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POLITY

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PREFACE

A highly skilled professional team of PW ONLY IAS works arduously to ensure that the students receive the best content for the UPSC exams. A plethora of UPSC Study Material is available in the market but PW ONLY IAS professionals are continuously working to provide supreme quality study material for our UPSC students.

From the beginning, the content team comprising Content Creators, Reviewers, DTP operators, Proofreaders, and others is involved in shaping the material to their best knowledge and experience to produce powerful content for the students.

Faculties have adopted a new style of presenting the content in easy-to-understand language and have provided the team with expert guidance and supervision throughout the creation of this book.

PW ONLY IAS strongly believes in conceptual and fun-based learning. PW ONLY IAS provides highly exam-oriented content to bring quality and clarity to the students.

This book adopts a multi-faceted approach to mastering and understanding the concepts by having a rich diversity of questions asked in the examination and equipping the students with the knowledge for this competitive exam.

The main objective of the study material is to provide short, crisp, concise, and high-quality content to our students.

- ❑ Holistic Coverage of 50+ NCERT Books
- ❑ Thinking Points in and as 'Points to Ponder'
- ❑ Intensive use of Maps, Diagrams and Flowcharts
- ❑ Subject-Specific Workbooks for Practice



Alakh Pandey

Every chapter consists of 'Points to Ponder,' where our leaders raise thinking points for the students to go beyond the confines of the book. The students are expected to think about and find out possible answers to these points. The Caricatures used are inspired by Alakh Pandey Sir and Sumit Rewri Sir.



Sumit Rewri



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Political Theory and Key Concepts

Bibliography: This chapter encompasses the summary of Chapter 1, 2, 3, 4, 5, 7 and 8 - XI NCERT (Political Theory), Chapter 2 and 8 - VIII NCERT (Social and Political Life-III), and Chapter 1 - VII NCERT (Social and Political Life-II).

Introduction

People are unique because they possess reason and the ability to reflect on their actions. They also have the capacity to use language and communicate with each other. Political theory **originates from these ideas and explores the society's operation, leadership, and governance**. It examines the impact of laws on freedom and the government's responsibilities toward citizens, along with our communal duties. It aims to empower people to think about politics and comprehend global events.

Meaning of Politics

- ❖ Politics is an intrinsic and vital component of any society.
- ❖ It involves complex interactions for collective decision-making.
- ❖ Mahatma Gandhi likened politics to a coiling snake, acknowledging its inescapable presence.
- ❖ Despite the negative connotations it sometimes carries, politics is indispensable for societal harmony and progress.
- ❖ The study of Politics is incomplete without understanding the concept of Government.

Concept of Government

- Governments are integral parts of human groups.
- Governments contribute significantly to societal organization and functioning.
- Choices made by governments have substantial effects on people's lives.
- Policies, regulations, and decisions influence various aspects of society.

Things to Study in Political Theories

- ❖ The study of political theories focuses on foundational ideas shaping governments, societies, and individual lives.
- ❖ It explores enduring values inspiring people and guiding policies.
- ❖ Ideals like democracy, freedom, and equality form the bedrock of political systems.

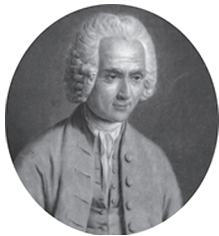
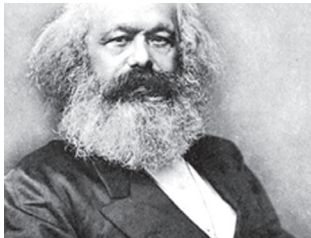
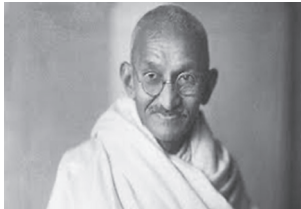

Contemporary Relevance

- ❖ Political theory offers insights into **addressing contemporary issues**.
- ❖ It provides **ideas and frameworks** for managing rules and responsibilities in a changing world.



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Some Important Political Thinkers

 <p>Jean-Jacques Rousseau</p>	<ul style="list-style-type: none"> ➤ He was a pivotal figure in political philosophy, placing profound emphasis on the intrinsic value of freedom as an essential human entitlement. ➤ His exploration of freedom as a fundamental right ignited contemplations on the delicate balance between personal autonomy and societal order.
 <p>Karl Marx</p>	<ul style="list-style-type: none"> ➤ He was known for his revolutionary ideas, venturing beyond the realm of freedom to advocate for equality as an essential counterpart. ➤ He expounded on the interconnectedness of freedom and equality, envisioning a society where both principles coexist harmoniously.
 <p>Mahatma Gandhi</p>	<ul style="list-style-type: none"> ➤ In his seminal work "Hind Swaraj," he embarked on a journey to unravel the profound concept of genuine freedom, known as swaraj. ➤ Gandhi's exploration transcended mere political constructs, delving into the spiritual and moral dimensions of autonomy.
 <p>Dr. B.R. Ambedkar</p>	<ul style="list-style-type: none"> ➤ He was a visionary leader and advocate for social justice, championed the cause of the oppressed by advocating for special safeguards and recognition of scheduled castes as a minority group. ➤ His efforts sought to rectify historical injustices and create a more inclusive society.

Putting Political Theory To Practise

- ❖ A specific aspect of political theory explores the origin and meanings of key concepts like freedom, equality, justice, and more.
- ❖ These terms are context-dependent and complex due to their human and societal nature.
- ❖ Political theories study emphasises political concepts, including freedom, citizenship, rights, development, social justice, nationalism, and secularism.

Key Concepts

1. Freedom

- ❖ It is defined as:
 - ✧ Absence of external constraints, and
 - ✧ Expansion of opportunities for self-expression.
- ❖ In political theory, these aspects are frequently referred to as **negative and positive liberty**.

POINTS TO PONDER

Modern democratic societies aim to ensure liberty for all their citizens. On the other hand, laws, rules, regulations, customs, and norms often restrict absolute individual freedoms. Do you think these restrictions are necessary to ensure the foundation of a liberal society?



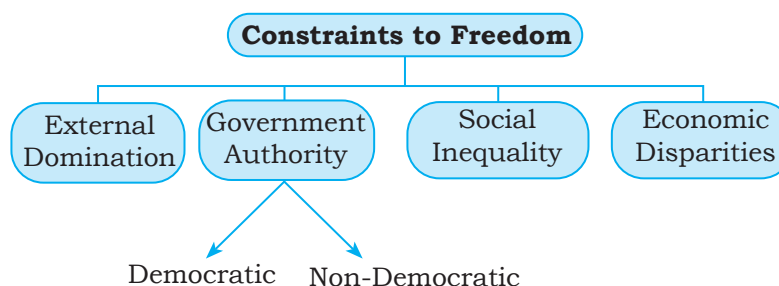
Negative and Positive Liberty

Table 1.1: Difference between Positive and Negative Liberty

Aspect	Negative Liberty	Positive Liberty
Focus	“Freedom from” external constraints and interference.	“Freedom to” develop and fulfill one’s potential within a societal framework.
Nature of Freedom	Emphasises an inviolable area of non-interference.	Aims to create conditions conducive to individual growth.
Society’s Role	Concerned with defining boundaries of personal autonomy.	Concerned with creating an environment conducive to individual development.
Interrelation	Often complemented by positive liberty for comprehensive freedom.	Supports negative liberty by nurturing conditions for self-expression.
Potential Misuse	Could focus solely on individual autonomy without addressing broader societal issues.	Might be manipulated by rulers to justify their authority.

Constraints to Freedom

- ❖ **External Domination:** Individuals may face limitations on their freedom through external force or government imposed rules, as seen historically in colonial rule and apartheid.
- ❖ **Government Authority:** Non-democratic governments can curtail freedom through laws and power, while democratic systems allow citizens to influence rulers for greater liberty.
- ❖ **Social Inequality:** Systems like caste hierarchies restrict freedom by denying certain rights based on social status.
- ❖ **Economic Disparity:** Extreme economic inequality limits freedom as unequal access to resources and opportunities hinders the exercise of individual liberties.

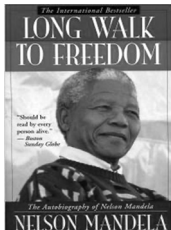



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Freedom in the Words of Mandela and Aung San Suu Kyi

	<p>➤ Nelson Mandela, an influential figure of the 20th century, detailed his fight against South Africa's apartheid regime in his autobiography, "Long Walk to Freedom". He highlighted the challenges faced by black South Africans, including segregation, humiliations, and police brutality. Mandela's struggle aimed to remove unjust constraints on all South Africans, transcending racial divisions. He sacrificed 28 years of his life, enduring solitary confinement and personal sacrifices for the cause of freedom.</p>
	<p>➤ Aung San Suu Kyi drew inspiration from Mahatma Gandhi's non-violence principles during her house arrest in Myanmar. She faced separation from her family and the fear of losing her freedom. Suu Kyi believed that genuine freedom entailed being free from fear itself, allowing individuals to lead dignified lives. She emphasised the importance of not fearing others' opinions, authority, or societal reactions.</p>

Need of Constraints to Freedom

- ❖ These constraints are necessary for a **peaceful and functional society**.
- ❖ Striking a **balance between constraints and individual freedom** is essential.
- ❖ Society's well-being relies on the **judicious implementation of necessary constraints**.

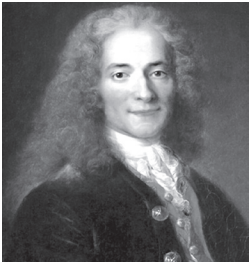
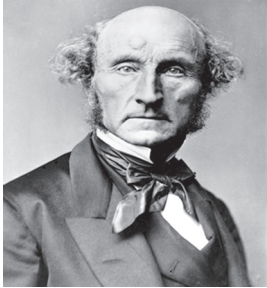
John Stuart Mill's Harm Principle

- ❖ This principle **addresses the boundaries of state interference** in individual actions and emphasises the protection of freedom.
- ❖ The foundation of this theory is the difference between **"self-regarding"** and **"other-regarding"** behaviours.
- ❖ He argues that the **state should not interfere with self-regarding actions**, as individuals have the right to make choices that don't harm others.
- ❖ In case of actions that have serious harm to others, he allows for **legal constraints** to prevent harm and protect individual freedoms. However, these **restrictions must be "reasonable,"** meaning they are justifiable by reason and proportionate to the harm being prevented.
- ❖ In **India**, such acceptable restraints are referred to as **'reasonable restrictions.'**

Liberalism

- Liberalism, a significant **political ideology**, **upholds the value of tolerance**, defending individuals' rights to express diverse opinions and beliefs, even when differing from their own.
- Liberals **prioritise the worth of personal choices** over traditional entities like family, society, or community. Historically, liberalism favoured minimal state intervention and championed free markets.
- **Contemporary liberalism** recognizes the importance of a welfare state and acknowledges the necessity of **measures aimed at reducing both social and economic inequalities**. This nuanced approach reflects liberalism's evolution while preserving its core principles.

View of Thinkers on Freedom

 <p>Voltaire</p>	<p>➤ 'I disapprove of what you say, but I will defend to the death your right to say it'.</p>
 <p>John Stuart Mill</p>	<p>➤ In a book "On Liberty," he provided four key reasons to support freedom, even for seemingly 'false' ideas:</p> <ul style="list-style-type: none"> • Every idea holds some truth; banning 'false' ideas means losing their valuable insights. • Truth emerges from opposing views; 'wrong' ideas can aid the evolution of 'right' ones. • Ongoing clash of ideas prevents truths from becoming clichés and ensures trustworthiness. • Ideas once rejected have proven true later. Suppressing dissenting views risks losing valuable knowledge.

Our understanding of freedom has evolved from perceiving it as the absence of external constraints to recognizing it as the expression of our ability to make choices. These choices, however, come hand in hand with the responsibility for their outcomes.

2. Equality

- ❖ Equality is a **powerful and enduring moral and political concept** that has influenced human societies across history.
- ❖ As a political ideal, **equality asserts that every individual possesses equal value** regardless of factors like race, gender, nationality, or appearance.

Instances of Struggle for Equality

- ❖ Throughout history, equality has fuelled movements against institutions and systems that uphold inequalities of wealth, privilege and status.
- ❖ For instance, **French Revolution's call for "Liberty, Equality and Fraternity"** against the feudal aristocracy and anti-colonial movements in 20th Century Asia and Africa.
- ❖ Despite its widespread acceptance and incorporation into many national laws and constitutions, inequality remains starkly visible in our world, challenging the realisation of this ideal.

POINTS TO PONDER

There have always been attempts to ensure the maximum possible equality in a society. Multiple strategies have been devised for the same. For some, equality means complete equality of outcome; for others, it means equality of opportunity, while some others see it as something in between these two ends. Which approach, according to you, is best suited to the Indian context?



Defining Equality

- ❖ The concept of equality asserts that all individuals, regardless of their differences, are entitled to equal rights and opportunities to nurture their skills and pursue their aspirations.

Table 1.2: Difference between Natural and Socially Produced Inequalities

Aspect	Natural Inequalities	Socially-Produced Inequalities
Origin	➤ Arise from inherent differences in abilities and talents.	➤ Result from unequal opportunities or exploitation.
Nature	➤ Perceived as unalterable.	➤ Stem from societal factors and can be altered or eliminated.
Examples	➤ Inherent skills, talents.	➤ Unequal treatment based on race, gender, caste.
Differentiation	➤ Helps differentiate fair from unfair inequalities.	➤ Not always clear-cut; power dynamics can influence perception.
Root Causes	➤ Inherent traits or characteristics.	➤ Societal power dynamics, unequal opportunities.
Impact of Technology	➤ Advancements challenge fixed capabilities.	➤ Medical progress empowers disabled individuals.

Dimensions of Equality

- ❖ In the quest for a just and equal society, the concept of equality is explored across three key dimensions: Political, social, and economic.
- ❖ These dimensions recognize the importance of addressing various forms of inequalities that exist in society.

Table 1.3: Dimensions of Equality

Aspect	Natural Inequalities	Socially-Produced Inequalities
Political Equality	➤ Democratic societies grant all members equal citizenship rights, including essential freedoms like voting, expression, movement, association and belief.	➤ Ensure equal legal standing but acknowledge limitations in addressing societal inequalities.
Social Equality	➤ Building upon political equality, it stresses equal opportunities and fair competition among diverse groups. It addresses social and economic disparities through basic provisions.	➤ Minimize disparities, and provide essential conditions (healthcare, education).
Economic Equality	➤ Focuses on reducing significant wealth, property, or income variations. Measured by comparing the richest and poorest segments or gauging poverty levels.	➤ Aim to reduce entrenched inequalities to avoid societal division, resentment and violence.

Attributes of Equality

❖ Feminism

- ❖ Feminism is a political belief **advocating equal rights for both women and men**. Feminists challenge the idea that societal inequalities between genders are natural or necessary.
- ❖ They believe these inequalities can be changed to enable equal lives for everyone.
- ❖ Feminists **attribute gender inequality to patriarchy**, a system that favours men in social, economic, and cultural aspects, granting them power over women.
- ❖ This system is rooted in the notion that inherent differences between men and women justify unequal roles. Feminists distinguish between 'sex,' the biological contrast, and 'gender,' which defines societal roles.
- ❖ Patriarchy segregates tasks, designating women for 'private' and 'domestic' matters and men for 'public' work.
- ❖ Feminists criticize this division, highlighting that many women are active in the public sphere.

POINTS TO PONDER

Gender is a well-known identity that often appears to be a part of common sense. However, in the current context, gender is associated more with society than biological sex. Can you think of the role played by the feminist movement in changing the notion of gender from biology to society?



❖ Socialism

- ❖ Socialism refers to a **set of political ideas** that emerged as a response to the inequalities present in and reproduced by, the industrial capitalist economy.
- ❖ The main objective of socialism is **to minimize existing inequality and distribute resources justly**.
- ❖ Although advocates of socialism are **not entirely opposed to the market**, they favour some kind of government regulation, planning, and control over certain key areas such as education and health care.

Rammanohar Lohia's Vision of Socialism in India

- He identified five inequalities (gender, race, caste, colonialism, and economic disparity) that needed simultaneous attention.
- He challenged the idea that only economic inequality mattered. Instead, he advocated tackling each inequality separately yet concurrently, viewing them as distinct "revolutions".
- Lohia expanded his concept of revolutions, proposing seven key revolutions to establish his vision of socialism.
- These were: Economic Revolution, Gender Revolution, Race Revolution, Caste Revolution, Anti-Colonial Revolution, Civil Liberties Revolution, and Non-Violence Revolution.



Promoting Equality

1. Establishing Formal Equality or Equality Before Law

- ❖ Throughout history, social, economic, and political inequalities have been maintained by **conventions and legal frameworks** that have **prevented** particular parts of society from gaining access to specific opportunities and rewards.
- ❖ For example, in India, **the caste system restricted those from 'lower' castes to involve in manual labour exclusively**. Moreover, high positions were often reserved for specific families.



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- ❖ To achieve equality, we must end unfair advantages supported by laws.
- ❖ Our Constitution **stops discrimination** based on religion, race, caste, and more. It also ends untouchability.
- ❖ Today, **many democracies uphold equality**, treating everyone the same under the law, no matter their background.

2. Equality Through Differential Treatment

- ❖ The principle of **formal equality** is important but not always enough to achieve true equality. In some cases, treating people differently is necessary to ensure that they can enjoy their rights equally.
- ❖ Many societies are currently discussing how to address differences that obstruct equal opportunities and what policies can be implemented to overcome these obstacles.
- ❖ In India, reservation policies have been relied upon to promote equal opportunities.

3. Affirmative Action

- ❖ Affirmative action is a concept that goes beyond mere legal equality. It's an idea to **address deep-rooted inequalities which needs** additional proactive measures.
- ❖ These measures **aim to reduce and eliminate entrenched social inequalities**.
- ❖ Affirmative action takes various forms, such as providing funding for disadvantaged communities, offering scholarships, creating hostels, and giving preferential treatment in admissions to educational institutions and jobs.

Table 1.4: Pros and Cons of Affirmative Actions

Pros	Cons
➤ Aims to rectify historical inequalities faced by marginalised groups due to discrimination and exclusion.	➤ Treating individuals differently based on their background or identity contradicts the principle of treating everyone equally.
➤ Affirmative action helps diversify educational institutions and workplaces, leading to a more inclusive and representative society.	➤ Policies like quotas and reserved seats may inadvertently discriminate against others who are more qualified but belong to non-disadvantaged groups.
➤ It's viewed as a necessary but temporary measure to counteract deep-rooted inequalities and help marginalised groups overcome their disadvantages.	➤ Affirmative action perpetuates social divisions by emphasising differences rather than fostering a society based on shared values.
➤ Advocates argue that these policies contribute to creating a more just and equitable society by lifting up those who have been held back.	➤ Critics question whether these policies effectively lead to true equality or if they merely provide short-term advantages without addressing underlying issues.

Equality in India:

- ❖ The **Indian Constitution** upholds the **principle of equality**, recognizing **all individuals as equal**, regardless of gender, caste, religion, tribe, education, or economic background.
- ❖ The Indian Constitution also provides **social and economic equality** to every citizen of India under **Articles 15-18**.
- ❖ Through laws and government programs, the government enforces equality. Laws protect fair treatment, while government efforts help underserved populations.

Excerpt from Article 15 of the Indian Constitution

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

- (1) The State shall not discriminate against any citizen on grounds **only of religion, race, caste, sex, place of birth or any of them.**
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-
 - (a) Access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Mid-day Meal Scheme

- The Mid-day Meal Scheme is a significant government initiative aimed at providing cooked lunches to students in government elementary schools.



- First introduced in Tamil Nadu, India, this program was later mandated by the Supreme Court in 2001 for all state governments to implement within six months.
- The scheme improves attendance by preventing lunchtime absences, empowers working mothers, promotes unity across diverse backgrounds through shared meals, and combats hunger to enhance students' focus and growth.

The concept of equality requires careful consideration when contemplating differential treatment. It's crucial to assess whether varying treatment is necessary to guarantee equal rights for a specific group within society. However, we must be cautious that such differential treatment doesn't lead to the emergence of new forms of dominance and oppression or allow dominant groups to regain unwarranted privileges and influence.

3. Social Justice

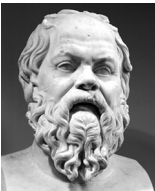


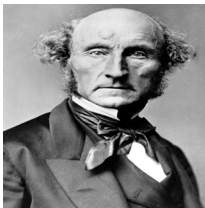
- ❖ The concept of justice has been a fundamental aspect of human societies across various cultures and traditions.
- ❖ While interpretations of justice may vary, its importance remains universal.
- ❖ From ancient Indian notions of **Dharma to Confucius'** ideas in China and Plato's discussions in ancient Athens, the pursuit of justice has been a central concern.

POINTS TO PONDER

The modern notion of justice is built on the edifice of 'Reformation.' On the contrary, the traditional notion was heavily tilted towards 'Retribution' or 'Punishment.' Can you think of countries that have adopted a reformative approach and compare them with countries that are still based on the retributive justice principle? Which, according to you, is more effective and suited to the needs of New India?



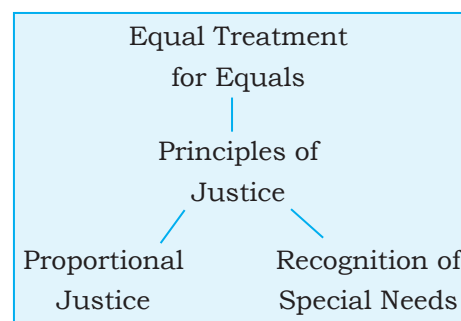
Various Thinkers on Justice

 <p>Socrates</p>	<ul style="list-style-type: none"> ➤ Plato has explained the thoughts of Socrates in his book (The Republic). ➤ In a Plato dialogue, Socrates talked with Glaucon and Adeimantus about justice. ➤ They wondered why being fair mattered when unfair people succeeded. ➤ Socrates said if everyone acted unfairly, society would be chaotic and unsafe. He said true justice cares for everyone, like a doctor care for patients, and rulers should ensure fairness and people's rights.
 <p>Kant</p>	<ul style="list-style-type: none"> ➤ Immanuel Kant emphasised that all people deserve respect and a chance to grow. ➤ His idea of justice involves treating everyone fairly, valuing each person, and creating a society where everyone can succeed. ➤ This promotes justice as a way to uplift the whole human community and coexist harmoniously.
 <p>Dr. B.R. Ambedkar</p>	<ul style="list-style-type: none"> ➤ A just society is that society in which <i>an ascending sense of reverence and descending sense of contempt</i> is dissolved into the creation of a compassionate society.
 <p>J.S. Mill</p>	<ul style="list-style-type: none"> ➤ Justice implies something which it is not only right to do and wrong not to do; but which some individual person can claim from us as his moral right.

Principles of Justice

1. Equal Treatment for Equals

- ❖ While the importance of equal treatment for all is universally recognized, understanding how to achieve fairness is complicated.
- ❖ Treating equals equally, based on common human characteristics, is a crucial idea.
- ❖ This means **granting equal rights**, including civil, political, and social rights, as well as forbidding discrimination on the basis of class, caste, color, or gender.
- ❖ The idea **supports treating people fairly** by rewarding them fairly and providing them with opportunities based on their conduct rather than their membership in a group.



2. Proportional Justice

- ❖ Proportional justice goes beyond equal treatment by acknowledging that fairness might sometimes involve rewarding people based on the quality and efforts they put in.
- ❖ A just society must strike a **balance between equal treatment and proportionality**.

3. Recognition of Special Needs

- ❖ Recognizing special needs is an important part of justice because it ensures fairness in the distribution of rewards and duties.
- ❖ While equal treatment is crucial, addressing individual needs does not contradict it; rather, it expands the principle by recognizing that unique situations may necessitate different treatment for overall societal fairness.
- ❖ **Special assistance** for those with disabilities or disparities like education and health access **can harmonise with the principle of equal treatment, preventing inequality in society**.

Just Distribution to Achieve Justice

- ❖ To achieve social justice, governments must move beyond just laws and policies and address the distribution of resources and services.
- ❖ **Redistributing resources** can help to level the playing field and create equal opportunities. Legal equality, as well as equitable living conditions, are required for social justice.
- ❖ Measures such as the **abolition of untouchability and land reforms** seek fairness, yet arguments over resource allocation can spark intense emotions and conflict.
- ❖ As philosopher John Rawls discusses, the notion of justice rationalises assisting underprivileged members of society.

Pursuing Just Society

- ❖ Pursuing social justice entails **confronting deep inequities in money and power**.
- ❖ A just society does not seek full equality but rather ensures the **fundamental conditions for living healthy, secure lives with equal chances**.
- ❖ Determining these conditions entails estimating basic necessities such as **nutrition, education, and housing**. While democratic governments have a responsibility to provide basic necessities, doing so can be difficult in nations like India with sizable populations of the underprivileged.
- ❖ There is debate on the best way to provide equality for disadvantaged citizens. Some argue for free market competition to benefit the poor without affecting the wealthy, whilst others feel that governments should provide a basic minimum for the poor, possibly through resource redistribution.

John Rawls' Theory of Justice

- According to John Rawls' theory of justice, we can **attain fairness and justice in society by imagining ourselves behind a "veil of ignorance,"** unaware of our future position or advantages.
- Individuals in this scenario would make judgments based on rational self-interest while simultaneously considering the worst-case scenario.
- This method **ensures both reasonable opportunities** for disadvantaged groups and societal advantages.
- According to Rawls, rational thought, not only morality, motivates us to divide societal advantages and obligations properly. This idea provides a persuasive approach to issues of fairness and justice.

Table 1.5: Free Market vs State Intervention

Aspect	Free Markets	State Intervention
Principles	➤ Emphasises individual freedom, property ownership, fair competition, and voluntary agreements.	➤ To prevent unequal opportunities or exploitation.
Distribution of Benefits	➤ Believes unregulated markets can naturally distribute benefits and responsibilities justly.	➤ Stem from societal factors and can be altered or eliminated.
Modern Perspective	➤ Some support partial regulation, with private agencies providing services while the state empowers citizens.	➤ Unequal treatment based on race, gender, caste.
Access to Services	➤ Offers consumers more choices but may not guarantee affordable access to essential goods and services.	➤ Concerned with providing quality services that are accessible and affordable for everyone.
Quality of Services	➤ Private businesses often provide higher-quality services, but costs may exclude the economically disadvantaged.	➤ Societal power dynamics, unequal opportunities.
Social Equality	➤ Tends to favour the wealthy and powerful, potentially widening social inequalities.	➤ Aims to ensure equal access to services and opportunities, reducing disparities.

Law and Social Justice

- ❖ In a market context, legal regulations play a vital role in safeguarding various aspects of societal well-being and social justice.
- ❖ The **problem of workers' pay** is a major source of worry. Corporations and commercial organisations frequently put profits over worker rights and fair compensation. However, the law steps in and declares such actions illegal.
- ❖ For example, **the concept of minimum wage** ensures that workers are appropriately compensated and are safeguarded from underpayment. Regular modifications to minimum wages provide long-term economic justice.
- ❖ However, enacting laws alone is insufficient; their enforcement is crucial, especially when vulnerable individuals require protection from more influential entities.

Bhopal Gas Tragedy: The World's Worst Industrial Disaster

- The Bhopal Gas Tragedy happened in Bhopal, India, 38 years ago. A company named **Union Carbide** had a **pesticide factory** there. On **December 2, 1984**, a dangerous gas called **methyl-isocyanate** leaked from the factory. It hurt over 8,000 people and killed them in three days. Most of those exposed to the poison gas came from poor, working-class families, of which nearly 50,000 people are still unable to work even today.
- Union Carbide didn't take full responsibility even though they were at fault. The government took them to court and asked for \$3 billion but settled for much less \$470 million in 1989. People didn't like this, but the court agreed.
- After the tragedy, Union Carbide stopped working but left behind harmful chemicals. These chemicals got into the ground and water, making things dirty. **Dow Chemical**, who owns the place now, hasn't cleaned up the mess. This disaster reminds us that companies must be careful, or people and the environment will suffer.



- ❖ In India, the Constitution's fundamental rights form the basis for these laws. For example, the **Right Against Exploitation** prevents people from being paid very little or working in harsh conditions. The Constitution also says that "no child shall be employed to work in any factory or mine or engaged in any other hazardous employment" until they are 14 years old.

Law and Environment

- ❖ India had **little environmental protection regulations up to 1984**, which allowed industries to pollute without restraint.
- ❖ Following the **Bhopal gas tragedy**, the Indian government passed new environmental rules in response to demands from environmentalists. Because the environment is a shared resource, these rules made polluters liable for environmental harm.
- ❖ In **Subhash Kumar vs. the State of Bihar (1991)** case, the Supreme Court ruled that the Right to Life is a Fundamental Right under Article 21 of the Constitution, and it encompasses the right to clean water and air for full enjoyment of life.

Disagreements over distribution and justice are both inevitable and productive in a democratic society. These disparities compel us to investigate many points of view and logically advocate for our own. Politics involves resolving such disagreements through reasoned dialogue. Various social and economic inequities persist in our country, necessitating ongoing attempts to address them.

4. Rights

- ❖ A right is a **justified claim or entitlement** that individuals have as citizens and human beings.
- ❖ They are what we believe we should get from society. But not everything we want is a right – there's a difference between what we really need and just things we want.
- ❖ Rights can be categorised as universal, as they are important for all members of society. They contribute to well-being by helping individuals develop skills and talents.

POINTS TO PONDER

Before the genesis of democratic polity, the masses as subjects had all responsibilities without authority and rights. The emergence of the concept of 'Rights of individuals' has, however, changed the relation between the ruling class and the ruled. Rights as such, restrict the absolute powers of the state. At the same time, the state needs to ensure the experience of rights of the citizens. Can you think of the challenges that emanate due to the conflicting and dual role of the state in the context of rights?



Origin of Rights

- ❖ Throughout history, the source of rights has been a subject of debate. In the 17th and 18th centuries, political thinkers argued that rights are inherent in nature or bestowed by God, not granted by rulers or societies.
- ❖ In modern times, the concept of human rights has gained prominence over natural rights.
- ❖ Human rights are perceived as guarantees that people seek to lead a minimally good life. The fundamental assumption is that all humans are inherently valuable, equal, and entitled to certain things solely due to their human identity.
- ❖ These rights are considered inherent to human beings, promoting equality, dignity, and the pursuit of a better life.
- ❖ The Universal Declaration of Human Rights by the UN embraces this concept, acknowledging the global community's shared understanding of essential rights for dignity and self-respect.
- ❖ This idea has empowered marginalised groups to challenge injustices and seek broader rights for all people, reflecting the evolving needs and values of society.

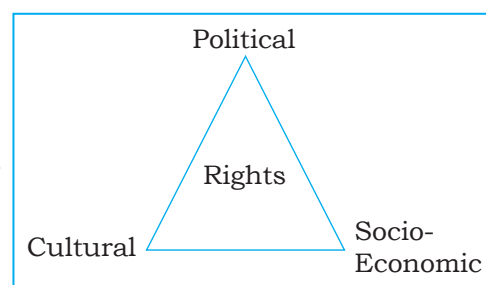
Legal Rights and the State

- ❖ While demands for human rights appeal to our moral self, the degree of effectiveness of such appeals depends on various circumstances, the most significant of which is **government and legal backing**.
- ❖ The constitutions of many nations include a **Bill of Rights**. Since constitutions serve as the supreme law of the state, some rights are given top priority as a result of their constitutional status. We refer to them as Fundamental Rights in our country.
- ❖ Rights have extended and developed over time to accommodate excluded groups and current notions of dignity. These rights, however, **often apply to the state and oblige it to do certain activities**.

Types of Rights

Political Rights

- ❖ In democracies, **political rights are fundamental** and are articulated in a political rights charter.
- ❖ Citizens have access to these rights, which guarantee them **equality before the law and political participation**. They include the right to vote, elect representatives, contest elections, and form or join political parties.
- ❖ **Civil liberties**, which include the right to free speech, the right to a fair trial, and the right to demonstrate, and support political rights.
- ❖ By requiring the government to answer to the people, political rights and civil freedoms together lay the groundwork for a democratic system of government.



Socio-economic Rights

- ❖ Socio-economic rights recognize that for **political rights to be fully exercised**, basic needs such as food, shelter, clothing, and health must be met.
- ❖ A person struggling to meet these needs would find political rights alone less valuable. Thus, democratic societies increasingly acknowledge these obligations and provide socio-economic rights.
- ❖ This can involve **offering housing, medical facilities, minimum wages for the unemployed**, or schemes to assist those in poverty.
- ❖ These rights ensure that individuals have the conditions necessary to engage in political participation and lead a decent life.

Cultural Rights

- ❖ In addition to political and economic rights, democracies are now embracing cultural rights.
- ❖ These rights **recognize the significance of cultural diversity and individual identities**.
- ❖ Citizens have the right to receive primary education in their mother tongue and establish institutions for teaching their language and culture. These cultural rights are seen as essential for a fulfilling life.



Rights and Responsibilities

Rights not only impose duties on the government to act in certain ways, but they also place responsibilities on individuals.

- ❖ **Well-being of Everyone:** Firstly, they urge us to consider not only our own needs but also the well-being of everyone. Protecting the environment, minimizing pollution, and maintaining ecological balance is essential for all. These represent the 'common good' that we should safeguard for ourselves and future generations.
- ❖ **Respecting Other's Rights:** Secondly, our rights entail respecting the rights of others. If we want the freedom to express our opinions, we must grant the same freedom to others.
- ❖ **Balancing Conflicting Rights:** Thirdly, balancing conflicting rights is important. For instance, our freedom of expression allows us to take pictures, but sharing someone's private photos without consent violates their right to privacy.
- ❖ **Restrictions on Rights:** Fourthly, citizens must be watchful of limits placed on their rights. Some governments restrict civil liberties for national security reasons. While protecting citizens is vital, excessive restrictions can endanger rights.

The concept of rights encompasses a profound understanding of human dignity, equality, and the pursuit of a better life for all. The dynamic interplay between rights, government, and individual responsibilities shapes the fabric of societies, reflecting the aspirations and values that drive progress, justice, and harmony.

Nationalism

- ❖ The word "nationalism" is frequently **linked to ideas like patriotism, patriotic symbols, and self-sacrifice.**
- ❖ It is difficult to construct a clear and widely accepted definition of nationalism.
- ❖ Despite its complexity, nationalism has a key role in world politics, making it important to examine.
- ❖ Nationalism has created strong loyalties as well as deep hate. It has brought nations together and divided them, liberated oppressed populations, and sparked conflicts and wars.

Kant on Human Dignity

- Immanuel Kant, a thinker from the past, talked about **two kinds of things**: Those with a price and those with dignity. Things with a price can be swapped, but dignity is beyond that.
- Kant focused this idea on humans. He said **all humans have dignity, no matter their differences**. This means they have value just for being human. Kant believed treating people with dignity is the same as treating them well, which helped support human rights and fairness.
- This stance encapsulates the **moral conception of rights**, rooted in two fundamental principles.
 - The **first principle** advocates treating others as we desire to be treated ourselves.
 - The **second principle** underscores the importance of not using others as mere instruments for our goals.
- It emphasises that **people should not be treated as one would treat objects like pens, cars, or horses**. Ultimately, Kant's philosophy urges us to respect others not solely for their utility, but for their shared humanity.



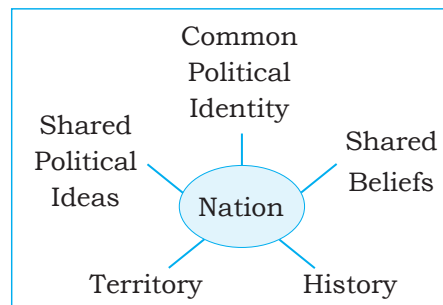
POINTS TO PONDER

Nationalism is the glue that can make societies. On the other hand, history is a testimony to the fact that nationalism has led to great human miseries and conflicts. It also has the potential to break societies. Do you think nationalism is a double-edged sword?



Importance of Nationalism in Political Transformations:

- ❖ **Unification of Small Kingdoms:** Nationalism facilitated the unification of small kingdoms into larger nation-states, exemplified by Germany and Italy. Latin American countries also experienced this consolidation.
- ❖ **Disintegration of Major Empires:** Nationalism contributed to the disintegration of major empires, such as Austro-Hungarian, Russian, British, French, Dutch, and Portuguese, fostering struggles for independence in colonies like India.



Nation and Nationalism

A nation is more than just a group of people; it is distinct from other social groups such as families, tribes, or clans. Language, religion, race, or lineage are not the only factors that identify a nation. Instead, it is an **“Imagined” community defined by similar ideas, historical identity, territory, and a shared future vision.**

- ❖ **Shared Beliefs:** Nations are not physical entities; they are defined by their members' collective beliefs and aspirations. A nation, like a team, exists when its citizens believe they belong together.
- ❖ **History:** Nations have a sense of continuous historical identity, drawing on collective memories and historical documents to create a sense of identity that spans the past and future.
- ❖ **Territory:** A nation's affinity with a certain territory promotes a feeling of collective identity. The concept of a homeland is extremely important, and competing claims have led to hostilities.
- ❖ **Shared Political Ideals:** While historical identity and territory contribute to unity, it is the shared vision of an autonomous political existence that distinguishes nations. Common principles such as democracy and secularism shape a nation's political identity.
 - ❖ **Common Political Identity:** Many believe that a shared culture, like language or heritage, can unite a nation more than just a political vision. While it's true that a common language and religion can bring people together, they also have downsides for democracy.
 - ❖ First, religions have different interpretations, causing division.
 - ❖ Second, societies are diverse, and forcing one's religious or linguistic identity can exclude and limit the freedom of some groups.
 - ❖ So, it's better for democracies to focus on shared values in the Constitution rather than specific cultures like religion or language.

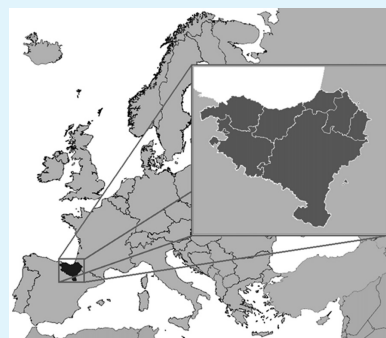
National Self-Determination

- ❖ The concept of self-determination involves nations seeking the right to control their future.
- ❖ In the 19th century, self-determination was linked to creating culturally-focused states. The **“one culture-one state”** concept gained popularity and **reshaped borders after World War I**, forming small states. However, it couldn't fully meet self-determination demands, causing migration and violence due to boundary shifts.
- ❖ Newly formed nation-states **aimed for ethnic homogeneity** but often ended up with diverse minority groups, leading to inequalities. However, this also allowed for political recognition and self-governance opportunities for these groups.

- ❖ **Asian and African liberation movements** sought self-determination in the face of colonialism, as well as dignity and collective interests. However, obstacles such as migration, warfare, and internal instability developed after independence, prompting governments to contradict minority self-determination.
- ❖ Today, many states struggle with self-determination questions. Instead of forming new states, the **focus is shifting to improving current ones**. This means making them fairer and more democratic.
- ❖ This involves bringing together people from different cultures and backgrounds, promoting unity and cooperation.
- ❖ This approach is vital not only for dealing with self-determination issues but also for building a strong nation that values everyone's rights and identities.
- ❖ Even stable nation-states face nationalist demands from various groups or regions seeking separate statehood, as witnessed since 1960.
- ❖ **Across the world, separatist struggles threaten to divide existing states, seen among the Quebecois, Basques, Kurds, Tamils, and others.**

Basque Nationalism and Self-Determination

- In Spain, the Basque region seeks self-determination despite being recognized as an 'autonomous' part of the country.
- The **Basque Nationalist Movement** aims for full independence, citing its unique culture, language, and history.
- This movement traces back to the late 19th century and intensified during the 20th century under **Spanish dictator Franco's rule**. Although some repressive measures were reversed, suspicions linger regarding the Spanish government's intentions.
- The debate continues over the legitimacy of their demands, with supporters highlighting cultural preservation and critics asserting the matter is resolved.
- Assessing the justification of Basque nationalists' aspirations requires a deeper understanding of historical and cultural factors.
- This scenario echoes similar instances globally where distinct regions seek autonomy or independence based on their cultural identities. Such demands also resonate within India's regions, emphasising the intricate connection between cultural pride and political desires



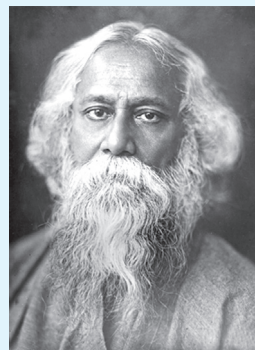
Nationalism and Pluralism

- ❖ The concept of nationalism and pluralism entails the recognition that a single culture dominating a state is not the only approach. In this context, it becomes crucial to explore ways in which various cultures and communities can coexist and thrive within a country.
- ❖ In India, the constitution has comprehensive provisions to protect the rights of religious, linguistic, and cultural minorities.
- ❖ Many countries also give special rights to minority groups, like protecting their languages, cultures, and religions. They can also have a say in government and institutions as a group.
- ❖ It's imperative to recognize and integrate various cultural communities within the national framework. This necessitates an inclusive definition of national identity that appreciates the significance and distinctive contributions of all cultural groups within the nation.

- ❖ Recognizing and protecting group identities is important, but some groups still want their own country despite globalisation. Nationalist feelings are strong. Countries need to handle these requests carefully and fairly while valuing diversity and unity.

Rabindranath Tagore's Perspective on Patriotism and Humanity

- Tagore expressed his belief that **patriotism should not be the ultimate refuge**; he embraced humanity as his true foundation.
- He **opposed colonial rule** and championed India's right to independence. He criticized the British administration for lacking consideration for human relationships.
- He **distinguished between opposing Western imperialism and rejecting Western civilization**. He advocated for Indians to embrace their culture while learning constructively from abroad.
- Tagore constantly criticized narrow nationalism, fearing it could hinder progress and foster hostility towards foreign influences, like Christianity, Judaism, Zoroastrianism, and Islam, which have a historical presence in India.



In conclusion, the notion of national self-determination has shifted from advocating for independent statehood to emphasising democratic rights for nationalities within existing states. While recognizing diverse identities is important, caution is **needed to prevent divisive nationalism. Individual identities encompass various aspects, and in a democratic setup, political identity should embrace this diversity.** Striking a balance between identity recognition and unity is essential to avoid harmful forms of nationalism in society.

Secularism

- ❖ Religious dominance goes beyond just occurring between different religions (Inter-Religion Domination); it can also manifest within a single religion (Intra-Religious Domination).
- ❖ The concept of secularism **aims to create a society where there is no domination based on religion.**

POINTS TO PONDER

Secularism has multiple meanings in multiple contexts. French secularism is different from Indian Secularism, which is again different from American Secularism. Can you find out the differences and think about why countries have opted for different models of secularism?



Secular State

- ❖ The concept of a secular state **focuses on preventing religious discrimination and promoting harmony** among different religious communities.
- ❖ To prevent domination by any religious group, the state must not be controlled by the leaders of a particular religion, as seen in theocratic states.
- ❖ The **separation of religious and political institutions is essential** for peace, freedom, and equality. However, merely separating religion and state isn't enough for a secular state.
- ❖ A truly secular state not only avoids theocracy but also avoids formal, legal ties with any religion.

Indian Secularism

- ❖ The Indian Constitution mandates that the Indian State be secular. According to the Constitution, only a secular State can realise its objectives to ensure the following:
 1. That one religious community does not dominate another;
 2. That some members do not dominate other members of the same religious community;
 3. That the State does not enforce any particular religion nor take away the religious freedom of individuals.
- ❖ To uphold these principles, the Indian State employs various strategies:
 - ❖ **Religious Neutrality:** The government and public spaces, such as law courts, schools, and offices, are not allowed to promote or display any specific religion.
 - ❖ **Non-Interference:** To respect religious sentiments and practices, the State makes exceptions for specific religious communities. This means that certain practices that are essential to a particular religion might be allowed, even if they differ from general laws.
 - ❖ **Intervention to Prevent Discrimination:** The State intervenes when religious practices lead to discrimination or exclusion within a community. For instance, untouchability within Hinduism was banned by the Constitution to prevent discrimination against lower-caste members.
 - ❖ **Support for Religious Communities:** The Constitution permits religious communities to establish their own educational institutions and provides them with financial assistance on a non-preferential basis.

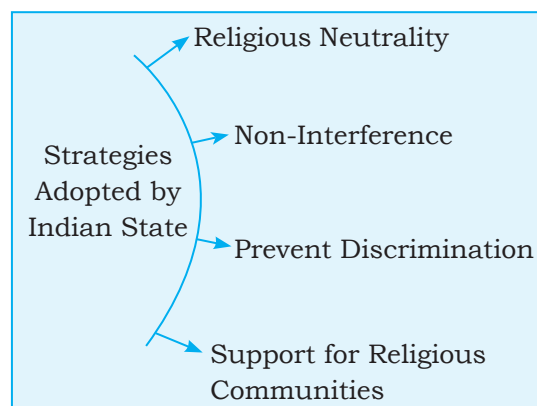
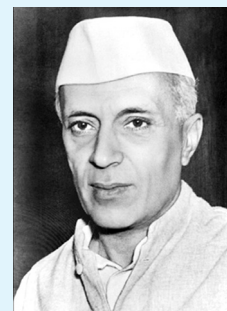
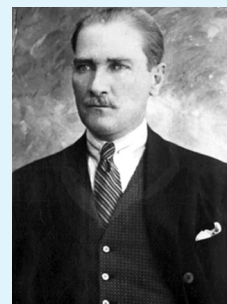


Table 1.6: Differences and Similarities between Indian and Western Secularism

Aspect	Indian Model of Secularism	Western Model of Secularism
Differences		
Focus on Minority Rights	➤ Strong emphasis on protecting minority rights.	➤ Protects minority rights but emphasis individual rights.
State-Supported Religious Reforms	➤ Accommodates state-supported religious reforms.	➤ Generally, maintains a passive stance on religious reforms.
Engagement with Religion	➤ Nuanced approach; disengagement or positive engagement.	➤ Generally hands-off approach; aims to prevent religious influence.
Cultural and Historical Context	➤ Shaped by the diverse religious landscapes and historical context.	➤ Rooted in societies with religious homogeneity.
Similarities		
State-Religion Separation	➤ Emphasises neutrality and separation.	
Social Equality	➤ Tends to favour the wealthy and powerful, potentially widening social inequalities.	
Religious Neutrality	➤ The state avoids intervening in religious matters.	

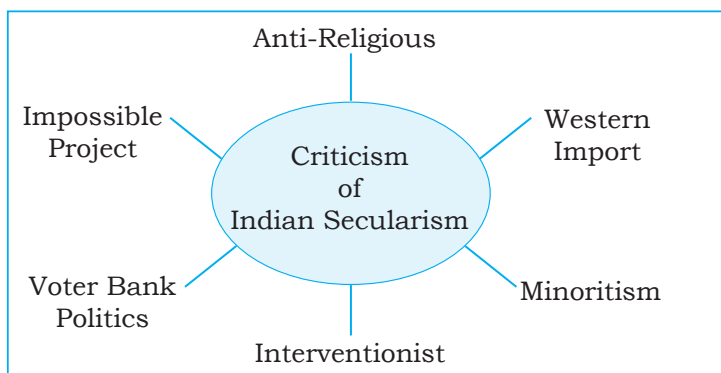
Atatürk and Nehru on Secularism

- Mustafa Kemal Atatürk **introduced a unique form of secularism** in early 20th-century Turkey.
- Unlike a simple separation from religion, his approach involved actively reshaping religious matters.
- He **aimed to modernize and secularise Turkey** by abolishing the Khalifa institution and instituting changes like banning traditional clothing, adopting the Western calendar, and introducing a new Turkish alphabet based on the Latin script.
- This distinctive approach **marked Atatürk's commitment to transforming Turkey's societal and cultural aspects** in line with modern values
- Jawaharlal Nehru **defined secularism as the equal protection of all religions by the State**. He believed that a secular state should safeguard all religions without showing favouritism towards any one religion or adopting a particular religion as the state's official belief.
- Unlike leaders like Atatürk in Turkey, Nehru did not view secularism as being hostile towards religion.
- He strongly opposed all forms of communalism, which involves divisions among different religious or ethnic groups.
- For him, secularism wasn't just a principle; it was the essential safeguard for India's unity and integrity.



Criticisms of Indian Secularism

- ❖ **Anti-Religious:** Some argue that Indian secularism is against religion altogether. However, this is a misunderstanding. Indian secularism aims to counter religious dominance rather than being anti-religious. It promotes religious freedom and equality, safeguarding religious identities except those that are dogmatic, violent, or promote hatred.



- ❖ **Western Import:** Critics claim that secularism is a Western concept unsuitable for India. This criticism overlooks the fact that many aspects of Western origin are present in India. However, Indian secularism has its own roots, blending the peaceful coexistence of different religious communities, which makes it a unique adaptation rather than a mere import.
- ❖ **Minoritism:** Some argue that Indian secularism **disproportionately favors minority rights**. The defence lies in considering fundamental interests. Minority rights protect significant interests without imposing special privileges.
- ❖ **Interventionist:** Critics claim that Indian secularism interferes excessively with religious freedom. However, Indian secularism maintains "**principled distance**" without necessarily being coercive. State-supported religious reforms aim at facilitating positive changes rather than imposing them from above.
- ❖ **Vote Bank Politics:** Critics suggest that secularism encourages vote bank politics. While politicians seeking votes is a democratic norm, the focus should be on whether these actions

genuinely benefit the targeted groups. If secular parties successfully fulfill minority needs without undermining the majority's interests, this aligns with the goals of secularism.

- ❖ **Impossible Project:** Some argue that secularism is an impossible solution, given deep religious differences. However, history shows successful coexistence in various societies, including India. Indian secularism also mirrors the future, as global migration and globalisation lead other countries to face similar cultural and religious diversities.

Glossary:

- **Politics:** The activities, actions, and policies used by individuals, groups, or governments to acquire and exercise power, make decisions, and manage public affairs.
- **Political Theories:** Framework of ideas and concepts that aim to understand and explain political phenomena. These theories help analyse the dynamics of power, governance, and societal structures.
- **Freedom:** The state of being able to act, think, and make choices without constraints or coercion. It often includes personal liberties rights, and autonomy.
- **Equality:** The principle of treating all individuals are groups fairly and without discrimination, ensuring that everyone has the same opportunities and rights regardless of their background.
- **Social Justice:** The concept of fairness and equity in the distribution of resources, opportunities, and privileges within a society. It aims to address systemic inequalities and advocate for marginalized groups.
- **Rights:** Entitlements or permissions that individuals possess, usually protected by law or social conventions. These can include civil rights, human rights, and legal protections.
- **Nationalism:** A sentiment of pride, loyalty, and identification with one's nation or country. It can involve a sense of shared culture, history, and often involves support for the nation's interests.
- **Secularism:** The principle of separating religious institutions from government or political affairs. It promotes a neutral stance toward religious beliefs and ensures equal treatment or different beliefs.





Democracy and Diversity

Bibliography: This chapter encompasses the summary of Chapter 5 - X NCERT (Democratic Politics-II), Chapter 1 - IX NCERT (Democratic Politics-I), and Chapters 1, 2 - VI NCERT (Social and Political Life-I).

Democracy

- ❖ Democracy is a **system of governance** where leaders are chosen through popular elections.
- ❖ This characterization enables us to differentiate democracy from governmental systems that do not possess democratic traits.
- ❖ For instance, the **military rulers in Myanmar were not elected by the public through voting**. Instead, those who held authority within the military assumed control over the nation's leadership, devoid of any input from the people.

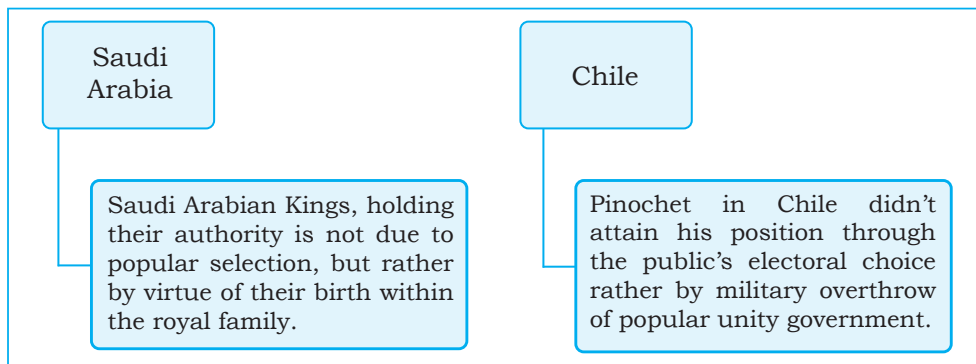


Figure 2.1: Other Examples of Governmental System

Basic Aspects of Democracy

- ❖ **Representative Democracy:**
 - ✧ It is the prevailing type (yet smaller communities can directly decide), where the **majority's decisions are executed through elected representatives** due to the impracticality of direct governance by all citizens.
 - ✧ This framework does differentiate democracies from non-democratic systems but doesn't discern a democracy from a good democracy.
 - ✧ This perspective doesn't permit us to perceive democracy's application beyond government, necessitating a broader exploration.
- ❖ **Democracy Beyond Government:**
 - ✧ Democracy's essence lies in inclusive decision-making, consulting all stakeholders regardless of their respective power.
 - ✧ This principle extends beyond government to encompass various realms like family or organizations.



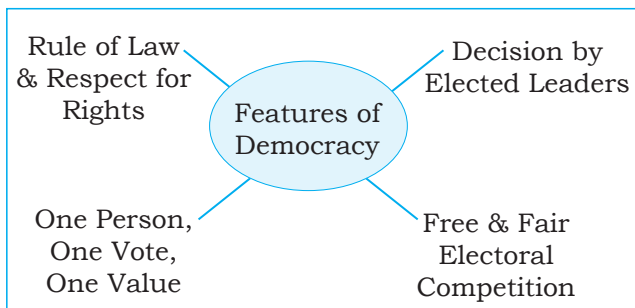
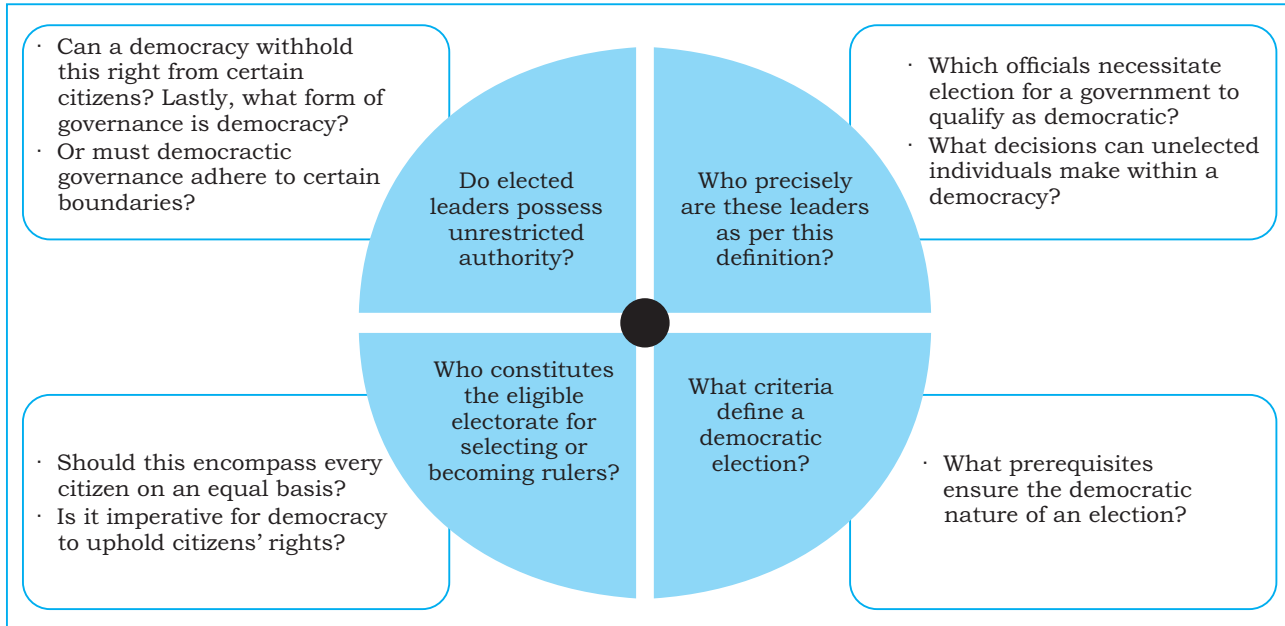
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- ❖ Imperfect democracies persistently pursue democratic ideals. The test based on ideals of inclusive decision-making shows that no nation fully embodies democracy, yet they remind us of its worth and guide assessing weaknesses. Thus, democracy represents an aspirational yardstick for all democracies.

❖ **Citizen Participation:**

- ❖ This **sets democracy apart from systems like monarchy or dictatorship**, where political involvement isn't pivotal.
- ❖ Non-democratic regimes discourage citizen participation. Conversely, democracy thrives on active citizen engagement.

Attributes of Democracy



POINTS TO PONDER

The soul of democracy rests in the idea of distributed power amongst the citizenry. A true democratic society has individuals with freedom and rights, a lack of discretionary authority, and experience of a life full of dignity. In this context, evaluate India's emergence as the world's largest democracy.



1. Decisions by Elected Leaders:

The following illustration about Pakistan will make it more clear:

- ❖ In 1999, General Pervez Musharraf's coup overthrew Pakistan's elected government, assuming control and later holding a disputed 2002 referendum to extend his presidency. Despite appearances of democracy, power truly resided with Musharraf and the military, not elected representatives, akin to dictatorships.

- ❖ The 2002 'Legal Framework Order' altered Pakistan's constitution, allowing the President to dissolve assemblies. When elections occurred, genuine authority rested with Musharraf and military officers, diverging from democratic principles.
- ❖ This underscores a crucial democratic criterion that ultimate decision-making authority must lie with elected individuals.

2. Free and Fair Electoral Competition:

- ❖ In China, the National People's Congress, comprising 3,000 members, holds elections every five years. The Congress selects the President, needing Chinese Communist Party approval. Participation requires Communist Party membership, leading to a Communist Party-dominant government.
- ❖ Mexico, independent since 1930, conducts presidential election once in six years. The Institutional Revolutionary Party (PRI) party held power until 2000, often using government offices and media control to influence voters. Changes in ballot locations, PRI campaign spending, and limited opposition success raise concerns about genuine choice and meaningful alternatives in Mexico's elections.
- ❖ Thus, another democratic facet emerges i.e., elections alone are insufficient. True democracy demands genuine political options and the ability to replace incumbents. Free and fair elections are essential where the existing rulers stand a real chance of losing power.

3. One Person, One Vote, One Value:

- ❖ As previously mentioned, the struggle for democracy was intrinsically tied to the call for universal suffrage. This principle has now gained widespread global recognition. Nevertheless, instances of disenfranchisement remain prevalent.
- ❖ Until 2015, women in Saudi Arabia were barred from voting. Estonia's citizenship regulations create challenges for the Russian minority in attaining voting rights. Fiji's electoral system assigns varying weights to votes based on ethnicity, favoring indigenous Fijians over Indian-Fijians.
- ❖ The third attribute of democracy stems from the fundamental concept of political equality. Democracy necessitates that every adult citizen possesses one vote, each vote bearing equivalent weight.

4. Rule of Law and Respect for Rights:

- ❖ Zimbabwe gained independence from white minority rule in 1980, subsequently led by ZANU-PF, the Liberation Movement. Robert Mugabe, its leader, held power through regularly won elections but employed unfair tactics.
- ❖ The constitution underwent changes augmenting the President's power and reducing accountability, suppressing opposition activities, and limiting free expression. Media was state-controlled, judges were pressured, and democratic norms eroded. Zimbabwe highlights the disparity between popular support and democratic governance.
- ❖ To evaluate democracy, scrutiny of elections, as well as citizens' rights before and after polls, is essential. Constitutional limits, minority safeguards, and accountable governance constitute the final democratic facet.

Through illustrative instances, we identified four fundamental attributes characterizing democratic governance. In essence, democracy is a governmental form wherein:

Read these five examples of working or denial of democracy. Match each of these with the relevant feature of democracy discussed above.

Example	Feature
King of Bhutan has declared that in future he will be guided by the advice given to him by elected representatives.	Rule of law
Many Tamil workers who migrated from India were not given the right to vote in Sri Lanka.	Respect for Rights
The king imposed a ban on political gatherings, demonstrations and rallies.	One person one vote one value
The Indian Supreme Court held that the dissolution of Bihar assembly was unconstitutional.	Free and fair electoral competition
Political parties in Bangladesh have agreed that a neutral government should rule the country at the time of elections.	Major decisions by elected leaders

- Elected rulers make pivotal decisions.
- Elections provide a legitimate chance for people to opt for new leaders.
- Equitable access to this choice is granted to all citizens.
- The resultant governance adheres to constitutional and citizen rights, constraining its scope.

Evaluating Democracy

Arguments against Democracy

- ❖ **Frequent Leadership Changes:** It is a recurrent phenomenon within a democratic system, resulting in a state of instability.
- ❖ **Vulnerable to Corruption:** Democratic governance revolves around political rivalry and the pursuit of power, often disregarding moral considerations, which may lead to corruption.
- ❖ **Lack of Expertise:** The capacity of elected leaders to discern the optimal interests of the populace is questionable, leading to unfavorable choices.
 - ❖ While democracy empowers people to make choices, it does not ensure the quality of those decisions.
- ❖ **Delay in Decision Making:** The participation of citizens in decision-making can indeed result in prolonged decision-making processes.

Arguments for Democracy

- ❖ **Responsiveness:** China's 1958-1961 famine claimed three crore lives, while India, facing similar conditions, averted a large-scale famine due to the democratic government's responsiveness.
- ❖ **Accountability:** Democracy's superiority lies in its accountability to people's welfare, in contrast to non-democratic regimes where rulers' choices determine outcomes. This illustrates democracy's effectiveness and accountability in governance.
- ❖ **Collaboration and Deliberation:** Collaborative thinking often uncovers potential errors; despite the time it consumes. This deliberative process offers a significant benefit by minimizing hasty and reckless choices.

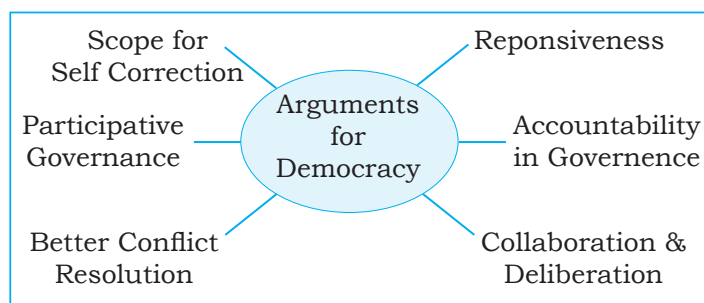
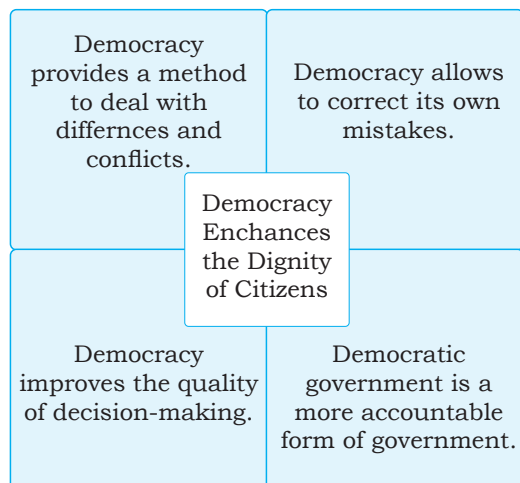


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- ❖ **Better Conflict Resolution:** Democracy resolves conflicts and differences within diverse societies through inclusive decision-making.
 - ✧ It counters forceful dominance, promoting peaceful coexistence in nations like India with various regions, languages, religions, and castes.
- ❖ **Scope for Self-Correction:** Democracy surpasses other governance models by permitting self-correction. While errors are possible in any system, democracy's strength lies in its transparency.



Outcomes of Democracy

To meticulously consider democratic outcomes, it must be acknowledged that democracy is essentially a governance structure. Its role is to foster favorable conditions for progress, while the actual realization of goals depends on citizens leveraging these conditions.

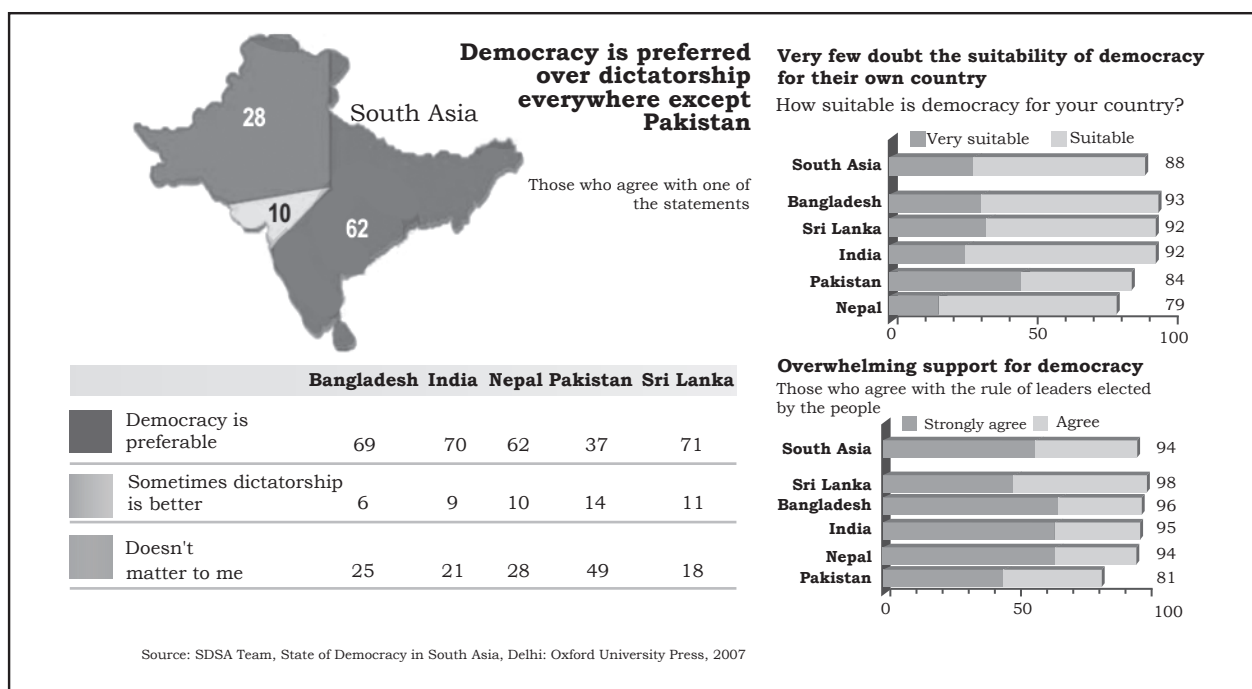
POINTS TO PONDER

Countries like China have delivered unparalleled growth in the past few decades. The ruling class wields immense power, unchecked arbitrary power. This often enables rapid policy decisions and implementation. Still, most developed and developing countries with a vision to become a responsible power have always had their faith intact in democracy. Why?



1. Accountable, Responsive, and Legitimate Government

- ❖ **Accountable Government:**
 - ✧ The fundamental democratic outcome should be a government **accountable to and aligned with citizens' needs and expectations**.
 - ✧ Democracy also ensures **procedure-based decision-making and transparency**, letting citizens scrutinize the processes. Non-democratic systems lack this transparency.
 - ✧ Hence, **procedure-following, citizen participation, and transparency** ensure accountability in a democracy.



❖ Responsive Government:

- ❖ Measuring responsiveness involves assessing practices like elections, public debate, and citizens' access to government information.
- ❖ Democracies go way beyond non-democracies in these aspects. Democracies, though, suffer occasional neglect of majority demands and struggles with corruption yet they come out better when compared with non-democratic setups.

❖ Legitimate Government:

- ❖ One definite strength of democracy is legitimacy, despite potential inefficiencies.
- ❖ Democracy remains the people's government all over the world. The ability to garner support constitutes a significant democratic outcome.

2. Economic Growth and Development

- ❖ It is only reasonable to anticipate economic growth and development as outcomes of democracy, yet empirical data demonstrates that many democracies have not met this expectation.
- ❖ Economic development hinges on various elements such as population size, global conditions, international cooperation, national economic priorities, etc. Notably, the distinction in economic growth rates between less developed dictatorships and democracies is marginal.
- ❖ When **significant economic growth rate disparities exist between dictatorship and democracy-led countries**, the preference leans towards democracy due to its several other positive outcomes.

Economic Outcomes of Democracy:

- ❖ Democracy's economic outcomes can be clarified using facts, as shown in the following tables.
- ❖ Taking into account all democracies and dictatorships during the 1950-2000 period, dictatorships show a slightly higher economic growth rate, but this evens out among poor nations.

Table 2.1: Rates of Economic Growth for Different Countries

Types of Regimes and Countries	Growth Rate
All Democratic Regimes	3.95
All Dictatorial Regimes	4.42
Poor Countries Under Dictatorship	4.34
Poor Countries Under Democracy	4.28

- ❖ **Democracies can exhibit significant inequality:** In South Africa and Brazil, the top 20% possess over 60% of income, compared to less than 3% for the bottom 20%.

Table 2.2: Inequality of Income in Selected Countries

Name of the Countries	% Share of National Income	
	Top 20%	Bottom 20%
South Africa	64.8	2.9
Brazil	63.0	2.6
Russia	53.7	4.4
USA	50.0	4.0
United Kingdom	45.0	6.0
Denmark	34.5	9.6
Hungary	34.4	10.0

In contrast, countries like Denmark and Hungary fare better in reducing such disparities within their democratic systems.

❖ **Reduction of Inequality and Poverty**

- ❖ Democracies are built on the **principle of political equality**, granting equal weight to individuals in electing representatives. Alongside this pursuit of parity in politics, economic inequalities grow.
- ❖ A minority of the ultra-rich amass an excessive share of wealth and income; their portion in the national income keeps increasing. Meanwhile, those at the lower rungs experience declining incomes, struggling to meet fundamental needs like food, shelter, education, and healthcare.
- ❖ In practice, **democracies struggle to significantly alleviate economic disparities**. Despite a substantial poor voter base, elected governments often prioritize poverty inadequately.
- ❖ This issue intensifies in certain nations; for instance, over half of Bangladesh's population lives in poverty, and some impoverished countries now rely on wealthier nations for basic sustenance.

3. Accommodation of Social Diversity

- ❖ The expected outcome that **democracy would foster social harmony** is reasonable, considering its demonstrated ability to manage diverse societal divisions.
 - ❖ Belgium's successful handling of ethnic differences is a case in point.
 - ❖ Democracies often establish procedures that mitigate tensions, preventing them from escalating into violence.

- ❖ While the complete eradication of group conflicts is unattainable, the respectful recognition of differences and the development of negotiation mechanisms are crucial. **The strength of democratic systems lies in their capability to address social disparities.**
 - ❖ In contrast, non-democratic systems frequently disregard or suppress internal social diversities.
- ❖ **The following two conditions in democratic societies are essential:**
 - ❖ First, the **democracy entails more than mere majority rule**; collaboration between the majority and minority is essential for representative governance.
 - ❖ Second, **majority rule should not transmute into dominance by specific religious, racial, or linguistic groups**. Democracy truly thrives when every citizen can find themselves in the majority at some or other points, excluding no one based on birth from this democratic inclusivity.

4. Dignity and Freedom of the Citizens

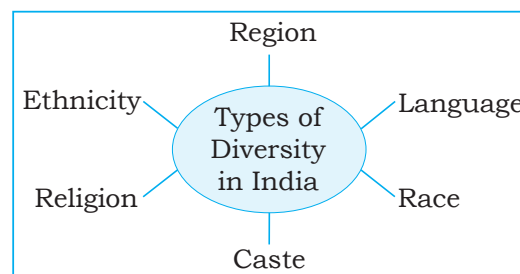
- ❖ Democracy outshines all other governance models by **championing individual dignity and freedom**. The innate human longing for respect and liberty forms democracy's bedrock, yet conflicts often arise due to their absence.
- ❖ Although democracies worldwide recognize this principle to different extents, it's difficult for societies rooted in subordination and domination to embrace universal equality.
- ❖ For Example, **women's dignity**. Throughout history, the majority of societies globally have been characterized by male dominance. Prolonged efforts by women have led to a contemporary awareness that recognizing and providing equal treatment to women are fundamental components of democracy.
- ❖ **Constant examination** is a unique feature of democracy. It passes one challenge and generates another. As democratic benefits induce the desire for more reforms and corrections, citizens seek ongoing improvements.
- ❖ When people criticize democracy's function, they articulate heightened expectations and grievances. Public discontent is a testament to democracy's success, indicating evolved awareness and a critical evaluation of power.
- ❖ Dissatisfaction underscores democracy's achievement, transforming subjects into empowered citizens. Presently, most individuals confidently believe their votes shape governance and personal interests.

Diversity

Diversity refers to the **presence of a wide variety of different elements**, characteristics, or qualities within a particular group, community, or society. These elements can include differences in terms of culture, ethnicity, race, gender, age, sexual orientation, socioeconomic background, religion, abilities, perspectives, and more.

Diversity in India

- ❖ **Cultural Diversity:** India is a land of extensive diversity. Distinct languages, diverse cuisines, varied festivities, and differing faiths define the nation. However, upon reflection, numerous similarities emerge, albeit expressed uniquely. People interact, pray, cook, dress, and marry through various methods.



❖ **Historical Migration and Diversity:**

- ❖ Over two centuries ago, before modern transportation, individuals embarked on journeys via ships, horses, camels, or foot in pursuit of new territories, trade, or refuge. Prolonged travel led to extended stays.
- ❖ Some sought new places due to famine, while others sought work or fled war. Settling in new locales sometimes triggered gradual change, while in other instances, old ways persisted, leading to inter-mixed languages, cuisines, music, and religions, yielding something new also at times.
- ❖ Histories of different regions underscore the impact of diverse cultural influences on shaping life and culture.

❖ **Geographical Impact on Diversity:** Geographical adaptations also breed diversity, as coastal and mountainous living markedly contrast. Besides clothing and eating, people also differ in what they do for live. Urban lifestyles blur the connection between people and their surroundings, the land, the soil, as cities typically rely on markets for sustenance instead of local cultivation.**Case Study of Ladakh and Kerala: Historical and Geographical Impact on Diversity****Ladakh**

- **Geography:** Ladakh, situated in the east of Jammu and Kashmir, is a mountainous desert marked by limited agriculture due to scarce rainfall and snow cover. Residents rely on melted snow for drinking water.
- **Economy:** The region's economy centers on sheep and goat herding, particularly prized for their pashmina wool, valuable for crafting costly shawls. Food consists of meat, milk products, and locally owned livestock like goats, cows, and dzos (yak-cows).
- Despite its desert setting Ladakh played a vital role as a trade route, connected caravans to Tibet, transporting textiles, spices, silk, and carpets.
- **Culture:** Buddhism's influence on Tibet travelled through Ladakh, which is often referred to as "Little Tibet." Introduced over four centuries ago, Islam has a substantial presence here.
- Ladakh boasts a vibrant oral tradition of songs and poems, with local renditions of the Tibetan epic, the Kesar Saga, performed by both Buddhists and Muslims.

Kerala

- **Geography and History:** Kerala, a southwestern Indian state, features a unique geography with coastal boundaries and hills. Historical influences are diverse, starting with Jewish and Arab traders, followed by Christianity introduction by St. Thomas around 2000 years ago.
- Ibn Battuta, 700 years ago, praised the respected Muslim community here. Vasco da Gama's arrival marked Portugal's discovery of sea route to India.
- **Culture:** Religious diversity that includes presence of Judaism, Islam, Christianity, Hinduism, and Buddhism thrives due to historical interactions.
- Chinese-inspired fishing nets, named "cheena-vala", and the term "cheenachatti" for frying utensils reflect cultural exchanges.
- **Economy:** Hills of Kerala are rich in spices like pepper, cloves, and cardamom. The fertile land supports rice, fish, and vegetable consumption.

- ❖ Both Kerala and Ladakh, despite differing landscapes, share similar cultural histories influenced by Chinese and Arab traders. Present-day lives continue cultural amalgamation through migration for work and coexistence with diverse neighbors. Daily interactions shape shared traditions, stories, and customs, showcasing the intertwining of history, geography, and culture in regions.



POINTS TO PONDER

Societies have always struggled to accommodate diversity. Throughout history, minorities in all forms of government have experienced a second-grade citizen life. However, democratic societies in principle, remove any such segregation. Do you think democratic form of governments across the world have been able to accommodate diversity as envisaged?

**Differences and Prejudices: Elements of Diversity**

- ❖ **Diverse Foundation of Identity:** Our identity is shaped by various aspects of our lives, including how we live, speak, eat, dress, play, and celebrate. These attributes are influenced by the history and geography of our surroundings.
- ❖ **Multifaceted Diversity:** India's remarkable diversity is evident through its practice of all major world religions, over 1600 mother tongues, and numerous dance forms. However, this diversity isn't always embraced due to our preference for familiarity.
- ❖ **Prejudice:** Encountering people vastly different from us can trigger feelings of strangeness, leading to misunderstandings and negative opinions. Negative opinions can evolve into prejudices, where we judge others negatively or consider them inferior. Such biases can extend to various aspects, such as religion, appearance, region, language, and more.
- ❖ **Stereotypes:** Forming stereotypes is another way we limit our understanding. Stereotypes generalise individuals, disregarding their unique qualities and skills. They hinder us from recognizing individuality and can even affect our capabilities.

Inequality and Discrimination

- ❖ **Manifestations of Discrimination:**
 - ✧ Discrimination occurs when individuals act upon their biases or preconceived notions.
 - ✧ Engaging in actions that belittle others, stopping them from specific activities, jobs, or neighborhoods, denying shared resources like water sources, or segregating them from communal practices like sharing cups or glasses, constitutes discrimination.
- ❖ **Factors Causing Discrimination:**
 - ✧ Various factors can fuel discrimination, including religious differences stemming from diversity. However, these distinctions might also become the basis for unfair treatment.
 - ✧ Those speaking a specific language, adhering to particular religious beliefs, or inhabiting specific regions can be marginalized due to their perceived customs or practices.
- ❖ **Economic Inequality and Discrimination:**
 - ✧ Economic disparities, unrelated to diversity but rather indicative of inequality, are another basis for discrimination.
 - ✧ Impoverished individuals lacking resources for basic necessities face mistreatment in workplaces, hospitals, schools, and other spaces.
- ❖ **Overlapping Forms of Discrimination:**
 - ✧ Certain individuals might endure both forms of discrimination, being both economically disadvantaged as well as from culturally undervalued groups.
 - ✧ This applies to tribes, specific religious communities, and particular regions, targeted due to one or more of these factors.

Dr. Bhim Rao Ambedkar

- Dr. Bhim Rao Ambedkar (1891-1956) holds the distinction of being hailed as the **architect of the Indian Constitution and is renowned as a prominent leader** among the Dalit community.
- Born into the **Mahar caste**, a designated untouchable group, Dr. Ambedkar's community, the Mahars, experienced poverty and landlessness.
- Dr. Ambedkar was the **first from his caste to complete higher education**, ultimately studying law in England. His efforts were focused on empowering Dalits through education, urging parents to send their children to schools and colleges, and promoting their participation in government roles to transcend the constraints of the caste system.
- Dr. Ambedkar led numerous initiatives striving for Dalit access to temples. Later in life, his quest for an egalitarian faith led him to embrace Buddhism, seeking an ideology that treated all adherents impartially.
- A cornerstone of Dr. Ambedkar's philosophy was his belief that Dalits should wage a battle against the entrenched caste system, striving to establish a society based on respectful treatment for every individual, not just a select few.



Striving for Equality

- ❖ **Struggle for Equality:** Attaining equality is an ongoing endeavor rather than an automatic outcome. It requires the concerted efforts of individuals' struggles and proactive governmental measures to transform it into a tangible reality for every citizen of India.
 - ❖ Dalits organized campaigns to gain access to temples. Women asserted their right to education, on par with men.
 - ❖ The struggle for independence from British rule encompassed not only the fight for freedom but also the quest for greater equality by various marginalized groups. Dalits, women, tribals, and peasants battled against the disparities ingrained in their lives.
- ❖ **Struggle for Economic Equality:** Peasants and tribals engaged in battles to liberate themselves from the clutches of moneylenders and exorbitant interest rates.
- ❖ **Constitutional and Legal Efforts:** Upon India's emergence as a nation in 1947, the leaders remained concerned about existing inequalities. The framers of the Indian Constitution acknowledged and addressed the historical discrimination and the associated struggles.
 - ❖ The makers of the Constitution **emphasized the importance of valuing diversity** to ensure equality. They believed that individuals should possess the freedom to practice their religion, use their language, observe their festivals, and express themselves freely.
 - ❖ The **eradication of untouchability** has been legally mandated, declaring it a crime.
 - ❖ **Opportunity for All:** The principle of equality is the unifying core value for all Indians, encompassing equal rights and opportunities. Individuals are at liberty to choose their occupation, while government positions are accessible to everyone.
 - ❖ **Positive Intervention:** The Constitution mandates that the government takes specific measures to actualize the right to equality for marginalized communities and the impoverished.
 - ❖ **Secular Nation:** The framers of the Constitution emphasized that no single language, religion, or festival should be imposed as obligatory for all. They underscored the equal treatment of all religions by the government.

Unity in Diversity

- ❖ The strength of India has perpetually emanated from its diversity.
- ❖ During British rule, individuals from various cultural, religious, and regional origins united to resist. The freedom struggle saw participation from diverse backgrounds, collaborating on strategies, enduring imprisonment, and innovatively opposing the British.



- ❖ Paradoxically, the British aimed to exploit Indian differences for continued rule, but Indians demonstrated that despite distinctions, unity could prevail in their fight against colonial dominance.
- ❖ Songs and symbols that emerged during the freedom struggle serve as a constant reminder of our country's rich tradition of respect for diversity. **India's national anthem, composed by Rabindranath Tagore**, is another expression of Unity in Diversity.
 - ❖ **"Jana Gana Mana"** was translated by **Gurudev Rabindranath Tagore** from Bengali to English in February 1919 at Madanapalle in the District of Chittoor.
- ❖ In his book, **The Discovery of India**, **Jawaharlal Nehru** says that Indian unity is not something imposed from the outside but rather, "it was something deeper and within its fold, the widest tolerance of belief and custom was practised and every variety acknowledged and even encouraged."

Glossary:

- **Democracy:** Democracy is a system of governance where leaders are chosen through popular elections.
- **Direct Democracy:** Direct democracy is a form of governance in which citizens have the authority to make decisions on public policies and laws directly, rather than through elected representatives. Direct democracy often involves initiatives, referendums, and other mechanisms that allow citizens to propose, amend, or vote on laws, constitutional amendments, and other important matters.
- **Indirect or Representative Democracy:** Indirect democracy, also known as representative democracy, is a form of government in which citizens elect representatives to make decisions on their behalf.
- **Imperfect Democracy:** An imperfect democracy is a type of political system that exhibits some characteristics of a democracy but falls short of meeting all the criteria typically associated with an ideal democracy.
- **Fair Election:** A fair election is an electoral process that is conducted in a manner that ensures equal and unbiased opportunities for all eligible citizens to participate and have their voices heard.
- **Monarchy:** A monarchy is a form of government in which a single individual, known as a monarch, holds supreme authority and typically inherits the position through hereditary means, often from a royal family lineage.
- **Dictatorship:** A dictatorship is a form of government in which a single individual or a small group of individuals hold absolute and unrestrained authority over the country's political, social, and economic life.
- **Rule of Law:** The rule of law is a fundamental principle in which all individuals, including government officials and institutions, are subject to and accountable under the law. It implies that the law is supreme and applies equally to everyone, regardless of their social status, position, or influence.
- **Responsive Government:** A responsive government is one that constantly responds to the needs, concerns, and preferences of its citizens. It actively listens to the feedback and demands of the population and takes appropriate actions to address them.
- **Accountability:** Accountability refers to the obligation and responsibility of individuals, organizations, or governments to answer for their actions, decisions, and performance, particularly in situations where those actions affect others or have consequences for a larger community, society, or organization.
- **Stereotype:** A stereotype is a widely held and oversimplified belief or idea about a particular group of people, often based on limited or incomplete information. Stereotypes involve making generalizations and assumptions about individuals based on their perceived characteristics, such as their race, gender, ethnicity, age, religion, or other traits.
- **Prejudice:** Prejudice refers to a preconceived and usually negative attitude, belief, or judgment held towards individuals or groups based on their perceived/assumed characteristics, such as race, ethnicity, gender, religion, sexual orientation, socioeconomic status, or other factors.
- **Discrimination:** Discrimination refers to the unjust or prejudicial treatment of individuals or groups based on their actual or perceived characteristics, such as race, gender, religion, ethnicity, age, sexual orientation, disability, or other factors.





Indian Constitution and Its Philosophy

Bibliography: This chapter encompasses the summary of Chapters 1, 9, and 10 - XI NCERT (India Constitution at Work), Chapter 2 - IX NCERT (Democratic Politics-I), and Chapter 1 - VIII NCERT (Social and Political Life-III).

Introduction

Around the globe, **constitutions serve as fundamental blueprints, articulating the values and principles of nations.** They anchor societal aspirations and lay down rules of governance, ensuring order and justice.

- ❖ The Indian Constitution, **birthed from the crucible of colonial struggle, stands unique in its synthesis of global democratic tenets and India's rich cultural heritage.**
- ❖ It is not just a mere legal document, it pulsates with life, evolving continuously with the dreams of its people.
- ❖ This dynamic spirit, coupled **with its foundational philosophy of justice, liberty, equality, and fraternity,** carves its niche in the diverse tapestry of world constitutions, holding steadfast as a beacon of India's robust democracy.

What is the Constitution?

- ❖ The constitution of a country is **a set of written rules** that are accepted by all people living together in a country.
- ❖ Constitution is the **supreme law** that determines the relationship among people living in a territory (called citizens) and also the relationship between the people and government.

Why does a country needs Constitution?

A Country need a constitution because of the following reasons:

- ❖ The Constitution **generates a degree of trust and coordination** that is necessary for different kind of people to live together.
- ❖ It **delineates the ideals and character of society.**
- ❖ It **establishes the rules of governance and serves as custodians of shared values and principles.**
- ❖ It **outlines the structure and power dynamics** of the government.
- ❖ It **specifies how the government will be constituted,** who will have power to take which decisions.
- ❖ It **lays down limits on the powers of the government** and tells us what the rights of the citizens are.
- ❖ It **expresses the aspirations of the people about** creating a good society.
- ❖ It **sets boundaries on governmental powers** and states citizens' rights.

POINTS TO PONDER

Political System of a Country has a Constitution. Can you think of some other document which help in running other social institutions like Family, Kinship, Religion, Marriage, Or Private Companies, NGOs and SHGs?



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- ❖ It **embodies collective desires for a harmonious society** thus ensures harmony among diverse groups.

The Philosophy behind having a Constitution

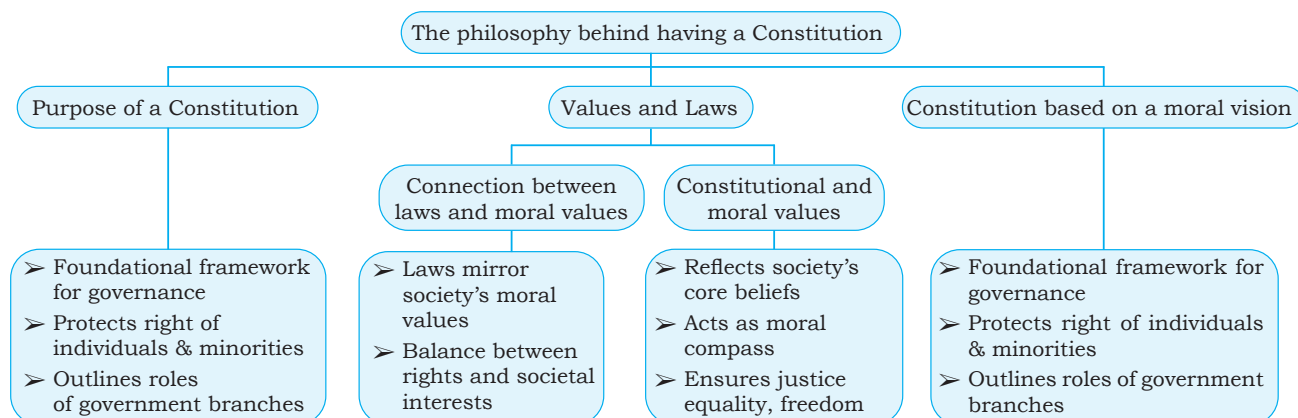


Figure 3.1: The Philosophy behind having a Constitution

What is Political Philosophy Approach to Constitution?

- ❖ It can be **defined as treating the Constitution as a document rooted in a specific moral vision** that help in addressing questions about the nature, scope, and legitimacy of public institutions and the relationships between them.
- ❖ It consists of three components which are as follows:
 1. **To understand the conceptual structure of the constitution** i.e., asking questions about the various terms of the constitution such as 'rights', 'citizenship', 'minority' or 'democracy' etc.
 2. **To work out a coherent vision of society and polity** conditional upon an interpretation of the key concepts of the constitution i.e., having a better grasp of the set of ideals embedded in the constitution.
 3. **To read the Indian Constitution in conjunction with the Constituent Assembly Debates** in order to refine and raise to a higher theoretical plane, the justification of values embedded in the Constitution.

Relevance of the Political Philosophy Approach

- ❖ **Deciphering Moral Foundations:** It helps in finding out moral content.
- ❖ **Interpreting Core Values:** It arbitrates between varying interpretations of core values.
- ❖ **Bridging Ideals and Practical Realities:** It helps in examination of disjunction between constitutional ideal and its expression in other arenas.
- ❖ **The Constitution as the Ultimate Arbiter:** The Constitution has authority; so it arbitrates in conflicts of interpretation over values or ideals.

Functions of a Constitution in Democratic Societies

- ❖ **Safeguarding Power and Authority:**
 - ✧ The Constitution lays out rules that restrict the misuse of power.
 - ✧ This is evident in the Fundamental Rights in the Indian Constitution, such as the Right to Equality that prevents discrimination on various grounds.
- ❖ **Protection of All Citizens, Especially Minorities:**
 - ✧ The Constitution ensures that the dominant majority does not exploit its power against minority groups.
 - ✧ It protects the rights of minorities from both inter-community and intra-community domination.

- ❖ **Guarding Broader Societal Principles:**
 - ✧ The Constitution defends societies from decisions that might seem momentarily beneficial but can be harmful in the long term.
 - ✧ It acts as a barrier against changes that may infringe upon foundational principles, especially during times of unrest.
- ❖ **Framework for Coordination and Governance:**
 - ✧ At its core, a constitution provides basic rules for coordination among society members and determines who holds decision-making power.
 - ✧ It **delineates how the government is constituted and sets fundamental boundaries on government actions**, ensuring citizens' rights remain protected.
- ❖ **Driving Democratic Transformation and Social Justice:**
 - ✧ Constitutions can usher in democratic changes, especially evident in colonised nations where they mark a significant act of political autonomy.
 - ✧ They aim to fulfil societal aspirations and pave the way for a just society.

Journeys to Democratic Constitutions: Case Studies of Nepal, South Africa, and Japan

Table 3.1: Comparison between the Constitutions of Nepal, South Africa, and Japan

Country	Key Historical Context	Transition & Changes	Constitutional Highlights	Significance
Nepal	Monarchical Rule with the King holding constitutional authority.	People established democracy in 2006, ending the King's powers.	New Constitution in 2015 reflecting democratic values.	Constitutions define a country's political framework and ensure leaders' accountability.
South Africa	Apartheid era with severe discrimination, especially against blacks. Nelson Mandela was imprisoned for life in 1964 for opposing apartheid.	White government's response to resistance: Repeal of discriminatory laws, lifting bans, and Mandela's release in 1994.	Post-apartheid constitution granted extensive rights. The preamble captures the spirit of transformation.	Post-apartheid constitution granted extensive rights. The preamble captures the spirit of transformation. Transition from global condemnation to a democratic model. Constitution bridging a troubled past and hopeful future.
Japan	Post-WWII scenario and desire for peace	Adoption of the 'Peace Constitution' in 1947.	Preamble emphasizing peace and ideals. Article 9 renounces war and force.	The constitution-making context influences its creators.

Empowering Provisions in Constitutions: A Comparative Overview

Country	Constitution's Mandate and Emphasis
South Africa	Champions environmental conservation, combats discrimination, and progressively ensure universal healthcare and housing.
Indonesia	Emphasizes the establishment of a national education system and entrusts the government with the welfare of impoverished children.

The Indian Constitution and its Importance

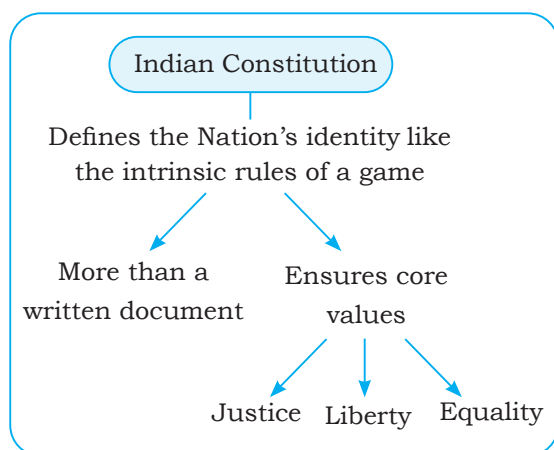


Figure 3.2: The Indian Constitution and its importance

Philosophical Foundations of the Indian Constitution

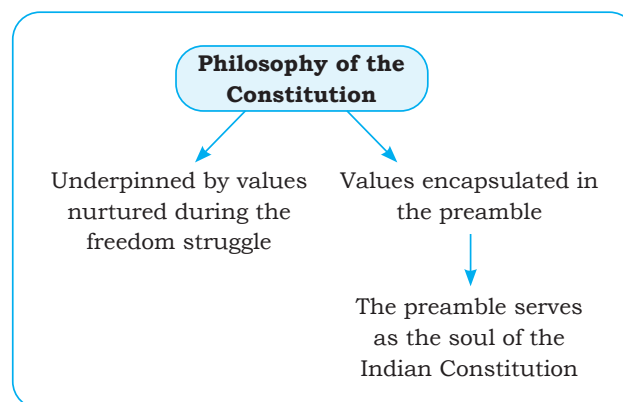


Figure 3.3: The Philosophy of the Constitution

What is the Political Philosophy of our Constitution?

- ❖ It is hard to describe this philosophy in one word because it is **liberal, democratic, egalitarian, secular, federal, open to community values, sensitive to the needs of religious and linguistic minorities** as well as historically disadvantaged groups, and committed to building a common national identity.
- ❖ **Core Philosophy:**
 - ✧ It is committed to individual freedom, liberalism, diversity, secularism and national unity. These values are also referred to as the **substantive achievements of the Constitution**.
 - ✧ Constitution also **emphasises on peaceful and democratic methods** of its core values implementation. They are referred as **procedural achievements**.

Substantive Achievements of the Indian Constitution:

- ❖ **Individual Freedom:**
 - ✧ The Constitution's foremost allegiance **lies with individual freedom**.
 - ✧ It is a **culmination of over a century of intellectual and political endeavours**.
 - ✧ For instance, the early 19th-century protest **led by Rammohan Roy** against the British's curtailing of press freedom serves as a precursor.
 - ✧ The constant clamour for a **free press** persisted throughout the period of British rule, illustrating its importance.
 - ✧ The Constitution robustly **emphasises freedom of expression, standing side by side with the opposition to arbitrary arrests** like the dissent against the Rowlatt Act.
 - ✧ It also **enshrines other liberties such as the freedom of conscience**, revealing its potent liberal character.
 - ✧ The **emphasis on individual rights** in the Constitution is further corroborated by documents from the Indian National Congress before its formal adoption.
- ❖ **Liberalism:**
 - ✧ The Constitution's **brand of liberalism** possesses a uniquely Indian flavour.
 - ✧ In contrast, classical Western liberalism **tends to place individual rights above social justice**.

- ✧ **The distinctive features of the Indian Constitution's liberalism are:**
 - ❑ It is always linked to social justice.
 - ❑ **For Example: Reservations for Scheduled Castes and Scheduled Tribes.** The belief is that the right to equality alone isn't enough for historically marginalised groups.
 - ❑ The various Special measures (like legislative seat reservations and public sector job reservations) are incorporated to advance their interests.
- ✧ **Respect for Diversity and Minority Rights:**
 - ✧ The constitution promotes **equal respect among communities.**
 - ❑ **Challenge:** Addressing historical hierarchies (e.g., caste) and community rivalries.
 - ✧ While **Western liberal constitutions** often don't recognize communities, Indian Constitution does due to:
 - ❑ The **acknowledgement of community values that** stands paramount in a diverse society.
 - ❑ **Multicultural communities lives in India**, encompassing varied linguistic and religious groups.
 - ❑ To **prevent any form of systematic dominance by a single community**, ensuring a balanced coexistence.
 - ✧ **Community-based rights in the Constitution:**
 - ❑ The Constitution ensures religious communities '**Right to establish and manage their educational institutions**'.
 - ❑ **The Constitution acknowledges that religion isn't just a private matter** for the individual but has societal implications.
- ✧ **Secularism**
 - ✧ Though the **term 'secular' was not initially mentioned**, the Indian Constitution has always been secular.
 - ✧ **Western Concept of Secularism:** It means mutual exclusion of state and religion in order to protect values such as individual freedom and citizenship rights of individuals.
 - ❑ **'Mutual Exclusion'** means both religion and state must stay away from the internal affairs of one another.
 - ❑ The state must not intervene in the domain of religion; religion likewise should not dictate state policy or influence the conduct of the state.
 - ❑ In short, states should neither help nor hinder religions. Instead, they should keep themselves at an arm's length from them. This has been the prevalent western conception of secularism.

Reasons for Departure of Indian Secularism from the Western Model

- **Rights of Religious Groups:**
 - Indian context recognized that **inter-community equality was as pivotal as individual equality.**
 - Individual freedom and self-respect were linked to the status of their community.
 - ❑ Therefore, the Constitution grants rights to all religious communities.
 - ❑ **For example**, the Right to establish and maintain their educational institutions.
 - In India, religious freedom pertains to both individuals and communities.
- **State's Power of Intervention:**
 - Pure separation wasn't feasible in India due to deep-rooted customs like untouchability.
 - Active state intervention was vital to eradicate such customs.
 - State intervention can be both **negative** (against harmful customs) and **positive** (aid to religious educational institutions).
 - **The objective is to promote freedom, equality, and social justice.**
 - Indian secularism equates to '**principled distance**', where the state maintains a **strategic distance from all the religions.**



❖ **National Identity:**

- ❖ The Constitution **constantly reinforces a common national identity.**
- ❖ The Indian Constitution tried to balance national identity with various other identities like religious, linguistic, regional and many more.
- ❖ For example, separate electorates were rejected not because they fostered difference between religious communities but because they endangered a healthy national life.
- ❖ Rather than forced unity, our Constitution sought to evolve true fraternity to create '**one community**'.

Procedural Achievements of the Indian Constitution

❖ **Faith in Political Deliberation:**

- ❖ Despite the noticeable absence of adequate representation for some groups in the Constituent Assembly, **the Constitution stands as a beacon of inclusiveness.**
- ❖ It **places significant emphasis on shaping existing preferences** through reasoned deliberation, rather than mere self-interest.
- ❖ The Constitution also resonates with a profound appreciation for the **inherent value in differences and disagreements.**

❖ **Spirit of Compromise and Accommodation:**

- ❖ In the realm of politics and governance, **compromise and accommodation aren't always tinged with negativity.**
- ❖ The act of **trading one value for another**, especially when done in the spirit of open deliberation among equals, is morally laudable.
- ❖ The **Constitution underscores this ethos by advocating for consensual decisions** on pivotal matters, rather than merely bowing to majority mandates.

Making of the Indian Constitution

THE CONSTITUTION OF INDIA PREAMBLE

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

JUSTICE, Social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

1. Subs, by the Constitution (Forty-second Amendment) Act 1976, Sec. 2. for "Sovereign Democratic Republic (wa.1.3.1.1977)
2. Subs, by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (we.1.3.1.1977)

Figure 3.4: The Preamble of the Indian Constitution

- ❖ **Historical Backdrop:**
 - ❖ The backdrop of the country's partition and the fate of the princely states meant the nation's future was nebulous.
 - ❖ The constitution-makers were laden with both **present anxieties and future concerns**.
- ❖ **Legacy of the Freedom Struggle:**
 - ❖ Despite the aforementioned challenges, the advantage was that there was already a **broad consensus on the vision of democratic India**, developed during the freedom struggle.
 - ❖ This movement aimed not just to resist foreign rule but **to rejuvenate and transform the nation's socio-political landscape**.
 - ❖ **Documents from 1928 by Motilal Nehru** and the **1931 Karachi resolution** hinted at values like **universal adult franchise, freedom, equality, and minority rights** that would later shape the Constitution.
- ❖ **Learning from Colonial Structures:**
 - ❖ India's tryst with colonial political structures provided a template.
 - ❖ While the British had introduced **limited voting rights and weak legislative bodies**, the legislative experience Indians obtained, like the 1937 Provincial Legislature elections, proved invaluable.
 - ❖ Consequently, the Indian Constitution incorporated details from colonial precedents, **such as the Government of India Act, of 1935**.
- ❖ **Global Inspirations:**
 - ❖ Our leaders, while influenced by **ideals from the French Revolution, British parliamentary democracy, the US Bill of Rights, and Russia's socialist revolution**, never blindly imitated.
 - ❖ Every inspiration underwent scrutiny to ensure its alignment with the Indian context and needs.
- ❖ **Demand for Constituent Assembly:**
 - ❖ By the **early 20th century**, Indian nationalists had been fighting British rule and **envisioned a free India**.
 - ❖ The experience under **British authoritarian rule** solidified the desire for democracy with equal treatment and participation in government for all.
 - ❖ **In 1934**, the Indian National Congress **demanding a Constituent Assembly. (M.N.Roy was first one to moot the idea of Constituent Assembly)**
 - ❖ After the Second World War, the demand for an independent Constituent Assembly grew.
- ❖ **Composition of the Constituent Assembly:**

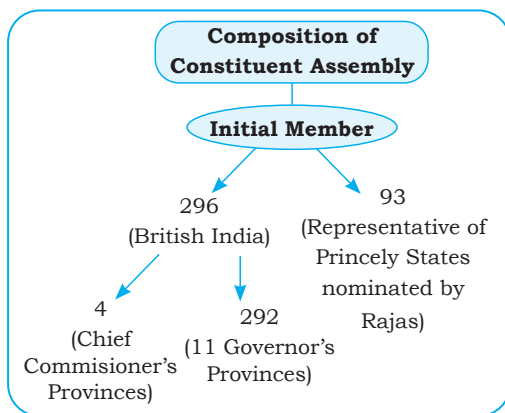


Figure 3.4: The Composition of the Constituent Assembly

POINTS TO PONDER

The Constituent Assembly was constituted with Limited Franchise. It lacked equitable representation from all sections of society. Still the Indian Constitution enjoys almost universal acceptance and legitimacy. Why?



- ✧ A Constituent assembly had membership of key leaders, each entrenched with a unique vision, **the Constituent Assembly significantly influenced India's constitutional trajectory.**
- ✧ The Assembly was a mosaic of members from **diverse linguistic, caste, class, religious, and occupational backgrounds.**
- ✧ Despite the overarching influence of Congress, it's noteworthy that **some members harboured dissenting views.**
- ✧ Between **December 1946 and November 1949**, the Constituent Assembly meticulously crafted the constitution for a soon-to-be independent India.
- ✧ It was this esteemed assembly that **adopted the Constitution on 26th November 1949.**
- ✧ The implementation **followed on 26th January 1950**, a date indelibly etched in Indian history as it is celebrated annually as **Republic Day.**

Nehru's Vision



- Demand for a Constituent Assembly represented the **collective desire for self-determination.**
- The Constituent Assembly was more than just a gathering; it symbolised a 'nation on the move', reshaping its **political and social structure.**
- The Indian Constitution aimed to **dismantle traditional social hierarchies** and promote **freedom, equality, and justice.**
- Constitution's potential role: Not just to restrain those in power but to **empower the traditionally deprived.**
- The Indian Constitution aimed to **dismantle traditional social hierarchies** and promote **freedom, equality, and justice.**

The Objectives Resolution (December 1946)

- The Objective Resolution was a pivotal document **moved by Nehru in the first session of the Constituent Assembly.**
- **Purpose:** It **encapsulated the aims and aspirations** that the nationalist movement envisioned for the Indian Constitution.
- **Legacy:** Drawing inspiration from this resolution, the Constitution of India institutionalized foundational commitments, including:
 - Equality
 - Liberty
 - Democracy
 - Sovereignty
 - Universal identity

Main Points of the Objectives Resolution

- **Sovereign Status:** India is to be recognized as an **independent, sovereign republic.**
- **Formation of the Union:** The Union will **encompass former British Indian territories**, Indian States, and any other regions willing to join.
- **Autonomy of Territories:** All territories in the Union **will be autonomous**, holding all governmental and administrative powers, unless specifically assigned to the Union.
- **Power Source:** The ultimate source of power in India, including its constitution, will be the people.
- **Rights and Freedoms:** Every Indian citizen is assured **social, economic, and political justice, equality before the law, and fundamental freedoms** (like speech, belief, worship, and association) within the boundaries of law and public morality.
- **Protection for Vulnerable Groups:** **Safeguards will be in place for minorities**, tribal areas, and other backward classes.
- **Territorial Integrity:** The **Republic's territorial integrity and sovereign rights on land, sea, and air** will be upheld in alignment with international law.
- **Global Contribution:** India commits to **actively promoting world peace and the welfare of humanity.**

❖ **Constitution Framing Process:**

- ✧ Initially, basic principles were carved out to **serve as a foundation**.
- ✧ The responsibility of moulding these principles into a concrete document **fell upon the Drafting Committee, chaired by Dr. B.R. Ambedkar**.
- ✧ This draft then underwent exhaustive discussions, **with an impressive tally of over 2000 amendments being deliberated over 114 days**, spanning approximately three years.
- ✧ Every uttered word, every tabled document, found its meticulous documentation in the **'Constituent Assembly Debates'**, acting as an invaluable resource for those keen to discern the rationale behind the Constitution's clauses.

❖ **Challenges Faced by the Constituent Assembly**✧ **Contextual Challenges:**

- ❑ Drafting the constitution for India, an expansive and diverse nation, presented its own set of challenges.
- ❑ The nation was transitioning from being subjects to citizens and had just undergone a traumatic partition based on religious differences, leading to massive violence.
- ❑ Additionally, the future of princely states, whether to integrate with India, Pakistan or remain independent was uncertain.

✧ **Diversity and Political Complexities:**

- ❑ India was diverse with multiple languages, religions, and cultures.
- ❑ Political upheavals, such as the impending partition into India and Pakistan, and undetermined futures of Princely States, loomed large.



✧ **Socio-Economic Challenges:**

- ❑ Socioeconomic challenges, including poverty, were pressing.

❖ **Achievements Amidst Challenges:**






- ✧ Despite these challenges, the Constituent Assembly produced a visionary document that respects India's diversity while emphasising unity.
- ✧ The Constitution also focuses on socio-economic reforms and the importance of representation.




Important Leaders and their Contribution**Table 3.2:** Important Leaders and their Contribution

Name	Birth Place & Dates	Notable Positions	Contributions
 Mahatma Gandhi	Porbandar, Gujarat (1869-1948)	Leader of Indian National Congress	Emphasised an India devoid of inequality, where all citizens have equal rights irrespective of caste or gender.
 Dr B.R. Ambedkar	Mhow, Madhya Pradesh (1891-1956)	Chairman of the Drafting Committee; Law Minister in the first cabinet of post-independence India	Highlighted contrast between political equality and socioeconomic inequality; Warned of potential dangers therein.



 <p>Vallabhbhai Jhaverbhai Patel</p>	Gujarat (1875-1950)	Minister of Home, Information and Broadcasting; Deputy Prime Minister	Integration of Indian Princely States.
 <p>Abul Kalam Azad</p>	Saudi Arabia (1888-1958)	Education Minister in the First Union Cabinet	Educationist, Author, Theologian; Opposed Muslim separatist politics.
 <p>T.T. Krishnamachari</p>	Tamil Nadu (1899-1974)	Member, Drafting Committee; Finance Minister	Entrepreneur and Congress leadership.
 <p>Rajendra Prasad</p>	Bihar (1884-1963)	President of the Constituent Assembly; First President of India	Lawyer; Champaran Satyagraha Leader; Three times Congress President.
 <p>Jaipal Singh</p>	Jharkhand (1903-1970)	Founder of Jharkhand Party	Sportsman; Captain of first national Hockey team; Founder president of Adivasi Maha Sabha.

 <p>H.C. Mookherjee</p>	Bengal (1887-1956)	Vice-Chairman of the Constituent Assembly; Governor of West Bengal	Author, Educationist, Congress Leadership.
 <p>G. Durgabai Deshmukh</p>	Andhra Pradesh (1909-1981)	Founder Chairperson of Central Social Welfare Board	Advocate for women's rights; Founder of Andhra Mahila Sabha.
 <p>Baldev Singh</p>	Haryana (1901-1961)	Defence Minister	Entrepreneur; Leader of the Panthic Akali Party; Nominee of Congress in the Constituent Assembly.
 <p>Kanhaiyalal Maniklal Munshi</p>	Gujarat (1887-1971)	Minister in the Union Cabinet; Founder of the Swatantra Party	Advocate, Historian, Linguist; Gandhian.
 <p>Shyama Prasad Mukherjee</p>	West Bengal (1901-1953)	Minister for Industry and Supply; Founder President of Bharatiya Jansangh	Educationist, lawyer.

 <p>Jawaharlal Nehru</p>	Uttar Pradesh (1889-1964)	Prime Minister of the interim government; First Prime Minister	Advocate of Socialism, Democracy, and Anti-imperialism.
 <p>Sarojini Naidu</p>	Andhra Pradesh (1879-1949)	Governor of Uttar Pradesh	Poet, Writer, Political Activist.
 <p>Somnath Lahiri</p>	West Bengal (1901-1984)	Member of West Bengal Legislative Assembly	Writer, Editor; Leader of the Communist Party of India.

Institutional Design of the Constitution

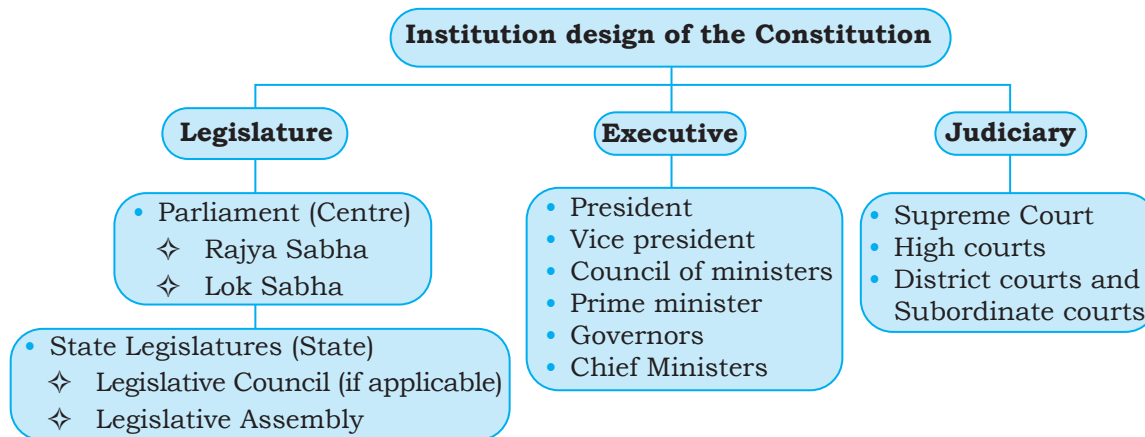


Figure 3.6: The institutional design of the Constitution

- ❖ **Nature and Purpose:** Beyond embodying values, a constitution lays down the structure and functions of the institutions that govern a nation.
- ❖ **Key Aspects of Institutional Design:**
 - ✧ It helps in determining the process for selecting governing individuals.
 - ✧ It defines the distribution of powers and decision-making authority.
 - ✧ It provides a set of inviolable rights to the citizens, ensuring limits on governmental power.

Key Features of the Indian Constitution

1. Federalism

- ❖ **Conceptual Foundation:**

- ❖ **Multi-tiered governance:** Central and State government.
- ❖ **Purpose:** To address local issues locally and manage national concerns centrally.

- ❖ **Asymmetric Federalism:**

- ❖ **Divergence from the U.S. Symmetry:** Distinct from U.S. symmetric model.
- ❖ **Centralized Strength with Sub-unit Flexibility:** A strong central government with accommodation for diverse sub-unit requirements.

- ❖ **Special Status for Sub-Units:**

- ❖ States/regions with unique relationships or statuses.
 - ☐ For example, **Article 371A-Special status for Nagaland**. It aims to protect local identity and pre-existing laws.

- ❖ **Multi-Lingual Federation:**

- ❖ **Evolution Over Imposition:** Not an initial vision but an evolved stance.
- ❖ **Unity in Linguistic Diversity:** Celebrates linguistic diversity, fostering unity alongside cultural recognition.

2. Parliamentary Form of Government

- ❖ **Concept:** Elected representatives form the government.
- ❖ **Purpose:** It makes the Executive accountable to the Parliament.

3. Separation of Powers

- ❖ **Concept:** There is a distribution of power among **three organs: Legislature** (elected representatives), **Executive** (implementing laws and governance), and **Judiciary** (court system).
- ❖ **Purpose:** Each organ checks the other, ensuring no single entity becomes too powerful, thus maintaining a balanced power structure.

4. Fundamental Rights

- ❖ **Concept: Rights to protect citizens** against the misuse of State power.
- ❖ **Purpose:** Derived from colonial experiences, these rights ensure the protection of individuals against the State and other individuals and minorities against the majority. They bind every law-making authority.

5. Secularism

- ❖ **Concept:** The state does not promote any religion as the official religion.
- ❖ **Purpose:** Given India's religious diversity, secularism **ensures no religion is given preference**, reinforcing **equality and harmony**.

6. Directive Principles of State Policy

- ❖ **Concept:** Guidelines for the State to ensure social and economic reforms.
- ❖ **Purpose:** While **not legally binding**, they guide the government in ensuring social justice and welfare.



7. Universal Adult Franchise in the Indian Constitution

- ❖ **Concept:** Universal Adult Franchise ensures **every citizen can vote and participate in the democratic process** breaking traditional barriers and upholding the authentic expression of national will.
- ❖ **Purpose:** Adopting Universal Adult Franchise reflects the Constituent Assembly's trust in the common man and the transformative power of democracy, aiming to elevate the standard of living and the overall well-being of every citizen.

More about Universal Adult Franchise

➤ Indian Nationalism Link:

- The idea of nationhood emerged among educated Indian elites resulting into the demand for democratic self-governance.
- **Central to this vision:** Universal Franchise.

➤ Historical References:

- **Constitution of India Bill (1895):** Highlighted citizen rights in national matters.
- **Motilal Nehru Report (1928):** Voting right for all citizens (21 years of age), irrespective of gender.

➤ Comparison with Western Democracies:

- It's noteworthy that many Western democracies **had only recently granted voting rights to women and the working class.**

➤ Ayyar's Vision:

- **Shri A.K. Ayyar** envisioned that this democratic stride would not only bring enlightenment but also **elevate the standard of living and overall well-being of every citizen.**

8. National Identity via Constitution

- ❖ **Concept:** A shared national identity that **harmonizes religious and linguistic identities** while prioritizing a common identity under specific conditions.
- ❖ **Purpose:** The aim is **to cultivate genuine fraternity and not a forced unity, reinforcing 'one community' (as per Sardar Patel)** while recognizing regional identities.

9. Fundamental Duties

- ❖ **Concept:** These are responsibilities every citizen should uphold, reinforcing a sense of civic responsibility and national pride.
- ❖ **Purpose:** They ensure that citizens' rights are balanced with their duties, reminding individuals of their role in upholding democratic values. **For example, respecting the Constitution, promoting harmony, and safeguarding public property.**

POINTS TO PONDER

Read and Find out how Constitutions of different regimes vary. For example, India, Britain, USA, Saudi Arabia and China.



Provisions Adapted from the Constitutions of Different Countries

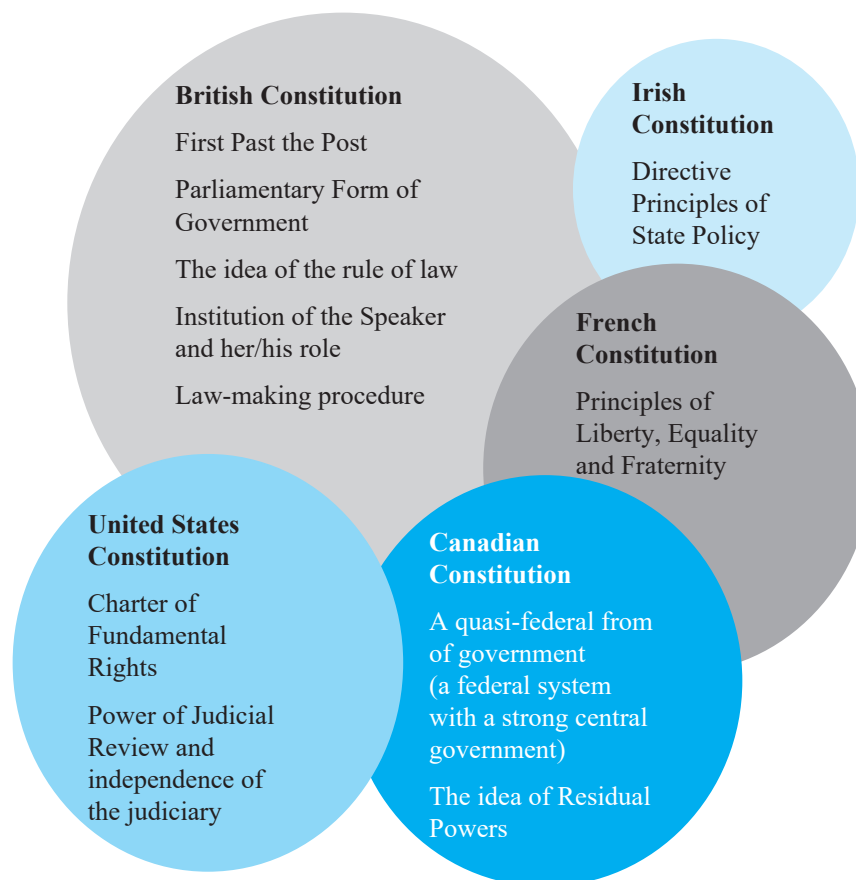


Figure 3.7: Provisions adapted from the Constitutions of Different Countries

POINTS TO PONDER

Indian Constitution is a culmination of varied Constitution principles adopted from Constitutions of different nation states. Do you think it was the right approach to adopt best practices or should we have gone with entirely indigenous principles?



Are Constitutions Static?

- ❖ **Constitutions are not static; they evolve with societal needs and political shifts.**
- ❖ As societies change, their foundational documents must adapt to **reflect new realities, values, and challenges.**
- ❖ This adaptability ensures that a **nation's guiding principles remain relevant and effective.**
- ❖ Nations often rewrite constitutions due to **societal changes, political upheavals, or changing ideas.**
- ❖ **For example,** the **Soviet Union** had **four constitutions in 74 years.**



Constitution as a Living Document

India's Constitutional Legacy

- ❖ **Adopted on 26 November 1949**, the Constitution came into **effect from 26 January 1950**.
- ❖ Even after the passage of over 69 years, **the same document still governs the nation**.
- ❖ The enduring nature of India's Constitution **testifies to its robustness**, suitability to the country, and visionary foresight.
- ❖ However, it's **imperative to recognize that no constitution, regardless of its depth, can anticipate every nuance of future changes**.

The Adaptability of the Indian Constitution

- ❖ **Anticipating Change:** It recognizes the need for modifications over time.
- ❖ **Flexibility in Practice and Interpretation:**
 - ✧ The framers of the Indian Constitution **ensured it wasn't static**.
 - ✧ The provisions for constitutional amendments were made **to ensure its relevance over time**.
 - ✧ It also **demonstrates flexibility through political practice and judicial interpretations**.
- ❖ **A Living Document:** This adaptability makes it a living document and not just a static rulebook.

Balancing Evolution and Sanctity: The Journey and Dynamics of the Indian Constitution

The Dual Role of a Constitution

- ❖ It reflects society's dreams and aspirations.
- ❖ It also **serves as a framework for democratic governance**.

The Sacred vs. Ordinary Debate

- ❖ Constitutions sit above ordinary laws.
- ❖ They may require modifications over time due to societal shifts in opinion.
- ❖ **Indian Constitution is a blend:** Viewed as both sacred and open to necessary changes.
- ❖ It's not static but evolves with time and necessity.

Parliament's Supremacy Dilemma

- ❖ In a parliamentary democracy, **the Parliament holds supremacy**.
- ❖ However, the Constitution has defined powers for various government organs.
- ❖ Democracy is not just about people's representation but also the **rule of law, balance among institutions, and responsibility**.

Role of the Judiciary

- ❖ The Parliament aimed to enact laws benefiting the marginalized.
- ❖ The Judiciary asserted that laws should adhere to the Constitution's framework, emphasising **checks on arbitrary power** usage.
- ❖ The "**basic structure**" theory, introduced in the **Kesavananda ruling**, emphasises the spirit rather than the letter of the Constitution. It is an interpretation that ensures the essence of the Constitution remains intact.

Maturity of Political Leadership

- ❖ There were tensions between 1967-1973 about the **balance of power**. Post the **Kesavananda Bharati Case (1973)** ruling, attempts to challenge it were made but the Court remained firm, as seen in the **Minerva Mills Case (1980)**.
- ❖ The idea of an unchangeable basic structure has been widely accepted.
- ❖ The foundational vision of India, **based on dignity, freedom, equality, well-being, and unity**, has guided the Constitution and its respect.

How to amend the Constitution?

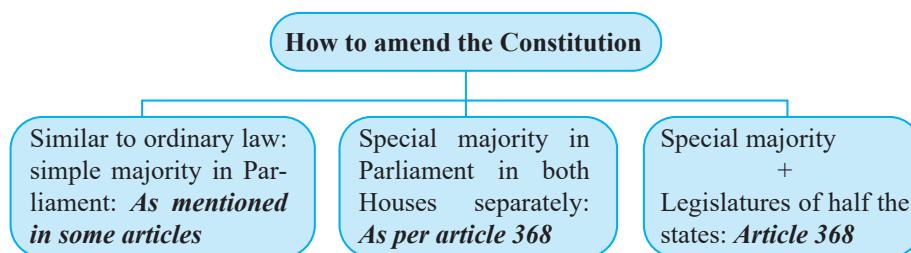


Figure 3.8: Procedure to amend the Constitution

Underlying Principles of Amendment

- ❖ The procedure emphasises **simplicity** and the **sovereignty** of elected representatives.
- ❖ This ensures only the elected representatives have the power to finalise amendment decisions, highlighting parliamentary sovereignty.

Simple Amendment Procedure

- ❖ Some articles can be amended via regular legislative processes.
- ❖ Mentioned specifically in the articles, e.g., Article 2 and Article 3, which indicate amendments “by law” without needing Article 368 procedures.

More About Article 2 and Article 3

- **Article 2:** The Parliament can admit new territories into the Union of India or establish new states on such territories.
- **Article 3:** The Parliament can:
 - Form a new state by separating territory from any state(s), or by uniting two or more states or parts of states.
 - Increase the area of any state.
 - Diminish the area of any state.
 - Change the boundaries of any state.
 - Alter the name of any state.
- However, before making any such changes, **the President must refer the Bill to the state legislature(s) concerned for their opinion, but the Parliament is not bound to accept or act upon this opinion.**

Article 368

It allows **Parliament to amend the Constitution** through addition, variation, or repeal. It lays down specific amendment procedures.

Special Majority

- ❖ While most legislative matters necessitate a simple majority, amending certain sections of the Constitution **demand a more rigorous approach**.
- ❖ The Constitution prescribes a “**special majority**” for these pivotal changes.
- ❖ This “**special majority**” is defined by two stringent criteria:
 - ❖ **It requires the endorsement of at least half of the total strength of the House.**
 - ❖ **Additionally, two-thirds of the members present must vote in favour.**
- ❖ Both the Lok Sabha and the Rajya Sabha must separately affirm these amendments, with joint sessions being precluded.
- ❖ The rationale behind this protocol is to ensure a broad consensus, compelling even dominant parties to court the support of the opposition before altering fundamental provisions.

State Ratification and Federalism:

❖ Special Majority along with State Legislatures' Consent:

- ❖ If an amendment affects power distribution between the Centre and States or representation matters, **states' consent is essential**.
- ❖ It requires both a special parliamentary majority and approval from half the state legislatures.
- ❖ All initiatives start in Parliament, **no external body is needed**.
- ❖ After parliamentary and, when necessary, state approvals needed, no referendum is required.
- ❖ It ensures **respect for federal nature** and gives states a say in critical amendments.
- ❖ A **simple majority in state legislatures** suffices for ratification.
- ❖ The **President must assent** without sending it back for reconsideration

POINTS TO PONDER

Texts, Rule Books, Norms, Customs and Social Traditions have mostly been rigid and unchangeable. On the other hand, many constitutions including Indian Constitution under Article 368 provide for their own amendment. Why are the constitutions made amendable?



Balancing Flexibility and Rigidity

The Constitution's design aims for a **mix of flexibility** (open to changes) and **rigidity** (resistant to changes).

Flexible constitutions are **easily amended**; **rigid ones** have **tough amendment** processes.

The Indian Constitution embodies both traits of flexible and rigid Constitution.

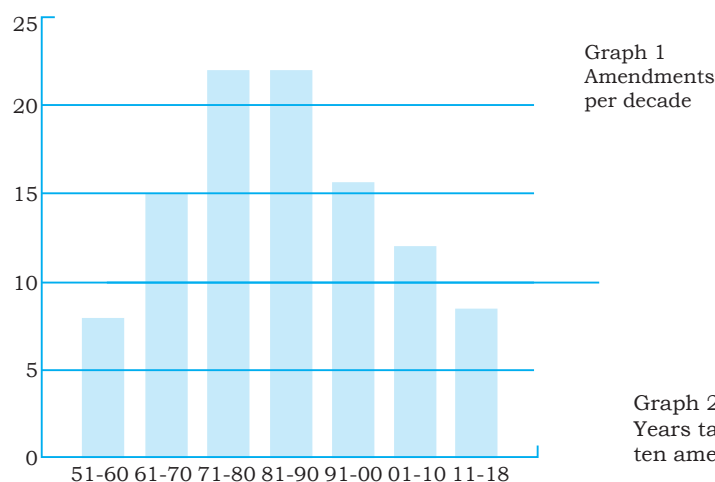
Reasons for Different Amendment Procedures

- ❖ The founding framers **acknowledged potential errors** in the Constitution that may need correction.
- ❖ Some **temporary provisions were added** to alter post-new parliamentary elections.
- ❖ Core features central to the Constitution's spirit were made more rigid.

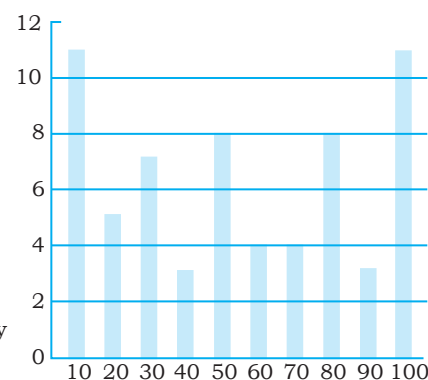
Historical Perspective on Amendments

- ❖ By January 2019, the Constitution had seen **103 amendments in 69 years**.
- ❖ Key periods of frequent amendments:

- ✧ **1970-1990 saw a significant number.**
- ✧ **1974-1976 and 2001-2003 witnessed rapid sequences of amendments.**



Graph 2
Years taken for every
ten amendments



- ✧ The two distinct periods were marked by Congress dominance and coalition politics, respectively.
- ✧ The nature of amendments is not solely dependent on the ruling party's majority.

Critique and Reflection:

- ✧ It is notable to observe **103 amendments in just 69 years.**
- ✧ The consistency of these amendments, **irrespective of political climates, stands out.**
- ✧ The reasons for such changes likely **transcend mere political motivations.**
- ✧ It raises critical inquiries:
 - ✧ *Were there shortcomings in the original Constitution?*
 - ✧ *Is the Constitution inherently designed for adaptability?*
- ✧ The frequent amendments spark **deeper discussions on the balance between rigidity and flexibility in constitution-making.**

Review of the Constitutional Amendments in India

Technical or Administrative Amendments

- ✧ There exists a **category of amendments that primarily cater to clarifications** or minor tweaks to the existing provisions.
- ✧ For example,
 - ✧ **Increasing High Court judges' retirement age (15th Amendment, 1963).**
 - ✧ **Raising judges' salaries (54th Amendment, 1986).**
 - ✧ Regular **extension of the reserved seats** period for Scheduled Castes and Tribes.

Amendments Due to Differing Interpretations

- ✧ The journey of constitutional amendments **occasionally arises from disputes over its interpretation**, particularly **between the judiciary and the government.**
- ✧ Such clashes became particularly prominent **during the 1970-1975 period.**
- ✧ It was during this time that contentious differences over aspects **like fundamental rights, the right to private property, and the Parliament's amending powers** came to the fore.

Amendments through Political Consensus:

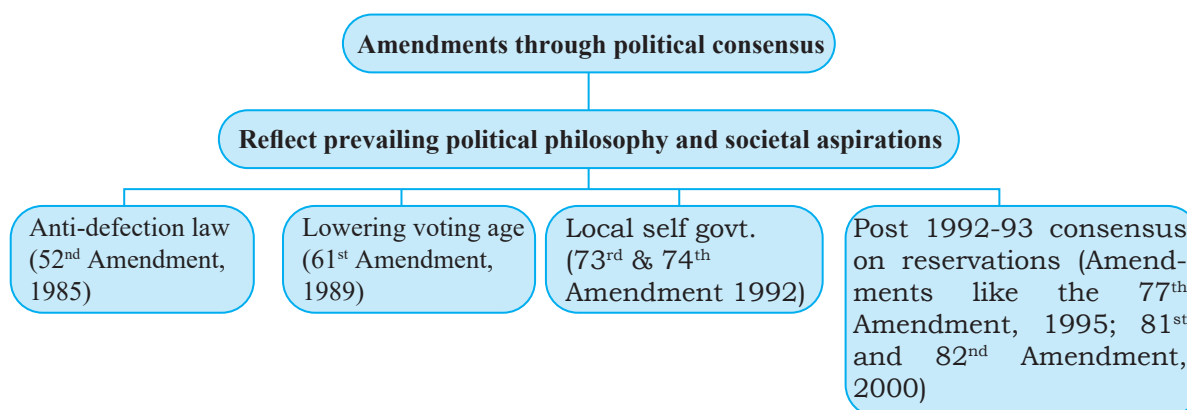


Figure 3.9: Amendments through Political Consensus

Controversial Amendments (1970-1980):

- ❖ Particularly the **38th (1975), 39th (1975), and 42nd amendments (1976)**, seen as a potential subversion of the Constitution during the 1975 internal emergency.
- ❖ **The 42nd Amendment's** wide-reaching changes included altering the Preamble, changing the Seventh Schedule, affecting 53 Articles. It also **introduced Fundamental Duties**.
- ❖ **43rd and 44th Amendments** reversed many of these changes.

Basic Structure and Evolution of the Constitution:

Theory of Basic Structure:

- ❖ It was introduced by the Judiciary in the **Kesavananda Bharati case**.
- ❖ **Implications:**
 - ❖ Parliament **cannot amend the Constitution in a way that violates its basic structure**.
 - ❖ Parliament can amend any part of the Constitution, keeping the above limit in mind.
 - ❖ The judiciary is the ultimate authority to decide if an amendment breaches the basic structure or defines what constitutes it.

Significance of the Kesavananda Bharati Case Ruling:

- ❖ Since 1973, this ruling has been foundational in all **constitutional interpretations**.
- ❖ The theory is an instance of a **living constitution**, evolving via **judicial interpretation** rather than formal amendments.
- ❖ This theory emphasises **both rigidity** (by protecting certain core features) and **flexibility** (by allowing other changes).

Judicial Interpretation and Constitutional Evolution:

- ❖ Through interpretations, the Court has expanded understanding and rights concerning **education, life, liberty and management of minority educational institutions etc.**
- ❖ For example, Supreme Court decisions (Indra Sawhney Case, 1992) have set that **reservations should not exceed 50% of total seats**. The judgement in this case, introduced the “**creamy layer**” concept, that excluded some of other backward class beneficiaries from reservations.

Criticisms of the Indian Constitution

❖ Unwieldiness:

- ❖ **Popular assumption is that** the country's constitution must be **concise and compact**.
- ❖ **But in reality** many countries have multiple documents with constitutional significance. India's constitution includes various details in a single document, making it sizable.
 - ❑ **For Example: Provisions for Election Commissions and Civil Service Commissions are incorporated in India's Constitutional document**, whereas many countries don't include these in their core constitution.

❖ Unrepresentativeness:

- ❖ **Criticism origin:** The Constituent Assembly was formed before the adult franchise, and most members were from advanced societal sections only.
- ❖ **But in reality, the Constitution reflects following components of Representation:**
 - ❑ **Voice:** People's language or voice. From this dimension, it might appear **unrepresentative** as it was formed by a restricted franchise.
 - ❑ **Opinion:** Vast range of issues and opinions were debated in the Constituent Assembly, **reflecting varied interests and concerns of multiple societal sections**.
 - ❑ **Noteworthy:** The widespread establishment of statutes of Dr. Ambedkar with the Constitution in his hand in every other small towns **signifies its acceptance and representation of aspirations**, especially among the Dalits.

❖ Alienation:

- ❖ Many political thinkers posit that the Indian Constitution, derived from Western sources, thus does not align with India's cultural ethos.
- ❖ **But in Reality:**
 - ❑ While the Constitution is modern and partially Western, **it is not blindly borrowed but innovatively adopted**.
 - ❑ Many Indians adopted modern thought as a protest against traditional flaws. **Example: Rammohan Roy's reformist movement and the Dalits' active use of the new legal system.**
 - ❑ **The hybrid culture:** Western modernity, when merged with local culture, resulted in an alternative modernity, distinct from both Western standards and pure indigenous traditions.
 - ❑ The Constitution represents a **selective adaptation of Western and traditional Indian values**, not just mere borrowing.

Limitations of the Indian Constitution

❖ Centralised Idea of National Unity:

- ❖ The Constitution projects a centralised perspective on **national unity**.

❖ Gender Justice Concerns:

- ❖ The Constitution seems to have overlooked specific issues of **gender justice**, especially within familial contexts.

❖ Uncertainty on Socio-economic Rights:

- ❖ Still certain basic socio-economic rights categorised under Directive Principles rather than made an integral feature of our fundamental rights.

It's possible to provide explanations or even solutions for these limitations. However, the emphasis is on these limitations not being detrimental to the Constitution's overarching philosophy.

Conclusion

The Indian Constitution, born from our freedom struggle, seamlessly blends global democratic ideas with our unique traditions. **More than just laws, it captures India's vision for an inclusive future.** Its flexibility ensures its relevance in changing times. This Constitution isn't just about rules, but the heartbeat of India's democratic journey.

Glossary:

- **WE, THE PEOPLE OF INDIA:** The Constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers.
- **Sovereign:** People have the supreme right to make decisions on internal as well as external matters. No external power can dictate the government of India.
- **Socialist:** Socialism is a philosophy which focuses on minimisation of economic and social inequalities. Out of its two variants i.e. Scientific Socialism (Marxism) and Democratic Socialism (Fabian), India opted for Socialism through Democratic means. Thus, India promotes minimisation of inequalities and co-option of Socialist principles through laws, democracy and public policy.
- **Secular:** Citizens have complete freedom to follow any religion. But there is no official religion of the state. The government treats all religious beliefs and practices with equal respect.
- **Democratic:** A form of government where people enjoy equal political rights, elect their rulers and hold them accountable. The government is run according to some basic rules.
- **Republic:** The Head of the State is an elected person and not a hereditary position.
- **Justice:** Citizens cannot be discriminated on grounds of caste, religion and gender. Social inequalities have to be reduced. Government should work for the welfare of all, especially of the disadvantaged groups.
- **Liberty:** There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.
- **Equality:** All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.
- **Fraternity:** All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior.
- **Apartheid:** The official policy of racial separation and ill-treatment of blacks followed by the government of South Africa between 1948 and 1989.
- **Constituent Assembly:** An assembly of people's representatives that writes a constitution for a country.
- **Constitution:** Supreme law of the land, containing fundamental rules governing the politics and society in a country.
- **Constitutional amendment:** A change in the constitution made by the supreme legislative body in a country.
- **Philosophy:** The most fundamental principles underlying one's thoughts and actions.
- **Preamble:** An introductory statement in a constitution that states the reasons and guiding values of the constitution.
- **Directive Principles:** Non-enforceable guidelines in the Indian Constitution for creating a just and equitable society.
- **Fundamental Duties:** Obligations every Indian citizen is expected to fulfil, as stated in the Constitution.
- **Trust:** A meeting or meeting place that has been agreed upon.



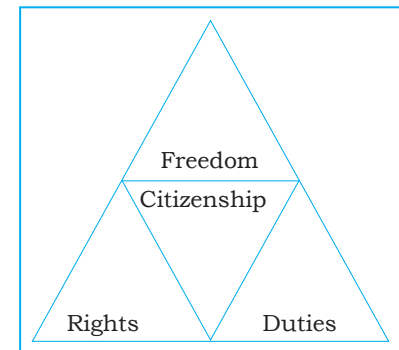


Citizenship

Bibliography: This chapter encompasses the summary of Chapter 6 - XI NCERT (Political Theory).

Introduction

Citizenship holds a significant place in the global framework, being defined as the **full and equal membership of a political community**. In today's world, states play a pivotal role in shaping the identity of their citizens by providing them with a **collective political identity** and bestowing upon them certain **unalienable rights**. This identity is deeply ingrained in individuals; whether one identifies as Indian, Japanese, or German, it is fundamentally tied to the state they belong to.



Citizen and State

Citizenship identity comes with an inherent expectation of citizens from their state. The expectations are as follows:

- ❖ Citizens anticipate **receiving rights** from their state and
- ❖ Citizens also seek **State protection**, no matter where they may travel.

However, citizenship is also about **citizen-citizen relations** and **citizen-society relations**, as it involves certain obligations (political and moral) of citizens to each other and to society. Apart from that, citizens are also considered to be the **inheritors and trustees** of the culture and natural resources of the country.

POINTS TO PONDER

Tribes, kingdoms, and empires had commonness as subjects, while modern nation states have Citizens. Why? Can you think of a difference between a citizen and a subject?



Historical Context

- ❖ These rights enjoyed by citizens have been **acquired after various struggles**.
 - ✧ Early struggles were against powerful monarchies, like **the French Revolution in 1789**.
 - ✧ In the recent past, in Asian and African colonies also, demands for equal citizenship were part of their independence struggles. For example, in **South Africa, black Africans fought** for equal citizenship against the ruling white minority till the 1990s.
- ❖ The struggles for full membership and equal rights are still going on in many parts globally. E.g., women's movement and Dalit movements in India etc.

Understanding Full And Equal Membership

Insiders and Outsiders Division:

If you have ever travelled in a crowded railway compartment, you will be familiar with the way in which those who may have earlier fought each other to enter, once inside, discover a shared interest



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in keeping others out! A division soon develops between 'insiders' and 'outsiders', with 'outsiders' being seen as a threat.

Table 4.1: An Analogy between Crowded Places and Larger Communities

Comparison Point	Crowded Places	Larger Communities
Division Dynamics	Those inside the crowded place (like a train compartment) form a unit becoming insiders and oppose others who are trying to enter, i.e. outsiders .	Similar divisions are observed in cities, regions, or at the national level.
Scarce Resources	Space is limited.	Jobs, medical care, education, and natural resources are limited.
Response to Outsiders	Those inside attempt to prevent further entries.	Demands may arise to restrict entry to 'outsiders'. For example, 'Mumbai for Mumbaikars' .

Interpreting 'Full and Equal Membership' within the Democratic Framework

- ❖ In simple words, full and equal membership means **each and every citizen of the State should be granted certain basic rights** along with **appropriate mechanisms to ensure its protection**.
- ❖ **Right to Freedom of Movement and Full and Equal Membership:**
 - ✧ The concept of "Full and Equal Membership" delves deeply into the right to freedom of movement. This right is particularly significant for the working populace.
 - ✧ In the absence of job opportunities proximal to their residences, labour tends to migrate. For example, migrant workers from the northern India influx into some big cities like Mumbai, Bangalore etc.
 - ✧ Conversely, when local residents discern an overwhelming number of outsiders availing of local job opportunities, it often culminates in resistance.
 - ✧ Such dynamics lead to demands for job restrictions based on regional belonging or linguistic proficiency.
 - ✧ This raises the question of whether poor and unskilled workers should have the same right to live and work anywhere in the country as skilled workers.

POINTS TO PONDER

- What does '**full and equal membership**' signify in a democratic framework?
 - Does this concept imply that all citizens, irrespective of their location within the country, should be entitled to uniform rights and opportunities?
 - Further, does it entail that every citizen, whether affluent or indigent, should be endowed with certain fundamental rights and amenities?



The Paradox of Migration

- There exists a **glaring disparity in our sentiments**, while we express indignation when Indian workers face maltreatment overseas, but we manifest contradictory feelings towards internal migrants.
- Another dimension to contemplate is the **differential reception meted out to impoverished migrants in contrast to their skilled counterparts**.

❖ **Handling Right to Movement:**

- ❖ **Article 19:** The Indian Constitution under Article 19 guarantees the freedom of expression, encompassing the right to protest (in the above context, local people protest against migrant workers) and the right to freedom of movement and residence (in the above context, migrant workers influx in big cities).
- ❖ **Guiding Principle:** If the guiding principle of providing full and equal membership to all citizens is kept in mind, it should be possible to arrive at an acceptable solution to the above problems that may arise from time to time in a society.
- ❖ **Negotiation and Discussion:** A basic principle of democracy is that such disputes should be settled by negotiation and discussion rather than force. This is one of the **obligations of citizenship**.

Martin Luther King and the Quest for Civil Rights

- The 1950s was a **transformative period** marked by Civil Rights Movements that challenged the racial disparities prevalent in the southern USA.
- At the crux were the Segregation Laws, perpetuating such disparities.
- Martin Luther King Jr. emerged as a vanguard against these laws.
- He **propounded several arguments** against segregation:
 - Every individual, irrespective of racial distinctions, is intrinsically equal in terms of dignity and self-worth.
 - He termed segregation as '**social leprosy**' as it inflicts deep psychological wounds on the people who suffer as a result of such laws.
 - Segregation impacts both black and white communities.
 - Such laws erect artificial barriers, thereby stifling mutual cooperation pivotal for the nation's holistic progress.
- King's advocacy was firmly **rooted in non-violence and peace**. He vehemently opposed any form of physical violence during protests.

Other Facets of Equal Rights and Citizenship

- ❖ **Interpretation of Citizenship Rights:** The rapid changes in global scenarios, the economy, and societal structures necessitate fresh interpretations of citizenship rights. While the formal laws serve as a starting point, their interpretation becomes dynamic.
- ❖ **Full and Equal Membership:** The concept of citizenship implies ensuring full and equal membership for every citizen.
- ❖ **Ensuring Greater Equality:** The goal is not merely to draft uniform policies for all but to ensure greater equality by addressing distinct needs and challenges.
- ❖ **Diverse Needs of Different Communities:** Ensuring equal rights and opportunities for every citizen presents inherent challenges for the government due to the diverse needs of different communities.
- ❖ **Policy Framing:** While framing policies, it's imperative to take into account the diverse needs and claims of various groups.

POINTS TO PONDER

With differentiating factors like wealth, income, gender, race, caste, ethnicity, religion, language, and other social barriers, still being alive in the social sphere, can the concept of citizenship ensure equal rights?



Marginalised Groups and Their Predicaments

Table 4.2: The Description and Challenges faced by 'Urban Poor and Slum Dwellers' and 'Tribal People and Forest Dwellers'

Groups	Description	Challenges Faced
Urban Poor and Slum Dwellers	<ul style="list-style-type: none"> ➤ Constitute a notable segment of the population in every Indian city. ➤ Engage in indispensable work, often for meagre wages. ➤ Contribute significantly to the economy with professions ranging from hawkers to tailors. 	<ul style="list-style-type: none"> ➤ Perceived as a strain on urban resources. ➤ Shocking living conditions in densely populated areas. ➤ Lack of basic amenities. ➤ Precarious life and property conditions.
Tribal People and Forest Dwellers	<ul style="list-style-type: none"> ➤ Largely dependent on forests and natural resources for sustenance. 	<ul style="list-style-type: none"> ➤ Existential threats from various fronts. ➤ Escalating pressures from population increase. ➤ Land and resource acquisitions. ➤ Commercial exploitation of forest resources. ➤ Challenges from the Tourism industry.

Awareness of Rights and Government Intervention

- ❖ Previously, even basic political rights like voting had become a challenge for both groups (tribals and slum dwellers). For example, **demand from urban slum dwellers for fixed addresses** for voter registration.
- ❖ In recent times, there has been a palpable rise in awareness regarding the conditions of the urban poor among governments, NGOs, and the slum dwellers themselves.
- ❖ Increasingly, slum dwellers are becoming cognizant of their rights and are actively organizing to demand the same.
- ❖ **In January 2004**, the government framed **a National Policy on Urban Street Vendors** with an aim to offer them recognition and minimizing their harassment.
- ❖ Now, the Government remains actively involved in addressing the challenges faced by both groups (tribal and slum dwellers). Thus, balancing protection for marginalised communities while also advancing national developmental goals presents a nuanced dilemma.

A Landmark Decision: Rights of Slum Dwellers

- In 1985, the Supreme Court delivered a significant verdict in the case between social activist **Olga Tellis** and **the Bombay Municipal Corporation** concerning the rights of Bombay's slum dwellers.
- The contention was the right of slum dwellers to **reside on pavements or in slums** due to the unavailability of alternate accommodations in proximity to their workplaces.
- The Supreme Court asserted that **Article 21 of the Constitution**, which guarantees the **right to life**, also encompasses the right to livelihood. As a corollary, any eviction of pavement dwellers mandates the provision of an alternative accommodation under the right to shelter.

Citizenship And Nation

Evolution of Nation-State Concept

- ❖ **Origin:** The modern concept of the nation-state emerged from events like the French Revolution in 1789.
- ❖ **Symbolizes Shared History and Unique Culture:** The boundaries of nation-states not only demarcate territories but also symbolize a shared history and unique culture.
- ❖ **National Identity:** It can be manifested through symbols such as flags, anthems, languages, and ceremonial practices.

The Plight of Stateless People

- **Full membership of a state is crucial**, evident from those living as refugees or illegal migrants without a state's membership.
- Such people are not guaranteed rights by any state and live in precarious conditions.
- For example, **Palestinian refugees in the Middle East** seek full state membership.

Diversity within the Modern States:

- ❖ While most modern states are diverse, encompassing people of varied religions, languages, and cultural traditions, they **aim to provide a shared political identity** to all.
- ❖ National Identities are ideally designed to be inclusive, embracing all citizens. However, in practice, some citizens might find it easier to align with the nation's identity than others.
- ❖ For example, **in the USA**, a country built on immigration, Coloured people are often discriminated on the basis of their country of origin.

India's Unique Approach to Citizenship:

- ❖ India, established as a **secular, democratic nation-state**, strived for unity amid diversity during its independence movement.
- ❖ Despite the 1947 Partition, India's leaders were resolute in **upholding a secular and inclusive nation-state**, a commitment enshrined in the Constitution.
- ❖ The Indian Constitution **accommodated the nation's immense diversity**, granting equal citizenship to various groups, from Scheduled Castes and Tribes to women and isolated communities.
- ❖ For example, **India's Republic Day Parade** symbolizes this unity, showcasing varied regional, cultural, and religious identities.

Provisions of Indian Citizenship

- ❖ The Constitution, **particularly in Part II**, and subsequent laws (**The Citizenship Act, 1955**) outline the terms of Indian citizenship.
- ❖ The Constitution fosters a democratic and inclusive view of citizenship, allowing acquisition by **birth, descent, registration, naturalisation, or territory inclusion**.
- ❖ Citizens' rights and obligations are detailed in the Constitution, emphasizing non-discrimination on grounds **like religion, race, caste, sex, or birthplace**.
- ❖ The **Rights of Religious and Linguistic Minorities** (Article 29 and 30 of Indian Constitution) are safeguarded.

POINTS TO PONDER

Our Constitution provides detailed provisions for most of the aspects of the government, its organs and its working. Why then do you think our Constitution has left most of the provisions related to citizens to the Parliament?



Challenges Associated With Indian Citizenship

- ❖ Some challenges also persist in India's citizenship framework. Movements led by women, Dalits, and those displaced by development highlight struggles to attain full citizenship rights.
- ❖ India's journey suggests that achieving **democratic citizenship** is an evolving idea, with new issues arising continuously, necessitating negotiation in a democratic framework.

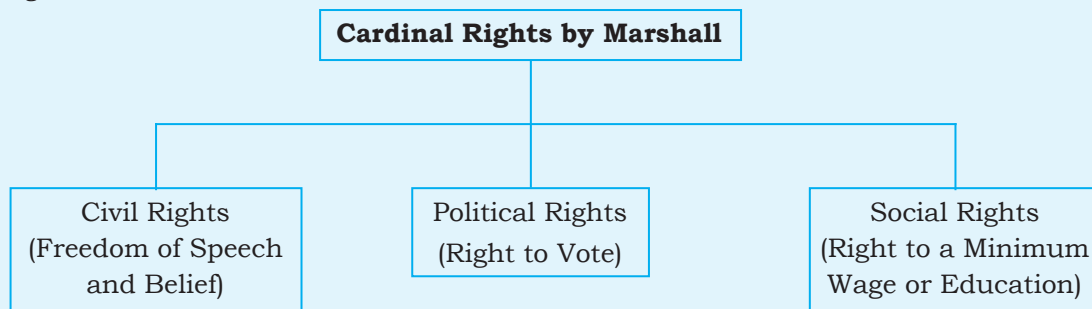
Global Variation In Citizenship Criteria

Balancing Secularism and Inclusion: The Case of France

- France prides itself **on being secular and inclusive**, accommodating both European-origin citizens and immigrants from areas like North Africa.
 - Although culture and language remain integral to French national identity, controversies arise when defining public vs. private spheres, especially regarding religious practices.
 - Debates have centred on religious symbols in public spaces, **like the Sikh turban and the Muslim headscarf in schools**.
- ❖ Each country has distinct criteria for granting citizenship, influenced by factors like **religion or ethnicity**.
 - ❖ In countries like **Israel and Germany**, these factors play a significant role. For instance, the demand for automatic citizenship for children of Turkish workers born in Germany remains a contentious issue.

Marshall's View on Citizenship

- Citizenship isn't confined to being a mere legal concept but is intrinsically linked to broader paradigms of equality and rights.
- **British Sociologist T. H. Marshall**, in his seminal work "**Citizenship and Social Class**" elucidated that citizenship is a status conferred upon those who are considered full members of a community.
- The inherent essence of this status is equality, ensuring that the rights and duties endowed upon citizens are continuously improved, and the circle of beneficiaries is expanded.
- Marshall viewed social class as a structure that perpetuates inequality. In this context, citizenship acts as a countermeasure, mitigating the divisive effects of class hierarchies and fostering a more cohesive community.
- Marshall identified **three cardinal rights** integral to citizenship:
 - **Civil Rights**, which safeguard an individual's life, liberty, and property.
 - **Political Rights** which empower citizens to participate in governance.
 - **Social Rights** which ensure access to education and employment, thus enabling citizens to lead dignified lives.



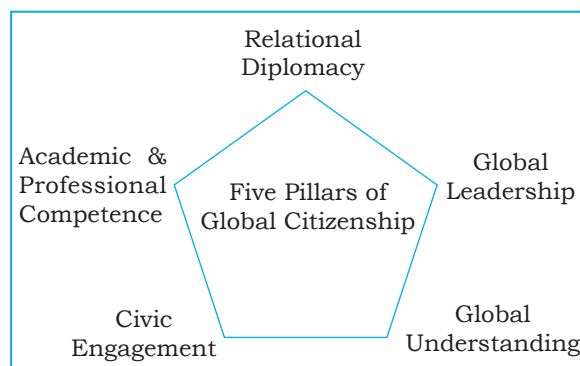
Three Cardinal Rights integral to Citizenship by T. H. Marshall

- The nature of rights granted to citizens may vary across jurisdictions.
- However, the underlying tenet remains that **Equality of rights and status is a basic right of citizenship**.

Universal Citizenship And Global Citizenship

Universal Citizenship

- ❖ It refers to the idea that every individual, irrespective of their national, ethnic, or religious background, has right to citizenship in the state where they reside.
- ❖ This concept comes into focus, especially in the context of **migration, refugees, and stateless people**.
- ❖ States, while being sovereign entities with the right to determine their citizenship criteria, often find themselves grappling with the challenges and moral responsibilities of embracing or excluding migrants and refugees.



Differences Between Universal Citizenship and Global Citizenship

Table 4.3: Comparison between Universal Citizenship and Global Citizenship

Criteria	Universal Citizenship	Global Citizenship
Basic Concept	➤ It concerns about the rights to citizenship in the state where one resides, especially for migrants and refugees.	➤ It refers to the interconnectedness of individuals globally, transcending national borders.
Media Depictions	➤ It often showcases individuals escaping crises like war or famine. For example, people from Darfur in Sudan, Palestinians, Burmese, and Bangladeshis.	➤ It has been highlighted through global events that affect multiple nations, like the 2004 South Asian tsunami, international terrorism, and global health crises.
State Membership and Citizenship Criteria	<ul style="list-style-type: none"> ➤ States have their criteria for citizenship. ➤ They regulate migration and may exclude unwanted individuals. 	<ul style="list-style-type: none"> ➤ The Modern challenges sometimes surpass a single state's capacity. ➤ Global citizenship advocates for rights and responsibilities on a broader scale.
Stateless Peoples and Refugees	<ul style="list-style-type: none"> ➤ If not accepted by any state, people become stateless or refugees. ➤ They face challenges in accessing basic rights. ➤ U.N. addresses these challenges through the High Commissioner for Refugees. 	➤ Global citizenship aims to ensure rights and protection to stateless people irrespective of their location.
Examples	<ul style="list-style-type: none"> ➤ India offered refuge to the Dalai Lama and his followers in 1959. ➤ Many migrants cross into India, challenging the promise of democratic citizenship (It is membership in a political democracy). 	<ul style="list-style-type: none"> ➤ Global response to events like the Asian tsunami exemplifies global interconnectedness. ➤ Modern communication tools like the internet and cell phones highlight the change in our perspective towards a more global outlook.
Challenges	<ul style="list-style-type: none"> ➤ Borders can be reshaped by wars or political disputes, leaving many people in limbo. ➤ This raises questions about citizenship's feasibility as a solution. 	➤ The challenge is to balance the significance of national citizenship with the growing realisation of the interconnected world.

Advantages and Potential Benefits	<ul style="list-style-type: none"> ➤ Universal citizenship seeks to mitigate the challenges faced by stateless people and migrants by advocating for their right to citizenship in their residing state. ➤ It promises to address issues spanning multiple nations. ➤ It advocates for basic rights and protection irrespective of location.
Interconnectedness and Perspective	<ul style="list-style-type: none"> ➤ The focus is on the moral responsibilities of states in the context of migration and the challenges of including/excluding people based on predefined citizenship criteria. ➤ It emphasises the interconnected world we live in, highlighting the need for cooperation beyond national boundaries.

Conclusion

Citizenship, with its dynamic historical trajectory, shapes both individual identities and societal structures. While it guarantees rights and privileges, it equally presents challenges, evident in the struggles of stateless people, migrants, and marginalized communities. The concept of citizenship transcends the boundaries of nation-states, as showcased by India's inclusive approach and France's secular model. Yet, as the world becomes increasingly interconnected, the call for universal and global citizenship gains momentum. At its heart, citizenship remains a beacon of belonging, rights, and responsibilities in an ever-evolving global landscape.

Glossary:

- **Equal Rights:** The principle that all individuals deserve the same rights and opportunities.
- **Citizenship:** Full and equal membership within a nation or community.
- **Urban Poor:** Marginalized individuals living in urban areas, typically under challenging conditions.
- **Slum Dwellers:** Urban poor residing in densely populated, underserved regions lacking basic amenities.
- **Tribal People and Forest Dwellers:** Indigenous communities reliant on forests and natural resources.
- **Supreme Court:** The highest judicial body in many countries, including India.
- **Article 21:** An Indian constitutional provision guaranteeing the right to life.
- **Nation-State:** A state whose citizens share a common culture, history, and territory.
- **T. H. Marshall:** British sociologist known for his work on citizenship and social class.
- **Indian Constitution:** The legal and foundational document of India, detailing its governance structure and citizens' rights.
- **Part II of the Indian Constitution:** Specifies the terms and conditions for Indian citizenship.
- **Dalits:** The lower caste or outcaste community in India, historically subjected to untouchability and discrimination.
- **Universal Citizenship:** The idea of granting citizenship based on residence, particularly relevant for migrants and refugees.
- **Global Citizenship:** The perspective of rights and responsibilities beyond national boundaries due to global interconnectedness.
- **Stateless People:** Individuals not recognized as citizens by any state.
- **Refugees:** Individuals who flee their home country due to persecution, war, or disasters.
- **U.N. High Commissioner for Refugees:** A UN agency mandated to aid and protect refugees.
- **Dalai Lama:** The spiritual leader of Tibetan Buddhism who sought refuge in India in 1959.
- **French Secular Model:** The French approach to citizenship emphasizes secularism and inclusion but still faces challenges with religious practices in public spaces.
- **Secular:** Principle of separating religion from state governance.
- **Democratic Citizenship:** The idea that every citizen has an equal stake and voice in the democratic governance of a nation.





Rights in the Indian Constitution

Bibliography: This chapter encompasses the summary of Chapter 2 - XI NCERT (Indian Constitution at Work), Chapter 5 - IX NCERT (Democratic Politics-I), and Chapter 7 - VIII NCERT (Social and Political Life-III).

Introduction

The essence of the Constitution extends beyond governing body structure and interrelationships. As explored previously, the Constitution is a blueprint that limits governmental authority, ensuring a democratic framework with guaranteed rights. This chapter delves into **India's Fundamental Rights, enshrined in Part III of the Indian Constitution**. Over the last six decades, these rights have evolved and, in some aspects, broadened too.

Life Without Rights

- ❖ Life without rights is a scenario **that raises fundamental questions about individual liberties, dignity, and the very essence of human existence**.
- ❖ In such a situation, individuals would find themselves devoid of the protections and entitlements granted by a framework of rights.

Case Study: Guantanamo Bay

- Guantanamo Bay detention camp, located in **Cuba**, has been a subject of controversy due to the **alleged violation of human rights** and the absence of legal safeguards for detainees.
 - **Legal Limbo:** Detainees were held in a legal gray area where they were not only treated as prisoners of war but were also not afforded the rights of criminal suspects.
 - **Torture Allegations:** Several detainees reported cases of torture, including waterboarding and other forms of physical and psychological abuse.
 - **Habeas Corpus Challenges:** Detainees faced challenges in seeking legal redress through habeas corpus petitions due to jurisdictional complexities.

Impact on Human Rights

- The Guantanamo case raises concerns about the **erosion of fundamental human rights, including the right to a fair trial, protection from torture, and due process**.
- The lack of transparency and accountability in detention practices undermines the principle of the rule of law.
 - **International Response:** International human rights organizations, such as **Amnesty International** and **Human Rights Watch**, have criticized the treatment of detainees at Guantanamo Bay.



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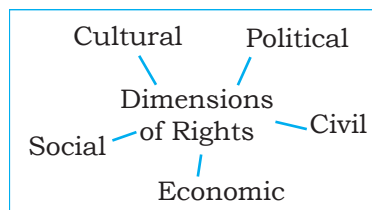
Expanding Scope of Rights

- ❖ **Historical Evolution:** Over time, societies have recognized new rights based on changing needs and evolving social values, such as the right to education, healthcare, and a clean environment.
- ❖ **Technological Advancements:** The digital age has given rise to new discussions on rights, including digital privacy, data protection, and the right to access information.
- ❖ **Global Interconnectedness:** The interconnected world has prompted discussions about universal human rights, transcending national borders, and focusing on issues like migration and climate change.
- ❖ **Marginalized Groups:** Advocacy for marginalized groups has led to the recognition of rights for LGBTQ+ individuals, people with disabilities, and indigenous communities, expanding the understanding of equality and inclusivity.
- ❖ **Evolving Concepts:** Societal progress and changing norms continue to redefine rights, as seen in debates about reproductive rights, gender equality, and the right to a clean environment.

Rights in Democracy

Meaning and Definition

- ❖ Rights are **inherent entitlements** and **protections** that individuals possess by **virtue of being human**.
- ❖ They ensure that individuals have **the freedom to live with dignity, make choices**, express themselves, and participate in society without undue interference.
- ❖ Rights can include **civil, political, economic, social, and cultural dimensions**.
- ❖ Rights specifically are **claims** of a person over other fellow beings, over the society and over the government.
- ❖ Any claim to be called as a right has to have **three qualities** viz:
 - ✧ reasonable claims of persons;
 - ✧ recognized by society;
 - ✧ sanctioned by law.



Rights: An essence of Democracy

Rights act as a building block for any democracy, which prevents any kind of injustice in society. The absence of rights leads to the exploitation of vulnerable sections and subsequent clashes in society.

Consider the following examples for better realization:

Citizens' Rights in Saudi Arabia

- Saudi Arabia, a hereditary monarchy, denies citizens basic rights and participation in governance.
- **Monarchical Regime:** The ruler is hereditary, and citizens have no role in selecting or changing rulers.
 - King appoints legislature, executive, and judges, and can alter judicial decisions.
 - Citizens can't form political parties or organizations; media censorship is common.
- **Religious and Gender Restrictions:** Every citizen must be Muslim; non-Muslim residents can practice religion privately. Women face public restrictions; the testimony of one man equals that of two women.

Ethnic Massacre in Kosovo

- A province with an ethnic **Albanian majority**, Kosovo, experienced violence due to **Serbian nationalism**.
- A Serb nationalist, Milosevic, was elected in democratic elections. His government suppressed Kosovo Albanians. Thousands of **Albanians were killed** or displaced by Serbian forces.
- Global intervention stopped the massacre; Milosevic faced trial for crimes against humanity.
- This highlights **the complexity of atrocities under a democratic government**.

- ❖ Both the above examples of **Saudi Arabia's autocratic rule** and **Kosovo's violent experience** emphasize the importance of human rights and democratic values in a society.

❖ Necessity of Rights in Democracy:

- ✧ Rights are essential for sustaining a democracy.
- ✧ Citizens need the right to vote and be elected for democratic elections to function effectively.
- ✧ Citizens must have the right to express their opinions and engage in political activities. The ability to form political parties and participate in governance is vital for democratic processes.

POINTS TO PONDER

Democratic countries offer a plethora of rights to their citizens. This is in tune with the principles of the rule of law, individual liberty, dignity, and lack of authoritarianism. Can you think and find out the idea and exposition of individual rights in non-democratic countries?



❖ Role of Rights in Democracy:

- ✧ Rights play a crucial role in protecting minorities from potential oppression by the majority.
- ✧ They prevent situations where the majority tries to suppress or eliminate the rights of the minority.
- ✧ They prevent the majority from abusing its power and ensure balanced decision-making.

❖ Government's Responsibility:

- ✧ In cases of rights infringement, the government is responsible for protecting citizens' rights.
- ✧ Rights serve as a defense against any attempt to curtail individual freedoms.
- ✧ Some rights need to be higher than the government's authority to prevent violations.
- ✧ These rights are safeguarded from government interference.

❖ Written Rights in Constitutions:

- ✧ Many democracies outline citizens' basic rights in their constitutions.
- ✧ This ensures that fundamental rights are recognized and protected by the legal framework of the nation.
- ✧ In a democracy, rights empower citizens, promote fair representation and establish a balance of power between the government and the people.

Importance of Rights

- ❖ Rights do not merely act as **claims of a person**, but they also **prevent exploitation** of the poor in society and help to **restore societal injustice**.

Consider the following 2 instances to understand this better:

Asian Games Construction Workers' Exploitation:

- During the 1982 Asian Games construction, contractors hired impoverished workers; they faced poor conditions and received wages below the government's set minimum wages.
- A group of social scientists highlighted this situation, viewing it as forced labor.
- They approached the Supreme Court, asserting that sub-minimum wages violate the Fundamental Right against exploitation.
- The court agreed, instructing the government to ensure proper wages for the workers.

Machal Lalung's Unjust Detention:

- Machal Lalung, from Assam, was arrested at the age of 23 on severe injury charges.
- He was deemed mentally unfit for trial, hence was sent for treatment at a mental hospital.
- Despite being declared fit later, he languished in custody for decades without a trial.
- In 2005, the **National Human Rights Commission** intervened after a long under-trial inspection, leading to his release at the age of 77.
- This case exemplifies the denial of '**life and liberty**' rights, as guaranteed by the Constitution, due to the **absence of a fair trial**.

From above instances, we can derive following understandings:

❖ Constitutional Rights vs. Reality:

- ✧ The Constitution grants every citizen the right to 'life and liberty.'
- ✧ Machal Lalung's ordeal underscores the discrepancy between Constitutional rights and practical implementation.
- ✧ Reflects the need for access to a fair and speedy trial for citizens, as stipulated by the Constitution.

❖ Economic Disparity and Rights:

- ✧ Raises the question of economic disparity's impact on the protection of rights.
- ✧ Consider whether a wealthy and influential individual would have faced the same injustice.
- ✧ Contrasts the exploitation faced by Asian Games workers with their eventual legal victory due to constitutional protections.

POINTS TO PONDER

There are several categories of rights provided. Some of the types are: Fundamental Rights and Human Rights, Constitutional Rights, and Legal Rights. Can you think of the reason for this categorization? Why can't all rights be categorized as Fundamental Rights?



❖ Importance of Constitutional Safeguards:

- ✧ The case of exploited workers demonstrates the importance of constitutional guarantees.
- ✧ Legal intervention based on the Fundamental Right against exploitation secured justice for the workers.
- ✧ Highlights the crucial role of courts in upholding citizens' rights and rectifying violations.

Bill of Rights

Meaning:

- ❖ Democratic countries often incorporate citizens' rights directly into their constitution. This compilation of protected rights is known as a '**bill of rights**.'
- ❖ A bill of rights prevents private as well as government actions that infringe upon individual rights and establishes a mechanism for addressing rights violations.

Need of Bill of Rights

❖ Protection Against Various Threats:

- ❖ Rights of individuals can be jeopardized by other individuals or private entities.
- ❖ In such cases, government intervention becomes essential for safeguarding these rights.
- ❖ The government's obligation to protect individual rights is made imperative by the Bill of Rights.

POINTS TO PONDER

The rights of individuals generally appear as natural to us. However, they were always not recognized. The evolution of Rights is connected to the modern era. Can you think what are the factors that have led to the origin, expansion, and establishment of the idea of rights?



❖ Safeguard Against Government's Abuse:

- ❖ Government branches like legislature, executive, bureaucracy, and judiciary can inadvertently violate individual rights in their functioning.
- ❖ This underscores the necessity for a system that prevents government overreach and rights violations.

Bill of Rights act as a Balancing Act

- ❖ Constitutions (Bill of Rights) strike a balance by ensuring citizens' rights and limiting government powers.
- ❖ The Bill of Rights acts as a protective framework against **both private and government** encroachments on individual rights.
- ❖ This balance maintains the **rule of law** and upholds **democracy's fundamental principles**.

Bill of Rights in the Indian Constitution

- ❖ This bill of Rights is enshrined in the Indian constitution in the form of **Fundamental Rights**.
- ❖ These fundamental rights are **protected by the constitution itself**, and hence it becomes imperative for the government to protect them.

Case Study: Bill of Rights in South African Constitution:

- "The South African Constitution was established in December 1996, during a period of potential civil conflict following the end of Apartheid rule." It explicitly prohibits discrimination based on factors such as race, gender, age, religion, disability, etc.
- South African citizens are granted an extensive array of rights such as: Right to Dignity, Right to Privacy, Environmental Rights, Right to Education, Right to Information and other rights.
- A specialized constitutional court ensures the protection and enforcement of the rights enshrined in the Constitution.
- Thus, this comprehensive Bill of Rights reinforces the foundation of democracy and equality in South Africa.



Fundamental Rights in the Indian Constitution

Historical Context:

❖ Freedom Struggle and Demand for Rights:

- ✧ During the Indian freedom movement, leaders emphasized the significance of rights and urged British rulers to respect people's rights.
- ✧ In 1928, the Motilal Nehru committee called for a Bill of Rights.
- ✧ The demand for protected rights continued as India moved towards independence.

❖ Inclusion of Rights in the Constitution:

- ✧ The Constitution makers inserted specially protected rights as 'Fundamental Rights.'
- ✧ 'Fundamental' implies their crucial nature, leading to separate listing and dedicated provisions for protection.

❖ Constitutional Safeguards for Fundamental Rights:

- ✧ Fundamental Rights hold such significance that the Constitution itself guarantees their protection against government violation.
- ✧ These rights are distinct from ordinary rights, as they are safeguarded by the country's constitution.
- ✧ While ordinary rights can be altered by legislative processes, altering a fundamental right requires a constitutional amendment.
- ✧ No government body can act in a way that breaches these rights.

❖ Judiciary's Role in Protection of Fundamental Rights:

- ✧ Judicial authority includes the power and responsibility to prevent government actions that violate or excessively restrict these rights.
- ✧ The judiciary can declare executive and legislative actions illegal if they impede fundamental rights unreasonably.

❖ Limitations on Fundamental Rights:

- ✧ Fundamental rights are **not absolute or unrestricted**.
- ✧ Government retains the authority to **impose reasonable limitations** on the exercise of these rights.
- ✧ These restrictions are established to **balance individual freedoms with societal interests** and order.

Fundamental Rights Enshrined in the Constitution

Constitution of India	
Part III: Fundamental Rights	
Right to Equality: <ul style="list-style-type: none"> ➤ Equality before law and Equal protection of laws ➤ Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth <ul style="list-style-type: none"> • equal access to shops, hotels, wells, tanks, bathing ghats, roads etc. ➤ Equality of opportunity in public employment 	Right against Exploitation: <ul style="list-style-type: none"> ➤ Prohibition of traffic in human beings and forced labour ➤ Prohibition of employment of children in hazardous jobs Right to Freedom of Religion: <ul style="list-style-type: none"> ➤ Freedom of conscience and free profession, practice and propagation of religion

<ul style="list-style-type: none"> ➤ Abolition of Untouchability ➤ Abolition of titles <p>Right to Freedom:</p> <ul style="list-style-type: none"> ➤ Protection of Right to <ul style="list-style-type: none"> • freedom of speech and expression; • assemble peacefully; • from associations/unions; • move freely throughout the territory of India; • reside or settle in any part of India; • practise any profession, or to carry on any occupation, trade or business. ➤ Protection in respect of conviction from offences ➤ Right to life and personal liberty ➤ Right to education ➤ Protection against arrest and detention in certain cases 	<ul style="list-style-type: none"> ➤ Freedom to manage religious affairs ➤ Freedom to pay taxes for promotion of any particular religion ➤ Freedom to attend religious instruction or worship in certain educational institutions <p>Cultural and Educational Rights:</p> <ul style="list-style-type: none"> ➤ Protection of language, culture of minorities ➤ Right of minorities to establish educational institutions <p>Right to Constitutional Remedies:</p> <ul style="list-style-type: none"> ➤ Right to move the courts to issue directions/ orders/writs for enforcement of rights
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Fundamental Rights

- ❖ Right to Equality (Articles 14-18)
- ❖ Right to Freedom (Article 19-22)
- ❖ Right against Exploitation (Article 23-24)
- ❖ Right to Freedom of Religion (Article 25-28)
- ❖ Cultural and Educational Rights (Article 29-30)
- ❖ Right to Constitutional Remedies (Article 32)

Fundamental Rights (Part III)

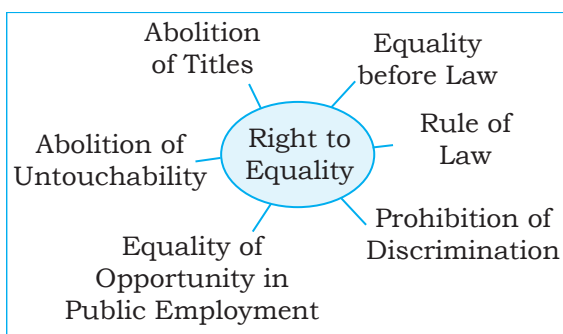
- ➔ Right to Equality (Art 14-18)
- ➔ Right to Freedom (Art 19-22)
- ➔ Right against Exploitation (Art 23-24)
- ➔ Right to Freedom of Religion (Art 25-28)
- ➔ Cultural & Educational Rights (Art 29-30)
- ➔ Rights to Constitutional Remedies (Art 32)

Right to Equality

Right to equality has many dimensions, as illustrated below:

❖ Equality Before Law:

- ✧ As per the Constitution, the government shall not deny to any person in India **equality before the law** or the **equal protection of the laws**.
- ✧ It means that the laws apply in the same manner to all, regardless of a person's status. This is called the **rule of law**.
 - ❑ Rule of law is the **foundation of any democracy**. It means that no person is above the law.



Case Study

- **Discrimination Based on Caste:** Swadesh Kumar and his friend visit a village roadside hotel. The shopkeeper serves Swadesh Kumar tea in a nice mug but gives his Dalit friend tea in an earthen cup due to his caste. This involves a violation of fundamental rights as it's a clear case of caste-based discrimination.
- **Discrimination Based on Gender and Age:** Four female newsreaders are told they can't read news due to their age (above 45), while male newsreaders of the same age aren't restricted. This constitutes a violation of fundamental rights as it's gender-based and age-based discrimination.
- Such incidents are **discriminatory in nature** and are clearly prohibited under the right to equality.

❖ Rule of Law in Democracy:

- ☐ The rule of law establishes that **no person is exempt from abiding by the law**.
- ☐ It reinforces that **equality before the law applies to all citizens**, from political leaders to ordinary individuals.
- ☐ **For example:** The former Prime Minister's court case exemplifies how everyone must engage with the legal system equally.

❖ Prohibition of Discrimination:

- ❖ The government shall not discriminate against any citizen on grounds **only of religion, race, caste, sex, or place of birth**.
- ❖ **Ensures equal access** to public places, entertainment, employment, and other areas without any discrimination on the above grounds.

❖ Equality of Opportunity in Public Employment

- ❖ The Constitution prohibits **any discrimination in public employment** on grounds of religion, race, caste, sex or place of birth.
- ❖ However, the Constitution itself provides that the government can **implement specific measures** and **provide reservation** for improving the conditions of children, women, and the socially and educationally backward classes.
 - ☐ **'Reservation'** here refers to the allocation of job positions and educational seats to specific groups.
 - ☐ **Article 16(4)** clarifies that such measures don't breach the right to equality.

❖ Abolition of Untouchability:

- ❖ The right to equality eradicates practices like untouchability.
- ❖ Untouchability refers to any belief or practice that looks down upon people because of their birth in certain castes.

❖ Abolition of Titles:

- ❖ Prohibits granting titles based on factors other than merit in military or academia.

Right of Freedom

Definition of Freedom:

- ❖ **Freedom** implies the **absence of constraints** and interference from others, including the government.
- ❖ It encompasses the **ability to make choices** and act without external control. It encompasses speech, expression, assembly, movement, and personal liberty.



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Components of Right to Freedom:

- ❖ Protection of the right to
 - ❖ **Freedom of Speech and Expression:**
 - ☐ Citizens can express opinions, ideas, and criticisms freely.
 - ☐ This freedom nurtures individuality and personal growth through open communication.
 - ❖ **Assembly and Association:**
 - ☐ Citizens can gather peacefully for discussions, rallies, or meetings.
 - ☐ Forming associations or unions to advocate for interests is permitted.
 - ❖ **Freedom of Movement and profession:**
 - ☐ Citizens can move freely within the country, reside in any part, and pursue occupations of their choice.
 - ☐ This facilitates migration for economic opportunities and personal growth.
- ❖ **Protection for Accused Individuals:**
 - ❖ **Constitutional Safeguard:** Our Constitution ensures adequate protection for individuals accused of various crimes.
 - ❖ **Presumption of Innocence:** Follows belief that the accused is innocent until proven guilty. Guilt is established only when the court delivers a verdict of guilt.
 - ❖ **Right to Fair Trial:** Accused individuals have the right to a proper chance to defend themselves. For this it provides three rights of fair trial:
 - ☐ **No Double Jeopardy:** Protection against being punished more than once for the same crime.
 - ☐ **No Retroactive Laws:** No law can label an action as illegal after it occurred.
 - ☐ **No Self-Incrimination:** Individuals cannot be compelled to testify against themselves.
 - ❖ **Ensuring Justice:**
 - ☐ **Protecting Rights:** These rights aim to protect the accused from unfair or unjust legal actions.
 - ☐ **Preventing Abuse:** These provisions prevent abuse of power and ensure fairness in legal proceedings.
 - ☐ **Balancing Justice:** These rights are crucial for balancing the legal process and safeguarding individual rights during trials.
- ❖ **Right to Life and Personal Liberty:**
 - ❖ It's a fundamental and paramount right.
 - ☐ **Protection of Life:** No citizen can be deprived of their life except through legally established procedures.
 - ☐ **Personal Liberty:** Individuals cannot be denied their personal liberty except as per lawful procedures.
 - ☐ **For Example,** Death sentences require court orders.
- ❖ **Right to Education:**
 - ❖ Provides provisions for **free and compulsory education** to all children of age 6 - 14.
 - ❖ It makes **elementary education** a fundamental right.
 - ❖ It aims to achieve **education for all**.



❖ **Protection Against Arrest & Detention**

- ❖ This right gives **protection to arrested persons**.
- ❖ **Safeguards and Procedures:**
 - ❑ **Arrest Procedures:** No one can be arrested without being informed of the grounds for arrest.
 - ❑ **Legal Defense:** An arrested person has the right to legal representation by a chosen lawyer.
 - ❑ **Timely Judicial Review:** Police must present the arrested person before a magistrate within 24 hours for review of the arrest's justification.
- ❖ It also encompasses **Preventive Detention which can be understood as follows:**
 - ❑ **Arrest on Suspicion:** Preventive detention allows arresting individuals based on suspicion of potential unlawful activity, even before a crime is committed.
 - ❑ **Purpose:** It aims to prevent threats to law and order, peace, and national security.
- ❖ **Procedure and Limitations:**
 - ❑ **Detention Period:** Preventive detention can last up to **three months**.
 - ❑ After three months, the case is reviewed by an advisory board.
- ❖ **Limitations on the Right to Freedom:**
 - ❖ **Restrictions in Public Interest:** The government can impose **reasonable restrictions** to prevent public disorder or harm to others.
 - ❖ These rights are **not absolute**; they have limitations imposed by the government.
 - ❖ Freedom **cannot be used to incite violence**, defame, or infringe on others' rights.
 - ❖ **For Example**, Meetings, processions, and demonstrations must be peaceful, avoiding public disorder. Carrying weapons is prohibited during such activities.

Right Against Exploitation

- ❖ With the right to liberty and equality, the Constitution includes provisions to prevent the exploitation of vulnerable sections.
- ❖ **Three specific evils** are identified and declared illegal to protect citizens from exploitation.
 - ❖ **Human Trafficking:** Constitution outlaws 'trafficking in human beings,' which refers to selling and buying individuals, particularly women, for immoral purposes.
 - ❖ **Forced Labor and Bonded Labor:** The Constitution prohibits forced labor (begar) in any form. Begar is a practice where the worker is forced to render service to the 'master' free of charge or at a nominal remuneration. When this continues for life-long basis, it is called **bonded labor**.
 - ❖ **Child Labor:** Constitution also prohibits child labor. No one can employ a **child below the age of fourteen** to work in any factory or mine or in any other hazardous work, such as railways and ports.

POINTS TO PONDER

The Constitution of India, in the most explicit form, under Articles 23 and 24, clearly outlaws exploitation in all its forms. However, there have been stark examples of exploitations visible through cases of neo-slavery, the persistence of untouchability, resilient beggary system, etc. Why do you think the constitutional framework has not been able to completely weed it out of our society?



Right to Freedom of Religion

- ❖ The right to freedom includes freedom of religion explicitly stated by the Constitution makers. India, a secular state, emphasizes impartiality towards all religions. The right to freedom of religion has many attributes, as illustrated below.
- ❖ **Freedom of Religion supporting Secularism**
 - ❖ India's secularism involves **equal treatment of all religions** and neutrality in human-God relationships.
 - ❖ No religion is established as official, maintaining principled and equal distance from all faiths.
- ❖ **Individual Religious Rights:**
 - ❖ Every person has the right to practice, profess, and propagate their chosen religion.
 - ❖ Religious groups can autonomously manage their religious affairs.
 - ❖ No taxes are levied for promoting or maintaining any specific religion or religious institution.
- ❖ **Religion in Education:**
 - ❖ Government educational institutions are devoid of religious instruction.
 - ❖ Private educational institutions cannot force participation in religious instruction or worship.
- ❖ **Limits on Religious Freedom:**
 - ❖ Religious propagation doesn't justify **forceful conversion** by force, fraud, or allurement.
 - ❖ Individuals can **voluntarily change religion**, but not through compulsion.
 - ❖ Religious freedom doesn't permit **harmful practices** like animal or human sacrifices.
 - ❖ Practices infringing upon **women's freedom** or treating them as inferior are restricted.
 - ❖ Government can **restrict religious practices** for public order, morality, or health.

Cultural and Educational Rights

- ❖ Indian society is characterized by its vast diversity. It encompasses various cultures, languages, and religions. Cultural and Educational rights need to be referred in various following aspects:
- ❖ **Rights of Minorities:**
 - ❖ Minority status is based on **religious, linguistic, and cultural** considerations.
 - ❖ Minorities have the right to **conserve** and develop their **culture, language, and script**.
- ❖ **Minority Rights and Cultural Identity:** The Constitution acknowledges diversity as India's strength and ensures protection for minority cultures.
- ❖ **Educational Rights and Non-Discrimination:**
 - ❖ **Establishing Educational Institutions:** Religious and linguistic minorities can establish their own educational institutions.
 - ❖ **Preserving Culture through Education:** These institutions help preserve and develop minority cultures.
 - ❖ **Non-Discrimination in Aid:** Government aid to educational institutions won't be discriminatory based on minority status.

Right to Constitutional Remedies

- ❖ Simply listing fundamental rights isn't enough; mechanisms are **needed to ensure realization** and defense against violation. Hence **Right to Constitutional Remedies** are of paramount Importance.



- ❖ Dr. B.R Ambedkar called it the **‘heart and soul of the constitution.’**
- ❖ Citizens can approach **High Courts or the Supreme Court** to restore violated fundamental rights.

Role of Judicial Authority in Constitutional Remedies:

- ❖ Courts can issue the following writs and directives to enforce rights.

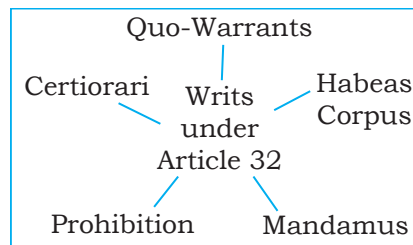
- ❖ **Habeas Corpus:** Orders presenting arrested individuals in court and can release them if arrest is unlawful or unjust.

- ❖ **Mandamus:** Issued if an office holder neglects legal duty that impinges on individual rights.

- ❖ **Prohibition:** Higher courts intervene when lower courts exceed their jurisdiction.

- ❖ **Quo Warranto:** Challenges the eligibility of a person holding office without entitlement.

- ❖ **Certiorari:** Orders transferring matters from lower to higher authorities.



- ❖ **Supplementary Mechanisms for Rights Protection:**

- ❖ **National Commissions:** Various National Commissions address the rights of minorities, women, and Scheduled Castes.

- ❖ **National Human Rights Commission (NHRC):** Established by law to safeguard fundamental and other rights.

National Human Rights Commission (NHRC)

➤ NHRC Purpose and Background:

- **Established in 1993** by the Indian government.
- Aims to ensure the effective implementation of rights outlined in the constitution.
- Focused on enabling rights for disadvantaged groups like the poor and illiterate.

➤ Independent Watchdog Organizations:

- People's Union for Civil Liberties (PUCL) and People's Union for Democratic Rights (PUDR) act as watchdogs against rights violations.

➤ Composition of NHRC:

- Comprises former Chief Justice of the Supreme Court, former Supreme Court judge, former Chief Justice of a High Court, and two members with human rights expertise.

➤ NHRC Functions:

- Conducts inquiries into human rights violation complaints, both initiated by itself and based on victim petitions.
- Visits jails to assess inmate conditions.
- Encourages and conducts research on human rights matters.

➤ Received Complaints:

- Receives thousands of complaints annually.
- Complaints cover various issues: custodial death, custodial rape, disappearances, police excesses, gender-related indignities, etc.

- **Significant Interventions:**
 - Played a significant role in cases of disappeared youth in Punjab.
 - Effective intervention in Gujarat riot cases' investigation and trial.
- **Limitations and Powers:**
 - Lacks prosecution powers.
 - Can provide recommendations to the government or courts based on conducted inquiries.

Right to Property

Controversy over Property Right and Directive Principles:

- ❖ Fundamental right to '**acquire, possess, and maintain**' property was given in the original Constitution.
- ❖ The Constitution allowed **property takeover by the government** for public welfare. Hence the Government enacted laws limiting property rights over the years.
- ❖ However, Property right's **relationship with Directive Principles** sparked a prolonged debate.

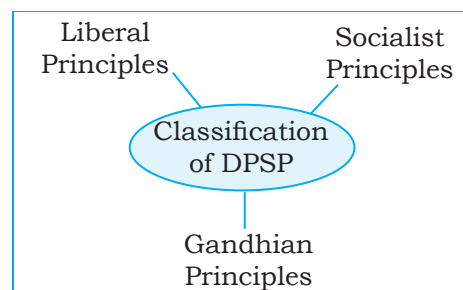
Change in Property Right Status:

- ❖ The Supreme Court ruled in 1973 that **property rights were not a basic constitutional element**. The Court declared Parliament could abridge property rights through amendment.
 - ❖ **Hence by 44th Amendment (1978)**, Property right was removed from Fundamental Rights, reclassified as **legal right under Article 300A**.
- ❖ This transition weakened protection for property rights, subjected to legislative changes.
- ❖ This shift aimed at balancing individual property rights with broader societal welfare.

Directive Principles of State Policy (DPSP)

About DPSP:

- ❖ The Constitution contains **a distinct list of guidelines**, known as Directive Principles of State Policy.
- ❖ They reflect the **aspirations and ideals** of the Constitution makers and list societal goals and objectives to adopt.
- ❖ They are **non-justiciable in nature**, meaning they are **not legally enforceable**.
 - ❖ **Citizens can't approach courts** to compel governments to implement these guidelines.
- ❖ However, Makers believed that the **moral strength** of these guidelines would prompt governments to take them seriously.
- ❖ Also, People were expected to **hold governments accountable** for implementing these directives.
- ❖ This image Highlights the **Directive principles** given in the constitution. A few specific DPSPs are:
 - ❖ **Right to Education:** The Directive Principle emphasizes the importance of education as a societal goal.

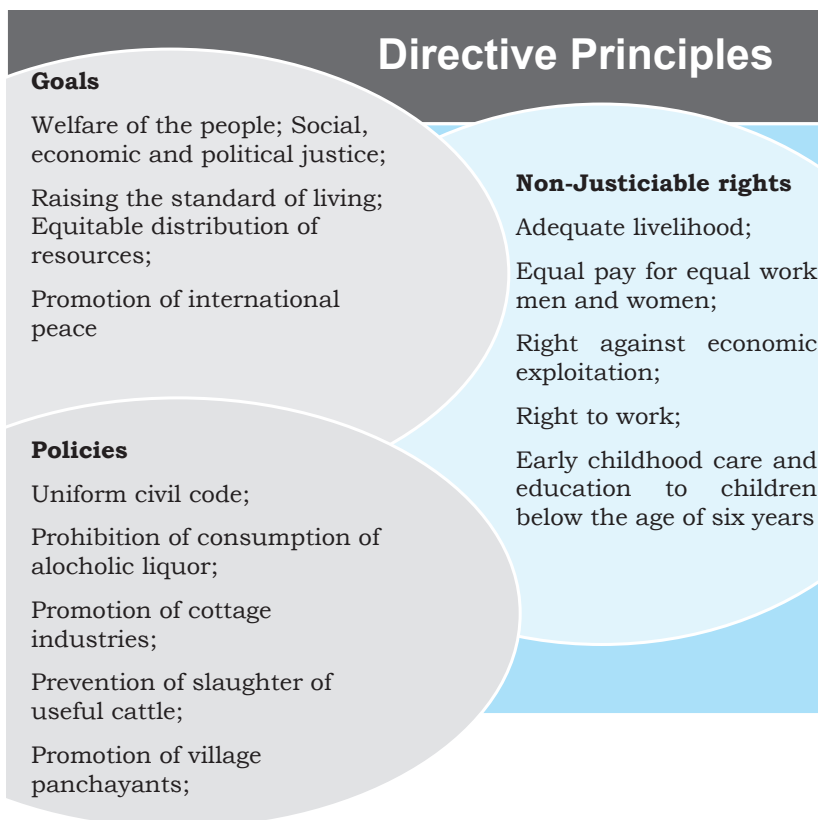


POINTS TO PONDER

The utility of Directive Principles of State Policy (DPSP) had been discussed and approved by the Constituent Assembly itself, but their implementation was not mandatory due to paucity of resources and other reasons. In the current scenario with India rising as a regional and global superpower, can you think of the challenges which might emanate if the government of the day decides to implement DPSPs in toto?



- ✧ **Panchayati Raj Institutions:** Establishment of local self-governance institutions across the country.
- ✧ **Partial Right to Work and Welfare Programs:** Employment guarantee programs and mid-day meal schemes contribute to individual well-being.
- ❖ Governments have taken various **steps to fulfill Directive Principles** through legislation. **For example:**
 - ✧ Efforts include zamindari abolition, nationalizing banks, enacting factory laws, minimum wage fixation, promotion of cottage industries, and reservation provisions.



Relationship Between Fundamental Rights and DPSP

- ❖ **Complementary Nature of Fundamental Rights and Directive Principles:**
 - ✧ Fundamental Rights **limit government actions** against individuals, whereas Directive Principles urge the government to take specific actions for societal well-being.
 - ✧ On one hand, Fundamental Rights focus on **safeguarding individual rights**, while on the other hand, Directive Principles aim to ensure the **welfare of the entire society**.
- ❖ **Conflict between Directive Principles and Fundamental Rights:**
 - ✧ Implementation of Directive Principles can clash with Fundamental Rights. **For example -** Laws to abolish the zamindari system conflicted with the right to property.
 - ✧ Government have **amended the Constitution** to prioritize Directive Principles and have argued for **abridging rights** for societal welfare.
 - ✧ However, the Court viewed **Fundamental Rights as sacrosanct**, not to be compromised for implementing Directive Principles.

Fundamental Duties

About Fundamental Duties:

- ❖ The Constitution was amended by **the 42nd Amendment in 1976** to introduce a list of **Fundamental Duties** for citizens.
- ❖ The Constitution contains **Eleven Fundamental Duties** that citizens should uphold. (The 42nd Amendment Act of 1976 added 10 Fundamental Duties to the Constitution, and later 86th Amendment Act of 2002 added the 11th Fundamental Duty to the list)
- ❖ Their inclusion doesn't alter the status or application of Fundamental Rights. i.e., **enjoyment of rights is not conditional** upon fulfilling duties.
- ❖ Like DPSP, they are also non-justiciable in nature.
- ❖ Examples of Duties include abiding by the Constitution, defending the country, promoting harmony, and protecting the environment.

Public Facility as Facet of Fundamental Rights:

- ❖ Public facilities are **services provided by the government** to meet citizens' essential needs, contributing to their overall quality of life.
- ❖ These facilities **include basic services** like water supply, sanitation, healthcare, education, and transportation.
- ❖ Their availability ensures that **citizens can lead dignified lives**, irrespective of their economic status.
- ❖ Public facilities play a **vital role in reducing social inequalities** and promoting inclusivity within a society.
- ❖ These services are **integral to human development** and the realization of individual potential.

The following case study shows how its mismanagement by the government can have serious repercussions:

Case study: Water and People of Chennai

- Chennai faced a severe water crisis due to **dwindling water sources, erratic rainfall, and inadequate management**.
- Residents encountered daily challenges like **water scarcity, disruption of routines, and economic impacts on businesses**.
- The water crisis highlighted the vulnerability of urban areas to water scarcity and the need for sustainable water management.
- Efforts to conserve water, explore alternative sources, and improve water infrastructure gained importance in Chennai.
- The situation in Chennai serves as a case study for understanding the complexities of urban water management.



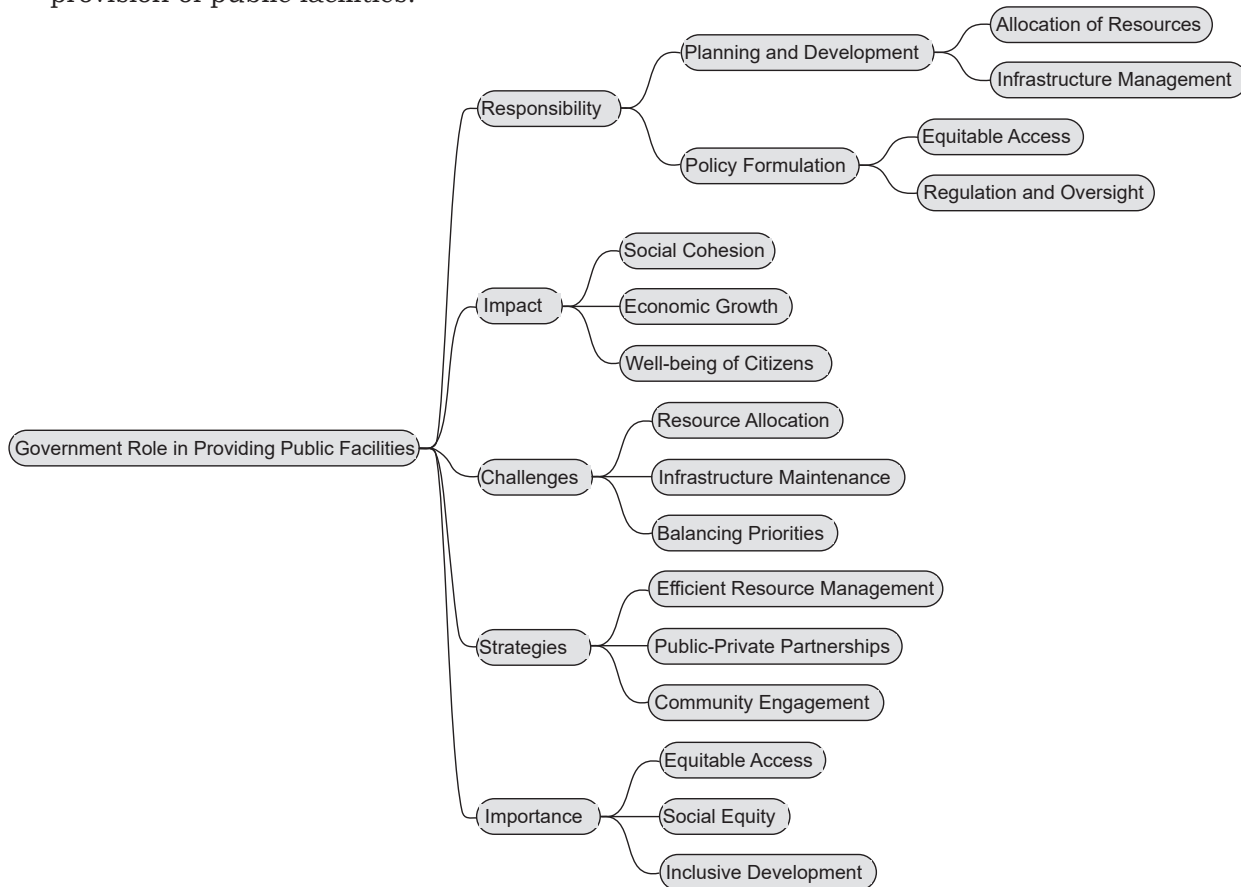
Access to Water as Part of a Fundamental Right to Life

- Access to clean water is linked to the fundamental right to life enshrined in the Indian Constitution.
- The right to life includes the right to a decent standard of living, health, and access to basic necessities.
- Clean water is essential for drinking, cooking, sanitation, and agriculture, impacting multiple dimensions of human life.
- The Constitution recognizes the government's responsibility to ensure citizens' well-being through the provision of public facilities like water.
- This right underscore the importance of equitable access to water for all citizens.



Government Role in Providing Public Facilities:

- ❖ Governments have a **significant role in providing** and maintaining public facilities that cater to citizens' diverse needs.
- ❖ They are **responsible for planning, developing, and regulating infrastructure** to ensure equitable access.
- ❖ Governments **must allocate resources**, create policies, and build partnerships to efficiently deliver these services.
- ❖ Public facilities **enhance social cohesion**, support economic activities, and contribute to the overall well-being of a nation.
- ❖ **Effective governance and responsible leadership** are essential to ensure the successful provision of public facilities.



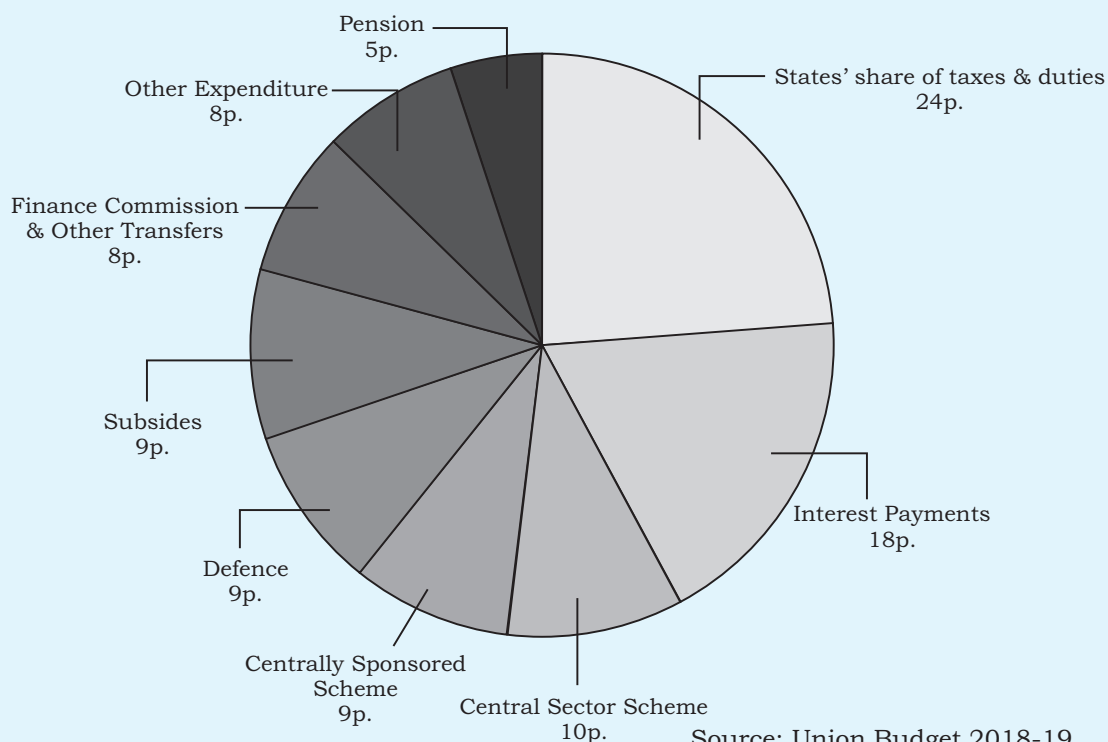
Where does the government get money for public facilities?

- ❖ Governments have a significant role in providing and maintaining public facilities that cater to citizens' diverse needs.
- ❖ However, the Government needs appropriate resources for funding these public facilities. Hence, it becomes imperative to study those resources.

Government Budget and Expenses

The government presents an annual budget in Parliament detailing expenses from the past year and planned expenditures for the upcoming year.

Central Government Spends Money on Rupee Goes To



Revenue Generation:

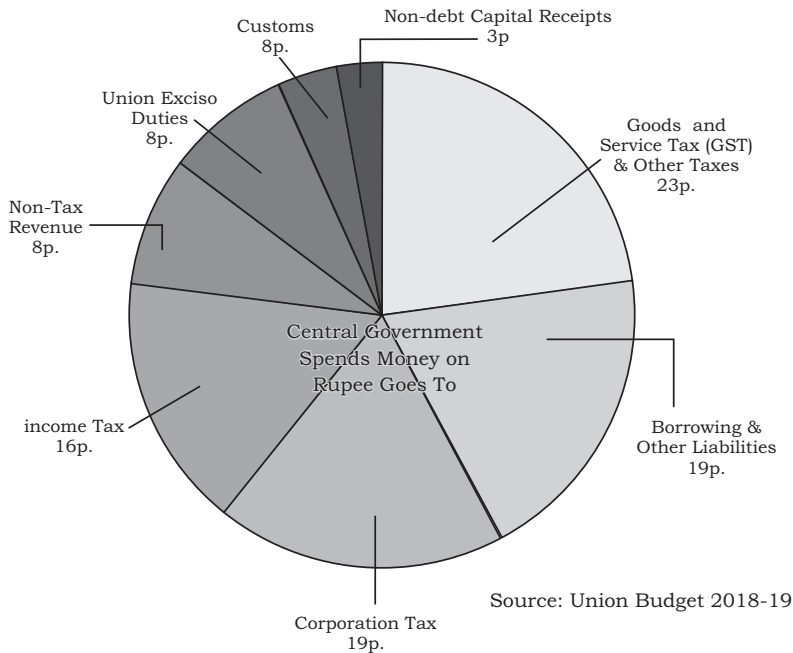
- **Tax Collection:** Taxes collected from citizens are the primary revenue source for the government.
- **Tax Utilization:** The government uses collected taxes to fund various programs and services.

Funding Essential Services:

- **Water Supply Example:** Providing water involves expenses like pumping, distribution, treatment, and waste management.
- **Cost Recovery:** Government covers expenses through taxes and charges citizens for water usage.
- **Affordable Access:** Water price is set to ensure affordability for essential daily usage.

The government budget outlines expenses and revenue sources, with taxes being a significant income stream used to fund essential services such as water supply.

Tax Revenue of Central Government Rupee Comes From



Buses are the most important forms of public transport over short distance. It is the main link to the workplace for majority of the working people. With repaid urbanisation, the public bus system even in the major cities has not been able to keep up with the demand.

As an alternative, the government has planned ambitious metro rail project for Delhi and other metropolitan cities. Rs. 11,000 crores was spent from the government budget for the construction of the first segment of the metro-rail in Delhi using the latest technology. People have pointed out that this massive expenditure could have been avoided if only a fraction of this amount was spent on upgrading the public bus system. Would you agree? What do you think could be the solution for other regions of India?



Case study: Taking water from farmers

The shortage of water has opened up **opportunities for private companies in a big way**. Many private companies are providing water to cities by buying it from places around the city. In Chennai, water is taken from nearby towns like **Mamandur, Palur, Karungizhi** and from villages to the north of the city using a fleet of **over 13,000 water tankers**. Every month the water dealers pay farmers an advance for the rights to exploit water sources on their land. This water is taken away not just from agriculture but also from the drinking water supplies of the villagers. Groundwater levels have dropped drastically in all these towns and villages as a result.



In Search of Alternatives❖ **Water Crisis in Indian Cities:**

- ❖ **Common Scenario:** Shortages and crisis during summer months are prevalent in many Indian cities, not limited to Chennai.
- ❖ **Private Companies' Role:** Private companies are stepping in to fill the gap in municipal water supply, often for profit.
- ❖ **Inequalities in Water Use:** Wide disparities exist in water consumption among different groups within cities.

❖ **Disparities in Water Usage:**

- ❖ **Recommended Supply:** Urban areas should have around 135 liters (about seven buckets) of water per person per day.
- ❖ **Slum Dwellers:** People in slums receive less than 20 liters (one bucket) per person per day.
- ❖ **Luxury Hotels:** People in luxury hotels may consume as much as 1,600 liters (80 buckets) of water daily.

❖ **Government Failure and Private Companies:**

- ❖ **Perceived Government Failure:** Shortage of municipal water is often seen as a government failure.
- ❖ **Privatization Argument:** Some suggest allowing private companies to take over water supply due to the government's inability to meet water demands and financial constraints.
- ❖ **Private Companies' Performance:** Supporters of privatization believe that private companies could perform better in supplying water.

Case Study**Water Supply Success in Porto Alegre, Brazil**

- **City Profile:** Porto Alegre, a city in Brazil, stands out with a lower number of infant deaths compared to many global cities despite its poverty.
- **Universal Access to Safe Water:**
 - **Key Achievement:** Porto Alegre's water department has achieved universal access to safe water.
 - **Impact on Infant Mortality:** This accomplishment significantly contributes to lower infant mortality rates in the city.
- **Affordable Water for All:**
 - **Low Average Price:** The average price of water in the city is kept low.
 - **Reduced Rates for the Poor:** The water department charges the poor half the basic rate, ensuring affordability for all citizens.
- **Profit Reinvestment:**
 - **Utilization of Profits:** The department uses its profits to enhance and expand the water supply infrastructure.
 - **Benefit to Citizens:** Reinvested profits lead to improved water services and quality for the residents.
- **Transparency and Participation:**
 - **Transparent Operations:** The water department's operations are characterized by transparency.
 - **Direct Citizen Involvement:** Citizens have the opportunity to actively participate in decision-making.
 - **Public Meetings** Through public meetings, citizens engage with managers, understand projects, and cast votes on priorities.



Extending Sanitation Facilities

“Latrines for us!” they exclaimed in astonishment. ‘We go and perform our functions out in the open.’ Latrines are for you big people.”

- Mahatma Gandhi recounting untouchables’ grievances, Rajkot Sanitation Committee, 1896.
- Sanitation is crucial in preventing water-borne diseases and maintaining public health.
- **Sanitation Challenge in India:**
 - **Lower Coverage than Water:** Sanitation coverage in India is even lower than that of safe drinking water.
- **Access to Sanitation in India:**
 - **2011 Figures:** Official data from 2011 indicates that 53% of Indian households have access to sanitation facilities.
 - **Urban-Rural Disparities:** Both rural and urban areas face lack of access to sanitation, disproportionately affecting the poor.
- **Role of Sulabh NGO:**
 - **Background:** Sulabh, a non-government organization, has worked for nearly five decades to address sanitation challenges faced by low-caste and low-income individuals in India.
 - **Contribution:** Sulabh has constructed over 8,500 community toilet blocks and 1.5 million household toilets, benefiting around 20 million people.
 - **Focus on the Poor:** The majority of Sulabh’s beneficiaries are from the economically disadvantaged working class.
- **Collaboration with Local Authorities:**
 - **Partnerships with Local Authorities:** Sulabh partners with municipalities and local authorities to construct toilet blocks using government funds.
 - **Funding and Land Contribution:** Local authorities provide funding and land for these projects, while maintenance costs may be covered by user charges (e.g., city latrine usage charge of 2).
- **Positive Impact on Public Health:**
 - **Improved Sanitation:** Sulabh’s efforts contribute to improved sanitation infrastructure, reducing health risks and enhancing the quality of life for marginalized communities.



Conclusion

In the writings of Jotirao Phuley (1827-1890), a radical social reformer from Maharashtra, one can see the earliest expressions of the view that rights include both freedom and equality. During the national movement, this idea of rights was further sharpened and expanded to constitutional rights. Our Constitution reflected this long tradition and listed the fundamental rights. Since 1950, the judiciary has functioned as an important protector of rights. Judicial interpretations have expanded the scope of rights in many respects. The government and administration of our country function within this overall framework. Rights enforce limitations on the functioning of the government and ensure democratic governance of the country.

Glossary:

- **Amnesty International:** An international organization of volunteers who campaign for human rights. This organization brings out independent reports on the violation of human rights all over the world.
- **Basic Needs:** These are the primary requirements of food, water, shelter, sanitation, healthcare, and education necessary for survival.
- **Claim:** It is a demand for legal or moral entitlements a person makes on fellow citizens, society or the government.
- **Company:** A company is a form of business set up by people or by the government. Those that are promoted and owned by individuals or groups are called private companies. For example, Tata Steel is a private company whereas Indian Oil is a company run by the government.
- **Covenant:** It is a promise made by individuals, groups or countries to uphold a rule or principle. It is legally binding on the signatories to the agreement or statement.
- **Dalit:** A person who belongs to the castes which were considered low and not touchable by others. Dalits are also known by other names such as the Scheduled Castes, Depressed Classes etc.

You are the Judge**Postcard from Hadibandhu - Dalit Community in Puri, Odisha:**

Hadibandhu, a member of the dalit community in Puri district, shares an incident through a postcard. Dalit men refused to participate in a custom of washing the feet of upper caste groom and guests during marriage ceremonies. In retaliation, four Dalit women were physically assaulted, and another was publicly humiliated by being paraded naked. Dalit community's children are educated and unwilling to perform traditional tasks like foot washing, clearing leftovers, and utensil washing after marriage feasts. **What should be the course of action for such incidents?**

- **Violation of Fundamental Rights:**
 - This case involves a violation of Fundamental Rights, particularly the Right to Equality and the Right to Dignity.
 - The assault, humiliation, and discrimination against the Dalit community members are in clear contravention of their rights.
- **Government's Role:**
 - The government should take immediate action to ensure justice and prevent further discrimination.
 - It should uphold the Fundamental Rights of all citizens, regardless of their caste.
- **Appropriate Measures:**
 - Order the local authorities to investigate the incident thoroughly and bring those responsible for the violence to justice.
 - Implement awareness campaigns to promote equality, dignity, and respect for all communities.
 - Strengthen legal protections against caste-based discrimination and enforce strict penalties for offenders.
- **Other Educational Initiatives:**
 - Support and promote education in the Dalit community to empower them and foster social change.
 - Educating the community about their rights can help prevent future incidents and promote a more inclusive society.





Election and Representation

Bibliography: This chapter encompasses the summary of Chapter 3- XI NCERT (Indian Constitution at Work), Chapters 3 and 4 - X NCERT (Democratic Politics-II), Chapter 3 - IX NCERT (Democratic Politics-I), and Chapter 3 - VI NCERT (Social and Political Life-I).

Introduction

At the heart of democratic societies, elections serve as a fundamental conduit for citizens to exercise their right to choose representatives who align with their aspirations. The reciprocal relationship between election and representation extends beyond mere selection, encompassing the responsibility of elected officials to champion constituents' interests while shaping policies and decisions.

Government

Government is an **authoritative organization or system** that holds the power to make and enforce laws, manage public affairs, provide services, and maintain order within a specific geographical area or society.

Laws and the Government

- ❖ Governments establish **laws applicable to all citizens**, forming the basis for their operations.
- ❖ The authority to make decisions is accompanied by the power to ensure their implementation.
- ❖ Non-compliance with laws leads to consequences. **For example**, driving without a license incurs penalties.
- ❖ **Judicial recourse**- Individuals have the option to address perceived law violations by seeking judicial recourse. Courts possess the capacity to issue orders that rectify situations where interplay of laws and citizen actions are involved.

Levels of Government

- **Local level:** Focuses on village, town, or locality.
- **State level:** Encompasses an entire state like **Haryana or Assam**.
- **National level:** Pertains to the entire country.

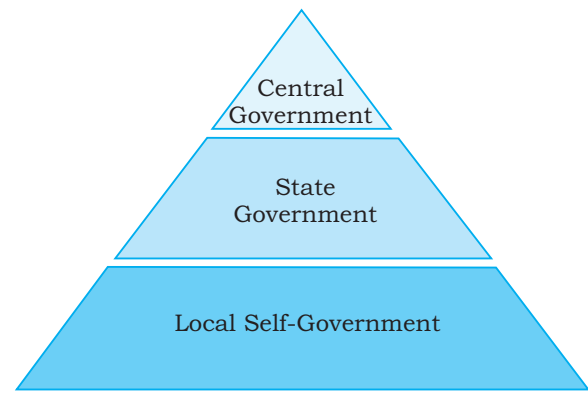


Figure 6.1: Levels of Government



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- ❖ This dynamic interaction underpins the functional fabric of society, where laws and citizen participation harmonize for effective governance.

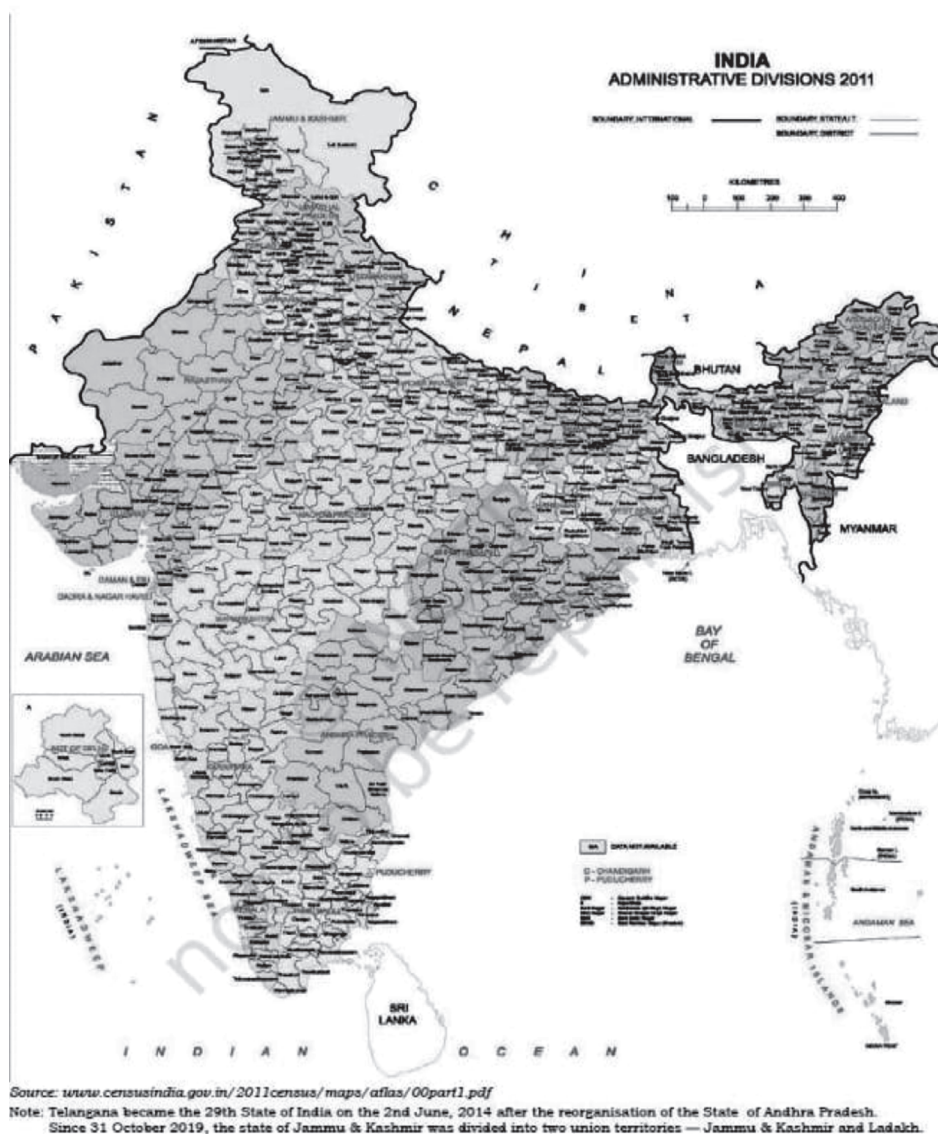


Figure 6.2 India Administrative Divisions 2011

Types of Government

The government's power source depends on the country's type of governance.

Democracy	Monarchy
➤ People grant power through elections and elected individuals form the government.	➤ The monarch (king or queen) holds decision-making authority.
➤ The government is accountable to the people, explaining actions and decisions.	➤ Monarchs may consult a small group, but ultimate power lies with them.
	➤ Unlike democracy, monarchs are not obligated to explain actions or decisions to the people.

Democratic Governments

- ❖ Democratic governments in our times are usually referred to as **Representative Democracies**.
- ❖ In representative democracies, **people do not participate directly** but choose their representatives through an election process.
- ❖ These **representatives meet and make decisions** for the entire population.
- ❖ Thus, in a Democratic Government, people possess the power to elect leaders and collectively influence rules.
- ❖ **Universal Adult Franchise**
 - ✧ In their earliest forms, governments allowed only men who owned property and were educated, to vote.
 - ✧ But these days, a government cannot call **itself democratic** unless it allows all adults in the country to vote. This is known as **Universal Adult Franchise**.

Types of Democracy

Types	Characteristics
Direct Democracy	<ul style="list-style-type: none"> ➤ In Direct Democracy, citizens directly participate in the day-to-day decision-making and in the running of the government. ➤ For example, working with Gram Sabhas in India.
Indirect Democracy	<ul style="list-style-type: none"> ➤ In Indirect Democracy, citizens choose their representatives who are actively involved in governing and administering the country. ➤ For example: Indian general election for Lok Sabha and State assembly.

Need for Elections

- ❖ Elections **enable people to select representatives** since direct decision-making by all citizens is impractical.
- ❖ It helps people to select representatives based on **qualities like age, experience, or knowledge**.
- ❖ Selection without elections lacks democratic features, as it does not ensure representation in line with people's desires and choices of all sections of society.
- ❖ Elections **ensure regular turnover of representatives** and allow citizens to choose new leaders or change existing ones.
- ❖ It **enables voters to choose**
 - ✧ who will make laws for them.
 - ✧ who will form the government and take major decisions.
 - ✧ the party whose policies will guide the government.

POINTS TO PONDER

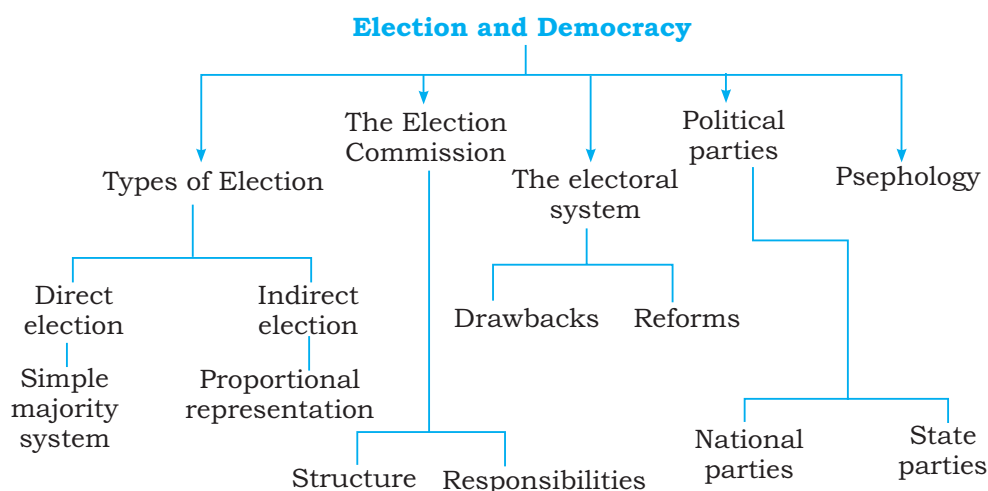
Free and fair elections are generally considered to be the soul of a democratic temple. However, elections alone have never been able to democratize a society. What other factors can you think are required for smooth functioning of a liberal democracy?



Elections and Democracy

- ❖ Elections have today become the most **visible symbol of the democratic process**.
- ❖ As all citizens cannot take a direct part in making every decision in a **vast democracy**. Therefore, representatives are **elected** by the people.
- ❖ Regular elections entail responsibility and accountability on representative about their policy decision.

- ❖ However, all elections are not democratic. Sometimes non-democratic countries hold elections to legitimize rule. For example, Sham elections in authoritarian regimes (e.g., North Korea), controlled outcomes (e.g., Belarus).
- ❖ On the other hand, democratic elections ensure genuine competition, free expression, equal participation, fair representation for inclusive governance and independent monitoring.
- ❖ To ensure democratic elections, transparent electoral laws, impartial election commissions, media freedom, and equal campaigning opportunities are necessary. For example: in India, The Representation of People Act, of 1951 addresses fairness, freedom, impartiality, and equal representation in elections.



Features of Democratic Elections

- ❖ **Equal Participation:** Every eligible citizen has **one vote, and each vote has equal weight**.
- ❖ **Regularity:** Elections are held periodically, ensuring a consistent democratic process.
- ❖ **Reflecting People's Will:** Chosen candidates represent the preferences of the electorate.
- ❖ **Free and Fair Conduct:** Elections are conducted openly and fairly, allowing citizens to vote as they wish.
- ❖ **Political Competition:** Multiple parties and candidates contesting elections offer meaningful choices to voters.

Merits and Demerits of Political Competition in Elections

Elections are all about political competition. The most obvious form is the competition among political parties. For example, at the Constituency level, it takes the form of competition among several candidates.

Merits	Demerits
➤ Political competition compels parties to serve citizens' interests to keep themselves in power.	➤ Party politics - Different political parties and leaders often level allegations against one another.
➤ It sets up a system where political leaders are rewarded for serving the people and punished for not doing so.	➤ Sometimes, it creates a sense of disunity and 'factionalism' in the constituency.

➤ It ensures that political parties are accountable and responsive to the people's needs.	➤ Electoral fights do not allow sensible long-term policies to be formulated.
	➤ Use of dirty tricks to win elections may avert good people who may wish to serve the country.

Election System in India

- ❖ India has a representative democratic system. In India, **Lok Sabha** and **Vidhan Sabha general elections** are held regularly every **five years**.
- ❖ **General elections** encompass all constituencies simultaneously, while **By-elections** fill vacancies in individual constituencies that have happened due to the death or resignation of a member.

POINTS TO PONDER

Representative democracy is generally based on fixed electoral terms. The voters decide the fate of their representative after the end of the term. This creates an accountability void during the whole elected term. Can you think of certain measures that might be adopted to remove this void of accountability?



Electoral Constituencies

- ❖ In India, elections follow an **Area-Based System of Representation**.
- ❖ The country is divided into **Electoral Constituencies** (Unit areas for purposes of elections) for both Lok Sabha and State Assembly elections. For example-For Lok Sabha elections, the country is divided into **543 constituencies**. The representative elected from each constituency is called a **Member of Parliament or an MP**.
- ❖ Similarly, the representative elected from each constituency in the state Assembly election is called a **Member of the Legislative Assembly or an MLA**.
- ❖ These constituencies ensure the **equal value of votes and equal representation** of the people's interests.

Reservation of Constituencies

- ❖ **Historical Context:** India's history of caste-based discrimination led to concerns over fair representation. Before independence, '**separate electorates**' were introduced by the British government, but this was debated. The Constitution opted for a system of '**reserved constituencies**,' where all voters are eligible, but only candidates from specific communities or social sections can contest in reserved seats.
- ❖ **Disadvantages of FPTP for Smaller Social Groups:** The First Past the Post (FPTP) can disadvantage smaller social groups, especially in India's diverse and historically caste-based society. Dominant social groups often secure victories across constituencies, while marginalized ones remain underrepresented.
- ❖ **Significance of Reservation:** Reserved constituencies ensure representation for dispersed social groups that might lack individual influence in a constituency but are significant collectively. The Constitution reserves seats for Scheduled Castes (SC) and Scheduled Tribes (ST) in the Lok Sabha and State Legislative Assemblies based on their population share.
- ❖ **Extent of Reservation:** Of the 543 elected Lok Sabha seats, 84 are reserved for SC and 47 for ST.

The Delimitation Commission, an independent body appointed by the President and working with the Election Commission, decides the quota of reserved constituencies in each State.

- ❖ **Delimitation Process:** The Delimitation Commission defines constituency boundaries nationwide. It reserves constituencies for ST based on the highest proportion of ST population. For SC, the Commission considers both higher SC population and regional distribution due to their even dispersion.
- ❖ **Rotation of Reserved Constituencies:** Reserved constituencies can be rotated in each delimitation exercise. The aim is to provide equitable opportunities for marginalized groups across regions.
- ❖ **Absence of Similar Reservations:** The Constitution does not provide similar reservations for other disadvantaged groups. However, there is growing demand for reserving one-third of seats for women in the Lok Sabha and State Assemblies, considering the limited female representation.
- ❖ **Women's Reservation:** Although reservations exist for women in local bodies, extending this to higher legislative bodies requires a constitutional amendment.

Voters' list/Electoral Roll

- ❖ It is a list of those who are eligible to vote in the election.
- ❖ It ensures that all citizens have equal voting rights, adhering to the principle of universal adult franchise.
- ❖ In India, citizens aged 18 and above have the right to vote, irrespective of their caste, religion, or gender.
- ❖ While most citizens can vote, exceptions are made for criminals and individuals with unsound minds to maintain the integrity of the electoral process.
- ❖ It continuously adds newly eligible voters while removing those who relocate or pass away to keep the list current.
- ❖ **Election Photo Identity Card (EPIC)** is introduced to enhance the accuracy of voting. It aids in proper identification during the voting process.
- ❖ Alternative proofs of identity, like ration cards, are also accepted to facilitate voting.

Nomination of Candidates

Educational Qualifications for Political Candidates

- Unlike many jobs that require specific education, political positions like MLA or MP do not demand formal degrees.
- These roles prioritize understanding people's needs and representing their interests. Voters evaluate candidates every five years based on their performance in addressing issues.
- Introducing education requirements could undermine democracy, excluding a majority from contesting elections. This decision should be the people's prerogative.

- ❖ Democratic elections require real choices with minimal restrictions on candidates.
- ❖ Any eligible voter can become a candidate with **a minimum age of 25 for the general elections.**
- ❖ Political parties nominate candidates, granting them party **symbols and support.**
- ❖ Candidates submit nomination forms and a security deposit.
- ❖ Supreme Court directed system mandates legal declarations by candidates about:
 - ❖ Any pending serious criminal cases.
 - ❖ Their family's assets and liabilities.
 - ❖ Educational qualifications.

- ❖ Declared information is made public, enabling voters to decide based on candidate-provided data.

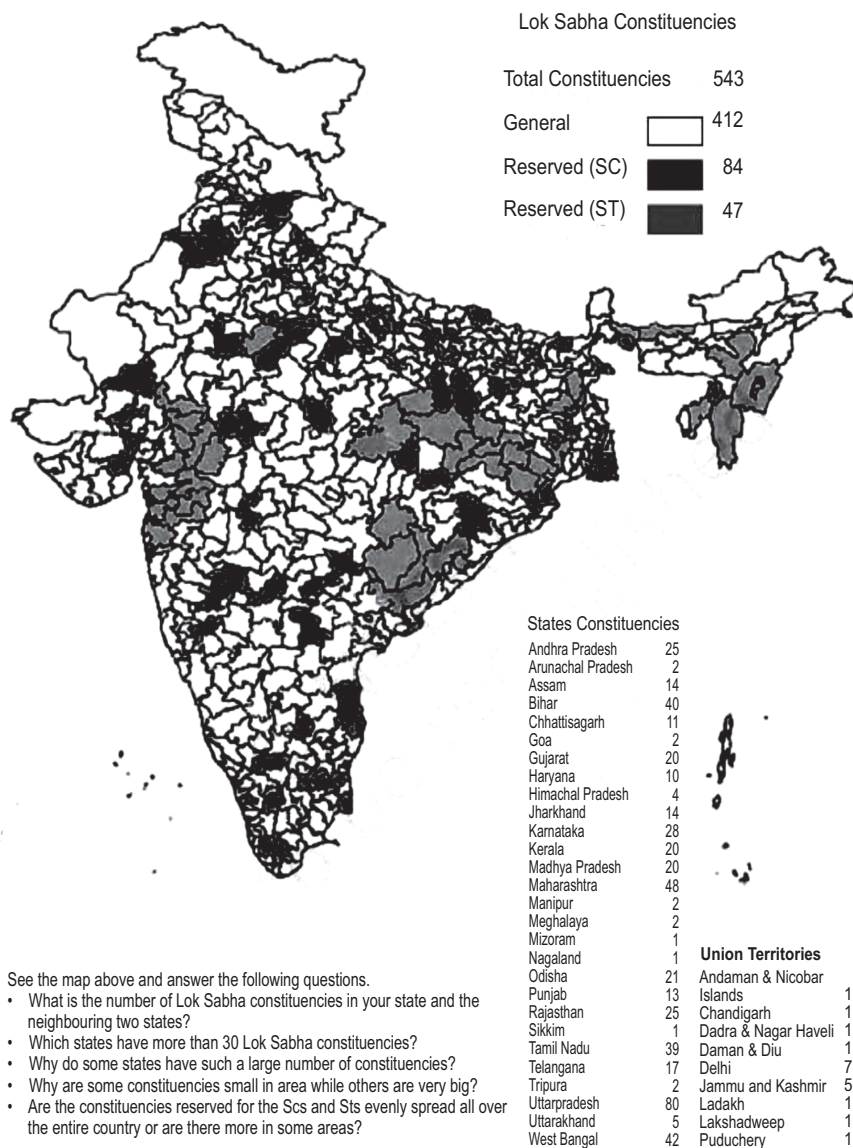


Figure 6.3: Electoral Politics

Election Campaign

Election's core purpose	➤ It enables people to choose representatives, government, and policies through open discussions.
Campaign Duration	➤ Two-week period before polling; Preparation begins months earlier.
Campaigning Activities	➤ Candidates engage voters; political leaders hold meetings; parties mobilize supporters. ➤ Media abounds with election-related stories and debates.

Successful Slogans from Past Campaigns	<ul style="list-style-type: none"> ➤ Congress (1971): “Garibi Hatao” – Pledged poverty eradication. ➤ Janata Party (1977): “Save Democracy” – Aimed to restore civil liberties post-emergency. ➤ Left Front (1977): “Land to the Tiller” – Focused on land distribution. ➤ Telugu Desam Party (1983): “Protect the Self-Respect of the Telugus” – Centered on cultural pride.
Campaign Regulation	<ul style="list-style-type: none"> ➤ To ensure fair competition, it prohibits voter bribery, caste/religion appeals, and misuse of government resources. ➤ Earlier expenditure limits: ₹ 25 lakh (Lok Sabha) / ₹10 lakh (Assembly) per constituency. ➤ The Election Commission of India (ECI) raised Lok Sabha candidate expenditure limits from Rs 54-70 lakh to Rs 70-95 lakh, varying with states.
Model Code of Conduct	<ul style="list-style-type: none"> ➤ It is agreed upon by all parties contesting elections. ➤ It restricts the use of worship places for propaganda, utilization of government resources, policy decisions and promises during election announcements.

Polling and Counting of Votes

- ❖ On election day, voters cast their votes at polling booths.
- ❖ Identification, finger-marking, and fair voting process are supervised by officials and candidate agents.
- ❖ Traditional paper ballots with candidate names and symbols or Electronic Voting Machines (EVMs) are used.
- ❖ EVMs display candidate names, and party symbols; voters press buttons for chosen candidates.
- ❖ After voting, sealed EVMs are stored securely.
- ❖ On a set date, EVMs are opened, and votes are counted in front of candidate agents.
- ❖ The winning candidate has the highest constituency votes; election results are reported through the media.

Methods of Elections

There are different methods of elections, such as **First-Past-The-Post, Proportional Representation, and Single Transferable Vote.**

First Past the Post System:

- ❖ **The “First Past the Post” (FPTP)** electoral system awards victory to the candidate securing the highest votes in a constituency, regardless of whether an absolute majority is achieved or not.
- ❖ **Simple Mechanism:** FPTP is simple, candidates with the highest number of votes in individual constituencies win, promoting easy comprehension.
- ❖ **Majoritarian Outcome:** The system often leads to clear majorities, contributing to stable governments.
- ❖ **Local Representation:** FPTP emphasizes local representation, as each constituency elects its representative independently.
- ❖ **Limited Proportional Reflection:** Critics highlight its potential for disproportionate representation, with winning candidates not reflecting the overall vote distribution.

- ❖ **Duverger's Law:** FPTP tends to encourage a two-party system due to strategic voting.
- ❖ **Simplicity vs. Accuracy:** While simple, FPTP might not always reflect the nuanced preferences of diverse electorates.
- ❖ **Critiques:** Critics argue it might exclude smaller parties and lead to a “wasted vote” phenomenon.
- ❖ **National vs. Regional Trends:** FPTP can lead to disparities between the popular vote and the distribution of parliamentary seats.

Proportional Representation

- ❖ Proportional Representation (PR) bridges the voter-legislative gap by allotting seats relative to party votes, promoting inclusivity and diverse opinions. Despite clarity and equity, debates centre on political stability. Exploring PR mechanics unveils its role in fostering pluralistic democracies.
- ❖ **Equal Representation:** PR aims to ensure that political parties gain seats in proportion to the percentage of votes they receive.
- ❖ **Diverse Parliament:** It promotes inclusivity by allowing smaller parties and diverse voices to gain representation, avoiding a winner-takes-all scenario.
- ❖ **Complex Ballots:** Voters often select parties rather than individual candidates, reducing the personal connection between voters and representatives.
- ❖ **Coalition Governments:** PR can lead to coalition governments as parties collaborate to secure a majority, fostering compromise and consensus-based decision-making.
- ❖ **Mitigating Wasted Votes:** Even parties with lower vote shares can gain representation, minimizing the “wasted vote” phenomenon seen in other systems.
- ❖ **Varied Models:** Different PR models exist, including list PR and single transferable vote (STV), each with its own intricacies and impact on outcomes.
- ❖ **Global Application:** PR is used in various countries, contributing to different political landscapes and governing styles.

Comparison of FPTP and PR system of election

FPTP	PR
The country is divided into small geographical units called constituencies or districts.	Large geographical areas are demarcated as constituencies. The entire country may be a single constituency.
Every constituency elects one representative.	More than one representative may be elected from one constituency.
Voter votes for a candidate.	Voter votes for the party.
A party may get more seats than votes in the legislature.	Every party gets seats in the legislature in proportion to the percentage of votes that it gets.
Candidate who wins the election may not get majority (50% + 1) votes.	Candidate who wins the elections gets majority of votes.
Examples: U.K., India.	Examples: Israel, Netherlands.

Figure 6.4: Comparison between FPTP and PR system of election.

Reasons For Adopting FPTP System in India

- ❖ **FPTP's Popularity and Simplicity:** The FPTP system's straightforward nature makes it accessible even to voters with limited political knowledge.
- ❖ **Direct Choice and Accountability:** FPTP's key advantage is that it offers voters a direct choice between specific candidates, unlike other systems like Proportional Representation (PR) where voters select parties, and representatives are chosen from party lists. This establishes personal accountability and transparency in governance.
- ❖ **Unsuitability of PR in India:** The framers of India's Constitution recognized that PR-based elections might not ensure stable governance within a parliamentary system. A majority in the legislature is crucial for the parliamentary executive's functionality, and PR's seat distribution based on vote share might not consistently yield clear majorities, leading to governance challenges.
- ❖ **Two-Party Structure and Nuances:** The FPTP system typically encourages a two-party structure, facilitating power-sharing between primary competitors.
 - ❖ However, India's experience with FPTP is nuanced. Initially, a dominant single party coexisted with smaller parties' post-independence. Subsequently, multiparty coalitions emerged in 1989. Concurrently, some states exhibit a two-party competition. A notable aspect of India's party system is the rise of coalitions, allowing new and smaller parties to participate despite the FPTP framework.

Rajya Sabha Elections

The Rajya Sabha serves as a federal chamber of Parliament, representing the interests of states and union territories. It reviews and contributes to legislation and represents a forum for discussing issues of national importance.

- **Indirect Election:** Rajya Sabha members are not directly elected by the citizens. Instead, they are elected by the elected members of State Legislative Assemblies using a **single transferable vote (STV) system**.
- **Allocation of Seats:** The Rajya Sabha has a fixed number of seats allocated to each state and union territory. The allocation is based on the population of the state or territory.
- **Election Process:** In each Rajya Sabha election, members of the State Legislative Assembly cast their votes to elect representatives from their state. The voting process is done through a **secret ballot**.
- **Single Transferable Vote (STV):** STV is used in Rajya Sabha elections, allowing voters to rank their preferred candidates in order of preference. This ensures that a candidate needs a certain threshold of votes to secure a seat.
- **Quota and Surplus Transfer:** If a candidate receives more votes than required to win a seat, the surplus votes are transferred to other candidates based on the voters' preferences. This process continues until all seats are filled.
- **Representation of Different Parties:** Rajya Sabha elections reflect the political composition of the State Legislative Assemblies. Political parties, that have majority support in a particular state's assembly, tend to have a stronger presence in the Rajya Sabha from that state.
- **Gradual Renewal:** Rajya Sabha members have a six-year term, but every two years, one-third of the members retire. This gradual renewal ensures continuity and stability in the house.

Factors Making Elections in India Democratic

Independent Election Commission:

- ❖ Fair elections depend on independent conductors because the presence of existing government influence is crucial to evaluate in elections.
- ❖ In India, elections are orchestrated by the powerful and autonomous Election Commission (EC).
- ❖ Even though the President appoints the Chief Election Commissioner (CEC) but it is not answerable to the government post-appointment.
- ❖ **EC's Responsibilities:**
 - ❖ Oversee election aspects from announcement to result declaration.
 - ❖ Enforce the Code of Conduct and penalize violators.
 - ❖ Issue government guidelines to prevent misuse of power during elections.
 - ❖ Control government officers during election duty.
- ❖ EC **reproaches** the government and administration for shortcomings. For example, the EC can order repoll when polling fairness is in question.
- ❖ Ruling parties are obliged to adhere to EC decisions due to their independence and power.

Election Commission of India

Article 324 of the Indian Constitution establishes an independent Election Commission responsible for the “**superintendence, direction, and control of the electoral roll and the conduct of elections**” in the country. This grants the Election Commission substantial authority over all election-related matters.

- **State Chief Electoral Officers:** Each state is aided by a Chief Electoral Officer to support the Election Commission's functions. The Election Commission, however, is not involved in local body elections.
- **Single and Multi-Member Commission:** Initially, the Election Commission was single-member until 1989, when two Election Commissioners were appointed temporarily for the 1989 general elections. This trend persisted, and since 1993, the Commission has operated as a multi-member body.
- **Equal Powers and Accountability:** The Chief Election Commissioner (CEC) heads the Commission yet holds equal decision-making powers with the other Election Commissioners. Decisions related to elections are taken collectively. All three members are appointed by the President on the Council of Ministers' advice.
- **Appointment Process and Reform:** The method of appointment has prompted suggestions for reform. Some propose involving the leader of the opposition and the Chief Justice of India in the appointment process to ensure impartiality and wider consultation.
- **Security of Tenure:** The Constitution guarantees the CEC and Election Commissioners' tenure security. They serve a six-year term or until the age of 65, whichever is earlier. Their removal before term completion requires a special majority recommendation by both Houses of Parliament, safeguarding against undue political influence.
- **Preventing Arbitrary Removal:** The provision for removing the CEC through a special majority ensures that a ruling party cannot arbitrarily remove a commissioner who doesn't align with its interests during elections.

Special Majority

Two-thirds majority of those present and voting, and 50% membership of the House.

Popular Participation

- ❖ In India, enthusiastic participation of voters signifies a free and fair election.
- ❖ Over 50 years, Europe/North America voter turnout declined, while India's remains increased.
- ❖ India exhibits a trend where the poor and illiterate sections participate more in voting, in contrast to the United States, where wealthier and white individuals tend to have higher voting rates.

Universal Franchise and Right to Contest

Universal Franchise

- ❖ The cornerstone of democratic elections, **universal adult franchise** ensures that all adult citizens have the right to vote. This concept was achieved through struggles in various countries, including late recognition for women.
- ❖ The Constitution **Sixty-first Amendment Act, 1988**, officially lowered the voting age for Lok Sabha and State Legislative Assembly elections from **21 to 18 years**.
- ❖ Universal Adult Franchise ensures that every citizen, regardless of educational qualifications, can contribute to shaping society, the country, and their constituencies.

POINTS TO PONDER

The principle of Universal Adult Franchise is based on the idea that the political system must trust the wisdom of every individual, irrespective of income, background, identity or educational level. In this context, is it right to introduce educational or any other additional criteria for contesting elections or any kind of participation in the political process?



Right to Contest Elections

- ❖ The Indian electoral system **embraces a non-discriminatory approach**, allowing all citizens the opportunity to participate in the democratic process.
- ❖ The right to contest elections is extended to all citizens. However, minimum age requirements exist. For instance, candidates must be **at least 25 years** old to stand for Lok Sabha or Assembly elections.
- ❖ While income, education, class, and gender don't restrict the right to contest elections, certain disqualifications exist. Individuals imprisoned for over two years due to specific offences are ineligible to contest.

Acceptance of Election Outcome

- ❖ Except for rare disputes, electoral results are widely accepted as "people's verdict" by losing parties.
- ❖ In India, ruling parties often lose both national and state elections. For instance, over the last 25 years, the ruling party lost in two out of three elections. Notable in contrast to the US, where incumbents seldom lose.

Free and Fair Elections

Free and fair elections are the cornerstone of democratic societies. They ensure equal participation, unbiased processes, and genuine representation. Upholding democratic principles, these elections provide citizens with a voice, foster transparency, and establish the legitimacy of chosen leaders.



Challenges to Free and Fair Elections

- ❖ Few constituencies might witness wins through **money power and unfair means**.
- ❖ **Wealthy candidates hold an unfair advantage** over smaller parties and independent candidates.
- ❖ Candidates with **criminal links** can dominate and secure major party tickets in certain regions.
- ❖ **Political families** tend to monopolize parties, distributing tickets among relatives.
- ❖ **Limited differentiation** between major parties in policies and practices reduces choice for citizens.
- ❖ Smaller parties and independent candidates face considerable disadvantages compared to larger parties.

Way Forward

- ❖ **Electoral Reforms** could address issues of campaign financing, criminalization, family dominance, policy differentiation, and leveling the playing field.
- ❖ Ordinary citizens can participate by supporting reform movements, advocating for transparency, and promoting informed voting.
- ❖ Reforms might include campaign finance regulations, candidate eligibility criteria, party internal democracy, and better policy differentiation.
- ❖ **Active citizen engagement** is crucial to ensure fair and vibrant democratic processes.

Party Systems

- ❖ Party systems evolve based on a country's unique societal, historical, and electoral factors.
- ❖ Democracy allows citizens to form political parties freely.
- ❖ No single system is universally ideal due to varying circumstances and needs. The following are some types:
 - ❖ **One-party systems**, like in China, lack democratic competition.
 - ❖ **Two-party systems**, found in the US and UK, involve alternating power between two main parties.
 - ❖ **Multiparty systems**, as in India, feature multiple parties and alliances competing for power.

Political Party

- ❖ A political party is a **collective group of people** aiming to participate in elections and govern a nation.
- ❖ They **formulate policies** for the betterment of society and work to persuade the public of their effectiveness.
- ❖ These parties **reflect society's varying perspectives** on the common good.
- ❖ Political parties consist of leaders, active members, and followers who align with specific policies and interests.

Functions of Political Parties

- ❖ **Contesting Elections:** They participate in electoral processes, presenting candidates to represent their ideology and goals.
- ❖ **Policy Formulation:** Parties consolidate diverse viewpoints into coherent policies, simplifying complex opinions into actionable government strategies.
- ❖ **Legislative Influence:** Parties guide their members' votes in legislatures, shaping law-making and advocating for their proposed changes.

- ❖ **Government Formation:** Equipped with skilled leaders, parties establish and manage governments, implementing their approved policies for public benefit.
- ❖ **Opposition Dynamics:** Opposition parties offer critical analysis, presenting alternatives to the ruling government's approach.
- ❖ **Public Opinion Shaping:** Parties raise awareness on issues, rallying public support and catalyzing movements for change.
- ❖ **Access to Governance:** Parties link citizens to government resources and social schemes, ensuring authorities address people's needs promptly.

Importance of Political Parties

1. Governance and Policy Formation:

- ❖ Political parties play a vital role in making promises and proposing policy changes during elections.
- ❖ Without parties, candidates would be independent, leading to uncertainty in the effectiveness of government actions.
- ❖ Parties provide a framework for presenting cohesive policy platforms, enhancing governance stability.

2. Accountability and Responsibility:

- ❖ Parties hold elected representatives accountable to their constituencies, ensuring local representation.
- ❖ Without parties, there would be no responsibility for overall national governance.
- ❖ Parties create a structure for leaders to take responsibility for the country's direction and progress.

3. Formation of Factions:

- ❖ In non-party-based elections, divisions into factions still occur, similar to party dynamics.
- ❖ This underscores the role of parties in unifying diverse viewpoints and presenting candidates.

4. Global Prevalence:

- ❖ Political parties exist in countries worldwide, regardless of size, development, or age.
- ❖ Their presence highlights their universal significance in democratic systems.

National Parties

Democracies with federal systems have parties at national and state levels. India's national parties have units in different states but follow common policies. Six national parties existed in India in 2023.

Bahujan Samaj Party (BSP): Established in 1984 under Kanshi Ram. Represents Bahujan samaj, including dalits, adivasis, OBCs, and minorities. Strong in Uttar Pradesh, also present in Madhya Pradesh, Chhattisgarh, Uttarakhand, Delhi, and Punjab. Aiming to secure the interests of oppressed people. Received 3.63% votes, 10 Lok Sabha seats in 2019.

Bharatiya Janata Party (BJP): Founded in 1980 by reviving Bharatiya Jana sangh, emphasizes India's culture, values, Hindutva ideology, and supports strong India, uniform civil code, and territorial integrity. Rapidly expanded base across regions. Led the NDA government with 303 seats in the 2019 Lok Sabha, presently leading the ruling NDA government.

Communist Party of India - Marxist (CPI-M): Founded in 1964, follows Marxism-Leninism, socialism, secularism. Strong in West Bengal, Kerala, and Tripura. Supports democratic elections for socio-economic justice. Critical of economic liberalization. Held power in West Bengal for 34 years. Won around 1.75% votes, 3 seats in 2019 Lok Sabha.

Aam Aadmi Party (AAP): It was founded in November 2012 by Arvind Kejriwal and his then-companions, following the 2011 Indian anti-corruption movement. AAP is currently the governing party in the Indian state of Punjab and the union territory of Delhi. On April 10, 2023, AAP was officially granted the status of National party by ECI. The party's election symbol is a broom.

National People's Party (NPP): Its influence is mostly concentrated in the state of Meghalaya. The party was founded by P.A. Sangma after his expulsion from the NCP in July 2012. It was accorded National Party status on June 7, 2019. It is the first political party from Northeastern India to have attained this status.

Indian National Congress (INC): Established in 1885, played a significant role post-Independence. Ideologically centrist, supports secularism, welfare of weaker sections. Led UPA government from 2004 to 2014. Widely spread across India. Gained 19.5% votes, 52 seats in 2019 Lok Sabha.

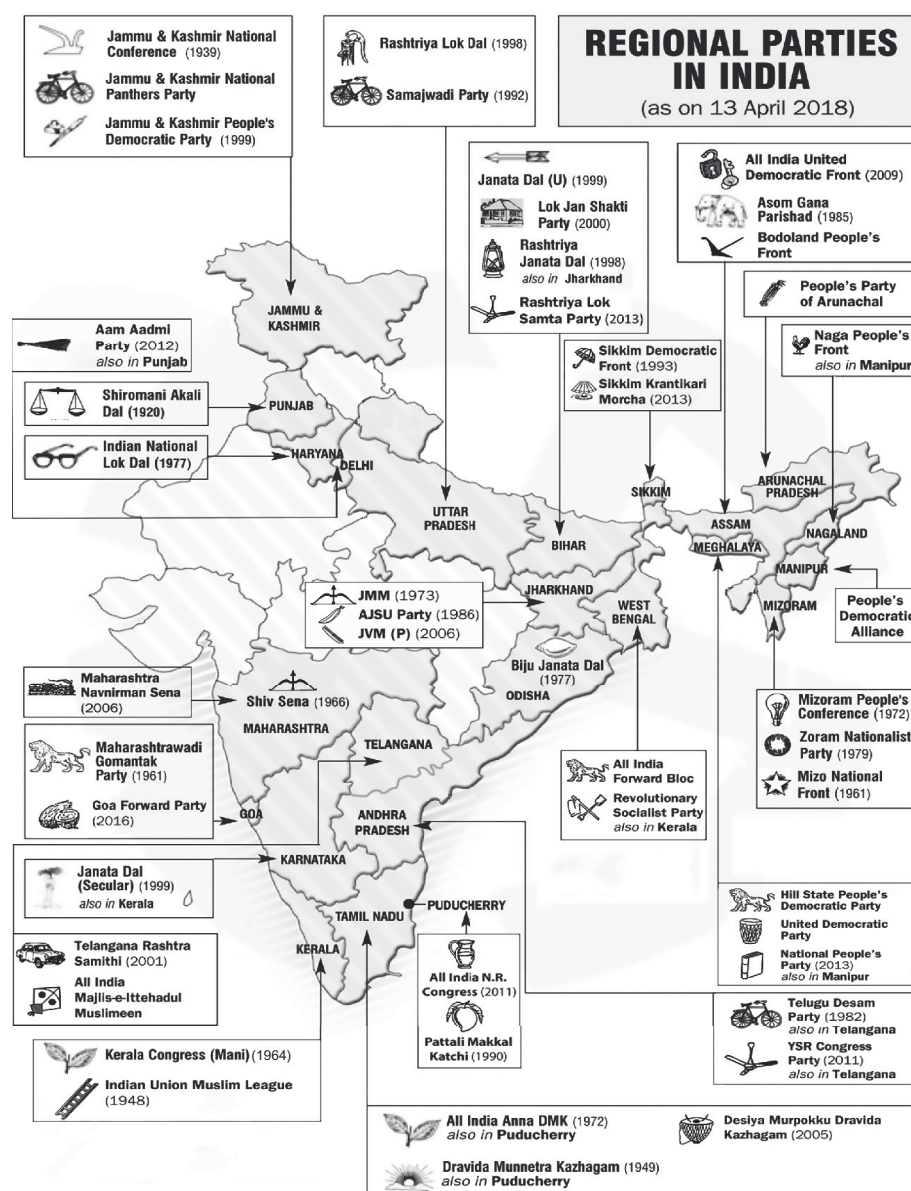


Figure 6.5 Regional Parties in India

State Parties

- ❖ Aside from the mentioned six parties, many major parties in India are categorized as 'State parties' or regional parties by the Election Commission.
- ❖ Coalition governments involving both national and regional parties have strengthened federalism and democracy.

Challenges to Political Parties

- ❖ **Lack of Internal Democracy:**
 - ❖ Parties tend to concentrate power in the hands of a few leaders at the top. Internal elections and transparency are often lacking.
 - ❖ Ordinary members lack influence, and decisions are made by a select few, undermining grassroots participation and encouraging personal loyalty over party principles.
- ❖ **Dynastic Succession:**
 - ❖ A related issue is dynastic succession, where leadership positions are often controlled by a single family.
 - ❖ This hampers merit-based leadership development and results in unqualified individuals assuming power, weakening democracy.
- ❖ **Money and Muscle Power:**
 - ❖ Parties prioritize winning elections, often relying on candidates with financial resources or criminal ties.
 - ❖ Wealthy donors influence party policies, while criminals with electoral clout receive support. This undermines fair representation and democratic values.
- ❖ **Lack of Meaningful Choice:**
 - ❖ Parties sometimes offer limited ideological differences, reducing the range of options for voters.
 - ❖ Convergence on fundamental aspects leads to minor variations in policy details. This results in a lack of diverse policy alternatives, limiting voters' ability to choose distinct directions.

Need for Reforms in Parties

- ❖ Efforts and suggestions to reform political parties and their leaders have arisen, but the challenge lies in the willingness of parties to change.
- ❖ Constitutional amendments prevent elected representatives from changing parties, reducing defections, but possibly limiting dissent.
- ❖ Supreme Court order requiring candidates to disclose property and criminal cases, increasing transparency, but verification remains a challenge.
- ❖ The Election Commission's requirement for parties to hold internal elections and file income tax returns, promoting accountability, but effectiveness varies.

Suggested Reforms

- ❖ **Enactment of Legislation** regulating party affairs, ensuring internal democracy, open elections, and an independent dispute resolution mechanism.
- ❖ **Mandating a quota for women candidates** and women in decision-making bodies to enhance gender representation.
- ❖ **State funding of elections** to curb the influence of money, promoting transparency.
- ❖ **Public participation** is essential for improving politics and democracy.



Electoral Reforms

- ❖ Electoral reforms pertain to changes made to the electoral system and processes with the aim of enhancing fairness, transparency, and effectiveness in democratic elections.
- ❖ Democratic societies continually seek mechanisms to enhance the fairness of elections.
- ❖ In the quest for maximum fairness, India's adoption of adult suffrage, freedom to contest elections, and an independent Election Commission reflect its commitment to a free and fair election process.
- ❖ Ultimately, free and fair elections hinge on the commitment of candidates, parties, and all involved to adhere to democratic principles and competitive fairness.
- ❖ Beyond legal reforms, two methods can enhance elections' democratic representation:
 - ❖ **Active Citizen Participation:** Vigilance and active involvement of citizens are vital. However, individuals have limits to consistent political engagement.
 - ❖ **Institutional Oversight:** Political institutions and voluntary organizations can function as watchdogs to ensure elections align with democratic aspirations.

Reform Proposals

- ❖ **Changing FPTP:** Some propose shifting from First Past the Post (FPTP) to a variant of the Proportional Representation (PR) system. PR aims to allocate seats based on the proportion of votes parties receive.
- ❖ **Gender Representation:** Advocates suggest reserving one-third of parliamentary and assembly seats for women to promote gender equality.
- ❖ **Money Control:** Stricter measures are urged to regulate the role of money in elections. Government-funded election expenses could be introduced.
- ❖ **Criminal Cases:** Candidates with pending criminal cases could be prohibited from contesting elections.
- ❖ **Caste and Religious Appeals:** Calls for a complete ban on the use of caste and religious appeals in election campaigns.
- ❖ **Transparent Political Parties:** A law might be established to regulate political parties, ensuring transparent and democratic functioning.

Gender and Politics

- ❖ Traditional upbringing enforces a gender-based division of labor where women are primarily responsible for housework and childcare, while men are expected to engage in outside work.
- ❖ Women's work is undervalued and lacks recognition, limiting their political involvement.
- ❖ **Political Movements:**
 - ❖ Worldwide, women's movements have fought for equal rights, including voting rights and career opportunities.
 - ❖ Feminist movements have emerged, aiming for equality in personal, family, and public life.
 - ❖ Political activism improved women's status, allowing them to pursue diverse careers.

Women's Representation in Politics in India

- ❖ Gender issues **lack attention** despite awareness. Feminist movements stress women's empowerment in problem-solving.
- ❖ Indian female legislature representation is minimal (**14.36% Lok Sabha, <5% state assemblies**), trailing globally.
- ❖ Panchayati Raj reserves **1/3rd of local seats**, leading to over **10 lakh women** representatives.



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- ❖ Advocates pursue similar **1/3rd reservations** in higher bodies for parity.
- ❖ Politics amplifies social divisions, aiding the marginalization of groups like women.

Gender Disparities

- ❖ **Education Divide:** The literacy rate among women lags at 70.30 %, compared to 84.70% among men. While girls often excel in academics, they drop out due to unequal investment in education, favoring boys.

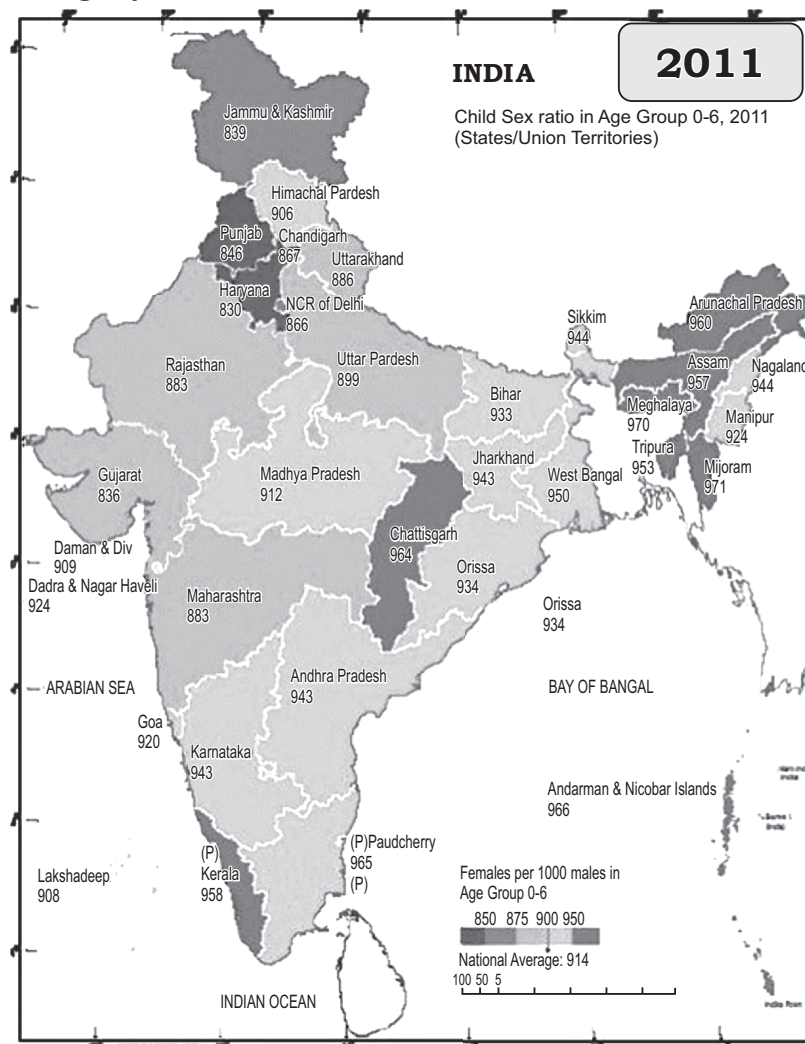


Figure 6.6: India's child sex ratio, 2011

- ❖ **Unequal Workforce:** Indian women work about an hour more daily than men, but their unpaid labor often goes unrecognized.
- ❖ **Wage Inequality:** The Equal Remuneration Act of 1976 mandates equal pay for equal work, yet women earn less than men in various fields, even with identical job roles.
- ❖ **Sex-Selective Abortion:** Preferential treatment towards male children leads to gender-biased sex-selective abortion, resulting in a skewed child sex ratio of 919 girls per 1000 boys (2011 census).
- ❖ **Domestic Violence:** Women face domestic violence within their households, subjected to beatings, harassment, and abuse.

Religion, Communalism and Politics in India

- ❖ Religious diversity is widespread globally, leading to differences in practice and political expression.
- ❖ Human rights groups highlight minority vulnerability in communal riots, calling for government protection.
- ❖ Religion-based politics is acceptable if treating all religions equally and preventing discrimination.

Communalism in Elections

- ❖ Communal politics emerges from **exclusive religious nationalism**. It divides by asserting religious superiority.
- ❖ **Flawed assumption of uniform interests** fuels majoritarian dominance or minority separatism.
- ❖ Political mobilization exploits sacred symbols and emotions, causing communal violence. For example, Pakistan suffered severe communal riots during Partition.
- ❖ Communalism underscores the peril of religion-based politics, risking conflict and turmoil.

Secular State

- ❖ The Constitution **establishes a secular state with no official religion**. It guarantees religious freedom while prohibiting discrimination.
- ❖ State intervention **ensures equality** within religions, banning practices like untouchability.
- ❖ Combating communalism is vital, requiring efforts against prejudice, propaganda, and religion-based political mobilization.

Caste and Politics

Caste Inequalities

- ❖ **Distinctive Nature of India's Caste Division:** India's caste division is distinct, with hereditary occupations tied to rituals. The caste system excluded 'outcaste' groups, enforcing untouchability.
- ❖ **Efforts to eliminate caste inequalities:** Leaders like Jyotiba Phule, Gandhiji, B.R. Ambedkar, and Periyar Ramaswami Naicker aimed to eliminate caste inequalities.
- ❖ **Traditional caste hierarchy:** Modernization, urbanization, education, and economic changes have weakened the traditional caste hierarchy. Despite progress, caste effects remain, influencing marriage, education, and economic status.

Percentage of population living below the poverty line, 1999–2000

Caste and Community groups	Rural	Urban
Scheduled Tribes	45.8	35.6
Scheduled Castes	35.9	38.3
Other Backward Classes	27.0	29.5
Muslim Upper Castes	26.8	34.2
Hindu Upper Castes	11.7	9.9
Christian Upper Castes	9.6	5.4
Sikh Upper Castes	0.0	4.9
Other Upper Castes	16.0	2.7
All Groups	27.0	23.4

Note: 'Upper Caste' here means those who are not from SC, ST, or OBC. Below the poverty line means those who spent ₹327 or less per person per month in rural and ₹454 or less per person per month in urban areas.

Source: National Sample Survey Organisation (NSSO), Government of India, 55th Round, 1999–2000.

Figure 6.7: Percentage of Population Living Below the Poverty Line, 1999–2000

Caste in Politics

- ❖ **Caste as Social Community Basis:** Similar to communalism, casteism too asserts that caste forms the core of a social community, uniting individuals of the same caste with presumed shared interests, distinct from other castes. However, this belief doesn't align with reality as caste is only one facet of societal experience, not the sole or primary one.
- ❖ **Forms of Caste in Politics:** In politics, caste manifests in several ways
 - ✧ Parties select candidates considering caste demographics to secure electoral support.
 - ✧ Governments aim for caste and tribal representation.
 - ✧ Some parties align with specific castes, viewed as their representatives.
- ❖ **Impact on Elections:** Despite caste's role, elections aren't solely caste-driven.
 - ✧ Constituencies lack a single caste majority, necessitating appeal to multiple communities.
 - ✧ No party secures votes from an entire caste; the term "**vote bank**" implies significant support, not unanimous backing.
 - ✧ Multiple candidates from a caste might stand, and voters' choices diverge due to varying interests.
 - ✧ Ruling parties and incumbents often lose, highlighting dynamic political shifts.
- ❖ **Multi-dimensional Influence:** Beyond caste, various factors matter in politics.
 - ✧ Strong party affiliations often surpass caste loyalties.
 - ✧ Economic disparities within castes shape diverse voter interests.
 - ✧ Gender, wealth, and government performance assessment influence voting choices.

Politics in Caste

- ❖ **Caste and Politics Relationship:**
 - ✧ Caste's interaction with politics isn't unidirectional. Politics doesn't merely succumb to caste influence; instead, it brings caste into the political sphere, politicizing it.
- ❖ **Transforming Caste Dynamics:**
 - ✧ Caste groups expand by incorporating previously excluded neighboring castes or sub-castes.
 - ✧ Coalition necessitates dialogue and negotiation between diverse caste groups.
 - ✧ Emergence of new caste categories, such as '**backward**' and '**forward**' in politics.
- ❖ **Caste's Multifaceted Role:**
 - ✧ Caste-based politics provides marginalized communities, like **Dalits and OBCs**, a platform to demand their share of power and dignity.
 - ✧ Advocacy against discrimination, seeking improved access to resources, land, and opportunities gains momentum.
 - ✧ While caste's involvement in politics empowers historically marginalized groups, exclusive concentration on caste dynamics can undermine broader democratic priorities and potentially lead to social discord.

- ❖ Caste's role is undeniable in Indian politics, yet it coexists with myriad factors. Voters' diverse affiliations and complex considerations underscore the nuanced nature of political dynamics, challenging any simplification that reduces elections to a sole focus on caste.

Conclusion

India's resilient election system stands as a beacon of successful democratic transitions, fostering global recognition and sustained voter engagement. While challenges persist, such as undue influences and limited policy differentiation, active citizen involvement and electoral reforms remain imperative. The concept of government, whether in democracies or other systems, remains pivotal for societal organization and citizen participation. Embracing transparency and inclusivity will ensure the continued strength and integrity of Indian democracy, enriching the tapestry of governance dynamics worldwide.

Glossary:

- **Urbanization:** Shift of population from rural areas to urban areas.
- **Feminist:** A woman or a man who believes in equal rights and opportunities for women and men.
- **Occupational Mobility:** Shift from one occupation to another, usually when a new generation takes up occupations other than those practiced by their ancestors.
- **Sexual Division of Labour:** A system in which all work inside the home is either done by the women of the family or organized by them through the domestic helpers.
- **Caste Hierarchy:** A ladder-like formation in which all the caste groups are placed from the 'highest' to the 'lowest' castes.
- **Family laws:** Those laws that deal with family-related matters such as marriage, divorce, adoption, inheritance, etc. In our country, different family laws apply to followers of different religions.
- **Patriarchy:** Literally, rule by father, this concept is used to refer to a system that values men more and gives them power over women.
- **Code of Conduct:** A set of norms and guidelines to be followed by political parties and contesting candidates during election time.
- **Constituency:** Voters in a geographical area who elect a representative to the legislative bodies.
- **Incumbent:** The current holder of a political office. Usually, the choice for the voters in elections is between the incumbent party or candidate and those who oppose them.
- **Level playing field:** Condition in which all parties and candidates contesting in an election have equal opportunities to appeal for votes and to carry out election campaigns.
- **Rigging:** Fraud and malpractices indulged by a party or candidate to increase its votes. It includes stuffing ballot boxes by a few people using the votes of others, recording multiple votes by the same person; and bribing or coercing polling officers to favor a candidate.
- **Turnout:** The percentage of eligible voters who cast their votes in an election.
- **Partisan:** A person who is strongly committed to a party, group or faction. Partisanship is marked by a tendency to take a side and an inability to take a balanced view on an issue.





Executive

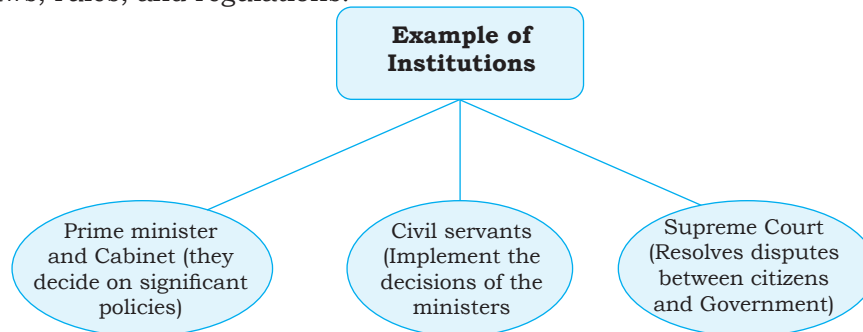
Bibliography: This chapter encompasses the summary of Chapter 4- XI NCERT (Indian Constitution at Work) and Chapter 4- IX NCERT (Democratic Politics-I).

Introduction

India, the world's largest democracy, operates under a framework meticulously laid down by its Constitution, which was adopted in 1950. The government consists of three primary organs: **the Legislature, the Executive, and the Judiciary**. Together, these organs **maintain law and order** and **cater to the welfare** of the people. In a **parliamentary system** like the one in India, the executive and legislature have an interdependent relationship, distinct yet interrelated in their roles and responsibilities. **The Executive**, a crucial component of this system, is responsible for implementing laws, administering the country, and maintaining public order. It includes the **President, Vice-President, Prime Minister, Council of Ministers**, and **bureaucracy**, each with unique yet interconnected roles crucial for governance and administration.

What are Political Institutions?

Political institutions are those organizations that are involved in the creation, enforcement, and application of laws, rules, and regulations.



- ❖ Institutions are **established arrangements in democracies** that oversee specific tasks.
- ❖ Their efficient functioning ensures the **smooth operation** of a democracy.
- ❖ Constitutions usually **outline the basic roles and powers** of each institution.

Why Do We Need Political Institutions?

- ❖ **To Govern Country:**
 - ✧ Governing a country **involves multiple activities**, such as providing security, education, and health facilities to citizens.
 - ✧ It also **encompasses tax collection** and spending on various sectors like administration, defense, and welfare schemes.
- ❖ **For Decision Making and Implementation:**
 - ✧ Some individuals decide on governmental activities, and others carry out these decisions.



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✧ In case of disputes regarding decisions or their execution, a mechanism should exist to determine the right course of action.

- ❖ **To Maintain Consistency Amidst Change:** It is crucial for smooth functioning of nation even if any change in key personnel or leadership.

Challenges with Institutions

- ❖ They often entail numerous rules and regulations.
- ❖ Institutions can be seen as constraining for leaders and might lead to delays due to meetings, committees, and routines.
- ❖ Navigating through institutional processes can be tedious and sometimes frustrating.

Why are Institutions Essential in a Democracy?

- ❖ **Ensuring Accountability:** Institutions follow a set of procedures, ensuring decisions are not hasty or impulsive.
- ❖ **Inclusive Decision Making:** They allow a broader group of people to be involved, ensuring diverse viewpoints.
- ❖ **Balancing Speed and Quality:** While institutions might slow down decision-making, they ensure both good and bad decisions take time, ensuring thoughtfulness.

The Executive

- ❖ Every organisation, including schools and universities, requires chief administrators or executives for decision-making and its subsequent implementation.
- ❖ An executive body is responsible for **overseeing the actual implementation** of rules and regulations.
- ❖ In the context of the government, one organ formulates policy decisions and rules, while another ensures their implementation.
- ❖ The executive branch has the **responsibility of implementing laws and policies** set by the legislature.

More About Executive

- The executive designation varies from country to country, extending from Presidents and Prime Ministers to the administrative machinery.
- The heads of government and ministers, in charge of overarching government policy, constitute the **political executive**, while those managing day-to-day operations form the **permanent executive**.

Principal Functions of the Executive

- ❖ The executive ensures the **implementation of laws and policies** adopted by the legislature.
- ❖ They are often involved in the **framing of policies**.

Types of Executive System

- ❖ The executive's powers and functions **vary across countries**; for instance, the President of the USA has different powers from the President of India. Various countries have different executive systems:

Type of Executive System	Description
Presidential System	The President plays both roles of the Head of state and the head of government, making the office highly influential. Example: USA
Parliamentary System	There's a ceremonial head of state (e.g., monarch or President), but the Prime Minister is the Head of government with effective powers. Example: Canada, Japan, Germany, Italy.
Semi-Presidential System	Both a President and a Prime Minister are present. The President might also have significant day-to-day powers. Example: France, Russia, Sri Lanka.

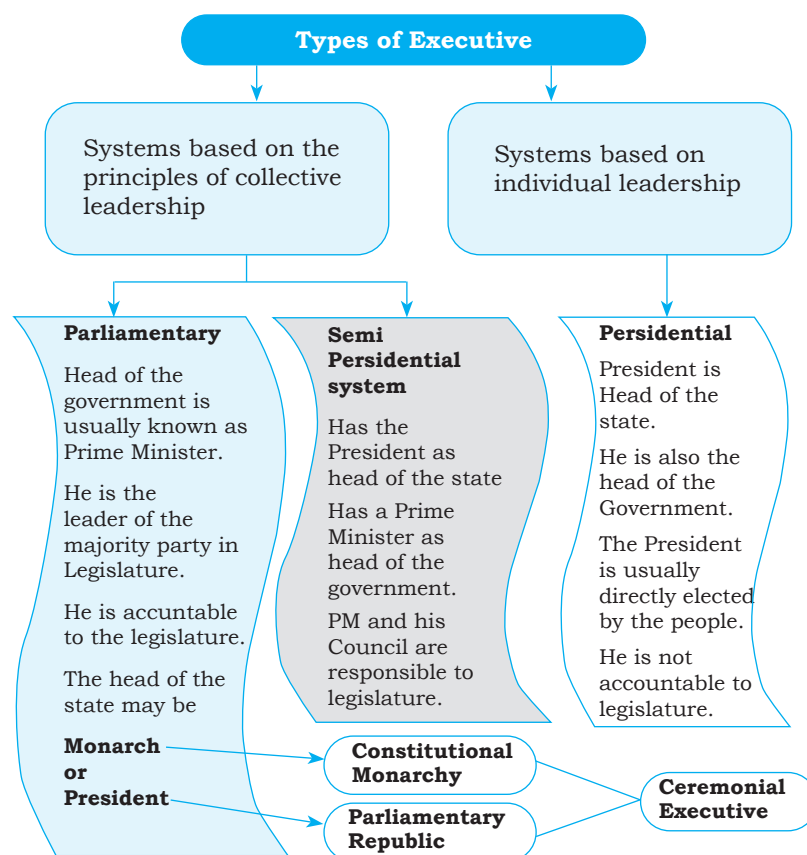


Figure 7.1: The Description of Presidential, Parliamentary and Semi-Presidential System

Consider the following example of Sri Lanka to understand the semi-presidential executive system better:

Semi-Presidential Executive In Sri Lanka

- In 1978, Sri Lanka amended its constitution to introduce the system of Executive Presidency.
- Under this system, the people directly elect the President.
- It is possible for both the President and the Prime Minister to hail from the same or different political parties.
- The President of Sri Lanka has vast powers, including the ability to select the Prime Minister from the party with a parliamentary majority and to remove the Prime Minister or ministers.
- The President serves in multiple roles, including the elected Head of State, Commander-in-Chief of the Armed Forces, and also the Head of Government.
- The President of Sri Lanka is elected for a term of six years.
- The process of removal of the President requires a significant majority in the parliament or can be initiated by the Supreme Court based on the Speaker's request.

- ❖ Sri Lanka's unique approach to governance offers valuable insights. However, India, being its neighbouring nation, follows a contrasting path by banking on the parliamentary system's attributes.

Difference Between the Indian System and the US Presidential System

Aspect	Indian System	US Presidential System
Head of State & Government	The President is the head of state; the Prime Minister is the head of government.	The President is both the head of state and the head of government.
Election of Head of State	The President is elected by MPs and MLAs, not directly by the people.	The President is directly elected by the people.
Appointment of Ministers	The Prime Minister appoints the ministers.	The President personally chooses and appoints all ministers.
Veto Power	The President can delay a bill and send it back to Parliament for reconsideration, but if the bill is passed again, then the President has to sign it.	The President can veto any law.
Tenure of Head of State	The President has a fixed tenure, but the Prime Minister's tenure depends on the majority in the Lok Sabha.	The President has a fixed tenure, irrespective of the majority in Congress.
System of Government	Parliamentary system of government, where the Parliament is supreme.	Presidential form of government.
Role of Head of State	The President exercises nominal powers and has a largely ceremonial role.	The President exercises wide-ranging powers and has an active role in the government.

Parliamentary and Permanent Executives

Parliamentary Executive in India

- ❖ The Constitution of India draws from India's previous experience with the parliamentary system under the Acts of 1919 and 1935.
- ❖ This system proved effective in allowing the executive to be controlled by people's representatives.
- ❖ The framers of the Constitution aimed for a government that would be **both responsive and accountable**. So, they favoured the parliamentary system over the presidential form due to concerns about the emphasis on the President as the sole executive authority and potential personality cults.
- ❖ The parliamentary system offers mechanisms to ensure the executive remains answerable to the legislature.

Constitutional Structure of Parliamentary Executives

- ❖ The Constitution established a President as the formal Head of the state of India, supported by the Prime Minister and the Council of Ministers at the national level.
- ❖ At the State level, the executive consists of the Governor, the Chief Minister, and the Council of Ministers.
- ❖ The executive power of the Union is formally vested in the President.
- ❖ However, in practice, these powers are exercised through the Council of Ministers led by the Prime Minister.

The President

- ❖ The President is the head of the State, while the Prime Minister is the head of the government.
- ❖ The President exercises nominal powers and has a largely ceremonial role, similar to the **Monarch of Britain**.
- ❖ The President serves a five-year term and is elected indirectly by the Members of Parliament (MPs) and the Members of the Legislative Assemblies (MLAs) and not directly by the people.
- ❖ The election adheres to the Principle of **Proportional Representation with a Single Transferable Vote**.
- ❖ Removing the President from office requires a parliamentary impeachment process, with the sole ground being a violation of the Constitution.

POINTS TO PONDER

India follows Parliamentary Form of Government. The position of President of India is often described as 'A Rubber Stamp President'. Do you think this is absolutely correct? If not, can you think of some situations in which the President is not just a 'Nominal Head'?



Powers and Functions of the President

- ❖ **All governmental activities, major policy decisions, appointments** (e.g., Chief Justice of India, Governors, Election Commissioners, ambassadors), international treaties, and agreements occur in the name of the President.
- ❖ The President is the **Supreme Commander of India's defense forces**.
- ❖ The President exercises all powers **based on the advice of the Council of Ministers**. If the Council of Ministers gives the same advice after reconsideration, the President is **bound to act according to it**.
- ❖ A bill passed by the Parliament becomes a law only after the President gives assent to it. The President can delay this by sending the bill back to Parliament for reconsideration, but if Parliament passes the bill again, the President has to sign it.
- ❖ **Appointment of the Prime Minister:**
 - ❖ The **President appoints the leader of the majority party** or coalition in the Lok Sabha as the Prime Minister.
 - ❖ In case no party or coalition has a majority, **the President exercises his/her discretion** and appoints a leader who, in her opinion, can muster majority support in the Lok Sabha.

Role of the President in the Parliamentary System

- ❖ Though the President primarily serves as a **ceremonial head**, their role is crucial in the parliamentary system.
- ❖ The Council of Ministers, which relies on **legislative majority support**, can be replaced at any time, necessitating a fixed-term Head of State like the President.
- ❖ He symbolically represents the nation and, during unclear majorities, shoulders the responsibility of appointing the Prime Minister.

Position of the President in the Indian Constitution

- ❖ **Article 74 (1)** specifies that there will be a Council of Ministers, headed by the Prime Minister, to aid and advise the President. The advice provided by this council is binding on the President.
- ❖ In light of debates over the President's powers, the Constitution was **amended** to clarify that the **Council of Ministers' advice is binding**.
- ❖ If the President asks for reconsideration, she/he **must accept the reconsidered advice**.



- ❖ While the President holds a plethora of executive, legislative, judicial, and emergency powers, in a parliamentary system, these powers are practically utilised **based on the advice of the Council of Ministers**.
- ❖ The **real executive authority** is wielded by the Prime Minister and the Council of Ministers, who have the majority's support in the Lok Sabha.
- ❖ As described in the original text: *"The constitution aims to position the President neither as a solely reigning figure nor just a figurehead, but as a significant figurehead of authority and dignity."*

The President's Discretionary Powers

- ❖ The Constitution mandates that the President **be informed of all crucial matters** and discussions within the Council of Ministers.
- ❖ The Prime Minister is **bound to provide any information** the President requires.
- ❖ Additionally, the President **often communicates** with the Prime Minister, sharing views on national issues.
- ❖ **Reconsideration of Council's Advice:**
 - ❖ One significant discretionary power lies in the President's ability to **return the advice** provided by the Council of Ministers for reconsideration.
 - ❖ This power is exercised based on the President's judgment, especially when she/he believes the advice might be **legally questionable** or not in the nation's best interests.
 - ❖ Even though the Council can resend the same advice, which then becomes **binding on the President**, such a reconsideration request from the President holds significant weight.
- ❖ **The President's Veto Power:**
 - ❖ Another discretionary power is the **President's veto**.
 - ❖ The President can **withhold assent** to Bills (excluding Money Bills) passed by the Parliament.
 - ❖ Every bill **needs the President's assent** to become law.
 - ❖ The President **can return** a bill to Parliament for reconsideration.
 - ❖ If the Parliament passes the bill again and sends it back, the President **must give his assent**.
 - ❖ The Constitution **doesn't specify a time frame** for this, allowing the President to hold onto a bill indefinitely, a tactic sometimes referred to as the '**pocket veto**'.
- ❖ **Appointing the Prime Minister in Ambiguous Situations:**
 - ❖ The President's discretion becomes particularly vital in **appointing the Prime Minister** during unclear political scenarios, such as **when no party has a clear majority** in the Lok Sabha, or multiple leaders claim majority support.
 - ❖ In such situations, the President must **judiciously determine** who might have the majority's backing.

Growing Presidential Discretion in Modern Times

- ❖ The period between 1989 and 1998 witnessed significant political changes that enhanced the importance of the Presidential office.
- ❖ In the four parliamentary elections held during this period, **no single party or coalition** secured a Lok Sabha majority.
- ❖ This led to **increased Presidential interventions** in forming governments or approving Lok Sabha dissolutions at the request of Prime Ministers who couldn't prove a majority.
- ❖ Thus, political conditions **heavily influence** Presidential discretion.



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Historical Application of Discretionary Powers

- ❖ The President's discretionary power was evident in 1986.
- ❖ Parliament passed the **Indian Post Office (Amendment) Bill**, criticized for potentially limiting press freedom.
- ❖ **President Giani Zail Singh** didn't act on the bill. His successor, **President Venkataraman**, returned the bill for reconsideration.
- ❖ By then, a new government had come into power in 1989, and the bill was never reintroduced.
- ❖ Consequently, due to President Singh's decision to delay assent, **the bill never became law**.

On the lines of the **American Presidential System**, Indian Constitution also provides for **office of Vice President of India**:

The Vice President of India

- **Tenure:** The Vice President is elected for a term of **five years**.
- **Method of Election:** The method of electing the Vice President is akin to that of the President, but there is a key difference: **Members of State legislatures are excluded** from the electoral college.
- **Removal:** The Vice President can be **removed from his position by a resolution** from the Rajya Sabha. This resolution must be **passed by a majority** and then endorsed by the Lok Sabha.
- **Responsibilities:** As part of his duties, the Vice President **serves as the ex-officio Chairman** of the Rajya Sabha.
 - When the President's position is vacant due to death, resignation, impeachment, or other reasons, the Vice President takes on the role.
 - However, this is a temporary assignment until a new President is duly elected.
 - A historical example of this occurred when **B.D. Jatti assumed the role of President** following the death of Fakhruddin Ali Ahmed, maintaining the position until a new President was elected.

Prime Minister and Council of Ministers

Prominence of the Prime Minister's Office

- ❖ In any discussion related to Indian politics, the Prime Minister's position takes **center stage**.
- ❖ This prominence arises because the President exercises powers **based on the Council of Ministers' advice**, which the Prime Minister heads.

Appointment and Role of the Prime Minister

The leader with the majority's support is appointed as Prime Minister **by the President**.

- ❖ The Prime Minister **does not have a fixed tenure** and continues in power as long as he remains the leader of the majority party or coalition.

Importance of Majority Support

- For effective functioning in the parliamentary system, it's crucial for the Prime Minister to have the **Lok Sabha's majority support**. This backing solidifies the Prime Minister's power, but its absence can cut short their tenure.
- After independence, the Congress party, due to its majority, had its leader as the Prime Minister.
- However, since 1989, situations have arisen where **no party has achieved a clear majority**.
- In such cases, **coalitions** formed by various parties decide the Prime Minister, based on a consensus.

- ❖ The Prime Minister **decides the Council of Ministers' composition**, assigns ranks and distributes portfolios.
- ❖ Their choices **include cabinet ministers, ministers of state, or deputy ministers**.
- ❖ It's essential for the Prime Minister and ministers to be Members of Parliament.
- ❖ If someone assumes these roles without being an MP, they must secure a seat in the Parliament **within six months**.
- ❖ Some members of the Constituent Assembly believed ministers should be elected by the legislature, drawing **parallels with the Swiss system**. They felt this approach would ensure comprehensive representation.

Powers of the Prime Minister

- ❖ The Constitution **does not specify much about the powers** of the Prime Minister, ministers, or their relationships.
- ❖ However, as the head of the government, the Prime Minister has wide-ranging powers:
 - ✧ Constitutionally, the PM **must communicate all Council decisions** to the President.
 - ✧ The Prime Minister **chairs the Cabinet meetings**.
 - ✧ He **coordinates the work** of different Departments.
 - ✧ In case of disagreements arising between Departments, **his decisions are final**.
 - ✧ The Prime Minister **exercises general supervision** over different ministries.
 - ✧ All ministers **work under the leadership** of the Prime Minister.
 - ✧ He has the **authority to distribute and redistribute** work among the ministers.
 - ✧ The Prime Minister has the **power to dismiss ministers**.
 - ✧ When the Prime Minister resigns, **the entire ministry also resigns**.
- ❖ The Prime Minister is the **most powerful figure within the Cabinet** and in all parliamentary democracies worldwide.
- ❖ Pandit Nehru aptly called the PM **'the linchpin of Government'**.
- ❖ This concentration of power has sometimes led to parliamentary democracies being seen as **Prime Ministerial forms of government**.
- ❖ The role of political parties, the media portraying politics and elections as a competition between top leaders, and the personalities of the individuals holding the position, have contributed to this concentration of power.

Factors Influencing the Prime Minister's Power

- ❖ The Prime Minister's influence springs from various sources: control over the Council, leadership in the Lok Sabha, bureaucratic control, media access, and national and international stature.
- ❖ However, actual power usage depends on political scenarios.
- ❖ The PM's position is **formidable with a clear majority** in the Lok Sabha.
- ❖ Coalition governments since 1989 have changed this dynamic.

Impact of Coalition Politics

- The rise of coalition politics has imposed certain constraints on the Prime Minister's power.
- A coalition government's Prime Minister **cannot make decisions as he likes**; he must accommodate different groups and factions within his party and alliance partners.
- He must also consider the **views and positions of the coalition partners** and other parties on whose support the government's survival depends.

- ❖ **Coalitions have:**
 - ❖ Amplified the President's **discretionary role** in PM selection.
 - ❖ Eroded PM's authority due to **increased coalition consultations**.
 - ❖ Restrained the **PM's prerogative** in ministerial appointments.
 - ❖ Made policy-making a **collaborative effort**, casting the PM more as a negotiator.

POINTS TO PONDER

Coalition politics is often criticized due to the instability that it infuses into our politics. It led to the fall of governments, Policy Paralysis, Horse Trading, and many other political vices. However, several Political Scientists believe that Coalitions have led to more democratization of the Indian Polity and better representation of the marginalized sections. Can you think of the reasons why these scientists are in favour of a Coalition Form of Government?



Council of Ministers (CoM)

- ❖ The Council of Ministers is the official name for the body that includes all the Ministers.
- ❖ **Size of CoM:**
 - ❖ Before the **91st Amendment Act (2003)**, the Council's size was flexible.
 - ❖ This flexibility sometimes led to **inflated Council sizes**, especially during uncertain majority scenarios in Parliament and many States.
 - ❖ The 91st Amendment Act established a rule: the Council should **not exceed 15% of the total members of the House of the People** (or Assembly for States).
 - ❖ It usually has **60 to 80 Ministers** of different ranks:
 - ❑ **Cabinet Ministers:** They are usually **top-level leaders** of the ruling party or parties who are in charge of the major ministries. Usually, the Cabinet Ministers meet to take decisions in the name of the Council of Ministers.
 - ❑ **Ministers of State with Independent Charge:** They are usually in charge of smaller Ministries. They participate in the Cabinet meetings only when specially invited.
 - ❑ **Ministers of State:** They are attached to and required to assist Cabinet Ministers.
- ❖ **Parliament's Control Over the Executive:** The essential feature of the parliamentary executive is its consistent oversight by the legislature.
- ❖ **Collective Responsibility:**
 - ❖ The Council's **collective responsibility** to the Lok Sabha underscores that it operates as Parliament's executive committee.
 - ❖ Losing the Lok Sabha's confidence **compels a ministry to resign**.
 - ❖ This tenet dictates that even a single minister's failure **can dissolve** the entire Council.
 - ❖ Ministers **must endorse collective decisions** or choose to resign.

The Cabinet

- ❖ Parliamentary democracies use the Cabinet form of government due to its practicality. Cabinet meetings facilitate decision-making, allowing ministers to work as a unified team.
- ❖ Ministries rely on civil servant secretaries for decision-relevant information.
- ❖ The Cabinet Secretariat and senior civil servants aid in coordinating ministries' collaboration.

Parliamentary Executive at State Level

- ❖ The State level also **follows a parliamentary executive system** with nuances.
- ❖ The **Governor, appointed by the President**, exercises more discretion than his/her central counterpart.



- ❖ Nevertheless, the foundation of the parliamentary system **remains consistent** at both national and state levels.

Permanent Executive: Bureaucracy

The permanent executives consist of **the bureaucratic machinery**. Distinct from the military, **this machinery is referred to as civil services**.

❖ Role and Responsibilities of Bureaucracy:

- ❖ **Administrative Assistance:** Trained officers are responsible for aiding ministers in policy formulation and implementation. They serve as permanent government employees.
- ❖ **Political Neutrality:** Bureaucrats are expected to refrain from taking political stands on policy. Even if a government changes post-election, the bureaucracy must adapt to and implement new policies faithfully.

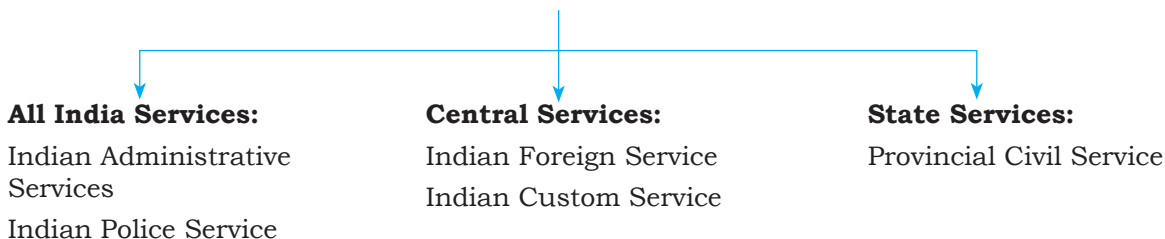
POINTS TO PONDER

Domain expertise is recognised as an important principle in organising work all across the globe. However, the structure of the Indian Executive is devoid of such experts. Can you think of why we opted for this system and what are the challenges which originate from it?



- ❖ **Composition of the Indian Bureaucracy:** The vast complex of Indian bureaucracy includes All-India services, State services, local government employees, and public sector personnel.
- ❖ **Recruitment Process:** Recognizing the importance of a non-partisan and merit-based bureaucracy, the Constitution established the Union Public Service Commission (UPSC) to manage recruitment. State-specific commissions were also set up.
- ❖ **Fixed Terms and Accountability:** Public Service Commission members **serve fixed terms**, with their removal subject to a rigorous review by a Supreme Court judge.
- ❖ **Inclusivity in Recruitment:** To foster representation, the Constitution provides job reservations for **Dalits, Adivasis, women, and other backward classes**.

Classification of Civil Services



IAS and IPS: Pillars of State Administration

- ❖ UPSC-selected IAS and IPS officers form the core of **high-tier state bureaucracy**.
- ❖ **District Collector:** Typically, an IAS officer, the collector is a **pivotal district-level figure**. Their service conditions are set by the central government.
- ❖ **State vs. Central Dynamics:** While IAS/IPS officers operate under state supervision, they are appointed and disciplined by the central government, **bolstering central control over state administration**.
- ❖ **State Public Service Commissions:** Beyond the UPSC, state bureaucracies are populated by officers selected through state commissions. This adds another layer to the **central-state administrative balance**.

Bureaucracy-Public Interaction

- ❖ The bureaucracy is tasked with **delivering government welfare policies** to the public. However, its power often intimidates the common man, leading to a perceived insensitivity.
- ❖ **Political Interference:** While independent recruitment mechanisms exist, there's concern over insufficient protection of civil servants from political meddling. **Excessive interference risks** turning the bureaucracy into a political tool.
- ❖ **Accountability and Transparency:** There's a sentiment that the Constitution lacks provisions to hold bureaucrats accountable to citizens. Measures like the **Right to Information** are hoped to make them more answerable.

POINTS TO PONDER

The Fifth Central Pay Commission (1994) highlighted that bureaucracy in India has become the other name for inefficiency, red tape, babu culture, corruption and delays. Do you think in India of 21st century, there is a need of massive restructuring of bureaucracy? Kindly prepare a model on how to restructure the bureaucracy at the district level.



Comparison between Political and Permanent Executives

	Political Executive	Permanent Executive (Civil Services)
Definition	Elected by people , holds office for a specific period. Includes major decision-makers like the Prime Minister.	Long-term appointments. Civil servants remain in office regardless of political changes.
Power Distribution	Ministers (Political Executive) have more power because they represent the people's will and are accountable for their decisions.	Civil servants have less power in decision-making as they are mainly responsible for executing policies and decisions made by the political executive.
Expertise	While civil servants might have more technical knowledge, ministers decide on the overall objectives based on expert advice and the public's interests.	Civil servants usually have more technical knowledge and expertise in specific areas as they work in the same field for a long period of time.

Conclusion

The Indian Executive, with its multiple layers of authority and responsibility, plays a pivotal role in the nation's governance. From the President's discretionary powers to the Prime Minister's centrality in policy-making and the bureaucracy's role in policy implementation, each component of the Executive contributes to the **smooth functioning** of the nation. The Constitution, with its emphasis on a parliamentary executive, periodic elections, and power limitations, acts as the bedrock, ensuring that the Executive remains **answerable to the public**. In a world fraught with challenges, it is imperative that the Indian Executive remains steadfast, agile, and committed to upholding the principles enshrined in the Constitution, thereby maintaining the welfare of the people and the sanctity of the democratic process.

Additional Information

Understanding Policy Decision-Making Through Mandal Commission and Aftermath:

On August 13, 1990, the Government of India issued an Order. It was called an Office Memorandum. This Order said that 27 percent of the vacancies in civil posts and services under the Government of India are reserved for the Socially and Economically Backward Classes (SEBC).



Prior Reservation Scenario: Job reservations were previously only for **Scheduled Castes** and **Scheduled Tribes**.

- **New Introduction:** A third category, **SEBC, was added**. Only those belonging to these backward classes could vie for the 27% reserved jobs, while **others couldn't compete** for these specific positions.
- **SEBC Defined:** Communities **deemed backward** by the government.

Origins of the Office Memorandum

- The **Second Backward Classes Commission** was appointed in 1979. It was popularly known as the **Mandal Commission**, led by B.P. Mandal.
- **Commission's Objective:** Determine criteria for socially and educationally backward classes and recommend advancement steps.
- **Key Recommendation:** 27% of government jobs should be reserved for these classes. The recommendation was debated in Parliament. Many called for its implementation.

Public Reaction and Judicial Intervention to the Order

- The decision became a heated topic nationwide.
 - **Support:** Addressed inequalities among castes and ensured fair opportunities for underrepresented communities.
 - **Opposition:** Viewed as potentially perpetuating caste differences and endangering national unity.
- **Opposition in Courts:** Various cases against the order were filed. Cases combined into '**Indira Sawhney and others Vs Union of India**'.
- **1992 Supreme Court Verdict:** The Supreme Court upheld the order but recommended excluding the affluent from backward classes from reservation benefits.

Glossary:

- **MLAs:** Members of the Legislative Assembly
- **MPs:** Members of Parliament
- **Lok Sabha:** The lower house of India's bicameral Parliament
- **Rajya Sabha:** The upper house of India's bicameral Parliament
- **Coalition government:** A government formed by an alliance of two or more political parties, usually when no single party enjoys the majority support of the members in a legislature.
- **Executive:** A body of persons having authority to initiate major policies, make decisions and implement them on the basis of the Constitution and laws of the country.
- **Government:** A set of institutions that have the power to make, implement and interpret laws so as to ensure an orderly life. In its broad sense, the government administers and supervises over citizens and resources of a country.
- **Veto:** The constitutional right to reject a decision or proposal made by a law-making body.
- **UPSC:** Union Public Service Commission
- **IAS:** Indian Administrative Service
- **IPS:** Indian Police Service
- **Judiciary:** An institution empowered to administer justice and provide a mechanism for the resolution of legal disputes. All the courts in the country are collectively referred to as judiciary.

- **Legislature:** An assembly of people's representatives with the power to enact laws for a country or a specific region. In addition to enacting laws, legislatures have authority to raise taxes and adopt the budget and other money bills.
- **Adivasis:** Indigenous people of India
- **Right to Information:** An act that mandates timely response to citizens' requests for government information.
- **Office Memorandum:** A communication issued by an appropriate authority stating the policy or decision of the government.
- **Political Institution:** A set of procedures for regulating the conduct of government and political life in the country.
- **Reservations:** A policy that declares some positions in government employment and educational institutions 'reserved' for people and communities who have been discriminated against, are disadvantaged and backward.
- **State:** Political association occupying a definite territory, having an organised government and possessing power to make domestic and foreign policies. Governments may change, but the state continues. In common speech, the terms country, nation and state are used as synonyms.





Legislature

Bibliography: This chapter encompasses the summary of Chapter 5- XI NCERT (Indian Constitution at Work) and Chapter 3 VIII NCERT (Social and Political Life-III).

Introduction

India's journey to independence in 1947 was marked by **a united struggle for freedom, equality, and active participation in decision-making**. With independence came the aspiration for **inclusive governance**, reflected in the Constitution's principle of **universal adult franchise**, granting all adults the right to vote. Elected representatives form the government, and remain accountable to the Parliament and the citizens, thus cementing the connection between people and governance. This connection is at the heart of democracy.

Why do we need a Parliament?

- ❖ The legislature, commonly known as **Parliament**, plays a crucial role beyond just lawmaking. It is the **heart of democratic political processes**, characterised by various actions such as protests, demonstrations, cooperation, and debate.
- ❖ A **robust democracy** hinges on an **efficient and representative legislature** that helps **hold elected officials accountable**.

Despite this, many democracies are witnessing a shift of power towards the executive branch. In India too, the Cabinet influences policy-making and governance agendas. Critics argue that the Parliament's significance is diminishing, yet its democratic potential remains as a forum for open debates.

Functions of the Parliament

The Parliament, as the **central legislative body** of the country, has a range of important functions:

1. Selecting the National Government

- ✧ The Indian Parliament comprises the **President, the Rajya Sabha (Council of States), and the Lok Sabha (House of the People)**.
- ✧ Following the Lok Sabha elections, **a political party must secure a majority** of elected MPs to form the government.
- ✧ Oftentimes in the recent past, it has been difficult for a single political party to get the majority that is required to form the government. They then join together with different political parties who are interested in similar concerns to form what is known as a **coalition government**.
- ✧ The Opposition consists of parties not part of the majority party/coalition. The largest among these parties is called the **Opposition party**.
- ✧ The Lok Sabha's vital role lies in **selecting the executive**, including the Prime Minister (the leader of the ruling party in the Lok Sabha) and ministers, responsible for implementing laws.



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2. Controlling, Guiding, and Informing the Government

- ✧ During Parliament sessions, **the question hour** serves as a mechanism for MPs to seek information about the government's functioning. This practice aids in controlling the executive by identifying its shortcomings and conveying public sentiment through questions of MPs.
- ✧ **Opposition parties** play a vital role by criticising government policies and mobilising support for their own ideas.
- ✧ The government's engagement with MPs' questions provide feedback and keeps government accountable.

3. Legislative Functions

- ✧ The Parliament is responsible for **enacting laws** for the country.
- ✧ While it is the primary law-making body, the actual **drafting of bills** is often done by bureaucrats under ministerial supervision.
- ✧ The Cabinet decides the content and timing of bills, with major bills needing Cabinet approval before introduction. While non-minister members can introduce bills, their passage depend on government support.

4. Financial Functions

- ✧ Governments require funds for various activities. These funds are raised through taxation, and the Parliament **controls both taxation and government expenditure**.
- ✧ **New taxes** proposed by the government need approval from the Lok Sabha.
- ✧ The Parliament **grants resources** for government programs and **ensures the responsible use of funds** through budgets and financial statements.

5. Representation of Different Sections

- ✧ The Parliament represents diverse viewpoints from members of **different regional, social, economic, and religious** backgrounds across the country.

6. Debating Function

- ✧ The Parliament is the **highest platform for open debates** in the nation. Members are free to discuss any topic without fear, enabling comprehensive analysis of national issues. This open discussion forms the core of democratic decision-making.

7. Constituent Function

- ✧ The Parliament holds the power to discuss and enact changes to the Constitution. Both Houses share similar constituent powers. Any **constitutional amendment** requires approval with the special majority from both Houses.

8. Electoral Functions

- ✧ The Parliament performs certain electoral duties, including the **election of the President and Vice President of India**.

9. Judicial Functions

- ✧ The Parliament also handles judicial matters, such as considering proposals for the **removal of the President, Vice President, and Judges of High Courts and the Supreme Court**.

Two Houses of Parliament

Rajya Sabha

- ❖ The Rajya Sabha is the **Upper House of Parliament in India** and represents the states of the country.
- ❖ Its members are **indirectly elected through a two-step process**.

- ✧ Residents of each state elect members to their respective State Legislative Assemblies, and then these Assembly members elect representatives to the Rajya Sabha.
- ❖ Unlike the **symmetrical representation in the US Senate**, where every state has equal representation, the **Rajya Sabha's representation is based on the population of the states**. This facilitates states with larger populations to have more representatives than States with smaller populations.
- ❖ Members of the Rajya Sabha serve **six-year terms** and they can get **re-elected**, with **one-third** of the members facing re-election every two years. This staggered system ensures that the **Rajya Sabha is never fully dissolved** and can handle urgent matters even when the Lok Sabha is dissolved.
- ❖ The Rajya Sabha includes **twelve members nominated by the President**, who excel in fields such as **literature, science, art, and social service**.

Lok Sabha

- ❖ The Lok Sabha is the **Lower House of Parliament** in India and, **"its members are directly elected by the people"**.
- ❖ The entire country (or the respective state for State Legislative Assemblies) is divided into constituencies with roughly equal populations.
- ❖ Each constituency **elects one representative through universal adult suffrage**.
- ❖ The **Lok Sabha has a fixed number of constituencies** (543 in total) since 1971, with a maximum strength of 552. (**Note:** Currently, the maximum strength of Lok Sabha is 550 as the **104th Constitutional Amendment Act of 2019** abolished the two seats reserved for Anglo-Indians in the Indian Parliament and State Legislatures).
- ❖ Members of the Lok Sabha **serve a term of five years**, but the term can be cut short if no party or coalition can form a government or if the Prime Minister advises the President to dissolve the Lok Sabha and call for fresh elections before the completion of five years.

Significance of Having Two Houses in Parliament

The rationale for having two Houses is particularly relevant in large and diverse countries like India.

- ❖ **Better Representation:** Two Houses enable better representation of various societal sections and geographical regions. This system ensures that the concerns and interests of different groups are adequately addressed.
- ❖ **Act as Check and Balance:** Another benefit of a bicameral system is Reconsideration, Decisions from one House are reviewed by the other House, ensuring that proposed bills are discussed and examined twice. This creates a inbuilt checks and balances system. Even hasty decisions get a second look, leading to better decision-making.
- ❖ This system ultimately enhances the **quality and depth of legislative deliberations**.

Bicameral Legislature

- In India, the term 'Parliament' refers to the national legislature, which comprises two Houses: the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). This system is known as **a Bicameral Legislature**.
- States in India have the **option to establish** either a single-house (unicameral) or a two-house (bicameral) legislature.
- **Currently, only six states have a bicameral legislature:** Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh.

Powers of Lok Sabha and Rajya Sabha

Table 8.1: Difference between Powers of the Lok Sabha and Rajya Sabha

Powers of the Lok Sabha	Power of Rajya Sabha
<ul style="list-style-type: none"> ➤ Makes Laws on matters included in Union List and Concurrent List. Can introduce and enact money and non money bills. ➤ Approves proposals for taxation, budgets and annual financial statements. ➤ Controls the executive by asking questions, resolutions and motions and through no confidence motion. ➤ Approves the Proclamation of emergency. ➤ Elects the President and Vice President and removes Judges of Supreme Court and High Court. ➤ Establishes committees and commissions and considers their reports. 	<ul style="list-style-type: none"> ➤ Considers and approves non money bills and suggests amendments to money bills. ➤ Approves constitutional amendments. ➤ Exercises control over executive by asking questions, introducing motion and resolutions. ➤ Participate in the elections of the President and Vice President. Also Participate in removal procedure of The President, Vice president and Judges of Supreme Court and High Courts. It can alone initiate the procedure for removal of Vice President. ➤ Can give the Parliament power to make laws on matters included in the State list.

Special Powers of Rajya Sabha

- ❖ The Rajya Sabha serves as a **representation mechanism for the States** and aims to safeguard their powers.
- ❖ When matters affecting the States arise, they must be referred to the Rajya Sabha for approval, showcasing its **role in protecting the interests of the States**.
- ❖ For instance, if the Union Government intends to shift a subject from the State List to either the Union List or Concurrent List for the nation's benefit, **consent of Rajya Sabha is necessary**.
- ❖ This provision strengthens Rajya Sabha's influence. However, it is observed that members of Rajya Sabha often prioritise their party affiliations over representing their respective States.

Limited Powers of Rajya Sabha

- The Constitution refrained from granting specific powers to the Rajya Sabha due to the **indirect mode of representation**.
- In our democratic framework, ultimate authority resides with the people. Thus, directly elected representatives hold the essential powers to dismiss a government and oversee financial matters.

Exclusive Powers of Lok Sabha

- ❖ Money bills can **only be initiated, rejected, or amended** by the Lok Sabha.
- ❖ The **Council of Ministers are accountable to the Lok Sabha**, and not to the Rajya Sabha.

How Does the Parliament Make Laws?

The process of how the Parliament makes laws involves several stages and considerations:

1. Introduction and Debate

- ✧ The primary role of a legislature is to create laws for the country. This involves following a specific procedure, a mix of constitutional guidelines and conventions.
- ✧ A "bill" is a proposed law. It can be initiated by a non-minister (**private member's bill**) or a government minister (**government bill**).

- ✧ **Political parties, interest groups, media, and citizens' forums** can influence the need for a bill, making law-formulation a combination of legal and political actions.
- ✧ Practical factors like resources, potential support or opposition, and electoral impact are crucial in deciding to draft a bill. In coalition politics, bills need approval from all coalition partners.

2. Policy Approval and Drafting

- ✧ After the Cabinet approves the policy behind a new law, the drafting phase begins. The relevant ministry prepares the draft bill.
- ✧ Bill can be introduced in either the Lok Sabha or Rajya Sabha. Money bill can only be introduced in the Lok Sabha. If it is passed there, it is sent to the Rajya Sabha.

3. Committee Discussions

- ✧ Committees play a significant role in discussing bills. They are often called “**miniature legislatures.**”
- ✧ Committee recommendations are sent to the House for further consideration. This marks the **second stage of the law-making** process.

4. Voting and Passage

- ✧ The bill goes through a voting stage, where members of the House vote on its passage.
- ✧ If passed in one House, the bill goes through the same process in the other House. Both Houses must approve a bill for it to become law.

5. Resolution of Disagreements

- ✧ If both Houses disagree on a bill, a **Joint Session of Parliament** can be convened to resolve the deadlock. Historically, decisions have favoured the Lok Sabha in such cases.

6. Money Bill and Rajya Sabha

- ✧ In the case of a money bill, the Rajya Sabha can suggest changes but cannot reject it. If the Rajya Sabha takes no action within 14 days, the bill is deemed to have been passed.

7. Presidential Assent:

- ✧ When a bill is passed by both Houses, it is sent to the President for his assent. The assent of the President results in the enactment of a bill into a law.

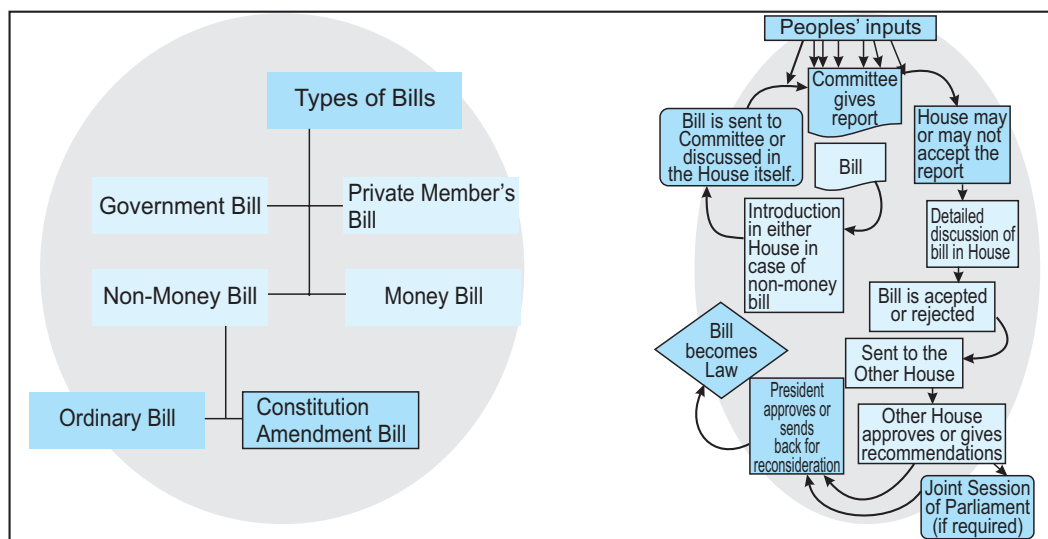


Figure 8.1: Law-making Procedure in Parliament

The Journey of the Domestic Violence Law and the Role of Citizens

- In the 1990s, there was a growing recognition of the need for a new law to address domestic violence. **Lawyers Collective**, a group of lawyers, law students, and activists took the initiative to draft the **Domestic Violence (Prevention and Protection) Bill in 1999**. This draft bill underwent extensive consultations and was widely circulated.
- In 2002, the Bill was introduced in Parliament, but its passage faced hurdles. Various women's organisations, including the National Commission for Women, and the Parliamentary Standing Committee, played a significant role during this period. The Standing Committee, after receiving input from these groups, submitted its recommendations to both the Rajya Sabha and Lok Sabha in December 2002.
- After this phase, a new version of the bill was reintroduced in Parliament in 2005. The resulting legislation, known as the **Protection of Women from Domestic Violence Act, came into effect in 2006**.
- This groundbreaking law recognized a woman's right to a violence-free home and provided a comprehensive definition of domestic violence. It is a **civil law** that aims to provide relief to women, including wives, mothers, daughters, and sisters, who are affected by violence in their homes.
- The example illustrates the pivotal role of citizens in shaping the law-making process. From identifying the need for a new law to its eventual passage, citizens' voices play a crucial role.

POINTS TO PONDER

Laws are made by the Parliament (Legislature), whereas their effect in society depends on multiple factors, including social acceptance. Can you think why laws on dowry prohibition, untouchability removal, and domestic violence have proved to be ineffective even when the legislature has pushed hard against them?



Issues with Unpopular and Controversial Laws

- ❖ Unpopular laws passed by Parliament, even if constitutionally valid, can **face widespread criticism** due to perceived unfairness and harm.
- ❖ Citizens in a democracy have the **right to express opposition through public gatherings, media coverage, and other means**.
- ❖ **Public outcry** can exert pressure on Parliament to reconsider or amend unpopular laws.
 - ✧ For example, Municipal laws concerning space usage may render activities like hawking and street vending illegal within city limits.
 - ✧ While rules to ensure public walkways are important, street vendors also provide essential and affordable services in cities.
- ❖ **Imbalanced laws** that favour one group over another can lead to controversies and conflicts.
- ❖ Those who view a law as unjust can **seek legal recourse** by approaching the court.
- ❖ Courts have the **authority to modify or invalidate laws** if they are found to contradict the Constitution.

POINTS TO PONDER

The Parliament is the legitimate authority to make laws. However, the Parliament at times misses societal undercurrents, and thus such laws become unpopular amongst the population. On the other side, for social evolution, the Parliament needs to make laws for which the society is not prepared. Can you think of some laws, which became unpopular, but were in reality ahead of their times?



How Does the Parliament Control the Executive?

To ensure effective control over the executive, the Parliament employs several mechanisms:

1. Parliamentary Privilege

- ✧ Members of the legislature possess certain privileges, such as **immunity from legal action** for statements made within the legislature.
- ✧ The **presiding officer of the legislature** has the authority to address breaches of privilege, allowing members to express themselves and represent the people freely.

2. Deliberation and Discussion

- ✧ During the law-making process, legislators **debate and deliberate** on executive policies and their implementation.
- ✧ This occurs through bill discussions and general debates in the House.
- ✧ Instruments like the **Question Hour, Zero Hour, half-hour discussions, and adjournment motions** enable members to hold the executive accountable.

3. Approval and Ratification of Laws

- ✧ The Parliament has the authority to approve bills, and although a government has majority support in the House, it does not guarantee automatic approval of the Bill.
- ✧ **Intense negotiations** among ruling and opposition parties often determine bill passage.
- ✧ Approval by both the Lok Sabha and Rajya Sabha may be required, forcing concessions in cases where the government lacks a majority in either House.

4. Financial Control

- ✧ The **budgetary process** allows the Parliament to control government spending.
- ✧ While the government usually enjoys majority support, the Parliament can **examine fund allocation and probe fund misuse based on the Comptroller and Auditor General's report**.
- ✧ Financial control also empowers the Parliament to influence government policies through budgetary decisions.

5. No-Confidence Motion

- ✧ The no-confidence motion is a potent tool for ensuring executive accountability.
- ✧ If a government loses the support of its majority in the Lok Sabha, it can be compelled to resign.

Role of Parliamentary Committees

- ❖ Parliamentary committees hold a significant role within the legislative process, contributing to both **lawmaking and the everyday operations of the House**.
- ❖ Since Parliament sessions are limited in time, committees offer a means to examine matters thoroughly. This is crucial for comprehensive lawmaking or addressing important tasks like **evaluating ministries' grant requests, scrutinizing departmental spending, and investigating corruption cases**.
- ❖ India established parliamentary standing committees in 1993, encompassing **24 department-specific committees** currently. These standing committees supervise departments, their budgets, expenditures, and relevant bills within the House.
- ❖ **Joint Parliamentary Committees (JPCs)** hold prominence, serving to discuss bills or investigate financial irregularities. JPCs include members from both Houses of Parliament.

Anti Defection Law

An important method of regulating member behaviour is the anti-defection law.

- ❖ To prevent legislators from switching parties after the election, an agreement was reached among parties post-independence. This led to the **52nd Amendment Act in 1985**, known as the **Anti-Defection Amendment**, subsequently modified by the **91st Amendment**.
- ❖ The **Presiding Officer of the House** makes final decisions on such cases of defection and may lead to the **disqualification of members**.

Defection

It refers to a member being absent when required by the party, voting against party instructions, or voluntarily leaving the party membership.

Conclusion

On account of its composition, the Legislature is the **most representative of all the organs** of the government. The sheer presence of members of diverse social backgrounds makes the legislatures more representative and potentially more responsive to people's expectations. In a parliamentary democracy, the legislature, as a body representing the wishes of the people, occupies a high position of power and responsibility. Herein lies the democratic potential of the Parliament.





Judiciary

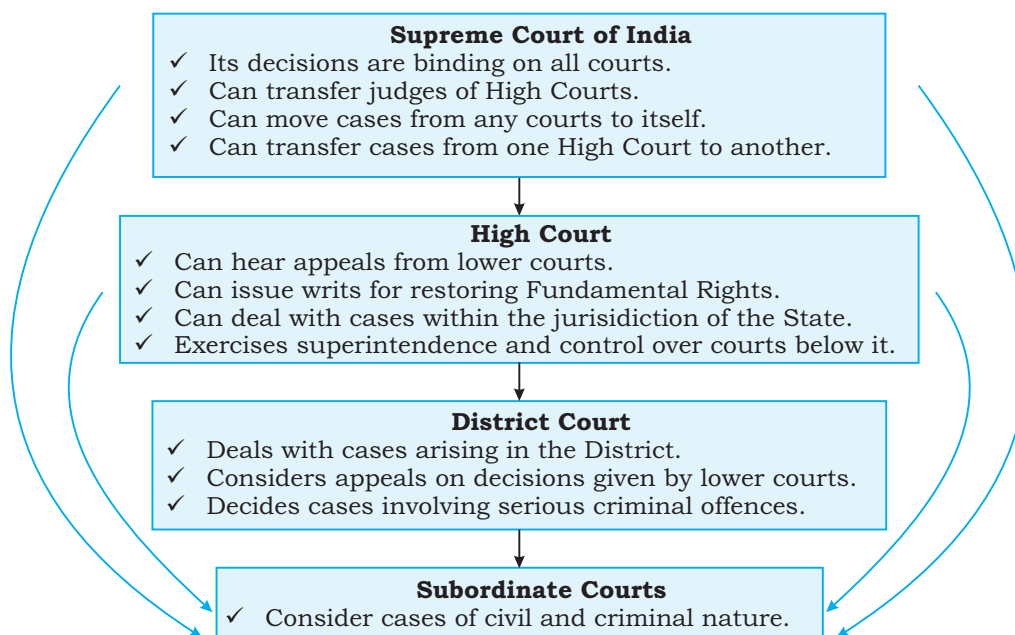
Bibliography: This chapter encompasses the summary of Chapter 6- XI NCERT (Indian Constitution at Work), Chapter 4 - IX NCERT (Democratic Politics-I), and Chapter 4 - VIII NCERT (Social and Political Life-III).

Introduction

As we have studied earlier, there are **three institutional frameworks** of the Government - **Legislative, Executive, and Judicial**. We have **rule of law** in India which means that **laws apply equally to all persons** and that a certain set of fixed procedures need to be followed when a law is violated. To enforce this rule of law, we **have a judicial system** to which citizens can approach when a law is violated. Thus, the study of the Indian judicial system becomes necessary.

Structure of the Indian Judiciary

The structure of the judiciary in India is **pyramidal**, with the Supreme Court at the top, High Courts below them and district and subordinate courts at the lowest level.

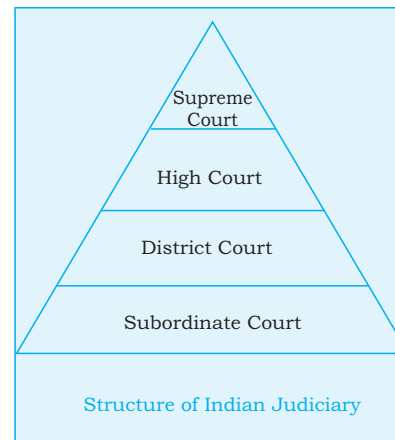


- ❖ **Subordinate or District Courts:** These are the courts that most people interact with. These are usually at the district or Tehsil level or in towns, and they hear many kinds of cases.
 - ✧ Each state is divided into districts each of these districts have District Courts that are presided over by a **District Judge**.



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- ✧ The subordinate court is more commonly known by many different names, such as - the Trial Court or the Court of the District Judge, the Additional Sessions Judge, the Chief Judicial Magistrate, the Metropolitan Magistrate, and the Civil Judge.
- ❖ **High Court:** Each state has a **High Court**, which is the highest court of that state.
- ❖ **High Courts** were first established in the three Presidency cities of **Calcutta, Bombay, and Madras in 1862**. The High Court of Delhi came up in 1966. Currently, there are 25 High Courts in India.
- ❖ **Supreme Court:** At the top is the **Supreme Court** which is located in New Delhi and is presided over by the Chief Justice of India.
 - ✧ The Supreme Court of India is **one of the most powerful courts** in the world, deriving its power from the Constitution of India itself.





Since the commencement of the Indian Constitution on **26th January 1950**, the judiciary has played a very important role in protecting and interpreting the constitution.

- ❖ Further, the Constitution of India provides for a **single integrated judicial system**, meaning that the decisions made by the higher courts are binding on the lower courts. Another way to understand this integration is through the **appellate system** that exists in India. This means that a person can appeal to a higher court if they believe that the judgement passed by the lower court is not just.

Branches of Legal System In India

Table 9.1: Criminal Law v/s Civil Law

No.	Criminal Law 	Civil Law 
1.	Deals with conduct or acts that the law defines as offenses. For example, theft, harassing a woman to bring more dowry, murder etc.	Deals with any harm or injury to the rights of individuals. For example, disputes relating to the sale of land, purchase of goods, rent, matters, and divorce cases.
2.	It usually begins with lodging a First Information Report (FIR) with the police investigating the crime, after which a case is filed in the court.	A petition has to be filed before the relevant Court by the affected party only. In a rent matter, either the landlord or the tenant can file a case.
3.	If found guilty, the accused can be sent to jail and also fined.	The court gives the specific relief asked for. For instance, in a case between landlord and tenant, the court can order the flat to be vacated and pending rent to be paid.

Role of Judiciary

- ❖ **Dispute Resolution:** Judicial system provides a mechanism for resolving disputes -
 - ✧ between citizens,
 - ✧ between citizens and the government,

- ✧ between two state governments and
- ✧ between the centre and state government.

- ❖ **Judicial Review:** The Supreme Court and High Courts have the power to strike down particular laws passed by the Parliament if they believe that these are in **violation of the basic structure** of the Constitution.

POINTS TO PONDER

Even with the availability of formal judicial institutions, people often resort to informal alternates like Khap Panchayats, Kangaroo Courts and at times local strong men for justice. What according to you is the cause of such a phenomenon?



- ❖ **Upholding Law and Enforcing Fundamental Rights:** Every citizen of India can approach the Supreme Court or the High Court if their Fundamental Rights have been violated. To perform this role adequately, the Indian judiciary is provided with judicial independence.

Judicial Independence

- ❖ Independence of the judiciary means that the judiciary is **able to uphold constitutional sovereignty** against the invasion of power by legislature and executive.
- ❖ The other organs of the government **should not interfere** with the decisions of the judiciary.
- ❖ The judges must be able to perform their functions **without any fear or favour**.

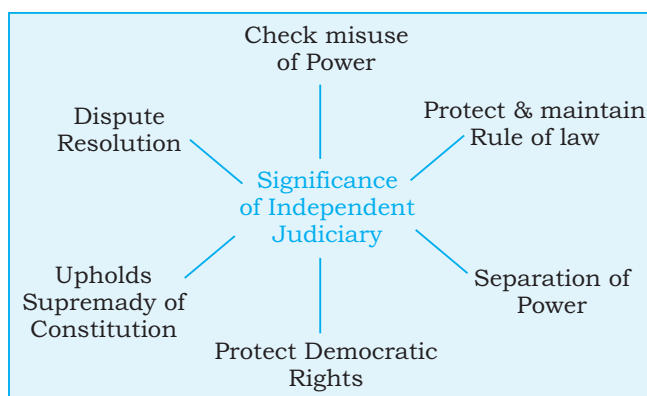
POINTS TO PONDER

Judicial independence is a core feature and part of the Basic Structure of Indian Constitution. However, independence of any institution often creates issues of accountability. Think about measures that would be needed to balance Judicial Accountability and Judicial Independence.



Why is an independent judiciary essential for a democracy?

- ❖ **To Check the Misuse of Power:** It is the independence of the judiciary that allows the courts to play a central role in ensuring that there is no misuse of power by the legislature and the executive.
- ❖ **To Protect and Maintain the Rule of Law:** It means that all the people are equally subject to the ordinary law of the land.
- ❖ **Independence from Executive and Legislature:** One aspect of this independence is the **'separation of powers.'** Separation of power means the judges should not act on the direction of the government or according to the wishes of the party in power. That is why all modern democracies have courts that are independent of the legislature and the executive.
- ❖ **To protect the democratic rights** of the people.
- ❖ **To uphold constitutional supremacy** against other organs of the government.



How can we secure the independence of the judiciary?

Appointment of Judges:

- ❖ The judges of the Supreme Court and the High Courts are **appointed by the President in consultation with the Chief Justice of the Supreme Court.**
- ❖ There is **judicial primacy in appointments and transfers of judges**, which means that here party politics would not play any role.
- ❖ From 1950 to 1973, the **senior-most judge of the Supreme Court** was appointed as the **Chief Justice of India**, but this convention was broken twice when Justice A. N. Ray (1973) and Justice M. H. Beg (1975) were appointed as CJI superseding their senior judges. Hence, only the senior most judge is appointed as CJI.
- ❖ After 1998, the SC suggested that the chief justice should recommend names of persons to be appointed in consultation with 4 senior-most judges. Thus, it established the **principle of collegiality.**

POINTS TO PONDER

- A person must have **experience as a lawyer** and/or must be **well-versed in law.**
- A person's political opinion or **political loyalty should not play any role** in his appointment as a judge.



Removal of Judges:

- ❖ A judge can be removed **only by an impeachment motion passed separately in both Houses of the Parliament.**
- ❖ The motion must be approved by a **special majority in both Houses of the Parliament.**
- ❖ **Ground for removal:** Proved Misbehavior or incapacity.
- ❖ Though this has never happened in the history of Indian democracy.
 - ✧ In 1991, an attempt was made to remove Justice Ramaswamy, but the removal motion was not passed in the House as the Congress party abstained from voting in the House.

Tenure of the Judges:

- ❖ The judges have a **fixed tenure**, and they hold the office **till the age of retirement.**
- ❖ They have the security of tenure, which ensures that they function without fear or favour. Hence, the constitution provides a very difficult procedure for their removal.

Protection to the Judiciary:

- ❖ The salaries and allowances of the judges are **not subjected to the approval of Parliament.**
- ❖ The decisions of the judges are **immune from personal criticism.**
- ❖ They have the power to penalise those who are found guilty of contempt of court.
- ❖ **Parliament cannot discuss the conduct of judges** except when the proceeding to remove a judge is being carried out.

Access to Justice

Does Everyone Have Access to the Courts?

- ❖ In principle, all citizens of India can access the courts in this country.
- ❖ For the common people, access to courts is access to justice. This implies that every citizen has a right to justice through the courts.
- ❖ If any citizen believes that their rights are being violated, then they can approach the court for justice to be done.



- ❖ While the courts are available for all, in reality access to courts has always been difficult for a vast majority of the poor in India as the Indian judicial system faces many issues.

Hurdles in Access to Justice:

- ❖ Legal procedures in India **involve a lot of money and paperwork as well as take up a lot of time.**
 - ✧ For a poor person who cannot read and whose family depends on a daily wage, the idea of going to court to get justice often seems remote.
- ❖ Another issue that affects the common person's access to justice is the **inordinately long number of years that courts take to hear a case.** The phrase '**justice delayed is justice denied**' is often used to characterise this extended time period that courts take.

These hurdles have been dealt with to a certain extent by mechanisms of **Public Interest Litigation (PIL)** and **Social Interest Litigation (SIL)** to increase access to justice.

Supreme Court of India

- ❖ The Supreme Court is the **highest court of appeal** in civil and criminal cases. It can hear appeals against the decisions of the High Courts.
- ❖ It is also one of the **most powerful courts in the world**, still the court has to function within the limitations that have been set by the **Constitution of India.**
- ❖ In the diagram below, we can see the **specific jurisdiction and scope of powers** that the apex court can exercise.

Jurisdiction of the Supreme Court

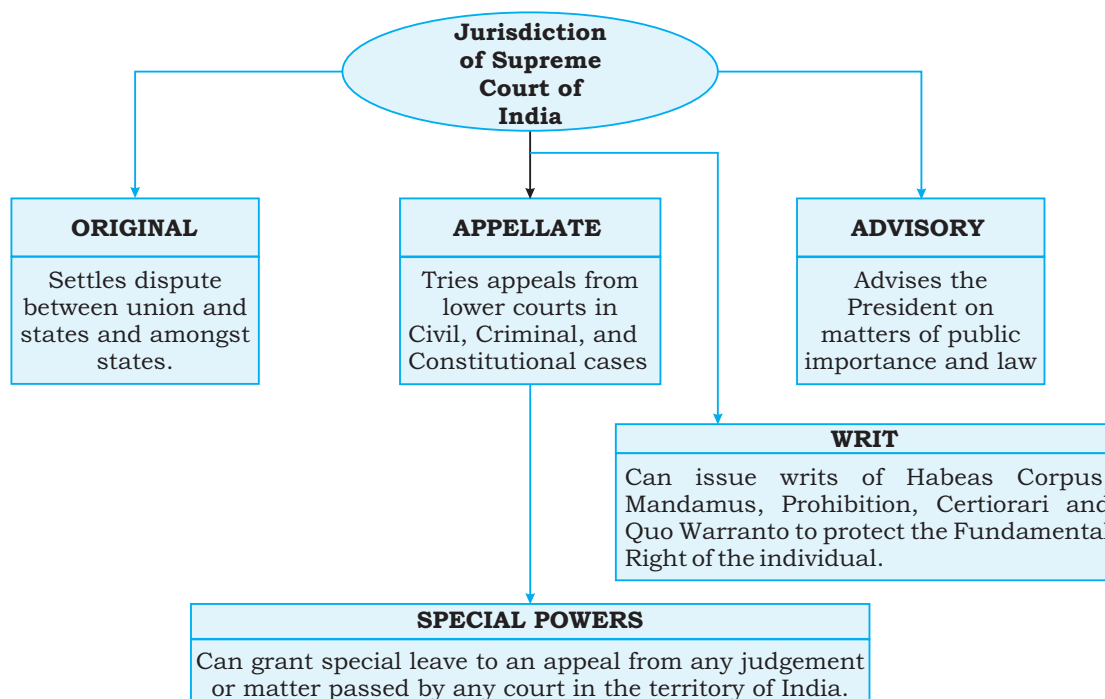


Figure 9.1: Jurisdiction of the Supreme Court of India

Analysis of the Jurisdiction and Powers of Supreme Court in Detail:**Table 9.2:** Jurisdiction and Power of Supreme Court

Original Jurisdiction	<ul style="list-style-type: none"> ➤ The original jurisdiction of the Supreme Court is for the cases that can be directly considered by the Supreme Court without going to the lower courts. ➤ This establishes the Supreme Court as an umpire in all disputes regarding federal matters. ➤ This power to resolve legal disputes between the union and the states is called original jurisdiction, as the Supreme Court alone has the power to deal with such cases. ➤ The Supreme Court not just settles disputes but also interprets the powers of union and state governments as laid out in the Constitution of India.
Writ Jurisdiction	<ul style="list-style-type: none"> ➤ The aggrieved person whose fundamental rights have been violated can directly move to the Supreme Court and the court can give special orders in the form of writs. ➤ The High Court can also issue writs, but the aggrieved person has the choice to approach the High Court or to directly approach the Supreme Court. ➤ The Supreme Court can issue writs only for fundamental rights and not for any other purpose. This means that the writ jurisdiction of the High Court is wider than that of the Supreme Court.
Appellate Jurisdiction	<ul style="list-style-type: none"> ➤ An aggrieved person can appeal to the Supreme Court against the decision of the High Court. The Supreme Court will reconsider the case and legal issues involved in it. ➤ However, the High Court must certify that the case involves a serious matter of interpretation of law or Constitution. ➤ If the lower court has sentenced a person to death, then an appeal can be made to the High Court or Supreme Court. ➤ Although the Supreme Court has the power to decide whether to admit appeals, even when appeal is not allowed by the High Court ➤ The High Court also has appellate jurisdiction over the decision given by the subordinate courts.
Advisory Jurisdiction	<ul style="list-style-type: none"> ➤ Advisory jurisdiction means that the President can refer any matter that is of public importance or that involves interpretation of the Constitution to the Supreme Court for advice. ➤ However, the Supreme Court is not bound to give advice on such matters and the President is not bound to accept such advice. ➤ Utility of Advisory jurisdiction lies in fact that it allows the government to seek legal opinion on a matter of importance before taking action on it and hence may prevent unnecessary litigations.



Judicial Activism

Judicial activism has flourished in India mainly because of Public Interest Litigation (PIL) or Social Action Litigation (SAL).



POINTS TO PONDER

The Constitution envisages a fair balance of roles and functions amongst different branches of the Government. However, in our 70+ years' march of the democratic caravan we have witnessed activism by different branches at different points of time. Judicial Activism is the current phenomenon. What does the activism by one branch show about the state of affairs of other branches of the government?



Public Interest Litigation (PIL):

- ❖ Till 1979, in the normal course of law, an aggrieved person could move to the court of law if his rights have been violated.
- ❖ Later in 1979, the court heard a case where the case was filed not by the aggrieved persons but by others on their behalf. As this case involved a consideration of public interest, such cases came to be known as **Public Interest Litigations**.
- ❖ It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated.
- ❖ During this time, the Supreme Court also took cases with consideration of rights of prisoners and other cases which involved protection of existing rights, betterment of life conditions of the poor, protection of the environment, and other issues in the interest of the public.
- ❖ This was done because a large number of public-spirited citizens and voluntary organisations sought judicial intervention and hence PIL became the most important vehicle of judicial activism.
- ❖ Since then, the judiciary began considering many cases merely on the basis of newspaper reports and postal complaints received by the court, and hence the term **judicial activism** came to be used more popularly for the role of judiciary.

PILs and Judicial Activism:

- ❖ Through the PIL, the judiciary **expanded the idea of rights** such as clean air, unpolluted water, decent living etc.
- ❖ **Judicial activism democratised the judicial system** by giving not just to the individuals but also groups access to the courts.
- ❖ It has **forced executive accountability**.
- ❖ A democratic government is based on each organ of government respecting the powers and jurisdiction of the others. Hence, it may be **creating strains on the democratic principles**.

The court **also made an attempt to make a free and fair electoral system in India**, by asking the candidates contesting elections to file affidavits indicating their assets and income along with educational qualifications.

Issues of Judicial Activism:

- ❖ It is **overburdening the courts** with a large number of PILs.
- ❖ It has **blurred the line of distinction** between the Executive and Legislature on the one hand and the Judiciary on the other. The court has been considering cases and issues which belong to the executive. For example, cases dealing with reducing air or sound pollution, corruption, electoral reforms, etc.

Judiciary and Rights

How is the judiciary protecting the rights of individuals?

- ❖ Every citizen of India can approach the Supreme Court or the High Court if they believe that their Fundamental Rights have been violated. The Constitution provides two ways in which the Supreme Court can remedy the violation of rights:
 - ❖ **Article 32:** The Supreme Court can restore fundamental rights by issuing writs of Habeas Corpus, Mandamus, etc. The High Courts can also issue such writs using Article 226.
 - ❖ **Article 13:** It can declare the concerned law as unconstitutional and therefore non-operational. This involves judicial review.

POINTS TO PONDER

Indian constitution designates judiciary as the 'Protector, Promoter and Provider' of the Fundamental Rights of the Citizens. However, in reality the rights of every individual have been difficult to enforce. Which amongst the following three factors is the prime reason: the inability of Judiciary or the inefficiency of the executive or the lack of legislative foresight?



Judicial Review

- Judicial Review means the **power of the Supreme Court (or High Courts) to examine the constitutionality of any law**. If the Court arrives at the conclusion that the law is inconsistent with the provisions of the Constitution, such a law is declared unconstitutional and inapplicable.
- The term 'Judicial Review' is **nowhere mentioned in the Constitution**.
- Although, the **Supreme Court can strike down a law that goes against fundamental rights**, this gives the Supreme Court the power of judicial review.
- The **review power of the Supreme Court** includes power to review legislations on the ground that they violate fundamental rights or on the ground that they violate federal distribution of powers.
- This review power means that the **judiciary can interpret the Constitution and the laws passed by the Parliament**. It extends to the laws passed by the State legislatures also.

Judiciary and Parliament

Separation of Power:

- ❖ The court has not been active only on the matter of rights, but it is also seeking to **prevent subversion of the Constitution through political practice**.
- ❖ The areas such as powers of President and Governor were brought under the purview of judicial review.
- ❖ The Constitution of India is based on the **principle of separation of powers** and checks and balances.
 - ❖ This principle provides that, **the Parliament is supreme in making laws** and amending the Constitution, the **executive is supreme in implementing them** while **the judiciary is supreme in settling disputes** and deciding whether the laws that have been made in accordance with the Constitution.
- ❖ Despite this separation of powers, the conflict between the judiciary, executive and legislative has remained a consistent theme in Indian politics.



Conflicts between Parliament and the Judiciary:

- ❖ Conflict between these two institutions can be analysed through 2 distinct cases:
 - ❖ Dispute over Status of Right to Property
 - ❖ Reservation Case for Socially and Educationally Backward Classes (SEBC)
- A. **Dispute Over Status of Right To Property:**
 - ❖ After the implementation of the Constitution, a **controversy arose over the parliament's power to restrict the right to property**. The Parliament wanted to put restrictions on the right to hold property so that land reforms could be implemented.
 - ❖ The court held that the **Parliament cannot restrict fundamental rights**.
 - ❖ Then the Parliament tried to amend the Constitution, but the court said that even through an amendment, a fundamental right cannot be abridged.
- ❖ During the period 1967 and 1973, there were conflicts between the legislature and judiciary for the land reform laws, laws enforcing preventive detention, laws governing reservations, in jobs, regulations, acquiring private property for public purposes, and laws, deciding the compensation for such acquisition of private property.

Kesavananda Bharati Case, 1973:

- After several years of conflict, in 1973 the Supreme Court gave a decision **to regulate relations between the Parliament and the judiciary**.
- This case is famous as the **Kesavananda Bharati case**.
- In this case, the court ruled that there is **a basic structure of the Constitution** and nobody – not even the Parliament can violate the basic structure through an amendment.
- The court did **two more things**:
 - Firstly, it said that right to property was not part of basic structure and therefore could be suitably abridged.
 - Secondly, the court reserved to itself the right to decide whether various matters are part of the basic structure of the Constitution.



Figure 9.2: Kesavananda Bharati Judgement

B. Reservation Case For Socially and Educationally Backward Classes (SEBC), 1990:

- ❖ In 1979, the Government of India had appointed the **Mandal Commission**.
- ❖ The Commission gave its Report in 1980 recommending 27 per cent of government jobs be reserved for the socially and educationally backward classes.
- ❖ On August 13, 1990, the Government of India issued an Office Memorandum. It said that **27 per cent of the vacancies** in civil posts and services under the Government of India are reserved for the **Socially and Educationally Backward Classes (SEBC)**.
- ❖ It led to **widespread protests and counter protests**, some of which were violent because this decision affected thousands of job opportunities.

Impact of the Mandal Commission Report

- While there were protests all around the nation, some felt that the existence of inequalities among people of different castes in India necessitated job reservations.
- Others felt that **this would deny equality of opportunity** to those who did not belong to backward communities. They would be denied jobs even though they could be more qualified.
- Some felt that this would **perpetuate caste feelings among people** and hamper national unity.
- Some persons and associations opposed to this and after order filed a number of cases in the courts. They appealed to the courts to declare the order invalid and stop its implementation.

Supreme Court's Judgement:

- ❖ The Supreme Court of India bunched all these cases together. This case was known as the **'Indira Sawhney and others Vs Union of India Case'**.
- ❖ **Eleven judges** of the Supreme Court heard arguments of both sides.
- ❖ By a majority, the **Supreme Court judges in 1992 declared that this order of the Government of India was valid**.
- ❖ At the same time, the Supreme Court asked the government to modify its original order. It said that well-to-do persons among the backward classes should be excluded from getting the benefit of reservation.

In the above two cases between the judiciary and the parliament, we can see that **a democracy works well when all the institutions perform functions assigned to them**. Institutions make it difficult to have a good decision taken very quickly. But they also make it equally difficult to rush through a bad decision.

Conclusion

The judiciary protects the rule of law and ensures the supremacy of law. It safeguards rights of the individuals, settles disputes in accordance with the law and ensures that democracy does not give way to individual or group dictatorship.



Glossary:

- **Government:** A set of institutions that have the power to make, implement and interpret laws so as to ensure an orderly life.
- **Legislature:** An assembly of people's representatives with the power to enact laws for a country. In addition to enacting laws, legislatures have authority to raise taxes and adopt the budget and other money bills.
- **Executive:** A body of persons having authority to initiate major policies, make decisions and implement them on the basis of the Constitution and laws of the country.
- **Judiciary:** An institution empowered to administer justice and provide a mechanism for the resolution of legal disputes. All the courts in the country are collectively referred to as judiciary.
- **Office Memorandum:** A communication issued by an appropriate authority stating the policy or decision of the government.
- **Reservations:** A policy that declares some positions in government employment and educational institutions 'reserved' for people and communities who have been discriminated against, are disadvantaged and backward.
- **Political Institutions:** A set of procedures for regulating the conduct of government and political life in the country.
- **State:** Political association occupying a definite territory, having an organised government and possessing power to make domestic and foreign policies. Governments may change, but the state continues. In common speech, the terms country, nation and state are used as synonyms.
- **Appeal:** It refers to a petition filed before a higher court to hear a case that has already been decided by a lower court.
- **Violation:** It refers both to the act of breaking a law as well as to the breach or infringement of Fundamental Rights.





Federalism

Bibliography: This chapter encompasses the summary of Chapter 7- XI NCERT (Indian Constitution at Work), Chapters 1 and 2- X NCERT (Democratic Politics-II), and Chapters 2 and 3- VII NCERT (Social and Political Life-II).

Introduction

Look at the below political maps of India of 1947 and 2022. Throughout this period, not only did the boundaries of states change, but in some instances, even their names were altered according to the wishes of the people residing in those states. In a sense, these maps also narrate the story of the functioning of federalism in India.



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Federalism: Meaning and Definition

- ❖ It's a **vertical division of power** among different levels of government most commonly referred to as **Federalism**.
- ❖ It is a **System of Government** in which the power is divided between a central authority and various constituent units of the country.
- ❖ It does **not consist of a set of fixed principles** which are applied to different historical situations.
- ❖ Rather, federalism as a **principle of government** has evolved differently in different situations. For example, **American federalism**, one of the first major attempts to build a federal polity, is different from **German or Indian federalism**.

POINTS TO PONDER

Federalism as a principle envisages strong and well-defined political entities at a decentralised level. However, the modern polity rests on the idea of a sovereign nation. Don't you think federal structure might lead to the creation of nations within nations with diffused sovereignty distributed among multiple entities?



Nature of Federalism

- ❖ Usually, a federation has **two levels of government**:
 - ❖ One is the **government for the entire country** that is usually responsible for a few subjects of common national interest.
 - ❖ The others are **governments at the level of provinces or states** that look after much of the day-to-day administering of their state.
- ❖ Both these levels of government enjoy their power **independent of the other**.

Other Tit-bits:

- The **West Indies** was a colony of the British.
- In 1958, the Federation for the West Indies was established. It had a weak central government, and the economy of each unit operated independently.
- Later, in 1973, **by the Treaty of chiguaramas**, the independent islands established joint authorities in the form of a common legislature, supreme court, a common currency, and, to some extent, a common market known as **the Caribbean Community**.



Formation of Federalism

- ❖ Federations can be **formed in the following two ways**:
- ❖ **'Coming together' federations (e.g., USA, Switzerland and Australia)**: Independent States come together on their own to form a bigger unit, so that by pooling sovereignty and retaining identity, they can increase their security.
- ❖ **'Holding together' federations (e.g., India, Spain and Belgium)**: In this, a large country decides to divide its power between the constituent states and the national government. Here the Central Government tends to be more powerful than the States.

Features of Federalism

- ❖ Institutional mechanism **characterised by two sets of polities**—one at the Regional level and the other at the National level. Each government is autonomous in its own sphere.
- ❖ System of dual citizenship in a few federal countries (for example, USA). India has only a single citizenship.
- ❖ **Two sets of identities and loyalties for people**—they belong to the region as well as the nation.
- ❖ Each level of the polity has **distinct powers and responsibilities** and has a separate system of government.
- ❖ The **details of this dual system of government** are generally spelt out in a written constitution, which is considered to be supreme, and which is also the source of the power of both sets of government.
- ❖ **Division of subjects between union and regional governments**. For example, defence or currency, are the responsibility of the union or central government. Regional or local matters are the responsibility of the regional or State government.
- ❖ **Independent judiciary** to settle disputes between centre and state regarding legal matters about the division of power.

Working of Federalism

- ❖ **Federalism and Unitary Governments** present distinct governance models.
- ❖ In a **Unitary system**, the central government holds authority over sub-units and issues directives.
- ❖ Conversely, **federalism** entails multiple government tiers, each with defined jurisdiction outlined in the constitution, ensuring mutual recognition and legal guarantee. Notably, essential constitutional alterations necessitate consent from both tiers.



- ❖ Further in federalism, **Courts mediate disputes** between government levels, upholding constitutionally assigned powers.
- ❖ Revenue sources are allocated to ensure **financial autonomy**.
- ❖ Federalism strives for **unity** while acknowledging **regional diversity**, requiring power-sharing rules and mutual trust.

Need of Distribution of Power in Federalism

- ❖ Different **forms of diversity in nations necessitate sharing of power** between different organs; opposition to this leads to conflicts and instability in society.
- ❖ Let's analyse following 2 examples:

Majoritarianism in Sri Lanka

- Sri Lanka's post-independence trajectory was marked by majoritarianism, where the Sinhala majority aimed to establish dominance.
- Through policies favouring Sinhala language and applicants for university and government roles, the **Tamil minority faced marginalisation** and unequal opportunities.
- Tensions escalated with demands for Tamil recognition and regional autonomy repeatedly denied, resulting in a civil war by the 1980s.
- The conflict deeply fractured society, causing substantial loss of life and disrupting economic and social progress.
- The **civil war concluded in 2009**, serving as a stark reminder of the consequences of majoritarian measures in a multi-ethnic society.

Accommodation of Belgium

- The Belgian approach to governance contrasted with Sri Lanka's majoritarianism, embracing regional diversity.
- From 1970 to 1993, Belgium amended its constitution four times to create an **innovative arrangement for co-existence**.
- Key elements of the Belgian model include **equal representation of Dutch and French-speaking ministers** in the central government, requiring cross-linguistic support for certain laws to prevent unilateral decisions.
- **Significant powers were granted to state governments**, independent of the central government. Brussels, a diverse city, has a separate government with equal representation from both linguistic groups.
- Additionally, independent **community governments** were set up to address language related issues and cultural matters.
- Although intricate, these arrangements have **successfully averted conflicts** and **linguistic divisions**, contributing to Belgium's stability. Notably, when the European Union formed, Brussels was chosen as its headquarters.

- ❖ In both of the above cases, the **majority community's ability to influence governance** and policies has raised concerns about fairness and representation.
- ❖ These situations illustrate the **challenges of managing diversity** and ensuring the rights and interests of all communities within a nation.
- ❖ **Effective governance and solutions** often require delicate negotiations, power-sharing arrangements, and efforts to address historical grievances and inequalities.
- ❖ The experiences of Belgium and Sri Lanka offer insights into the **complexities of managing diverse societies** and the **importance of inclusive governance** and conflict resolution strategies.



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- ❖ Additionally, the Case Study of Nigeria given below is an example of the overlap of religious, ethnic and economic differences among the units.

Federalism in Nigeria

If the regions and various communities do not trust each other, even a federal arrangement can fail to produce unity. The example of Nigeria is instructive:

- Until 1914, Northern and Southern Nigeria were two separate British colonies. At the **Ibadan Constitutional Conference of 1950**, Nigerian leaders decided to form a federal constitution.
- The three major ethnic groups of Nigeria—**Yoruba, Ibo and Hausa-Fulani**—controlled the regions of the West, the East and the North respectively.
- Their attempt to spread their influence to other regions led to fears and conflicts. These led to a military regime.
- In the 1960 constitution, both federal and regional governments jointly controlled the Nigerian police. In the military-supervised constitution of 1979, **no state was allowed to have any civil police**.
- Although democracy was restored in Nigeria in 1999, religious differences along with conflicts over who will control revenues from the oil resources continue to present problems before the Nigerian Federation.
- Local ethnic communities resist centralised control of the oil resources.

Thus, Nigeria is an example of overlap of religious, ethnic and economic differences among the units.

Different Forms of Power-Sharing

The historical belief in concentrated political power in a few hands was challenged by democracy. It led to the establishment of a basic democratic principle: **people are the source of political power**. This basic principle gives rise to various forms of power sharing:

- ❖ **Horizontal Distribution of Power:**

- ❖ Power shared among government organs: legislature, executive and judiciary.
- ❖ It ensures checks and balances and prevent unchecked authority.
- ❖ Ministers and officials accountable to Parliament/Assemblies, judges monitor executive and legislative actions.

- ❖ **Vertical Distribution of Power:**

- ❖ Power shared among different levels of government (federal or central and regional or provincial).
- ❖ The Constitution defines powers of different government levels. For example, In India, Central/Union Government and State Governments have defined powers.

- ❖ **Social Group Power Sharing:**

- ❖ Power shared among religious, linguistic, and minority groups.
- ❖ Representation of weaker sections and women in legislatures/administration to ensure inclusion.
- ❖ Reserved constituencies to empower minority communities. For example, Belgium's 'community government'.

- ❖ **Political Parties and Pressure Groups:**

- ❖ Democracy **allows freedom to choose** among power contenders.
- ❖ Competition among political parties for sharing power. Coalitions formed by parties in alliance result in shared governance.

- ❖ Parties represent diverse ideologies and social groups.
- ❖ Interest groups (traders, industrialists) influence decision-making.

Modern democracies encompass features of all types of power sharing in the following ways:

- ❖ **Democracy** challenges the **concentration of power**, prioritising power sharing.
- ❖ **Horizontal distribution** among government organs prevents unchecked authority.
- ❖ **Vertical distribution** encompasses central and regional levels.
- ❖ Social, minority, and interest groups, along with political parties, **contribute to power sharing**.
- ❖ **Democratic power sharing** fosters inclusivity, responsiveness, and dynamic governance.

Distribution of Power in Various Federations in World

- ❖ **The USSR** was one of the world's superpowers, but after 1989, it simply broke up into several independent countries.
- ❖ Some other countries like **Czechoslovakia, Yugoslavia, and Pakistan** also had to face a division of the country.
- ❖ One of the major reasons for their break up was the **excessive centralisation** and **concentration of power** and the domination of one region over other regions with independent languages and cultures of their own.

An Experiment in Brazil

A city called Porto Alegre in Brazil has carried out an extraordinary experiment in **combining decentralisation with participative democracy**. The city has set up a parallel organisation operating alongside the municipal council, enabling local inhabitants to take real decisions for their city. The nearly 13 lakh people in this city get to participate in making the budget for their own city. The city is divided into many sectors or what we call wards. Each sector has a meeting, like that of the GramSabha, in which anyone living in that area can participate. There are some meetings to discuss issues that affect the entire city. Any citizen of the city can participate in those meetings. The budget of the city is discussed in these meetings. The proposals are put before the municipality that takes a final decision about them.

About 20,000 people participate in this decision-making exercise every year. This method has ensured that the money cannot be spent only for the benefit of the colonies where rich people live. Buses now run to the poor colonies and builders cannot evict slum-dwellers without resettling them. In our own country, a similar experiment has taken place in some areas in Kerala. Ordinary people have participated in making a plan for the development of their locality.

Federalism in the Indian Constitution

- ❖ India is a land of **continental proportions and immense diversities**. We have also participated in a common history, especially when we fought for independence.
- ❖ This has led our national leaders to visualise India as a country where there is **Unity in Diversity**. Sometimes it is described as **Unity with Diversity**.
- ❖ Despite its size, India has **managed diversity through power-sharing** arrangements defined in its Constitution.

POINTS TO PONDER

The idea of a federal India is based on the proposition of a strong centre with federal state units. However, with the 73rd and 74th Amendment Acts, the third tier of federalism has emerged. Do you think India has been able to operationalize a three-tier federal structure in its true sense?



- ❖ Although not explicitly labelled as a Federation, India is **founded on Federal Principles**.

Background of Indian Federalism

- ❖ Even before Independence, **Federal polity** existed in India, in which powers were divided between **provinces and central government**.
- ❖ There was also an awareness that Indian society had **Regional and Linguistic diversity**. This diversity needed recognition. People of different regions and languages had to share power, and, in each region, people of that region should govern themselves.
- ❖ The Constituent Assembly decided to frame a government that would be based on the **principles of unity and cooperation** between the Centre and the States and separate powers to the States.
- ❖ The most important feature of the federal system adopted by the Indian Constitution is the principle that relations between the States and the centre are based on cooperation. Thus, while recognising diversity, the **Constitution emphasised Unity**.
- ❖ It is pertinent to note here that the **Constitution of India does not even mention the word Federation**. This is how the Constitution describes India.

Article 1:

- (1) India, that is Bharat, shall be a Union of States.
- (2) The States and the territories thereof shall be as specified in the **First Schedule**.

Dynamics of Indian Federalism

Indian federalism persists mainly through the following 3 dynamics:

- ❖ **Formation of Linguistic States:**
 - ✧ States established based on language, culture, and geography. This has enhanced unity and facilitated efficient governance.
- ❖ **Diverse Language Policy:**
 - ✧ No national language is designated in the Constitution.
 - ✧ Hindi, along with English, is the official language with safeguards for other languages.
 - ✧ 22 Scheduled Languages recognised, respecting linguistic diversity and regional demands.
 - ✧ Also, states have autonomy over their official languages.
- ❖ **Changing Centre-State Relations:**
 - ✧ Historically, a single party had control over the Centre and states. The transition to regional parties and coalitions started from around 1990. Promotes power-sharing and respects State autonomy.
 - ✧ This led to the emergence of regional parties and coalition politics, which promoted power-sharing and increased state autonomy.
 - ✧ Further Supreme Court decisions limited arbitrary dismissal of State Governments.

Thus, Democratic politics and shared ideals remain the foundation of Indian federalism. The above developments have contributed to **Unity amid Diversity** and have shaped and enhanced its **Federal Structure**.

Division of Powers in Indian Federalism

- ❖ There are **two sets of government** created by the Indian Constitution:
 - ❖ One for the entire nation called the **union or central government**.
 - ❖ One for each unit or State called the **State government**.
- ❖ Both of these have a **constitutional status** and clearly identified **division of power** by the constitution itself.
- ❖ If there is any **dispute about power distribution** between the centre and states, this can be resolved by the **Judiciary** on the basis of the **constitutional provisions**.
- ❖ One of the important aspects of this **division of powers** is that economic and financial powers are centralised in the hands of the central government, whereas states have immense responsibilities but very meagre revenue sources.

POINTS TO PONDER

The Constitution provides for the division of subjects amongst different units of the federation (Centre and States). Subjects like Defence, Railways and Atomic Energy are kept in the Central List, while Police, Agriculture and Local Governments are part of the state list. What do you think might have been the rationale behind such a division of subjects? Do you think it's perfect? If not, can you think of some possible modifications?

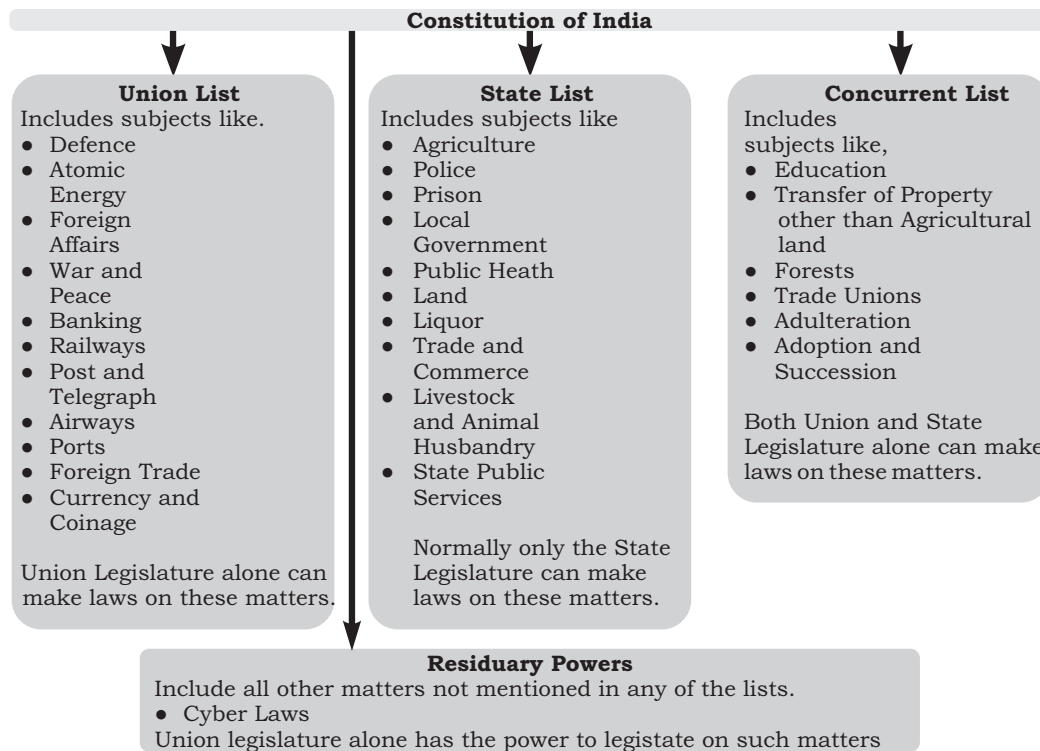


Federalism with a Strong Central Government

It is generally accepted that the Indian Constitution has created a **strong central government**.

Need of Strong Centre

- ❖ To **accommodate diversity** and ensure the **Unity of nation**.
- ❖ Further, makers of the Constitution also believed that the **socio-economic problems of the country** needed to be handled by a strong central government in cooperation with the States.



Thus, concerns for unity and socio-economic development prompted the makers of the Constitution to create a strong central government.

Provisions that create a strong central government

- ❖ **Emergency provisions** in the Constitution:
 - ❖ Indian **Federal polity** turns into a **Centralised System** once the emergency is declared.
 - ❖ Parliament also assumes the power to make laws on subjects within the jurisdiction of the States.
- ❖ **Centralisation of Financial Powers:**
 - ❖ **Revenue-generating items** are under the control of the central government. Thus, the central government has many revenue sources, and the **states are mostly dependent on grants** and financial assistance from the centre.
 - ❖ **Erstwhile Planning under Planning Commission** led to considerable centralisation of economic decision-making.
 - ❖ **Discretion used by the Union government** to give grants and loans to states.
- ❖ **Strong position of Governor:**
 - ❖ S/He can recommend the **dismissal** of the State Government and the **dissolution of the Assembly**.
 - ❖ S/He can **reserve** a bill passed by the State legislature for the assent of the President. This gives the central government an opportunity to delay the State legislation and also to examine such bills, and veto them completely.
- ❖ **Central Legislation Over State Subjects:**
 - ❖ Central government can legislate on matters from the **State list**. This is possible if the **move is ratified by the Rajya Sabha**. The Constitution clearly states that the executive powers of the centre are superior to the executive powers of the States.
- ❖ **Central Government's Instruction to the State:**
 - ❖ Centre can give instructions to the State government. The following extract from Article 257 of the Constitution makes this clear:
 - ❖ **Article 257 (1):** The executive power of every state shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a state as may appear to the Government of India to be necessary for that purpose.
- ❖ **Lack of Territorial Integrity for State:**
 - ❖ The parliament is empowered to '**form a new State by separation of territory from any state or by uniting two or more states....**'
 - ❖ It can also alter the boundary of any State or even its name.
 - ❖ The Constitution provides for some safeguards by way of securing the view of the concerned State legislature.
- ❖ **All India Services:**
 - ❖ These are **common to the entire territory** of India, and officers chosen for these services serve in the administration of the States. **For example**, an IAS officer who becomes the collector or an IPS officer who serves as the Commissioner of Police, are under the control of the central government.
 - ❖ States can **neither take disciplinary action** nor remove these officers from service.



❖ **Fundamental Rights under Articles 33 and 34:**

- ❖ These **Rights authorise the Parliament** to protect persons in the service of the union or a state in respect of any action taken by them during **martial law** to maintain or restore order. The **Armed Forces Special Powers Act** has been made on the basis of these provisions.

Evolution of Centre-State Relations

- ❖ **Stable Relations:** During the 1950s and early 1960s, Congress dominated in both centre and states, resulting in stable relations between both entities.
- ❖ **Changing Landscape:** By the mid-1960s, Congress' dominance waned, as opposition parties gained states' power, leading to demands for enhanced state Autonomy.
- ❖ **Shift in Dominance:** Since the 1990s, Congress' dominance decreased, ushering in an era of coalition politics, particularly at the National Level.
- ❖ **Empowerment of States:** States, both national and regional, gained prominence, resulting in a more pluralistic and mature federal structure.
- ❖ **Growing Recognition of Diversity:** The shift led to a stronger acknowledgement of diversity's importance in governance.
- ❖ **Relevance of Autonomy:** The phase of increased State empowerment has amplified the political significance of the autonomy debate.

Conflicts In India's Federal System

The Constitution empowers the central government significantly while also acknowledging regional identity. This balance creates expectations for greater state involvement in governance. Such expectations have led to demands for more autonomy and power by states, occasionally causing tensions with the central government. Legal disputes can be settled in court, but autonomy requests require negotiation due to their political nature. It can be illustrated through the following instances:

1. Demands for State Autonomy

Different States and political parties in India demand for autonomy in different aspects.

- ❖ **Financial Autonomy:** Demand for states to have **independent revenue sources** and greater resource control. In 1977, **West Bengal's** Left Front Government proposed Centre-State relationship restructuring for financial empowerment. Autonomy claims from **Tamil Nadu and Punjab** also echo support for increased financial powers.
 - ❑ **Administrative Powers:** States resent the central control over administrative machinery such as All India Services.
- ❖ **Cultural and Linguistic Aspects:** Opposition to Hindi dominance (as in Tamil Nadu) and promotion of regional language and culture (as in Punjab) emphasised demands for more autonomy.
 - ❖ Some States perceive an imbalance in Hindi-speaking and non-Hindi speaking areas. Protests against Hindi imposition occurred in the 1960s in response to perceived domination.

2. Demands for New States:

- ❖ **Pre independence scenario:** National movement generated unity around **language, region, and culture**. Movement aligned with democratic ideals, supporting states based on cultural and linguistic identity.
- ❖ **Linguistic States Emergence:** Post -independence, demand started rising for linguistic States.

- ✧ **States Reorganisation Commission** established in **1953** to address the issue. The Commission recommended **creating linguistic States** for major language groups. The process commenced in 1956 with the reorganisation of certain states. Gujarat and Maharashtra were formed in 1960. Punjab and Haryana were separated in 1966.
- ✧ **North Eastern Reorganisation:** New States like Manipur, Tripura, Meghalaya, Mizoram, and Arunachal Pradesh emerged in North-East India.
- ✧ **State Divisions in 2000 and Beyond:** In 2000, several larger States were divided to **address distinct needs**.
 - ❑ Madhya Pradesh, Uttar Pradesh, Bihar were reorganised and Chhattisgarh, Uttarakhand, Jharkhand were created to satisfy demands for **separate statehood** and **enhance administrative efficiency**.
 - ❑ In 2014, Andhra Pradesh was divided to form the state of Telangana.
- ✧ **Ongoing Demands:** Despite divisions, certain regions and linguistic groups persist in their struggle for separate Statehood. For example, Vidarbha in Maharashtra remains a region seeking its own State status.

"The report of the States Reorganisation Commission (SRC), was implemented exactly 50 years ago, on November 1, 1956. This, in its own time and own way, has also transformed the political and institutional life of the nation. ... Gandhi and other leaders promised their followers that when freedom came, the new nation would be based on a new set of provinces, these based on the principle of language.

Partition was the consequence of a primordial attachment to one's faith; how many more partitions would that other primordial loyalty, language, lead to? So ran the thinking of Nehru. Patel and Rajaji.

Far from undermining Indian unity, linguistic states have helped strengthen it. It has proved to be perfectly consistent to be Kannadiga and Indian, Bengali and Indian, Tamil and Indian, Gujarati and Indian. To be sure, these states based on language sometimes quarrel with one another.

While these disputes are not pretty, they could in fact have been far worse.

It is the formation of linguistic states that has allowed India to escape what might have been a worse fate still. If the sentiments of the native speakers of Telugu, Marathi, et. al. had been disregarded, what we might have here was: 'One language: 14 or 15 nations'."

3. Interstate Conflicts:

Conflicts are not limited to federal battles between states and the Centre, but disputes between individual states are also prevalent. Major forms of interstate disputes are:

- ✧ **Border Disputes:** States often dispute territory claims with neighbours. Linguistic definitions of borders are complicated by multilingual populations in border areas. **Few major border disputes are:**

- ❑ **Maharashtra-Karnataka:** Long-standing border dispute over Belgaum city.
- ❑ **Punjab-Haryana:** Dispute arising from Haryana's separation from Punjab, encompassing both border areas and the shared capital, Chandigarh.
- ❑ **Chandigarh Dispute:** A 1985 understanding between Rajiv Gandhi and Punjab's leadership aimed to transfer Chandigarh to Punjab, but the transfer has not occurred.

4. River Water Sharing Conflicts: Conflicts over sharing river waters are more critical, affecting drinking water and agriculture.

- ✧ **Cauvery Water Dispute:** Significant dispute between Tamil Nadu and Karnataka due to dependence on Cauvery waters for agriculture. Despite the river water tribunal, the dispute reached the Supreme Court.
- ✧ **Narmada River Dispute:** Gujarat, Madhya Pradesh, and Maharashtra contest over sharing Narmada river waters.

Way Forward

- ❖ These conflicts underscore the complexities of Indian federalism, where emotional and practical considerations intertwine.
- ❖ Also, these conflicts are often multifaceted and hold political implications and hence demands cooperative solution necessitating negotiation and mutual understanding for sustainable resolution.

Special Provisions in India's Federal Arrangement

- ❖ The distinctiveness of India's federal structure lies in the exceptional treatment extended to various States.
- ❖ These **special provisions** were introduced to accommodate **diverse sizes, populations, and social and historical contexts**. For example, **Article 371** ensures **Special Provisions for States** like Andhra Pradesh, Goa, Gujarat, Maharashtra, Sikkim, and Telangana.
- ❖ The Rajya Sabha ensures **Asymmetrical Representation**, accounting for the diverse sizes and populations of states. It guarantees minimal representation for smaller states while allowing larger states greater representation.

States Enjoying Special Category Status

- ❖ **Special Provisions for Unique Contexts:** Special provisions primarily pertain to the northeastern states, such as Assam, Nagaland, Arunachal Pradesh and Mizoram. These provisions stem from their sizeable indigenous tribal populations, distinct histories and cultures.
- ❖ **Hilly States and Others:** Special provisions also extend to hilly States like Himachal Pradesh.

Jammu and Kashmir's Special Status and Reorganisation:

One State that had enjoyed a distinct status within India's federal framework was Jammu and Kashmir (J and K), governed by **Article 370 of the Indian Constitution**.

- Article 370 bestowed some of special powers to J&K.
- State's concurrence was necessary for enacting laws in subjects **outlined in the Union and Concurrent lists**.
- Unlike other states where the division of powers was predefined, J and K retained **limited central government powers**.
- The Union and Concurrent lists required **state government consent** for implementation.
- It retained its **separate constitution and flag**.
- No imposition of **Financial emergency**.

- Non-applicability of **Directive principles**.
- **Indian Constitution amendments** (under Article 368) applied only with J&K government concurrence.

Abolition of Special Status:

- As of now, the special status granted by Article 370 has ceased to exist.
- **The Jammu and Kashmir Reorganisation Act 2019** led to the State's division into **two Union Territories**: Jammu and Kashmir, and Ladakh. This reorganisation came into effect on October 31, 2019.
- This significant development marks a change in J&K's **unique constitutional position** within India.

Decentralisation of Power and Local Governance in India

Need for Decentralisation:

- ❖ India's vastness and diversity require power sharing beyond the two tiers. States like Uttar Pradesh and Maharashtra are larger than European countries. Many of these States are internally very diverse. Thus, there is a need for power sharing within these States.
- ❖ Federal power sharing in India needs **another tier of government**, below that of the state governments facilitating **Decentralisation of Power**. This resulted in a **Third Tier** of government, called **Local Government**.
- ❖ Decentralisation involves transferring power **from higher levels to local governments**.
- ❖ As people better understand local problems and resource management, it promotes **Democratic Participation** and **Self-Governance**.

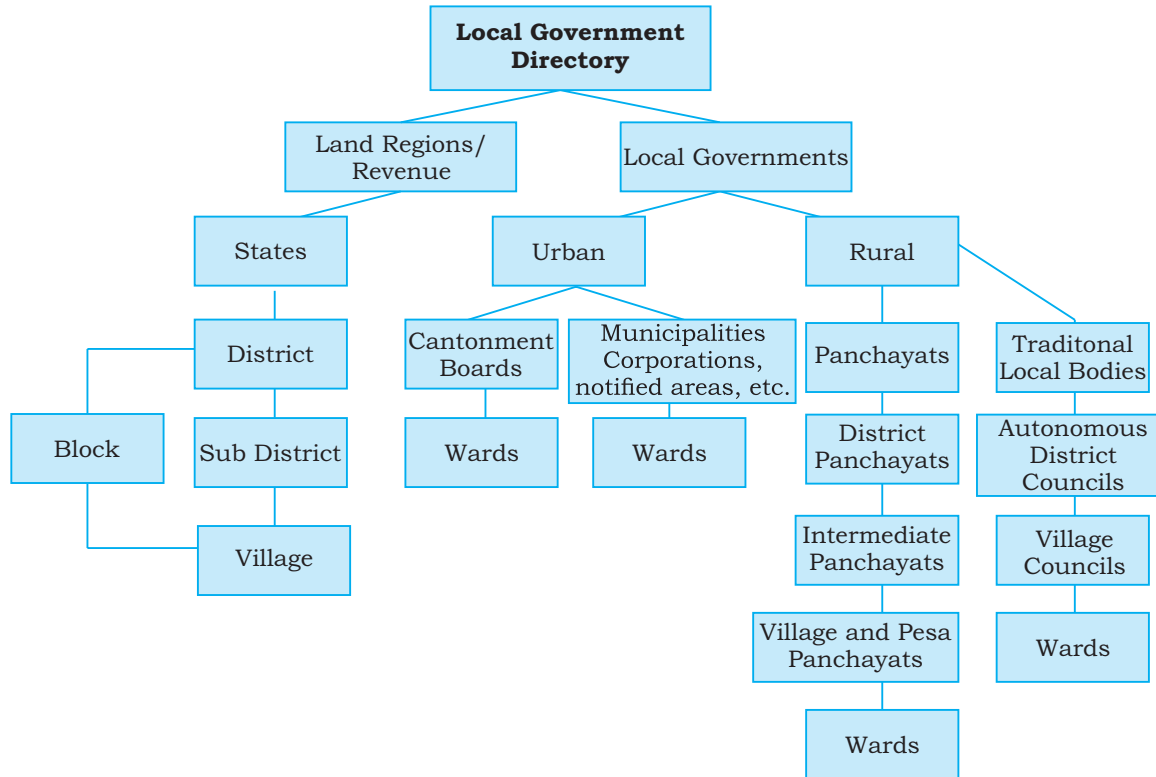
Evolution of Local Governance

- ❖ After independence, **Panchayats in villages and municipalities in urban areas** were set up in almost all the states. But these were crippled with **some issues**:
 - ✧ Local bodies were **directly under the control of State Governments**.
 - ✧ **No regular elections** to these local governments
 - ✧ **Lack of powers or resources** of their own.
- ❖ Thus, there was very **little decentralisation** in effective terms. But this situation changed with a constitutional amendment in 1992.

Strengthening of Local Government (1992)

- ❖ The Constitutional Amendment empowered the **Third tier of Democracy**. It provided **constitutional status** to Panchayati Raj Institutions with certain specific provisions:
 - ✧ Regular local elections are mandated.
 - ✧ Reserved seats for marginalised groups like Scheduled Castes, Scheduled Tribes, and Other Backward Classes.
 - ✧ At least one-third of positions reserved for women.
 - ✧ State Election Commission formed for conducting local elections.
 - ✧ State Governments were mandated to share some powers and revenue with Local Governments.

Structural Setup of Panchayats:



- ❖ **Local Government at lower levels** includes Village-level councils called Gram Panchayats.
 - ✧ It consisted of **directly elected members**, including Ward Members and a President.
 - ✧ It's a decision-making body, supervised by Gram Sabha (all voters).
 - ✧ Gram Sabha reviews performance and approves Budgets.
- ❖ **Higher Levels of Local Governance** consist of Panchayat Samiti/Block/Mandal groups of multiple gram panchayat.
 - ✧ Zilla (District) Parishad formed by all panchayat Samitis in a district.
 - ✧ Zilla Parishad consists of Elected Representatives, officials, and local MLAs.
 - ✧ Municipalities and Municipal Corporations are set up for urban areas. These elected bodies oversee Urban Governance.

The Indian Panchayati Raj Institutions are the largest democratic experiment globally. Around 36 lakh elected representatives are there in panchayats and municipalities. It deepens democracy and enhances women's representation. However, challenges still persist in the form of irregular Gram Sabha meetings and limited powers and resources transferred to Local Governments.

Despite challenges, local government's constitutional recognition fortifies India's democratic foundation as it empowers communities, strengthening self-governance.

Role of Government in Health

- ❖ In a democracy, people expect the government to work for their welfare. This could be through the provision of education, health, employment, housing or the development of roads, electricity etc.

What is Health?

- ❖ Health **encompasses more than just the absence of illness or injury**; it encompasses various factors that contribute to our overall well-being.
- ❖ Beyond diseases, health is influenced by **several factors** that often go unnoticed.
 - ✧ Consider the impact of clean **drinking water** and a **pollution-free environment**; both play significant roles in maintaining good health.
 - ✧ Conversely, **inadequate food and overcrowded** living conditions can make individuals susceptible to illnesses.
- ❖ Optimal Health isn't solely about avoiding physical ailments; it also involves Mental and Emotional aspects.
 - ✧ Being active, cheerful, and free from prolonged **Mental Strain** contributes to a healthy lifestyle.
 - ✧ Continuous periods of inactivity, anxiety, or fear can negatively impact well-being.
- ❖ In essence, health encompasses the **entirety of our lives**. It goes beyond disease prevention to encompass elements like access to clean resources, a safe environment, nutritious food, and positive mental states.
- ❖ Recognising these interconnected factors helps us approach health holistically, ensuring a **Balanced and Thriving Life**.

POINTS TO PONDER

The American Healthcare System is based on insurance-based coverage for healthcare services. On the other hand, the Scandinavian Countries have taken up a completely new route in the form of healthcare sponsorship by the government. The Indian healthcare system is a mix of both and in effect the public still bears the burden of healthcare expenses. Why do you think our system lagged behind? Which would be the better option to proceed in future?



Healthcare in India

Facts	Challenges
India has the largest number of medical colleges in the world and is among the largest producers of doctors . Approximately more than 30,000 new doctors qualify every year.	Most doctors settle in urban areas . People in rural areas have to travel long distances to reach a doctor. The number of doctors with respect to the population much less in rural areas.
Healthcare facilities have grown substantially over the years. In 1950, there were only 2,717 government hospitals in India. In 1991, there were 11,174 hospitals. In 2017, the number grew to 23,583.	About five lakh people die from tuberculosis every year. This number is almost unchanged since Independence! Almost two million cases of malaria are reported every year and this number is not decreasing.
India gets a large number of medical tourists from many countries. They come for treatment in some of the hospitals in India that are compared with the best in the world.	We are not able to provide clean drinking water to all. 21 percent of all communicable diseases are water borne. For example, diarrhoea, worms, hepatitis, etc.
India is the third largest producer of medicines in the world and is also a large exporter of medicines.	Half of all children in India do not get adequate food to eat and are undernourished.



Public and Private Healthcare in India

Healthcare Services can be broadly categorised into two main types: **Public health services and Private health facilities**. These categories serve different purposes and populations, each with its own characteristics and functions.

Public Health Services

- ❖ Public health services comprise a network of **Government-run Health Centres and Hospitals**. These facilities are strategically located in **both rural and urban areas**, providing a range of medical services, from common ailments to specialised treatments.
 - ✧ At the **Village Level**, health centres are staffed with nurses and village health workers trained to address common health issues, working under the guidance of doctors at **Primary Health Centres (PHCs)**.
 - ✧ **District Hospitals** oversee the operations of these health centres, while larger cities house government hospitals and specialised healthcare institutions.
- ❖ **Nature of Public Health services**
 - ✧ These facilities are **established and operated by the Government**.
 - ✧ **Funding** is derived from **taxes paid by the public**, with the objective of offering healthcare to all citizens.
 - ✧ **Emphasise quality healthcare** that is accessible either **free or at a low cost**, ensuring even the economically disadvantaged can avail treatment.
 - ✧ Plays a vital role in **Disease Prevention and Control**, requiring collaboration between the government and the public.
 - ✧ **For instance**, initiatives to prevent the breeding of **disease-carrying mosquitoes** involve the collective efforts of all residents.
- ❖ The Constitution **mandates** the government to uphold citizens' well-being and provide healthcare services for all, safeguarding the **Right to Life**.
- ❖ In situations where timely medical treatment is not delivered, this **Fundamental Right** is compromised. Courts have underscored the **Government's Responsibility** to provide essential health services, including emergency care.

Private Health Facilities

- ❖ These are owned and operated by individuals, organisations, or corporations.
- ❖ Offer medical services to those willing to pay for them. While they provide an alternative to public health services, they often come at a higher cost.

Why Pay Taxes to the Government?

- The government uses tax money to provide many public services for the benefit of all citizens.
- Some services, such as defence, police, judicial system, highways etc., benefit all citizens. Otherwise, the citizens cannot organise these services for themselves.
- Taxes fund developmental programmes and services such as education, health care, employment, social welfare, vocational training etc. required for needy citizens.
- Tax money is utilised for relief and rehabilitation in case of natural disasters such as floods, earthquakes, tsunami etc. Space, nuclear, and missile programmes are also funded from the revenues collected as taxes.

Conclusion

Federalism can be likened to a **harmonious rainbow**, where distinct colours unite in a balanced pattern. The balancing of power between the centre and states is a complex task, and there is no fixed formula that ensures seamless functioning. It is imperative that people and the political process cultivate values such as trust, cooperation, and tolerance. Federalism embraces both unity and diversity, with forced unity often leading to conflict. A responsive polity that respects autonomy nurtures a cooperative federation. Political parties also play a crucial role in determining how a constitution would work. There is a risk that if any single unit, state, linguistic group, or ideology comes to dominate the entire federation, it could generate deep resentment among people and its units. Therefore, a culture of trust, cooperation, mutual respect, and restraint is essential for federations to function smoothly.

Glossary:

- **Constituency:** A particular area from which all the voters living there choose their representatives. This could be, for example, a panchayat ward or an area that chooses an MLA.
- **Majority:** This is a situation when more than half the number in a group supports a decision or an idea. This is also called a Simple Majority.
- **Opposition:** This refers to elected representatives who are not members of the ruling party and who play the role of questioning government decisions and actions as well as raising new issues for consideration in the Assembly.
- **Press Conference:** A gathering of journalists from the media who are invited to hear about and ask questions on a particular issue and are then expected to report on this to the larger public.
- **Majoritarianism:** A belief that the majority community should be able to rule a country in whichever way it wants, by disregarding the wishes and needs of the minority.
- **Ethnic:** A social division based on shared culture. People belonging to the same ethnic group believe in their common descent because of similarities of physical type or of culture or both. They need not always have the same religion or nationality.
- **Prudential:** Based on prudence, or on careful calculation of gains and losses. Prudential decisions are usually contrasted with decisions based purely on moral considerations.
- **Coalition government:** A government formed by the coming together of at least two political parties. Usually partners in a coalition form a political alliance and adopt a common programme.
- **Governor:** He is the head of the State. She/He is appointed by the Central Government to ensure that the State Government works within the rules and regulations of the Constitution.
- **Jurisdiction:** The area over which someone has legal authority. The area may be defined in terms of geographical boundaries or in terms of certain kinds of subjects.
- **Civil war:** A violent conflict between opposing groups within a country that becomes so intense that it appears like a war.





Local Governments

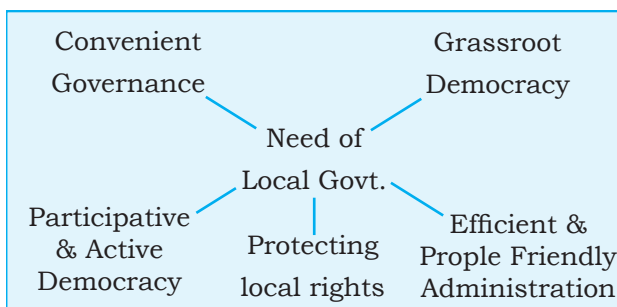
Bibliography: This Chapter encompasses the summary of Chapter 8 - XI NCERT (Indian Constitution at Work) and Chapters 4, 5, and 6 - VI NCERT (Social and Political Life-I).

Introduction

- ❖ Local governments are **instruments of decentralisation and participatory democracy**.
- ❖ It is government at the village and district level.
- ❖ It is the government closest to the common people.

Why Local Government?

- ❖ **Local knowledge and local interest** are essential ingredients for democratic decision-making.
- ❖ Local governments are **necessary for efficient and people-friendly administration**.
- ❖ It is convenient for the people to approach the local government to solve their problems both quickly and with minimum cost.
- ❖ Local governments can be very **effective in protecting the local interests** of the people.
- ❖ Strong and vibrant local governments ensure **both active participation and purposeful accountability**.
- ❖ Common citizens can be **involved in decision-making** concerning their lives, their needs, and above all, their development.



Growth of Local Government in India

Nehru, Ambedkar, and Gandhi on Local Government

- **Nehru:** He looked upon extreme localism as a threat to the unity and integration of the nation.
- **Dr. B.R. Ambedkar:** He felt that the faction and caste-ridden nature of rural society would defeat the noble purpose of local government at the rural level.
- **Gandhi:** He believed that Indian independence should begin at the village level. He envisioned self-sustaining villages managing their own affairs. This decentralized structure would create a strong nation, resembling a pyramid with villages as its base.

Before Independence

- ❖ Self-governing village communities existed in India from the earliest times in the form of **'Sabhas' (village assemblies)**.



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- ❖ In the course of time, these village bodies **took the shape of Panchayats** (an assembly of five persons), and these Panchayats resolved issues at the village level.
- ❖ Elected local government bodies (**the local boards**) were created after **1882. Lord Rippon**, who was the Viceroy of India at that time, took the initiative in creating these bodies.
- ❖ **By the Government of India Act, 1919**, village panchayats were established in a number of provinces. This trend continued after the **Government of India Act of 1935**.

After Independence

- ❖ **Community Development Programme (1952):** The programme sought to promote people's participation in local development in a range of activities. In this background, **a three-tier Panchayati Raj System** of local government was recommended for the rural areas.
- ❖ **P.K. Thungan Committee (1989):** The committee recommended constitutional recognition for the local government bodies.
- ❖ **73rd and 74th Constitution Amendment Acts, 1992:** Local governments got a fillip after these two amendment Acts, as they provided for periodic elections to local government institutions, and enlistment of appropriate functions to them, along with funds.

POINTS TO PONDER

Gandhian Gram Swaraj can be described as a 'non-exploiting decentralised, simple village economy providing for full employment to each one of its citizens on the basis of voluntary cooperation and working for achieving self-sufficiency in basic requirements of food, clothing, and other necessities of life.' Do you think PRIs as institutions have been able to achieve the Gandhian dream?



73rd and 74th Constitution Amendment Acts 1992

- ❖ These amendments **aimed at strengthening local governments** and ensuring an element of uniformity in their structure and functioning across the country.
- ❖ The **73rd Amendment** is **about rural local governments** (which are also known as Panchayati Raj Institutions or (PRIs), and the **74th Amendment** made the provisions relating to **urban local government (Nagarpalikas)**. The 73rd and 74th Amendments **came into force in 1993**.
- ❖ Since **local government is a State subject**, the States had to change their laws about local bodies in order to bring these in conformity with the amended Constitution.

POINTS TO PONDER

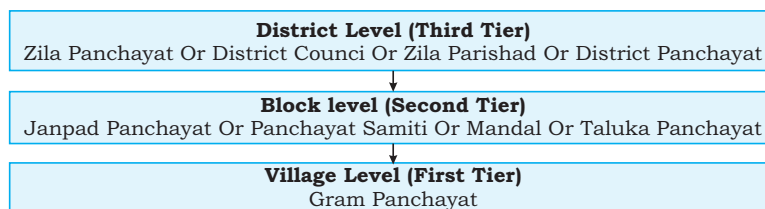
PRIs were envisaged to be the drivers of 'Bottom-up' Planning. However, they have been reduced to the status of execution agencies. Do you think the theoretical notion of planning by PRIs can solve the local issues that are not always tackled by the government machinery?



Features of the 73rd Constitution Amendment

1. Three Tier Structure:

Structure of Panchayati Raj System (Different Level of Panchayati Raj System)



2. Gram Sabha

❖ **Mandatory Provision:** The amendment also made a provision for the **mandatory creation of the Gram Sabha.**

- ❑ **Members:** The Gram Sabha would comprise all the adult members registered as voters in the Panchayat area.
- ❑ **Functions:** Its role and functions are decided by **State Legislation.**

Gram Sabha

- The Gram Sabha is a meeting of all adults who live in the area covered by a Panchayat.
- This could be only one village or a few villages. In some states, a village meeting is held for each village.
- Anyone who is 18 years old or older and who has the right to vote is a member of the Gram Sabha.

The Gram Panchayat

- The Gram Panchayat meets regularly and one of its main tasks is **to implement development programmes for all villages** that come under it.
- **Work of a Gram Panchayat** includes:
 - The construction and maintenance of water sources, roads, drainage, school buildings and other common property resources.
- Levying and Collecting Local Taxes.
- Executing government schemes related to generating employment in the village.
- **Sources of funds for the Panchayat:**
 - Collection of taxes on houses, market places etc.
 - Government scheme funds received through various departments of the government – through the Janpad and Zila Panchayats.
 - Donations for community works etc.

- ❖ The Gram Sabha is a **key factor** in making the Gram Panchayat play its role and be responsible.
- ❖ It is the place where all plans for the work of the Gram Panchayat are placed before the people.
- ❖ The Gram Sabha **prevents the Panchayat from doing wrong things** like misusing money or favoring certain people.
- ❖ It plays an important role in keeping an eye on the elected representatives and in making them responsible to the persons who elected them.

Every village Panchayat is divided into wards, i.e. smaller areas. Each ward elects a representative who is known as Ward Member (Panch). All the members of the Gram Sabha also elect a Sarpanch who is the Panchayat President. The Ward Panchs and the Sarpanch form the Gram Panchayat. The Gram Panchayat is elected for five years. The Gram Panchayat has a Secretary who is also the Secretary of the Gram Sabha. This person is not an elected person but is appointed by the government. The Secretary is responsible for calling the meeting of the Gram Sabha and Gram Panchayat and keeping a record of the proceedings.

3. Elections

- ✧ All the representatives at three levels of Panchayati Raj institutions **are elected directly by the people.**
- ✧ The term of each Panchayat body is **five years.**
- ✧ **Provision for immediate elections after dissolution** i.e., if the State government dissolves the Panchayat before the end of its five-year term, fresh elections must be held within six months of such dissolution.

4. Reservations

- ✧ **One-third** of the positions in all panchayat institutions are reserved for women.
- ✧ **Reservations for Scheduled Castes and Scheduled Tribes** are also provided for at all three levels, **in proportion to their population.**
- ✧ **If the States find it necessary**, they can also provide reservations for **the Other Backward Classes (OBCs).**
- ✧ Positions of **Chairpersons or 'Adhyakshas'** at all the three levels, also have reservations.
- ✧ Further, the reservation of one-third of the seats for women is not merely in the general category of seats but also within the seats reserved for Scheduled Castes, Scheduled Tribes, and backward classes.

5. Transfer of Subjects

- ✧ **Twenty-nine subjects**, which were earlier in the State list of subjects, are identified and listed in the **Eleventh Schedule of the Constitution.** These subjects are to be transferred to the Panchayati Raj institutions.

Article 243G: Powers, authority and responsibilities of Panchayats.—....., the Legislature of a State may, by law, endow the Panchayats with such powers and authority with respect to—..... the matters listed in the Eleventh Schedule.

- ✧ The actual transfer of these functions **depends upon the State legislation.** Each State decides how many of these twenty-nine subjects would be transferred to the local bodies **(Article 243G).**

Some subjects listed in the eleventh schedule

- Agriculture,
- Minor irrigation, water management and watershed development.
- Small scale industries, including food processing industries.
- Rural housing,
- Drinking water,
- Road, culverts,
- Poverty alleviation programme.
- Education, including primary and secondary schools.
- Technical training and vocational education.
- Adult and non-formal education.
- Libraries.
- Cultural activities.
- Markets and fairs.
- Health and sanitation, including hospitals, primary health centres and dispensaries.

- Family welfare.
- Women and child development.
- Social welfare.
- Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
- Public distribution system.

6. State Election Commissioner

- ✧ The **State government is required to appoint a State Election Commissioner** who would be responsible for conducting elections to the Panchayati Raj institutions.
- ✧ **The State Election Commissioner is an independent officer** and is not linked to nor is this officer under the control of the Election Commission of India.

7. State Finance Commission

- ✧ The State government is also **required to appoint a State Finance Commission** once in five years.
- ✧ **Functions:**
 - ❑ The Commission would **examine the financial position of the local governments** in the State.
 - ❑ It would also **review the distribution of revenues** between the State and local governments on the one hand and between rural and urban local governments on the other.

Panchayat Extension to Scheduled Areas (PESA) Act, 1996

- The provisions of the 73rd amendment were **not made applicable to the areas inhabited by the Adivasi populations** in many States of India.
- In 1996, a Separate Act was passed extending the provisions of the Panchayat system to these areas.
- For this purpose, **more powers are given to the Gram Sabhas** of these areas and elected village panchayats have to get the consent of the Gram Sabha in many respects.
- The idea behind this Act is that **local traditions of self-government should be protected** while introducing modern elected bodies. This is only consistent with the spirit of diversity and decentralisation.

Features of 74th Constitutional Amendment

Census of India Definition for “Urban”

- Minimum population of 5,000 persons
- Population density of at least 400 persons per square kilometer
- 75% of the male working population engaged in non-agriculture work

- ✧ As per the 2011 Census, about **31% of India’s population lives in urban areas**, hence the importance of the 74th Amendment Act.
- ✧ In many ways, the 74th Amendment is **a repetition of the 73rd Amendment**, except that it applies to urban areas.
- ✧ The Constitution also mandated the **transfer of a list of functions from the state government to the urban local bodies**. These functions have been listed in the **Twelfth Schedule** of the Constitution.

Municipal Corporation Finances

- The Municipal Corporation finances its services by collecting money through various means, primarily taxes.
- Property owners pay property taxes based on their property's size, contributing around 25-30% of the Corporation's income.
- Additional taxes are charged for education, businesses, and even movie tickets.
- This mix of taxes ensures both property owners and a wider population contribute to the Corporation's revenue.

Implementation of 73rd and 74th Amendments

Positive Outcomes

- ❖ **All States have now passed legislation** to implement the provisions of the 73rd and 74th Amendments.
- ❖ The 73rd and 74th amendments **have created uniformity in the structures** of Panchayati Raj and Nagarpalika institutions across the country.
- ❖ The provision for reservation for women at the Panchayats and Nagarpalikas has **brought a new perspective and a greater sensitivity to discussions at local bodies.**

Negative Outcomes

- ❖ **Reservations for Scheduled Castes and Tribes, and Backward classes** have made local bodies more representative of the social reality they operate within, sometimes leading to tensions.
- ❖ Many states have **not transferred most of the subjects to the local bodies**, making the local bodies toothless.
- ❖ The dependence of local bodies on the State and central governments for financial support has greatly **eroded their capacity to operate effectively.** While rural local bodies raise 0.24% of the total revenues collected, they account for 4% of the total expenditure made by the government. So, they earn much less than they spend. That makes them dependent on those who give them grants.

POINTS TO PONDER

Often, there is role conflict amongst bureaucrats, Urban Local Bodies, State level developmental agencies, and other stakeholders. This may at times, lead to a lack of accountability, blame shifting, dereliction of duty and thus misgovernance. If you were the policy maker, how you would have tackled the issue? Chart out a plan for this.



Conclusion

Local governments continue to be agencies implementing the welfare and development schemes of the Central and state government. Giving more power to local government means that we should be prepared for real decentralisation of power. Ultimately, democracy means that power should be shared by the people; people in the villages and urban localities must have the power to decide what policies and programmes they want to adopt. The laws about local governments are an important step in the direction of democratisation. But the true test of democracy is not merely in the legal provisions but in the practice of those provisions.





Marginalised Sections

Bibliography: This chapter encompasses the summary of Chapters 5 and 6 – VIII NCERT (Social and Political Life-III) and Chapters 4 and 5 - VII NCERT (Social and Political Life-II).

Introduction

In this chapter, we will look more closely at the ways in which inequality affects different groups and communities by introducing the concept of **marginalisation or exclusion from the mainstream**. We will focus on three groups, namely the **Adivasis, Muslims and Women**. These three groups have been chosen because the causes that contribute to each group's marginalisation are different, and they sometimes **experience marginalisation in different ways**.

Definition of Marginalisation

- ❖ In a social environment, groups of people or communities may have the **experience of being excluded**. This is referred to as marginalisation.
- ❖ Their marginalisation can be because of **linguistic or cultural differences** or it can be because of their **poor social status**.
- ❖ Sometimes, marginalised groups are viewed with **hostility and fear**.

Marginalisation As a Social Evil

- ❖ Marginalisation creates a **sense of difference and exclusion** among the backward communities.
- ❖ This further leads to communities **not having access** to resources and opportunities and increases their **inability to assert their rights**.
- ❖ They experience a **sense of disadvantage and powerlessness** compared to those who are powerful, dominant sections of society having their own land, enough wealth, better educated and politically powerful.
- ❖ This **economic, social, cultural and political powerlessness** further makes these groups feel marginalised leading to a vicious cycle of **impoverishment**.

POINTS TO PONDER

The causes of marginalization have become a constant part of public discourse. What is the major reason behind this persistent marginalization: the history of Indian Society, the colonial rule, or the mismanagement of Public Policy post-independence?



*To understand marginalisation better, let's study marginalisation faced by **Adivasis and Muslim** in detail.*

Adivasis and their Marginalisation

Meaning of Adivasis

- ❖ **Tribal or Adivasis** (the term literally means '**original inhabitants**') are communities who lived, and often continue to live, in close association with forests.



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- ❖ **More than 8 percent of India's population is Adivasi** and many of India's most important mining and industrial centres are located in Adivasi areas like Jamshedpur, **Rourkela, Bokaro, and Bhilai** among others.
- ❖ Adivasis are not a homogeneous population: **there are over 500 different Adivasi groups in India.**
- ❖ Adivasis are particularly numerous in **major states** like Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Gujarat, Maharashtra, Rajasthan, Andhra Pradesh, West Bengal and in **the north-eastern states of** Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.
- ❖ A state like **Odisha** is home to more than 60 different tribal groups.
- ❖ Adivasi societies are also most distinctive because **there is often very little hierarchy among them.** This makes them radically different from communities organised around **principles of jati-varna (caste)** or those ruled by kings.
- ❖ **The Lokur Committee (1965)** was set up to look into criteria for defining Schedule Tribes. The Committee recommended 5 criteria for identification, namely, primitive traits, distinct culture, geographical isolation, shyness of contact with the community at large, and backwardness.
- ❖ Tribals share a **unique relationship** with forests because forests not only ensure their **livelihood**, but they also worship forests as **sacred entities**:

Forest and Tribal

- As we know that forests were absolutely crucial to the development of all empires and settled civilisations in India. Metal ores like iron, copper, gold, silver, coal, and diamonds, timber, most medicinal herbs and animal products (wax, lac, honey), and animals themselves (elephants, the mainstay of imperial armies) all came from the forests.
- Forests covered a major part of our country till the nineteenth century, and the Adivasis had a deep knowledge of, access to, as well as control over most of these vast tracts.
- This meant that they were **not ruled by large states and empires.** Instead, **empires heavily depended on Adivasis** for crucial access to forest resources.
- In the pre-colonial world, they were traditionally ranged **hunter gatherers and nomads and lived by shifting agriculture** and **also cultivating in one place.**
- Although these remain, for the past 200 years, Adivasis have been increasingly forced – through economic changes, forest policies, and political force applied by the State and private industry – to migrate to live as workers in plantations, at construction sites, in industries and as domestic workers.

Socio-cultural Aspects of Tribals

Religious beliefs and other cultural practices of Adivasis are different from mainstream society. Those are inherently unique in their own way. These are as follows:

Religious Beliefs of Adivasi People

- Adivasis **practice a range of Religious practices** that are different from Islam, Hinduism, and Christianity. These often involve the **worship of ancestors, village, and nature spirits.**
- These spirits are associated with and residing in various sites in the landscape – **'mountain-spirits,' 'river-spirits,' 'animal-spirits,'** etc.
- The **village spirits** are often worshipped at specific **sacred groves** within the village boundary, while the **ancestral** ones are usually worshipped at home.



	<ul style="list-style-type: none"> ➤ Additionally, Adivasis have always been influenced by different surrounding religions like Shakti, Buddhist, Vaishnav, Bhakti and Christianity. ➤ Simultaneously, Adivasi religions themselves have influenced dominant religions around them, for example, the Jagannath cult of Odisha and Shakti and Tantric traditions in Bengal and Assam. ➤ In the 19th century, a lot of Adivasis converted to Christianity, which emerged as an important religion in history.
Languages of Adivasis	<ul style="list-style-type: none"> ➤ Adivasis have their own languages (most of them radically different from and possibly as old as Sanskrit), which have often deeply influenced the formation of 'mainstream' Indian languages, like Bengali. ➤ For example - Santhali has the largest number of speakers and has a significant body of publications, including magazines on the internet or in E-magazines.

Table 12.1: Socio-cultural Aspects of Adivasis

Different Issues Faced by Adivasis

Tribals are cherished for their unique culture and distinct identities, but many of their **issues** are neglected by mainstream society. Although the origin of these issues mainly remains in **colonial policies**, we haven't succeeded in addressing them properly till this very day.

Following are the issues that are still pertinent:

Adivasis and Stereotyping	<ul style="list-style-type: none"> ➤ In India, we usually 'showcase' Adivasi communities in particular ways. ➤ Adivasis are invariably portrayed in very stereotypical ways – in colourful costumes, headgear and through their dancing. ➤ This often wrongly leads to people believing that they are exotic, primitive, and backward. ➤ Often Adivasis are blamed for their lack of advancement as they are believed to be resistant to change or new ideas.
Deprivation in the tribal groups for the cause of development	<ul style="list-style-type: none"> ➤ A survey report by organisations working among Adivasis shows that 79 percent of the persons displaced from the states of Andhra Pradesh, Chhattisgarh, Odisha, and Jharkhand are tribal. Huge tracts of their lands have also gone under the waters of hundreds of dams that have been built in independent India. Also, in the North east, their lands remain highly militarised. ➤ India has 101 National Parks covering 40,564 sq. km and 543 wildlife sanctuaries covering 1,19,776 sq. km. These are areas where the tribal originally lived but were evicted from there. Paradoxically they have stayed continuously in these forests, they are termed encroachers. ➤ Losing their lands and access to the forest means that tribal lose their main sources of livelihood and food. Hence, they have migrated to cities for work where they are employed for very low wages in local industries or at building or construction sites. ➤ 45 percent of tribal groups in rural areas and 35 percent in urban areas live below the poverty line. This leads to deprivation in other areas. Many tribal children are malnourished. ➤ Literacy rates among tribal are also very low. ➤ When Adivasis are displaced from their lands, they lose much more than a source of income. They lose their traditions and customs – a way of living and being.

Table 12.2: Issues Faced by Adivasis

- ❖ There exists an **interconnectedness between the economic and social dimensions of tribal life**. Destruction in one sphere naturally impacts the other. Often this process of dispossession and displacement can be painful and violent.
- ❖ We realise that one of the major **dilemmas** faced by the government is between **development and displacement**, i.e., many of the developmental initiatives of the government lead to the displacement of Tribals. Hence, it becomes imperative to balance **these two** to ensure the holistic development of Tribals and society.
- ❖ *On similar lines to Tribals, **minorities**, be it linguistic or cultural, also face discrimination in various forms, hence it also becomes imperative to study the **marginalisation faced by minorities** in detail.*

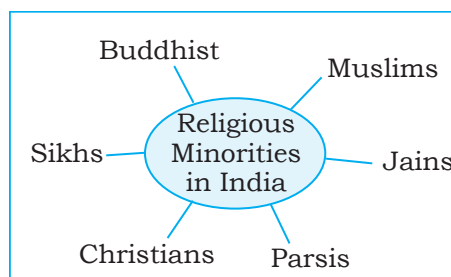
Minorities and their Marginalisation

- ❖ The term **minority** is most commonly used to refer to **communities that are numerically small** in relation to the rest of the population.
- ❖ However, it is a concept that goes well beyond numbers. It encompasses issues of power, and access to resources. It also has social and cultural dimensions.
- ❖ The Indian Constitution recognises that the **culture of the majority** influences the way in which society and government might express themselves. Thus, **safeguards are needed** to protect minority communities against the possibility of being **culturally suppressed** by the majority.
- ❖ Given certain conditions, **communities that are small in number** relative to the rest of society may feel **insecure** about their lives, assets, and well-being.
- ❖ This **sense of insecurity may get accentuated** if the relations between the minority and majority communities are fraught.
- ❖ Hence, our constitution provides safeguards to religious and linguistic minorities as part of our Fundamental Rights. This helps in protecting India's cultural diversity and promoting equality as well as justice.
- ❖ Following are the different religious minorities in India:

To grasp about minority marginalisation further better, let's analyse the marginalisation in context of India's **largest minority - Muslims**.

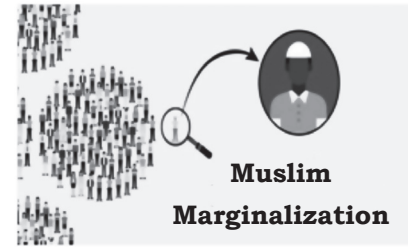
POINTS TO PONDER

The debate of marginalized in India is heavily tilted towards the domain of identity. The identity markers like caste, creed, color, race, region, gender and religion have held strong ground in the debate over marginalization. Do you think identity should be used to identify the marginalized or it would be better to give primacy to actual economic conditions should be given the primacy?



Marginalisation Experienced by Muslims

- ❖ According to the 2011 census, **Muslims are 14.2 percent of India's population** and are considered a marginalized community in India today because, in comparison to other communities, they have, over the years, been **deprived of the benefits of socio-economic development**.
- ❖ The data in the three tables below, clarifies the situation of the Muslim community with regard to **basic amenities, literacy and public employment**.



Census of India Surveys Diagrams:

I. Access to Basic Amenities, 2008-2009

Religious Community	Pucca House	Electricity	Tap Water
Hindu	65.4	75.2	43.7
Muslim	63.8	67.5	35.8
Christian	69.3	86.2	48.0
Sikh	91.3	96.0	49.3

Table 12.3: Access to Basic Amenities, 2008-2009

Source: India Human Development Report 2011: Towards Social Inclusion, Oxford University Press for Institute of Applied Manpower Research, Planning Commission, Government of India, New Delhi, p. 346, 389, 392

II. Literacy Rate by Religion, 2011 (percentages)

All	Hindus	Muslims	Christians	Sikhs	Buddhists	Jains
74	63	57	74	67	71	86

Source: Census of India 2011

Table 12.4: Literacy Rate by Religion, 2011 (percentages)

III. Public Employment of Muslims (percentages)

Population	IAS	IPS	IFS	Central Public Sector Unit (PSU)	State PSU	Banks and RBI
13.5	3	4	1.8	3.3	10.8	2.2

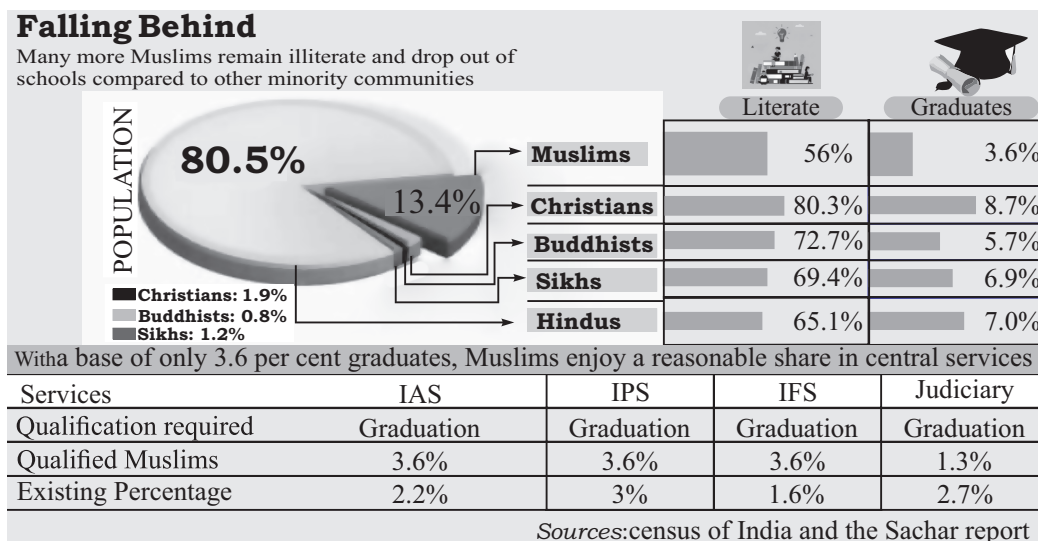
Table 12.5: Public Employment of Muslims (percentages)

Source: Social, Economic and Educational Status of the Muslim Community of India, Prime Minister's High Level Committee Report 2006

Justice Sachar Committee Report to Address the Problem of Marginalisation of Muslims

- ❖ Recognising that Muslims in India were lagging behind in terms of various development indicators, the government set up a **high-level committee in 2005**.
- ❖ Chaired by **Justice Rajindar Sachar**, the committee **examined the social, economic and educational status of the Muslim community in India**.
- ❖ It discusses in detail the **marginalisation of this community**.

- ❖ It suggests that on a range of social, economic, and educational indicators, the situation of the Muslim community is **worse compared to that of other marginalised communities** like Scheduled Castes and Scheduled Tribes.
- ❖ **For example**, according to the Report, the **average years of schooling** for Muslim children between the ages of **7–16** is much lower than that of other socio-religious communities.
- ❖ The following data further clarifies this picture:



Social Marginalisation of the Muslim Community

- ❖ Economic and social marginalisation experienced by Muslims has **other dimensions** as well.
- ❖ Like other minorities, Muslim **customs and practices** are sometimes quite **distinct from mainstream society**.
- ❖ Some – not all – Muslims may wear a burqa, sport a long beard, or wear a fez, and these become ways to identify all Muslims. Because of this, they tend to be **identified differently**, and some people think they are not like the **‘rest of us’**.
- ❖ Often, this becomes an excuse to **treat them unfairly** and **discriminate** against them.
- ❖ Sometimes, this prejudice leads to **hatred and violence**.
- ❖ This social marginalisation of Muslims in some instances has led to them migrating from places where they have lived, often leading to the **ghettoization of the community**.

Through the example of Muslims, we can see that like tribals, Muslims also have faced discrimination due to their religious identity. This has led to a **long history of struggle and resistance** which is the result of the desire of marginalised communities to maintain their **cultural distinctiveness** while having access to rights, development and other opportunities.

Confronting Marginalisation

Struggle by Marginalised Communities

- ❖ Above, we have read about **two different groups** and their experiences of **inequality and discrimination**. Though powerless, these groups have **fought protested and struggled** against being excluded or dominated by others.
- ❖ They have attempted to overcome their situation by adopting a range of strategies in their long history. **Religious solace, armed struggle, self-improvement and education, economic uplift** etc. – there appears to be no one way of doing things.

- ❖ In all cases, the **choice of struggle** has depended on the circumstances that the marginalised find themselves in.
- ❖ Adivasis, Dalits, Muslims, Women, and other marginal groups argue that simply by being **citizens of a democratic country**, they possess **equal rights** that must be respected.
- ❖ Many among them look up to the **Constitution** to address their concerns.

In this regard, it is important to study how the **Constitution of India** is something that acts as a shield for the marginalised groups in the course of their struggles.

We will look at how **rights under the Constitution are translated into laws** to protect groups from continued exploitation, and we will also look at the government's efforts to formulate **policies to promote the access** of these groups to development.

Measures to Empower Marginalised Sections

The above-mentioned struggles of marginalised sections were recognised by **Constituent Assembly**. It has attempted to strengthen marginalised sections by **ensuring fundamental rights** to them and also **mandated subsequent governments** to take appropriate measures to ensure equal rights to them.

Let's study these steps one by one:

Invoking Fundamental Rights

- ❖ The Constitution lays down the **principles** that make our society and polity **democratic**.
- ❖ These principles find their place in the list of **Fundamental Rights**. These rights are available to all Indians equally.
- ❖ As far as the marginalised are concerned, they have drawn on these rights in two ways:
 - ✧ **First**, by insisting on their Fundamental Rights, they have forced the government to **recognise the injustice** done to them.
 - ✧ **Second**, they have insisted that the government **enforce these laws**.



- ❖ In some instances, the struggles of the marginalised have influenced the government to frame new laws, in keeping with the spirit of Fundamental Rights.

- ❖ The given picture depicts instances of untouchability. This has been prohibited by Article 17 of the Constitution. It means that no one can henceforth prevent Dalits from educating themselves, entering temples, using public facilities, etc.
- ❖ It means that **it is wrong to practise untouchability**, and this practice will not be tolerated by a democratic government. In fact, **untouchability is a punishable crime now**.

Untouchability and Dalits

- There are other sections in the Constitution that help to strengthen the argument against untouchability – for example, **Article 15** of the Constitution states that **no citizen of India shall be discriminated against on the basis of religion, race, caste, sex or place of birth**.
- This has been used by Dalits to **seek equality** where it has been denied to them.
- Therefore, Dalits can **'invoke' or 'draw on' a Fundamental Right** (or Rights) in situations where they feel that they have been treated badly by some individual or community, or even by the government.
- Also, by granting different forms of cultural rights, the **Constitution tries to ensure cultural justice** to such groups.
- The Constitution does this so that the culture of these groups is neither dominated nor wiped out by the culture of the majority community.

Role of Government in Promoting Social Justice

- ❖ As part of their effort to implement the Constitution, both state and central governments create specific schemes for implementation in tribal areas or in areas that have a high Dalit population.
- ❖ In addition to providing certain **facilities**, the government also operates through **laws** to ensure that concrete steps are taken to end inequity in the system.
- ❖ One such law/policy is the **reservation policy** that today is both significant and highly contentious.
- ❖ This law, which **reserves seats in education and government employment** for Dalits and Adivasis, is based on an important argument - that in a society like ours, where for centuries sections of the population have been denied opportunities to learn and to work in order to develop new skills or vocations, a democratic government needs to step in and assist these sections.

Working of Reservation Policy

- ❖ Governments across India have their **own list of Scheduled Castes (or Dalits), Scheduled Tribes and backward and most backward castes**. The central government too has its own list on similar lines.
- ❖ Students applying to **educational institutions** and those applying for posts in government services are expected to furnish **proof of their caste or tribe status**, in the form of caste and tribe certificates.
- ❖ If a particular Dalit caste or a certain tribe is on the government list, then a candidate from that caste or tribe **can avail of the benefit of reservation**.
- ❖ For admission to colleges, especially to institutes of professional education, such as medical colleges, governments define a set of 'cut-off' marks.

- ❖ This means that not all Dalit and tribal candidates can qualify for admission, but **only those who have done reasonably well and secured marks above the cut-off point** can avail such benefits
- ❖ Along with these, governments also offer **special scholarships** for these students.

Protecting the Rights of Dalits and Adivasis

The government has made **several legislative provisions** to provide adequate protection to marginalised sections.

Let's study one such Act along with **conditions that compelled the government to pass it**:

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Background

- This Act was **framed in 1989** in response to demands made by Dalits and others that the government must take seriously the ill-treatment and humiliation Dalits and tribal groups face in an everyday sense.
- While such treatment had persisted for a long time, it had acquired a violent character in the late 1970s and 1980s. During this period, in parts of southern India, a number of assertive Dalit groups came into being and asserted their rights – they **refused to perform their so-called caste duties and insisted on being treated equally**.
- They refused to follow practices that created the **humiliation and exploitation of Dalits**.
- In order to indicate to the government that untouchability was still being practised and in the most heinous manner, Dalit groups demanded new laws that would list the various sorts of violence against Dalits and prescribe stringent punishment for those who indulge in them.

Nature of the Act

- The above struggles resulted in Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 which contains a very long list of crimes.
- The Act does not only describes terrible crimes but also lets people know what dreadful deeds human beings are capable of.
- In this sense, laws such as these seek to both punish as well as influence the way we think and act.

The Act distinguishes several levels of crimes

- **Firstly**, it lists modes of humiliation that are both physically horrific and morally reprehensible and seeks to punish those who:
 - force a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
 - forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him or her naked or with painted face or body or commits any similar act which is derogatory to human dignity;
- **Secondly**, it lists **actions that disposes Dalits and Adivasis** of their meagre resources or which force them into performing slave labour.
- **Thirdly**, the Act **sets out to punish anyone who**:
 - wrongfully occupies or cultivates any land owned by, or allotted to a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred.
 - Also, Act recognizes that **crimes against Dalit and tribal women are of a specific kind** and, therefore, seeks to penalise anyone who:
 - assaults or uses force on any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour her.

Adivasi Demands and 1989 Act

- ❖ The 1989 Act is important for another reason – Adivasi activists refer to it to defend their right to occupy land that was traditionally theirs.
- ❖ Adivasis are often unwilling to move from their land and are forcibly displaced.
- ❖ Activists have demanded that those who have forcibly encroached upon tribal lands should be punished under this law.
- ❖ They have also pointed to the fact that this Act merely confirms what has already been promised to tribal people in the Constitution – that land belonging to tribal people cannot be sold to or bought by non-tribal people.
- ❖ In cases where this has happened, the Constitution guarantees the right of tribal people to re-possess their land.

POINTS TO PONDER

What do you think would have happened to the tribal population of India if the Constitution had not provided them with adequate safeguards to protect themselves?



Additional Information

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:

- The central government passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- The Act states that it is **meant to undo the historical injustices** meted out to forest dwelling populations in not recognising their rights to land and resources.
- This Act **recognises their right to homestead, cultivable and grazing land** and to non-timber forest produce.
- The Act also points out that the rights of forest dwellers include conservation of forests and bio-diversity.

The Scourge of Manual Scavenging

- ❖ Manual scavenging refers to the **practice of removing human and animal waste/excreta** using brooms, tin plates, and baskets from dry latrines and carrying it on the head to disposal grounds some distance away.
- ❖ A manual scavenger is the person who does the job of carrying this filth. This job is **mainly done by Dalit women and young girls**.
- ❖ According to the Andhra Pradesh-based **Safai Karamchari Andolan**, an organisation working with manual scavengers, there **are one lakh persons** from Dalit communities who continue to be employed in this job in this country and who work in 26 lakh private and community dry latrines managed by municipalities.
- ❖ Manual scavengers are **exposed to sub-human conditions of work and face serious health hazards**.
- ❖ They are constantly **exposed to infections** that affect their eyes, skin, respiratory and gastrointestinal systems.
- ❖ They **get very low wages** for the work they perform.

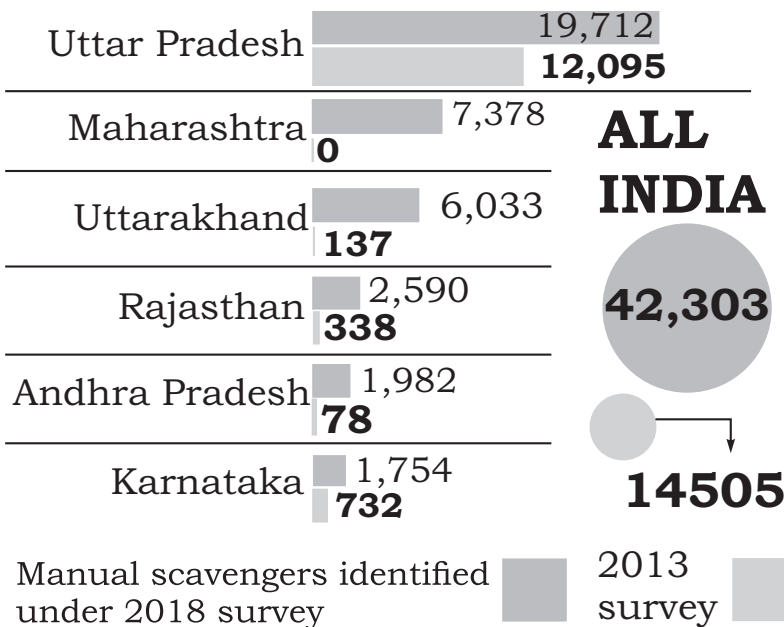


Prohibition of Employment as Manual Scavengers and their Rehabilitation Act

- In 1993, the government passed the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act**.
- This law **prohibits the employment of manual scavengers as well as the construction of dry latrines**.
- In 2003, the **Safai Karamchari Andolan** and 13 other organisations and individuals, including seven scavengers, filed a PIL in the Supreme Court.
- The petitioners **complained that manual scavenging still existed**, and it continued in government undertakings like the railways.
- The petitioners sought **enforcement of their Fundamental Rights**.
- The court observed that the number of manual scavengers in India had increased since the 1993 law.
- It directed every department/ministry of the union government and state governments to verify the facts within six months.
- If manual scavenging was found to exist, then the government department has to actively take up a time-bound programme for their liberation and rehabilitation.
- The **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act** came into force on **6 December 2013**.

The following data depicts the shocking numbers of this inhuman practice showing an increase in a number of persons engaged in manual scavenging:

STINKING STATS



SKILL DEVELOPMENT TRAINING

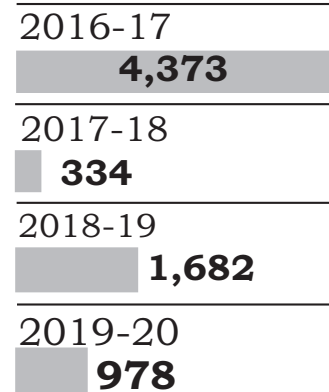


Figure 12.1: Manual Scavengers identified in 2013-2018



It can be seen that the existence of a right or a law or even a policy on paper does not mean that it exists in reality. People have to constantly work on or make efforts to translate these into principles that guide the actions of their fellow citizens or even their leaders. The desire for equality, dignity, and respect is not new. It has existed in different forms throughout our history. Similarly, even in a democratic society, similar processes of struggle, writing, negotiation, and organising need to continue.

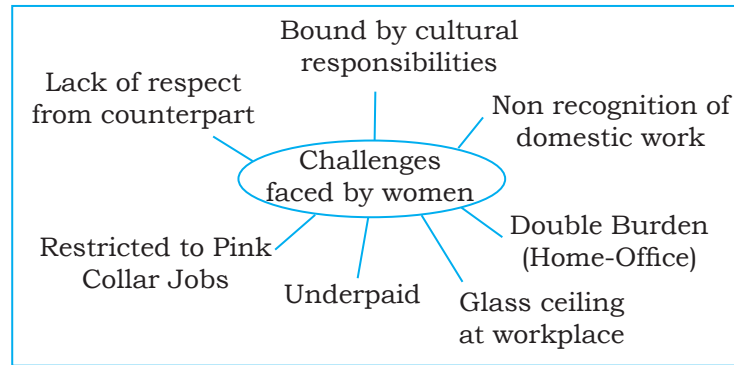
Struggle of Women

Where does the Struggle of Women Start?

- ❖ Being a boy or a girl is an important part of one's identity.
- ❖ The society in which we grow up teaches us what kind of behaviour is acceptable for girls and boys, and what boys and girls can or cannot do.
- ❖ That means the struggle of women starts from the very family in which she grows.
- ❖ We often grow up thinking that these things are exactly the same everywhere. Often, we think that there is only one way in which children grow up.
- ❖ This is because we are most familiar with our own experiences. If we talk to elders in our family, we will see that their childhoods were probably very different from ours.



Various Challenges Faced by Women



Let us look at how the different roles assigned to boys and girls prepare them for their future roles as men and women. We will learn that most societies value men and women differently. The roles women play and the work they do are usually valued less than the roles men play and the work they do. We will also examine how inequalities between men and women emerge in the area of work.

Discrimination Starting at Childhood Itself

- ❖ We realise that **societies make clear distinctions** between boys and girls.
- ❖ This begins from a very young age. We are, for example, **given different toys to play with**. Boys are usually given cars to play with and girls' dolls. Both toys can be a lot of fun to play with. Why are girls then given dolls and boys cars?
- ❖ Toys become a **way of telling children** that they will have different futures when they become men and women.
- ❖ If we think about it, this **difference is created in terms of the smallest and most everyday things**.
- ❖ How girls must dress, what games boys should play, how girls need to talk softly or boys need to be tough.
- ❖ All these are ways of telling children that **they have specific roles to play** when they grow up to be men and women.
- ❖ Later in life, this affects the subjects we can study or the careers we can choose.
- ❖ In most societies, including our own, **the roles men and women play or the work they do, are not valued equally**. Men and women do not have the same status.

Inequalities Between Men and Women in the Area of Work:

Valuing Housework	<ul style="list-style-type: none"> ➤ Across the world, the main responsibility for housework and care-giving tasks, like looking after the family, especially children, the elderly, and sick members, lies with women. ➤ Yet, as we have seen, the work that women do within the home is not recognised as work. ➤ It is also assumed that this is something that comes naturally to women. ➤ It, therefore, does not have to be paid for. And society devalues this work.
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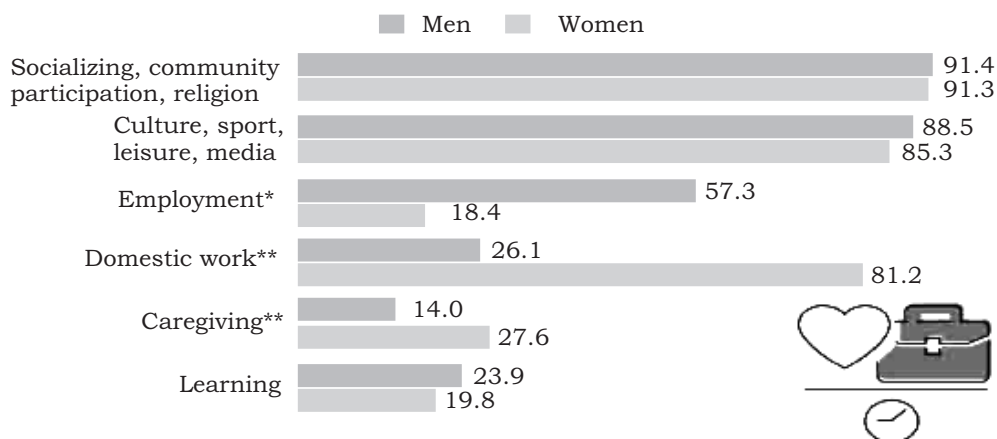
Lives of Domestic Workers

- Many homes, particularly in towns and cities, **employ domestic workers.**
- Most domestic workers are women. Sometimes, even young boys or girls are employed to do this work.
- They do a lot of work – sweeping and cleaning, washing clothes and dishes, cooking, and looking after young children or the elderly.
- Despite the hard work they do, their employers **often do not show them much respect.**
- In fact, what we commonly term housework actually involves many different tasks. A number of these tasks **require heavy physical work.**
- In both rural and urban areas, women and girls have to fetch water. In rural areas, women and girls carry heavy head loads of firewood.
- Tasks like washing clothes, cleaning, sweeping and picking up loads require bending, lifting and carrying. Many chores like cooking involve standing for long hours in front of hot stoves.
- **The work women do is strenuous and physically demanding, words that we normally associate with men.**
- Another aspect of housework and care-giving that we do not recognise is that **it is very time consuming.**
- In fact, if we add up the housework and the work women do outside the home, we find that **women spend much more time working than men** and have much less time for leisure.

Table 12.6: Inequalities between men and women in the area of work

Work and Home Divided Among Gender Lines in India

Share of urban and rural persons participating
in the following activities in a day in India (in %)



* or related activities ** unpaid, for own household

Time use/diary survey of 138,799 urban/rural Indian households in a single 24h in 2019

Source: Indian Ministry of Statistics

The following table highlights **work inequalities between both genders** with data from the States of Haryana and Tamil Nadu.



State	Women Paid (work hours per week)	Women Unpaid (Housework hours per week)	Women (Total)	Men Paid (Work hours per week)	Men Unpaid (Housework hours per week)	Men (Total)
Haryana	23	30	?	38	2	?
Tamil Nadu	19	35	?	40	4	?

Table 12.7: Data from a study done by the Central Statistical Organization of India (1998-1999).

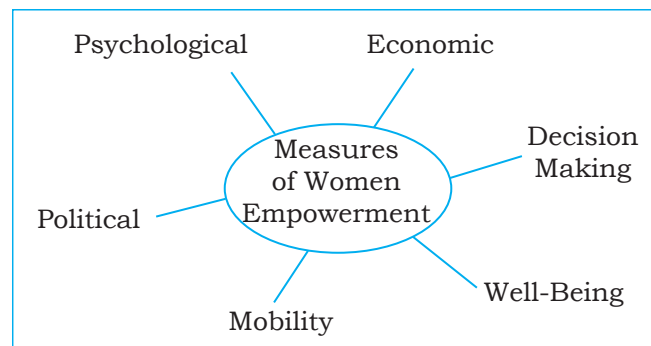
Women's Work and Equality

- ❖ As we have seen, the **low value attached to women's household** and care-giving work is not an individual or family matter.
- ❖ It is part of a larger system of inequality between men and women.
- ❖ Therefore, it has to be **dealt with through actions**, not just at the level of the individual or the family but also by the government.
- ❖ As we now know, **equality is an important principle** of our Constitution.
- ❖ The Constitution says that **being male or female should not become a reason for discrimination**. But In reality, inequality between the sexes exists.
- ❖ Therefore, the government is committed to understanding the reasons for this and taking **positive steps to remedy the situation**.
- ❖ Principle of equality helps to determine whether women can work outside the house and what kind of jobs and careers they can have.
- ❖ The **government has set up Anganwadis or child-care centres in several villages** in the country.
- ❖ The government has passed laws that make it mandatory for organisations that have more than 30 women employees to **provide crèche facilities**.
- ❖ The **provision of crèches** helps many women to **take up employment** outside the home. It also makes it possible for more girls to attend schools.

POINTS TO PONDER

Increasingly today, we see more and more women participating in the formal workspace and public sphere. This is instrumental in generating economic independence for women in India. However, with the traditional structure of the family being resilient, women are also burdened with domestic responsibilities.

1. Do you think women in India and across the globe face the 'Dual Burden'?
2. Do you think men will adapt to sharing domestic responsibilities in the near future?



Change in Opportunities for Women

Fewer opportunities and rigid expectations	<ul style="list-style-type: none"> ➤ It is important to understand that we live in a society in which all children face pressure from the world around them. ➤ Sometimes, these come in the form of demands from adults. ➤ At other times, it can just be because of unfair teasing by our own friends. ➤ Boys are pressured to think about getting a job that will pay a good salary. ➤ They are also teased and bullied if they do not behave like other boys. ➤ Because so many people believe in these stereotypes, many girls do not get the same support that boys do to study and train to become doctors and engineers. ➤ In most families, once girls finish school, they are encouraged by their families to see marriage as their main aim in life.
Learning for change	<ul style="list-style-type: none"> ➤ In the nineteenth century, many new ideas about education and learning emerged. ➤ Schools became more common, and communities that had never learnt reading and writing started sending their children to school. ➤ But there was a lot of opposition to educating girls even then. ➤ Yet many women and men have made efforts to open schools for girls. ➤ Women have struggled to learn to read and write.
Schooling and education today	<ul style="list-style-type: none"> ➤ Today, both boys and girls attend school in large numbers. Yet there still remain differences between the education of boys and girls. ➤ According to the 1961 census, about 40 percent of all boys and men could at least write their names, compared to just 15 percent of all girls and women. ➤ In the most recent census of 2011, these figures have grown to 82 percent for boys and men, and 65 percent for girls and women. ➤ This means that the proportion of both men and women who are now able to read and have at least some amount of schooling has increased. ➤ But the percentage of the male group is still higher than that of the female group. The gap has not gone away.

Table 12.8: Women and Change

Girls of Minority Communities and Schooling

Situation of girls schooling is more depressing when we look into girls of minority communities. Here is a table that shows the **percentage of girls and boys who leave schools** from different social groups including Scheduled Caste (SC) and Scheduled Tribe (ST).

Average Annual Drop-out Rate in School Education (2014-15)

(in percentage)

Level	All			SC			ST		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary (Classes 1-5)	4.36	3.88	4.13	4.71	4.202	4.46	7.02	6.84	6.93
Upper Primary (Classes 6-8)	3.49	4.60	4.03	5.00	6.03	5.51	8.48	8.71	8.59
Secondary	17.21	16.88	17.06	19.64	19.05	19.36	24.94	24.40	24.68

Source: Educational Statistics at a Glance, MHRD, 2018

Table 12.9: Average Annual Drop-out rate in School Education (2014-15)

- ❖ According to the above table, **the rate of SC and ST girls leaving school is higher than that of the category 'All Girls.'**
- ❖ This means that girls who are from Dalit (SC) and Adivasi (ST) backgrounds are less likely to remain in school.
- ❖ The 2011 census also found that **Muslim girls are less likely** to complete primary school **than SC and ST girls.**
- ❖ While a Muslim girl is likely to stay in school for around three years, girls from other communities spend around four years in school.
- ❖ In many parts of the country, especially in rural and poor areas, there **may not even be proper schools or teachers** who teach on a regular basis.
- ❖ If a school is not close to people's homes, and there is **no transport like buses or vans**, parents may not be willing to send their girls to school.
- ❖ Many families are too poor and unable to bear the cost of educating all their children.
- ❖ Boys may get preference in this situation.
- ❖ Many children also leave school because they are discriminated against by their teacher and classmates.

Role of Women's Movement in Changing Status of Women

- ❖ Women and girls now have the right to study and go to school. There are other spheres – like **legal reform, violence and health** – where the **situation of women and girls has improved.**
- ❖ These changes have not happened automatically. Women individually and collectively have struggled to bring about these changes. This struggle is known as the **Women's Movement.**
- ❖ Individual women and women's organisations from different parts of the country are part of the movement. Many men support the women's movement as well.
- ❖ The **diversity, passion and efforts** of those involved makes it a very vibrant movement.
- ❖ Different strategies have been used to spread awareness, fight discrimination and seek justice. Let's have a look at these various strategies:

Campaigning

Campaigns to fight discrimination and violence against women are an important part of the women's movement. Campaigns have also led to new laws being passed. A law was made in 2006 to give women who face physical and mental violence within their homes, also called **domestic violence**, some legal protection. Similarly, efforts made by the women's movement led the Supreme Court to formulate guidelines in 1997 to protect women against sexual harassment at the workplace and within educational institutions.

In the 1980s, for example, women's groups across the country spoke out against 'dowry deaths' — cases of young brides being murdered by their in-laws or husbands, greedy for more dowry. Women's groups spoke out against the failure to bring these cases to justice. They did so by coming onto the streets, approaching the courts, and sharing information. Eventually, this became a public issue in the newspapers and society, and the dowry laws were changed to punish families who seek dowry.

Raising Awareness

An important part of the women's movements' work is to raise public awareness on women's rights issues. Their message has been spread through street plays, songs and public meetings.

Protesting

The women's movement raises its voice when violations against women take place or for example, when a law or policy acts against their interests. Public rallies and demonstrations are a very powerful way of drawing attention to injustices.

Showing Solidarity

The women's movement is also about showing solidarity with other women and causes.

Conclusion

The experiences of the above groups point to the fact that marginalisation is a complex phenomenon requiring a variety of strategies, measures and safeguards to redress this situation.

All of us have a stake in protecting the rights defined in the Constitution and the laws and policies framed to realise these rights. Without these, we will never be able to protect the diversity that makes our country unique or realise the State's commitment to promote equality for all.

Glossary:

- **Displaced:** It refers to people who are forced or compelled to move from their homes for big development projects, including dams, mining, etc.
- **Hierarchy:** A graded system or arrangement of persons or things. Usually, persons at the bottom of the hierarchy are those who have the least power. The caste system is a hierarchical system.
- **Ghettoisation:** A ghetto is an area or locality that is populated largely by members of a particular community. Ghettoisation refers to the process that leads to such a situation. This may occur due to various social, cultural, and economic reasons.
- **Militarised:** An area where the presence of the armed forces is considerable.
- **Malnourished:** A person who does not get adequate nutrition or food.
- **Morally Reprehensible:** This refers to an act that violates all norms of decency and dignity that a society believes in. It usually refers to a hideous and repugnant act that goes against all the values that a society has accepted.
- **Identity:** Identity is a sense of self-awareness of who one is. Typically, a person can have several identities. For example, a person can be a girl, a sister, and a musician.
- **Stereotype:** When we believe that people belonging to particular groups based on religion, wealth, or language are bound to have certain fixed characteristics or can only do a certain type of work, we create a stereotype. For example, in this chapter, we saw how boys and girls are made to take certain subjects not because he or she has an aptitude for it, but because they are either boys or girls.
- **Discrimination:** When we do not treat people equally or with respect we are indulging in discrimination. It happens when people or organisations act on their prejudices. Discrimination usually takes place when we treat someone differently or make a distinction.
- **Sexual Harassment:** This refers to physical or verbal behaviour that is of a sexual nature and against the wishes of a woman.





Miscellaneous

Bibliography: This Chapter encompasses the summary of Chapters 6, 7, and 8- VII NCERT (Social and Political Life-II).

Understanding Media

Introduction

- ❖ Media is the plural form of medium. It refers to different means of communication that reach a large number of people, such as television, newspapers, radio, TV, Internet, films and magazines.
- ❖ Everything ranging **from the stall at the local fair to the programme** that we see on TV can be called media.
- ❖ Media can be rightly considered the **fourth pillar of democracy**, the other three being legislature, executive and judiciary.
- ❖ It can also be described as the various ways through which we communicate in society.
- ❖ TV, radio and newspapers are a form of media that **reaches millions of people or the masses** across the country and the world. So, they are called **the mass media**.

POINTS TO PONDER

The Media is considered the fourth pillar of democracy. It is supposed to be the eye through which the public keeps a view of the government. There have been question marks on the neutrality, integrity, and objectivity of the media content. Can you think of the steps that should be taken to ensure free and fair media?



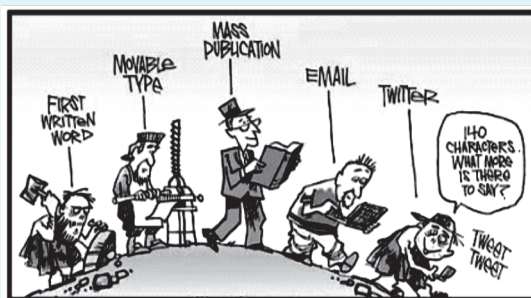
Media and Technology

- ❖ Newspapers and magazines are considered **print media** due to their reliance on traditional printing methods, while TV and radio are classified as **electronic media** due to their distinct technologies.
- ❖ Advancements in technology have enabled media to reach larger audiences and enhance the quality of **audio and visual content**. Moreover, these technological changes have not only transformed how we **consume information and entertainment** but also **influenced our perception** of the world.
- ❖ The use of satellites and cables facilitates the transmission of television images over vast distances, enabling us to witness events in far-off locations.
- ❖ This technological progress has effectively brought the world closer and closer together.
- ❖ The impact of mass media, which includes newspapers, magazines, television, and radio, has significantly shaped our modern lives.



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Evolution of Communication



A caveman with a hammer and a rock appears to be the earliest method of communication in the cartoon. Messages on stone and cave walls date back to the Paleolithic epoch. The following cartoon shows a printing machine being used as a “movable kind” of communication. In the 1400s, the printing press provided a new means for communication to go further than it had previously. The next person is the man in the center, who is in charge of mass publication. Here, written books were able to circulate and give knowledge to the general public. Electronic mail was invented in 1993, making communication faster and simpler. The cartoon depicts a man using a laptop. The last man is using a cell phone and tweeting. The cartoonist intended to convey a message and demonstrate the many forms of the evolution of communication.

Media and Money

- ❖ Mass media needs a great deal of money to do its work mainly because of its **costly inventory** and **constant change in technology**.
- ❖ **Advertising** is the main source of income for mass media.

Media and Democracy

- ❖ In a democracy, the media plays a very important role in **providing news and events** taking place in the country and the world. It also provides a platform to discuss the same.
- ❖ **Citizens learn** how the government works through the media and **make informed decisions** on the basis of these news stories.

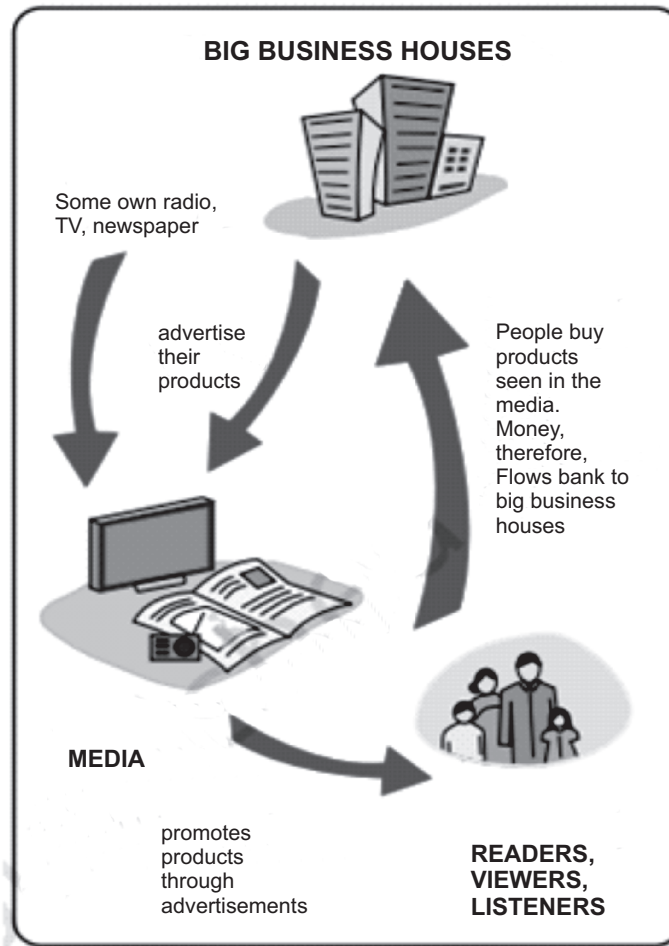
Need of Independent Media

- ❖ **Balanced media** reporting that discusses and takes into consideration all points of view of a particular story and then leaves it to the readers to make up their minds is very important.
- ❖ An independent media is **important in a democracy**. We as citizens make decisions based on information given by the media, so it is important that this information is **reliable and not biased**.

Hindrance to Independent Media

- ❖ **Censorship:** First is the government’s control over the media through censorship. There have been periods in Indian history when the government censored the media. The worst of these was the Emergency period between 1975–1977.
- ❖ **Control of Business Houses:** Despite the absence of censorship by the government, most newspapers nowadays still fail to provide a balanced story because of the control that business houses have over the media.
- ❖ **Continual Need for Money:** The Media’s continual need for money and links to advertising make it further difficult to report people who give them advertisements.

- ❖ **Focus on One Aspect of Story:** The media also tends to **focus on a particular aspect of a story** because they believe this makes the story interesting. Also, if they want to increase public support for an issue, they often do this by focusing on one side of a story.



Role of Media in Setting Agendas

- ❖ It is widely stated that the media sets the agenda because of its tremendous effect on our lives and in molding our opinions.
- ❖ Media plays an important role in deciding what stories are to be focused on.
- ❖ **For Example:**
 - ✧ The media drew our attention to **alarming levels of pesticides in cola drinks**. They published reports that

Role of Local Media

- The mainstream media frequently overlooks minor issues affecting everyday people.
- Various local groups have initiated their own media initiatives.
- Community radio and simple video cameras are utilised to share practical information with farmers and document the challenges faced by marginalised communities.
- A prime example is the newspaper "**Khabar Lahriya**," managed by Dalit women in Uttar Pradesh. Written in the local language, it addresses Dalit issues, gender violence, and corruption, reaching a diverse readership including farmers, shopkeepers, and educators.

indicated the high level of pesticides and thus made us aware of the need to regularly monitor these colas according to international quality and safety standards. They did this despite the government's resistance by boldly declaring that coal was unsafe.

- ✧ 2G spectrum scam.

Markets Around Us

Weekly Markets

- ✧ A weekly market is so-called because it is held on a specific day of the week. Weekly markets do **not have permanent shops**. Traders set up shops for the day and then close them up in the evening.
- ✧ **Characteristics:**
 - ✧ Many things in weekly markets are available at **cheaper rates**.
 - ✧ **Low inventory cost** as they store everything at house.
 - ✧ **Helped by their family members** and hence do not need to hire workers.
 - ✧ **Highly competitive pricing** because of the large number of sellers.
 - ✧ Most things you need are available at one place.
 - ✧ Option to choose from a variety of goods.



Shops in the Neighborhood

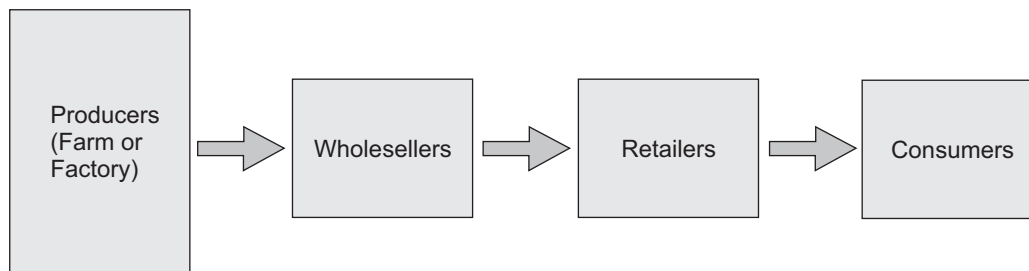
- ✧ They are **near our home**, and we can go there on any day of the week. Usually, the buyer and seller know each other, and these shops also **provide goods on credit**.
- ✧ Some of the sellers have permanent shops, and others sell their goods by the roadside.

Shopping Complexes and Malls

- ✧ These are the markets in the urban area that have many shops, popularly called shopping complexes.
- ✧ Multi-storeyed air-conditioned buildings with shops on different floors.

Chain of Markets

- ✧ A series of markets that are connected like links in a chain because products pass from one market to another.



Chain of Markets

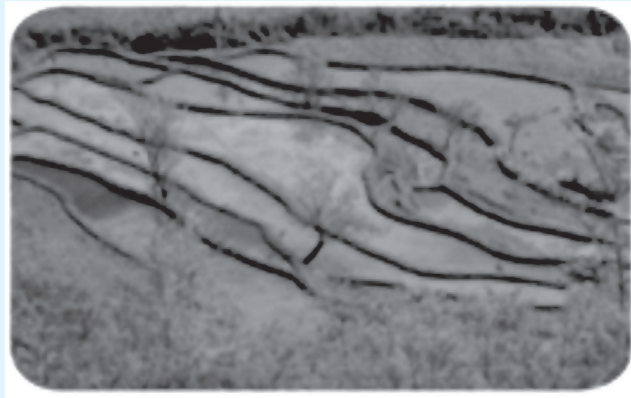
Terrace Farming in Nagaland

This is a village called Chizami, which is in Phek district in Nagaland. The people of this village belong to the Chakhesang community. They do 'terrace' cultivation.

This means that the land on a hill slope is made into flat plots and carved out in steps. The sides of each plot are raised in order to retain water. This allows water to stand in the field, which is best for rice cultivation.

The people of Chizami have their own individual fields. But, they also work collectively in each other's fields. They form groups of six or eight and take an entire mountainside to clean up the weeds on it.

Each group eats together once their work for the day is over. This goes on for several days until the work is completed.



Weaver's Cooperative



We have seen that the weavers are paid very little by the merchant under the putting-out system. Weaver's cooperatives are one way to reduce the dependence on the merchant and earn a higher income for the weavers. In a cooperative, people with common interests come together and work for their mutual benefit. In a weaver's cooperative, the weavers form a group and take up certain activities collectively. They procure yarn from the yarn dealer and distribute it among the weavers. The cooperative also does the marketing. So, the role of the merchant is reduced, and weavers get a fair price on the cloth.

At times, the government helps the cooperatives by buying cloth from them at a reasonable price. For instance, the Tamil Nadu government runs a Free School Uniform programme in the state. The government procures the cloth for this programme from the powerloom weaver's cooperatives. Similarly, the government buys cloth from the handloom weaver's cooperatives and sells it through stores known as Co-optex. You might have come across one of these stores in your town.



Stages in yarn processing

Yarn Processing and Weaver's Cooperative

Putting-out System

- ❖ The **arrangement between the merchant and the weavers** is an example of a putting-out system, whereby the merchant supplies the raw material and receives the finished product.
- ❖ It is prevalent in the weaving industry in most of the regions of India.

Market and Equality

- ❖ **Not everyone gains equally in the market.** Democracy is also about getting a fair wage in the market.
- ❖ The **foreign businessperson makes huge profits** in the market. Compared to this, the garment exporter makes only moderate profits. On the other hand, the earnings of the workers at the garment export factory are barely enough to cover their day-to-day needs.
- ❖ This is mainly due to the **ownership of powers of production in the hands of rich people.**

POINTS TO PONDER

From traditional village haats to global market networks, the evolution of the market in India has been spectacular. However, in the political domain, there has been a negative inertia and attitude towards free markets. Why do you think that the Political Discourse is unable to accept growth with open arms? Do you think the socialist hangover of political parties is a major cause for this?



Glossary:

- **Publish:** This refers to news reports, articles, interviews, stories, etc., that are printed in newspapers, magazines, and books for a wide audience to read.
- **Censorship:** This refers to the powers that the government uses to disallow media from publishing or showing certain stories.
- **Broadcast:** To send out or transmit (something, such as a program) by means of radio or television or by streaming over the Internet.
- **Public Protest:** When a large number of people come together and openly state their opposition to some issue. Organizing a rally, starting a signature campaign, blocking roads etc. are some of the ways in which this is done.
- **Weekly Market:** These markets are not daily markets but are to be found at a particular place on one or maybe two days of the week. These markets most often sell everything that a household needs, ranging from vegetables to clothes to utensils.
- **Mall:** This is an enclosed shopping space. This is usually a large building with many floors that has shops, restaurants, and, at times, even a cinema theater. These shops most often sell branded products.
- **Wholesale:** This refers to buying and selling in large quantities. Most products, including vegetables, fruits and flowers, have special wholesale markets.
- **Chain of Markets:** A series of markets that are connected like links in a chain because products pass from one market to another.

