Governor looks for direction from the President of India. The 42<sup>nd</sup> amendment clearly establishes the relationship between the President and the central cabinet. It makes the President bound by the advice of the cabinet. But no such clarity is established by the constitution regarding the relationship between the Governor and the Cabinet at the State.

### 9.3. THE SUPREME COURT

The Supreme Court of India was constituted in 1950 by raising the standard of the Federal Court under the Government of India Act of 1935. The prominence of the Supreme Court is so visible that it acts as the guardian of the constitution, defender of the federation by acting as the neutral umpire between the center and the states. The growth and survival of the democratic system in India largely depends on the efficient functioning of the Supreme Court. Part V, Chapter IV, Article 124 to Article 147 of the constitution deals with the National Judiciary.

#### Composition:

The Supreme Court was born with the inauguration of the Constitution of India on 26<sup>th</sup> January 1950. Initially there were 7 Judges, which later increased to 10 in 1956, which further went up to 26. Recently, it is decided by the cabinet that the strength of the Judges be increased from 26 to 31.

#### Qualification:

A person to be appointed as a Judge of the Supreme Court must have the following qualifications:

- Must be a citizen of India.
- Must be a distinguished Jurist of the Supreme Court.
- Must not be an insolvent or pauper.
- Must not be of unsound mind.
- Must have served as a Judge in one or more High Courts for a period of 5 years.
- Must have served as an advocate in one or more High Courts successively for a period of 10 years.

Check your progress questions	
1	Explain the main function of the modern legislature
2.	Governor as a "rubber stamp" – comment
3.	Chief Minister is a leader of the state government – Discuss
4.	Define the role of the Council of Ministers

(Space for Hints)

**Appointment:**

The President of India appoints the judges of the Supreme Court on the advice of the Council of Ministers in consultation with the Chief Justice of India. Article 124 deals with the appointment of judges, makes it obligatory on the part of the President of India to consult the Chief Justice of India.

In appointing the Chief Justice of India, the President shall, besides the advice of the Council of Ministers, consult the judges of the Supreme Court and the High Court if he considers it necessary. But, neither the constitution nor the law provides for Chief Justice's recommendation as to his successor. It is a practice sanctioned by convention.

Normally the Chief Justice of India is appointed from among the senior most judges of the Supreme Court. However, the seniority principle in appointment of Chief Justice was violated for the first time, technically, in 1973 when Chief Justice Sikri's recommendation of Justice Shelat, senior most judge as his successor was superseded and appointed Justice. A.N. Ray. Again in 1997, the Government recommended Justice Beg, third in seniority, in place of the senior most judge H R Khanna.

**Terms of office:**

The constitution does not prescribe any fixed age or term for a judge of the Supreme Court. In India, like in USA a judge of the Supreme Court stays in office based on good behavior. However, a judge of the Supreme Court retires at the age of 65 years. He may retire from office when he attains the age of 65 years by addressing his resignation to the President.

**Emoluments (salary):**

The salary and allowances of a judge of the Supreme Court is determined by a law of the parliament, from time to time, and is not votable and is charged to the Consolidated Fund of India (CFI), a corpus of Rs. 50 crores, which is enhanced from time to time. At present, the Chief Justice and the Judges of the Supreme Court draw a salary of Rs.33,000/- and Rs. 30,000/- respectively. They are entitled to other benefits as well.

The constitution does not provide for the impeachment of a Judge of the Supreme Court, but he can be removed from office on charges on 'proven misbehavior' or 'incapacity' (Article 124). He may be removed on the above grounds as follows:

A motion of removal addressed to the President signed at least by 100 members of the Lok sabha or 50 members of the Rajya sabha is given to the Speaker or Chairman. If the committee consisting of 3 members (2 Supreme Court judges and one distinguished jurist) finds the judge guilty, the motion as well as the report of the committee is taken up for consideration in the House where the motion originates. The motion is passed in each House addressed to the President. If the President gives his order for removal, the judge stands removed.

### **9.3.1. INDEPENDENCE OF THE SUPREME COURT**

In order to ensure independence of judicial system in India, the following steps have been taken so that the judicial officers are not under pressure in discharging their duties.

- The constitution has made it obligatory on the part of the President to consult the Chief Justice of India in the appointment of non-political office. But also saves the judiciary from the influence of the executive, the Council of Ministers.
- A judge of the Supreme Court cannot be removed from office by the President at his will, but on a motion passed by a two third majority of the total membership of either house addressed to him. Thus, the legislative control over the executive ensures judicial independence.
- A judge of the Supreme Court, though appointed by the President on the advice of the Council of Ministers, does not hold office during the pleasure of the President, but based on good behavior. He can be removed only on charges of proven misbehavior or incapacity by a motion addressed to the President by the parliament

(Space for Hints)

- The salaries and allowances of the judge of the Supreme Court are determined by a law of parliament and is not subject to discussion. The salary and allowances of the judge cannot be reduced or varied to his disadvantage during his term of office. This means that he will not be in any way affected by any law made by the parliament since the day of his appointment.
- The administrative expenses of the Supreme Court, the salaries and allowances of the judges and staff is charged on the Consolidated Fund of India (CFI), a corpus fund of Rs. 50 crores, which may be enhanced from time to time, and is not votable in parliament.
- Discussion of the conduct of the judges of the Supreme Court is not allowed in parliament, except during the removal of a judge. This gives immunity from criticism.
- A judge of the Supreme Court is not permitted to practice in any Court in India after retirement. This prevents him from falling prey to temptations.

### **9.3.2. POWER AND FUNCTION OF THE SUPREME COURT**

The following are the powers and functions of the Supreme Court:

1. Guardian of the constitution
2. Enforcement of Fundamental Rights.
3. Defender of the Federation
4. Original Jurisdiction
5. Appellate Jurisdiction
6. Special Leave Jurisdiction
7. Advisory Jurisdiction
8. Power of Judicial Review
9. The Court of Records
10. The Contempt of Court
11. Self correcting Court
12. Miscellaneous functions

## 1. Guardian of the constitution:

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The Supreme Court enjoys the privilege of protecting the constitution against violation of its provision either by the Government or by the people. It is the responsibility of the Supreme Court to see that the laws of the constitution are respected and adhered to by all in India. By acting as the watch tower of the constitution, it checks against the violation of laws.

As guardian of the constitution, the Supreme Court also exercises the power of interpreting the contents of the constitution. Any matter relating to technical interpretation of details or definitions of terms in the constitution is the sole prerogative of the Supreme Court. The supremacy of the constitution was underlined by the Supreme Court in Jayalalitha's appointment as the Chief Minister, when she was convicted. A five judge constitution bench declared. "we are not concerned with the mandate of the people . The constitution is supreme. That is what we are interpreting, not the people's mandate."

## 2. Enforcement of fundamental Rights :

The Supreme Court is empowered by the constitution to act as the protector and guarantor of the fundamental rights. Under Article 32, the Supreme Court enjoys the power of issuing constitutional writs, also called as writ jurisdiction, for the enforcement of fundamental rights. The writs may be against the Government or individual rights.

### The writs are briefly explained as follows:

**Habeas corpus** : This literally means ' to have a body'. It calls upon the authority, which arrests a person to produce in Court the person to set him free, if he has done nothing wrong. It protects an individual against wrongful confinement.

**Mandamus** : This literally means 'a command'. It is a command issued by the Court asking a person to perform his legal duty which is of public nature.

**Prohibition** : It is a writ issued by the Supreme Court to an inferior Court restraining it from exercising powers which is not invested in them.

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**Certiorari** : It is a writ by which a case is removed from a lower Court, which does not enjoy jurisdiction to deal with it.

**Quo warranto** : This writ is issued to prevent a person from illegally occupying a public office to which he is not entitled.

### **3. Defender of the Federation:**

India, as we have discussed earlier, is a federation in which the power and authority is divided between the centre and the states. They derive their powers from the constitution and is limited by the constitution.

The constitution vests the power of settling the disputes and problems between the centre and the states. In order to prevent the conflicts of powers between the two, the Supreme Court interprets the laws, which help in maintaining the unity of the federation. Article 254 states in the case of inconsistency between the laws made by the union and the states, the union laws shall prevail. If the limits of power are to be interpreted by the centre and the states themselves, it leads to confrontation, conflict and bias, which may harm the federal harmony.

### **4. Original Jurisdiction:**

Article 131 of the constitution deals with the original jurisdiction of the Supreme Court. The original jurisdiction of the Supreme Court is so exclusive that no Court in India can take up cases falling under the original jurisdiction.

The original jurisdiction of the Supreme Court is purely federal in character. Matters relating to the problem and disputes arising between the union and the states or between the states are taken up by the Supreme Court. The disputes entertained under the original jurisdiction are:

- a) A dispute involving the Government of India Versus the state of the union of India.
- b) A dispute involving the Government of India plus one or more states Versus one or more states.
- c) A dispute involving one or more states on one side Versus one or more states on the other.

Until 1962, no cases under original jurisdiction were settled by the Supreme Court as problems were sorted out through negotiation. For the first time, the state Government of West Bengal brought a case against the Government of India to declare the Coal Bearing Area Act of 1957 unconstitutional. The Supreme Court dismissed the suit.

## 5. Appellate jurisdiction

The Supreme Court is the highest Court in India. Under Appellate Jurisdiction, the Supreme Court only takes up such cases that come on appeal. It has no power to take up such cases, which it is not asked to take up.

The Appellate Jurisdiction can be studied under the following three heads:

**A. Constitutional Cases:** The cases that come before the Supreme Court are as follows

- The cases involving a question of law relating to the interpretation of the constitution on certification by the High Court.
- The Supreme Court can take up a case, if the High Court in its opinion feels that the case involves substantial question of law, which should be decided by the Supreme Court.

**B. Civil cases:** originally Article 133 provided for an appeal against the high Court order if it is certified that the amount involved was less than Rs. 20,000 and the case is fit for appeal. But, the law commission found the logic unreasonable and as a result, the 30<sup>th</sup> Amendments of 1972 did away with the ceiling of Rs. 20,000.

**C. Criminal cases :** Article 134 provides for an appeal to the Supreme Court against the Judgement of the High Court under the following conditions:

- If the High Court has reversed a decision of acquittal or a sentence less than death and has given him a death sentence.
- In a case where the High Court has exercised the authority of a lower Court and given a death sentence to the accused.

(Space for Hints)

- In any criminal case if the High Court certifies that the case is fit for appeal in the Supreme Court.

#### **6. Special leave jurisdiction:**

Article 136 confers a special power in the hands of the Supreme Court to grant a special leave. In hearing appeals, the Supreme Court may grant special leave petition against any judgement or order made by any Court or tribunal, except military tribunal in a case. The decision is entirely left to the discretion of the Supreme Court.

This power, however, is to be used only under exceptional circumstances like matters involving general public interest or in cases of grave injustice or cases in which no appeal is otherwise provided by law.

#### **7. Advisory jurisdiction:**

Article 143 confers the power of advisory opinion. In order to break authoritative opinion, the President of India may seek the advisory opinion of the Supreme Court on the matter which is, in his opinion, important and necessary such as disputes arising out of treaty or agreement. However, the advice of the Supreme Court is purely advisory in nature and it is upto the executive to accept it or not. The Supreme Court may decline to give advisory opinion if it finds unnecessary.

President R. Venkatraman sought the advice of the Supreme Court on whether the Babri Masjid was built in the 16<sup>th</sup> century after the demolition of a Hindu temple. But the Supreme Court declined to offer its opinion. The latest example being in the state of Gujarat when there was a constitutional crisis due to the gap between the dissolution of the legislative assembly and the constitutional mandatory requirement of summoning of the state legislature within six months. Under these circumstances, the President A.P.J. Abdul Kalam sought the advice of the Supreme Court on the constitutional status of the situation.

## **8. Power of judicial review:**

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The supremacy of the Supreme Court as the guardian of the constitution is emphasized by the power of judicial review. The Supreme Court has the power of declaring a law made by the legislature or an executive action as ultra vires or 'null and void' or 'unconstitutional', If it is not in tune with the provisions of the constitution or violative of the fundamental law of the land. This acts as an effective check on both the legislature and the executive as any decision made or action taken whimsically without regard to the constitution is declared invalid.

## **9. The Court of records:**

The proceedings and judgements of the Supreme Court are kept preserved to be made use of in future cases and judgement, whenever necessary by the lower Courts. Those decisions are authoritative records on the validity of law and cannot be questioned in any Court. The Court of records also have the power to correct its own clerical errors.

## **10. The contempt of Court:**

The Supreme Court enjoys the authority of imposing fine or imprisonment for violating the orders of the Court (Article 129). For example, the former Chief Secretary of the Government of Karnataka, S.Vasudevan was imprisoned in 1996 for not implementing the orders of the Supreme Court.

## **11. Self – correcting Court:**

The Supreme Court has the power of correcting it's own Judgements. This is to ensure any loss or damage, physical, emotional or material, that may cause to any person seeking Justice. To put it in legal terms. that is to ensure against 'miscarriage of Justice'.

For example, in the LPG dealership case, the Supreme Court went to the extent of amending it's own judgement. Justice Saghir Ahmed and K.Venkataswami directed for the refund of the fine of Rs. 50 lakhs imposed on Satish Sharma.

## **12. Miscellaneous functions:**

The following are the miscellaneous functions of the Supreme Court:

- a) The Supreme Court has the power of regulating the practice and procedure of the Courts.
- b) It appoints its own clerical establishment and exercises supervision over lower Courts.
- c) The Supreme Court decides the matters relating to the election of the President and Vice-President.
- d) The Supreme Court if satisfied, may withdraw a case on its own or an appeal pending before one or more High Courts on a matter involving substantial question of law of general importance (Article 139).
- e) The Supreme Court, if necessary can transfer any case pending before any High Court to any other High Court.
- f) The Supreme Court may also transfer a criminal case from one high Court to the another.

The powers and functions of the Supreme Court is well summed up by Yeshwant Vishnu Chandrachud, the former Chief Justice of India thus : “ The Supreme Court has acted as a bulwark against all usurpation and exercise of executive powers”.

## **THE HIGH COURT**

### **9.4. COMPOSITION OF THE HIGH COURT**

The High Court consists of a Chief Justice and other judges appointed from time to time by the President. The President may appoint additional judges for a temporary period of two years, if the work is heavy in the High Court. He may also appoint an acting judge when a permanent judge is temporarily absent.

In the order of judicial hierarchy, the High Court stands next to the Supreme Court. Part VI Chapter V Article 214 to Article 232 of the constitution deals with the High Court. Article 214 clearly states that “there shall be a High

Court in each state". The High Court is the head of the judiciary in the state and is a creation of the constitution, independent of the Supreme Court. The constitution provides for two or more states having a single High Court. For example, the states of Punjab and Haryana have a common High Court seated at Chandigarh. Similarly the states of Assam, Manipur, Meghalaya, Nagaland, Tripura, Mizoram and Arunchal Pradesh have a common High Court located in Guwahati. The states of Tamil nadu and Pondichary have a Common High Court in Madras.

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### **Qualification**

- Citizen of India
- Has for ten years hold a judicial office in the territory of India or
- Has for at least ten years been an advocate of a High Court or two or more such Courts in succession.

### **Appointment**

The President in consultation with the Chief Justice of India, the Governor of the concerned State, the Chief Justice of the High Court, appoints the judge of the High Court.

### **Term**

A judge of the High Court holds the office until the age of 62 years (formerly 60 years) subject to good behaviour.

He may vacate his office by resignation addressed to the President in writing. He may also vacates his office, if the President appoints him a judge of the Supreme Court or on transfer from one High Court to another.

### **Salary**

The salary of the judges of the High Court is determined by the parliament from time to time. The salary and allowances of a judge cannot be changed during his term of office to his disadvantage (Article 221). At present, the Chief Justice and the Justice of a High Court draws a monthly salary of Rs.30,000 and Rs. 26,000 respectively.

## **Removal**

A Judge of the High Court is removed from his office in the similar way as that of the Judge of the Supreme Court. By an address of both houses of parliament by a two third majority of the total membership of the house and by a vote of not less than two third majority of the members present on grounds of proven misbehavior or incapacity (Article 217).

### **9.4.1. INDEPENDENCE OF THE HIGH COURT**

Constitution of India has ensured the independence of judiciary from all kinds of pulls and pressures. They are as follows:

- The Judge of a High Court should be appointed only after consulting the Chief Justice of India, the Governor and the Chief Justice of the concerned High Court.
- A Judge of the High Court cannot be removed arbitrarily by anyone except on grounds of proven misbehavior and incapacity as provided under the Article 217.
- The salaries and allowances cannot be varied to their disadvantage during the term of office, since appointment.
- The relatives of the sitting High Court judges are not allowed to practice in the same Court. This recommendation of the Bar Council of India (BCI) was to ensure impartiality and free trial on the one hand and transparency on the other.
- A Judge of the High Court is not entitled to practice on retirement in any Court, except the Supreme Court and High Court other than the one where he held office (Article 220)

### **9.4.2. POWERS AND FUNCTIONS OF HIGH COURT**

The High Court exercises its powers over the territorial limits of the state. Being a responsible authority in protecting the constitution, the High Court may

also interpret the laws, but the final power of interpretation of the constitution lies with the Supreme Court.

(Space for Hints)

The following are the powers and the functions of the High Court

1. Protection of Fundamental Rights
2. Original Jurisdiction
3. Appellate Jurisdiction
4. Power of Superintendence
5. Transfer of Cases
6. The Court of Records
7. The Contempt of Court
8. Control over subordinate Courts
9. Control over the establishment.

### **1. Protection of Fundamental Rights:**

The constitution has granted 6 fundamental rights to its citizens and it is also the responsibility of High Court to protect and defend them against legislative, executive or any kind of encroachment. The High Court may issue the Writs Habeas Corpus, Mandamus, Prohibition, certiorari, and Quo Warranto, to protect the people against the violation of fundamental rights (Article 226). The Writ jurisdiction of the High Court also extends to the violation of legal rights as well.

### **2. Original Jurisdiction**

The High Court of the Presidencies of Calcutta, Madras and Bombay had original jurisdiction both in civil and criminal matters within the limits of the Presidencies. However, the original criminal jurisdiction has now been completely taken over by the criminal procedure code (CPC) of 1963. But the original civil jurisdiction has been retained in matters of higher value.

### **3. Appellate Jurisdiction**

The Appellate Jurisdiction of the High Court can be studied under two heads:

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**a. Civil cases**

The civil cases may go to the High Court either on first appeal or second appeal. The appeal from the decision of district judge may go directly to the High Court, in cases of higher value on questions of fact as well as law. And also, when a Court below, the High Court decides a case from the decision of an inferior Court, the case can come to the High Court on second appeal only on question of law and procedure.

**b. Criminal cases**

The High Court can take up criminal cases on appeal in two cases.

- A person can appeal against the decision of a Sessions Judge or an Additional Sessions Judge in a case where the punishment is an imprisonment exceeding seven years.
- Against the decisions of an Assistant Sessions Judge or other Judicial Magistrates in certain special cases other than 'petty' cases.

**4. Power of Superintendence:**

The High Court has the power to supervise all Courts and Tribunals under its territorial limits and to see that the Courts discharge duty according to provisions of the constitution. The High Court may also issue general rules regarding the administration of laws. Supervisory power also gives the authority to intervene in case of any grave injustice or abuse of jurisdiction.

**5. Transfer of cases**

The High Court, if satisfied that a case pending in a subordinate Court involves a substantial question of law related to the interpretation of the constitution, it might transfer the case of itself and decide the case as well.

## **6. Court of Records**

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Like the Supreme Court, the High Court is also the Court of record whose judgements and decisions cannot be questioned by any Court of law below the rank of the High Court. It has the power to correct and punish itself.

The Karnataka High Court, to provide transparency, has taken up a project considered the most modern and hi-tech in the country has installed a huge scanner cum printer in the Court premises to deliver judgement copies. Each machine can generate 30 copies a minute. Further, the Court has opened a website to inform the litigant about the number of cases coming up for preliminary hearing, framing of charges and orders.

## **7. Contempt of Court**

An individual or the Government if violates the orders of the High Court, it may impose fine or imprisonment for showing disrespect to it's orders.

## **8. Control over subordinate Courts**

The High Court exercises control over the subordinate judiciary in the state.

- a. The District Judges are appointed, posted and promoted by the Governor in consultation with the concerned High Court.
- b. The members of the Judicial service of the state are appointed by the Governor in consultation with the High Court and the members of the State Public Service Commission.
- c. It is the authority of the High Court to decide on posting, promotion and grant of these judicial officers holding and post below that of a District Judge.

## **9. Control over the establishment**

The Chief Justice of a High Court is given the power of appointing officers and servants of the Court for efficient discharge of judicial duties (Article 229).

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He may suspend or dismiss any official who does not follow the rules of the Court.

### **9.4.3. SUB - ORDINATE COURTS**

The drafting committee of the constitution did not originally include the provision for the Subordinate Courts. The conference of the federal Court and the Chief Justices of the High Courts held in 1948 pointed out this omission and it was later included. It strongly pleaded for independence of judiciary at lower levels. Part VI, chapter VI, Articles 223 to 237 of the constitution deals with the subordinate Courts.

The subordinate Courts can be grouped into two – Civil Courts and Criminal Courts.

- **Civil and Criminal Courts**

- (i) **Civil Courts**

The Court of the District Judge is the first Civil Court in the district exercising judicial and administrative powers. It exercises both original and appellate jurisdiction in civil matters and has wide powers over several matters such as guardianship, marriage, divorce, arbitration etc.

Below the District Civil Courts lies Civil Judges Courts followed by Munsif Court and in urban areas 'small causes' Courts which take up cases involving a value of less than Rs. 1000.

- (ii) **Criminal Courts**

In every district, cases of criminal nature are taken up by Sessions Court and the judges are called Sessions Judges. The Session Court can pass any punishment, but a death sentence subject to the confirmation of the High Court. The judgements of the Sessions Court can be challenged in the High Court.

There may be one or more Sessions Court in a District Below the Sessions Court there are Assistant Sessions Court and below it, there are Judicial Magistrate Court whose powers are limited.

- **Revenue Courts:**

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Revenue Courts are set up in each district to settle disputes relating to payment of revenue. In the hierarchy of revenue Courts, Thasildar acts as the judge at the taluk level. Appeal against Thasildar's judgement goes to Deputy Commissioner (collector) who acts as the District Magistrate. The judge above the Deputy Commissioner is the Commissioner. There will be a commissioner for each revenue division. One can go on appeal to the Commissioner for revenue administration against decisions of all other above mentioned Lower Courts. If a case is not settled in the above mentioned Revenue Courts, such cases may be taken to the High Court.

- **Consumer Courts:**

When we buy goods and services, we come across many deficiencies. But that problem cannot be fought against individually and won. Because, it is not possible to fight against huge giant sized companies. In the modern world consumer is the king. He has every right to buy and enjoy the desired product. But, when duped or cheated, legal help is absolutely essential.

Consumer movement in India began in 1915 in Mumbai against steep hike in rail fare. But the movement got real Philip in 1960 in West Bengal. When the price of fish shot up dramatically. people of Bengal got disturbed. Bengalis are fond of fish and it is their stable food. Having no other option they refused to eat fish for some time. The sky high price came down to earth. Thus was born a consumer movement. "The consumer is not the most important visitor in our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so" said Mahatma Gandhi. To make the business world aware of this, consumer Courts were set up.

Keeping in mind the interests of all consumers, Consumer Protection Act (COPRA) was passed by the parliament in 1986. The Consumer Protection Department is also constituted to create consumer awareness and advice

**Check your progress questions**

5. High Courts are Primarily Courts of appeal – Comment
6. What is independent judiciary?
7. Justice delayed is Justice denied – Discuss.
8. Define the term judicial review

(Space for Hints)

Government on various issues concerning the consumer. The 1986 Act proposed the establishment of consumer Courts at taluk, district, state and national level with a view to redress consumer grievances. These Courts are called “Consumer Disputes Redressal Forums”. The relief provided by these Courts will not be in the form of punishment, instead, suitable relief is given in the form of return of goods, return of money along with penal interest etc. The National Consumer Day is celebrated on the 15<sup>th</sup> March.

For our purpose, ‘a consumer’ is one who uses goods and services by paying for it legally. Payment challan is the key in securing damages against deficient service. If a consumer is not satisfied that he is not getting commensurate service to the price he is paying, he can approach consumer Court. For example, if a person pays a ticket for an air-conditioned bus, he must get it. If the bus cannot provide Air condition, it is definitely considered as deficiency of service. Similarly, malfunctioning of television, leaking house, leaking gas stove are all fit cases for deficiency of service and can be redressed through consumer Courts. Railways, Surface transport, electricity, hospitals, insurance, banks, urban development bodies etc, can also be moved against their deficiency of service.

There are many consumers who have won cases against builders, hospitals, companies for deficiency of service. It is worth recalling that a huge sum was paid as compensation to the mother of a noted film actors in USA for a wrong operation. Similarly, a tennis player was awarded a compensation of Rs. 10 lakh from a hospital in Madras for wrong diagnosis and operation resulting in handicap. A Buddhist monk won compensation for itching caused by lice in his hotel room in Japan. In Delhi a consumer was compensated after a wait at Nirula’s snack bar split chamber.

#### **9.4.4. LOK ADALAT**

“Justice delayed is Justice denied”. This saying aptly suits many countries and India is no exception. There is a strong argument that Indian judicial system is too slow and too costly milling of cases stand testimony to this argument. For example a litigation between police staff and the Government of Orissa took 30

years, which the supreme Court termed “saddest and poorest exposure”. To cite another example a cheating case concluded after 23 years of litigation in which 5 accused died of ill health during trial and an 85 years old was convicted but spared jail term. This kind of Justice makes it not only useless but also meaningless

In order to provide Justice at the earliest and also at an affordable price, Lok Adalat is established. These Courts simply follow the procedure and process to make it easily understood and accessible to general public. The retired Judges act as the Chairman of the Lok Adalats. When two contending parties put forward their argument, based on facts and examination of witness, judgement is delivered. The most striking aspect of Lok Adalat is the absence of a Lawyer or pleader. There is no rule for lawyers for Lok Adalat. Lok Adalat, which began in 1985 for the first time, resulted in settlement of 150 disputes in a single day.

#### **9.4. SUMMARY**

Article 168 provides for a legislature for every state without uniformly adhering to the principle of bicameralism. Article 171 determined the minimum and maximum strength of the legislative Council. Article 170 says that the legislative assembly of each state shall consist of not more than 500 not less than 60 members chosen by direct election from territorial constituencies in the state. Moreover, according to Article 157, a Governor must be a citizen of India and has completed 35 years of age. Article 356 provides that if a state Government fails to comply with or to give effect to any directions given by the union Government, the President may declare failure of the constitutional machinery in that state and may assume to himself all or any of the functions of that state Government. The role of the Governor is significantly marked when he/she performs the constitutional duty to report to the President, whether a situation has arisen under which the Government of his state cannot be carried on in accordance with the provision of the constitution and accordingly the state should come under the President rule. Article 124 of the constitution establishes the Supreme Court India as the highest Court of the Indian Republic. Article 226 enjoins upon the High Courts the power to protect the fundamental rights guaranteed under the constitution within their respective territorial jurisdiction.

(Space for Hints)

## 9.5. KEYWORDS

1. Proclamation - public statement, announcement
2. Successor - heir, descendant
3. Mandate - order, consent
4. Ultra vires - null and void or unconstitutional

## 9.6. ANSWER FOR THE CYP QUESTIONS

- For Question No.1 ... Refer section No. 9.1.1.  
For Question No.2 ... Refer section No. 9.2.1.  
For Question No.3 ... Refer section No. 9.2.2.  
For Question No.4 ... Refer section No. 9.2.3.  
For Question No.5 ... Refer section No. 9.4.2.  
For Question No.6 ... Refer section No. 9.4.4.  
For Question No.7 ... Refer section No. 9.4.1.  
For Question No.8 ... Refer section No. 9.3.2. (8)

## 9.7. BOOKS FOR FURTHER READING

1. Seervai H.M: Constitutional Law of India - A critical commentary , 4<sup>th</sup> edn . Bombay, 1951 . vol. 3.
2. Shukla, V.N: Constitution of India, Delhi, 1984.
3. Tope, T.K. Constitutional Law of India, Lucknow, 1982.

## 9.8. QUESTIONS AND EXERCISES

1. Analyse the composition and functions of the state legislature
2. Critically examine the role of the Governor as the constitutional head of the state
3. Critically analyse the composition, powers and functions of the Supreme Court of India
4. Discuss the meaning and importance of Judicial Review.
5. What are the essential conditions to ensure the independence of judiciary?
6. How does state legislature keep control over the executive?

**SOCIETY AND POLITICS IN THE MADRAS  
PRESIDENCY IN 1900: NON – BRAHMINS  
MOVEMENT: SELF RESPECT MOVEMENT:  
MODERNISATION AND DEVELOPMENT:  
HUMAN RIGHTS**

**INTRODUCTION**

In 1900, the Madras Presidency was bigger in size. Its population was also large in number. Bombay and Hyderabad were its boundaries. Tamil, Telugu, Kannada and Malayalam speaking people were there. Ryotwari system was in practice. The size of the District was also big. So, the government officials suffered due to heavy pressure of work and language problems. Thus, it becomes necessary to know the social, political and economic problems of that region. In the 20<sup>th</sup> century due to the competition in social, political and economic conditions, the Brahmins, and non-Brahmins competitions, were heavy. The superiority and privileges of Brahmins, the backwardness of others, the awakening of the non-Brahmins lead to the creation for many non-Brahmins Movement. This chapter also attempts to analyse the role of the press and films, to a very great extent inseparable, mingled with the role of the political parties in Tamilnadu. This chapter deals with Human Rights, Modernization and Development in Tamilnadu.

**OBJECTIVES**

By studying this unit, the students will

- 1) understand the nature of the society and politics in the Madras Presidency
- 2) learn the emergence of Non-Brahmins and Non-Brahmin Movement
- 3) be able to trace the E.V.R.'s Self-Respect Movement.

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- 4) Realize the role of Press and Films, in the Modernization and Development.
- 5) Understand the study of Human Rights and violation of the and the protection of Human Rights

## **UNIT STRUCTURE**

### **10.1. The social structure in Madras Presidency**

- 10.1.1. The Madras I.C.S. Brahmins and politics
- 10.1.2. Political awakening among the educated groups

### **10.2. The origin of the Justice Party**

- 10.2.1.. Montagu-Chelmsford Reforms.
- 10.2.2. Demand for separate Andhra province
- 10.2.3. Demand for separate Tamil university.

### **10.3. Emergence of Self-Respect Movement**

- 10.3.1. Self-Respect Movement aimed casteless society
- 10.3.2. Elimination of the Brahmins
- 10.3.3. Justice Party insisted communal representation
- 10.3.4. E.V.R. opposed caste based education

### **10.4. The role of press**

- 10.4.1. The role of films
- 10.4.2. Modernization and Development
- 10.4.3. Nature and scope of Human Rights

### **10.5. Summary**

### **10.6. Keywords**

### **10.7. Books for further reading**

### **10.8. Answers for CYP questions**

### **10.9. Questions and exercises.**

## **10.1. THE SOCIAL STRUCTURE IN MADRAS PRESIDENCY**

Discussing the social structure, Irschick points out that the difference between South and North was also peculiarly a social one. The Brahmins in the Madras Presidency occupied an extraordinarily high position in the social hierarchy in the Tamil and Malayalam areas.

The second major division was the non-Brahmins, a group of castes, mostly peasants, who ranked below the Brahmins in social status, but above untouchables. The most important of these cultivating castes was the Vellalas.

Another important non-Brahmin caste group roughly equal in status to the Tamil Vellalas and the Telugu Reddis, Kammas and Velamas, was the Malayalam-speaking Nairs of the Kerala region. These non-Brahmin Hindu castes also with the minority Brahmins and certain other minor groups comprised approximately four-fifths of the total population of Madras. The remainder were the out-castes or untouchables.

Though separated from Brahmins and non-Brahmin caste, Hindus in religion and social terms, as well as by segregation in village dwelling patterns, they played an essential role in the life of rural masses. In traditional society, they were invariably scavengers, and they participated in certain caste Hindu social and religious observances.

#### **(i) The role of Christian Missionaries**

By the last decade of the century, largely owing to the work of missionaries and the government, outcaste groups, particularly in the Tamil area, were becoming aware of their political and social rights and were beginning to realize the inequality of their economic as well as ritual status.

The Indian Christians were largely converts from untouchables in the Telugu area. In the Tamil districts, they also were converts from untouchables, but some were Nadars, and some were Vellalas. On the whole, their position in the society was much higher than that of their Telugu counterparts. The third group, the South Indian Muslims, were largely urban, concentrated in Madras city as well as in the North Arcot district. Many Muslims owned important industrial properties and began to take a significant part in the politics of the area.

In certain parts of the province, particularly in the Tamil districts, the society was divided into three large groups—Brahmins, non-Brahmins, and

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untouchables, was reinforced by two other elements. One of these was the existence of a series of Brahmin and non-Brahmin villages, vestige of the time when medieval south Indian kings made grants of land to groups of Brahmins.

Many Brahmin villages existed in Tamil country, but probably the most famous was Kallidaikurichi in Tirunelveli district, which proved to be a point of considerable friction between Brahmins and non-Brahmins in the decade following the first World War.

Another element that worked to transform long-standing caste rivalries into political conflict in the twentieth century centered on the question of whether or not the non-Brahmins could be classified as Sudras.

### **(ii) The caste groups in the Madras Presidency**

J.H. Nelson, the District officer in Madurai was perhaps the most outspoken on this question. In one passage in his *Madura Country*, he says There is no necessity to use the term 'Sudra'. In fact, the term 'Sudra' would appear to be used by Brahmins alone in speaking of persons of low conditions. It is probably true that in the 1860's, the Tamil non-Brahmins did not feel as strongly about the issue as Nelson did, but by the beginning of the twentieth century, there was considerable hostility among the educated Tamil non-Brahmins against the use of the term 'Sudra' to Vellalas and other similar groups.

At the start of the twentieth century, the great land-holding caste groups in Madras were the Vellalas in the Tamil areas, the Balija Naidus in both the Telugu and Tamil districts, and the Kammas and Reddis in the Telugu country. Both Tamil and Telugu Brahmins also had sizable landholdings. However, no complete statistics of landholdings by caste are available for the early years of the twentieth century in the Madras Presidency. The large land owners, particularly the Zamindars, and the main peasant groups were all non-Brahmin caste Hindus. Census figures on factory ownership in 1911 indicate that here too, non-Brahmins, mainly Balija Naidu, Vellalas, Kapus, Nattukottai Chettiars and Komutis were far ahead of the Brahmins.

**(iii) Government Employment for Brahmin and non-brahmin****(Space for Hints)**

It is the distribution of occupations demanding literate skills, and particularly government jobs, that the relative positions of Brahmins and non-Brahmins can be seen most clearly. In 1921, banks and other money establishments employed Telugu and Tamil Brahmins, Komatis (Telugu Vaisyas) and Vellalas: these four groups held almost two-thirds of the available positions. In public administration there was a marked preponderance of Tamil Brahmins, with Vellalas and Telugu Brahmins occupying second place, followed by Nairs and Baliya Naidus. In positions concerned with law, instructions and letters the pattern was similar.

**Distribution of Selected Government Jobs in 1912**

	No.	Percentage of Total Male Population	Percentage of Appointments
<b>Deputy Collectors</b>			
Brahmins	77	3.2	55.0
Non-Brahmin Hindus	30	85.6	1.5
Muslims	15	6.6	10.5
Indian Christians	7	2.7	8.0
Europeans and Eurasians	11	0.1	8.0
<b>Sub-Judges</b>			
Brahmins	15		83.3
Non-Brahmin Hindus	3		16.7
Muslims	nil		
Indian Christians	nil		
Europeans and Eurasians	nil		
<b>District Munsifs</b>			
Brahmins	93		72.6
Non-Brahmin Hindus	25		19.5
Muslims	2	1.6	
Indian Christians	5		3.9
Europeans and Eurasians	3		2.4

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In government service, figures compiled by the Madras government in 1912 (Table 1) illustrate that consistently strong domination of the Brahmins in many upper levels of government service. The distribution of appointments among Deputy Collectors, Sub-Judges and District Munsifs show that Brahmins in 1912 held 55, 82.3 and 72.6 per cent of the posts then available to Indians. By contrast, non-Brahmin Hindus (probably Vellalas, Balija Naidus, Nairs, and a sprinkling of Kammas and Reddis) held only 21.5, 16.7 and 19.5 per cent of the total appointments. The Indian Christians and Muslims were well behind.

An analysis of the caste distribution among those employed in the upper levels of the Revenue and Judicial departments of the Madras government reaffirms these propositions. Brahmins again held the important positions in the ranks of Thasildar and Deputy Thasildar, with 349 posts compared to 134 held by non-Brahmin Hindus. Among the English Head Clerks, Sheristadars of District Courts, and Sheristadars of Sub-Courts, Brahmins held 44 posts as against 16 held by non-Brahmin Hindus. Table 2 shows that the total average appointments in the Revenue and Judicial departments in 1917 held by non-Brahmin Hindus, Indian Christians and Muslims was 33.3 per cent.

The position of Tamil Brahmins in administrative and professional life was unquestionably due to their unusually high literacy rate, in both Tamil and English. Telugu Brahmins also were highly literate (see Table 3), but no non-Brahmin group could even approach them. According to the 1912 census, Tamil Brahmins had a male literacy rate of 715 per cent.

#### **(iv) Education Ratio for Madras Presidency**

The knowledge of English was essential for employment in the Government service, as well as in teaching and politics. In these areas, the Tamil Brahmins led all the other caste groups. In 1921, 28.2 per cent of all Tamil Brahmin males were literate in English and for Telugu Brahmin males the figure was 17.3 per cent. By 1921, six of the non-Brahmin groups – Nairs, Chettis, Vellalas, Balija Naidus, Indian Christians and Nadars had achieved fairly high literacy rates. But they could not compete with the Tamil and Telugu Brahmins so far as English was concerned. Two Telugu non-Brahmin caste groups, the

Kammas and the Reddis who also had relatively high male literacy rates by 1921 (13.6 and 19.22 per cent Respectively) had an English literacy among males of less than one per cent.

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**Male Literacy in English of Selected Castes (in percentage)**

	1901	1911	1921
Tamil Brahmin	17.88	22.27	28.21
Telugu Brahmin	10.84	14.75	17.37
Indian Christian	2.72	4.41	5.47
Nair	1.54	2.97	4.57
Baliya Naidu, Kavarai	.98	2.60	3.43
Vellala	.19	2.12	2.37
Chetti	.15	.98	2.34
Velama	.06	.41	.63
Nadar	.05	.30	.75
Kapu, Reddi	.04	.22	.41
Kamma	.03	.20	.45

The steep rise in literacy in English, Telugu, Tamil and Malayalam – among the important non-Brahmin Caste Hindus between 1901 and 1921 suggests a central reason for their entrance into Madras politics during this period. Vellalas, Chettis, Nadars, and Nairs were all caste groups moving upward in the public life of Madras. There is also little doubt that by the middle of the second decade, non-Brahmins, seeing that their literacy rate was rising and that the potential for advancement existed, were beginning to resent almost the exclusive control of government jobs and political life by Brahmins. Further more, province-wide communications among non-Brahmins through caste associations permitted the quick transmission of the news of success in high school and college examinations. Both educational advancement and a consciousness of this advancement were essential ingredients in the growth of non-Brahmin political awareness.

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### Graduates of Madras University, during 1870-1918

Year	Brahmins		Non Brahmin Hindus		Indian Christians		Muslims		Europeans and Eurasians		Total Number of Graduates
	No	%	No	%	No	%	No	%	No	%	
1870-1871	110	67	36	22	10	6	Nil		8	5	164
1880-1881	492	64	171	22	47	6	2	2.25	58	7.5	770
1890-1891	1461	67	445	20.5	168	8	20	1	75	3.5	2169
1901-1911	110	4074	1035	18	306	5.3	69	1	225	4	6709
1918*	110	10269	3213	21	1343	8.8	186	1.2	205	1	15216

\* 1918 Figures reflect those enrolled, not awarded the degrees.

Brahmin traditions for literacy and education can be seen more fully from an analysis of the students attending the constituent colleges of the University of Madras (Table 5). Between 1870 and 1918 some 67 to 71 per cent of the students enrolled and of those granted Bachelor of Arts degrees by the University were Brahmins. During the same period the number of non-Brahmin Hindu awarded B.A.s averaged between 18 and 22 per cent of the totals: Indian Christians (in the decade 1901 – 1911) accounted for 5.3 percent of the B.A.s granted. The Brahmins also led in graduate work. For example, of the 3,651 candidates for the Bachelor of Laws degree, 2,686 were Brahmins and 752 were non-Brahmin Hindus. The proportion was similar for the Licentiate of Teaching degree 1,094 Brahmins, 163 non-Brahmin Hindus, and 207 Indian Christians out of 1,498 degrees granted. Only in the Licentiate of Medical Science the Brahmin candidates were exceeded in number by non-Brahmin Hindus.

#### 10.1.1. THE MADRAS I.C.S. BRAHMINS AND POLITICS

From a very early period of British contact with South India, the Brahmins were suspected as the repository of religious and social power and literate skill. As priests at the head of the social orders, the Brahmins were independent of the British. As the possessors of learning, they were more and more indispensable in the government bureaucracy. But their very usefulness and skill arouse mistrust, because they were increasingly in command of large areas

of the British administration and therefore in a position to suit their own, rather than the British ends. Thus, long before the start of the non-Brahmin Movement in the twentieth century, the British officials in Madras Presidency were more or less fearful of the educated Brahmin, in whom they saw a potential threat to British Supremacy in India.

In their hostility towards educated Brahmins, the British I.C.S. officers often mirrored the sentiments of newly organized untouchable groups and spokesmen for the non-Brahmin caste Hindus in the Presidency. As declared, by a non Brahmin though the British were called the rulers of India, in reality “the Brahmins ruled it”. Many non-Brahmin caste Hindus as well as untouchables sharply criticized the Indian National Congress for being only the representative of Brahmin interests. This coincidence of opinion between the two opposite extremes of the politically aware non-Brahmins and untouchables on the one hand and the British I.C.S. members on other were to have important political ramifications between 1916 and 1929.

The I.C.S. view of what were the real needs of India was coloured by its conception of its own role in Indian affairs at the end of the nineteenth and the early part of the twentieth century. For many members of the I.C.S. the racial superiority of the whiteman was assumed as a fixed point. Moreover, many I.C.S. officers believed themselves primarily responsible for the affairs of the large land holders and of the rural peasantry, the ryots. This assumed responsibility was, of course, not new, but was a part of the Post-Mutiny declaration as to who should “lead” among the Indian upper classes, and would “follow” A further important aspect of this I.C.S. notion of their legitimate charge concerned the matter of carrying out their duties. Above all, a district officer was supposed to emphasise personal contact with the people in the villages; the ability to conduct the affairs well at the village level was a mark of an officer’s value. With the possible exception of the Chairman of District Boards, Madras I.C.S. officers in the later half of the nineteenth century had little to do with the educated urban politician.

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### 10.1.2. POLITICAL LEADERS AWAKENING AMONG THE EDUCATED GROUPS

Despite the importance of Madras city in public life, political action did not appear in the Presidency until the founding of the Indian National Congress party at Bombay in December 1885. One of the founding members was G.Subramania Iyer, a remarkable Tamil Smaratha Brahmin. Within a decade and a decade and a half, the new Congress had spread throughout India, including Madras, where district conferences in both Tamil and Telugu areas greatly stimulated political interest. But it was the tour of the Bangali political agitator, Bepin Chandra Pal, through Madras Presidency in 1907 that did most to enlighten the quality and expression of South Indian politics in the early twentieth century. Bepin Chandrapal aimed at his talks particularly among college students and educated people in urban centers, and he was remarkably effective. His speeches evoked opposition from the educational authorities and the government, who thought he stirred up disaffection among college students and so threatened the general peace and tranquility.

Another influence that tended to unite educated elements in Madras Presidency against the government, was that of the Swadeshi and Terrorist Movements following the example of nationalist leaders in Bombay and Bengal, a group in Madras headed by V.O. Chidambaram Pillai formed the Swadeshi Steam Navigation Company, with officers at Tuticorin. As a Swadeshi, the new company was a deliberate competitor to the British owned shipping company that had until then monopolized the Ceylon-South India run. Concomitant with the Swadeshi Movement was terrorist activity of the sort that had previously occurred in Bombay, the Punjab and Bengal. The number of a District Magistrate, Mr. Ashe, who was involved in the harassment of the Swadeshi Steam Navigation Company by its British competitor, little other violence occurred, and the government quickly apprehended those engaged in terrorism, or forced them to flee to the British India. Several who escaped, including the Tamil poet Thiru C.Subramania Bharathi, found asylum in the French enclave of Pondicherry.

**(i) The role of Andhra Social Reformer Virasalingam**

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One important aspect of political life in Madras Presidency was the evolution of social reform activity and its effect on political controversy. In Andhra, the extra ordinary efforts of the Telugu Brahmin Virasalingam had gradually accustomed the Telugus to the importance of social reform, but in the Tamil districts there were no champions of social reform or equal status in society. Much of the social reform activity in Madras city and the Tamil districts was led by Marathi-speaking Brahmins such as K.Srinivasa Rao and R.Raghunath Rao who seldom had the total support of Tamil Brahmins. At the same time, many attempts at Hindu revivalism were made in Madras city. With the formation of the Hindu Sabha and many other revivalistic organizations, the efforts of the social reformers were largely quashed. Both social reform and revivalist activity in the Tamil districts assisted the raising non-Brahmin caste Hindus to an increased awareness of their social and political position, for both Movements sought to define "Aryanism" or "Brahminism". To non-Brahmins, this discussion only suggested the division between the "Aryan Brahmin" and the "non-Brahmin Dravidian".

**(ii) Home Rule**

This breach was greatly exaggerated by Mrs. Annie Besant in the five years following her to political prominence in 1914. By then, Mrs. Besant had been in India for twenty years. As the President of the Theosophical Society since 1907, she had lectured throughout India. often on the glories of the Indian past and on Hinduism. Her revivalist spirit was condemned by the Madras Social Reform Association, which published the Indian Social Reformer, for engendering in the minds of Indians a false sense of pride in their social and political institutions and hence precluding progress in the matter of social and political reform. When she became a champion of Home Rule for India, her Theosophical bias, with its emphasis on the great Brahminical past of India, quickly brought her into opposition with non-Brahmins and aroused serious social conflicts and political disputes.

**Check your Progress Questions**

1. What is the role of Christian Missionaries?
2. Write a note on government employment for Brahmin and Non-Brahmin.
3. Describe the role of politics in the Madras I.C.S. Brahmins.
4. Point out the role of political leaders awakening among the educated groups.

➤ **THE EMERGENCE OF NON –BRAHMANISM – NON  
BRAHMIN MOVEMENT**

**10.2. THE ORIGIN OF JUSTICE PARTY**

As early as in 1909, an attempt was made in Madras city by two lawyers P. Subramanyam and M. Purushothama Naidu to form an organization under the title “the Madras Non-Brahmin Association”. It was aiming at lifting the non-Brahmin classes up and it declared that it was non-political and non-aggressive. There were criticisms and suggestions in the press regarding the proposed association, but nothing was actually done. The few non-Brahmins who were already in government service had their own grievances and they wanted fair play. They formed “The Madras United League” in 1912. C. Natesa Mudaliar, a doctor, became its Secretary. Later the League’s name was changed into “Madras Dravidian Association”. They established a hostel for non-Brahmin students. The Association attracted the attention of the leaders like P. Thiagaraya Chetti and Dr.T.M. Nair. When Annie Besant organized the Home Rule, her association with the Theosophical Society made her doubly suspect in the eyes of the non-Brahmins. At a meeting held in Madras in November 1916 by a group of about thirty non-Brahmins, including P. Theagaraya Chetti and Dr.T.M. Nair, it was resolved to start a company for publishing two newspapers advocating the cause of the non-Brahmin community. The two famous newspapers advocating the cause of the non-Brahmin community. The two famous newspapers already in existence, namely the Hindu and the Swadesamitran were being run by nationalistic Brahmins advocating home rule. Therefore, the non-Brahmin leaders founded the South Indian People’s Association and started an English Daily “Justice” which first appeared on 26 February 1917 and the Tamil daily Tiravitam was started in June 1917.

**i) Objectives of Justice Party**

The South Indian People’s Association issued the non-Brahmin manifesto in December 1916. The Political Party organized by the South Indian People’s Association was named as the South Indian Liberal Federation, which later came

to be known as the Justice Party. It was organized in October 1917. Its objectives were:

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- ❖ To create and promote the educational, social, economic, political, material and moral progress of all communities in Southern India other than Brahmins.
- ❖ To discuss public questions and make a true and timely representation to the Government, of the views and interests of the people of Southern India, with the object of safeguarding and promoting the interests of all communities other than Brahmins.
- ❖ To disseminate by public lectures, by distribution of literature and by other means the sound and liberal views in regard to public opinion.

Whereas, non-Brahmins who remained loyal to the Congress began to organize themselves to safeguard their interests. They emerged as a foil to the Justice Party as the sole spokesman of non-Brahmin interests. They founded the “Madras Presidency Association” in September 1917. The Association had two daily newspapers. C. Karunakara Menon edited the Indian Patriot and Thiru.Vi.Ka. edited the Tamil daily Desabaktan. The main difference between the Justice Party and the Madras Presidency Association” was that while the Justice Party wanted separate electorates for the non-Brahmins, the Madras Presidency Association” opposed Communal electorates and wanted a certain number of seats to be reserved for the non-Brahmins in the general electorates. That is to say, it demanded the creation of some plural constituencies with a general electoral roll. The Madras Presidency Association” ceased to function after the introduction of the Montford Reforms, but its impact was significant. It demonstrated that nationalists can also be regionalists. The Justice Party co-operated with the British in implementing the Dyarchy in the State. This is explained in the lessons to follow hereunder.

## ii) Justice Party for the Welfare of Non- Brahmins

After the Justice Party has come to power as a result of the 1920 elections, it proceeded to strengthen its position in the public life of South India by bringing

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before the Legislative Council of Madras, a series of resolutions designed to give non-Brahmins in the Presidency a greater proportion of government jobs. These resolutions and the subsequent Government Orders fostered great enmity between the non-Brahmins and those whom they sought to displace – the Tamil Brahmins, but the Justice Party pursued its demands doggedly for it realized that the implementation of the Government Order to re-distribute the government appointments in favour of non-Brahmins would fulfil some of the Party's first articulated ideas, administrative power, social position, and economic security.

But the more the Justice Party pressed its demands and the more successful it seemed to be, the more it lost the support of individuals and groups, who had assisted it in its original campaign to achieve the recognition for non-Brahmins as a backward group, which needed official support in order to survive in the political battles implied by the Montagu – Chelmsford Reforms.

One of the main reasons for the Justice Party's decision to co-operate with the government and to contest the elections to the newly reformed councils was that it saw in this method an opportunity to enhance the economic and public positions of non-Brahmins. It was the most important means by which the Justice Party sought to implement this ambition was through pressure on the government in Madras to issue an executive order that would assure the non-Brahmins a more prominent place in the government services. The promulgation of what came to be known as the Second Communal Government Order in 1922 capped the long drive of the Justice Party for a greater distribution of Government posts among the non-Brahmins. This G.O. instructed the collectors and other officials with the power of appointment to government posts, to give priority in their recruitment policy to non-Brahmins and other so-called "backward" communities. But the executive decree establishing a balance between the different caste groups in the Presidency was only in part a result of Justice Party's pressure within the Council; it was also a natural evolution of the Government's policy during the half-century preceding the Montagu-Chelmsford Reforms. The history of the growth of the government antipathy toward Brahmins in politics and in the administration helps to explain why the Madras Government was finally willing to give into Justice Party pressures within the Council.

Between 1896 and 1911, when renewed attempts were made to prevent Brahmins from monopolizing the Provincial Civil Service, the Board of Revenue abandons its total reliance upon competitive examinations and selected personnel partly with a view toward efficiency but also with a desire for social Justice. It was at this time that a remarkable series of pamphlets were issued by a pseudonymous author under the name "Fair-Play", on the relations between the non-Brahmins and the public services in Madras. "Fair Play" was anxious to establish a non-Brahmin's political organization and a journal to propagate its views, but he also argued that the public services should be secured to the men from among the millions of the non-Brahmin subjects who form the bulk, if not the whole, of the population (of the Presidency)". The "Just Share" of the service that "Fair Play" thought was due the non-Brahmins corresponded to the proportion of non-Brahmins in the Presidency. The 97 percent of the non-Brahmin population in the Presidency. The 97 percent of the non-Brahmin population must have 97 percent of appointments in the public services reserved for them. When the Public Services Commission visited Madras early in 1913, the matter began to take on a political tone. Of all the evidences given before the Commissioners at Madras that of Alexander Cardew, the Chief Secretary of the Madras Government, was the most provocative. Competitive examinations for the government posts in the Provincial Service would result, he contended, in "the exclusion from office of large and important sections of the population and in virtual monopoly of success by Brahmins". Cardew concluded that "the Brahmin has maintained his lead for 30 years and shows no signs of losing it, and in as much as his intellectual superiority is a racial characteristic, it is unlikely that it will be shaken except after an indefinite lapse of time. "He pointed out that Brahmins, constituting about 3 percent of the population of the Madras Presidency, accounted for 72 percent of graduates of the University of Madras. In the competitive examinations for the Provincial Civil Service held between 1882 and 1904, out of 16 successful candidates 15 were Brahmins.

Cardew's evidence supporting the claims of the non-Brahmins and urging a more careful control over the number of Brahmins entering the Government

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before the Legislative Council of Madras, a series of resolutions designed to give non-Brahmins in the Presidency a greater proportion of government jobs. These resolutions and the subsequent Government Orders fostered great enmity between the non-Brahmins and those whom they sought to displace – the Tamil Brahmins, but the Justice Party pursued its demands doggedly for it realized that the implementation of the Government Order to re-distribute the government appointments in favour of non-Brahmins would fulfil some of the Party's first articulated ideas, administrative power, social position, and economic security.

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One of the main reasons for the Justice Party's decision to co-operate with the government and to contest the elections to the newly reformed councils was that it saw in this method an opportunity to enhance the economic and public positions of non-Brahmins. It was the most important means by which the Justice Party sought to implement this ambition was through pressure on the government in Madras to issue an executive order that would assure the non-Brahmins a more prominent place in the government services. The promulgation of what came to be known as the Second Communal Government Order in 1922 capped the long drive of the Justice Party for a greater distribution of Government posts among the non-Brahmins. This G.O. instructed the collectors and other officials with the power of appointment to government posts, to give priority in their recruitment policy to non-Brahmins and other so-called "backward" communities. But the executive decree establishing a balance between the different caste groups in the Presidency was only in part a result of Justice Party's pressure within the Council; it was also a natural evolution of the Government's policy during the half-century preceding the Montagu-Chelmsford Reforms. The history of the growth of the government antipathy toward Brahmins in politics and in the administration helps to explain why the Madras Government was finally willing to give into Justice Party pressures within the Council.

distributed among Tamil and Telegu in equal proportion. Brahmins should not exceed half the total number and atleast half should be chosen from among non-Brahmins and Muhammadans". An additional order directed Collectors to compile a list of acceptable candidates according to these criteria. Of late in the same year, after Madras and on the eve of the implementation of the Montagu Chelmsford Reforms, the Justice Party sent a proposition to the Viceroy pleading that the glaring inequalities between Brahmin and non-Brahmin in the Public Services in Madras must be rectified. The existence of the Service Commission in 1913, the formation of the Justice Party in 1916 and the existence within the Madras Government of persons sympathetic to the non-Brahmin position, all helped to transform this situation. Thus when the Justice party took office in late 1920, the stage was set for an all-out battle to achieve what "Fair Play" described as the rightful share of government employment for non-Brahmins.

An indication of the direction that Justice Party politics had taken was the increasing unwillingness on the part of the Justice party leaders to push social reform in their legislative program in the Councils. Instead they concentrated on the immediate goal of greater non-Brahmin representations in the Government employment, which was natural continuation of the policies suggested by numerous Justice editorials and by the questions of Tambi Marakayar, Rajah Tyagaraja Chetti in the Council between 1918 and 1920. In the course of these attempts to enhance the non-Brahmin position through the mechanism of an executive order, the relationship between Brahmin and non-Brahmin in the Presidency was altered and in some cases seriously poisoned. What made this fight in the council particularly rancorous was the continuous Justice Party pressure of the government and the inability of the minority Brahmins to organize.

In an effort to placate the non-Brahmins, several Brahmins in the Council spoke out in favour of an amicable settlement before the conflict became too bitter. One of these Council members (the only Madras Congress member who had ignored the Congress boycott of the 1920 council elections). S. Srinivasa Iyengar, said that there was no longer the same hostility in the political community of South India to non-Brahmin claims as there had been in the past and he thought that the non-Brahmin were most certainly entitled to get Justice".

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He urged that the question be settled once and for all he wanted “all communities” he said “ to arrive at a satisfactory solution to this burning question in this Province”. Otherwise “Communal questions”, would distrust the house from its ordinary work “Progress and nation-building”, Justice Party pressure on this issue were to some extent part of a larger plan to reduce Brahmin influence. That it was the first segment of the public services to occupy the attention of Justice members is indicative of their particular desire to gain control of the Judiciary, a section of the civil service that was thought to confer great status and extraordinary powers over the destinies of men. From the very early period non-Brahmin distrust of Brahmin lawyers was manifested by the application of the epithet “Mylapore Cligue” to this group. Mylapore being the area in the Madras city where a large number of Tamil Brahmin Judges lived.

**i) The First Communal G.O. for Non-Bramins.**

In an effort to clarify the issue K. Srinivasa Iyengar the Lawyer member of the Executive Council, defended the right of the Government to maintain the quality of personnel appointed as the District Munsifs. The point he had tried to make, he said, was the “efficiency is the right test. I never said that Brahmins alone possessed efficiency”.

Justice party’s pressure was sufficiently strong to force the Government of Madras to issue a Government Order on September 16, 1921, which came to known as the First Communal G.O. It’s provisions (which are set out in full in Appendix 2) included a government instruction that the Revenue to all departments. Secondly, a report was required from all the Heads of Departments, Collectors, and District Judges twice a year indicating the classification of each new recruit to the public services according to the following six categories: Brahmin, non-Brahmin Hindu, Indian Christian, Muslim, European. Anglo-Indians and the other, Knapp, the Home Member, dismissed this resolution on the grounds that it served no public purpose and it was not a matter of very great importance”.

**(ii) Second Communal G.O. For Non-Brahmins**

On this occasion Knapp was able to forestall any government action, but soon after this, he was appointed as the Special Commissioner to settle the

Moplah Rebellion in Malabar, and Sir Lionel Davidson, a man far more sympathetic to Justice Party claims, took over as Home Member. On August 15, 1922, another government order was issued under the sponsorship of Sir Lionel and Sir Charles Todhunter. which was longer, more comprehensive and much more definitive than the First communal G.O. Popularly referred to as the Second communal G.O. this major policy decision declared that that government concurred entirely in the desire of the members of Legislative Council for information on the six categories set out in the First Communal G.O. not only for new appointments, but also for all government employees, including personnel in permanent, temporary, or acting appointments, and those appointed either for the first time or promoted from subordinate grades.

This order was an important landmark in the history of the Justice Party and the non-Brahmin Movement generally, and the effect that it's promulgation had upon Justice Party members cannot be overstated. By giving it to Justice party's pressure, the government had fulfilled the goal that had been a part of Justice party's propaganda and thinking since the founding of the Party in 1919. Yet it was to become quickly apparent that this important policy decision now on the records books was perhaps too easy a solution to the problems of Brahmin-non-Brahmin competition for the government jobs. The justice Party's main attention was left open fragmentation. In achieving its aims as painlessly and easily as it did, the Justice Party was paying the way to its own early demise.

The bitterness between the two sides was reflected in the debates in the legislative council, in which, it was evident that the Brahmins were out of their element in the increasingly competitive style of communal politics. The Madras government was quite aware of the antipathy, as it showed in passing the Communal G.O. and establishing first a Staff Selection Board and finally Provincial Public Service Commission. As we have seen, these developments, successful as they were for the Justice Party also made the Party increasingly vulnerable to disintegrations. Not only did it lack real goal, but it was faced with growing hostility from a once friendly government. But those who suffered most from the communal quarrel were the Brahmins, who were losing their position of superiority not only in the Council, but in the educational world also. Satyamurthi,

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the Swaraj leader, a Tamil Brahmin referring to the establishment of selection committees to assist non-Brahmins to enter government and colleges, protested against what he termed as “this nefarious attempt to deny the benefit of education to a section of the people because they have the misfortune of being born in a particular Community” There could be little doubt that the change to the Brahmins in the services, in the Council, and in education was threatening the very means by which Brahmins in South India could maintain their culture, standing and economic position. The wheel had turned full circle.

### **(iii) Bitterness Between Tamils and Telugus**

Bitterness between Tamils and Telugus was not without precedent. The Andhra Movement of 1913 and the struggle within the congress organization for a separate unit for the Telugus had involved considerable bitterness. Congress solved the Tamil-Telugu antagonism in 1917 by granting the Telugus their own unit, giving them the control in their own linguistic region and thus providing a measure of insulation between the Telugus and the Tamils in the South.

K.V. Reddi Naidu, speaking in 1925, considered the decline in the Andhra agitation for a separate province and university of Telugu a result of the diversion of energies into “the non-Brahmin Movement and later the non co-operation Movement”.

A Telegu Brahmin named M. Suryanarayana introduced a resolution recommending that the Madras Government is to create a separate Andhra Province. This resolution provoked a serious difference of opinion among the Executive Council and among the three Ministers of justice party, A.P. Patro, the Justice Education Minister persuaded them to desist.

### **10.2.2. DEMAND FOR A SEPARATE ANDHARA PROVINCE**

Though a demand for a separate Andhra province did not arise in the Council proceedings again until early 1927, the idea of an Andhra University was seriously broached soon after the establishment of the first Justice ministry. A.P. Patro, the Education Minister brought forward a scheme for such a university as an equating device to the bill, then pending to re-organize and strengthen Madras

University. For non-Brahmins at least, Madras University was understood to be a University primarily geared to the interests of Tamil Brahmins, where non-Brahmins and especially students from Telugu areas were looked upon as unwelcome foreigners. It was natural for the Tamil non-Brahmins to regard the re-organization bill as an attempt by the Brahmins to tighten their hold on an already over-Brahminized institution. But to the Andhra members of the Council, the bill was even more than that a threat to their hopes for a separate university. The Madras University Reorganization Bill was subsequently passed, but on the eve of its becoming law, in March, G. Vaudauam pointed out that “those of us who supported the re-organization scheme of Madras University did so on the distinct understanding that the Madras University re-organization would help us to get an Andhra University at no distant date”.

When the suggestion to create an Andhra University was first brought up in 1921. C. Natesa Mudaliar, a Tamil Vellala in the Justice Party, raised some strong objection on the ground that it was impossible to define Andhras or the Andhra Country. In the course of a somewhat devious speech laden with historical argument, he finally came out with his real objection to the idea. Any resolution, he said, that proposed the creation of an Andhra University “Savours of disunion among the members of the non Brahmin Community”.

#### **i) Andhra University Established in 1926**

Natesa Mudaliar’s opposition to Andhra University epitomized the distrust with many Tamils in the Justice party viewed any efforts of the Telugus to enhance their already substantial position in the Party. Tyagaraja Chetti fostered the distrust by neglecting the Tamils in the constitution of the first Justice Ministry in 1920, and the antipathy came to an end in 1922. In a stormy Party meeting in Madras in May of that year, J.N. Ramanathan, who came from the Tamil district of Madurai accused Tyagaraja Chetti of failing to recognize the hard work and zeal of many Tamils in the Party.

As a peace offering, Tyagaraja Chetti suggested that for the 1923 Justice Ministry, Reddi Naidu should step aside as Minister of Development to allow the appointment of a Tamil, T.N. Sivagananam Pillai from Tirunelveli district. This

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peace offering was accepted gracefully and harmony was restored. The Telugus then got their university with the help of the Tamils, who joined them in late 1925 in approving a bill that would establish a university for the “rapid development in the study of Telugu language and literature”.

Natesa Mudaliar, who had doubted the wisdom of forming an Andhra University on the grounds that it might tend to divide the Party, now appealed for unity. “Telugu can never be separated from the Tamils”, he said, “We are Dravidians and will not be separated”. Ramaswami Mudaliar also pointed that the Telugu University would be concerned with the Dravidian culture in contra distinction to Sanskrit studies. These attempts to establish a Dravidian identity provoked S. Satyamurti, of the swaraj Party, to plead that the Council members ought to “show by our votes that Brahmin-hatred must stop at the Staff Selection Board and must go on further”. Reddy Naidu’s proposed amendment was rejected, and the bill was passed by the Council on November 6, 1925. The following year Andhra University, after a great controversy as to who should be Vice Chancellor, came into existence with C. Ramalinga Reddi, as the Vice Chancellor.

### **10.2.3. DEMAND FOR A SEPARATE TAMIL UNIVERSITY**

Tamilians now also began to demand that a separate university be created in the heart of Tamil Country to serve the interests of Tamil Culture, since Madras University, with its Sanskritic and Brahminical affiliations was unable to give tamil Speakers the right kind of cultural atmosphere and training. Their demand was supported by the Madras University Senate, which passed a resolution recommending the establishment of a University Senate, for each principal linguistics areas within the Presidency. As a result of a discussion in the Council on March 22, 1926, a Tamil University, was founded at the temple centre of Chidambaram in South Arcot District. Under the terms of the grant, the University was to encourage both Tamil and Sanskrit.

The passage of both the Madras University Re-organization Bill and the Andhra University Bill put great strains on Telugu Tamil Unity with the Justice Party. The problem had no doubt been aggravated by P. Tyagaraja Chetty with his failure to see the necessity of cultivating Tamil sympathies during the formation

of the first Ministry. But, it's basic cause lay in the desire of each group to prevent the other from getting too large a share of the spoils either in educational or in administrative spheres, and non-Brahmin demands were often characterized by a type of competition along with linguistic lines, which could only be cemented over by appeals to common Dravidian origin. This sort of appeal in turn tended to push the Brahmins even further away, making political and social equilibrium between the non-Brahmins and Brahmins increasingly impossible.

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One legislative measure that resulted from the first two Justice Ministries was an act to regulate the administration of the many temples, and maths or monastic chapters that dotted the Madras countryside.

Their attitude towards social reform was epitomized by a resolution passed at the Justice Confederation in January, 1923 which stated that the Non-Brahmins should train a batch of "Purohits" to officiate at their marriages and they should encourage matrimonial alliances between one section of the Non-Brahmin Community and another.

#### **i) The adult franchise for women in 1921**

In many ways the most outstanding equity of all these legislative enterprises the Communal G.O.s, the Andhra University Bill, and the Hindu Religious Endowments Act were their provincial orientation. Both the sponsors and the critics of these measures believed that they were contending with problems that were unique to Madras Presidency or, if not unique, at least more urgent and more in need of legislation Madras than in any other province. In this sense, the functions of the Reforms were being amply fulfilled and the council was performing it's intended role that of enhancing political awareness not only of provincial issues, but of issues of importance generally, both within the House and out perhaps the success of the Councils under a non-Brahmin Ministry was bound to bear the feelings of distrust and uneasiness between Brahmin and non Brahmin, between Telegu and Tamil, and between Indians and Englishmen certainly the first named was the most severe. The concerted antipathy towards the Brahmin was inescapable, the subject not only of the most practical, legal measures, but also of the most ringing speeches, which by claiming a common

#### **Check your progress questions**

- 5) What are the objectives for justice party?
- 6) Mention provisional civil services formed
- 7) What are the importance of Montagu-Chelmsford?
- 8) Write a note on demand for separate Andhra province

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Dravidian background for Telugus and Tamils effectively shut out the minority Brahmins. By the end of the second Council, the Brahmins were clearly on the defensive. The Justice Party flushed with success, and side tracked from its earlier social reform ideas by the leadership of Tyagaraja Chetti. Tanikachalam Chetti, and the Rajah of Panagal, bound itself even more firmly to the interests of a narrow non-Brahmin caste Hindu group, whose social horizons were extremely limited. During its terms of office, the Justice Party did little to promote the general religious or social reform. Aside from consolidating the position, the non-Brahmin caste Hindus, it's only other piece of legislation with an avowedly social reform bias-with the possible exception of the Hindu-Religions Endowments Act – was the enfranchisement of women in 1921.

## **THE DRAVIDIAN MOVEMENT**

**(OR)**

## **THE SELF – RESPECT MOVEMENT**

### **10.3. EMERGENCE OF SELF-RESPECT MOVEMENT**

One of the non-Brahmin leaders in the Congress Party to be highly influenced by Dravidian Nationalism in the 1920's was E.V. Ramaswami Naicker (1879-1973). He was born in a middle – class non – Brahmin family of Kannadiga ancestry in Erode. They belonged to the Kannada Baliga Naidu caste, who has their caste suffix Nayakkar or Naicker. The ancestry of Ramaswami's parents was pointed out by some of his critics who held that he was not a 'genuine Tamil'. His parents were pious and orthodox Hindus who always patronized Brahmin priests. Ramaswami gave up his studies at the age of ten and helped his father in running their grocery shop. He was married at the age of nineteen and after six years decided to renounce family life. As a religious mendicant, he went on a pilgrimage to northern India, where he obtained an intimate knowledge of the evils widely prevalent in Hinduism, particularly in pilgrim centers like Benares. He claimed that it was all due to Brahmin priestly exploitation of the masses and on returning to Erode he gradually abandoned all faith in religion. E.V.R. resigned the Chairmanship of the Erode Municipality, in protest against the Jalianwala Bagh Tragedy in April 1919, and entered active politics when Gandhi started the

Non-Co-operation Movement in August 1920. He was the Chairman of the Reception committee when the second annual conference of the Presidency Association was held at Erode in 1919. the Self-Respect Movement or Suya Mariyatai Iyakkam started by E.V. Ramaswami Naicker in 1925 sought to restore the Suya Mariyatai or the 'Self Respect' of non-Brahmins which was alleged to have been denied to them by Brahmins. It's main object in the early years was to secure communal representation in all spheres of public life and in the early years was to secure communal representation in all spheres of public life and in this he differed little from the aims of the Justice Party. But subsequently the Self-Respect Movement confined it's activities to social reform, in which it aimed to give non-Brahmins, a sense of pride based on their Dravidian Past, which also implied a denial of the superiority of the Brahmin and of the Brahmin's faith in the caste system or Varnasrama dharama. In condemning the caste system, the Self-Respect Movement may be said to have gained an anti-Brahmin Character from the beginning and subsequently anti-Brahminism became the distinctive feature of the Movement. The Movement functioned as a non-political organization, extending it's support to the Justice Party. A militant character and a mass base was given to the Self-Respect Movement and to the Justice Party in 1944 when the latter was re-named as Dravidar Kazhagam.

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#### **i) E.V.R. as a Rationalist**

E.V.R. continued to take an active part in the affairs of the Congress Party. In November 1922 he was elected to the All India Congress Committee. As a Congress leader, he vigorously campaigned for prohibition, supported the use of Khaddar and advocated the removal of un-touchability. He came into prominence when he offered Satyagraha in protest against the rule prohibiting the untouchables from using certain roads outside a temple in Vykom. He was sentenced to one month's simple imprisonment and on release he was prohibited from addressing public meetings in Vykom. When E.V.R. disobeyed the externment order, he was sentenced again and was given six months sentence, but was released after serving four months. E.V.R. deplored the attitude of orthodox Brahmins and non-Brahmins who insisted on observing untouchability. In the end, after the intervention of Mahatma Gandhi, the roads

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around the Vykomb temple were thrown open for the use of all without any distinction of caste or creed, colour or sex, in June 1925. But much of the credit went to E.V.R. who was hailed as the Vykomb Veerar, the hero of Vykomb, as the Champion of the untouchables. E.V.R.'s popularity after the Vykomb Satyagraha was on the rise.

In another controversy also, E.V.R. showed his concern for the non-Brahmin's cause. It related to the segregation that was then being observed in dining between Brahmin and non-Brahmin students at the Sermadevi Gurukulam near Kallidaikurichi in Thirunelveli District. The fact that the Brahmin and non-Brahmin boys were made to sit apart in the dining room came to be resented by non-Brahmin Congress leaders, such as E.V.R.

## ii) Periyar expelled from Congress Party

In order to redress the grievances of non-Brahmins in general and of the non-Brahmins in the Congress Party in particular, E.V.R. wanted to move two resolutions at the Kanchipuram conference on 22, November 1925. One demand was the representation in Legislative Councils and other bodies according to the population strength of Brahmins, non Brahmins and Depressed Classes, and the other demand was the urging the constitution of a Selection Committee for nominating candidates for the 1926 elections. Thiru.Vi.Kaliyanasundaram Mudaliar, Chairman of the Conference ruled that these two resolutions were out of order, as being inconsistent with the earlier decision made by the Subjects Committee of the Conference, not to contest Council elections. E.V.R. himself was one of those who strongly opposed to Council entry. But when E.V.R. and other non-Brahmin leaders objected to the ruling of the Chairman, the Chairman stuck to his decision and hence E.V.R. and other non-Brahmins left the conference. This was a turning point in the political career of E.V.R. for he began to turn away from the Congress Party to form an organization of his own.

By the middle of 1926, the Tamil Nadu Congress Committee was suspicious of the activities of E.V.R. and his loyalty to the Congress and hence a committee was appointed to enquire into the alleged change of attitude of E.V.R. The committee reported that E.V.R. having identified himself with the Justice

Party and his having opposed the election of Congress candidates to Local and Legislative bodies and having carried on a persistent campaign against the Kanpur Congress resolutions of the All India Congress Committee, ceased to be a member of the T.N.C.C. working Committee. The report was accepted and with that E.V.R. may be said to have severed his relations with the Congress Party.

### **10.3.1. SELF RESPECT MOVEMENT AIMED CASTELESS SOCIETY**

E.V.R. participated in the proceedings of the 10<sup>th</sup> Non-Brahmin Confederation at Madurai in December, 1926. The Raja of Panagal, the leader of the Justice Party, unveiled E.V.R.'s Portrait and said that E.V.R. sympathized with the social side of the Justice activity and supported the Justice Movement most heartily and that E.V.R. was one of those who believed that unless the masses had a sense of their Self-Respect, no Self government was possible to a Province or country. E.V.R. was one of those who believed that social reform should precede political reform. As a social reform Movement, the Self-Respect Movement aimed at a casteless society and towards its realization it began to criticize and condemn the caste and its associated institutions such as religion, rituals and traditions. Hence the Movement, besides being anti-Brahmin, also became anti-religious and anti – God in due course. Designed as a Dravidan uplift, the Self -Respect Movement sought to expose what according to E.V.R. were methods of tyranny and deception practiced by Brahmins in securing their hold in all spheres of Hindu life. A year before the starting of the Self-Respect Movement, E.V.R. had started the Tamil weekly Kuti Arasu (People's government) in May 1924, in which he wrote articles in denunciation of religious beliefs and of the sanctions of religion to a social life ridden with strong caste prejudices. Hence his target were the Brahmins, the scriptures such as the Vedas, the Puranas and the epics Mahabharatha and Ramayana. An English daily entitled "Revolt" was started in 1918. But owing to poor circulation it ceased publication in 1931.

The first Provincial Self-Respect Conference was held at Chingleput, P. Subbaroyan, the Chief Minister, in his opening speech observed that "the object of the Self-Respect League should be social re-construction so as to secure liberty,

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It may be said that “the Self – Respect Movement represented the growing militancy of persons who, though trained by Gandhian non-co-operation techniques, had assimilated the racial theories propounded by such men, as Caldwell, Nelson Grant-Duff and Sundaram Pillai and hitherto given limited currency by the Justice Party”, and that “here the Self-Respect Movement was a distinctly new development in South India, one that gave the concept of Dravidianism a new and broader attraction”.

On the model of the first provincial conference, several Self-Respect conferences came to be held at regular intervals at the district and taluk levels all over Tamilnadu. It may be pointed out that the Self-Respect Movement was confined almost entirely to the Tamil districts and there was little support or propaganda in the other linguistic regions. This was mainly due to E.V.R.’s ability to speak only in Tamil and not in any other South Indian language. Further the Telugu districts were absorbed in their agitation for an Andhra Province.

Despite criticism E.V.R. carried on active propaganda in an attempt to rid the non-Brahmins of Puranic Hinduism and wean them away from religious ceremonies requiring the priestly service of Brahmin priests. Followers of the Self-Respect Movement were urged to eliminate the use of Brahmin priests in marriage rites and in rites for the dead and this gained wide acceptance among the non-Brahmins. Self-Respect marriages became popular from 1926 onwards and were reported every week in the Kudi Assrasu they may be said to have resembled more of a political gathering than a socio – religious function and were usually presided over by a leader of the Self – Respect Movement.

### **10.3.2 ELIMINATION OF THE BRAHMINISM**

While the Self-Respect Movement aimed at the total elimination of the Brahmin priest as well as rituals from domestic ceremonies, pious non-Brahmins

of the Justice Party sought to eliminate the Brahmin priest and instead employ a non-Brahmin priest to conduct the ceremonies in the traditional Vedic way. The leaders of the Pure Tamil Movement pleaded not only for the employment of non-Brahmin priests but also for the recitation of Tamil hymns instead of Sanskrit slokas. In this Respect the Dravidian Movement may be said to had started a process of de-Sanskritization in order to restore Tamil.

E.V.R.'s denunciation of religion included his soothing attack on the Mahabharata, the Ramayana and the Periyapuram on the ground that these were the result of Brahminical scheming and unworthy of belief, because they did not recognize the equality of all men He began to write a series of articles in the Kudi Arasu from 1929 onwards ridiculing the contents of the epics and the puranas.

It was proposed to burn the Manusmriti, the Kamparamayanam and the Periyapuram at the Fourth Salem District Self-Respect Conference at Salem on 17 January 1943. A number of protest meetings were held in Tamilnadu by religious organizations and Tamil associations condemning the proposal to burn the classics. The Self-Respect leaders postponed the burning of Kamaparamayanam and Periyapuram at the Salem conference in order to give an opportunity to their opponents to express their views. It was announced however that the books would be burnt at a later date. But subsequently at the Self-Respect Youth League Conference at Kumbakonam it was announced that the proposal to burn the classics was dropped "because certain leaders were opposed to it". This reveals the fact that E.V.R. did lose considerable support for his extreme measures.

Just as he conceived new and revolutionary ideas in the sphere of social reform E.V.R. put forward his own scheme of reforming the Tamil script. Even though he was not highly educated, his approach to the script reform was as a journalist. As an editor, printer and publisher, he expressed the difficulties encountered by him in using the large number of letters in the Tamil script. Therefore as early as in January 1935, he suggested certain changes to simplify and reduce their number in order to facilitate printing as well as typewriting.

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In his campaign against the caste system, E.V.R. appealed to the people, not to declare their caste during the Census enumeration in 1931. The appeals were published regularly in the Tamil weekly Kudi Arasu from November 1930 onwards. E.V.R. wanted the people to declare themselves Indians and Rationalists. He added that it would be foolish to give Hinduism as one's faith because there was no such religion. Partly as a result of the campaign of the Self Respect Movement against the inclusion of caste details in the Census and partly as a result of similar representations in other parts of India, elaborate caste classifications were given up in the 1931 Census and the column about caste was abandoned in the 1941 Census. The non-Brahmin leaders vehemently criticized the alleged domination of Brahmins in public services, but never said anything against the caste system.

### **10.3.3. JUSTICE PARTY INSISTED COMMUNAL REPRESENTATION**

The non-Brahmin leaders often urged that the Non-Brahmin Movement was never started in a spirit of hatred towards the Brahmins, but to uplift the non-Brahmin community in the scale of progress, and that it was purely a defensive Movement and not an offensive one. But some did not accept this view. So long as the two founder leaders of the Justice Party Dr.Nair and Tyagarja Chetti were alive, anti-Brahmin sentiments were held back and there prevailed a sense of moderation among other leaders of the Party. But after the death of Tyagarja Chetti, followed by the defeat of the Justice Party in the Council elections of 1926, and the entry of E.V.R. into the Justice camp, Self-Respect Principles came to be slowly preached in the Justice Party meetings. E.V.R. participated in the 10<sup>th</sup> Non-Brahmin Confederation at Madurai in December 1925 and sympathized with the social side of the Justice activity and he expressed his belief that unless the masses had a sense of their Self-Respect, no Self-government was possible to a province or country.

From the time E.V.R. identified himself with the Justice Party, he began to exercise considerable influence in shaping. The Party's social reform activities. The efforts of some of the non-Brahmin leaders to throw open the membership of the Justice Party to Brahmins failed at the Nellore Non-Brahmin conference. The admission of Brahmins continued to be debated during 1930. However, in June

the executive committee of the Justice Party unanimously decided to admit Brahmins and carried a resolution stating that any person above the age of twenty one was eligible for membership of the Party. Again and again E.V.R. wrote in the Kudi Arasu opposing the decision to admit Brahmins. He criticized the leaders of the Justice Party of making decision in order to win votes and obtain Ministerships, and asserted that he was disappointed to see Selfish motives prevailing among them, which he condemned while in Congress and hence joined the Justice Party. With the relaxation of party rules admitting Brahmins, the Justice Party also slowly abandoned its insistence of communal representation in the legislature and public services. But E.V.R. from time to time insisted on the necessary safeguards to maintain communal representation.

Anti – Brahminism continued to be the dominant feature of the Self-Respect Movement, even though its ally the Justice Party officially ended its communal exclusiveness. Presiding over the Second Provincial Self-Respect Conference at Erode in May 1930 M.R. Jayakar, a Congress leader from Maharashtra appealed to the Self-Respecters not to make the hatred of any community as the basis of their Movement. But the leaders of the Self-Respect Movement such as R.K. Shanmugam Chetty answered that the Movement was not a Godless and anti-Brahmin Movement, that it stood for the spirit of inquiry and challenge, that the Self-Respecters wanted to attack the main and central principle of Hindu society, caste and that they sought to make Hinduism once more a religion to comfort and console all”.

### ) **E.V.R. and Economic Policy**

Besides condemning the caste system and the superstitious beliefs associated with Hinduism, E.V.R. attempted in 1932 to widen the basic principles of the Self-Respect Movement by adding an economic programme to it. The various Self-Respect conferences till then passed resolutions relating to social reform only, but from 1931 onwards resolutions relating to economic objectives were also passed. Here again, the economic programme was evolved on a negative approach in the sense that E.V.R. began to condemn the policies of the Congress, such as encouragement of Khaddar and cottage industries. E.V.R. wrote in Kudi Arasu that all the activities concerning the Propaganda, publicity and sale of

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Khaddar would only retard the progress of Indian Civilization, that the Khaddar policy would lead the people to primitive stage of life, that the encouragement of cottage industries instead of heavy industries would reduce leisure and mental development and that on the other hand, industrialization should be speeded up through co-operatives. Incorporating these principles, resolutions were passed regularly in various Self-Respect conferences.

From October 1931 onwards, E.V.R. began to write a series of articles in Kudi Arasu on Communism and socialism. He traced the history of the socialist Movement referred to the first Socialist Congress held in London in 1847, narrated the socialist revolutions in Russia, Spain and China and called for similar Movements in India. Suddenly on 13 December, Kudi Arasu announced that E.V.R. along with S. Ramanathan, the General Secretary of the Self-Respect Movement, had sailed on a tour of Europe in order to study the living habits, economic conditions, systems and labour welfare in European countries. After visiting Russia, Germany, Switzerland, France and England, E.V.R. returned to Tamilnadu via Ceylon in the Middle of November 1932.

## **ii) E.V.R. and Socialist Principle**

As a result of his visit to Russia E.V.R. attempted to give a socialist orientation to the Self-Respect Movement. A political Party under the title “Samadharama Katchi” or Socialist Party was allowed to be formed as a political wing within the Self-Respect Movement.

The Political wing of the Self-Respect Movement with the title “Samadharma Party of South India” was given a separate constitution. Besides incorporating the objects of the Self-Respect Party, the Samdharma Party aimed at obtaining universal suffrage and contesting elections to the Legislative Council and other local bodies.

E.V.R.’s open advocacy of communism brought him into conflicts with the Government. For writing a letter under the title ‘Why should not this Government to Go?’ in Kudi Arasu on 29 October, 1933. E.V.R. was asked by the Government to provide security. When he failed to provide security, he was

arrested along with his sister, who was the publisher of Kudi Arasu. Both pleaded "Not Guilty" and in the end, were sentenced to six months simple imprisonment and fined at Rs.300.

While undergoing imprisonment at the Coimbatore prison, E.V.R. happened to meet with C. Rajagopalachari, who was also undergoing sentence for participating in the non-cooperation Movement. It was said that C.R. was keen on taking E.V.R. back to the common programme. But Mahatma Gandhi was said to have rejected the proposal, particularly the one which sought to guarantee communal representation in public services.

The 13<sup>th</sup> Confederation of the Justice Party was held in Madras in September, 1954, in which the question of admitting Brahmins into the Party was officially discussed. Speaking for the amendment E.V.R. said that they should not make any difference between communities or between races, but should consider that all of them were men and hoped that Brahmins who were admitted into the Party would behave well and would not attempt to create enmity between them. This change in the attitude of E.V.R. may be explained in terms of his awareness of the necessity for such political expediency to achieve the goals of his creed.

The Justice Party suffered major reverse in the Central Legislative Assembly elections held in November, 1934, when two of its important leaders A. Ramaswami Mudaliar and R.K. Shanmukam Chetty were defeated by the Congress candidates. The reverses sustained by the Justice Party offered a challenge to which its leaders began to respond in 1935. A meeting was held at the house of the Raja of Bobbili, then Chief Minister and leader of Party, to construct the measures to strengthen the Party. At this meeting E.V.R. outlined his policies and presented a fourteen point programme for the Justice Party, in which he pleaded for the nationalization of life insurance and other essential public utilities, the introduction of abolition of untouchability, economy in administration, proportionate communal representation in public services and the relief of the poor peasants through Co-operative Credit Banks.

E.V.R.'s programme of work for the Justice Party was presented at the Ramnad Justice Party Conference held at Virudhunagar in March 1935. The

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conference unanimously adopted his proposition “for the social and economic amelioration of the masses”. It was suggested that the social side of Justice Party’s work might be entrusted to the Self –Respect League. The working committee of the Justice Party accepted his Programme in November 1935. The main reason was the prospect of an early election under the Reform Act of 1935. The Justice Party realized the advantages of winning over E.V.R. and his followers in recovering the lost ground atleast in Tamilnadu. E.V.R. also gladly extended his full support to the Justice Party in order to put into practice, some of his Self-Respect principles.

### iii) Periyar Emphasized Communal Representation

E.V.R. referred to the two main criticisms leveled against the Justice Party by opponents namely that it was after “jobs”. He said that they need not be ashamed of such criticisms, because those had been the cardinal principles of the Party since its inception. But what he wanted was that the masses should be clearly told of the truth behind the principles and the criticisms refuted. E.V.R. felt that unless such a thing was done, the Justice Party would never recover the ground lost. E.V.R. again laid strong emphasis on communal representation, which according to him, was the only way to solve the communal problem. He argued that the more one denied communal representation, the more would be the communal jealousy and hatred.

Under the Reform Act of 1935, elections were held in February 1937 in which the Justice Party was routed by the Congress. In the lower house, the Legislative assembly, out of 215 seats the Congress won 159, the Justice Party 17, Independents and others 39, and in the upper house, the Legislative Council, out of 46 elected seats, the congress won 30, the Justice Party 4 and Independents and others 12. E.V.R. attributed the defeat “to lack of contact between the Party leaders and the villagers”, and to “lack of a proper vernacular press for the Party”. Subsequently in July, C. Rajagopalachariyar formed a Ministry. C.R.’s announcement of the new government’s policy to make the compulsory study of Hindi in schools immediately provided an opportunity for E.V.R. to direct his criticism more effectively, arousing the emotion of non-Brahmins. The anti-Hindi campaign and the subsequent demand for a separate province for non-Brahmin

Dravidians brought E.V.R. to the forefront of attention in the Dravidian Movement.

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#### iv) Anti – Hindi Agitation

To sum up, the Self- Respect Movement may be said to have passed through four distinctive phases in the evolution of its policies between 1925 and 1937. During the first four years E.V.R. confined himself to advocating social reform by attacking superstitious beliefs and customs. The second phase may be said to have started in 1929 with the holding of the First Provincial Self – Respect Conference at Chingleput. From then onwards the criticism of the caste system and of religion became the main premise of the Movement. The third stage began with E.V.R.'s return from a tour of Europe towards the end of 1932, when he added an economic programme with socialist ideals and began to argue in favour of communism and revolution. Having been subjected to repressive measures by the Government for preaching communism, E.V.R. gave up his doctrinaire approach, modified his programme and came to terms with the Justice Party leaders by the beginning of 1935. This marked the beginning of the fourth Stage. From then onwards E.V.R. fully identified himself with the Justice Party and during the anti – Hindi agitation he was chosen its leader in December 1938.

Upto this point, the Dravidian Movement had not engaged in agitational politics. The Congress Party, through its inauguration of liquor store picketing, individual satyagraha, salt satyagrahas, protests against untouchability, and so on, had succeeded in introducing agitational politics in the Madras Presidency.

The introduction of compulsory Hindi in 1938 was followed by intensive agitation taking a number of forms. The residence of the Chief Minister of Madras (then called the premier) was picketed, and also certain high schools. A number of meetings and processions were also held. According to the 1939 Home Department Administration Report, 536 persons had been arrested and convicted for participation in the agitation by the end of 1938. The report indicated that “the anti-Hindustani agitation which had started in June 1938 continued till the outbreak of the war, but not with the same amount of enthusiasm as in the

(Space for Hints) previous year”. One of the chief non-Brahmin unifying slogans was, significantly, “Down with Brahmin Raj”.

#### v) Separation of Dravidian State

Perhaps the most important event accompanying the agitation was the demand for a separate Dravida Nadu. This issue united many who were divided on the question of radical social reform. C. Natesa Mudaliar, a moderate conservative, and E.V. Ramasami, a radical, joined in demanding a separate land for the Dravidians. On July 1, 1939, the first “Dravida Nadu Separation Day”, speeches were given explaining the genesis of the demand for separation. At the time E.V. Ramasami, made the connection between the language issue and the need for separation. The language issue was portrayed as a superficial manifestation of the Brahmins. The slogan “Dravida Nadu for Dravidians” symbolically united the moderates and radicals in the Dravidian Movement, as well as galvanizing many sympathizers outside the Movement organizations.

The second world war interrupted the anti-Hindustani agitation and diverted the attention. The Congress Party did not support the British war effort, and organized instead agitations demanding that the British “Quit India”. On the other hand, E.V. Ramasami did support the war. His Paper was used for propaganda purposes, and was subsidized by the British Government during the war years. Between 1939 and the formation of the Dravida Kazhagam in 1944, E.V. Ramasami sought to gain mass support for the Justice Party (with marked lack of success, even though most of the major Congress leaders were in jail). In 1939, he met with Sir Stafford Cripps and emphasized the need for a separate Dravida Nadu; in 1943 he met with Jinnah and Dr. Ambedkar and among other things, he explained his plan for partition of an independent India. The concept of a Dravidian Community and a Dravidian identity, present in nascent form since the 1900s was reinforced, elaborated; and linked to linguistic Politics by the 1938 anti-Hindustain agitation.

E.V.R.Ramasami was elected as the President of the Justice Party serving a jail term for his activities in the 1938 anti – Hindustani agitation. Although the Dravida Kazhagam was organized in 1944, its roots lay in the decline of the

Justice Party during the late 1930 and the hope for rejuvenation of the Dravidan Movement after the 1938 anti-Hindustani agitation. By the mid 1940s, it became obvious to key leaders in the Justice Party and Self – Respect Movement that a new effort was needed to rejuvenate the Dravidian Movement and to gain mass support. The Dravida Kazhagam grew out of the 1944 Salem Conference of the Justice Party.

The conflicting political perceptions inherent in the Dravida Kazhagam from its inception erupted in 1947 over the issue of the Party's position on achievement of Indian Independence. E.V. Ramasami declared August 15 (Independent Day) day of mourning. Annadurai Publicly disclaimed identification with E.V. Ramasami's stand. Some Party papers supported Annadurai's position, others E.V. Ramasami. Although the Dravida Kazhagam did not occur until 1949, tensions in the Party persisted after the 1947 incident. Lines of opposition were drawn and it was only a matter of time. Meanwhile, the Dravida Kazhagam was slowly developing support. From an initial membership of 7369 in 1944, it increased to 49,574 in 1946 and 75,000 by 1949.

#### vi) D.K. split into D.M.K.

After the August 15, 1947 incident, when E.V. Ramasami and C.N. Annadurai publicly disagreed over Party policy on Indian Independence. Annadurai curbed his Party activities. He even failed to attend the important Dravida Kazhagam conference on Dravida Nadu Separation held in October 1947, between October 1947, and October 1948, However, E.V. Ramasami and Annadurai managed to achieve atleast partial rapprochement, and at the 1948 Dravida Kazhagam conference at Erode, Annadurai was announced as E.V. Ramasami's successor.

In early 1949, as a result of new intra party friction, E.V. Ramasami changed his mind. In the June 28, 1949, Viduthalai announced his impending marriage to a 29 year old Party worker, and named her as his new successor. His comments on that occasion were very revealing: "I have completely understood the psychology of the masses especially in the lower rungs. Even though for all practical purpose I will agree to everything I will be stern regarding policies and ideals. Though this attitude of mind has earned me the displeasure of many of my

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friends, I am able to conduct the organization smoothly only because of this tendency irrespective of what other people think about me, since I consider it unnecessary at this stage to convince those who have no faith in me or in my actions. I am not going to dwell on this subject now. Therefore, as has been explained by me for the last four or five months in various public meetings, in my writings and in line with my talks with C.R. Achariar (C. Rajagopalachari) I have decided to make Maniammai with whom I have been in close association for the last five or six years and who has also identified herself with my own interests and the interest of the Movement, as my legal successor’.

There are a number of interesting aspects to his excerpt. First, it indicates E.V. Ramasami’s autocratic approach to the Party leadership. His autocratic control over the Party was a major complaint of Annadurai and other junior leaders, and their complaint seems to be at least partially justified. Second, it is notable that E.V. Ramasami states that C. Rajagopalachari was E.V. Ramasami’s lawyer, and remained his friend. Although this distinction between personal conduct and public ideology seems inconceivable, it reveals an extremely important fact about the Dravida Kazhagam. One must take very seriously the Party’s desire to destroy the caste system and not Brahmins per se. E.V. Ramasami repeatedly reiterated that his goal was the destruction of the caste system and not the attacks on specific Brahmins. Although other leaders were more vitriolic and specifically anti-Brahmins. E.V. Ramasami was a more complex personality. Statements like “If you see a Brahmin and a snake on the road, kill the Brahmin first” may be interpreted as metaphoric device meant to encapsulate the complex ideas of the Movement for mass appeal. These were the ways of personalizing his abstract cultural and ideological struggle. E.V. Ramasami’s belief that he “completely understood the psychology of the masses especially in the lower rungs” is indicative of his theoretical orientation gaining support from different elements in the society. When the final split came, approximately three-quarters of the 75,000 DK membership joined the DMK. The formation of the DMK was accompanied by angry oratory and bitterness. E.V. Ramasami called those that left the “tears” and predicted they would have title or no success. Annadurai emphasized (In reference to the financial issue) that those who left had “nothing but the towels flung over their shoulders”. More

importantly, he constantly reiterated that the DK and the DMK would be a “double-barrelled shot gun”. When the Party was formed after a meeting held on September 17, 1949, in Royapuram (Chennai) Annadurai was emphatic that he had not left the D.K. because of a disagreement over Policy, but over E.V. Ramasami’s marriage.

#### **10.3.4. E.V.R. OPPOSED CASTE BASED EDUCATION**

In July 1952, the Rajagopalachari’s Congress Government began a study of educational resources in Madras State to provide the basis for a program of universal primary education. As a result, Rajagopalachari proposed an educational system in which children would attend school half a day and work at their father’s occupations in the next half a day. Supposedly the purpose of this shift system was to allow all children to acquire a minimal primary education, as quickly as possible within the existing educational facilities. At that time only fifty per cent of school-age children were in school. However, by introducing the notion of allowing children to pursue the traditional occupations of their parents, Rajagopalachari provided that ammunition that his opponents both inside and outside the Congress used to force his temporary political downfall.

E.V. Ramasami and Annadurai were at the forefront of the campaign again joined with became known as “Caste – based education”. E.V. Ramasami, critical of Rajagopalachari’s return to power in Madras partly because Rajagopalachari was a Brahmin, was especially vehement, linking his attack to his more generalized attacks on Varnasharma dharma.

Opposition to the educational plan provided an opportunity for the Kamaraj faction finally to out Rajagopalachari from Party prominence. In 1954, as time for the election of the leader of the congress legislative Party drew near, some members started collecting signatures for a change in leadership. Rajagopalachari, realizing that he was in an untenable position, resigned.

#### **i) E.V.R. and Kamaraj**

After Rajagopalachari’s resignation in 1954, Kamaraj reportedly tried to find a prominent non-Brahmin leader, who would assume the leadership, but was

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unsuccessful. Finally, encouraged by the advice of E.V. Ramasami, he became the Chief Minister of Madras himself. E.V. Ramasami called him "Pukka Tamizhan" (Pure Tamilian) and applauded the lack of a Brahmin in the Kamaraj Cabinet. Subsequently, E.V. Ramasami indirectly supported what he termed the "Kamaraj Congress". Kamaraj, was in power from 1954 to 1963, and throughout this period was supported by the DK. E.V. Ramasami stated that he was supporting Kamaraj, not Congress since Kamaraj stood for social reform. Although this probably genuine, there were extenuating circumstances. E.V. Ramasami was undoubtedly acting in anticipation of the DMK entry into elective politics, and may have hoped to strengthen Kamaraj's hand against his old rival Annadurai. A second reason might be his contemptuous attitude toward Party politics. He viewed himself as a man outside and above politics and politicians. Kamaraj's deference to E.V. Ramasami reinforced this self-image publicly; Kamaraj denied knowledge of E.V. Ramasami's support and refused to speculate on it.

E.V. Ramasami supported the "Kamaraj Congress" until Bhaktavasalam succeeded as the Chief Minister C. Rajagopalachari, leader of the Swatantra Party and DMK ally in the United Front that defeated the Congress in 1967, began angling for an all Party opposition to the centre on the language issue. Rajagopalachari, although in his nineties and in virtual retirement from public life, made public appearances articulating a strongly anti-Hindi position. He had previously called Hindi, foreign to Tamilians, but now he said it necessary to form a militant antecedent front. E.V. Ramasami although not placed top priority on the language issue, was among the first to respond to Rajagopalachari's call. He said that he was prepared to co-operate with C. Rajagopalachari, the declared leader of the Brahmin community, against the north "and to achieve independent Tamil Nadu". On September 18, 1968, E.V. Ramasami had depreciated the language controversy, saying that he preferred English to Tamil. This factor is a dramatic demonstration of the distinctions between the two organizations. The Dravida Kazhagam retained its radical reform goals and refused to support totally DMK's cultural nationalism. However, the DK agreed with the basic theme of Tamil greatness.

After Annadurai's death, E.V. Ramasami actively campaigned for Karunanidhi's election as the Chief Minister, opposing Nedunchezian, because of his relationship to Bhakataavatsalam (Recall that E.V. Ramasami had withdrawn the support from congress when M. Bhaktavatsalam became the Chief Minister).

E.V. Ramasami inaugurated an anti-Hinduism campaign consisting of a series of activities denigrating Hindu deities and attacking what he believed to be the reactionary character of Hinduism. In a press conference Periyar attacked Brahmin political leaders and called for public support for the DMK. All this was consistent with his activities since the earliest days of the Self – Respect Movement. However, he and the government received wide criticism in the English press. Eventually Karunanidhi issued a statement saying that the DMK government would not tolerate anti God-activities, which would hurt the feelings of any section of the people. This statement came after the elections. Before the elections, Karunanidhi disallowed Periyar's actions and disassociated the DMK from the anti-God campaign but did not arrest or seriously alienate E.V. Ramasami. In the absence of a government fully committed to Periyar's policies and programmes, Periyar's role in politics began to decline. But he carried on a relentless war, until his death in 1973, on many social evils and practices.

## ➤ MODERNISATION AND DEVELOPMENT – THE ROLE OF PRESS AND FLIM

### 10.4. THE ROLE OF PRESS AND PRESS

The role of press and films have to a very great extent, inseparably mingled with the role of political parties in Tamilnadu. In fact, Tamilnadu has been pioneer in setting such a trend for the rest of India. In the case of Annie Besant, Justice Party, the Congress Party, their own newspapers had helped them to spread their messages to the people right from the early years of the twentieth century. After the advent of E.V. Ramasamy, newspaper and pamphlets were released with increasing social, reform messages. Even weekly publications began

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to set aside some pages for politics this trend started before independence and continued even thereafter. The Hindu, Swadesamitran, The Mail, Viduthalai, Kudi Arasu, Justice, Desabakthan are some of the newspaper, which have been household names in Tamilnadu. After independence, the DMK Party also entered the fray and Murasoli became its Party organ. Almost every political Party has its own newspapers or one that sympathizes with it. The great developments we see in transport and printing technology have helped this trend. Evening papers, especially in the vernacular, many new weekly and monthly magazines have been introduced to the reading public in the recent past.

News papers such as Dinatanti have long been taking political messages through cartoons, bold prints and easy captivating head lines to the nooks and corners of Tamil villages. They have recruited more readers in the rural areas. With the increasing affinity between films and politics in Tamilnadu, Film Magazines have multiplied in number. Almost all news papers and periodical set aside some pages for the film world gossips and news. Today we cannot think of politics without the press in Tamilnadu

#### **10.4.1 THE ROLE OF FILMS**

As for films, during the freedom struggle, when the film world in India was young, some films with direct or indirect political messages, emphasized Indian socio religious cultural spirits were made. In Tamilnadu plays had been performing the function of taking political messages to the masses, providing at the same time, some entertainment too. In fact, Sathyamurthi was not nearly a politician with a gifted tongue, he was also an actor in plays like Manohara. Maybe, he was a model for later political leaders in Tamilnadu.

Annadurai and Karunanidhi exploited the easy and far reach of the films fully. Writing the story or dialogues they used the films to take messages of socio-political reforms and cultural nationalism. Velaikari, Parsakthi etc. fall into such a category. The teachings of Gandhi and Periyar were also propagated through films and film songs. N.S Krishnan was in the forefront of such an attempt.

More important is the role of the hero in the films. For M.G. Ramachandran and Sivaji Ganesan who have been in the forefront of Tamil Films for decades. They used their film popularity for gaining political stature. Even after he became the Chief Minister, M.G. Ramachandran continued to sway the masses, in spite of the fact that he had stopped acting in films. His earlier image held good.

Following the example set by MGR and Sivaji Ganesan, more and more Artists from the film world have entered the political field in Tamilnadu. Whether such a trend is good or bad can not be decided before we attempt to fully understand the potentials of films in various fields, such as education, economy and industry. Today films have more impact, because of their entertainment value (within the reach of the poor masses) in the backward, rural areas. Unless the economy and industry get developed, unemployment and illiteracy get wiped out, films get integrated with other fields, the present trend would seem to continue for some more time to come.

#### **10.4.2. MODERNIZATION AND DEVELOPMENT**

Agriculture is the main stay in Tamilnadu economy. Tamilnadu accounts for nearly 1/4 of the spinning capacity of India; 1/5 of cement, caustic soda and nitrogenous fertilizers and 1/40 of the nation's production of sugar, bicycle and calcium carbide. Tamilnadu produces 60% of safety matches and 77% of finished leather.

The Tamilnadu Industrial Development Corporation (TIDCO), State Industries Promotion Corporation of Tamilnadu (SIPCOT) and Tamilnadu Industrial Investment Corporations (TIIC) are the major corporations set up to provide financial assistance and technical know-how to large, medium and small-scale industries. Tamilnadu also attracts tourists to many places of tourist and religious importance.

Apart from Madras and Annamalai University, Madurai Kamaraj University was started when Bhaktavatsalam was the Chief Minister, the spadework having been done by Kamaraj. A number of universities have been

(Space for Hints) started during the MGR's Chief Ministership. They are Bharatiyar (Coimbatore), Bharathidasan (Trichi) and Manonmaniam Sundaranar (Tirunelveli). Also there is a Tamil University at Tanjore. Apart from these,

Alagappa University at Karaikudi, Mother Theresa Women's University at Kodaikanal and the Deemed University at Gandigram Agriculture, Engineering and Technology, Law and Medicine disciplines are having their own separate Universities in Tamil Nadu. Since independence, the Congress Government in Tamilnadu tries to lay the foundations of Agricultural and industrial growth. While Rajagopalachari showed concern about the social -moral and educational aspects, Kamaraj, as Chief Minister, relentlessly struggled to extend the benefits of the modern age to the rural folk and to the poor and down trodden. Many irrigation schemes, green revolution, establishment of universities including agricultural and technical universities, establishment of small scale industries providing facilities for small entrepreneurs in government industrial estates in the districts, rural electrification schemes, health schemes such as intensive vaccination, eradication of malaria etc., extending primary education to all regions and classes even in remote villages with free mid-day for the poor, the cost of which was met partly by the government and partly by the society and more basic essential projects gave a positive thrust to the congress attempt to develop and modernize Tamilnadu. But at the same time had to face the continuous criticism of the D.K. and the DMK that the centre had been neglecting Tamilnadu and as a result the north was growing and the south was declining. Bhaktavatsalam as the Chief Minister after Kamaraj, continued the same policy of the government.

Agriculturally a marginally surplus state, occupying the third place in the industrial map of India, claiming second place in terms of percentage of literacy and from the standpoints of social mobilization and levels of modernization placed third, among the family of States of India, Tamilnadu was comparatively a better administered State in India. The incidence of factional rivalry within the congress was lower in Tamilnadu, Kamaraj as Chief Minister, C. Subramanian as Educational and Finance Minister and R. Venkataraman as Minister for Industry and Commerce contributed much for the development of Tamilnadu.

Since the decline of the Congress in Tamilnadu (Party due to natural calamities, such as prolonged failure of monsoon and partly due to its failure to have a hold on the new generation of voters, the anti-Hindi agitations and the rising Tamil Nationalism) the DMK in power continued from where the Congress left off in certain areas of development. There are intense activities in the field of agriculture. The exemption of dry lands from land revenue assessment, conversion of large areas of single crop lands into double crop lands, assignment of lands to landless poor, increased supply of fertilizers and chemicals, extension of irrigation and village electrification, drought relief works, programmes for drinking water supply are the prominent activities that deserve mention.

A notable achievement in the field of transport has been the nationalization of all long distance bus services and the constitution of many transport corporations. Increased wages to agricultural labourers, the creation of a Slum Clearance Board and Industrial Promotion Corporation of Tamilnadu also deserve mention. The Tamilnadu Industrial Investment Corporation was made to finance the small scale industries to a better extent than before. The DMK insisted that the State should be treated as the starting point as far as planning was concerned. It created the State Planning Commission to draw up a ten-year perspective plan. It also set up an Administrative Reforms Commission of its own to review and suggest measures for streamlining the administration in the State.

But due to scarcity of water ( both irrigation and drinking ) the state's economy has not been a healthy one. No fruitful efforts have been taken to solve the problem of water shortage and electricity shortage. Consequently no great industrial growth has been registered since 1967. Corruption charges are freely traded between parties, impractical schemes, such as Veeranam (DMK) and Telugu Ganga (AIADMK) schemes and the prolonging Cauvery water dispute with neighbouring states have not added to the development of the economy. Further the rules and regulations governing the starting of industry are so ridden with redapism in Tamilnadu, that entrepreneurs find it's convenient to start or invest in industries elsewhere. When the country opted for the globalization of its economy, the successive governments were trying hard to hope in foreign investment in new industries. Apart from the above trends towards the

**Check your progress questions**

- 9) Write a note on self-respect movement
- 10) How did Periyar become the social reformer?
- 11) Give an account the role of Press and Films in Tamilnadu politics
- 12) Explain the Nature and scope of Human rights

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development and modernization, we have to point out certain very unmodern and tribal practices, which include destructive and violent demonstrations, caste rivalries, Self-immolation, and hero-worship. Until such tendencies are vanished completely, development can be only sporadic. But this is not peculiar to Tamilnadu alone. It only reflects the larger national pattern. In fact Tamilnadu has been a more peaceful and peace-loving state than more other states in India. The cable T.V. boom has brought into every household, a new awakening of political, economic and cultural developments around the State, Country and the World.

### **10.4.3. NATURE AND SCOPE OF HUMAN RIGHTS**

Human Rights can be defined generally as those rights which are inherent in our nature and without which we cannot live as human beings. They are rights which every human being is entitled to enjoy and to have to be protected. Human rights and fundamental freedoms allow us to develop fully and use our human qualities and to satisfy our spiritual and other needs. Human rights are a human creation. They grow out of the feeling of injustice which human beings experience, when their humanity is abused or denied. They are based on mankind's increasing demand for a life, in which the inherent dignity and worth of each human being will receive respect and protection. Human rights introduced the idea of justice in the natural order of the world, thereby giving human existence a higher sense and purpose. Human rights are universal moral rights that should be respected in the treatment of all men, women and children. These are also called natural rights and they belong to people simply because they are human. They do not have to be earned, brought or inherited. People are equally entitled to them regardless of their race, sex, colour, language, national origin, age, class or religious or political beliefs. The underlying idea of such rights exists in some form in all cultures and societies. People still have human rights even when the laws of their own countries do not recognize or protect them. Human rights affect society as a whole. The denial of human rights creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. The Universal Declaration of Human Rights opens with the declaration that recognition of equal rights on all members of the human family "is the foundation of freedom, justice, and peace in the world" Human rights are

enshrined in internationally recognized laws such as the Universal Declaration of Human Rights. The Universal Declaration and various other covenants, conventions and declarations are created by the International bodies such as the United Nations and they make up a body of “law” that has moral and sometimes binding force on nations.

### **i) Protection of the Human Rights Violation**

On December 10, 1948, the General Assembly of the U.N. adopted and proclaimed the Universal Declaration of Human Rights. The Economic and Social Council of the U.N. selects the members of the commission on Human Rights according to regional and Geographic distribution. This Commission has the task of holding vigil over human rights violation anywhere in the world. The monitoring is done by six Human Rights Treaty Body. In India also, the protection of Human Rights Act of 1993 creates the National Human Rights Commission. Similar Commission have been created at State Level in many of the Indian States also While it is envisaged that these commission shall be independent authorities, it has not been fully realized in practice. It relax man power to enquire into very many cases of Human Rights violation, some of which may be malicious and political motivated. For enquire into the cases, they depend upon the governmental machinery Apart from the delay causes, where they find violations there finding only lead to further legal and judicial process at the end of which there may or may not be convictions still there has been an awaking of late. among masses and an awareness on the part of governments of the right of the people at all levels of all denominations, in all stages to be treated with human dignity. The main areas of concern are bonded child labour, illegal detentions, Political killings, arbitrary arrest, religious violence, communal hostility, socially, economically disadvantaged sections, women and religious minorities and anti-terror legislation However the framers of the Indian Constitution in their wisdom have provided for safety in almost all of these areas without creating an independent watchdog agency. The fundamental rights provided for quick and enforceable remedies in the case of violation of individual rights. The Directive Principles enable the union and the states to address the problem of restoring the human dignity the redressal of the grievances among sections where such

(Space for Hints)

violations are prone. Ultimately the best guarantee of human rights is the human person and the person's vigil. We, therefore, fall back upon philosophers like Plato, Burke, Mill and Gandhiji taught as the value of the discipline, courage and education.

## 10.5. SUMMARY

This unit provides the details about the social and political conditions, which prevailed in the Madras Presidency in beginning of the 20<sup>th</sup> Century. Analyses the causes for the emergence of the non-Brahmin Movement in the Madras Presidency during 1920 and after. To Trace the social political and economic problems of that region. For achieving social status and political rights most of them were converting to Christianity. The SC/ST Madras of Tirunelveli and well also took greater part in the conversion between 1910 and 1920 educational standard improved in Madras Presidency among the educated groups. The Home Rule Movement and Theosophical society and Peasants Priority to Hinduism increased the anti-brahmin activities . By the 1911 censuses only non-Brahmins were mostly industrialists. Vellalars, Nadars, Reddiars, Chettiars were engaged in trade. The non-Brahmin caste Hindu were land owner and zamindars. The economy of Madras Presidency centered around agriculture. This unit enables the student to understand the Self-Respect Movement, and its activities to promote anti-Brahmins, anti-religious and anti-god. Also you are able to understand Periyar who devoted much attention towards the welfare of Non-Brahmins. E.V.R. preached a classless society, through a social reform Movement. From 1930 onwards people were requested not to use the name of the caste use their names. This unit also attempts to explain the Modernization and Development in Tamilnadu in the field of agriculture, education, industries, transport and women upliftment. Moreover, the contribution of Modernization and Development during the Congress regime, D.M.K. regime and A.I.A.D.K regime is not underestimating. Indian Constitution guaranteed Human Rights protected through National and States Human Rights Commission.

## 10.6. KEYWORDS

(Space for Hints)

- a) Imprisonment - Confining in a person
- b) Absorbed - greatly interested
- c) Abandoned - Forsaken (or) neglect
- d) Kudi Arasu & Viduthalai - Monthly Journal of E.V.R.'s Party
- e) Pious - With religious devotion
- h) Sprinkling - a small number scattered here and there
- i) Enclave - foreign territory in the mist of a country or foreign pocket
- j) Pseudonymous - written under an assumed name or assumed name
- k) Anxious - eagerness causing anxiety or greatly desirous
- l) Rancorous - inimical or malice
- m) Rejuvenation - Make young (or) regain young
- n) Relentless - Merciless (or) hard –hearted
- o) Rationalist - One who holds reason over religion

## 10.7. ANSWER FOR CYP QUESTIONS

- For Question No.1 ... Refer section No. 1.1. (i)
- For Question No.2 ... Refer section No. 1.1. (ii)
- For Question No.3 ... Refer section No. 1.1.1.
- For Question No.4 .. Refer section No. 1.1.2.
- For Question No.5 ... Refer section No. 1.2. (i)
- For Question No.6 ... Refer section No. 1.2. (ii)
- For Question No.7 ... Refer section No. 1.2.1.
- For Question No.8 ... Refer section No. 1.2.3.
- For Question No.9 ... Refer section No. 3.1
- For Question No.10 ... Refer section No. 3.1.1.
- For Question No.11 ... Refer section No. 1.4.
- For Question No.12 ... Refer section No. 1.4.3

(Space for Hints)

## 10.8. BOOKS FOR FURTHER READING

- 1) R. Kothari, Caste and politics in India, New Delhi, Orient Longmans 1970.
- 2) T.K. Oomen, Protest and change: studies in social Movement, New Delhi: 1990.
- 3) D.A. Washbrook; The Emergence of Provincial Politics: vikas, 1976.
- 4) Irschick, Eugene. F; Politics and social conflict in south India.
- 5) Hardgrave, Jr, K.L: The Dravidian Movement Popular Prakasan, 1990.
- 6) K.Kothari, Caste and Politics in India, New Delhi; Orient Longmans, 1972.
- 7) G.S. Bajwa, Human Rights in India; New Delhi, Anmol publication (p) Ltd, 1995.

## 10.9. QUESTIONS AND EXERCISES.

- 1) Describe the social and political conditions which prevailed in the Madras Presidency in the beginning of the 20<sup>th</sup> century.
- 2) Analyse the causes for the emergence of the Non-Brahmin Movement in the Madras Presidency
- 3) Describe the efforts of the Justice Party for the development of the Non-Brahmins.
- 4) Describe the system of government introduced by the Montague Chelmsford reforms in the Madras Presidency
- 5) Describe the Self-Respect Movement and E.V.R.'s role in it
- 6) Analyse the impact of E.V.R. in the Tamilnadu politics
- 7) Examine the role of Press and Films in Tamilnadu politics.
- 8) Give and analyze the Modernization and Development in Tamilnadu.
- 9) Evaluate critically the functions and powers of National Human Rights commission.
- 10) Write short notes :
  - (a) Universal declaration of Human Rights
  - (b) State Human Rights Commission.

# MODEL QUESTION

(Space for Hints)

Time : Three hours

Maximum : 100 marks

## Answer any FIVE Questions

1. Describe the professional services British legacy.
2. Discuss India's membership in the commonwealth of nations.
3. Why Dr. Ambedkar described Article 32 as the 'Heart and Soul' of our constitution.
4. Discuss the salient features of the Indian Federation
5. How is the Prime Minister appointed? What are the power and function of the Prime Ministers?
6. Describe composition, powers and function of the UPSC in India
7. Bring out the problem of terrorism in India
8. What changes do you suggest in the Indian Electoral system?
9. Critically analyse the composition, powers and functions of the Supreme Court of India
10. Analyse the impact of E.V.R. in the Tamilnadu politics





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