

GAUHATI UNIVERSITY
Centre for Distance and Online Education

M.A. First Semester

(Under CBCS)

MASS COMMUNICATION

Paper: MMC 1015
Indian Society and Politics



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- Unit 2: Indian Society : Nature, Meaning and definitions; Indian Social Structure
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Course Structure

Master of Arts (MA) in Mass Communication (MAMC) in the CBCS Mode GUCDOE

Course Code	First Semester
MMC1015	Indian Society and Politics(C)
MMC1025	History of Media and Global Media Scenario(C)
MMC1035	Perspectives on Communication Theory(C)
MMC1045	Basics of Journalism(C)
MMC1054	Practical and Project(C)
	Second Semester
MMC2015	Electronic Media(C)
MMC2025	Advertising(C)
MMC2035	Public Relations and Corporate Communication(C)
MMC2045	Media Laws and Ethics(C)
MMC2054	Practical and Internship/Project(C)
	Third Semester
MMC3016	Film Studies(C)
MMC3024	Media and Communication Research(C)
MMC3035	Specialisation-I (ICT and Educational Media-I)(S.CC)
MMC3045	Specialisation-II (ICT and Educational Media-II)(S.CC)
MMC3054	Practical and Portfolio(C)
	Fourth Semester
MMC4016	Alternative Media & Journalism(C)
MMC4024	Communication for Development(C4D)(C)
MMC4034	Specialised Communications(C)
MMC4044	Current Affairs and Communicative Language(C)
MMC4056	Dissertation and Comprehensive Viva Voce(C)

ABOUT THE PROGRAMME AND GENERAL GUIDELINES

The primary objective of this programme is to plan for an all-round development of the media students that would comprise imbibing correct media education principles, inculcating modern media perspectives, understanding professional ethics and determining the pathway for media growth. Keeping all this in mind, the syllabus here has been designed keeping room for further modifications in order to adapt to the changing dynamics of the media world.

OBJECTIVES

The programme is designed to:

- Introduce various aspects of mass communication.
- Acquaint and train the learners on different uses of media strategies.

- Develop the skills of the learners on handling of different mass communication tools.

LEARNING OUTCOMES

After completion of this programme, the learners will be able to:

- Discuss the various theoretical and practical aspects of mass communication.
- Enumerate the existing and emerging trends of journalism and mass communication.
- Explain the methods of appropriate use of mass communication tools.
- Inherit the ethical values related to the mass media.
- Develop their skills on ICT and Educational Media
- Encourage media entrepreneurship

TEACHING PEDAGOGY

The teaching pedagogy shall consist of counselling sessions, tutorials, practical, interpersonal counselling, group activities, seminars, special lectures, workshops and field visits in addition to the Self Learning Materials (SLMs).

COUNSELLING SESSIONS

The counselling sessions are designed to encourage the learners to express their opinions, observations, share experiences, and ask questions. The learners should use this time to clarify their understanding of the concepts encountered in the Self Learning Materials(SLMs). Learners with these concerns should follow the guidelines presented in the syllabus for grievances.

COURSE COMMUNICATION

Learners are expected to show respect for instructors, action according to policies set by the University. The instructor will post lecture notes and learners may post their reports and other messages of interest on the official social media group, blog/group, email of the institute to be notified at the beginning of the academic session. When you e-mail to instructor or any faculty, make sure you put your full name, roll no, subject code and title of the paper/assignment in the subject line. All learners should provide their contact details at the time of admission.

COURSE PREPERATION AND PARTICIPATION

Learners are expected to read Self Learning Materials(SLMs)s prior to and post counselling. They should be ready with acquired ideas on the relevant topics which would be further discussed in the counselling sessions by the concerned counsellor with the aid of new teaching techniques, books and discussions.

Course Structure

Semester-I

Course Code	First Semester
MMC1015	Indian Society and Politics(C)
MMC1025	History of Media and Global Media Scenario(C)
MMC1035	Perspectives on Communication Theory(C)
MMC1045	Basics of Journalism-- Print Media(C)
MMC1054	Practical and Project(C)

Master of Arts (MA) in Mass Communication(MAMC)(CBCS), GUCDOE

First Semester; Paper- MMC-1015(C): Indian Society and Politics

End Semester Examination will be of **3 Hours** duration with 80 marks;
Internal Assessment will be of 20 Marks.

OBJECTIVES OF THE COURSE

The course is designed to:

- Introduce various aspects of the Indian society.
- Acquaint on the Constitution of India.
- Introduce the learners about the Indian government and politics.

LEARNING OUTCOMES

After completion of this course, the learners will be able to:

- Discuss the Indian socio-cultural structure.
- Enumerate the Constitution of India.
- Comprehend the Indian government and politics.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Indian Society and Politics(5 Credits)
MMC 1015 C	1	Indian Society <ul style="list-style-type: none">• Making of India- formation of the nation state, freedom struggle, post independent development (economic and political history).• Indian society: Nature, Meaning and Definition;• Indian Social Structure; Caste, Religion, Language in India.• North East India: History, culture and politics
	2	Constitution of India <ul style="list-style-type: none">• Historical Background, Constituent Assembly of India;• Philosophical foundations of the Indian Constitution; Salient

		Features, Preamble, <ul style="list-style-type: none"> • Fundamental Rights, Directive Principles of State Policy, Fundamental Duties. • Sixth schedule, Autonomous Council and North East India
	3	Indian Governments <ul style="list-style-type: none"> • Union Government: Structures of the Union Government and Functions, President, Prime Minister, Cabinet, Parliament, Parliamentary privileges; Supreme Court of India, Judicial Review. • State Government: Structure and Functions, Governor, Chief Minister, Cabinet, State Legislature, Judicial System in States, High Courts and other Subordinate Courts. Panchayati Raj.
	4	Indian Politics <ul style="list-style-type: none"> • Problems of the Indian Political System: Linguistic, Regionalism, Communalism, Insurgency, Terrorism, Caste, Corruption and Criminalisation of Politics. • Nation building in India: problems and prospects,
	5	Practical: The learners are suggested to read daily newspapers and magazines to keep themselves updated on various Socio-Political issues.

Key Readings(Paper Code--MMC-1015 C)

- 1) Basu, Durga Das, *Introduction to the Constitution of India*-New Delhi: Wadhwa and Company Law Publishers, 2002
- 2) Basu, Durga Das, *Introduction to the Constitution of India*—New Delhi: Prentice-Hall of India Pvt. Ltd. 1995.
- 3) Pylee, M.V., *Constitutional Amendments in India*-Delhi: Universal Law, 2003.
- 4) Mathew, P.D., *Fundamental Rights in Action*-New Delhi: Indian Social Institute, 1996.

E-Resources

- <https://india.gov.in/>
- <http://presidentofindia.nic.in/>
- <http://www.pmindia.gov.in/en/>
- <http://loksabha.nic.in/>

First Semester; Paper- MMC 1025(C) : History of Media and Global Media Scenario

End Semester Examination will of **3 Hours** duration with 80 marks;
 Internal Assessment will be of 20 Marks.

Objectives of the course

1. To trace the history and evolution of the modern media.
2. To acquaint the learners with the changing scenario of media growth.
3. To get a brief understanding of the structure of the global media scenario.

Learning Outcomes:

At the end of the course the learners will be able to:

1. Comprehend the concept of global media dynamics.
2. Develop a critical thinking on the global media scenario.

3. Build their perspectives on media evolution.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		History of Media and Global Media Scenario(5 Credits)
MMC 1025 C	1	History of Communication and Media <ul style="list-style-type: none"> • Early Communication Modes, the Oral Tradition, Written Language, Introduction to traditional and folk media with reference to India and North East. • Origin and growth of press in India and the World, History of Press in India in the Pre and Post Independence Period • Pioneers in Indian journalism, Growth of Indian language media, Media and social reforms, Media facilitating freedom struggle and mass awakening • History of Press in Assam, Role of press in Assam in the Freedom struggle.
	2	Growth and Development of Electronic Media, Alternate Media and New Media <ul style="list-style-type: none"> • Growth and Development of Radio as a Mass Medium in the World, The Golden Period of Radio, Radio during the World War, Growth of Public Service Broadcasting in the World, The Indian Radio Scenario – All India Radio to Private FM Broadcasting, Community Radio, Issues of News and Current Affairs in Private Radio, History of Prasar Bharati. • Growth and development of Television as a Mass Medium in the World, Growth of Satellite Television in the World, History of Indian Television: Doordarshan, Growth of SITE, Kheda Experiments, emergence of Satellite TV, DTH or Digital Broadcasting Service(DBS), HDTV, Conditional Access System (CAS) • History of Computer and Internet, Development of New Media, New Media and Mobile Telephony Services
	3	Global Media Scenario—Some key aspects <ul style="list-style-type: none"> • Importance of the study of Global Media Systems, The Information Rich West and the Information Poverty in the Underdeveloped countries. • Historical Dimension of the International Information, their Closed situation in the Socialist countries • Concept of Free Flow of Information and Imbalance, Origin of the concept of Imbalance, Information Imbalance between the Developed and Developing countries, the Western Bias in Free Flow of Information, Contemporary trends in the Media and International Relations. • NWICO, NIEO, NAMEDIA, NANAP, MacBride Commission Report, The Algiers Summit, UNESCO, UNO, G-20, G-10, ITU
	4	Global Media—An Overview <ul style="list-style-type: none"> • Newspapers and Magazines of different countries, Radio and Television of different countries, International Broadcasters—

		<p>BBC,CNN etc. and their current status, Growth and Status of Community media in the Global Perspective,</p> <ul style="list-style-type: none"> • International Media Conglomerates and their current status • Transnational News Agencies—Reuters, AP, AFP, TASS-ITAR, DPA, Xinhua, UPI, PTI, UNI and their current status, Alternatives to ‘Globals’---IANS, IRNS, PANA , CANA, NANAP etc. • Media Commercialisation Boom in Global Media, McDonaldization, Paid News Syndrome in the Global Media Scenario, Rupert Murdoch, ‘News of the World’ • International Film Industry—Hollywood, Canadian Film Industry etc., Satellite Television—Animated films, documentaries, short films etc.
	5	<p>Practical: The learners are suggested to regularly read newspaper and magazines of various countries, to watch the national and international TV Channels and to listen to the national and international radio broadcasters to have a wider scope of knowledge of the overall global media scenario.</p>

Key Reading (Paper Code—MMC-1025 C)

1. Arvind M. Singhal & Everett M. Rogers. (2001). *India's Communication Revolution: From Bullock Carts to Cyber Marts*. Sage
2. Briggs, A. (2008). *Social History of the Media: From Gutenberg to Internet*. Polity Press.
3. Bagdikian, H. Ben. (2004). *The New Media Monopoly*. Boston: Beacon Press.
4. Harman, S. Edward and Noam Chomsky. (1995). *Manufacturing Consent, the political economy of the mass media*. RHUK.
5. Howard, Phillip N. (2013). *Democracy's Fourth Wave?: Digital Media and the Arab Spring*. New York: Oxford University Press.
6. Kovarik, B. (2011). *Revolutions in Communication: Media History from Gutenberg to the Digital Age*. Continuum International Publishing Group.
7. Jeffry, Robin. (2000). *India's Newspaper Revolution: Capitalism, Technology and the Indian-language Press* (3rd), Oxford
8. Mehta, Nalin. (2008). *Television in India: Satellites, Politics and Cultural Change*. Routledge
9. Natarajan, J. (2000) *History of Indian Journalism*. Publication Division
10. Ninan, Sevanti. (2007). *Headlines from the Heartland: Reinventing the Hindi Public Sphere*. Sage
11. Sarma, P. Gobinda. (2007). *150 Years of Journalism in Assam*. Media Trust

E-Resources

- Agence France Presse: <http://afp.com>
- Associated Press: <http://www.ap.org/>
- Brief History of Indian Media: <http://masscommnow.blogspot.in/2012/04/briefhistory-ofindian-media.html>
- Indian Press: <http://www.pressreference.com/Gu-Ku/India.html>
- Indian Television: <http://www.indiantelevision.com/television>
- PTI News: <http://www.ptinews.com/>
- Press Information Bureau: <http://pib.nic.in/newsite/mainpage.aspx>

First Semester :: Paper-MMC 1035 C: Perspectives on Communication Theory

End Semester Examination will of **3 Hours** duration with 80 marks;

Internal Assessment will be of 20 Marks.

OBJECTIVES

The course is designed to:

- Introduce the basic aspects of communication.
- Correlate the theoretical aspects of communication.
- Introduce the learners to the target audiences and recent development in communication field.

LEARNING OUTCOMES

After completion of this course, the learners will be able to:

- Discuss the morphology of communication.
- Illustrate the audience pattern.
- Interpret growth, development and changing trends of communication in the contemporary world.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Perspectives on Communication Theory(5 Credits)
MMC 1035 C	1	Basics of Communication <ul style="list-style-type: none">• Communication: Definitions, meaning and scope, elements, processes and functions.• Different forms of communication, oral, written, upward, downward, horizontal communication, intra-personal, inter-personal, group, crowd, public, mass communication and their characteristics.• Feedback and barriers of communication. Verbal and Non-verbal communication, Effective communication. Listening in Communication, Public Opinion and Propaganda
	2	Models of Communication <ul style="list-style-type: none">• Need and significance of Models and Theories, Various Schools of Theory: Chicago School, Frankfurt School, Columbia School, Toronto School etc.• Communication models: SMR, SMCR, Harold. D. Lasswell, Charles. E. Osgood, Wilbur Schramm, George Gerbner, Newcomb, Westley & MacLean, Berlo's model, Johnson's model, Frank Dance's Helical model, and other new models of communication.
	3	Communication Theories <ul style="list-style-type: none">• Sociological Theories:- Cultivation, Agenda Setting, Uses and gratification, Dependency Theory.• Normative theories: Authoritarian, Free Press theory, Social Responsibility theory, Communist Media theory, Development Communication theory. Democratic Participant Media Theory, Media Hegemony; Emerging perspectives in Communication Studies: Alternatives to the dominant and the classical. Political economy perspective; Intercultural communication.

		<ul style="list-style-type: none"> • Media Effect theories: Magic Bullet theory, Limited -Effects; Psychological difference theory, personal influence theory • Structuralism, Cultural Theory, Post Modernism, Feminist Media Theory • Indian theories of communication
	4	Understanding Audience <ul style="list-style-type: none"> • Audience Formation and Experience, • Audience as public, Audience as Market, Media Effect and Audience Media Content and Audience: Freedom and gate-keeping, Content production- cultural production, Standardization and Gender Issues: Bias, Representation, Commercialization • Analyzing media content: Range of methods • Media Convergence
	5	Communication at the post- modern period <ul style="list-style-type: none"> • Communication as power relationship, media as a source of new political power, Modernity and new political thought, Press and political leadership, Political communication in India: Post independence movements, Emergency, rise of regional parties, economic reforms. • Media organizations of the State and Central Governments, Press Council of India(PCI), Registrar of Newspapers in India(RNI), Central Board of Film Certification(CBFC) etc. • Media imperialism, Media in troubled times- War and Conflicts, Media, security and terrorism.

Suggested Readings:

1. McQuail, D. (2010). *McQuail's Mass Communication Theory*. New Delhi: Sage Publications.
2. Stevenson, N. (1997). *Understanding media culture: Social theory and mass communication*.
3. Singhal, A. & Rogers, E M. (2001). *India's Communication Revolution: From Bullock Carts to Cyber Marts*. New Delhi: Sage Publications.
4. DeFleur, M.L. and S. Ball-Rokeach., *Theories of Communication*. Longman, New York.
5. McQuail, Denis and Windhl. *Communication Models for the Study of Mass Communication*. Longman, London.
6. Werner, Severin J. and Tankard W. James., *Communication Theories. Origin, Methods, Uses*. Longman, London.
7. Kincaid, D. Lawrence, *Communication Theory – Eastern and Western Perspectives*, Academic Press Inc., San Diego, 1987.
8. Kumar. J. Keval, *'Mass Communication in India*, Jaico Publishing house, Bombay, (New Ed.)
9. Rogers M. Everett. *A History of Communication Study*, New York, Free Press, 1997.
10. Littlejohn, W. Stephen. *Theories of Human Communication*, 3rd ed., Belmont, California,

1989.

11. Barlow, David M and Mills B. *Reading Media Theory: Thinkers, Approaches, Contexts*.

Pearson: Longman, London

E-RESOURCES

□ Communication Theory: <http://communicationtheory.org>

• Mass Communication Theory: <https://masscommtheory.com/>

First Semester; Paper- MMC 1045(C): Basics of Journalism- Print Media

End Semester Examination will of **3 Hours** duration with 80 marks;

Internal Assessment will be of 20 Marks

OBJECTIVES

The course is designed to:

- Introduce the various aspects of Journalism.
- Introduce with the basics of reporting and editing for print media.
- Introduce the learners about the basic concepts of related knowledge of journalism with special emphasis on print media.

LEARNING OUTCOMES

After completion of this course, the learners will be able to:

- Discuss the basic journalistic style, types and functions for print media.
- Get an idea about the basics of reporting and editing for print media.
- Get an idea about the other related knowledge required for good reporting and editing.

Course Outline

Paper Code	Unit	Subject Title / Contents of the Unit
		Basics of Journalism- Print Media(5 Credits)
MMC 1045 C	1	Basics and concept of News <ul style="list-style-type: none">• Concept of news; Sources of News; News sense and nose for news; authenticity, objectivity• Different types of news; 5Ws and 1H; NEWS; Exclusive news; Breaking News; News flow; Dateline, credit line and By-line, Deadline;• News writing- Basics, structure and know how, Leads: different types of leads• Structure of a newspaper: Components and design
	2	Concept of reporting <ul style="list-style-type: none">• Different types of reporting; Objective , Interpretative

		Investigative; Reporting beats; <ul style="list-style-type: none"> • Background research for reporting; Essentials of good reporting; • Responsibilities and liabilities of a news reporter; Qualities of a news reporter; • Difference in reporting for print and other mass media; Language of report writing; Inverted Pyramid and other styles;
	3	Basics of Editing <ul style="list-style-type: none"> • Concept of editing for print media; Meaning of editing; process and steps of editing for print media; • Newsroom setup; Editorial team and functions at each level; • Headlines- various types and language of headline. Art of Headline writing; Reference section; • Typesetting, layout and design, page makeup; supplements and special pages; Basics of Typography • Essential qualities and responsibilities of Editor
	4	Agency and photojournalism <ul style="list-style-type: none"> • News agency- purpose, function, structure and importance in mass communication; various services of news agency; syndicated services • Photojournalism as an integral part of news; Science and arts of Photography; Photo editing styles and software; caption writing,
	5	Practical: The learners are suggested to contribute write ups to the newspapers, magazines or blogs on any relevant issue.

Key Reading (Paper Code MMC 1045 C)

1. *Handbook Of Journalism And Mass Communication*- VB Agarwal+ VB

Gupta(concept)

2. *Journalism*- N Jayapalan(Atlantic)

3. *Journalism and mass communication*- Amit Desai(reference press)

4. *Radio and TV journalism*- JR Hackmoulder, PP Singh, FAD Jonge(Anmol books)

5. *Ethics and journalism*-Karen Sanders(sage)

6. *Broadcast news producing*- Brad Schultz(sage)

E-Resources

• Centre for Investigative Journalism in India: <http://cij.co.in/index.php>

• Daily Writing Tips: <http://www.dailywritingtips.com/the-art-of-writing-news/>

• How to write news story: <http://www.mediacollege.com/journalism/news/writestories.html>

• Press Information Bureau: <http://pib.nic.in/newsite/mainpage.aspx>

• Press Trust of India: <http://www.ptinews.com/home.aspx>

• Reuters: http://handbook.reuters.com/?title=Reporting_and_Writing_Basics

• Reporting and Writing Basics: The Hoot: <http://www.thehoot.org>

• Reuters Institute for Study of Journalism: <http://reutersinstitute.politics.ox.ac.uk/>

• United News of India: <http://www.uniindia.com/>

• Writing Centre: <https://writingcenter.gwu.edu/>

First Semester; Paper- MMC 1054(C) : Practical and Project

(For GUCDOE students, they will have to submit a report with their practical expertise gathered in the areas covered in Units 1, 3 & 4. A Written Practical and a Viva Voce on the report submitted for claiming their expertise and involvement in the practical will be held in the GUCDOE after the end semester theory examinations. Detailed guidelines will be provided along with the SLMs)

End Semester Project Work will carry 60 Marks, Written Practical will carry 20 Marks and the Comprehensive Viva-Voce will be of 20 Marks. There will be no Internal Assessment for this Paper.

OBJECTIVES

The course is designed to:

- **Introduce the basics of reporting including the field reporting**
- **Introduce the learners to the art of journalistic writing and technical know how**
- **Introduce the basics of folk art and dissemination of messages through traditional folk media**

LEARNING OUTCOMES

After completion of this course, the learners will be able to:

- **Develop the concept of writing news stories**
- **Determine on field applicability of news techniques**
- **Acquaint themselves with the technical skills required in news making**

Course Outline

Paper Code	Unit	Subject Title / Content of the Unit
		Practical and Project(4 Credits)
MMC 1054 C	1	Traditional Folk Media Tools of Community Communication, Puppetry, Street Play, Folk performances, Wall Magazine, Mobile Communication, Community Meetings, Workshops, Modernisation of Traditional Folk media, Awareness campaigns.
	2	Reporting and Editing Reporting for GU Times/Lab Journal/Blogs, Editing for GU Times/Lab journal/Blogs, Designing and Layout
	3	Opinion Writing & Photojournalism Letters to the Editors, Feature, Article, blog, photo feature, writing Photo caption and catch line, News Photography, Book Reviews, Film Reviews.
	4	Technical Operations Basics of Computer, Internet, DTP, MS Office, Pagemaker, Quark Express, Photoshop, CorelDraw.
	5	Presentation and Viva Voce Learners will present their collected report Portfolio on the practical

		assignments given with SLM and a Viva Voce will be conducted on the practical experiences.
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E-Resources

Press Trust of India (PTI): <http://www.ptinews.com/>

United News of India (UNI): <http://www.uniindia.com/>

Associated Press (AP): <http://www.ap.org/>

Reuters: <http://in.reuters.com/>

Agence France Presse (AFP): <https://www.afp.com/en>

Community Radio Management Information System:
<http://www.cronlineindia.net/defaultEng.asp?>

World Association of Community Radio Broadcasters: <http://www.amarc.org/>

LEARNING OUTCOMES:

PAPER-MMC-1015 (INDIAN SOCIETY AND POLITICS)

By means of this particular **Paper-MMC-1015 (Indian Society and Politics)**, the Learners will be able to acquire a great deal of pertinent knowledge and perspicaciously fathomable ideas about the diverse aspects of the Indian Society, Indian Social Structure, History of the Indian Society and its diverse systems such as the Caste Systems, Languages, Culture, Politics, Religious Dimensions etc. In addition, after reading the contents of this particular paper, the Learners will be able to acquire some relevant knowledge about the North East India and some of its pertinent or relevant aspects such as the History, Culture and Politics etc. Also by means of this particular **Paper-MMC-1015 (Indian Society and Politics)**, the Learners will be able to accumulate a wide array of knowledge about the Constitution of India & its frameworks, diverse aspects of the Indian Governments and also about the diverse aspects of the Indian Politics and the Indian Political System overall.

More specifically, after skimming through the contents of this **Paper-MMC-1015(Indian Society and Politics)**, the Learners will be deeply benefitted in terms of gathering a wide spectrum of knowledge about the diverse aspects under the Broad Study Area of the **Indian Society and Politics**. In a nutshell, the Learners, after having a thorough study of the contents of this **Paper-MMC-1015(Indian Society and Politics)**, will be able to—

- Discuss the various theoretical aspects of the formation of the Indian Nation State, specifically elucidating upon the Indian Freedom Struggle as well as the Economic and Political History of the country.

- Grasp a perspicaciously fathomable idea about the various relevant aspects of the Indian Society and the overall Indian Social Structure, with special focus upon the aspects such as the Indian Caste System, Indian Religious Systems, Indian languages, Indian Culture etc.
- Acquire some precious knowledge about the History, Culture and Politics of North East India.
- Know about the multiple dimensions of the Constitution of India, such as its historical background, Constituent Assembly of India, Philosophical Foundations of the Indian Constitution and some other Salient Features of it.
- Be enlightened about the diverse aspects of the Indian Governments.
- More specifically, be able to know about the overall structure of the Union Government of India and the State Governments of the country.
- Be aware about the diverse aspects of Indian Politics and the Indian Political System overall.

Unit: 1
Making of India – Formation of the Nation State,
Freedom Struggle;
Post Independent Development (Economic and
Political History)

Unit Structure:

- 1.1 Introduction
- 1.2 Objectives
- 1.3 Formation of the Nation State
- 1.4 Freedom Struggle
- 1.5 Post Independent India Development
- 1.6 Post Independent India--Economic History
- 1.7 Post Independent India--Political History
- 1.8 Let Us Sum Up
- 1.9 References and Suggested Readings
- 1.10 Model Questions
- 1.11 Answers to Check Your Progress

1.1 Introduction

The making of India as a nation-state is a complex and multifaceted process spanning centuries, shaped by diverse social, cultural, political, and economic forces. India's independence on August 15, 1947, marked a new era filled with optimism and a determination to overcome deep-seated challenges inherited from colonial rule. These included widespread poverty (with a significant portion of the population living below the poverty line), widespread illiteracy (with adult literacy rates estimated to be around 18% in 1951), endemic diseases, and deeply entrenched social inequalities based on caste and gender. While independence ended colonial rule, it was only the beginning of a concerted effort to address these long-standing issues and fulfill the aspirations of the freedom struggle.

The task of nation-building was embraced by India's leaders and its people with vigour and a profound belief in their capacity for self-

governance. Jawaharlal Nehru's "Tryst with Destiny" speech captured this spirit. A broad social consensus existed around core principles--nationalism, secularism, and democracy, coupled with a shared commitment to rapid economic progress and social transformation. These principles were forged during decades of the national movement.

Nehru played a key role in nurturing and expanding this consensus, advocating progressive policies to guide the nation. Immediate priorities included consolidating national unity, advancing the nation-building process, and establishing strong institutions for development and social change. Recognizing India's vast regional, linguistic, ethnic, and religious diversity, strengthening unity meant embracing and accommodating these varied identities within the Indian Union—a continuous and evolving process.

A secular ethos was emphasized, especially in the wake of Partition and its associated communal violence. Beyond political change, India needed economic and social upliftment. Emerging from severe economic deprivation, the nation aimed to boost agricultural and industrial productivity and achieve economic self-reliance. This required planned development and broad public participation to build an independent economy.

Social transformation also required confronting deep-rooted inequalities. Despite efforts for lower-caste empowerment and Mahatma Gandhi's campaigns against untouchability, the caste system remained a rigid social structure. Gender inequalities also persisted, with women facing social oppression and limited access to education and opportunities. The founding leaders faced the dual challenge of fostering a democratic culture among a largely illiterate population and achieving economic development within a democratic framework.

Rejecting the view that economic priorities should override democracy, they believed that democracy was integral to social progress. Economic development and democratic governance were seen as mutually reinforcing tools for eradicating inequalities and empowering marginalized groups towards a more just society.

The high expectations following independence, fueled by promises of progress and social justice, created a sense of urgency. India sought to accomplish in decades what industrialized nations had taken centuries to achieve—while upholding democratic values and respecting pluralism. Agrarian reforms, centralized planning through the Five-Year Plans, and a strong public sector were initially key strategies for transformation. However, by the late 1980s and early 1990s, the limitations of the centralized planning model became evident, leading to economic liberalization in 1991.

Maintaining political stability was crucial amid these aspirations. India largely managed a peaceful and gradual transformation, balancing stability with growth, social change, and the deepening of democratic processes. While the overall transition was peaceful, it is important to acknowledge that there were instances of political and social unrest, including communal tensions, regional insurgencies, and socio-economic protests.

1.2 Objectives

This unit aims to provide the learners a comprehensive understanding of India's historical journey, its struggle for independence, and the challenges and achievements in the post-independence era, particularly focusing on economic and political dimensions. The objectives of this unit are to----

- Analyze the historical, geographical, cultural, and social factors contributing to the formation and unification of the Indian subcontinent.
- Evaluate the impact of colonialism and the role of nationalist movements, including key figures like Gandhi, in India's path to independence.
- Assess the strategies and contributions of diverse socio-political groups to the Indian freedom struggle, emphasizing non-violent resistance.
- Examine post-independence challenges and government policies related to socio-economic development, nation-building, and the integration of princely states.
- Analyze the evolution of India's economic and political systems, evaluating the impact of key economic policies and the role of political institutions and leaders.

1.3 Formation of the Nation-State

On the historic night of August 14-15, 1947, India attained its long-awaited independence from British colonial rule. Jawaharlal Nehru, the first Prime Minister of independent India, delivered his iconic "Tryst with Destiny" speech to the Constituent Assembly of India, symbolizing the dawn of a new era. This pivotal moment marked the culmination of aspirations held by generations of Indians who had struggled for freedom.

Despite the diversity of ideologies, regions, and communities represented within the national movement, there was a broad consensus around two fundamental objectives--establishing a sovereign, democratic republic based on universal adult franchise, and prioritizing the welfare and upliftment of all citizens, particularly the marginalized, disadvantaged, and oppressed sections of society.

➤ The Challenges of a New Nation

Realizing the aspirations of independence presented formidable challenges. India's birth coincided with the traumatic Partition of 1947, a period marked by unprecedented communal violence, mass displacement, and the deaths of hundreds of thousands. These events cast a long shadow over the celebrations of freedom and tested the resolve of the nascent Indian state.

In its early years, independent India grappled with three major challenges--forging national unity amidst immense diversity, establishing a functional democratic system, and ensuring comprehensive socio-economic development. The country's vast geography and its multitude of languages, religions, and cultural identities led many, both within and outside the country, to question whether a unified nation could be sustained. The trauma of Partition further amplified these concerns, raising difficult questions about the role of regional, linguistic, and religious identities in the Indian Union, and how territorial integration—particularly of princely states—could be achieved.

The second major challenge was establishing a robust and resilient democracy. The Constitution of India, which came into effect on January 26, 1950, guaranteed fundamental rights, universal adult

franchise, and embraced a parliamentary system of government. However, adopting a democratic constitution was only the first step. The deeper challenge lay in institutionalizing democratic norms and fostering a participatory political culture in a largely poor and illiterate society.

The third challenge involved achieving inclusive development and social justice. While political equality was enshrined in the Constitution, translating this into economic and social empowerment required concerted policy efforts. The Directive Principles of State Policy, though non-justiciable, outlined broad welfare objectives and a vision of social and economic democracy. The real test lay in implementing policies that could address poverty, unemployment, and inequality, and ensure that the benefits of growth reached the most disadvantaged segments of society.

➤ **The Focus on Nation-Building**

How did independent India address the enormous challenges it faced, and how successfully did it fulfill the constitutional objectives of democracy, justice, and equality? This unit seeks to answer these questions by examining India's political trajectory in the decades following independence.

We begin by focusing on the formative years immediately after 1947, when the central challenge was nation-building. Understanding the historical context of independence—including the trauma of Partition, socio-economic backwardness, and political uncertainty—helps explain why national unity, political stability, and internal security were paramount concerns for the new leadership.

This unit will explore India's approach to creating a cohesive national identity that reflected the diverse aspirations of its people and addressed regional, linguistic, and cultural disparities. It examines the steps taken to consolidate territorial integration, preserve national sovereignty, and promote unity while accommodating diversity.

Subsequent units will delve into the challenges of building democratic institutions, ensuring inclusive governance, and pursuing equitable economic development within a constitutional framework.

➤ **The Linguistic Reorganization of States**

The process of nation-building in India extended beyond Partition and the integration of the Princely States to include the redefinition of internal state boundaries. This was not merely an administrative exercise but a politically sensitive task requiring a balance between the country's linguistic and cultural diversity and the imperative of national unity.

Under British colonial rule, provincial boundaries were drawn primarily for administrative convenience, often ignoring linguistic and ethnic considerations. The Indian national movement had long opposed these arbitrary divisions and, by the 1920 Nagpur session, the Indian National Congress had reorganized its provincial units along linguistic lines, reflecting its commitment to linguistic reorganization in a future independent India.

However, after independence and the trauma of Partition, the central leadership—especially Prime Minister Jawaharlal Nehru and Deputy Prime Minister Sardar Vallabhbhai Patel—feared that creating states along linguistic lines could encourage regionalism, threaten national integration, and divert focus from urgent socio-economic development. As a result, the issue was postponed.

Resistance emerged strongly, particularly in the Telugu-speaking regions of the Madras Presidency. The Vishalandhra movement, demanding a separate state for Telugu speakers, gained momentum. The situation escalated dramatically after Potti Sriramulu undertook a hunger strike and died after 56 days of fasting in December, 1952. His death led to widespread protests and public unrest.

In response, the Government of India announced the formation of a separate Andhra State (not yet Andhra Pradesh) on October 1, 1953. This decision sparked similar demands in other parts of the country, prompting the establishment of the States Reorganization Commission (SRC) in 1953, chaired by Fazl Ali, with K.M. Panikkar and H.N. Kunzru as members.

The SRC submitted its report in 1955, recommending the reorganization of states primarily on linguistic lines, while also considering administrative convenience and national interest. Based on its recommendations, the States Reorganization Act of 1956 was passed, creating 14 states and 6 union territories.

➤ **The Impact of Linguistic States**

In the early years after independence, there was significant apprehension that demands for separate states based on language could threaten India's fragile national unity, fuel separatist tendencies, and undermine the consolidation of the newly formed republic. Despite these initial concerns, the central leadership ultimately accepted the principle of linguistic reorganization, recognizing that accommodating regional and linguistic aspirations would help mitigate unrest and promote a more inclusive and democratic polity.

Over the decades since the creation of linguistic states—initiated with the formation of Andhra State in 1953 and formalized through the States Reorganization Act of 1956—it has become evident that this decision has had a profound and largely positive impact on Indian democracy. Linguistic reorganization broadened political participation, enabling people to engage with the democratic process in their own languages and reducing the dominance of the English-speaking elite. This inclusivity helped nurture regional leadership, expand electoral representation, and deepen grassroots democratic engagement.

Contrary to early fears, the linguistic reorganization did not lead to national disintegration. Instead, it provided a more logical and culturally cohesive basis for state boundaries, contributing to national integration by reducing regional alienation. In the long term, linguistic states have strengthened the federal structure by giving expression to India's linguistic and cultural diversity within a unified constitutional framework.

Most importantly, this development demonstrated India's commitment to pluralism and democratic accommodation. Indian democracy came to be defined not just by constitutional provisions or electoral practices but by its ability to embrace diversity—even

when such diversity posed challenges. The creation of linguistic states stands as a testament to India's belief in unity through diversity, a principle that has become a cornerstone of its democratic identity.

STOP TO CONSIDER-1

➤ Nation-Building and Linguistic Reorganization in Post-Independence India

After gaining independence in 1947, India faced the enormous task of uniting a diverse population, building democratic institutions, and ensuring socio-economic development. Nation-building involved territorial consolidation, managing Partition trauma, and addressing regional aspirations. A major milestone in this process was the linguistic reorganization of states, which, despite early fears of disintegration, ultimately reinforced democracy, inclusion, and national unity.

☑Key Pointers--

- **Formation of the Nation-State (1947)--**
 - Independence achieved on August 15, 1947.
 - Nehru's "Tryst with Destiny" speech marked the beginning of a sovereign democratic republic.
 - Shared goals-- democracy, equality, and welfare for all citizens.
- **Post-Independence Challenges--**
 - National Unity-- Diversity of languages, religions, and regions; impact of Partition.
 - Democracy-- Implementing the Constitution and instilling democratic norms.
 - Development-- Addressing poverty, inequality, and social justice.
- **Nation-Building Priorities--**
 - Territorial integration (e.g., princely states).
 - Balancing unity with diversity.

- Establishing political stability and inclusive governance.
- Linguistic Reorganization of States--
 - Colonial boundaries ignored linguistic identities.
 - Congress supported linguistic organization from 1920 (Nagpur session).
 - Initial post-independence hesitation due to fears of regionalism.
- Catalyst Event--
 - Potti Sriramulu's death in 1952 during a hunger strike for Andhra state.
 - Resulted in creation of Andhra State (1953).
- States Reorganization Commission (1953)--
 - Recommended reorganization based on linguistic lines (report in 1955).
 - States Reorganization Act (1956)-- Formed 14 states and 6 union territories.
- Impact of Linguistic States--
 - Enhanced political participation and regional representation.
 - Reduced alienation and supported national integration.
 - Strengthened federalism and democratic pluralism.
 - Affirmed "unity in diversity" as a foundational value of Indian democracy.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What were the three key challenges faced by independent India in its early years?

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2. What was the Vishalandhra movement, and what was its significance in the context of state reorganization?

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3. What was the initial concern regarding the creation of linguistic states, and what has been the long-term impact of this decision?

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4. What were the two fundamental objectives agreed upon by leaders during India's independence movement?

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5. What were the three major challenges India faced immediately after independence?

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6. Why was the idea of linguistic reorganization of states initially postponed after independence?

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7. What triggered the creation of Andhra State in 1953?

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8. What was the role of the States Reorganization Commission (SRC)?

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9. What did the States Reorganization Act of 1956 accomplish?

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10. How did linguistic reorganization impact Indian democracy in the long run?

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1.4 Freedom Struggle

The Indian struggle for independence stands as one of the most monumental mass movements in global history. After 1919, especially post the Jallianwala Bagh Massacre and the launch of the Non-Cooperation Movement (1920), it centered around the belief in active citizen participation in politics and liberation, effectively mobilizing a significant portion of the Indian populace into political action. Mahatma Gandhi, a pivotal leader, emphasized that mass movements emerged from the collective will of the people, though he acknowledged the critical role of leadership in shaping outcomes.

➤ Nonviolent Resistance and Political Participation

Nonviolent resistance, exemplified by Satyagraha, relied on widespread public participation and passive resistance, unlike violent revolutions often led by small, committed groups. The sustained involvement of ordinary people in political movements laid the groundwork for the Indian republic's founders to trust the people's political agency. This trust was reflected in the decision to adopt universal adult franchise in 1950, despite high levels of poverty and illiteracy.

➤ **Advocacy for Civil Liberties and Democracy**

The movement strongly advocated for representative democracy and civil liberties, deeply influencing public consciousness. The Indian National Congress, the principal organization of the movement, functioned democratically—resolutions and policies were openly debated and voted upon. Dissent within the party was not only tolerated but often encouraged, reflecting a genuine commitment to democratic dialogue.

➤ **Defending Civil Liberties Across Political Lines**

Prominent leaders, including Jawaharlal Nehru, Bal Gangadhar Tilak, and Subhas Chandra Bose at different times, defended civil liberties, emphasizing their importance in the democratic process. Free speech and association were seen as non-negotiable pillars of nation-building. The movement's adherence to nonviolence helped cultivate a democratic culture that preferred dialogue and constitutionalism over coercion or authoritarian rule.

Political groups with ideological differences—such as Congress Socialists, Communists, and Muslim League factions—at times advocated for each other's right to organize and speak, further reinforcing the democratic ethos.

➤ **The Movement's Role in Nation-Building**

The nationalist movement offered an alternative to both colonial authoritarianism and traditional feudal structures. It promoted democracy, civil liberties, secularism, and respect for dissent. This legacy helped distinguish post-independence India from neighbouring countries like Pakistan, where democratic institutions faced early setbacks.

The movement was aware that British colonial rule had paradoxically unified the Indian economy and administration while also fostering communal and regional divisions through policies like Divide and Rule. The nationalist project sought to heal these divisions through a unifying anti-colonial struggle.

➤ **Pan-Indian Character of the Movement**

From its inception, the movement claimed a pan-Indian identity. The Indian National Congress, founded in 1885, deliberately sought to build a national rather than provincial organization. Its leadership and support base came from across India, reinforcing its legitimacy as a national platform.

This national character facilitated the relatively smooth integration of princely states after independence, through a combination of diplomacy, popular support, and, in rare cases like Hyderabad and Junagadh, limited military intervention.

Other parties and grassroots groups, including the Communist Party of India and various peasant movements, also adopted pan-Indian frameworks.

➤ **Unity in Diversity and National Integration**

Nationalist leaders recognized India's diversity as a strength. Cultural, linguistic, and religious variety was celebrated, with the belief that regional identities could coexist with a broader Indian identity. The movement thus laid the foundation for the concept of unity in diversity.

While class differences were acknowledged, the movement generally adopted an inclusive approach, encouraging class organizations and workers' rights movements (e.g., the All India Trade Union Congress) without letting these fragment the national unity against colonial rule.

The dual ideas of unity in diversity (pluralism within federalism) and national integration (building a unified central state) became core principles of post-independence India.

STOP TO CONSIDER-2

- Mass Movement--The Indian freedom struggle became a large-scale participatory movement after 1919, emphasizing people's political agency.
- Gandhian Leadership--Gandhi promoted nonviolence

(Satyagraha), rooted in collective moral strength rather than elite leadership.

- Democratic Culture--The movement championed democracy, civil liberties, and debate, both within the Congress and nationally.
- Nonviolence & Rights-- Leaders defended free speech and association across political lines, reinforcing democratic norms.
- Nation-Building Legacy--The movement laid foundations for democracy and secularism, resisting colonial and feudal traditions.
- Pan-Indian Identity-- The INC and other groups worked beyond provincial boundaries, aiding national integration post-independence.
- Unity in Diversity--Nationalists celebrated India's diversity, fostering federalism and national integration as parallel ideals.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What role did nonviolence play in the Indian freedom struggle?

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2. How did the Indian National Congress promote democratic principles?

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3. What was the movement's approach to India's diversity?

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4. What significant shift occurred in the Indian freedom movement after 1919?

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5. What was Gandhi's view on the source of mass movements?

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6. How did the Indian National Congress reflect democratic values?

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7. What role did civil liberties play in the national movement?

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8. How did the nationalist movement contrast with colonial political culture?

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9. What was the importance of the movement's pan-Indian character?

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10. How did the movement handle India's cultural and class diversity?

1.5 Post Independent India Development

A comprehensive evaluation of India's developmental journey post-independence necessitates placing it within both a historical and comparative framework. It is imperative to consider the starting point and the distinctive endeavor to embark on industrial transformation within a democratic structure. Assessing achievements requires benchmarking against other nations at similar stages of development.

Centuries of colonial exploitation had left the economy and society in shambles, devoid of opportunities for modern industrialization experienced elsewhere. Beyond rampant poverty and illiteracy, the colonial-era structural imbalances, including severed economic links and dependency on the metropolis, compounded the challenges of achieving self-sustained growth.

Undoing this colonial legacy was paramount for India to pave the way for rapid industrial progress. Undertaking such a monumental task, two centuries after the industrial revolution and considerably later than other nations, was daunting. Coupled with colonial legacies were dynamic shifts in political and economic landscapes, necessitating innovative strategies for success.

Despite these challenges, India possessed certain advantages compared to other post-colonial societies. Notably, an indigenous industrial base had emerged pre-independence, propelled by Indian capitalists seizing opportunities amidst global turmoil. By 1947, Indian entrepreneurs had made significant strides in select sectors such as textiles and steel, creating a foundation for post-independence industrial growth. Unlike many counterparts, India largely avoided neo-colonial patterns of economic dominance by promoting indigenous industries and a self-reliant strategy, though some dependencies still persisted.”

Moreover, India benefited from a broad societal consensus on the developmental trajectory, encompassing diverse ideological factions. This consensus advocated for a self-reliant, equitable, and democratic approach to development, emphasizing state intervention and the empowerment of marginalized sections. Crucially, India's commitment to pursuing rapid industrialization within a democratic

framework set it apart from other models of authoritarian development seen elsewhere.

In essence, India's unique post-independence journey, shaped by historical legacies and ideological consensus, facilitated the establishment and sustenance of a vibrant democracy amidst the challenges of rapid industrialization.

Starting from the late nineteenth century, early nationalist figures such as M.G. Ranade and Dadabhai Naoroji began advocating for a significant role of the state in India's economic development. This inclination towards state intervention gained momentum during the inter-war period, influenced by Keynesian economics, the New Deal in the US, and the Soviet model. By 1934, N.R. Sarkar, the president of the Federation of Indian Chambers of Commerce and Industry (FICCI), declared the end of laissez-faire economics, emphasizing the necessity of comprehensive economic planning under a "National Planning Commission" to propel India towards modernization.

The sentiment for state intervention was echoed in the 1938 formation of the National Planning Committee (NPC) under Jawaharlal Nehru's leadership. This committee initiated a vision for comprehensive planning, though its work was disrupted by World War-II(1939-45). Alongside state planning, there was a growing consensus among policymakers and business leaders regarding the importance of public sector involvement in the economy. This sentiment was reflected in the Karachi Resolution of Congress in 1931, which advocated for state ownership or control over key industries and services as part of a broader vision of socio-economic rights and justice.

The business community, aligning with Nehru and the NPC, supported the idea of a public sector to address India's reliance on foreign capital goods. This support stemmed from the belief that developing capital goods industries through the public sector would reduce external dependence and stimulate industrial growth. However, there were differing opinions on the extent of public sector involvement, with Nehru's camp viewing it as a step towards socialism and capitalists seeing it as a means to promote independent capitalism.

Despite initial resistance from capitalists, subsequent industrial policies revealed a gradual accommodation between public and private sectors, culminating in the concept of a "mixed economy" where both sectors coexisted. Nehru's approach emphasized democratic consensus-building in economic planning, ensuring that steps towards socialism were taken gradually and with societal support.

The Planning Commission, established in 1950, operated with Nehru's consensus-driven approach, focusing on immediate post-independence challenges like refugee rehabilitation and industrial development. The Nehru-Mahalanobis strategy, outlined in the Second Plan (1956-61), prioritized heavy and capital goods industries in the public sector to achieve self-reliance and economic growth. While the Nehru-Mahalanobis strategy prioritized heavy industries, complementary efforts supported small-scale and community-based initiatives to address employment concerns.

However, the implementation of state-controlled economic policies led to bureaucratic complexities and resistance from vested interests, hindering efforts to dismantle the rigid regulatory framework established by the Industries Development and Regulation Act of 1951. Despite challenges, Nehru's approach underscored the importance of balancing state intervention with democratic consensus-building and gradual economic reforms.

STOP TO CONSIDER-3

- **Post-Independent India's Development**
 - **Colonial Legacy**--India inherited deep economic and social inequalities, structural imbalances, and dependency on the colonial metropolis.
 - **Historical Context**--Unlike many post-colonial nations, India pursued industrialization within a democratic framework, despite poverty and illiteracy.
 - **Indigenous Industry**--Indian entrepreneurs had built a significant industrial base before 1947, which helped reduce neo-colonial dependence post-independence.
 - **Consensus on Development**--A wide political and

ideological consensus favoured self-reliance, equity, and state intervention.

- Early Planning Thought--Thinkers like M.G. Ranade and Dadabhai Naoroji laid the foundation for state involvement in development; ideas were reinforced in the inter-war years.
- National Planning Efforts--Nehru led planning initiatives with institutions like the National Planning Committee (1938) and later, the Planning Commission (1950).
- Mixed Economy Model--Nehru's government balanced public and private sectors, emphasizing heavy industry (Second Plan) and gradual democratic consensus on reforms.
- Implementation Challenges--Bureaucratic resistance and rigid regulations limited some reforms, but the planning model laid the groundwork for India's developmental state.
- India's post-independence development focused on state-led industrialization and democratic consensus.
- Colonial exploitation created structural challenges for self-sustained growth.
- Indigenous industrialists laid the foundation for independent industrialization.
- The mixed economy balanced public and private sectors for equitable growth.
- Nehru's democratic planning approach prioritized self-reliance and gradual reforms.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why state intervention was considered essential for India's economic development post-independence?

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2. What was the focus of the Nehru-Mahalanobis strategy in the Second Five-Year Plan?

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3. Which colonial legacies did India have to overcome after independence?

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4. How did India's industrial base before 1947 aid its post-independence development?

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5. What set India apart from other post-colonial nations in terms of development strategy?

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6. Which early nationalist thinkers advocated for state-led development?

7. What was the significance of the 1931 Karachi Resolution?

8. What strategy did the Second Five-Year Plan follow under Nehru's leadership?

9. What were some challenges faced during the implementation of planned development?

1.6 Post Independent India--Economic History

Despite significant achievements in the initial three Plans, the Indian economy encountered a substantial crisis by the mid-1960s, tarnishing its image as a model developing nation. This crisis was exacerbated by consecutive monsoon failures in 1965 and 1966, causing a 17% drop in agricultural output and a 20% decline in food grain production. Inflation, previously low, surged to 12% annually

between 1965 and 1968, with food prices escalating nearly 20% per year. Factors contributing to inflation included droughts and the costly wars of 1962 and 1965. By 1966–67, the government's fiscal deficit peaked at 7.3% of GDP.

➤ **Economic Imbalances and Foreign Aid Dependency**

The balance of payments situation worsened, with foreign exchange reserves averaging \$340 million from 1964–65 to 1966–67, covering less than two months of imports. Dependence on foreign aid escalated due to food shortages and balance of payments weaknesses. External assistance utilization rose from 0.86% of Net National Product (NNP) in 1951–52 to 3.8% in 1965–66. Debt service ratio climbed sharply, reaching 27.8% in 1966–67.

➤ **Abandonment of Long-Term Planning and Political Shifts**

Long-term planning was temporarily abandoned, leading to three annual Plans between 1966 and 1969 before the Fourth Five Year Plan began in April 1969.

During this vulnerable period, marked by high inflation, low foreign exchange reserves, and imminent famine threats, the US suspended aid due to geopolitical tensions and policy disagreements. Pressure mounted from the US, World Bank, and IMF to liberalize trade, devalue the rupee, and reform agriculture. Though there was local support for agricultural reforms, skepticism surrounded trade and industrial liberalization, particularly devaluation.

➤ **Impact of Economic Policies and Nationalist Response**

The devaluation of the rupee and trade liberalization initiated in the mid-1960s coincided with industrial recession and inflation, partly due to external factors like droughts and partly due to flawed policy implementation. The perceived failure of these policies, coupled with external pressure, triggered an economic nationalist response, advocating a return to state intervention.

➤ **Austerity Measures and Industrial Slowdown**

To address the balance of payments crisis and reduce fiscal deficit, severe austerity measures were implemented, primarily targeting

government capital expenditure, leading to a 50% real-term decrease by 1970–71. This contributed to industrial slowdown, with growth rates dropping from 7.8% per year (1951–1966) to 4.99% per year (1966–1974). Furthermore, during this period, the political landscape underwent significant shifts that reverberated in economic policymaking. The 1967 elections marked a significant setback for the Congress party both at the Centre and in various states. In response, the Prime Minister adopted a more radical stance, causing divisions within the Congress, eventually culminating in a split in November 1969.

➤ **Radical Economic Policies and State Intervention**

Following this split, Mrs. Gandhi's government relied on the support of Communist and regional parties, resulting in a pronounced shift towards leftist policies. The call for a general election in December 1970, under the banner of "garibi hatao" (eradicate poverty) and with promises of radical socialist reforms, led to a resounding victory in March 1971.

Subsequently, the post-1967 era witnessed the introduction of a series of radical economic policies with profound and lasting implications for India's development trajectory. While some of these policies exacerbated existing shortcomings dating back to the early phases of planning in the 1950s and 1960s, others introduced fresh distortions.

➤ **Nationalization and Restrictions on Foreign Investment**

Notably, the major private commercial banks were nationalized in 1969, coinciding with the passage of the Monopolies and Restrictive Trade Practices (MRTP) Act, aimed at curbing the activities of large business conglomerates. Following the landslide victory in 1971, further measures were enacted with the enthusiastic backing of leftist intellectuals, including the nationalization of the insurance sector in 1972 and the coal industry in 1973. An ill-fated attempt to nationalize wholesale wheat trade in the same year was swiftly abandoned.

Additionally, the Foreign Exchange Regulation Act (FERA) of 1973 imposed stringent restrictions on foreign investment and the operations of foreign companies in India, rendering the country a challenging destination for international capital. The government also embarked on the management of financially distressed

companies, such as numerous textile mills, rather than permitting their closure.

➤ **Self-Reliance and Autonomy in Economic Development**

While the long-term repercussions of these policies on the economy were debilitating, it's crucial to acknowledge that they addressed pressing challenges confronting the nation at the time. These measures commendably steered India away from economic crisis and reinstated its autonomy and dignity in relation to advanced nations. During the significant economic advancements from the mid-1960s to the late 1980s, Indira Gandhi, often underestimated as a populist figure, played a pivotal role.

➤ **Overcoming Internal and External Challenges**

These accomplishments need to be understood against the backdrop of numerous challenging internal and external events during that period. For instance, following the mid-1960s crisis, there was the East Pakistan (Bangladesh) genocide, resulting in over 10 million refugees seeking shelter in India, the 1971 war with Pakistan, two severe droughts in 1972 and 1974, the substantial oil shock of 1973 leading to a fourfold increase in international oil prices, another oil shock in 1979 doubling prices, a disastrous harvest in 1979–80 due to severe drought, and widespread droughts in 1987 and 1988.

➤ **Measures for Economic Stability and Food Security**

Efforts were concentrated after the mid-1960s to enhance the balance of payments, ensure food security, implement anti-poverty measures, and reduce reliance on imports, especially for crucial resources like oil. These measures enabled India to withstand the impact of droughts, war, and oil shocks without plunging into debt crises or recessionary cycles, as witnessed in several developing countries, particularly in Latin America during the 1980s. India also avoided serious famine conditions, contrasting sharply with the massive famine deaths in Communist China during the late 1950s.

➤ **Achievements in Food Production and Poverty Reduction**

Food production saw rapid improvement, notably with the adoption of the Green Revolution strategy, which introduced high-yield variety seeds, fertilizers, and other inputs in specific areas, leading to immediate gains in food security and poverty reduction. Between

1967–68 and 1970–71, food grain production rose by 35%, while net food imports dropped significantly. Food availability continued to increase substantially in subsequent years, accompanied by a build-up of food stocks, eliminating India's image of dependence and ensuring considerable food security even in times of crisis.

➤ **Economic Autonomy and Growth Indicators**

Besides food self-sufficiency, other indicators pointed toward greater economic autonomy and self-reliance. Fiscal deficits were substantially reduced, the balance of payments situation improved markedly, and foreign exchange reserves grew significantly, aided by remittances from Indian workers in the oil-rich Middle East. The emphasis on self-reliance aimed to diminish dependence on foreign aid, not only during crises but also as a means to develop key capabilities, as per the earlier Nehru–Mahalanobis strategy. Consequently, foreign aid declined rapidly, and the debt service ratio became more manageable, reflecting a shift in perspective towards economic independence and sustainability.

➤ **Capital Goods Industry and Investment Growth**

The rapid expansion of India's indigenous capital goods industry during the Nehru years significantly reduced the country's reliance on external sources for investment and growth. From 1960 to 1974, the proportion of imported equipment in India's total fixed capital investment plummeted from 43% to just 9%.

➤ **Decline of Foreign Capital and Growth in Domestic Savings**

Unlike many Latin American and East Asian countries, India saw minimal involvement of foreign capital or multinational corporations. In 1981–82, foreign firms, including those operating under the Foreign Exchange Regulation Act (FERA) with diluted foreign shareholding, contributed only about 10% to the value added in the factory sector of mining and manufacturing. Most foreign collaborations were in technology transfer without foreign equity involvement.

Foreign capital's influence in the financial sector was marginal, with negligible presence in insurance and foreign banks holding just 8.9% of total deposits in the organized banking sector in 1970. Despite bank nationalization in 1969 leading to a significant

expansion in branches, the number of branches of foreign banks remained minimal compared to domestic banks.

➤ **Rising Domestic Savings and Investment**

Throughout the 1970s, while foreign private investment and aid declined, domestic savings and investment rates surged. By the late 1970s, both savings and investment rates nearly doubled compared to the 1950s, and this trend continued into the 1980s and 1990s, aligning India's rates with those of high-growth economies.

➤ **Growth in Stock Market and Oil Substitution**

A notable development in the 1980s was the remarkable rise in new stock market issues, with the stock market becoming a vital source of funds for industry. From constituting just 1% of domestic savings in 1981, the capital market's share surged approximately sevenfold by the end of the 1980s. The primary stock market witnessed unprecedented capital raising by Indian companies in the late 1980s and early 1990s.

Additionally, the 1980s marked significant progress in India's import substitution program for oil, spearheaded by the Oil and Natural Gas Commission (ONGC). With assistance from the IMF, domestic oil production surged, achieving targets set under the Sixth Plan (1980–85). By 1984–85, India's net oil imports decreased significantly, easing the burden on export earnings.

➤ **Industrial Growth and Shift from 'Hindu Rate of Growth'**

In the mid-1970s, India witnessed a surge in industrial growth, rebounding from a low of approximately 3.4 percent between 1965 and 1975 to around 5.1 percent from 1975 to 1985. Excluding the crisis year of 1979–80, industrial growth averaged about 7.7 percent annually during 1974–75 to 1978–79 and 1980–81 to 1984–85. The 1980s saw a sustained industrial growth rate averaging around 8 percent annually, marking a significant departure from the stagnant growth of the preceding decades, commonly referred to as the 'Hindu rate of growth' ranging from 3 to 3.5 percent. This period witnessed an impressive average real GDP growth rate of 6 percent between 1980 and 1989.

➤ **Structural Weaknesses Leading to the 1991 Crisis**

However, alongside this apparent economic success, structural weaknesses began to accumulate, culminating in a major crisis by 1991. Three main problems surfaced, demanding urgent reform. Firstly, the import-substitution industrialization (ISI) strategy, initially effective in bolstering India's industrial base and reducing foreign dependence, led to inefficiency and technological stagnation over time due to excessive protectionism.

➤ **Regulatory Challenges and the Licence Raj**

Moreover, a regulatory framework known as the 'Licence Quota Raj' stifled entrepreneurship and innovation, hindering economic dynamism. Measures like the Monopolies and Restrictive Trade Practices (MRTP) Act and reservation of sectors for small-scale industries curtailed efficiency and inhibited growth by restricting market access and hindering economies of scale.

➤ **Public Sector Dominance and Economic Inefficiency**

Furthermore, the dominance of the public sector, crucial for early industrial development, became a source of inefficiency due to political interference, overstaffing, and irresponsible management practices. State-run enterprises, including utilities and financial institutions, incurred substantial losses, contributing to economic inefficiency.

➤ **Inward-Oriented Development Approach and Missed Opportunities**

Additionally, restrictive policies and bureaucratic hurdles made it difficult for businesses to enter or expand, while stringent labor laws and powerful trade unions further impeded efficiency and flexibility in the market. Consequently, India experienced low investment efficiency, reflected in high capital-output ratios, hindering overall economic growth despite increased investment rates.

Moreover, India's inward-oriented developmental approach persisted, failing to adapt to changing global economic dynamics. The country missed opportunities for export-led growth, remaining entrenched in outdated policies unsuitable for the evolving international landscape.

In summary, India's economic success in the 1980s was overshadowed by deep-seated structural weaknesses, necessitating urgent reforms to address inefficiencies, regulatory barriers, and the inefficacy of the public sector. Failure to adapt to changing global trends further compounded these issues, highlighting the imperative for a comprehensive overhaul of India's economic policies.

Outlined below are several crucial transformations that require attention: Firstly, there was a notable shift in the nature of foreign investment and multinational corporations. A process termed as the 'internationalization of production' emerged, where multinational corporations began seeking cheaper production areas rather than merely focusing on markets or raw material sources. Instead of establishing isolated enclaves in underdeveloped nations, as was typical during colonial times, they started making investments with significant multiplier effects on local economies, including technology transfers. It became common for multinational corporations to obtain a significant portion of their product components from various developing regions and even relocate entire production facilities to these countries. This, coupled with massive capital transfers between nations, resulted in an unprecedented surge in global trade. Despite this, India failed to capitalize on these opportunities, adopting a protectionist stance in the late 1960s and early 1970s instead of embracing globalization.

The East Asian Miracle, characterized by rapid industrialization in countries like South Korea, Taiwan, and Singapore since the 1960s, capitalized on these shifts in capital and market accessibility. Meanwhile, India's failure to adapt to the changing global dynamics led to stagnation. Despite a promising start with an inward-oriented strategy until the mid-1960s, India couldn't replicate the success of East Asian nations. While South Korea and China surged ahead with economic liberalization and participation in global trade, India lagged behind, experiencing slower growth rates and diminishing export shares. This disparity underscored India's inability to leverage global opportunities for industrial transformation and economic development, exacerbating income disparities and poverty levels.

Furthermore, India's poor export performance had ramifications for its productivity levels. Unlike Japan and South Korea, which enforced export obligations to maintain competitiveness and

productivity, India lacked effective mechanisms to incentivize productivity. Political factors further complicated economic matters, as increasing demands on state resources led to fiscal imprudence. Governments succumbed to populist measures, such as subsidies and loan waivers, exacerbating fiscal deficits and hindering economic stability. This profligacy persisted through the 1980s, characterized by escalating fiscal deficits and a widening gap between public investment and savings. Despite repeated fiscal challenges, governments prioritized borrowing over fiscal discipline, exacerbating economic imbalances and hindering sustainable growth. The widening gap between government savings and investments, coupled with the fiscal deficit, exerted a detrimental effect on the balance of payments and debt scenario. In 1977–78, there was a surplus of \$1.5 billion (1.4% of GDP) in the current account, but by 1980–81, a deficit of \$2.9 billion (1.7% of GDP) had emerged. This deficit escalated to \$9.9 billion (3.5% of GDP) in 1990–91, despite a favorable trade balance in the late 1980s. The root cause of this imbalance lay in the economy's overall savings-investment gap, which averaged about 2.5% of GDP between 1985 and 1990.

Despite robust economic growth averaging over 5.5% annually from 1985 to 1990, driven by various sectors like industry, capital goods, and consumer durables, this growth was unsustainable. It relied heavily on borrowing and excessive government spending rather than genuine increases in savings and investments. This pattern of growth resembled the debt-led growth witnessed in Latin America during the 1970s.

The deteriorating fiscal and balance of payments situation led to a mounting debt crisis by the late 1980s. Both domestic and foreign debt surged significantly, with the debt service ratio becoming alarming. The over-reliance on short-term commercial borrowing exacerbated the debt burden, worsened by a decline in concessional debt. Furthermore, the reluctance to attract foreign direct investment contributed to the excessive dependence on foreign debt rather than equity capital.

India's foreign exchange reserves dwindled sharply, exacerbated by external factors such as the Iraqi invasion of Kuwait. This led to a downgrade in international credit ratings and a rapid withdrawal of

non-resident Indian deposits. To alleviate immediate financial pressures, the government was compelled to sell a significant portion of its gold reserves.

By mid-1991, India's foreign exchange reserves were perilously low, posing a risk of default. The situation prompted urgent action from the newly elected Congress government under Narasimha Rao, with Manmohan Singh as finance minister. This administration embarked on sweeping economic reforms, aiming to address the underlying structural issues and stabilize the economy. The long-term constraints that were building up over a few decades and debilitating the Indian economy combined with certain more recent and immediate factors led to a massive fiscal and balance of payments crisis that climaxed in 1991. The crisis pushed India into initiating a process of economic reforms and structural adjustment. The reforms, which in the Indian context were almost revolutionary in nature, were ironically started by a minority government led by Narasimha Rao, and guided by one of the most distinguished economists of post-independence India, Manmohan Singh, as finance minister.

STOP TO CONSIDER-4

- Post-Independence Economic Policies and the 1991 Crisis
 - Initial Model (1950s–60s)--State-led, socialist approach with central planning, import substitution, and public sector dominance.
 - Crisis in the 1960s--Economic strain due to wars (1962, 1965), poor monsoons, inflation; led to 1966 rupee devaluation (–36.5%) with limited success.
 - Indira Gandhi Era--Bank nationalization (1969), MRTP Act (1969), FERA (1973) to control capital and monopolies; increased state control.
 - Green Revolution---Boosted food production, especially in northern India, but widened regional inequalities.
 - Emergency & 1980s--Temporary economic stabilization during Emergency; moderate liberalization under Rajiv Gandhi with modest growth (~5.5%).
 - Debt-Driven Growth--1980s growth relied on deficit financing and foreign borrowing, creating fiscal and external

vulnerabilities.

- 1991 Crisis--Triggered by Gulf War, rising oil prices, declining remittances, high deficits; foreign reserves fell below \$1.2 billion.
- Reforms of 1991--Led by P.V. Narasimha Rao & Manmohan Singh — included rupee devaluation, liberalization of trade, industry, and FDI.
- Comparative Lag--Unlike East Asia, India delayed export-oriented liberalization until the 1991 crisis made reform unavoidable.
- India's post-independence development focused on state-led industrialization and democratic consensus.
- Colonial exploitation created structural challenges for self-sustained growth.
- Indigenous industrialists laid the foundation for independent industrialization.
- The mixed economy balanced public and private sectors for equitable growth.
- Nehru's democratic planning approach prioritized self-reliance and gradual reforms.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why state intervention was considered essential for India's economic development post-independence?

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2. What was the focus of the Nehru-Mahalanobis strategy in the Second Five-Year Plan?

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3. What was the dominant economic model in India after

independence?

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4. What events triggered the 1966 rupee devaluation?

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5. What major steps did Indira Gandhi take to increase state control over the economy?

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6. What were the effects of the Green Revolution?

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7. What economic trend characterized the 1980s?

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8. Why did the 1991 economic crisis occur?

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9. Who led the 1991 economic reforms?

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10. How did India's liberalization timeline compare with East Asia's?

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1.7 Post-Independent India--Political History

The pivotal moment in Indian politics occurred with the Congress party's defeat in the 1989 general elections. From a massive majority of 414 seats in the 1984 Lok Sabha elections, the Congress fell sharply to 197 seats in 1989. This election marked the end of the 'Congress system', a term coined by political scientist Rajni Kothari to describe the party's central, hegemonic role in Indian politics. While the Congress remained a major national party and returned to power in 1991, its dominance significantly diminished.

During this period, the 'Mandal issue' emerged as a major turning point. In 1990, the V.P. Singh-led National Front government announced the implementation of the Mandal Commission's recommendations, which proposed 27% reservation in central government jobs for Other Backward Classes (OBCs). This led to nationwide anti-Mandal protests, particularly from upper-caste student groups. The Mandal issue redefined caste-based politics in India and led to the rise of OBC-based political mobilization.

Parallel to this was a shift in India's economic direction. Although Rajiv Gandhi's tenure (1984–1989) introduced limited liberalization, full-fledged economic reforms began in 1991, under Prime Minister P.V. Narasimha Rao and Finance Minister Dr. Manmohan Singh, as a response to a severe balance of payments crisis. This Structural Adjustment Programme, often referred to as liberalization, marked a decisive break from India's earlier socialist framework.

Another watershed moment was the demolition of the Babri Masjid in Ayodhya on December-6, 1992, by kar sevaks mobilized by Hindu nationalist groups. This act, carried out despite a Supreme Court order to maintain the status quo, triggered widespread communal violence and had lasting implications on Indian politics. It significantly bolstered the rise of the Bharatiya Janata Party (BJP) and the political entrenchment of the Hindutva ideology.

A tragic development occurred in May, 1991, with the assassination of Rajiv Gandhi by a suicide bomber from the LTTE (Liberation Tigers of Tamil Eelam) during an election campaign in Tamil Nadu. Despite the shock, the Congress emerged as the single largest party

in the 1991 Lok Sabha elections and formed the government under the leadership of P.V. Narasimha Rao.

The 1989 elections had not given any party a clear majority. Though Congress was the largest party, it chose to sit in the opposition. The National Front Coalition, led by the Janata Dal, formed the government with outside support from both the BJP and the Left Front, who did not join the government. This fragile arrangement highlighted the beginning of an era dominated by coalition politics.

While Congress had previously faced challenges, such as during the late 1960s, Indira Gandhi had managed to restore its dominance. However, from the 1990s onwards, no single party could secure a stable majority in the Lok Sabha until 2014. This shift gave rise to a multi-party system, marked by coalition governments at the Centre. The 1990s also witnessed the emergence of powerful regional parties, especially those representing Dalits and OBCs, like the Bahujan Samaj Party (BSP) and Samajwadi Party (SP), as well as the formation of the United Front government in 1996 with outside support from the Congress.

The BJP's attempts to form governments in 1996 were met with resistance and short-lived success. Although it emerged as the single largest party, its 13-day government in 1996 collapsed due to lack of support. Political instability continued with shifting alliances, until the National Democratic Alliance (NDA) led by the BJP managed a full term from 1999 to 2004. However, it was only in 2014 that the BJP, under Narendra Modi, won a clear majority on its own—marking the end of the coalition era that had persisted since 1989.

STOP TO CONSIDER-5

- Post-Independent India – Political History(1989 Onwards)
 - 1989---Congress suffers a major defeat; end of 'Congress system'.
 - 1990--*Mandal Commission* implemented; OBC reservations stir protests.
 - 1991--Economic liberalization launched by Narasimha Rao–Manmohan Singh.

- 1992--*Babri Masjid demolition* fuels rise of Hindutva and BJP.
- 1991--*Rajiv Gandhi assassinated*; Congress forms govt under P.V. Narasimha Rao.
- 1989–2014--Rise of coalition politics, multi-party system dominates.
- 1996--BJP forms short-lived 13-day govt; United Front emerges.
- 2014--BJP wins clear majority; coalition era ends.

In other words, the period from 1989 to 1991 witnessed a confluence of significant political and social events that fundamentally altered the Indian political landscape. The decline of the Congress system, the rise of the Mandal issue, the initiation of economic reforms, the Ayodhya incident, and the assassination of Rajiv Gandhi, all contributed to the emergence of a new era of coalition politics and a more fragmented political system. These events also sparked important debates about national identity, secularism, and economic policy.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What major event signalled the end of the "Congress system"?

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2. What was the "Mandal issue," and what was its impact on Indian politics?

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3. When did Congress lose its dominant position in Indian politics?

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4. What major social issue reshaped Indian politics in 1990?

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5. Who initiated India's 1991 economic reforms?

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6. What happened in Ayodhya in December, 1992?

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7. Who assassinated Rajiv Gandhi and why?

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8. What was unique about the 1989 election result?

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9. Which two parties supported the National Front government in 1989?

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10. When did the coalition era effectively end in India?

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1.8 Let Us Sum Up

- In the early years after Independence, India faced three major challenges--rebuilding the nation after Partition, integrating the Princely States into the Union, and later, reorganizing internal state boundaries.
- The creation of linguistic states reflected India's commitment to recognizing and accommodating its cultural and linguistic diversity.

- The freedom struggle helped embed democratic ideals in Indian society, effectively challenging colonial claims that India was unfit for democracy and laying the groundwork for a democratic post-independence state.
- The nationalist movement promoted the ideas of unity in diversity and national integration as essential pillars of independent India.
- Centuries of colonial rule left India with a weakened economy and fragmented society, hindering the industrial development seen in other parts of the world.
- Although the first three Five-Year Plans saw notable achievements, India encountered a major economic crisis by the mid-1960s, affecting its status as a leading example among developing nations.
- By mid-1991, a serious balance of payments crisis had depleted India's foreign exchange reserves, prompting urgent reforms under the newly elected Congress government led by P.V. Narasimha Rao, with Manmohan Singh as finance minister.
- Subsequent governments initiated a major economic transformation through structural adjustment programs, commonly referred to as the new economic reforms.
- The 1989 general elections marked the decline of the 'Congress system,' a term used by political analysts to describe the party's earlier dominance in Indian politics.
- The 1990s witnessed the rise of powerful political parties representing Dalits and OBCs, culminating in the formation of coalition governments like the United Front in 1996, with support from regional parties and the Congress.

1.9 References and Suggested Readings

- Austin, G. (1999). *Working a democratic constitution: The Indian experience*. Oxford University Press.
- Brass, P. R. (1994). *The politics of India since independence* (2nd ed.). Cambridge University Press.
- Chandra, B., Mukherjee, M., & Mukherjee, A. (2000). *India after independence: 1947–2000*. Penguin Books.
- Chatterjee, P. (Ed.). (1997). *State and politics in India*. Oxford University Press.
- Frankel, F. R. (2005). *India's political economy: 1947–2004*. Oxford University Press.
- Guha, R. (2007). *India after Gandhi: The history of the world's largest democracy*. Picador India.
- Jayal, N. G. (Ed.). (2001). *Democracy in India*. Oxford University Press.
- Kaviraj, S. (Ed.). (1997). *Politics in India*. Oxford University Press.
- Khilnani, S. (2003). *The idea of India*. Penguin Books.
- Kothari, R. (1970). *Politics in India*. Orient BlackSwan.
- Mehta, P. B. (2003). *The burden of democracy*. Penguin Books.
- Vanaik, A. (1990). *The painful transition: Bourgeois democracy in India*. Verso.

1.10 Model Questions

- ❖ Analyze the interplay between economic and political developments in India (mid-1960s to early 1990s). How did economic shifts influence politics, and vice versa?
- ❖ Evaluate the impact of the ISI strategy on India's long-term economic development, considering both its initial successes and its contribution to the 1991 crisis.

- ❖ "Linguistic state reorganization, despite initial apprehension, ultimately strengthened Indian national integration." Discuss.
- ❖ Compare and contrast India's post-independence economic trajectory with that of East Asian economies. What explains their divergent development paths?
- ❖ Assess Indira Gandhi's role in shaping India's economic and political landscape (mid-1960s to mid-1980s). How did her policies reflect both crisis responses and ideological vision?
- ❖ "The 1991 economic crisis was the culmination of long-term structural weaknesses." Critically evaluate this statement, identifying key contributing factors and their origins.

1.11 Answers to Check Your Progress

Check Your Progress-1

1. The three key challenges were-- (1) forging national unity amidst diversity, (2) establishing a functioning democracy, and (3) ensuring comprehensive socio-economic development.

2. The Vishalandhra movement advocated for the creation of a separate Andhra state for Telugu-speaking people from the Madras province. Potti Sriramulu's fast and subsequent death intensified the movement, putting pressure on the central government and ultimately leading to the formation of Andhra Pradesh, which then triggered similar movements for linguistic states across the country.

3. The initial concern was that linguistic states could threaten national unity by fueling separatist sentiments. However, the long-term impact has been largely positive. It broadened political participation, provided a more coherent basis for state boundaries, and reinforced India's commitment to embracing diversity within a unified nation.

4. Establishing a sovereign democratic republic and prioritizing welfare for all, especially marginalized

communities.

5.National unity, establishing democracy, and ensuring socio-economic development.

6.Due to fears it might fuel regionalism and undermine national unity following the trauma of Partition.

7.The death of Potti Sriramulu after a 56-day hunger strike during the Vishalandhra movement.

8.To recommend the reorganization of Indian states primarily on linguistic lines, considering national interest and administrative convenience.

9.It reorganized India's internal boundaries, creating 14 states and 6 union territories.

10.It promoted inclusivity, strengthened federalism, and reinforced unity by accommodating linguistic and cultural diversity.

Check Your Progress-2

1. Nonviolence relied on mass participation and fostered democratic values over authoritarianism.

2. By encouraging open discussion, voting, and tolerating dissent within its ranks.

3. It celebrated cultural, linguistic, religious, and ethnic diversity, viewing it as a source of strength.

4. It got transformed into a mass movement, involving active participation of ordinary people, especially after events like Jallianwala Bagh and the Non-Cooperation Movement.

5. Gandhi believed mass movements stemmed from the collective will of the people, though strong leadership helped shape outcomes.

6. It functioned democratically with open debate, voting on

resolutions, and tolerance of dissent within its ranks.

7. Civil liberties like free speech and association were defended across party lines, considered essential for democracy and nation-building.

8. It promoted democracy and tolerance, in opposition to colonial authoritarianism and traditional feudalism.

9. It facilitated national integration post-independence, especially the peaceful incorporation of princely states.

10. It embraced cultural pluralism and allowed class-based organizations to exist, while uniting all under the common goal of independence.

Check Your Progress-3

1. State intervention was essential to overcome colonial-era structural imbalances, reduce reliance on foreign capital goods, and promote self-reliant industrial growth.

2. It prioritized heavy and capital goods industries in the public sector to achieve self-reliance, economic growth, and equitable development.

3. Rampant poverty, illiteracy, economic disintegration, and structural imbalances caused by colonial exploitation.

4. Indian entrepreneurs had built sectors like textiles and steel, reducing dependence on foreign capital post-1947.

5. India pursued rapid industrialization through democratic governance and consensus-building, avoiding authoritarian paths.

6. M.G. Ranade, Dadabhai Naoroji, and later N.R. Sarkar and Jawaharlal Nehru.

7. It emphasized socio-economic rights and advocated state control of key industries for equitable development.

8. The Nehru-Mahalanobis model emphasized heavy industry and capital goods to drive self-reliant growth.

9. Bureaucratic hurdles, vested interests, and resistance to dismantling colonial-era regulatory frameworks.

Check Your Progress-4

1. State intervention was essential to overcome colonial-era structural imbalances, reduce reliance on foreign capital goods, and promote self-reliant industrial growth.
2. It prioritized heavy and capital goods industries in the public sector to achieve self-reliance, economic growth, and equitable development.
3. State-led, socialist with central planning.
4. Wars, poor monsoons, inflation, and foreign aid pressure.
5. Bank nationalization, MRTP Act, and FERA.
6. Increased food production; caused regional disparities.
7. Debt-driven growth with rising fiscal deficits.
8. High deficits, Gulf War oil shock, low reserves.
9. P.V. Narasimha Rao and Manmohan Singh.
10. India liberalized later, after a crisis; East Asia did so earlier.

Check Your Progress-5

1. The Congress party's significant defeat in the 1989 general elections, where its seat count dropped drastically, signalled the end of its long-standing dominance.
2. The "Mandal Issue" refers to the controversy surrounding the implementation of the Mandal Commission's recommendations, which called for reservations in central government jobs for OBCs. It led to widespread protests and significantly reshaped Indian politics by bringing issues of caste and social justice to the forefront.
3. 1989 elections.
4. Mandal Commission/OBC reservations.
5. P.V. Narasimha Rao and Manmohan Singh.
6. Babri Masjid was demolished.
7. LTTE; due to India's involvement in Sri Lanka.
8. No party won a clear majority.
9. BJP and the Left Front.
10. 2014, with BJP's majority win.

Unit-2

Indian Society : Nature, Meaning and Definitions; Indian Social Structure; Caste, Religion, Language in India

Unit Structure:

- 2.1 Introduction
- 2.2 Objectives
- 2.3 Indian Society: Nature, Meaning and Definitions
- 2.4 Indian Social Structure
- 2.5 Caste in India
- 2.6 Religion in India
- 2.7 Language in India
- 2.8 Let Us Sum Up
- 2.9 References and Suggested Readings
- 2.10 Model Questions
- 2.11 Answers to Check Your Progress

2.1 Introduction

Indian society is a **complex, pluralistic, and dynamic** entity shaped by a multitude of historical, cultural, and social influences. It reflects a unique synthesis of **diversity and unity**, where elements such as **caste, religion, region, and language** play pivotal roles in determining social interactions and hierarchies. The legacy of **colonial rule** introduced profound changes—modern education, legal systems, and infrastructure—that spurred **socio-economic modernization**, while simultaneously **reinforcing and institutionalizing certain traditional structures**, such as caste divisions, through administrative categorization and census practices.

Post-independence, India has continued to evolve through **democratic processes**, social reform movements, and economic liberalization, all of which have reshaped its societal structure. This unit examines the foundational aspects of Indian society and the

interwoven impact of **caste, religion, and language**, highlighting their continued relevance in both historical and contemporary contexts. Understanding these dimensions is essential to grasp the **intricate and evolving relationships** that constitute India's diverse social fabric.

2.2 Objectives

After studying this unit, learners will be able to--

- Understand the nature, meaning, and various definitions of Indian society.
- Examine the structural framework of Indian society and its key characteristics.
- Analyze the caste system in India, its historical significance, and its impact on social dynamics.
- Explore the role of religion in Indian society and its influence on culture and social institutions.
- Study the linguistic diversity of India and its implications on national integration and communication.

2.3 Indian Society: Nature, Meaning and Definitions

During the colonial period, a distinct Indian social consciousness began to take shape. While earlier empires like the Mauryas and Mughals had unified large portions of the subcontinent, British colonial rule brought about a more **centralized and administratively unified India**, which laid the groundwork for a modern nation-state. This period introduced profound transformations—economic, political, and social—that had **lasting and structural consequences**. Despite the exploitative nature of colonialism, it paradoxically catalyzed the growth of **Indian nationalism**, especially among the emerging middle classes.

The shared experience of colonial subjugation acted as a unifying force across diverse social groups. **Western-style education**, introduced by the British, gave rise to an articulate and politically conscious **urban middle class**. This class began questioning colonial authority while also initiating social reforms. Interestingly, the colonial encounter sparked a **dual process**-- modernization

alongside a **revival and re-examination of traditional cultural values**, leading to new articulations of both national and regional identities.

Colonialism also facilitated the emergence of **new social classes and communities**, such as industrial workers, clerks, and professionals, which would later play significant roles in the nationalist and post-colonial projects. Simultaneously, colonial administrative practices, such as censuses and legal codifications, **rigidified caste and religious identities**, which previously had more fluid boundaries.

This unit aims to provide a **sociological perspective** on Indian society, moving beyond common-sense views to a more analytical understanding of its evolution.

The **encounter with Western civilization** posed a major intellectual and structural challenge to Indian civilization. The principles embodied by Western modernity—**individualism, equality, historicity, and rationality**—stood in contrast to those associated with traditional Indian civilization, such as **hierarchy, holism, continuity, and transcendence**. These values were embedded not only in Hindu traditions but also in many non-Hindu ones, though **tribal and non-mainstream groups** often resisted rigid stratification.

Nevertheless, India's **historical capacity for cultural assimilation and resilience** allowed it to adapt selectively to these external influences. Before colonialism, **regional cultural exchanges, pilgrimage networks, trade routes, and religious festivals** already created a sense of interregional unity amidst diversity. Storytellers, artisans, mendicants, and traders often acted as cultural intermediaries, fostering shared practices and values.

India's traditional economy and social structure were marked by **reciprocity and interdependence** among occupational and social groups. There existed both **cosmopolitan and local cultural flows**, with continuous interaction between folk traditions and elite knowledge systems. This was evident in the **mobility of skilled artisans, scholars, and performers**, who moved between villages, towns, and royal courts.

Though not comprehensive or centralized, the **political economy of pre-colonial India** supported **cosmopolitan institutions**—in governance, education, and culture—that often transcended local affiliations. These institutions linked diverse localities and traditions, fostering a balance between autonomy and connectivity.

For example, **caste panchayats and occupational groups** (e.g., barbers, potters, weavers) operated semi-autonomously within the **jajmani system**, managing local reciprocity and regulating social order. Higher political authorities typically intervened only in exceptional cases. Meanwhile, **social mobility within technical and artistic fields** allowed individuals to ascend from village-level status to prominence in regional centers and capitals.

India's unity in diversity was reflected in its **shared technologies, markets, transport systems, and social institutions**, which underpinned **functional interdependence** across communities. Factors such as **slow technological change, a relatively stable population, and abundant cultivable land** helped sustain social continuity while also enabling cultural communication and cohesion.

STOP TO CONSIDER-1

- **Meaning--** Indian society has developed through a blend of historical, cultural, and colonial influences, shaping its unique identity over time.
- **Definition--** It is a complex yet cohesive social structure characterized by diversity in caste, religion, and language while adapting to modernization.
- **Nature--**Indian society maintains a balance between tradition and change, integrating hierarchical systems with cultural resilience and social adaptability.
- **Colonial Legacy--**British rule brought administrative unity and irreversible structural changes, despite its exploitative nature. It spurred Indian nationalism and a reassertion of cultural identities.
- **Emergence of Middle Class--**Western education created a politically conscious urban middle class that challenged

colonialism and initiated social reforms.

- **Identity Formation**--Colonialism rigidified caste and religious categories via censuses and legal frameworks, shaping future socio-political dynamics.
- **Civilizational Encounter**--Indian tradition (hierarchy, holism, continuity) contrasted with Western modernity (individualism, equality, rationality), prompting adaptive transformations.
- **Pre-colonial Unity**--Pilgrimages, trade, festivals, and mendicants fostered interregional cultural unity amid diversity.
- **Social Reciprocity**--Traditional systems like **jajmani** promoted occupational interdependence and local governance through caste panchayats.
- **Cosmopolitan Tradition**-- Pre-modern India featured elite-local cultural exchanges, artistic mobility, and decentralized yet linked institutions.
- **Structural Balance**--Cultural continuity coexisted with flexibility, supporting both diversity and a shared Indian identity.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. How did British colonialism influence the emergence of Indian consciousness?

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2. What were the major differences between Indian and Western civilizations?

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3. What major administrative impact did British colonial rule have on India?

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4. How did Western education influence Indian society under colonialism?

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5. What paradoxical effect did colonial exploitation have on Indian identity?

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6. How did colonial practices affect caste and religious identities?

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7. What values defined traditional Indian civilization?

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8. What principles characterized Western modernity?

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9. What was the role of the jajmani system in Indian society?

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10. How was unity maintained in diverse traditional Indian society?

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2.4 Indian Social Structure

The social structure and cultural fabric of India exhibit both unity and diversity. Throughout history, India has welcomed immigrants from various regions, whose cultures have melded into the intricate mosaic of Indian society. The caste system, emblematic of this paradox, illustrates distinct ways of life within a cohesive social framework across regions and religious groups, including Hindus, Muslims, Christians, Sikhs, Jains, and Jews. This ubiquity of caste underscores an ideology tolerant of diversity.

Diversity is palpable across multiple dimensions: racially, with India hosting elements from six main racial types; religiously, with representation from all major world religions; linguistically, boasting fourteen major literary languages; and in various aspects of social life, including settlement patterns, community dynamics, land tenure, and kinship customs.

However, amidst this diversity, unifying factors persist. India, as a political entity under a single Constitution, embodies political unity, fostered historically by influential rulers and solidified during British colonial rule. The concept of Indian unity finds expression in Hinduism, with sacred pilgrimage sites scattered across the nation, and in shared cultural aspects found throughout the country, including certain Sanskritic elements. Additionally, the secular nature of the Indian state, enshrined in its Constitution, underscores its commitment to embracing diversity.

Economic development initiatives, such as the Five Year Plans, and the propagation of egalitarian ideals have catalyzed transformative changes in India's social fabric. A centralized government, uniform legal system, burgeoning economy, and secular governance approach bolster India's identity as a cohesive nation, characterized by its ability to embrace diversity while fostering unity.

In India, more so than in any other part of the world, individuals often adopt multiple identities based on factors such as region (e.g., North India, North East India, Deccan, and South India), language (e.g., Hindi, Tamil, and Telugu), and religion (e.g., Hindu, Muslim, Christian, Buddhist, Jain, and Sikh), among others. Each of these identities corresponds to a unique set of social relations, essentially forming distinct social structures. However, amidst this diversity, there exist common threads that bind many of these identities together. Therefore, delving into the intricacies of Indian social structure becomes imperative as it elucidates our interpersonal dynamics within society.

The concept of tribe stands as one of the earliest identifiable ethnic and social organizations. Across India, numerous tribes such as Munda, Ho, Oraon, Bhil, Gaddi, Santhal, Kol, Kandh, Khasi, Garo, Mizo, and Naga are scattered in various regions. Recognized collectively as Scheduled Tribes within the Constitution of India, they raise important questions about tribal identity and what sets them apart from other social groups based on caste or varna.

The distinction lies in the functioning of the institution. Tribes typically exhibit several defining features: (i) kinship ties through blood relations among all members, (ii) equal status among members, (iii) belief in descent from a common ancestor, (iv) equitable access to resources, (v) minimal emphasis on private property, and (vi) social differentiation primarily based on age and sex. Tribes often comprise multiple clans, with clans being exogamous while tribes remain endogamous.

These tribal formations trace back to the Vedic period, with prominent tribes such as the Bharatas, Yadus, Turvasas, Druhyus, Purus, and Anus. Within these tribes, leadership typically resided with a Raja or King, who held a *primus inter pares* position. However, the Vedic society also harbored a hierarchical differentiation based on varna or color. Those outside the Vedic tribes were termed *dasa varna*, often characterized by a different language, darker complexion, and distinct religious practices.

Over time, this initial differentiation evolved into the complex varna system, dividing society into Brahmana, Kshatriya, Vaishya, and Shudra categories. These divisions stemmed from inter-tribal and

intra-tribal conflicts, the subjugation of defeated groups, accumulation of wealth by leaders, and unequal distribution of resources. Brahmanas typically served as priests, Kshatriyas engaged in political functions, Vaishyas were predominantly involved in agriculture, and Shudras formed the servile class. The higher varnas enjoyed privileges such as the sacred thread ceremony (upanayana) and were known as dvijas (twice-born), while collectively exploiting the labor and resources of the lower varnas.

During the post-Vedic era, significant economic shifts prompted the emergence of new ideological movements. These movements, such as Buddhism, challenged the traditional Hindu social structure, albeit without entirely eradicating the caste system. Within Buddhism, Kshatriyas retained their esteemed position, while Vaishyas, who had been marginalized under Brahmanism, sought acceptance through adopting these new religions. Interestingly, within Buddhist and Jain monastic communities, there was no hierarchy based on caste.

Further changes unfolded with the arrival of various groups like the Shakas, Kushanas, Parthians, and Indo-Greeks, altering the landscape of the Varna/Jati system. Economic developments like urbanization, craft production, and trade led to the rise of guilds or 'shreni,' eventually solidifying into castes. These guilds regulated the behavior of their members and wielded significant authority, even functioning as financial institutions. Meanwhile, a distinct category of merchants known as 'shreshthins' undertook roles such as banking and trusteeship.

Between 500 BC and 500 AD, the caste system underwent crystallization, witnessing a proliferation in the number of castes due to various factors like the growth of crafts, inter-caste marriages, and the assimilation of tribes. Dharmashastras and Smritis attempted to delineate the duties of each caste, while relations between castes were governed by rules of endogamy and craft exclusivity.

In subsequent centuries, the organization of varna/caste underwent further changes, particularly with the transformation of Vaishyas into servile peasants and the enrollment of tribal cultivators as Shudras. This period also saw the emergence of new caste dynamics

in regions like Bengal and South India, where only Brahmanas and Shudras were prominent.

During medieval times, especially in South India, Shudras were categorized into 'pure' and 'impure' groups, and distinctions like 'left-hand' and 'right-hand' castes arose. The proliferation of mixed castes further complicated the social fabric.

The emergence of castes like the Kayasthas, who were originally scribes but evolved into a separate caste, exemplifies how occupational roles contributed to caste formation. Many castes claimed high-caste origins but faced social demotion due to economic pursuits or other factors. This trend persisted until the 1950s when the Indian Constitution introduced reservations for lower castes in government jobs, marking a significant shift in social policies.

Regional variations have significantly shaped the caste system, particularly with the emergence of regional consciousness after the eighth century AD. In North India, Brahmanas are not only divided by gotra but also by their place of residence, leading to distinctions such as Kanyakubja, Sarayuparier, and Maithila Brahmanas. Similarly, many Rajput sub-castes retain their tribal names like Tomaras, Kacchavahas, Hadas, and Chauhanas, alongside adopting gotras, resulting in a proliferation of castes and sub-castes during medieval times. Additionally, the Marathas emerged as a distinct caste.

In modern times, new features like 'surnames' have been incorporated into the caste system, with specific castes or sub-castes adopting one or more surnames. Furthermore, caste and anti-caste movements have led to the formation of new castes, such as the Brahma-samajis attaining a status similar to a caste.

The intricate workings of the caste system exhibit substantial regional variation, making it challenging to define precisely. Factors such as region, sub-region, economic status, proximity to political authority, occupation, devotion to particular deities, all contribute to its formation and evolution over time.

Despite efforts by medieval egalitarian religious reformers like Basava, Ramanand, and Kabir to eradicate caste among their followers, their sects eventually adopted caste-like characteristics. Even within Sikhism, caste feelings persisted, and Muslims formed caste groups. Similarly, Syrian Christians in Kerala, originally divided into sections, acquired caste-like distinctions, as Christian converts brought their caste biases with them, leading to hierarchical divisions within the community.

STOP TO CONSIDER-2

➤ Indian Social Structure

- **Unity in Diversity**--India's social fabric integrates multiple identities—religious, linguistic, regional—within a politically unified framework.
- **Caste System**--Evolved from the Vedic *varna* system into complex *jati* divisions, influencing all major religions in India.
- **Tribal Identity**--Tribes differ from castes with kin-based egalitarian structures; recognized as Scheduled Tribes in the Constitution.
- **Religious Reform & Resistance**--Movements like Buddhism and Bhakti challenged caste but often saw caste-like structures re-emerge.
- **Economic Factors**--Urbanization, guilds (*shrenis*), and occupational roles contributed to caste proliferation and mobility.
- **Regional Variation**--Caste practices differ across India, shaped by local customs, deities, political influence, and surnames.
- **Caste Beyond Hinduism**--Sikh, Muslim, and Christian communities in India developed caste-like divisions, often mirroring Hindu social norms.
- **Modern Shifts**--Constitutional reforms (e.g., reservations) and egalitarian ideals have reshaped caste dynamics in contemporary India.
- Indian social structure reflects both unity and diversity.
- Caste exists across various religious communities in India.

- Linguistic, racial, and regional diversity define Indian society.
- Political unity is maintained under a single Constitution.
- Economic policies have transformed India's social structure.
- Multiple identities shape individual social relations in India.
- Tribes have distinct social structures from caste-based society.
- The varna system evolved due to historical and economic factors.
- Buddhism and Jainism challenged but did not erase caste.
- Occupational roles contributed to caste formation over time.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. How does India's social structure balance unity and diversity?

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2. What distinguishes tribes from caste-based communities in India?

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3. How did historical events contribute to the evolution of the caste system?

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4. What unifies India despite its diversity?

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5. What is the core difference between caste and tribe?

6. How did Buddhism affect the caste system?

7. What role did guilds (*shrenis*) play in caste formation?

8. How did regional factors influence caste?

9. Did caste exist outside Hinduism in India?

10. What modern efforts have addressed caste inequality?

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2.5 Caste in India

As an Indian, you're likely familiar with the concept of 'caste', a longstanding social institution deeply rooted in the history and culture of India. However, in the modern era, you're also aware that 'caste' continues to be a significant aspect of Indian society today. But are these two manifestations of 'caste'—one historical and the other contemporary—truly the same? This section aims to explore this question with empathy and understanding.

➤ Caste in Historical Context

Caste is a unique institution closely associated with the Indian subcontinent. While similar social structures exist elsewhere, none precisely mirror the form found in India. Although traditionally linked with Hindu society, caste has also permeated into major non-Hindu communities across the subcontinent, including Muslims, Christians, and Sikhs.

The term 'caste', borrowed from the Portuguese 'casta', originally denoted a concept of purity or lineage. In Indian languages, notably Sanskrit, caste is represented by two distinct terms: 'varna' and 'jati'. Varna, translating to 'colour', delineates a four-fold societal division into Brahmins, Kshatriyas, Vaishyas, and Shudras. However, it's important to note that this classification often excludes various marginalized groups, including outcastes, foreigners, slaves, and conquered peoples, referred to as the 'panchamas' or fifth category. On the other hand, 'jati', a more generic term, refers to species or kinds, encompassing everything from inanimate objects to humans. Increasingly, Indian speakers are adopting the English term 'caste', though 'jati' remains prevalent.

The relationship between 'varna' and 'jati' has sparked much scholarly debate. While 'varna' is seen as a broad nationwide classification, 'jati' is regarded as a more localized and intricate system, comprising numerous castes and sub-castes, sometimes

numbering in the hundreds or thousands. This implies that while the four-fold 'varna' classification is consistent across India, the 'jati' hierarchy exhibits regional variations, reflecting the diverse social fabric of the country.

There are varying opinions regarding the antiquity of the caste system, with a general consensus that its four varna classification dates back approximately three thousand years. However, it's important to note that the nature and meaning of the caste system evolved over time, making it inaccurate to perceive it as a static institution spanning millennia. Initially, during the late Vedic period (circa 900-500 BC), the caste system was more fluid, resembling a varna system with four main divisions. These divisions were relatively simple and flexible, not strictly determined by birth, allowing for frequent movement between categories.

It wasn't until the post-Vedic period that the caste system solidified into the rigid structure commonly recognized today. Key defining characteristics of the caste system include:

- ❖ **Birth-based determination**--Caste affiliation is inherited and cannot be chosen, altered, or refused, although expulsion from a caste is possible in certain cases.
- ❖ **Marriage restrictions**--Caste membership dictates strict rules regarding marriage, typically limiting unions to within the same caste group (endogamy).
- ❖ **Dietary regulations**--Caste membership entails guidelines on permissible foods and food-sharing practices, specifying what can be eaten and with whom food can be shared.
- ❖ **Hierarchical structure**--Castes are organized into a hierarchical system of rank and status, with each caste occupying a designated position. While specific caste rankings may vary by region, a hierarchy exists universally.

- ❖ **Segmental organization**--Castes often contain sub-divisions, with sub-castes and even sub-sub-castes, contributing to a segmented structure within the system.
- ❖ **Occupational ties**--Traditionally, castes were linked to specific occupations, with professions being hereditary within caste lines. Conversely, occupations were exclusive to particular castes, barring members of other castes from entry.

Overall, the caste system has undergone significant transformation over time, reflecting shifting social, cultural, and historical contexts.

These features represent the prescribed regulations outlined in ancient scriptures. However, because these guidelines weren't consistently adhered to, it's difficult to ascertain their true impact on the practical realities of caste life during that time. Notably, many of these regulations imposed prohibitions or limitations of various kinds. Historical evidence indicates that the caste system was highly unequal, with certain castes benefiting significantly while others endured a life of perpetual labor and subservience. Once caste became rigidly determined by birth, individuals were essentially trapped in their social circumstances indefinitely. Regardless of merit, individuals born into upper castes perpetually enjoyed high status, whereas those born into lower castes were relegated to low status.

Conceptually, the caste system can be viewed as a fusion of two fundamental principles: differentiation and segregation on one hand, and holism and hierarchy on the other. Each caste is expected to maintain its distinctiveness and remain strictly segregated from others. Scriptural rules governing caste aim to prevent intermingling through regulations on marriage, food consumption, social interaction, and occupation. However, while castes are distinct entities, they only exist within the broader societal framework encompassing all castes. This societal structure is hierarchical rather than egalitarian, with each caste occupying a specific rank within a ladder-like hierarchy from highest to lowest.

The hierarchical arrangement of castes is rooted in the notions of 'purity' and 'pollution,' which dictate social status. Castes perceived as ritually pure hold high status, while those deemed less pure or impure occupy lower positions. As in any society, material power, such as economic or military might, correlates closely with social status, resulting in powerful individuals typically belonging to higher castes. Historically, defeated groups in wars often faced demotion to lower caste status.

Additionally, castes are expected to complement one another and operate non-competitively within the system. Each caste is assigned a specific role that cannot be usurped by others. Linked with occupation, the caste system effectively delineates social divisions of labor, albeit without allowing for mobility in principle.

In contrast to ancient times, our understanding of caste dynamics has significantly evolved, particularly in the context of recent history. Modern history, typically traced back to the nineteenth century, presents a notable transition point with Indian Independence in 1947 marking the shift from colonial rule to post-colonial governance. The intricate structure of caste as a social institution has been profoundly influenced by both the colonial era and the subsequent transformations in independent India.

Scholars widely acknowledge that the colonial period instigated significant alterations in all major social institutions, particularly caste. Some argue that the contemporary notion of caste owes more to colonial influence than ancient Indian tradition. The British administration initially sought to comprehend the complexities of caste to streamline governance, employing meticulous surveys and reports on the customs of various tribes and castes across the nation. Notably, the census, initiated in the 1860s and institutionalized from 1881 onwards, became a pivotal tool for collecting caste-related data. The 1901 Census, spearheaded by Herbert Risley, was instrumental in documenting the social hierarchy of caste, prompting numerous petitions from caste representatives vying for higher status based on historical and scriptural evidence. This systematic categorization and recording of caste status fundamentally altered societal perceptions and solidified caste identities.

Furthermore, colonial authorities exhibited a concern for the welfare of marginalized castes, referred to as the 'depressed classes' at the time. The Government of India Act of 1935 granted legal recognition to lists or 'schedules' of castes and tribes earmarked for special state assistance, giving rise to terms like 'Scheduled Tribes' and 'Scheduled Castes.' This legislative framework aimed to uplift castes facing severe discrimination, including those considered 'untouchable.'

In essence, colonialism catalyzed profound changes in the caste system, marking a shift towards more rigid categorization and hierarchical structures. This transformation was not unique to India but mirrored the global upheavals of the era, driven by the forces of capitalism and modernity. The contemporary landscape of caste in India reflects a complex interplay of historical legacies and modern dynamics. Following independence in 1947, efforts to address caste disparities were underway within the nationalist movement. Figures like Mahatma Gandhi and Babasaheb Ambedkar led initiatives against untouchability, signaling a broad consensus to eradicate caste-based discrimination. However, the post-independence state faced challenges in translating these aspirations into meaningful reform.

While constitutional commitments were made to abolish caste distinctions, the state hesitated to implement radical measures that could disrupt entrenched economic hierarchies. Government job appointments were ostensibly caste-blind, yet reservations for Scheduled Castes and Scheduled Tribes were a notable exception. Economic development and urbanization brought new opportunities, but caste-based recruitment persisted in industries and urban settings.

Despite these changes, caste continued to exert a powerful influence, particularly in cultural and political spheres. Endogamy remained prevalent, and caste affiliations remained central to electoral politics. The rise of explicitly caste-based political parties underscored the enduring significance of caste identities in democratic processes.

Sociological concepts like "sanskritisation" and "dominant caste" emerged to analyze evolving caste dynamics. Sanskritisation

described the aspiration of lower castes to elevate their social status by adopting practices of higher castes, while dominant castes wielded economic and political power, often through control of land.

Interestingly, for privileged upper-caste urbanites, caste appeared to recede in importance as economic and educational advantages shielded them from its effects. However, for marginalized communities, caste remained a visible marker of identity, compounded by discrimination and reliance on affirmative action policies.

In summary, while India has made strides in addressing caste disparities, its complexities persist, shaping social, economic, and political landscapes in intricate ways.

STOP TO CONSIDER-3

➤ Caste in India

- **Dual Nature**--Caste in India has both historical roots (varna, jati) and modern political/social implications.
 - **Caste Terms**--Varna = broad, ancient classification; Jati = localized, occupational communities.
 - **Key Features**--Birth-based status, endogamy, food taboos, hierarchy, occupational roles, and segmental divisions.
 - **Colonial Impact**--British censuses and classifications rigidified caste; 1901 Census played a major role.
 - **Post-Independence Reform**--Legal abolishment of caste discrimination; introduction of reservations for SCs/STs.
 - **Modern Reality**--Caste remains influential in politics, marriage, and social mobility—especially for marginalized groups.
 - **Sociological Tools**--Concepts like sanskritisation and dominant caste help explain contemporary caste dynamics.
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- Caste is deeply rooted in Indian history and culture.
 - The terms *varna* and *jati* define caste structure.
 - The caste system became rigid in the post-Vedic period.
 - Hierarchical caste status is based on purity and pollution.
 - Colonial rule formalized caste identities through

documentation.

- The Government of India Act of 1935 recognized Scheduled Castes and Tribes.
- Caste remains significant in politics and social relations.
- Sanskritisation enables upward mobility for lower castes.
- Affirmative action policies address caste-based discrimination.
- Caste persists in cultural, social, and economic aspects of India.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the difference between *varna* and *jati* in the caste system?

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2. How did colonial rule impact the caste system in India?

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3. What role does caste play in modern Indian politics?

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4. What is Sanskritisation, and how does it affect caste mobility?

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5. What are the two Indian terms commonly used for caste?

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6. Which colonial tool reinforced caste identities?

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7. Who were key leaders against caste discrimination during the nationalist movement?

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8. What determines caste status traditionally?

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9. What is sanskritisation?

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10. What did the Government of India Act, 1935, introduce?

2.6 Religion in India

India, renowned for its embrace of religious diversity, boasts a tapestry of faiths with Hindus constituting the majority, alongside significant populations of Muslims, Christians, Sikhs, Buddhists, Jains, and others. Recent interest in the demographic trends of these communities has gripped the Indian populace.

A recent study by the Pew Research Center delves into India's religious landscape, tracing its evolution since the partition of 1947, which cleaved the subcontinent into Hindu-dominated India and Muslim-majority Pakistan. Spanning six decades from the first post-partition census in 1951 to the latest in 2011, the report sheds light on several notable trends:

India's population has surged over the decades, ballooning from 361 million in 1951 to 1.2 billion in 2011. Hindus remain the largest religious group, numbering 966 million, followed by Muslims at 172 million, Christians at 28 million, Sikhs at 20.8 million, Buddhists at 8.4 million, and Jains at 4.5 million. Interestingly, the Parsi community, a minority group, experienced a significant decline, shrinking to 60,000 in 2011 due to a combination of high median age and low fertility rates.

Population growth has slowed since the 1990s, a departure from the exponential increases witnessed in previous decades. Hindus, Muslims, and Christians have experienced notable declines in growth rates. While Hindus constitute nearly 80% of India's populace, Muslims make up around 14%. The share of Muslims has marginally increased over the years, while the Hindu majority has slightly diminished.

Fertility rates play a significant role in demographic shifts. Muslims, despite higher fertility rates historically, have witnessed a substantial decline in recent decades, narrowing the gap with Hindus. Education emerges as a key factor, with Christian women, on average, having more years of schooling, correlating with lower fertility rates.

Migration has had minimal impact on India's religious composition, with only a fraction of the population being foreign-born or residing abroad. Unauthorized immigration remains contentious, though high estimates lack substantiation.

Religious conversion appears rare, with the majority of individuals adhering to the faith of their upbringing. Hindus, Muslims, and Christians exhibit remarkable continuity in religious identity.

India's religious landscape reflects its rich diversity, with Hindus dominant across most states. However, pockets exist where other faiths predominate, such as Muslims in Lakshadweep and Jammu and Kashmir, Christians in Nagaland, Mizoram, and Meghalaya, and Sikhs in Punjab.

Overall, India stands as a testament to religious pluralism, accommodating myriad faiths within its vast and dynamic tapestry of culture and society.

STOP TO CONSIDER-4

➤ Religion in India

- India is home to a vast array of religions, with Hindus forming the majority, followed by Muslims, Christians, Sikhs, Buddhists, Jains, and others.
- From 1951 to 2011, India's population grew from 361 million to 1.2 billion; Hindus remained the largest group.
- Population growth slowed down after the 1990s across all major religious groups.
- Muslims showed historically higher fertility rates, but the gap with Hindus has narrowed; education plays a key role, especially among Christians.
- Migration and religious conversion have had minimal impact on overall religious demographics.
- Regional variations exist--Muslims dominate in Lakshadweep and J&K, Christians in parts of the Northeast, and Sikhs in Punjab.
- India's religious identity has shown continuity, reflecting deep-rooted traditions and strong cultural links.
- A Pew Research Center Study (1951–2011) tracks demographic trends post-Partition, showing population growth from 361 million to 1.2 billion.

- Hindu and Muslim populations have grown, though growth rates have slowed down significantly since the 1990s.
- Fertility rates among Muslims have declined, narrowing the gap with Hindus; education influences fertility patterns.
- Migration and religious conversions have had minimal impact on the religious composition.
- Most people retain the religion they are born into.
- Different faiths dominate specific regions, highlighting India's religious plurality.
- India exemplifies unity in diversity, accommodating multiple religions within a vibrant democratic society.

Check Your Progress-4

Notes—i) Use the space below for your answers.
 ii) Compare your answers with those given at the end of this unit.

1. What are the major findings of the Pew Research Centre study on India's religious landscape from 1951 to 2011?

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2. How have fertility rates and education levels influenced religious demographic changes in India?

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3. What was India's population in 1951 and 2011?

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4. Which religious group experienced a significant decline in population size?

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5. How has the fertility rate among Muslims changed in recent decades?
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6. What impact has migration had on India's religious composition?
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7. How common is religious conversion in India?
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8. Which states have a majority of non-Hindu religious populations?
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9. Which regions in India have a Christian majority?
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10. What factor is linked to lower fertility rates among Christian women?
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2.7 Language in India

India, a tapestry of diversity unparalleled in the world, stands as a testament to the rich mosaic of cultures and communities. With a staggering population of approximately 1.21 billion as per the 2011 Census, India is poised to claim the title of the world's most populous nation. Within this vast populace, a staggering array of 1,632 languages and dialects find expression, reflecting the kaleidoscope of linguistic heritage.

Official recognition has been accorded to twenty-two of these languages, enshrining their legal status within the constitutional framework. Religion, too, paints a vibrant picture of India's societal fabric. Hindus constitute around 80% of the population, characterized by regional nuances, diverse beliefs, and intricate caste and linguistic divisions. Muslims, comprising 14.2% of the populace, position India as the world's second-largest Muslim country, trailing only behind Indonesia and Pakistan. Additionally, Christian, Sikh, Buddhist, and Jain communities contribute to the religious mosaic, albeit in smaller proportions, yet significant in their presence.

The relationship between the Indian nation-state and its myriad community identities defies simplistic categorization. It neither adheres to a rigid assimilationist model nor espouses a doctrine of integrationism. While the constitution proclaims India as a secular state, the public sphere retains space for religion, language, and cultural expressions. Minority religions enjoy robust constitutional protections, highlighting India's commitment to pluralism. Despite challenges in implementation, India epitomizes the concept of a 'state-nation', albeit not immune to the tribulations common to nation-states.

Regionalism in India finds its roots in the intricate tapestry of languages, cultures, and religions. Geographical concentrations of these identities coupled with feelings of regional disenfranchisement fuel regional sentiments. Federalism emerges as a mechanism to accommodate these sentiments, tracing back to the post-

Independence era when India retained the British-Indian administrative structure. However, the burgeoning demands for linguistic and ethnic self-determination necessitated the reorganization of states within the Indian union, reshaping the political landscape in response to popular upheavals.

The implementation of the States Reorganisation Commission (SRC) report on November 1, 1956, marked a significant milestone in reshaping the political and institutional landscape of India.

The genesis of the SRC can be traced back to the 1920s when the Indian National Congress restructured itself along linguistic lines, a trend influenced by Gandhi and other leaders' promise of linguistic-based provinces upon achieving independence. However, the trauma of partition in 1947 led to hesitance within the Congress leadership, fearing further fragmentation based on linguistic identities.

Despite this, grassroots movements advocating for linguistic states gained momentum, particularly among Marathi, Kannada, and Telugu speakers, culminating in Potti Sriramulu's sacrifice and the subsequent formation of Andhra Pradesh. This unrest propelled the establishment of the SRC, which officially endorsed linguistic states as the new administrative units in 1956.

Contrary to initial apprehensions, linguistic states have not only preserved Indian unity but also reinforced it. Individuals proudly identify as both Indian and belonging to their linguistic heritage, fostering a sense of national cohesion.

While linguistic states occasionally engage in disputes, these conflicts pale in comparison to the turmoil seen in neighboring countries like Sri Lanka and Pakistan, where language-based discrimination sparked civil unrest and division.

The creation of linguistic states averted a potentially dire scenario, preventing India from splintering into numerous smaller nations. Language, coupled with regional and tribal affiliations, has emerged as a potent force in shaping India's ethno-national identity, surpassing religious divisions.

However, the path to statehood isn't solely dictated by linguistic considerations. Instances such as the formation of Chhattisgarh, Uttarakhand, and Jharkhand in 2000 demonstrate that factors like

ethnicity, regional disparities, and ecological concerns also influence state formation.

India's federal structure, characterized by Constitutional provisions delineating powers between the Centre and States, ensures the autonomy and viability of regional units. Committees like the Finance Commission oversee fiscal relations, while the GST Council includes state representation, exemplifying a collaborative approach to governance.

Despite the successes of federalism, challenges persist, particularly concerning inter-regional economic disparities exacerbated by liberalization. The dominance of private investment often favors already developed regions, widening the gap between prosperous and backward areas. Addressing these disparities requires proactive public initiatives to rebalance regional development and ensure inclusive growth.

STOP TO CONSIDER-5

➤ Language in India

- India recognizes **22 official languages** from over **1,600 spoken** languages and dialects (Census 2011).
- The **2011 Census** places India's population at **1.21 billion**, with **Hindus (80%)** and **Muslims (14.2%)** as major religious groups.
- India functions as a '**state-nation**', balancing diversity with unity through **constitutional secularism** and **minority protections**.
- **Regionalism** arises from **linguistic, cultural, and religious identities**, often localized and linked to **perceived neglect**.
- The **States Reorganisation Commission (1956)** created states on **linguistic lines**, preserving unity and addressing grassroots demands.
- **Linguistic identity** has strengthened national integration, unlike neighbouring countries where language led to conflict.
- Formation of states like **Chhattisgarh, Uttarakhand, Jharkhand (2000)** shows that **ethnicity and ecology** also shape federalism.

- India's **federal structure** allows **power sharing** and **regional autonomy**, though **economic disparity** remains a challenge.
- India is home to diverse religious communities, with Hinduism as the majority faith.
- Religious demographics have shifted over time due to fertility rates and migration.
- Religious conversion is rare, with most people retaining their ancestral faith.
- India's Constitution upholds secularism while protecting minority religions.
- Linguistic diversity in India includes 1,632 languages and 22 officially recognized ones.
- The States Reorganisation Commission of 1956 redefined India's linguistic boundaries.
- Linguistic identity plays a crucial role in national unity and regional politics.
- Federalism accommodates regional and linguistic aspirations within a unified India.
- Economic disparities among regions remain a challenge despite federal policies.
- India's pluralistic model balances diversity with national integration.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1.What are the major religious communities in India?

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2.How has India's religious demography changed since 1951?

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3.What role does language play in shaping India’s national identity?

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4.How did the States Reorganisation Commission (SRC) impact India’s political landscape?

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5.How many official languages are recognized in the Indian Constitution?

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6.What was the primary basis for the reorganization of Indian states in 1956?

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7.What percentage of India's population are Muslims (2011 Census)?

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8.Name two states formed in 2000 for reasons beyond language.

9.What role does federalism play in India's governance?

10.What challenge does liberalization pose to regional development?

2.8 Let Us Sum Up

- Colonialism also gave rise to new social classes and communities that would play significant roles in India's future.
- Unity amid diversity in traditional India was manifested through shared social and cultural institutions, occupational domains, technology, trade, markets, and transportation networks, fostering functional interdependence among diverse cultural identities.
- India, as a political entity under a single Constitution, embodies political unity, fostered historically by influential rulers and solidified during British colonial rule.
- In India, more so than in any other part of the world, individuals often adopt multiple identities based on factors such as region, language, and religion among others.
- Caste is a unique institution closely associated with the Indian subcontinent.
- The hierarchical arrangement of castes is rooted in the notions of 'purity' and 'pollution,' which dictate social status.
- India's population has surged over the decades, ballooning from 361 million in 1951 to 1.2 billion in 2011. Hindus

remain the largest religious group, numbering 966 million, followed by Muslims at 172 million, Christians at 28 million, Sikhs at 20.8 million, Buddhists at 8.4 million, and Jains at 4.5 million.

- Regionalism in India finds its roots in the intricate tapestry of languages, cultures, and religions.

2.9 References and Suggested Readings

- Bêteille, A. (1991). The reproduction of inequality: Occupation, caste and family. *Contributions to Indian Sociology*, 25(1), 3–28.
- Bhargava, R. (1998). What is secularism for? In R. Bhargava (Ed.), *Secularism and its critics* (pp. xx–xx). Oxford University Press.
- Bhargava, R. (2005). *Civil society, public sphere and citizenship*. Sage Publications.
- Bhattacharyya, H. (2005). *Federalism and regionalism in India: Institutional strategies and political accommodation of identities* (Working Paper No. 27). South Asia Institute, Department of Political Science, University of Heidelberg.
- Brass, P. R. (1974). *Language, religion and politics in North India*. Vikas Publishing House.
- Chandra, B. (1987). *Communalism in modern India*. Vikas Publishing House.

- Deshpande, S. (2003). *Contemporary India: A sociological view*. Penguin Books.
- Dumont, L. (1981). *Homo hierarchicus: The caste system and its implications* (2nd ed.). University of Chicago Press.
- Ellison, R. (1952). *Invisible man*. Modern Library.
- Fernandes, W. (1991). Power and powerlessness: Development projects and displacement of tribals. *Social Action*, 41, 243–270.
- Fuller, C. J. (Ed.). (1996). *Caste today*. Oxford University Press.
- Ghurye, G. S. (1969). *Caste and race in India* (5th ed.). Popular Prakashan.
- Gupta, D. (2000). *Interrogating caste*. Penguin Books.
- Mahajan, G., & Sheth, D. L. (Eds.). (1999). *Minority identities and the nation-state*. Oxford University Press.
- Miller, D. (1995). *On nationality*. Clarendon Press.

- Sharma, K. L. (Ed.). (1999). *Social inequality in India: Profiles of caste, class and social mobility* (2nd ed.). Rawat Publications.
- Sharma, U. (1999). *Caste*. Open University Press.
- Srinivas, M. N. (1994). *The dominant caste and other essays*. Oxford University Press.

2.10 Model Questions

- ❖ Discuss the key features of India's social structure and how it balances unity and diversity.
- ❖ Explain the historical evolution of the caste system in India and its impact on contemporary society.
- ❖ Analyze the role of religion in shaping India's socio-political landscape. How has religious diversity influenced national identity?
- ❖ Examine the linguistic diversity of India and the significance of the States Reorganisation Commission (SRC) in shaping India's federal structure.

- ❖ How did British colonialism influence caste identities in India? Discuss the role of censuses and legal frameworks in shaping modern caste classifications.
- ❖ Evaluate the impact of economic and educational factors on religious and linguistic communities in India.

2.11 Answers to Check Your Progress

Check Your Progress-1

1. British colonialism played a crucial role in shaping Indian consciousness by unifying diverse social groups under a single administration. It introduced modernization, capitalist economic shifts, and Western education, which empowered the middle class to challenge colonial authority. Despite exploitation, colonial rule paradoxically fueled nationalism, leading to a stronger sense of identity and unity among Indians.
2. Indian civilization traditionally emphasized hierarchy, holism, continuity, and transcendence, with strong communal bonds and social stratification. In contrast, Western civilization, shaped by the French and Industrial Revolutions, promoted equality, individuality, historicity, and utilitarian rationality. This stark contrast created challenges during India's encounter with the West but also led to cultural adaptations and transformations.
3. It brought centralized and unified governance across the subcontinent.
4. It empowered a middle class that challenged colonial rule and led social reforms.
5. It fostered Indian nationalism and cultural revival.
6. They formalized and rigidified previously fluid social categories.
7. Hierarchy, holism, continuity, and transcendence.

8. Individualism, equality, historicity, and rationality.
9. It organized occupational interdependence and local self-governance.
10. Through cultural exchanges, shared institutions, and regional interdependence.

Check Your Progress-2

1. India's social structure maintains unity through a single Constitution, shared cultural traditions, and economic integration while embracing diversity in caste, religion, language, and regional identities.
2. Tribes emphasize kinship ties, equal status, and common ancestry, whereas caste-based communities follow hierarchical divisions based on purity, occupation, and social stratification.
3. The caste system evolved through inter-tribal conflicts, economic changes, foreign influences, and occupational shifts, leading to increased social stratification over time.
4. A common Constitution, shared cultural elements, and secular governance.
5. Tribes are kinship-based and egalitarian; castes are hierarchical and occupational.
6. It challenged caste hierarchy but couldn't eliminate caste-like practices.
7. They organized trades and evolved into caste-like structures.
8. Local customs and geography led to diverse caste practices and identities.
9. Yes, caste-like divisions emerged among Sikhs, Muslims, and Christians.
10. Constitutional reservations and social reforms for lower castes.

Check Your Progress-3

1. *Varna* refers to the broad fourfold classification of society (Brahmins, Kshatriyas, Vaishyas, and Shudras),

while *jati* is a more localized and complex system with numerous castes and sub-castes varying by region.

2. Colonial rule formalized caste identities through censuses and administrative policies, leading to a more rigid categorization. The British also introduced legal recognition for marginalized castes through the Government of India Act of 1935.
3. Caste continues to influence electoral politics through caste-based parties, reservations, and political mobilization, making it a crucial factor in governance and policymaking.
4. Sanskritisation is the process by which lower castes adopt customs and practices of higher castes to improve their social status, facilitating upward mobility within the caste hierarchy.
5. *Varna and Jati.*
6. *The Census (especially 1901).*
7. *Gandhi and Ambedkar.*
8. *Birth.*
9. *Lower castes adopting upper-caste practices.*
10. *Recognition of Scheduled Castes and Tribes.*

Check Your Progress-4

1. The Pew Research Centre study highlights that India's population grew from 361 million in 1951 to 1.2 billion in 2011. Hindus remained the majority, though their proportion slightly declined, while the Muslim share marginally increased. Population growth rates have slowed down since the 1990s across all major religious groups. Religious conversions and migration had minimal impact on the overall religious composition.
2. Fertility rates among Muslims have historically been higher but have declined significantly, narrowing the gap with Hindus. Education has played a major role in this trend—Christian women, for instance, tend to have more schooling, which correlates with lower fertility rates and demographic changes.

3. 361 million in 1951; 1.2 billion in 2011.
4. The Parsi community, declining to about 60,000 by 2011.
5. It has declined significantly, narrowing the gap with Hindus.
6. Minimal; only a small fraction of the population is foreign-born or resides abroad.
7. Rare; most individuals adhere to the faith of their upbringing.
8. Muslims--Lakshadweep and Jammu & Kashmir; Christians--Nagaland, Mizoram, and Meghalaya; Sikhs--Punjab.
9. Nagaland, Mizoram, Meghalaya.
10. Higher education levels.

Check Your Progress-5

1. India's major religious communities include Hindus, Muslims, Christians, Sikhs, Buddhists, Jains, and others, with Hinduism being the majority faith.
2. Since 1951, India's population has grown significantly, with Hindu and Muslim populations increasing, but at declining growth rates. The Parsi community has declined due to low fertility rates.
3. Language is a key factor in India's ethno-national identity, influencing regional pride, political organization, and the structure of federal governance.
4. The SRC, implemented in 1956, reorganized Indian states based on linguistic identity, strengthening regional representation while preserving national unity.
5. 22 languages.
6. Linguistic lines.
7. 14.2%.
8. Jharkhand and Uttarakhand.
9. Accommodates regional diversity and ensures state autonomy.
10. It increases inter-regional economic disparities.

Unit: 3

North East India: History, Culture and Politics

Unit Structure:

- 3.1 Introduction**
- 3.2 Objectives**
- 3.3 Demographic Profile of Northeast India**
- 3.4 Historical Background of Northeast India**
- 3.5 Culture of Northeast India**
- 3.6 Politics of Northeast India**
- 3.7 Let Us Sum Up**
- 3.8 References and Suggested Readings**
- 3.9 Model Questions**
- 3.10 Answers to Check Your Progress**

3.1 Introduction

In this unit, learners will explore the northeastern region of India, focusing on its rich history, diverse demography, vibrant culture, and complex political landscape. Geographically situated in the easternmost part of the country, this region lies at the juncture of South and Southeast Asia. It shares international borders with Tibet (China) and Bhutan to the north, Myanmar to the east, and Bangladesh to the south and southwest. To the west, the region connects with the Indian state of West Bengal through a narrow corridor known as the Siliguri Corridor or "Chicken's Neck."

The region comprises of eight states—popularly known as the "Seven Sisters" (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura)—and one additional state, Sikkim, which is sometimes referred to as the "Brother." Although Sikkim is geographically separated/isolated from the Seven Sisters, it has been included in the North Eastern Council(NEC) since 2002 and is considered part of the broader

northeastern region in administrative and developmental contexts.

With its distinct geographical features, including lush greenery embellished hills, river valleys, and dense forests, the Northeast is home to a wide variety of ethnic communities and indigenous cultures. Its strategic location and

proximity to multiple international borders make it a region of considerable geopolitical importance. Additionally, the region's diverse population, unique languages, and traditions contribute significantly to India's cultural and social tapestry.

3.2 Objectives

This unit is designed to achieve the following objectives, which will benefit the learners and enhance their understanding of the subject matter. After going through the contents of this particular unit, the learners will be able---

- To understand the population/demography of Northeast India.
- To get a vivid historical background about the North Eastern region of India.
- To study the population of Northeast India.
- To gain an overview of the cultural heritage of Northeast India.
- To understand the political background of Northeast India.

3.3 Demographic Profile of Northeast India

According to the 2011 Census, Northeast India has a population of approximately 45 million, constituting about 3.78% of India's total population. The overall population density of Northeast India is 175 persons per square kilometer. Assam, the most populous state in the region, has a density of 398 persons per square kilometer.

In contrast, Arunachal Pradesh has the lowest density at 17 persons per square kilometre or in other words, the state of Arunachal Pradesh, occupying the foothills of the Himalayas, has an average density of 17 persons to a km². Population distribution is uneven, influenced by factors like agricultural potential and terrain accessibility. The most densely populated parts of the region are the plains of Brahmaputra and Barak, the Imphal plain in Manipur and the western part of Tripura.

According to the 2011 Census, the region is home to approximately 3.8 percent of India's population and nearly 8 percent of the total geographical area of the country. The region is home to numerous ethnic communities, predominantly of Mongoloid racial stock, speaking over 100 distinct mother tongues. One remarkable demographic feature of the region is the presence

of diverse ethno-lingual communities, having more than 100 distinct mother-tongues, some with a population less than 5,000 while others having more than 10, 00,000.

A unique demographic feature of North East India is very rapid growth of its population. At the beginning of the 20th century, the total population of North East India was 4271978 (1901), which increased to 10260371 in the mid of the 20th century (1951) and recorded an increase of about two and a half times, while in the latter half of the 20th century (1951-2001), the population of the region increased to 38409793 and 44980294 in 2011 which showed an increase of about 3.71 times. In the demographic history of North East India, the decadal growth of the population is always higher in comparison to that of the nation as a whole. The population growth rate between the period 1901-1941 was recorded as 101.73% as against 33.67% for the nation as whole. During the period 1941-1981, the population growth rate in the region was 187.20 %, whereas the growth rate for the nation in that period was 114.44 %. On the other hand, between the period 1981-2011, the population growth rate in the region was recorded as a declining one of 81.72 % while the corresponding figure for the nation as a whole was 77.10% during that period. North East India recorded an average annual growth rate 1.79% whereas the entire country recorded 1.04%. The higher growth rates are attributed to factors like natural increase and migration, especially from erstwhile East Bengal to Assam and Tripura. In other words, during that period due to influx of large number of land hungry immigrant peasants from erstwhile East Bengal especially to flood plain of Assam and Tripura, the region recorded high growth of population.

According to census year 2011, Assam ranks first among all the states of North East India in terms of density of population in the region with 398 persons per sq. km followed by Tripura (350 persons per sq. km), Meghalaya (132 persons per sq. Km), Manipur (122 persons per sq. km), Nagaland (119 persons per sq. Km), Mizoram (52 persons per sq. Km) and Arunachal Pradesh (17 persons per sq. Km). In context of North East India, the physiographic density of population was the highest in Manipur followed by Mizoram and Tripura in 1991 & 2001. Arunachal Pradesh consistently records the lowest population density in the country.

STOP TO CONSIDER-1

➤ Demographic Profile of Northeast India

- Northeast India accounts for about **3.78% of India's population** and **8% of its land area** (Census 2011).
 - **Population density** varies--**Assam** is the highest (398/km²), **Arunachal Pradesh** the lowest (17/km²).
 - The region has **high ethnic and linguistic diversity**, with over **100 distinct mother tongues**, mainly of **Mongoloid origin**.
 - Population growth has historically been **higher than the national average**, driven by natural growth and **migration**, especially from erstwhile **East Bengal**.
 - **Densely populated areas** include the **Brahmaputra and Barak plains, Imphal valley**, and **western Tripura**.
 - **Manipur** ranks high in **physiographic density**, while **Arunachal Pradesh** remains the least densely populated.
-
- Assam has the highest population density in the region, followed by Tripura and Meghalaya.
 - Arunachal Pradesh remains the least densely populated state in India.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. How many states comprise the region of northeast India?

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2. Which is the least populated state in northeast India?

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3. Why Assam and Tripura witnessed high population growth?

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4. What percentage of India's population lives in Northeast India?

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5. Which state in the Northeast has the highest population density?

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6. Which state has the lowest population density in the region?

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7. What percentage of India's land area does the Northeast cover?

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8. How many distinct mother tongues are spoken in the region?

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9. What major factor contributed to high population growth in Assam and Tripura?

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10. Which area has the highest physiographic population

density?

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3.4 Historical Background of Northeast India

This part of your chapter will discuss the historical background of the states. Each state and its history will be discussed separately for your better understanding. Let us now learn about the states in details:

➤ **Arunachal Pradesh ---**

Arunachal Pradesh, also known as the land of the rising sun With an area of 83,743 sq. km, this state is the largest among the north-eastern states of India. The state is situated in the great Himalayan ranges with height ranging from 900 ft to 14000 ft height at Sela Pass. Arunachal Pradesh is blessed with breathtakingly beautiful hilly terrains; deep gorges beautiful valleys and plateaus, dense and lush green forests with unique varieties of flora and fauna.

Arunachal is a sparsely populated state. Before it got its statehood on 20 February 1987, Arunachal Pradesh was a Union Territory (UT) for 15 years since 1972. Prior to that, it was known as the North East Frontier Agency (NEFA) and was under the direct administration of the Ministry of External Affairs, Government of India. Arunachal is a home of 26 major indigenous tribes and 110 sub-tribes and minor tribes each having distinctive tradition and culture, custom and language and thus this hilly State is predominantly inhabited by tribal population belonging to Indo-Mongoloid group. The major rivers passing through the state include Siang, Kameng, Dibang, Tawang, Dihing and Tirap. Besides, there are innumerable tributaries. There are only two seasons — winter and rainy.

The state shares international borders with four countries — Bhutan in the west, Myanmar in the east and Tibet and China in the north. Only Assam and Nagaland are its entry points to the rest of India. Written references to local people in Arunachal first appeared in Ahom Burunjis (chronicles) and later in the Mughal Chronicles during the medieval period. The state was popularly known as NEFA (North-East Frontier Agency) till January 21, 1972. It was

administered by the President of India through the Governor of Assam acting as his Agent. NEFA attained the status of Union Territory from 21st January, 1972 under the provision of the North-Eastern Areas (Re-organization Act of 1971) with the new name, under the charge of a Chief Commissioner with its Headquarters at Shillong, the capital of the State of Meghalaya. From 15th August, 1975 this Union Territory was endowed with a Legislative Assembly having Chief Minister with a cabinet of four Ministers to assist the Lieutenant Governor appointed on the same day as the Administrator of the union Territory.

The first General Election to the 30 member Arunachal Pradesh Legislative Assembly was held in 1978, constituting a landmark in the political history of the Territory. The Headquarters of this Union Territory was then shifted from Shillong to Itanagar under then Subansiri District in 1978.

Arunachal Pradesh had attained the status of a State on 20 February, 1987. Till May 1980, Arunachal Pradesh consisted of five districts; thereafter numbers of districts were added after passing of the Arunachal Pradesh Reorganization of Districts Acts, 1980, thus there are twenty districts at present in the State, namely, Tawang, West Kameng, East Kameng, Papum Pare, Kurung Kumey, Kra Dadi Lower Subansiri, Upper Subansiri, West Siang, East Siang, Upper Siang, Siang, Dibang Valley, Lower Dibang Valley, Lohit, Anjaw, Namsai, Changlang, Tirap & Longding.

➤ **Assam--**

Bestowed with scenic beauty and immense natural resources Assam's human landscape is as colourful and varied as her physiography. The state is dominated by Brahmaputra and Barak, geographically; Assam is connected to the rest of India via a 22-km land strip in West Bengal, popularly known as 'Chicken's Neck', near Siliguri. Assam shares an international border with Bhutan and Bangladesh. Assam is mainly an agricultural state. Silkworm rearing, reeling, spinning and weaving have been age-old practices in Assam. Besides Assam has a rich tradition of crafts. Cane and bamboo craft, bell-metal and brass. The state is surrounded by beautiful tea gardens. The state of Assam is one of the oldest oil producing states.

Assam was earlier named as 'Pragjyotisha' and its capital 'Pragjyotishpur' means 'Eastern Light.' The region came to be

known as 'Kamrup' later during the Puranic times after the name of Kamdeva, the God of Love. Some attribute the origin of the word Assam to the Ahoms, who ruled the state for 600 years, while some believe that its 'uneven' (asam) topography, comprising hills and plains, gave it the name Assam. Hiuen Tsang's travel accounts reveal that Pusyavarman of the Varman Dynasty ruled Kamrup during that period. He was followed by other kings till the seventh century, when Bhaskaravarman (the contemporary of Harshavardhan) came to rule as the last king. After the Varmans, three other dynasties ruled Kamrup, beginning with Salastambha, followed by the Palas and then, the Khens. It is during the rule of the Khens that the Mughals first invaded Assam. After the fall of the Khens, the Koches rose to power in 1515 A.D. By that time, the Ahoms were also expanding their rule from the east. The Sutiya were ruling in the extreme north-east, the Kacharis in mid-Assam and in between them a number of chieftains called 'Bhuyans' were exercising hold over the Brahmaputra plains. The Ahoms defeated them and they ruled for almost 600 years.

Before the invasion of the British, the Mughals invaded Assam. In January 1668, Aurangzeb dispatched a large army under Raja Ram Singh's command to reoccupy Assam. Raja Ram Singh, encouraged by his initial success, launched a massive naval assault. Thus, The Battle of Saraighat was fought in 1671 between the Mughal Empire led by Kachwaha king Raja Ram Singh I and the Ahom kingdom led by Lachit Borphukan on the Brahmaputra river at Saraighat, now in Guwahati. The battle lasted one full day and the Mughal army succumbed to defeat against the contingent led by Lachit Borphukan.

Assam's contribution to the freedom struggle was evident from the days of Sepoy Mutiny of 1857. After Independence; Gopinath Bordoloi was elected the first Chief Minister of Assam.

➤ **Manipur--**

The beautiful state of Manipur is also named as 'The jewel of India'. The state has an area of 22,327 sq. km, and is bounded by Nagaland in the north, Assam in the west, Mizoram in the south-west and Myanmar in the east and south-east. Manipur comprises 16 districts—Imphal East, Imphal West, Thoubal, Bishnupur, Jiribam, Kakching in the valley, and Ukhrul, Churachandpur, Chandel,

Senapati, Tamenglong, Kangpokpi, Kamjong, Tengnoupal, Noney and Pherzawl in the hills.

The state is blessed with rich natural resources. Manipur's economy is based on agriculture, forest produce, industries, mining, business and tourism. Agriculture has a significant share in the state's domestic product and provides the largest share of employment. Handicraft is another important industry in the state. Women play a vital role in the socio-economic and political life of the state.

Reference of the state of Manipur has been made in the great Mahabharata. The literature of the Meiteis, the largest community of the state, preserved in the form of Chietharol Kumbaba or the royal chronicles, claims an uninterrupted line of kings since 33 A.D. The state of Manipur has emerged as a well-established kingdom under King Kyamba in 1467-1506.

The association of Meiteis with the kingdom of Pong, located between the frontier of Yunnan in China and Burma, finds a mention in the Royal Chronicles of the early fifteenth century. The first notable king who extended the frontiers of Manipur to the Banks of Irawadee River in Burma was Pamheiba or Raja Garib Niwaj (1714-55). Raja Garib Niwaj was credited with the cultural transformation of Meitei people by accepting Vaishnav Hinduism.

Burmese king, Alungpaya, invaded Manipur in 1752 and occupied the kingdom. Manipur regained its freedom with the help of the kingdoms of Tripura and Assam. The British gained initial foothold in Manipur, following requests of the kings for help in their hostilities with Burma. The relations between Manipur, Burma and the British came to be determined largely by the Treaty of Yandaboo (1826) signed between the British and the Burmese, under which the king's title to Manipur's throne was recognised.

➤ **Meghalaya--**

The state of Meghalaya got its name from Sanskrit which means the adobe of clouds. Meghalaya was formed on 21 January 1972, and was carved out of the state of Assam. Meghalaya comprises the United Khasi Hills, Jaintia Hills and Garo Hills. The total geographical area of the state is 22,429 sq. km with a population of 29.67 lakh (Census 2011). Meghalaya is one of the most beautiful states of India; Meghalaya is a favoured tourist destination. Earlier

Sohra (Cherrapunjee) and now Mawsynram are known to be places with highest rainfall on earth.

The state is a home to three major tribes, the Khasis, Garos and Jaintias. Meghalaya is largely an agrarian state. The state has rich mineral resources such as coal, limestone, silimanite, iron ore, uranium, etc. Earlier, coal was an important commodity for mining and trade in the state.

It was not until 1972 that Meghalaya gained statehood after a firm but largely peaceful agitation, the Hill State Movement. A major reason for the struggle was the imposition of Assamese as an official language on the tribal areas (1960), something which the fiercely autonomous indigenous communities were against as it eroded their linguistic and cultural distinctiveness. Captain Williamson A Sangma, who was one of the leaders of the Hill State Movement, was the first chief minister of Meghalaya.

➤ **Mizoram--**

Mizoram with the highest tribal population among all Indian states is situated in the extreme south of North East India. It shares international boundary with Myanmar in the south and east, and Bangladesh in the west, thus, occupying an area of great strategic importance. It is bounded in the west by Tripura and in the north by the states of Assam and Manipur. The state has an area of approximately 21,087 sq. km. (According to the Census 2011)

Many of the rivers and streams run between the hill ranges and in plain areas. Rivers like Tlawng also known as Dhaleshwari, Tuirial and Tuivawl drain the northern portion of the land and fall into the Barak. Mountain peaks named Phawngpui also known as Blue Mountain at 2,157 metres is the highest peak. Lakes such as Palak Lake, Tamdil, Rungdil and Rengdil are also located here.

Mizoram has 57 per cent of the geographical area covered by different species of bamboo.

Christianity is the major religion in Mizoram, people inhabiting in the state of Mizoram are known as Mizos, consists of Hmar, Lushai (or Lusei), Paite, Lai (Pawi), Mara (Lakher) and Ralte. These groups are subdivided into numerous sub-clans, for example the Hmars are divided into Thiek, Faihriem, Lungtau, Darngawn, Khawbung, Sote, and others. Mizo and its kindred people are found across North East

India, Burma and Bangladesh. The Bru (Reang) and Chakma are the other tribal groups in Mizoram. There are also sizeable numbers of Nepalis scattered in various parts of the state. The economic life of the people of Mizoram has always been centered around Jhum or shifting cultivation. According to historians it is believed that the Mizos are a part of the great wave of the Mongolian race spilling over into the eastern and southern India centuries ago. Their sojourn in western Myanmar, into which they eventually drifted around the seventh century, is estimated to last about ten centuries.

➤ **Nagaland--**

The state of Nagaland also known as the land of festivals is a tribal state with a population of 19.78 lakh (Census 2011). It is bounded by Myanmar and Arunachal Pradesh in the east, the state of Assam in the west and north, and Manipur in the south. It covers a geographical area of 16,579 sq. Km. Nagaland is inhabited by 16 major tribes along with a number of sub-tribes. Ao, Angami, Chang, Konyak, Lotha, Sumi, Chakhesang, Khiamniungam, Kachari, Phom, Rengma, Sangtam, Yimchungru, Kuki, Seliang and Pochury are the major tribes. Nagaland is an agrarian state with over half of its population dependent on agriculture. Horticulture is another main activity in the state. The tallest tree of the world, Rhododendron, and the largest electric guitar ensemble of the state have been recorded by the Guinness Book of World Records.

Nagaland was part of Assam during the time of Independence. Nagaland became a fully fledged state in December 1, 1963. Owing to its unique socio-cultural setup, the state enjoys special provision for its autonomy under Article 371(A) of the Constitution. Nagaland becomes the 16th state of the Indian Union. Kohima became the state capital. The state has 11 districts.

➤ **Tripura--**

The origin of the name of the state Tripura has often been debated by scholars. Though the word means three cities in Sanskrit some scholars trace its origin to king Tripur, believed to be a powerful ruler of this region, who is also mentioned in the chronicle Rajmala. While other group of scholars are of the view that etymologically the word 'Tripura' is a compound of two words used in the local language, 'tui' meaning 'water' and 'pra' meaning 'near'.

With a total area of 10,486 square km, the state's population is 36.74 lakh (Census 2011). The Tripuris constitute the largest tribal community in the state. Various Socio-economic factors, political factors also led a large number of Bengalis to take refuge in the state.

The population of Tripura are followers of both Shakti and Vaishnavism, besides revering their own local deities accompanied by indigenous customs and rituals. The Tripuris mainly practise jhum cultivation. Agriculture constitutes the primary sector of the economy. More than half of the population is dependent on agriculture.

Tripura finds its references in ancient texts such as the Mahabharata and the Puranas. It also finds a mention in the pillar inscriptions of Emperor Asoka. The information on early history is largely based on oral traditions contained in the Rajmala, a court chronicle belonging to the fifteenth century and is the earliest documentary evidence written in Bengali, during the rule of the Manikya kings. The Tripuri kings who were of Indo-Mongolian origin adopted the title of Manikya and ruled Tripura for an uninterrupted period of 350 years. It was under the rule of the Manikya dynasty that the kingdom of Tripura reached the zenith of its power and most glorious period in its evolution during the sixteenth century. Following the death of the last ruling king Bir Bikram Kishore Manikya, Tripura acceded to the Indian Union in 1949 through a Merger Agreement signed by Queen Kanchan Prava Devi.

Initially administered as a Union Territory, Tripura gained full statehood on 21 January 1972 as per the North-East Reorganisation Act, 1971.

➤ **Sikkim--**

The state of Sikkim was known originally as 'Nye-mae-el' or 'heaven'. Sikkim is bounded to the north by China (Tibet), the kingdom of Bhutan to the east, Darjeeling district in West Bengal to the south, and Nepal to the west. The capital of Sikkim is Gangtok. The three principal ethnic communities of Sikkim—Lepchas (Rongs), Bhutias (Khampas) and Nepalese are nature-worshippers, while also practising Buddhism and Hinduism.

Sikkim became a full-fledged state of the Indian Union on 16 May 1975. Kazi Lhendup Dorjee became the first Chief Minister, and the

institution of Chogyal came to an end in 1982, with the passing of the last consecrated ruler.

STOP TO CONSIDER-2

➤ Historical Background of Northeast Indian States

- **Arunachal Pradesh**-- Formerly NEFA; became a state on 20 Feb 1987; shares borders with Bhutan, China, and Myanmar.
 - **Assam**-- Site of the historic Ahom kingdom; resisted Mughal invasions; center of British colonial tea trade.
 - **Manipur**-- Independent kingdom until annexation in 1891; joined India in 1949 after the Treaty of Yandaboo.
 - **Meghalaya**-- Carved from Assam in 1972 due to linguistic and cultural differences; mainly Khasi, Garo, Jaintia tribes.
 - **Mizoram**-- Originated from Lushai Hills district; gained statehood in 1987 after the 1986 Mizo Peace Accord.
 - **Nagaland**-- Known for its fierce tribal independence; became a state in 1963 under Article 371(A).
 - **Sikkim**-- Buddhist monarchy until 1975; became the 22nd Indian state after a public referendum.
 - **Tripura**-- Former princely state; merged with India in 1949; became a full state in 1972.
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- Arunachal Pradesh was formerly NEFA and became a state in 1987.
 - Assam, once Pragjyotisha and Kamrup, played a key role in India's freedom struggle.
 - Manipur, known as the Jewel of India, has a history dating back to 33 A.D.
 - Meghalaya gained statehood in 1972 after protests against Assamese as an official language.
 - Mizoram, with the highest tribal population, practices Jhum cultivation and follows Christianity.
 - Nagaland, the Land of Festivals, became a state in 1963 and enjoys special autonomy.
 - Tripura, ruled by the Manikya Dynasty, merged with India in 1949 and became a state in 1972.

- Sikkim, once a monarchy, became India's 22nd state in 1975, ending Chogyal rule.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the basic occupation of the people of Manipur?

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2. Trace the history of Arunachal Pradesh.

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3. When did Nagaland become a state?

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4. What are major tribes of Sikkim?

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5. Garos and Khasis inhabit in which state?

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6. When did Arunachal Pradesh attain statehood?

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7. Who led the Ahom forces in the Battle of Saraighat?

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8. Which treaty recognized Manipur's sovereignty post-Burmese invasion?

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9. What was the primary reason for Meghalaya's demand for statehood?

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10. Which religion is predominant in Mizoram?

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11. Under which constitutional article does Nagaland enjoy special autonomy?

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12. When did Sikkim become a full-fledged state of India?

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3.5 Culture of Northeast India

Let us now learn about the vibrant culture of northeast India. Each state has their own unique culture which will be discussed in this section of the unit—

➤ **Arunachal Pradesh--**

Each tribe residing in Arunachal Pradesh have their own festival, which provides a creative forum for expressing the distinctness of their art forms, dresses, designs, dance

Musical instruments, etc. The major tribes of Arunachal are Adi, Galo, Aka, Apatani, Nyshi, tagins, Bori, Bokar etc.

Many tribes worship the sun and the moon and practise the religion of Dony Polo. Monpa and Shedukpen tribes residing in west kameng and tawang districts are inhabited by followers of Tibetan culture. In the Lohit district, the Kahmpti and the Singpho tribes also practise Buddhism. The rest of the population of the state practise animal worshipping. A large portion of the Arunachal's population are nature worshipers. also quite pre-ponderous. Some of the local festivals are —‘Solung’ celebrated by the Adis in Siang and Dibang valley, ‘Nyokom’ celebrated by Nyishis, ‘Mopin’ by Gallongs, ‘Lossar’ by Monpas, ‘Dree’ by Apatanis, ‘Loku’ by Noctes and ‘Boori-Boot’ celebrated by the Hill Miris, etc.

➤ **Assam--**

Bihu is the most popular festival and represents the essence of Assam. Bihu is derived from the language of the Dimasa Kacharis, who have been agrarian since time immemorial. Rongali Bihu’ marks the advent of spring and the first day of the Hindu solar calendar. The first day of ‘Rongali Bihu’ is called ‘Gorubihu’, where the cows are worshipped. Rongali Bihu is celebrated with great pomp. The Bodos are the oldest tribe residing in Assam. The traditional dance of the Bodos is Bagurumba. The Bodos worship Bathou or Shiva, a girl must perform the religious dance in front of the altar. Likewise in ‘Deodhani’ dance, a girl dances on the beat of the kham (drum) and siphung (flute), propitiating many deities from Shiva to Lakshmi.

The 'Dimasa' dance form is called 'Baidima'. 'Bishu' is an important festival celebrated by Dimasa. Tiwas in Dimoria have a traditional Bihu dance called 'Lalilang'.

For Karbis, 'Rongker' is one festival held around January-February, in which entire village participates thanking various gods for the prosperity and well-being of the community.

The main festival of Mishing people is 'Ali-Ayé-Ligang'. It is a spring festival associated with agriculture. The Ahom community of the state celebrate 'Me-Dam-Me-Phi'. It is celebrated by the Ahom people on 31 January every year in memory of their ancestors.

➤ **Manipur--**

The state of Manipur is a land of diversity. The most popular celebration in Manipur is 'Yaoshang' (Holi), which is celebrated for five days, commencing from the full moon day of Falguna (February- March). 'Thabal Chongba', a type of Manipuri folk dance, where boys and girls hold hands and sing and dance in a circle, is performed during holi. 'Kut', also known as 'Chawang Kut' or 'Khodou' among, is a festival of harvest of Kuki-Chin-Mizo groups.

'Gang-Ngai' is the festival of Kabui Nagas, which is celebrated for five days in December or January and comprises common feasts, dances of old men and women, boys and girls, and presentation of farewell gifts, etc.

'Lui-Ngai-Ni', a sowing festival is the collective festival of the Nagas, observed on the fifteenth day of February and marked by gatherings, songs, dances and rejoicing. 'Cheiraoba' is the Meitei New Year, which is celebrated by offering special festive dishes to the deities.

'Kang' (Rath Jatra), similar to the Rath Yatra in Puri, is one of the greatest religious festivals of Hindus and is celebrated for 10 days in July. 'Heikru Hitongba', a celebration in the month of September when narrow boats carrying idols of lord Vishnu are rowed by a number of rowers in rivers or canals, is also popular.

'Chakouba', celebrated on the second day in the month of Hiyangei (November), is a special festival of the Meiteis, when Ningol or

married sisters or girls are invited to feast and offered gifts in their parental homes.

➤ **Meghalaya--**

The state of Meghalaya celebrates four major festivals which are 'Shad Suk Mynsiem', also known as 'Weiking dance' and 'Nongkrem dance' (Khasis); 'Wangala dance', also known as 'Hundred Drums festival' of the Garos, and 'Behdeiñkhlam festival' of Jaiñtia Hills. Wangala is the most popular festival among the Garos of Meghalaya. It is a harvest festival held in honour of Saljong, the Sun-god of fertility.

➤ **Mizoram--**

In Mizoram festivals such as Chapchar Kut and Alphaloni celebrated by the Mizos and Chakmas, respectively, revolve around the stages of jhum cultivation or the seasons. Chapchar Kut is celebrated at the state level every year on the second Friday of March. It is the most joyful traditional festival celebrated by the Mizos.

➤ **Nagaland--**

In Nagaland most of the festivals revolve around agriculture. 'Sekrenyi' is the main festival of the Angami tribe, which is celebrated in the month of February. 'Moatsu' is the main festival of the Ao tribe, which is celebrated in the month of May for three days (1-3 May). This festival is held after the sowing is done and the earth begins to show signs of fertility.

'Sukrenye' is the main festival of the Chakhesang tribe, which is celebrated on 15 January. 'Naknyülüm' is the main festival of the Chang tribe, which is celebrated in July. This festival is marked by exchange of gifts and food items among friends and relatives. 'Miu' is the main festival of the Khamniungam tribe, which is held in the first week of May. The importance of this festival is to build cordial relations between the maternal uncle and his sister's children.

'Mimkut', the main festival of the Kuki tribe, is the harvest festival. 'Aoleang Monyuis', the main festival of the Konyak tribe, is observed in the first week of April. 'Bushu' or 'Bushu Jiba' is the

main festival of the Dimasa Kachari tribe It is a post-harvest festival. 'Tokhu Emong' is the main festival of the Lotha tribe, which is celebrated on 7 November after the harvest. 'Monyu' is the main festival of the Phom tribe, which is celebrated in April, soon after the beginning of the sowing season. Yimshe' is the main festival of the Pochury tribe, which is celebrated in the month of October. It is the festival welcoming the new harvest. 'Ngadah' is the main festival of the Rengma tribe, which is celebrated towards the end of November just after the harvest. 'Tuluni' is the main festival of the Sumi tribe, which is celebrated in the month of July.

Mongmong' is the main festival of the Sangtam tribe, which is celebrated in the first week of September. Mongmong is observed on the occasion of a good harvest. 'Metumniu' is the main festival of the Yimchunger tribe, which is celebrated from 4-8 August every year after the harvest of millet.

'Hega' is one of the most the biggest festivals among the Zeliang tribe. It is observed in the month of February every year when God's blessings for prosperity, luck, protection, guidance and courage.

The annual 'Hornbill' festival envisioned to showcase the Naga culture, both traditional and contemporary, is held for 10 days, starting 1st December (Statehood Day). The festival is a tribute to the great hornbill revered by the Nagas for its qualities of alertness and grandeur. The feathers of the hornbill are used in the headgear.

➤ **Tripura--**

In Tripura Hinduism is the major religion followed by its residents. Some of the other religions that are practised here are Buddhism, Christianity and Islam. Most of the tribes are followers of Hinduism and worship their own tribal deities. Some of the significant deities worshipped here are 'Buraha', 'Bonirao', 'Uma', 'Goraiya', 'Jampira', 'Mangisiri', 'Lampra', 'Khulma', etc.

Tripura Sundari is one of the most popular deities who is revered by many and is popularly known as 'Sharoshi' or 'Rajarajeshwari'. The Chakmas, Uchai and Mogs practices Buddhism.

➤ **Sikkim--**

The people of Sikkim celebrates Lord Buddha's birthday every year on the tenth day in the month of Vaishakha (April-May). On this day, village people observe the Bhutia festival 'Chhechu', when the lamas, lamis and lay Buddhists visit monasteries. At the end of January every year, a big festival is held at Lachen where lamas dance to the tunes of sacred music in their colourful robes. This wonderful spectacle of dance, lasting three days is known as 'Chham'.

On the full moon day of the first month of the year (around 14 March) the 'Bumchhu' festival is held at the Tashiding Monastery with great pomp and show. 'Losoong', which is the New Year festival of the Bhutias, is celebrated in Sikkim.

STOP TO CONSIDER-3

➤ **Culture of Northeast India**

- **Arunachal Pradesh--** Diverse tribal festivals like Solung, Nyokum, Mopin; nature and sun-moon worship (Donyi Polo); Monpa and Sherdukpen follow Tibetan Buddhism; Khampti and Singpho practice Theravada Buddhism.
- **Assam--** Celebrates Bihu (especially Rongali Bihu); significant tribal dances—Bagurumba (Bodo), Baidima (Dimasa), Deodhani; Me-Dam-Me-Phi by Ahoms; Ali-Aye-Ligang (Mishing), Rongker (Karbis).
- **Manipur--** Holi (Yaoshang) with Thabal Chongba dance; Naga and Kuki-Chin-Mizo harvest and sowing festivals (Lui-Ngai-Ni, Kut, Gang-Ngai); Cheiraoba (Meitei New Year), Kang (Rath Yatra), Ningol Chakouba.
- **Meghalaya--**Four major festivals—Shad Suk Mynsiem, Nongkrem (Khasi), Wangala (Garo), and Behdeinkhlam (Jaintia).
- **Mizoram--**Celebrates Chapchar Kut (main festival); festivals tied to jhum cultivation and seasonal cycles.
- **Nagaland--**Rich tribal culture with agriculture-based festivals for each tribe (e.g., Sekrenyi, Moatsu, Aoleang); Hornbill Festival (Dec 1–10) showcases Naga heritage.
- **Tripura--** Dominant Hindu practices with tribal deities (e.g.,

Lampra, Goraiya); Tripura Sundari worshipped widely; Chakmas and Mogs follow Buddhism.

- **Sikkim**--Buddhist festivals like Buddha Jayanti, Chham (Lachen), Bumchu (Tashiding); Losoong celebrates Bhutia New Year.

☒ Overall--Northeast India is a mosaic of unique tribal traditions, nature worship, seasonal festivals, and a blend of Hindu, Buddhist, and animistic practices.

- Arunachal Pradesh was NEFA, became a Union Territory in 1972, and a state in 1987.
- Assam was historically Pragjyotisha/Kamrup and ruled by the Ahoms for 600 years.
- Manipur has a history dating back to 33 A.D., influenced by Burmese and British rule.
- Meghalaya became a state in 1972 after the Hill State Movement.
- Mizoram has the highest tribal population, practices Jhum cultivation, and follows Christianity.
- Nagaland became India's 16th state in 1963 and has special autonomy under Article 371(A).
- Tripura was ruled by the Manikya Dynasty, merged with India in 1949, and became a state in 1972.
- Sikkim was a monarchy before becoming India's 22nd state in 1975.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are main festivals celebrated in Arunachal Pradesh?

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2. What is the main dance form of the Bodo Community?

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3. Which festival is celebrated by the Sumi Naga Tribe of Nagaland?

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4.Name the main religion followed in Arunachal Pradesh.

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5.What is the most popular festival in Assam?

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6.Which dance is associated with Yaoshang in Manipur?

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7.Name one major festival of the Garo tribe in Meghalaya.

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8.What is Chapchar Kut?

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9.Which festival showcases all Naga tribes' culture?

10. Which major Buddhist festival is celebrated in Sikkim?

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3.6 Politics of Northeast India

The present States of **Nagaland, Meghalaya, and Mizoram** were initially districts within Assam, while **Arunachal Pradesh** (then NEFA) comprised of several 'frontier tracts' under the Assam Governor's administration.

Manipur and Tripura were princely states that became Part C States (Union Territories) after merging with India in 1948.

This region has long been the site of complex political conflicts, primarily due to **insurgency movements**. These conflicts have cost thousands of lives, including those of security personnel and civilians. With **98% of the region's boundary shared with international borders**, the Northeast's tenuous geographic connectivity with mainland India adds to its challenges.

The roots of insurgency lie in the **region's geography, colonial history, ethnic diversity, and socio-economic disparities**.

➤ Arunachal Pradesh

While the state has mostly remained peaceful, it has seen **intermittent insurgent activities**, especially by NSCN factions in **Tirap and Changlang districts**. The ceasefire with NSCN remains in place, but **occasional violence still occurs**, as seen in incidents reported in 2022. The **Chakma refugee issue**, while currently subdued, continues to stir social tensions. Concerns remain about **growing income inequalities and limited employment opportunities** for the youth.

➤ Assam

Historically, Assam witnessed the earliest insurgency movements, including **Naga and Mizo uprisings**. The **ULFA (United Liberation Front of Asom)** emerged in 1979 and was particularly active through the 1980s and 1990s, fueled by issues like **unemployment, corruption, illegal immigra-**

tion, and perceptions of resource exploitation. Ethnic tension flared during the **1979–1985 Assam Movement**, which led to the **Assam Accord**. While ULFA’s strength has waned, **splinter groups remain active**, and periodic violence continues, particularly in areas bordering Nagaland and Arunachal Pradesh.

➤ **Manipur**

Currently the most conflict-ridden state, Manipur is facing **severe ethnic violence since May, 2023**. The **ongoing conflict between the Meitei and Kuki communities** has resulted in over **250 deaths** and displacement of more than **60,000 people**. The crisis escalated after a High Court order proposed ST status for Meiteis, sparking violent backlash. The **state administration has been accused of bias**, leading the **Centre to impose direct rule (President’s Rule) in early 2025**. Multiple insurgent groups have resurfaced or gained strength amid this unrest, with **ongoing tensions, extortion, and blockades** affecting normal life. The rift between hill and valley communities continues to widen.

➤ **Meghalaya**

While comparatively peaceful, Meghalaya faces **governance conflicts** between the **state government and the Sixth Schedule District Councils**. There is also rising **inter-tribal tension** and concern over **illegal immigration from Bangladesh**, especially in the **Garo Hills**. These issues pose long-term challenges to stability if not addressed through inclusive governance.

➤ **Mizoram**

Mizoram stands out as a model of peace after the **1986 Mizoram Accord**, which ended years of violent insurgency led by the **Mizo National Front (MNF)**. It gained statehood in 1987 and has since remained largely peaceful. Mizoram has also played a humanitarian role by **sheltering refugees from Myanmar and Manipur**, although this has created some strain on local resources.

➤ Nagaland

The NSCN (IM) and other factions continue to push for a **Greater Nagaland (Nagalim)**, causing friction with neighbouring states, especially Manipur. Although a **framework agreement was signed in 2015**, a final settlement is yet to be reached. Recent years have seen **frustration among youth** due to **unemployment and delays in political resolution**. Peace talks are ongoing, but intermittent violence and extortion activities persist.

➤ Tripura

Tripura underwent **demographic transformation** post-1947 due to the influx of Bengali-speaking refugees from East Pakistan. The indigenous population was marginalized, leading to the rise of **violent tribal outfits like the Tripura National Volunteers (TNV)**. While insurgency has largely subsided since the 2000s, **tribal identity politics remain a sensitive issue**, and peace is maintained through continued surveillance and tribal welfare programs.

➤ Conclusion

Northeast India presents a **complex tapestry of historical grievances, ethnic identities, and insurgency movements**. While states like Mizoram and Meghalaya have managed to retain relative peace, **Manipur's recent ethnic strife** highlights how **fragile the balance still is**. The evolving nature of insurgency, often tied to local grievances, unemployment, and identity politics, demands a **multi-pronged approach of dialogue, development, and devolution of powers** to ensure lasting peace.

STOP TO CONSIDER-4

➤ Politics of Northeast India

- **Historical Background**--Nagaland, Meghalaya, and Mizoram were once Assam districts; Manipur and Tripura were princely states merged into India post-1948.
- **Core Issues**--Geography, ethnic diversity, underdevelopment, and historical neglect have fueled long-standing **insurgency and ethnic conflicts**.

□ State-wise Snapshot with Recent Developments

- **Arunachal Pradesh**--Largely peaceful; NSCN activity subdued after ceasefire. Tensions over Chakma refugee settlement and economic inequality remain.
- **Assam**--ULFA-led insurgency declined but **splinter groups remain. Illegal immigration and ethnic tensions** still drive conflict.
- **Manipur**--**Worst-hit by violence (2023–2025)** between **Meiteis and Kukis**. Deep ethnic divide; thousands displaced; insurgents regaining ground.
- **Meghalaya**--Peaceful overall. Concerns over **Sixth Schedule autonomy, tribal rivalries, and Bangladeshi infiltration** in Garo Hills.
- **Mizoram**--**Peace model** post-1986 accord. Hosting refugees from **Myanmar and Manipur** has created social pressure.
- **Nagaland**--NSCN factions still active. **Talks for Greater Nagalim** unresolved; **youth discontent and unemployment** persist.
- **Tripura**--Post-insurgency calm; tribal-Bengali divide remains sensitive. Historical land loss still influences **identity politics**.
- Northeast India shares 98% of its borders with international countries, influencing political conflicts.
- Insurgency has been a major challenge, leading to violence and instability in several states.
- Arunachal Pradesh remained peaceful after a ceasefire with NSCN, though economic issues persist.
- Assam has a long history of insurgency, with ULFA and ethnic conflicts over illegal migration.
- Manipur has the highest insurgency activity, with multiple armed groups and tribal tensions.
- Meghalaya faces inter-tribal rivalry and concerns over Bangladeshi infiltration.
- Mizoram transitioned from violent insurgency to peace after the 1986 Mizo Accord.
- Nagaland remains a conflict zone due to demands for

‘Greater Nagaland’ (Nagalim).

- Tripura saw major violence due to demographic shifts after mass migration from East Pakistan.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Analyse the major reason for conflict in Assam.

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2. Describe the conflict situation of Tripura.

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3. Which state is considered as the hotspot of insurgency?

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4. Which states were carved out of Assam?

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5. What was Arunachal Pradesh formerly known as?

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6. What triggered the recent violence in Manipur?

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7. Which insurgent group was active in Assam during the 1980s–1990s?

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8. What peace agreement ended the Mizoram insurgency?

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9. Which state continues to push for a Greater Nagaland?

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10. What major demographic shift affected Tripura post-1947?

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11. What were Nagaland, Meghalaya, and Mizoram before becoming states?

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12. Why is the Northeast's geographic location a challenge?

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13.Which insurgent group was active in Assam during the 1980s–1990s?

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14.What triggered the recent ethnic violence in Manipur (2023)?

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15.Which state signed the 1986 Accord that ended insurgency?

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16.What is the key unresolved demand of NSCN in Nagaland?

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17.Why did Tripura see a rise in tribal insurgency post-1947?

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3.7 Let Us Sum Up

Northeast India is a region of rich diversity and strategic significance, shaped by its unique **geographical location**, **ethnic composition**, and **historical evolution**. Comprising eight states—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim—this region lies in a geopolitically sensitive area, sharing 98% of its borders with neighboring countries like Bangladesh, Myanmar, China, Bhutan, and Nepal. This geographical positioning has deeply influenced both its cultural vibrancy and political complexities.

The **demographic landscape** of the region is marked by a rich mosaic of tribal and non-tribal communities, with over 100 distinct ethno-linguistic groups speaking multiple mother tongues. The region has witnessed rapid population growth, with migration—especially from East Bengal—significantly altering the population profile of states like Assam and Tripura. States like Arunachal Pradesh, with a sparse population, contrast sharply with the densely populated plains of Assam and Tripura.

The **history** of the region reveals a tapestry of ancient kingdoms, colonial encounters, and post-independence reorganizations. Assam, once known as Pragjyotisha and Kamrup, saw long-standing rule under the Ahoms. Manipur has historical references dating back to 33 A.D., while states like Tripura and Sikkim have royal chronicles and legends of indigenous dynasties. The States Reorganisation Act and later political movements led to the creation of new states such as Meghalaya (1972), Mizoram (1987), and Sikkim's accession as the 22nd state of India in 1975.

Culturally, the Northeast is a celebration of **indigenous festivals, dances, and rituals** that reflect deep ties to nature, agriculture, and tribal belief systems. From Bihu in Assam and Yaoshang in Manipur to Hornbill Festival in Nagaland and Chapchar Kut in Mizoram, each festival embodies the traditions and values of its people. Sikkim's Buddhist culture and Arunachal's animistic and Tibetan Buddhist practices further add to the diversity.

Politically, the region has experienced periods of **instability and insurgency**, rooted in historical grievances, socio-economic disparities, and ethnic tensions. While states like Mizoram have achieved peace through political accords, others like Nagaland and Manipur continue to face challenges related to armed movements, identity issues, and autonomy demands. Assam has been at the heart of migration-driven conflict, while Tripura witnessed tensions due to large-scale demographic changes.

Overall, Northeast India is a land of contrasts—of stunning beauty and historical depth, cultural richness and political challenges. Understanding this region requires sensitivity to its **distinct identity**, **complex history**, and **ongoing aspirations** for peace, development, and recognition within the broader Indian framework.

3.8 References and Suggested Readings

- Bhuyan, B. C. (2017). *Politics and reorganization of North-East India*. Omsons Publications.
- Datta, B., Sarma, N. C., & Das, P. C. (1994). *A handbook of folklore material of North-East India*. Anundoram Borooah Institute of Language, Art & Culture, Assam.
- Mukherjee, S., Hussain, F. I., & Chakravorty, P. (Eds.). (1994). *Demographic profile of North-East India*. Omsons Publications.
- National Council of Educational Research and Training. (2017). *North East India: People, history and culture*.

3.9 Model Questions

- ❖ Discuss the demographic profile of Northeast India and analyze the factors influencing its population growth.
- ❖ Trace the historical evolution of Arunachal Pradesh from NEFA to statehood in 1987.

- ❖ Explain the impact of migration and ethnic diversity on the socio-political landscape of Tripura and Assam.
- ❖ Evaluate the major causes of insurgency in Northeast India and its implications on regional stability.
- ❖ How did the States Reorganisation and linguistic movements shape the political structure of Northeast India?
- ❖ Analyze the role of indigenous tribes and their cultural heritage in shaping the identity of Mizoram, Nagaland, and Meghalaya.

3.10 Answers to Check Your Progress

Check Your Progress-1

1. Northeast India comprises **eight states**--Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim.
2. **Arunachal Pradesh** is the least populated state in Northeast India, with a population density of **17 persons per sq. km** according to the 2011 Census.
3. Assam and Tripura experienced high population growth due to the **influx of a large number of land-hungry immigrant peasants from erstwhile East Bengal**, particularly to the floodplains of Assam and Tripura.
4. About 3.78%.
5. Assam (398/km²).
6. Arunachal Pradesh (17/km²).
7. Around 8%.
8. Over 100.

9. Migration from East Bengal.
10. Manipur.

Check Your Progress-2

1. Agriculture is the basic occupation of the people of Manipur.
2. Arunachal Pradesh was formerly NEFA, became a Union Territory in 1972, and attained statehood in 1987.
3. Nagaland became a state on December 1, 1963.
4. The major tribes of Sikkim are Lepchas (Rongs), Bhutias (Khampas), and Nepalese.
5. Garos and Khasis inhabit Meghalaya.
6. 20 February 1987.
7. Lachit Borphukan .
8. Treaty of Yandaboo (1826)
9. Imposition of Assamese as the official language.
10. Christianity.
11. Article 371(A).
12. 16 May 1975

Check Your Progress-3

1. The main festivals celebrated in Arunachal Pradesh include *Losar*, *Dree*, *Solung*, *Nyokum*, and *Si-Donyi*.
2. The main dance form of the Bodo community is *Bagurumba*.
3. The *Tuluni* festival is celebrated by the Sumi Naga tribe of Nagaland.
4. Donyi-Poloism and Tibetan Buddhism.
5. Rongali Bihu.
6. Thabal Chongba.
7. Wangala.
8. A spring festival in Mizoram.
9. Hornbill Festival.
10. Bumchu.

Check Your Progress-4

1. The major reasons for conflict in Assam include insurgency led by ULFA, unemployment, corruption, influx of illegal migrants, dominance of non-Assamese in business, perceived exploitation of natural resources, and alleged human rights violations by

security forces. Ethnic conflicts, particularly over the influx of foreigners from Bangladesh, have also fuelled tensions.

2. Tripura experienced conflict due to mass migration from erstwhile East Pakistan after 1947, which altered its demographic profile. Tribals lost their agricultural lands and were pushed into forests, leading to tensions and violence. The Tripura National Volunteers (TNV) emerged as a violent extremist group, causing widespread terror.
3. Nagaland is considered the hotspot of insurgency due to conflicts involving the NSCN and the demand for 'Greater Nagaland' (Nagalim), which has caused tensions in neighbouring areas, particularly Manipur.
4. Nagaland, Meghalaya, and Mizoram.
5. NEFA (North-East Frontier Agency).
6. Proposal to grant ST status to Meiteis.
7. ULFA (United Liberation Front of Asom).
8. The 1986 Mizoram Accord.
9. Nagaland (via NSCN factions).
10. Influx of Bengali-speaking refugees from East Pakistan.
11. They were districts within Assam
12. It shares 98% of its boundary with international borders and has tenuous connectivity with mainland India.
13. ULFA (United Liberation Front of Asom).
14. A High Court order proposing ST status for Meiteis.
15. Mizoram (Mizoram Accord with MNF).
16. Creation of Greater Nagaland (Nagalim).
17. Due to demographic change and marginalization of indigenous tribes.

Unit: 1
Historical Background, Constituent Assembly of India;
Philosophical Foundations of the Indian Constitution;
Salient Features, Preamble

Unit Structure:-

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1.1 Objectives

This is the first unit in our exploration of the Constitution of India, where we will delve into----

- Historical background and philosophical foundations of the Indian Constitution.
- The Constituent Assembly's role in drafting the Constitution of India.
- The Preamble and its statement of aims and philosophical values.
- Salient features of the Constitution of India.
- The basic structure of the Indian Constitution and its protection.
- Relevance of the Constitution of India and media laws to media studies.

- Importance of understanding constitutional and legal issues for media professionals/professionnels.

1.2 Introduction

The dictionary meaning of the word ‘constitution’ is the set of basic rules, laws and principles that govern an organisation, a social group, a state or nation. It is usually codified in the form of a written instrument, as in India, or it may be un-codified or oral, as in Britain. All other laws subsequently enacted and rules formulated must conform to the constitution.

Whether a small group of people come together in an organisation, or a large group of people constitute a nation, what is certain is that all members will differ from each other in different ways. However, they must also get along with each other and live together peacefully. They need to trust and depend upon each other, cooperate and work closely in collaboration. At each step, differences will arise, which must then be amicably resolved.

This is why a constitution is absolutely necessary — it makes possible coordination among group members, specifies who will have power and authority to make decisions, and also spells out the limits of such powers and the rights of members. At the basic level, the constitution of a nation will lay down how the country will be organised, how its government will be formed, how power will be distributed and accountability fixed between various organs of the government, and how the nation will be governed. But at a higher level, the constitution will also outline the vision with which the nation has been founded, the ideals with which it will move forward, and the system and conditions which will allow its citizens to enjoy rights and liberties, perform duties and fulfil their aspirations.

The constitution of a nation is thus a basic component of its overall body of laws. Law is a wider concept which includes the nation’s constitution, various laws made by its legislative bodies, the legal precedents established and decisions handed down by its courts, and the customary practices of its people. For citizens, the body of laws is important because it regulates what they can do and cannot do in various fields of life and work. As the basic law of the land, the

constitution makes the ‘Rule of Law’ possible — that all citizens are governed by the same set of laws and are accountable to it, that they are not subject to the arbitrary whims and rules imposed by those holding power. No one, whether leaders, rulers, lawmakers, law enforcers or judges, can be above the law. A sound constitution is therefore essential for the rule of law, through which a nation can ensure a just and fair society.

1.3 Historical Background

After the British Crown assumed sovereignty over India from the East India Company in 1858, the British Parliament enacted the Government of India Act, 1858 for direct and absolute colonial rule. This was followed by the Indian Councils Acts of 1861, 1892 and 1909, and the Government of India Act of 1919 to grant some degree of legislative representation and self-government to Indians. None of these Acts could satisfy the growing nationalistic aspirations of Indians led by the Indian National Congress. More comprehensive was the Government of India Act of 1935 which sought to give greater autonomy to the provinces while retaining the control of the Central government under the continuing system of ‘Dyarchy’.

Back in 1922, Mahatma Gandhi had raised the demand that India's political destiny should be chalked out by the Indians themselves. This demand was formulated more precisely in 1938 by Pandit Jawaharlal Nehru that the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise. The Working Committee of the Congress party endorsed this demand in 1939. After the Second World War, the British government had to solve the Indian constitutional problem on an urgent basis. The British Parliament passed the Indian Independence Act of 1947, which came into force on July 18 of that year. Two independent Dominions — India and Pakistan — were created whose Constituent Assemblies were vested with unlimited powers to frame and adopt any new constitution, as well as to repeal any law made earlier by the British Parliament (Basu, 2018).

STOP TO CONSIDER-1

➤ Historical Background of the Indian Constitution

- **1858**--British Crown took control from East India Company via the Government of India Act.
- **1861–1909**--Indian Councils Acts gradually introduced limited Indian legislative participation.
- **1919**--Government of India Act introduced **dyarchy** and partial self-governance in provinces.
- **1935**--Most comprehensive act; gave **provincial autonomy**, retained central dyarchy.
- **1922**--Gandhi demanded Indians should draft their own constitution.
- **1938**--Nehru called for a **Constituent Assembly** based on adult franchise.
- **1947**--Indian Independence Act created **India and Pakistan**; both got full powers to draft their own constitutions.

❖ The task of forming a Constituent Assembly for undivided India had already begun in 1946 under the British Cabinet Mission Plan. Its total membership had been fixed at 389, of which 292 members were indirectly elected by the provincial assemblies of British India, 93 were representatives of the princely states, and four represented chief commissioner provinces. The Congress won 208 seats while the Muslim League won 73 seats. The idea was that this Constituent Assembly would serve as a ‘temporary’ Legislature of India and write its Constitution, under which a sovereign Parliament would later be elected by the people. The Constituent Assembly first met on December, 09, 1946, but following the partition of India, a separate Constituent Assembly for Pakistan was formed on July, 26, 1947.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is a Constituent Assembly?

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2. How is the constitution of a nation related to its laws?

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3. When was the Constituent Assembly of India formed?

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4. What was the total strength of the Constituent Assembly?

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5. How many members were elected from British Indian provinces?

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6. How many members represented princely states?

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7. Who won the majority of seats in the Assembly elections?

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8. When did the Constituent Assembly first meet?

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9. What was the role of the Constituent Assembly?

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10. When was Pakistan's Constituent Assembly formed?

1.4 Constituent Assembly of India

After India became free at the stroke of midnight on 15 August, 1947, the task of drafting its Constitution began in earnest, with the Constituent Assembly of India now a sovereign body. Dr. Rajendra Prasad was elected its President. It reassembled on 31 October, 1947 with 299 members. The Congress, which had spearheaded the Indian struggle for freedom, dominated both the Interim Government and the Constituent Assembly, although there was a multiplicity of views within the party itself, and proceedings were conducted democratically. It took nearly three years (2 years, 11 months and 17 days) for the Constituent Assembly to complete its historic task, spread over 11 sessions marked by stirring debates over various constitutional provisions.

There were eight major committees in the Constituent Assembly dealing with matters like Union Constitution, Provincial Constitution, Union Subjects, Rules etc., but the most important committee was the Drafting Committee, the chairman of which was Dr. Bhimrao Ambedkar. The final draft of the Constitution was introduced in the Assembly in November 1948, and after three readings, it was adopted on 26 November, 1949, and formally signed by the Members on 24 January, 1950. The Constitution of India came into force on 26 January, 1950 with India declaring herself a Republic. The Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952 following the first general elections.

STOP TO CONSIDER-2

➤ Constituent Assembly of India

- Became a **sovereign body** after independence on **August, 15, 1947**.
- **Dr. Rajendra Prasad** elected as President.
- Reassembled with **299 members** on **October, 31, 1947**.
- **Congress dominated** but debates remained democratic.
- Took **2 years, 11 months, 17 days** over **11 sessions** to complete the Constitution.
- **Eight major committees; Drafting Committee** led by **Dr.**

B.R. Ambedkar was the key.

- Final draft introduced in **November,1948**, adopted on **November,26, 1949**, signed on **January,24, 1950**.
- Constitution came into force on **January,26, 1950**; India became a **Republic**.
- Constituent Assembly became the **Provisional Parliament** until **1952 elections**.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Chart the progress of the Constituent Assembly in drafting India's Constitution.

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2. How is November-26 celebrated across India?

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3. When did the Constituent Assembly of India become a sovereign body?

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4. Who was elected President of the Constituent Assembly?

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5. How many members were in the Assembly after reassembly in

October, 1947?

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6. Which party dominated the Constituent Assembly?

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7. How long did it take to complete the Constitution?

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8. Who chaired the Drafting Committee?

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9. When was the Constitution adopted?

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10. When did the Constitution come into force?

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1.5 Philosophical Foundations: Preamble

Shortly after the Constituent Assembly was constituted, Pandit Jawaharlal Nehru on 13 December, 1946, moved the Objective Resolution which laid down the philosophy and fundamental principles of the desired constitutional structure. Its major objectives were:

- Free India will be an Independent Sovereign Republic where supreme power and authority would be derived from her people.
- Social, political and economic democracy would be guaranteed through JUSTICE, social economic and political; EQUALITY of status and opportunity (before law); and FREEDOM of thought, expression, belief, faith, worship,

vocation, association and action (subject to law and public morality).

- Adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes.
- The integrity of the territory of the Republic and its sovereign rights on land, sea and air will be maintained according to justice and the law of civilised nations.

These ideals were broadly reflected in the Preamble to the Constitution, which in its amended form in 1976, stands as:

WE, THE PEOPLE OF INDIA, have 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.

The Preamble therefore summarises the aims and objectives of the Constitution of India and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice, equality and liberty for the people. The Constitution is not a gift of the British Parliament, it is ordained by the people of India through their representatives assembled in the sovereign Constituent Assembly. Sovereignty means India is not subject to the control of any other State or foreign power; she is free to manage her affairs and make laws on any subject. However, India's sovereignty is not narrow exclusivism or isolationism; instead it is consistent with international peace and amity.

As a Democratic Republic, India guarantees not just political democracy through universal suffrage and equality before law, she also seeks to provide economic and social justice as a Welfare State, and create a democratic society infused with the spirit of justice, liberty, equality and fraternity.

The Preamble does not grant substantive rights and is not legally enforceable. However, various Indian courts have engaged with the Preamble and have treated it as the guiding light in finding out the intention of the makers of the Constitution and thereby interpreting it. So the Preamble is often regarded as the ‘key’ to the Constitution.

STOP TO CONSIDER-3

➤ Philosophical Foundations - Preamble

- **December, 13, 1946--Nehru’s Objective Resolution** laid the constitutional philosophy.
- **Key principles--**
 - **Sovereign Republic** with power derived from the people.
 - Guaranteed **justice** (social, economic, political), **equality**, and **freedom**.
 - Safeguards for minorities, backward classes, and tribal areas.
 - Protection of **territorial integrity** and sovereign rights.
- **Preamble (Post-1976)--**
 - Declares India a **Sovereign, Socialist, Secular, Democratic Republic**.
 - Aims to secure **justice, liberty, equality**, and promote **fraternity**.
- **Significance--**
 - Summarizes the **aims** and **core values** of the Constitution.
 - **Not legally enforceable**, but serves as a guiding light for constitutional interpretation.
 - **Sovereignty** means independence from foreign control, aligned with **international peace**.
 - **Democratic Republic--** Ensures **political, social, and economic justice** in a **Welfare State**.
 - The words ‘secular’, ‘socialist’, and ‘and integrity’ were not originally in the Preamble. These were added in 1976 by amending the Constitution. Passed during the Emergency years 1975-77, the Constitution (42nd Amendment) Act, 1976 has occasionally attracted controversy.

- Critics have argued that the added words make the Preamble more rigid and seek to impose values which are already implicit in it. Interpolation of the word 'socialist' was challenged in 2008 in the Supreme Court, but the apex court upheld the validity of the amendment by remarking that socialism should be interpreted in the broader sense as welfare measures for citizens.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why is the Preamble to the Indian Constitution considered important?

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2. What changes were made to the Preamble in 1976?

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3. What did Pandit Nehru move on December, 13, 1946?

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4. What key principles did the Objective Resolution emphasize?

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5. What was added to the Preamble in the 1976 amendment?

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6.What does the Preamble declare India to be?

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7. Is the Preamble legally enforceable?

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8.What does the Preamble summarize?

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9.What does sovereignty in the Indian context mean?

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10.What type of state does the Preamble aim to create?

1.6 Salient Features

Some salient features of the Indian Constitution are--

- **Longiest Written Constitution** with 25 Parts containing 448 Articles and 12 Schedules
- **Drawn from various sources** e.g. Parliamentary form of government, Bicameral Legislature and Rule of Law have been drawn from the British Constitution; Fundamental rights, Federal structure, independent Judiciary with powers of judicial review from the US Constitution; Directive Principles of State Policy from the Constitution of Ireland; Ideals of Indian Republic in the Preamble, viz. Liberty, Equality, Fraternity from the Constitution of France; Suspension of Fundamental Rights during Emergency from the erstwhile Weimar Republic (German Reich); Quasi-federal government and the provision of residual powers

vested with the Union government from the Canadian Constitution; Centre-States jurisdiction in Concurrent List subjects and freedom of trade between the States from the Australian Constitution; Procedure of amending the Constitution from the Constitution of South Africa; Fundamental Duties from the Constitution of the erstwhile Soviet Union, etc.

- **Blend of Rigidity and Flexibility**--Amending the Constitution requires a detailed procedure laid down by Article 368 which shows rigidity, while the 100 plus amendments of the Constitution show its flexibility.
- **Federal System with Unitary Bias or Centralising Tendency**--The characteristics of a federation are present with two governments (at Union and State levels), bicameral structure of Parliament with two Houses, one of the people's representatives (Lok Sabha) and the other of the States (Rajya Sabha), and division of law-making powers between the two governments (on subjects grouped in Union list, State list and Concurrent list). However, there are other characteristics which show that India is not a perfect federation, rather it is 'quasi-federal' with a strong Centre. The States have not been given equal representation in the Rajya Sabha. If both the Centre and a State pass laws on the same subject, then the Central law will prevail. The constitutional head of the State is the Governor who is appointed by the Centre. The Centre can declare an emergency in a State, and the Governor will take over administration of that State. The revenue and financial structure of India is such that the States are mostly dependent upon the Centre.
- **Parliamentary form of Government**--India has adopted the British Westminster model of government with the Prime Minister leading the Council of Ministers, rule by majority party or alliance, and collective responsibility of the Executive to the Legislature. As the Executive springs from the Legislature, cooperation and coordination is a must between these two organs. The Constitution specifies that India is a Democratic Republic — it is a democratic country with a republican form of government, in which the Prime

Minister is the Head of the elected government and holds executive power, while the President as the constitutional Head of State is indirectly elected and is not a hereditary monarch (Britain and India are democracies, but Britain is *not* a republic because its constitutional Head is the British monarch).

- **Parliamentary Sovereignty Balanced by Judicial Supremacy**--The Parliament has the sovereign power to make or scrap laws and amend the Constitution, while the Supreme Court (as apex court of the independent Judiciary) can exercise its power of judicial review to strike down any law as unconstitutional.
- **Single Citizenship**---Unlike some federations which offer double citizenship both of the Union and the State, India provides every citizen with single citizenship and the rights associated with it, no matter which State the citizen belongs to or resides in.
- **Universal Adult Franchise**---Every person who is a citizen of India and is not otherwise disqualified to vote, is entitled to be registered in the electoral roll and can vote. This follows the principle 'One Citizen One Vote'.
- **Fundamental Rights**--The Indian Constitution provides a long list of fundamental rights to the people, like the right to equality, right to various freedoms including the right to free speech and expression, right to freedom of religion, cultural and educational rights, right against exploitation, and the right to constitutional remedies. However, no fundamental right is absolute, rather every right is limited by 'reasonable' restrictions. Besides, the fundamental rights can be suspended during an Emergency when the very existence of the State can be in danger.
- **Directive Principles**--With the goal of making India a Welfare State, the Constitution sets out the aims and objectives for the State in the governance of the country. It seeks to guide government policy-making along socialistic, Gandhian and liberal-humanistic lines. Although the directive principles are not legally enforceable, they

serve as a moral obligation to the State to formulate policies and make laws for the good of the people.

- **Rule of Law**--People will be ruled by laws with the Constitution as basic law, not by the arbitrary whims of rulers.

STOP TO CONSIDER-4

- **Rule of Law ensures governance by laws, not rulers' whims. Salient Features of the Indian Constitution---**
 - **Lengthy and Comprehensive**--The Indian Constitution is the longest/ the lengthiest written one with **448 Articles, 25 Parts, and 12 Schedules**.
 - **Diverse Sources**-- Draws principles from **British, US, Irish, French, German, Canadian, Australian, South African, and Soviet Union** constitutions.
 - **Blend of Rigidity and Flexibility**--**Article 368** ensures a rigid amendment process, but multiple amendments show flexibility.
 - **Quasi-Federal Structure**--Features both **federal** (division of powers between Union and States) and **unitary** (strong central government) characteristics.
 - **Parliamentary System**--Based on the **British Westminster model**, with **Prime Minister** as head of government and **President** as ceremonial head of state.
 - **Judicial Supremacy**--While Parliament has lawmaking powers, the **Supreme Court** has the power to strike down unconstitutional laws.
 - **Single Citizenship**--India provides **one citizenship** to all, unlike some federations offering dual citizenship.
 - **Universal Adult Franchise**--Ensures that all citizens can vote under the principle of **One Citizen, One Vote**.
 - **Fundamental Rights**--Guarantees rights like **equality, freedom, and religious freedom**, but with **reasonable restrictions** and provisions for suspension in emergencies.
 - **Directive Principles**--Guides the State towards a **Welfare State**, though not enforceable by law.
 - **Rule of Law**--Ensures governance under laws, not arbitrary authority, affirming a system of justice.

Check Your Progress-4

Notes—i) Use the space below for your answers.
ii) Compare your answers with those given at the end of this unit.

1. What are the key sources from which the Indian Constitution has borrowed its provisions?

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2. How does the Indian Constitution balance rigidity and flexibility in its amendment process?

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3. How many Articles, Parts, and Schedules are there in the Indian Constitution?

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4. From which countries does the Indian Constitution draw its principles?

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5. What is the blend of rigidity and flexibility in the Constitution?

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6. What is the nature of India's federal system?

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7. Which model of government does India follow?

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8. Who has the power to strike down unconstitutional laws in India?

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9. Does India provide single or dual citizenship?

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10. Which principle is followed in Indian elections regarding voting?

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1.7 Basic Structure

The Constitution allows itself to be amended by Parliament, but to what extent? Can its key provisions be altered or erased? This is a very important question which the Supreme Court has answered through judgments in some landmark cases. The Court has laid down that the Indian Constitution has a basic structure which cannot be changed. These elements include:

- **Supremacy of the Constitution and Rule of Law:** The Constitution is the highest law of the land, and all laws, policies, and government actions must conform to it. No authority, including Parliament, can override its fundamental principles. The rule of law ensures that governance is based on laws rather than arbitrary decisions.
- **Democratic, Federal, and Secular Character of the Indian Republic:** India is a sovereign, socialist, secular, and democratic republic as enshrined in the Preamble. The democratic structure ensures governance by elected representatives. Federalism guarantees the division of powers between the Centre and the States, while secularism upholds religious freedom and state neutrality in religious matters.
- **Parliamentary Form of Government:** The Indian system follows a Westminster-style parliamentary democracy, where the government is accountable to the legislature. The President is the constitutional head, while the Prime Minister and the Council of Ministers exercise executive powers, being collectively responsible to Parliament.
- **Universal Adult Franchise with Free and Fair Elections:** Every citizen above 18 years of age has the right to vote,

ensuring equal political participation. The Election Commission of India plays a crucial role in conducting free, fair, and impartial elections, which is fundamental to democracy.

- **Separation of Powers between the Executive, Legislature, and Judiciary:** The three branches of government function independently to prevent misuse of power. While the Legislature makes laws, the Executive implements them, and the Judiciary interprets and ensures their constitutionality. This system maintains checks and balances.
- **Independent Judiciary, Judicial Review, and Access to Justice:** The Judiciary is free from political and executive interference, ensuring impartial justice. The power of judicial review allows courts to examine the constitutionality of laws and government actions. Access to justice ensures that every citizen can seek legal remedies to protect their rights.
- **Fundamental Rights in Part III:** These rights guarantee personal freedoms, equality, and protection against state overreach. They include the Right to Equality (Article 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), and Right to Constitutional Remedies (Article 32).
- **Directive Principles in Part IV to Build a Welfare State:** These are guidelines for the government to establish social and economic justice, ensuring a welfare state. They promote equal pay, health, education, rural development, and social security. Though not legally enforceable, they influence policies and governance.
- **Constitutional Remedies through Articles 32 and 226:** Article 32, called the "heart and soul" of the Constitution by Dr. B.R. Ambedkar, allows individuals to approach the Supreme Court for the enforcement of Fundamental Rights. Similarly, Article 226 empowers High Courts to issue writs for constitutional protection.
- **Unity and Integrity of the Nation:** The Constitution ensures national unity while respecting India's diversity. It prohibits secessionist movements, upholds the sovereignty of India, and fosters national integration, reinforced through

provisions like Article 1 (India as a Union of States) and Article 51A (Fundamental Duties).

- **Freedom and Dignity of the Individual:** The Constitution guarantees personal liberty, human dignity, and protection from exploitation. This includes rights against discrimination, arbitrary detention, human trafficking, and bonded labor. The Right to Life and Personal Liberty (Article 21) has been widely interpreted to include dignity, privacy, health, and even environmental rights.

The Supreme Court has reaffirmed that these fundamental aspects cannot be amended or destroyed, ensuring the Constitution's core principles remain intact for future generations.

STOP TO CONSIDER-5

➤ **Basic Structure of the Indian Constitution**

- **Basic Structure Doctrine**--Parliament can amend the Constitution but cannot alter its fundamental framework (Kesavananda Bharati case, 1973).
- **Core Elements**--
 - **Supremacy of Constitution and Rule of Law.**
 - **Democratic, Federal, and Secular** nature of the Republic.
 - **Parliamentary System** with accountability to the legislature.
 - **Universal Adult Franchise and Free and Fair Elections.**
 - **Separation of Powers** among Executive, Legislature, and Judiciary.
 - **Independent Judiciary, Judicial Review, and Access to Justice.**
 - **Fundamental Rights**(Part III) are protected and vital.
 - **Directive Principles**(Part IV) aim for a welfare state.
 - **Constitutional Remedies**(Articles 32 and 226) safeguard rights.
 - **Unity and Integrity of the Nation** are upheld.
 - **Freedom and Dignity of the Individuals** are guaranteed.
 - **Judicial Safeguard**--Supreme Court ensures these

essentials remain intact for future generations.

- The Supreme Court's position on the basic structure of the Constitution of India, has evolved through cases like *Sankari Prasad vs Union of India and State of Bihar (1951)* and *Sajjan Singh vs State of Rajasthan (1965)*, in which the Court held that Parliament has broad powers to amend any part of the Constitution, including fundamental rights. But in *Golaknath vs State of Punjab (1967)* the Court ruled that Parliament cannot amend fundamental rights enshrined in the Constitution. The then Central government responded with a series of major amendments to the Constitution, which were challenged in the case *Kesavananda Bharati vs State of Kerala (1973)*. The question was referred to the Supreme Court's 13 judge Constitutional bench, which ruled by a split margin of 7-6 that while Parliament has wide powers to amend the Constitution, it cannot alter essential features or basic structure of the Constitution. The Supreme Court reiterated its position on basic structure in 1994 in the case *SR Bommai vs Union of India*.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why is the Centre-States relationship in India regarded as quasi-federal?

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2. What do you understand about the basic structure of the

Constitution of India ?

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3.What doctrine restricts Parliament from altering key constitutional principles?

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4.What ensures that all government actions must conform to the Constitution?

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5.Which three characteristics define India's political system according to the Preamble?

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6.What type of government structure does India follow?

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7. At what age does an Indian citizen gain the right to vote?

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8.What principle maintains independence among the Executive, Legislature, and Judiciary?

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9.Which Articles cover Fundamental Rights in the Constitution?

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10. Are Directive Principles legally enforceable by courts?

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11. Which Articles allow constitutional remedies through courts?
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12. Which article is known as the "heart and soul" of the Constitution, according to Dr. Ambedkar?
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1.8 Let Us Sum Up

The constitution lays down how a nation will be organised, how its government will be formed, how power will be distributed and accountability fixed between various organs of the government, and how the nation will be governed. At a higher level, the constitution will also outline the vision with which the nation has been founded, the ideals with which it will move forward, and the system and conditions which will allow its citizens to enjoy rights and liberties, perform duties and fulfil their aspirations. The constitution is thus a basic component of a nation's overall body of laws.

It was a long standing demand of Mahatma Gandhi, Pandit Jawaharlal Nehru and the Congress that the Constitution of free India must be framed, without outside interference, by an elected Constituent Assembly. Even before India threw off the yoke of British colonial rule to become independent on August 15, 1947, the Constituent Assembly had been formed with Members elected by the provincial legislatures, as well as representatives of princely states and chief commissioner provinces. After nearly three years of research, debates and readings, the Constituent Assembly of India adopted the Constitution on November 26, 1949. The Constitution of India came into force on January 26, 1950 with India declaring herself a Republic. The Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952 following the first general elections.

The Preamble to the Constitution summarises its aims and objectives and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice,

equality and liberty for the people. Ordained by the people of India through their representatives, the Constitution guarantees not just political democracy through universal suffrage and equality before law, it also seeks to create a democratic society and foster a Welfare State through economic and social justice. Regarded as the 'key' to the Indian Constitution, the Preamble is often interpreted by the courts to determine the intention of the Constitution makers.

The Indian Constitution has several remarkable features as the lengthiest written Constitution; its provisions drawn from various sources; its rigidity as well as flexibility; establishing India as a democratic country with a republican form of government; setting up the country's federal system with strong centralising tendency; adopting the parliamentary form of government based on rule by majority party or alliance and collective responsibility of the Executive to the Legislature; Parliamentary sovereignty balanced by Judicial supremacy through power of review; single citizenship; universal adult franchise; fundamental rights for the people; directive principles for State policy to make India a Welfare State; and lay the foundations for Rule of Law.

While the Indian Constitution can be suitably altered to keep in step with the times and meet its challenges, there is a limit to its amendment. Through a number of landmark cases, the Supreme Court has taken the position that the basic structure of the Constitution cannot be changed. Elements of this basic structure include:— supremacy of the Constitution and Rule of Law; democratic, federal and secular character of the Indian Republic; parliamentary form of government; single citizenship; universal adult franchise with free and fair elections; separation of powers between the Executive, Legislature and Judiciary; fundamental rights for the people; directive principles of State policy; right to constitutional remedy; unity and integrity of the nation; and freedom and dignity of the individual.

1.9 Glossary

- **Adult Franchise**--Citizens aged **18 years or above** have the **right to vote freely in elections**.

- **Concurrent List**--List of subjects on which **both Parliament and State Legislatures have the authority to make laws under the Constitution.**
- **Constitution**--The set of **basic principles, structures, and laws that determine how a nation is organized, governed, and operated.**
- **Constituent Assembly**--A body of representatives convened for the specific purpose of framing or adopting a constitution.
- **Directive Principles**--Non-enforceable guidelines for the government to frame policies and laws aimed at promoting social and economic welfare.
- **Dominion**--A territory that is self-governing but remains under the formal sovereignty of another country.
- **Drafting**--The act of preparing the preliminary or first version of a formal document.
- **Executive**--The branch of government responsible for implementing and enforcing laws, policies, and government decisions.
- **Federal**--Relating to a form of government in which power is divided between a central authority and constituent political units, with both levels having significant autonomy in their spheres.
- **Fundamental Rights**---Basic rights and freedoms guaranteed to citizens by the Constitution, enforceable by courts against any violation by the State.
- **Judiciary**--The branch of government comprising courts and judges, tasked with interpreting laws, ensuring justice, and upholding constitutional values.

- **Legislature**--The law-making body of a country or state, empowered to enact, amend, or repeal laws.
- **Republic**--A State in which **supreme power rests with the people and their elected representatives**, and where the **Head of State is elected, not hereditary**.
- **Resolution**--An official decision or formal statement adopted by a body after deliberation and usually a vote.
- **Rule of Law**--The principle that **all individuals and institutions are subject to and accountable to law that is fairly applied and enforced**, thereby, preventing arbitrary power.
- **Separation of Powers**--The division of legislative, executive, and judicial powers among **separate and independent branches** of government to prevent concentration of authority.
- **Socialist**--Relating to **social or collective ownership and democratic control** of resources and means of production, aimed at reducing inequality.
- **Sovereign**--Having **complete self-governance and supreme authority over internal and external affairs**.
- **State List**--List of subjects on which **only State Legislatures have exclusive authority to legislate**.
- **Union List**--List of subjects on which **only Parliament has exclusive authority to legislate**.

1.10 References and Suggested Readings

- ❖ Austin, G. (1972). *The Indian Constitution: Cornerstone of a nation*. Oxford University Press.

- ❖ Basu, D. D. (2013). *Introduction to the Constitution of India* (21st ed.). LexisNexis.
- ❖ Kashyap, S. C. (2021). *Our Constitution: An introduction to India's Constitution and constitutional law*. National Book Trust, India.

1.11 Model Questions

- How is Separation of Powers ensured in the Indian Constitution? Elaborate.
- Compare the status of the President of India vis-a-vis the Prime Minister.
- 'Ensuring clean elections are vital for the success of Indian democracy.' Do you agree? (300 words)
- Discuss the significance of the Preamble as the philosophical foundation of the Indian Constitution. (300 words)
- Explain the concept of Rule of Law as upheld by the Indian Constitution. How does it contribute to a just and fair society?
- Describe the role of the Drafting Committee and the leadership of Dr. B.R. Ambedkar in framing the Indian Constitution.
- "Trace the evolution of constitutional development in India from 1858 to 1947, highlighting how various legislative measures by the British failed to meet Indian nationalistic aspirations. In your answer, critically analyze the role of Indian leaders like Mahatma Gandhi and Jawaharlal Nehru in shaping the demand for a Constituent Assembly, and explain how these efforts culminated in the framing of an independent constitution after the Indian Independence Act of 1947."

- "Discuss the process of drafting the Constitution of India from 1947 to 1950. In your answer, explain the role of the Constituent Assembly, its composition, and the major committees involved. Highlight the significance of Dr. Bhimrao Ambedkar's leadership in the Drafting Committee and analyze the challenges faced during the constitutional debates. Conclude by reflecting on the transition from the Constituent Assembly to the Provisional Parliament and the significance of the Constitution's adoption on January, 26, 1950."

- "Examine the significance of the Objective Resolution moved by Pandit Jawaharlal Nehru in 1946 and its reflection in the Preamble to the Constitution of India. Discuss the philosophical foundations laid out in the Objective Resolution and how these ideals are encapsulated in the Preamble. Additionally, analyze how the values of sovereignty, democracy, justice, liberty, equality, and fraternity are interpreted and applied in the context of India's constitutional framework."

- "Discuss the Preamble to the Constitution of India, highlighting its core philosophical principles and their role in shaping the Constitution. How does the Preamble reflect India's commitment to sovereignty, democracy, and social justice? Evaluate the legal significance of the Preamble, noting that it is not legally enforceable but serves as a guiding principle for courts in interpreting constitutional provisions. How has the Preamble influenced judicial decisions in India?"

- "Discuss the salient features of the Indian Constitution, highlighting the major sources of influence from various countries. In your answer, examine how these features, such as the federal structure with a unitary bias, parliamentary form of government, and fundamental rights, reflect India's unique constitutional framework. Evaluate the blend of rigidity and flexibility in the Constitution and the balance between judicial supremacy and parliamentary sovereignty."

- "Analyze the concept of 'quasi-federalism' in the Indian Constitution, explaining the division of powers between the Union and the States. In your response, critically assess the unitary tendencies within India's federal system, such as the role of the Centre in emergencies, financial dependence of States, and the appointment of Governors. How do these characteristics influence India's governance and federal relations? Also, discuss the significance of single citizenship and universal adult franchise in strengthening India's democratic fabric."

- "Examine the concept of the 'Basic Structure' doctrine as articulated by the Supreme Court of India. Discuss the key elements that constitute the basic structure of the Indian Constitution, such as the supremacy of the Constitution, democratic, federal, and secular character, separation of powers, and fundamental rights. How does this doctrine ensure that the core values of the Constitution remain protected from arbitrary amendments by Parliament? Analyze the implications of the Basic Structure doctrine for constitutional amendments and judicial review."

- "Critically analyze the significance of the Basic Structure doctrine in maintaining the integrity of the Indian Constitution. In your response, explore how fundamental features like universal adult franchise, independent judiciary, and the directive principles contribute to India's democratic and welfare state framework. How does the doctrine balance the need for constitutional flexibility with the protection of essential values, and what role does judicial review play in upholding these values in the face of potential changes by the legislature?"

1.12 Answers to Check Your Progress

Check Your Progress-1

1. A constituent assembly is an elected body of

representatives tasked with the making of a country's constitution.

2. The constitution of a nation is its basic law, it is the bedrock upon which other laws are made and the rule of law is established.
3. 1946, under the Cabinet Mission Plan.
4. 389 members.
5. 292 members.
6. 93 members.
7. Indian National Congress (208 seats).
8. December,09, 1946.
9. To draft the Constitution and act as a temporary legislature.
10. July,26, 1947.

Check Your Progress-2

1. Formed under the British Cabinet Mission Plan, the Constituent Assembly first met on December,09, 1946. Following partition, separate Constituent Assemblies were formed for India and Pakistan. After India became free, the Constituent Assembly for India re-assembled on August,31, 1947. The first draft of the Constitution was ready by November,1948, and after three readings, the Constitution was adopted on November, 26, 1949. After the members signed the Constitution on January,24, 1950, the Constituent Assembly ceased to exist, having taken nearly three years to complete its task.

2. November-26 is celebrated every year in India as *Samvidhan Divas* or Constitution Day to commemorate the adoption of the Indian Constitution and promote constitutional values in the country.

3. August,15, 1947.

4. Dr. Rajendra Prasad.

5. 299 members
6. Indian National Congress.
7. 2 years, 11 months, 17 days.
8. Dr. B.R. Ambedkar.
9. November, 26, 1949.
10. January, 26, 1950.

Check Your Progress-3

1. The Preamble summarises the aims and objectives of the Constitution of India and reflects its core philosophical values. It declares India to be a Sovereign Democratic Republic committed to ensure justice, equality and liberty for her people. For the courts, the Preamble serves as the key to understand the intentions of the Constitution-makers and interpret its provisions.
2. In 1976, the Parliament through the 42nd Amendment Act, made some changes in the Preamble, adding the words 'Secular' and 'Socialist' to the declaration that India will be a Sovereign Democratic Republic, as well as the words 'and integrity' to the original 'unity of the nation'.
3. The Objective Resolution.
4. Sovereign Republic, Justice, Equality, Freedom, and safeguards for minorities.
5. The words **Socialist** and **Secular**.
6. A **Sovereign Socialist Secular Democratic Republic**.
7. **No**, it is not legally enforceable.
8. The **aims and core values** of the Constitution.
9. India is **independent** and not under any foreign control.

10. A Welfare State providing justice, liberty, equality, and fraternity.

Check Your Progress-4

1. The Indian Constitution has borrowed provisions from multiple sources, including--

- British Constitution-- Parliamentary system, Bicameral Legislature, Rule of Law.
- U.S. Constitution-- Fundamental Rights, Federal Structure, Judicial Review.
- Irish Constitution-- Directive Principles of State Policy.
- French Constitution-- Ideals of Liberty, Equality, and Fraternity in the Preamble.
- Weimar Republic (Germany)-- Suspension of Fundamental Rights during Emergency.
- Canadian Constitution-- Quasi-federal structure, Residual powers with the Union.
- Australian Constitution-- Concurrent List jurisdiction, Freedom of trade between States.
- South African Constitution-- Amendment procedure.
- Soviet Union Constitution-- Fundamental Duties.

2. The Indian Constitution balances rigidity and flexibility in its amendment process through Article 368--

- Rigidity--Certain amendments require a special majority (two-thirds of members present and voting, plus a majority of the total strength of each House). Amendments affecting federal provisions also need ratification by at least half of the State Legislatures.
- Flexibility--Many provisions can be amended by a simple majority in Parliament, similar to ordinary legislation. The high number of amendments (100+ so far) reflects this adaptability.

3. 448 Articles, 25 Parts, 12 Schedules.

4. Britain, US, Ireland, France, Germany, Canada,

Australia, South Africa, Soviet Union.

5. **Article 368** shows rigidity, while numerous amendments show flexibility.
6. **Quasi-federal** with a **strong central government**.
7. The **British Westminster Model** of a **Parliamentary System**.
8. The **Supreme Court**.
9. **Single citizenship** for all citizens.
10. **One Citizen, One Vote** under **Universal Adult Franchise**.

Check Your Progress-5

1. While India is a federation under the Constitution, there are some characteristics which show she is only 'quasi-federal' with a strong Centre. The States do not have equal representation in the Rajya Sabha. If both the Centre and a State pass laws on the same subject, the Central law prevails. The constitutional head of the State is the Governor who is appointed by the Centre. The Centre can declare an emergency in a State, and the Governor will take over its administration. The States are also mostly dependent upon the Centre for their finances.

2. The Supreme Court has ruled that the basic structure of the Constitution cannot be changed. The elements of this basic structure include--supremacy of the Constitution and Rule of Law; democratic, federal and secular character of the Indian Republic; parliamentary form of government; single citizenship; universal adult franchise with free and fair elections; separation of powers between the Executive, Legislature and Judiciary; fundamental rights for the people; directive principles of state policy; right to constitutional remedy; unity and integrity of the nation; and freedom and dignity of the individual.

3. Basic Structure Doctrine.

4. Supremacy of the Constitution and Rule of Law.

5. Democratic, Federal, and Secular.
6. Parliamentary Form of Government.
7. 18 years.
8. Separation of Powers.
9. Articles 14–32.
10. No.
11. Articles 32 and 226.
12. Article 32.

Unit: 2

Fundamental Rights and Fundamental Duties

Unit Structure:-

- 2.1 Objectives**
- 2.2 Introduction**
- 2.3 Fundamental Rights**
- 2.4 Fundamental Duties**
- 2.5 Let Us Sum Up**
- 2.6 Glossary**
- 2.7 References and Suggested Readings**
- 2.8 Model Questions**
- 2.9 Answers to Check Your Progress**

2.1 Objectives

After going through this unit, the learners will be able to---

- Have an overview of the Fundamental Rights and Fundamental Duties enshrined in the Indian Constitution.
- Distinguish between Rights (inherent human rights) and Duties (moral obligations).
- Emphasize the impact of these on India's socio-political-economic realities, especially for media students.
- Explain protection of rights from state and citizen infringement.
- Discuss reasonable restrictions on rights and judicial review.
- Highlight relevant issues for media professionals.

2.2 Introduction

The founders of modern India, while drafting the Constitution between 1947 and 1950, had three key objectives, as described by the eminent political historian and constitutional scholar Granville Austin. As a newly independent nation emerging from the trauma of

partition and facing significant internal and external challenges, ensuring India's unity and integrity was paramount. While colonial rule had been ended through a national revolution, the social and economic revolutions needed to continue in order to address deep-rooted socio-economic issues. Additionally, the Constitution aimed to establish democracy not just as a political system but as a spirit and way of life, through the creation of suitable institutions, processes, and mechanisms. Austin argues that these three goals—unity, socio-economic revolution, and democracy—form a 'seamless web,' as the framers believed they were **mutually dependent and had to be pursued together**. According to Austin, the Indian Constitution is "first and foremost, a social document," with the Fundamental Rights and Directive Principles of State Policy acting as its "conscience."

At every stage, the Constitution makers had to ensure that India's unity was maintained, for without unity, there could be no stable government, no economic progress, and no effort towards social change. The political institutions established by the Constitution had to support this social revolution. During the Constituent Assembly debates, the sub-committee on Fundamental Rights examined both negative and positive rights from various foreign constitutions. Austin highlights that the Indian Constitution sets out negative restrictions on the State to prevent interference with certain liberties, alongside positive obligations on the State to protect citizens' rights from societal encroachment. Austin writes:

The Fundamental Rights, therefore, were to foster the social revolution by creating a society egalitarian to the extent that all citizens were to be equally free from coercion or restriction by the state, or by society privately; liberty was no longer to be the privilege of the few. (Austin, 1972)

2.3 Fundamental Rights

Fundamental Rights are the essential human rights and civil liberties enshrined in **Part-III** of the Indian Constitution, specifically from **Articles 12 to 35**. These rights are guaranteed to every citizen and serve as safeguards against any potential misuse of power by the State.

Article-12 of the Constitution defines the term ‘State’ as encompassing not only the **Government and Parliament of India** but also the **Government and Legislatures of each of the States**. It further includes all **local authorities** within India or under the control of the Government of India. This broad definition means that the term ‘State’ also covers **municipalities** in urban areas, **panchayats** in rural areas, **statutory authorities** like the **National Human Rights Commission(NHRC)**, the **National Commission for Women(NCW)**, and the **National Green Tribunal(NGT)**. Additionally, it includes **non-statutory authorities** such as the **Lokpal** and **Lokayuktas**, as well as agencies like the **Central Bureau of Investigation(CBI)**.

Following this, **Article-13** plays a critical role in safeguarding Fundamental Rights. It empowers the Judiciary with the authority of **judicial review**. According to Article-13, any law that was in force immediately before the Constitution's commencement, which conflicts with the Fundamental Rights guaranteed under **Part-III**, will be considered **void**. Additionally, no new law can be made by the State that takes away or reduces the scope of the Fundamental Rights. If any law is made that violates these rights, it will be struck down as unconstitutional.

However, Article-13 does not apply to any amendments of the Constitution made under **Article-368**. Amendments under Article-368 are not subject to judicial review, meaning they cannot be challenged on the grounds of violating Fundamental Rights.

In essence, **Article-13** acts as a **protector** or **guardian** of Fundamental Rights, empowering the **Supreme Court** and **High Courts** to declare any law—whether an Act of Parliament, ordinance, order, rule, or notification—as unconstitutional if it infringes upon the rights guaranteed under Part-III of the Constitution.

- **Summary of Key Points--**

- ✓ **Fundamental Rights**--These are civil liberties and human rights guaranteed in Part-III of the Indian Constitution(Articles 12–35).
- ✓ **Article-12**--Defines the term ‘State’ and encompasses not just the government and legislature

at the Union and State levels but also various statutory and non-statutory authorities.

- ✓ **Article-13**--Empowers the Judiciary to invalidate any law that is inconsistent with Fundamental Rights. However, it does not apply to constitutional amendments made under Article-368.
- ✓ **Judicial Review**--Ensures that laws that infringe upon Fundamental Rights can be struck down by the courts, making the judiciary the ultimate protector of these rights.

STOP TO CONSIDER-1

- **Fundamental Rights (Part-III)**--Enshrined in Articles 12 to 35, these rights ensure civil liberties and protection against state misuse of power.
- **Article-12**--Defines the term 'State' to include--
 - Government and Parliament of India.
 - State Governments and Legislatures.
 - Local authorities (municipalities, panchayats).
 - Statutory authorities (e.g., NHRC, NCW).
 - Non-statutory authorities (e.g., Lokpal, CBI).
- **Article 13**--
 - Empowers judicial review of laws that violate Fundamental Rights.
 - Declares laws inconsistent with Fundamental Rights as **void**.
 - **Exception**--Does not apply to constitutional amendments under **Article 368**.
- **Judicial Role**--Supreme Court and High Courts can invalidate unconstitutional laws, making them guardians of Fundamental Rights.
- **Amendment of Fundamental Rights**--To keep the Constitution flexible so as to adapt

to changing conditions, the provision to amend it, as and when necessary, is incorporated in **Article-368** of Part-XX. There are three types of constitutional amendments requiring — **simple majority** of members present and voting; **special majority** by a majority of the ‘total membership’ of a House (vacancies and absentees not considered), along with a majority of not less than two-thirds of the members present and voting; and **special majority** in both Houses of Parliament, **plus ratification by at least half the State Assemblies**. While fundamental rights can be amended through special majority in Parliament, the Supreme Court has ruled that any such amendment *cannot alter* the **basic structure** of the Constitution.

Check Your Progress- 1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. According to Granville Austin, what were the three major goals of India's Constitution makers?

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2. What does Article-12 of the Indian Constitution define, and what entities does it include in that definition?

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3. What are Fundamental Rights?

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4. Which Articles of the Constitution deal with Fundamental Rights?

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5. What does Article-12 define?

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6. Who does the term 'State' encompass according to Article-12 ?

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7. What role does Article-13 play in the Constitution?

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8. Can laws made before the Constitution's commencement violate Fundamental Rights?

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9. Can new laws violate Fundamental Rights?

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10. Does Article-13 apply to constitutional amendments?

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11. What is the role of judicial review in relation to Fundamental Rights?

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12. Who can declare a law unconstitutional in India?

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2.3.1 Classification of Fundamental Rights—

Fundamental rights are classified into **six** broad groups. We will now discuss them briefly--

I) Right to Equality(Articles 14-18)

This begins with **Article-14** which states-- ‘The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India’.

The first part is a *negative* right — it commands the State not to deny to any person ‘equality before law’, .i.e. it prohibits discrimination; while the second part is a *positive* right — it requires the State not to deny the ‘equal protection of the laws’ to any person. The operative principle to understand this provision is: *Equals should be treated equally, whilst unequals would need to be treated unequally*. Therefore, special treatment provided by the

State, like affirmative action or reservation, to help persons in unequal situations, is allowed — in order to establish equality.

The Right to Equality ensures that every person, irrespective of religion, race, caste, gender, or place of birth, is treated equally (**Article 15**). This right grants equality of opportunity in matters relating to employment or appointment to any office under the State (**Article 16**). Further, this right abolishes untouchability and forbids its practice in any form (**Article 17**). The State cannot confer any titles, neither can any award or distinction conferred by the State be used as titles (**Article 18**).

II) Right to particular Freedoms(Articles 19-22)

Freedom is an essential element of democracy, a fundamental value in every democratic society. The Indian Constitution guarantees various aspects of freedom to the people. The group of freedoms enshrined in the Constitution begins with **Article 19**, which grants six freedoms to all citizens, viz.

- Right to freedom of speech and expression [*Article 19(1)(a)*]
- Right to assemble peaceably and without arms [*Article 19(1)(b)*]
- Right to form associations or unions or cooperative societies [*Article 19(1)(c)*]
- Right to move freely throughout the territory of India [*Article 19(1)(d)*]
- Right to reside and settle in any part of the territory of India [*Article 19(1)(e)*]
- Right to practise any profession, or to carry on any occupation, trade or business [*Article 19(1)(g)*]
- (NOTE: Originally, the Indian Constitution also granted the Right to Property, i.e. ‘the right to acquire, hold and dispose of property’ as a fundamental right under Article 19(1)(f). It was removed by the 44th amendment of the Constitution in 1978. Presently, right to property is a legal right under Article 300-A in Part XII of the Constitution, which states: ‘No person shall be deprived of property save by authority of law’).

STOP TO CONSIDER-2

- **Right to Equality(Articles 14-18)--**
 - **Article-14--**Prohibits discrimination; ensures **equality before the law** and **equal protection** of the laws.
 - **Article-15--**Prevents discrimination based on religion, race, caste, gender, or birthplace.
 - **Article-16--**Guarantees **equality of opportunity** in public employment.
 - **Article-17--**Abolishes untouchability and forbids its practice.
 - **Article-18--**Prohibits titles conferred by the state.
- **Right to Particular Freedoms(Articles 19-22)--**
 - **Article-19--**Grants **six freedoms**, including speech, assembly, movement, residence, profession, and association.
 - **Right to Property--**Initially a fundamental right under **Article 19(1)(f)**, but removed by the **44th Amendment** in 1978. It is now a **legal right** under **Article 300-A**.
- **Freedom of the Press—**

While the Indian Constitution does not contain a specific provision explicitly guaranteeing the freedom of the press(in contrast to the First Amendment of the U.S. Constitution, which states, "Congress shall make no law abridging the freedom of speech, or of the press"), the Supreme Court of India, as early as 1950, recognized that **freedom of the press** is implicitly protected under **Article 19(1)(a)**, which ensures the right to freedom of speech and expression. In a democracy, the ability to express one's opinions freely is essential. Such expression is only possible if citizens are well-informed, a role that a free press plays by providing access to knowledge and current affairs. Consequently, the **right to free speech**, the **right to be informed**, and the **right to a free press** are all integral components of **Article 19(1)(a)**.
- **Reasonable Limitations—**

The fundamental rights outlined in the Indian Constitution are not absolute. As per **Article 19(2)**, **reasonable**

restrictions can be imposed on the freedoms specified in **Article 19(1)**. These limitations are intended to safeguard national interests, including--

- The **sovereignty and integrity** of India.
- **State security**.
- **Friendly relations with foreign countries**.
- **Public order, decency, and morality**.
- Prevention of **contempt of court, defamation, or incitement to an offense**.

Check Your Progress-2

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the key provisions included under the Right to Equality in the Indian Constitution?
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2. What are the six freedoms guaranteed under Article-19 of the Indian Constitution?
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3. What does Article-14 of the Indian Constitution guarantee?
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4. Which groups of people does Article-15 protect from discrimination?

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5. What freedom did the 44th Amendment of 1978 remove from the Constitution?
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❖ **Article-20** grants protection in certain respects against conviction for offences:

- Article-20(1)--No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. *(NOTE: This means that when a Legislature declares an act to be an offence or specifies a penalty for that offence, it cannot apply that law to an act committed before the law was enacted, or to punish the person who had committed it.)*
- Article-20(2)--No person shall be prosecuted and punished for the same offence more than once.
- Article-20(3)--No person accused of any offence shall be compelled to be a witness against himself. *(NOTE: The Supreme Court has extended the meaning of this provision further — that no person can be compelled to provide any kind of evidence which could support a prosecution against himself. However, such evidence can be seized from his possession, he can be subjected to medical examination, and his specimen signature or thumb impression can also be collected.)*

One of the most important fundamental rights is guaranteed under **Article-21**, which grants protection of life and personal liberty (to citizens as well as non-citizens). It states: ‘No person shall be deprived of his life or personal liberty except according to the procedure established by law.’ *[NOTE: The Supreme Court’s settled*

position is that if the State makes a law to deprive a person of his personal liberty, then the procedure so prescribed 'must not be arbitrary, unfair or unreasonable'. Once the 'test of reasonableness' is applied, the principles of natural justice will hold.]

The Supreme Court has further held that the right to life means 'more than survival or animal existence' and would include the 'right to live with human dignity'. It would include 'right to minimum subsistence allowance during suspension' and all those aspects which go to make a man's life 'meaningful, complete and worth living' (Basu, 2018). It is because of this larger interpretation of the right to life that the Court has been protecting the right to education, right to reputation, right to privacy and so on.

- ❖ **Article-22** provides protection against (arbitrary) arrest and detention in certain cases, so that no arrested person shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. Every person arrested and detained in custody must be produced before the nearest magistrate within a period of 24 hours since arrest (excluding the time necessary for the journey from the place of arrest to the court of the magistrate), and no such person shall be detained in custody beyond that period without the authority of the magistrate. *(NOTE: These provisions will not apply to any person who for the time being is an enemy alien, or any person arrested or detained under any law providing for preventive detention.)*

STOP TO COSNIDER-3

- **Article-20-- Protection Against Conviction for Offenses--**
 - **Article 20(1)**--No retroactive punishment; a law cannot apply to acts committed before it was enacted.
 - **Article 20(2)**--Protection against double jeopardy (cannot be prosecuted and punished for the same offense twice).
 - **Article 20(3)**--Protection against self-incrimination (no person can be forced to testify against themselves).

- **Article-21--Protection of Life and Personal Liberty--**
 - Guarantees the right to life and personal liberty, subject to legal procedures.
 - The procedure must not be arbitrary, unfair, or unreasonable.
 - Right to life includes the right to live with dignity, covering aspects like the right to education, reputation, and privacy.
- **Article-22--Protection Against Arbitrary Arrest and Detention--**
 - Arrested persons must be informed of the reasons for arrest.
 - Right to consult a legal practitioner.
 - Must be presented before a magistrate within 24 hours.
 - Exemptions apply to enemy aliens and preventive detention laws.
- **Right to Education**—Article-21(A) declares that the State shall provide free and compulsory education to all children of the age 6 to 14 years. This provision, added by the 86th Constitutional Amendment Act in 2002, makes only elementary education a fundamental right and not higher or professional education. Prior to this amendment, the Constitution in Part-IV contained a directive to the State to formulate and implement policies for free and compulsory education of children. The right to education was added under the fundamental right to life, because without education, the quality of life is poor.
- **Preventive Detention**--Although the Constitution grants protection against *arbitrary and unlawful* detention, it also authorises the Legislature under **Article-22** to make laws for *preventive* detention of a person without trial. The rationale for such a provision is that even if the authority concerned does not have sufficient evidence that a person is preparing to commit an act which will harm the security of the State, public order, maintenance of essential supplies and services, defence or foreign affairs — he may still be detained on suspicion to prevent him from doing something wrongful. Such preventive detention is allowed for three months;

detention for a longer period will need a report by an Advisory Board. The detained person/detainee will have the right to be provided with relevant papers about the grounds of his preventive detention, and will get the earliest opportunity to make a representation against the detention order.

Check Your Progress- 3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Explain the two parts of Article-14(Right to Equality) and how they relate to the concept of equal treatment.

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2. Summarize the six freedoms guaranteed to citizens under Article-19 of the Indian Constitution.

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3. What is the significance of Article-21 and how has the Supreme Court interpreted it?

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4. What does Article-20(1) of the Indian Constitution prohibit?

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5.What protection does Article-20(2) offer to an individual?

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6.What is the expanded interpretation of Article-20(3) by the Supreme Court?

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7.What principle must the ‘procedure established by law’ under Article-21 meet?

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8.Within what time must a detained person be produced before a magistrate according to Article-22?

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9.What broader rights are included under the right to life as interpreted by the Supreme Court?

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10.Who is excluded from the protections under Article-22 regarding

arrest and detention?

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❖ Right against Exploitation(Articles 23 - 24)

The Right against Exploitation encompasses the prohibition of activities like human trafficking and forced labour(**Article-23**),as well as the employment of children below 14 years in any factory or mine or hazardous work(**Article-24**).

❖ Right to Freedom of Religion(Articles 25 - 28)

The Constitution has established India as a ‘Secular State’ which observes neutrality and impartiality towards all religions. This does not mean that the State will be opposed or hostile to religion, rather it will treat all religions and religious groups equally, and with equal respect, without in any manner interfering with the individual right of religion, faith and worship. There will be no ‘State Religion’ in India — the State will neither establish a religion of its own, nor give patronage or special treatment to any particular religion.

Every person is entitled to freedom of conscience, and is guaranteed the right to freely profess, practice and propagate his religion (**Article-25**). However, freedom of religion will be subject to restrictions imposed by the State in the interests of public order, morality and health (so that this freedom is not used to perpetuate evil practices or commit criminal acts like human sacrifice). Neither shall this freedom affect the operation of any existing law or prevent the State from making any law regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice (but does not really concern the freedom of conscience). Nor shall this freedom prevent the State from providing for social welfare, or undertaking reform, or throwing open Hindu religious institutions *of a public character* to all classes and sections of Hindus (to counteract caste-based discrimination or untouchability).

Every religious denomination, or any section thereof, shall have the right — (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law(**Article-26**). The State will not compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious denomination (**Article-27**).

No religious instruction will be provided in any educational institution *entirely maintained out of State funds*. However, religious instruction will not be forbidden in an educational institution *administered by the State but established under any endowment or trust* which requires that such religious instruction be imparted in the institution. In case religious instruction is imparted in any educational institution *recognised by or receiving aid from the State*, then no person attending such institution will be compelled to receive or take part in that religious instruction, without the consent of himself or that of his guardian if the person is a minor(**Article-28**).

❖ Cultural and Educational Rights(**Articles 29 - 30**)

The Constitution grants cultural and educational rights to protect the interests of religious, cultural, and linguistic minorities. These rights ensure preservation of their culture and heritage, while also promoting education without discrimination.

Any section of citizens having a distinct language, script or culture of its own will have the right to conserve the same. No citizen will be denied admission into any educational institution maintained by or receiving aid from the State on the grounds of religion, race, caste, language or any of them (**Article-29**).

All religious or linguistic minorities will have the right to establish and administer educational institutions of their choice(**Article-30**). If the State makes a law to compulsorily acquire the property of such

an institution, then it will ensure that the amount fixed by or determined under such law for the acquisition of such property — is such as would not restrict or abrogate the right granted under Article- 30. Further, the State will not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a religious or linguistic minority.

❖ **Right to Constitutional Remedies(Article-32)**

Article-32 is called the ‘cornerstone’ or ‘heart and soul’ of the Indian Constitution, for it grants the right to constitutional remedies. Through Article-32, fundamental rights — if violated — can be enforced by moving the Supreme Court, which can then issue directions, orders or writs as a remedy. High Courts too can be moved for the same reason through Article-226.

The Court can issue five kinds of **writs** to enforce fundamental rights, viz. writ of **habeas corpus** commanding a person in unlawful detention to be produced in court; writ of **mandamus** ordering a public official, failing or refusing to perform his duty, to resume his duty; writ of **prohibition** against a lower court ordering it not to exceed its jurisdiction; writ of **certiorari** commanding a lower court or tribunal to transfer a pending case to itself, or quashing their order passed in a case; and writ of **quo warranto** to examine the legality of claim of a person to public office.

2.3.2 Features of Fundamental Rights

Granted to establish the Rule of Law in the highest tradition of political democracy, Fundamental Rights have the following features--

- **Protected**--These rights are guaranteed, and hence protected, by the Constitution.
- **Inviolable**--These rights cannot be curtailed or repealed by ordinary law, but only through a rigorous procedure of amending the Constitution — it must be approved through special majority by both Houses of Parliament, i.e. not less

than 2/3rd of the Members present and voting as well as a majority of the total Membership of the House.

- **Justiciable**--These rights, if violated, can be enforced by the aggrieved person by moving the High Court or the Supreme Court.
- **Limitation**--These rights are not absolute, rather they come with 'reasonable' limitations.
- **Suspension**--These rights can be suspended (except the rights under Articles-20 and 21) when a national Emergency is in force over the country
- **Restriction**--The Fundamental Rights of members of the armed forces, paramilitary forces, police forces, intelligence and other security agencies can be restricted by the Parliament (under Article-33). These rights can also be restricted in areas under martial law or military rule.

STOP TO CONSIDER-4

➤ Fundamental Rights Overview

- **Right against Exploitation**--Prohibits human trafficking, forced labour, and child labour below 14 years.
- **Right to Freedom of Religion**--Guarantees freedom of belief and worship; ensures State neutrality in religious matters with reasonable restrictions.
- **Cultural and Educational Rights**--Protects minority rights to conserve culture and manage educational institutions without discrimination.
- **Right to Constitutional Remedies**--Enables citizens to approach courts for enforcement of Fundamental Rights via writs.
- **Features**--Protected, justiciable, limited, amendable only by special procedure, and suspendable(except Articles-20 & 21) during emergencies.
- **Rights for Foreigners**--Some fundamental rights guaranteed by the Indian Constitution to citizens are also available to foreigners. These include the rights to equality, protection of life and personal liberty, protection in respect of conviction for offences, right against arbitrary arrest and detention, prohibition of human trafficking and forced labour, prohibition of employment of children in hazardous work,

right to education, freedom of conscience and freedom to profess, practise and propagate one's religion, freedom to manage religious affairs, freedom from taxes to promote any religion, and freedom from attending any religious instruction or worship in educational institutions established by a trust or endowment but recognized or receiving aid from the State.

□ Foreigners in India are entitled to several Fundamental Rights under the Constitution, particularly under--

- **Article-14**(Equality before law),
- **Article-20**(Protection in respect of conviction for offences),
- **Article-21**(Protection of life and personal liberty),
- **Article-22**(Protection against arbitrary arrest and detention),
- **Articles 23–24**(Prohibition of trafficking, forced labour, child labour),
- **Articles 25–28**(Religious freedoms).

□ **However**, some rights like **freedom of speech and expression (Article-19)** are reserved **only for Indian citizens**.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Which provision in the Indian Constitution is considered the 'guardian' of fundamental rights?

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2. How is 'freedom of the press' provided for in the Indian

Constitution?

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3. What are the grounds for limitation of fundamental rights?

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4. What does the Right against Exploitation prohibit?

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5. Under which Articles is the Right against Exploitation covered?

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6. What does secularism mean under the Indian Constitution?

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7. What is guaranteed under Article-25?

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8. What rights does Article-26 grant to religious denominations?

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9. What does Article-27 prohibit?

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10. Can religious instruction be given in State-funded schools?

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11. What rights are protected under Articles-29 and 30?

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12. Can the State discriminate while granting aid to minority institutions?

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13. What is the importance of Article-32?

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14. Name any two writs issued by courts to enforce Fundamental Rights.

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15. Are Fundamental Rights absolute?

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2.4 Fundamental Duties(Article 51-A)

Rights and duties are two sides of the same coin — while citizens are entitled to Fundamental Rights, they are also morally obligated to perform corresponding Fundamental Duties.

The **Fundamental Duties** were added to the Indian Constitution by the **42nd Constitutional Amendment Act, 1976**, following the recommendations of the **Swaran Singh Committee**. The concept was inspired by the Constitution of the former **Soviet Union**.

Originally, there were **10 duties**, and an **11th duty** was later incorporated through the **86th Constitutional Amendment Act, 2002**.

The **11 Fundamental Duties** listed under **Part IV-A (Article 51-A)** are--

- To abide by the Constitution and respect its ideals, institutions, the National Flag, and the National Anthem.
- To cherish and follow the noble ideals that inspired the national struggle for freedom.
- To uphold and protect the sovereignty, unity, and integrity of India.
- To defend the country and render national service when called upon to do so.
- To promote harmony and the spirit of common brotherhood among all people of India, transcending religious, linguistic, regional, or sectional diversities; and to renounce practices derogatory to the dignity of women.
- To value and preserve the rich heritage of India's composite culture.
- To protect and improve the natural environment including forests, lakes, rivers, wildlife, and to have compassion for living creatures.
- To develop scientific temper, humanism, and the spirit of inquiry and reform.
- To safeguard public property and to abjure (i.e., avoid) violence.
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.
- **To provide opportunities for education to one's child or ward between the age of 6 and 14 years**(added by the 86th Amendment in 2002).

Although **Fundamental Duties are non-justiciable**(i.e., they cannot be enforced by courts like Fundamental Rights), the judiciary has emphasized their importance. The **Supreme Court** has ruled that Fundamental Duties must not be treated as mere ornamental words and that laws can be made to enforce these duties indirectly.

Thus, while a citizen cannot be penalized directly for not fulfilling a Fundamental Duty(unless a specific law exists), these duties form a crucial part of the constitutional framework and strengthen the spirit of civic responsibility and national integrity.

STOP TO CONSIDER-5

➤ Fundamental Duties

- Incorporated by **42nd Amendment Act, 1976** on **Swaran Singh Committee** recommendation.
- Inspired by the **Soviet Constitution** model.
- **Originally 10 duties; 11th duty added by 86th Amendment, 2002**(education for children aged 6–14 years).
- Enshrined under **Part IV-A, Article 51-A**.
- **Non-Justiciable**, but courts recognize their importance.
- Duties include loyalty to Constitution, promotion of harmony, protection of environment, scientific temper, and safeguarding public property.
- Support national unity, culture, environment, and civic responsibility.

➤ Fundamental Rights vs. Fundamental Duties

- Fundamental Rights are constitutional guarantees that safeguard the interests of individuals, whereas Fundamental Duties are moral and ethical responsibilities aimed at promoting the collective welfare of the nation.
- While Fundamental Rights are *justiciable* and can be enforced through the courts of law, Fundamental Duties are *non-justiciable* and cannot be legally enforced.
- Fundamental Rights have existed since the adoption of the Constitution in 1950, while Fundamental Duties were incorporated later through the 42nd Constitutional Amendment Act in 1976.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the reasoning behind the inclusion of Fundamental Duties in the Indian Constitution?

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2. Which fundamental duty was added in the Indian Constitution in the year 2002 ?

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3. When were Fundamental Duties added to the Indian Constitution?

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4. Who recommended the inclusion of Fundamental Duties?

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5. How many Fundamental Duties were originally listed?

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6. What is the 11th Fundamental Duty added in 2002?

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2.5 Let Us Sum Up

The framers of the Indian Constitution had three major objectives-- to ensure the **unity and integrity of the nation**, to **promote a socio-economic transformation** in keeping with the ideals that fueled the struggle for independence, and to **establish a democratic republic**. Granville Austin described the Indian Constitution as primarily a "**social document**", with its **Fundamental Rights** and **Directive Principles of State Policy** forming its "**conscience**".

Part-III of the Constitution enumerates six broad categories of **Fundamental Rights**--

1. Right to Equality(Articles 14–18)
2. Right to Freedom(Articles 19–22)
3. Right against Exploitation(Articles 23–24)
4. Right to Freedom of Religion(Articles 25–28)
5. Cultural and Educational Rights(Articles 29–30)
6. Right to Constitutional Remedies(Article 32)

These rights are **not absolute**; they are subject to **reasonable restrictions** in the interest of public order, morality, security of the state, and other factors.

Although **Parliament has the power to amend** the Constitution under Article-368, it **cannot alter its basic structure**, a principle established by the **Kesavananda Bharati Case(1973)**.

While the Constitution does **not explicitly mention "freedom of the press"**, the **Supreme Court has interpreted** it to be included under **Article 19(1)(a)**, which guarantees the **freedom of speech and expression**, recognizing a free press as essential to democracy.

When a citizen's fundamental rights are violated, they can approach the **Supreme Court under Article-32** or the **High Courts under Article-226**, seeking enforcement of rights through **writs**, such as habeas corpus, mandamus, prohibition, certiorari, and quo warranto.

Alongside rights, the Constitution also emphasizes **duties**. **Fundamental Duties** were added by the **42nd Constitutional Amendment Act in 1976**, inspired by the Constitution of the **erstwhile Soviet Union**. They are enshrined in **Part IV-A under Article 51-A**, outlining the **moral obligations** of citizens towards the nation and society. Although these duties are **not legally enforceable**, they carry the **weight of social and ethical obligation**, encouraging responsible citizenship.

2.6 Glossary

Judicial

Review—

It refers to the **power of the judiciary**, particularly the **Supreme Court and High Courts**, to examine the **constitutionality** of laws enacted by the Legislature and actions taken by the Executive. If any law or executive action is found to be **inconsistent with or**

violative of the Constitution, the Court has the authority to **strike it down or declare it invalid**.

Writ--

A **formal written order** issued by the **Supreme Court under Article-32** or a **High Court under Article-226** for the **enforcement of Fundamental Rights** (and in the case of High Courts, for other legal rights as well). Writs are crucial constitutional remedies available to individuals whose rights have been violated.

2.7 References and Suggested Readings

□ Austin, G. (1966). *The Indian Constitution: Cornerstone of a nation*. Oxford University Press.

Basu, D. D. (2013). *Introduction to the Constitution of India*. LexisNexis.

Kashyap, S. C. (2021). *Our Constitution: An introduction to India's Constitution and constitutional law*. National Book Trust.

2.8 Model Questions

- Examine the constitutional basis for reservation with respect to the Right to Equality. (200 words)
- Comment on the relevance of Fundamental Duties in today's context. (200 words)
- Explain the interdependence of Fundamental Rights and Fundamental Duties in the Indian Constitution, providing relevant examples.

- Analyze the significance of the Supreme Court's interpretation of Article 19(1)(a) to include freedom of the press for a democratic society.
- How has the expanded interpretation of "life" under Article-21 impacted the scope of other fundamental rights and social issues in India? Provide specific examples.

2.8 Answers to Check Your Progress

Check Your Progress- 1

1. Granville Austin identifies three major goals--ensuring India's unity and integrity, continuing the social and economic revolution, and establishing democracy as a spirit and way of life. He describes these as "three strands of a seamless web."

2. Article 12 defines the term "State." It includes the Government and Parliament of India, the Government and Legislature of each of the States, all local or other authorities within the territory of India, and all authorities under the control of the Government of India. Examples given in the text include municipalities, panchayats, statutory bodies like the National Human Rights Commission (NHRC), and even non-statutory bodies like the Central Bureau of Investigation (CBI).

3. Essential human rights and civil liberties guaranteed in Part-III of the Indian Constitution (Articles 12–35).

4. Articles 12 to 35.

5. It defines the term 'State' as the Government, Parliament, and various authorities, both statutory and non-statutory.

6. Government and Parliament of India, State Governments, local authorities, statutory authorities

(e.g., NHRC, NCW), non-statutory authorities (e.g., Lokpal, CBI).

7. It empowers the Judiciary to strike down laws that are inconsistent with Fundamental Rights.

8. Yes, if any law before the Constitution's commencement conflicts with Fundamental Rights, it is considered void.

9. No, new laws cannot take away or reduce the scope of Fundamental Rights. If they do, they are unconstitutional.

10. No, Article-13 does not apply to constitutional amendments made under Article-368.

11. Judicial review ensures laws that violate Fundamental Rights can be invalidated by the courts.

12. The Supreme Court and High Courts have the authority to declare laws unconstitutional if they infringe upon Fundamental Rights.

Check Your Progress- 2

1. The Right to Equality includes the following key provisions--

- Article-14--Guarantees equality before the law and equal protection of the laws.
- Article-15--Prohibits discrimination on grounds of religion, race, caste, gender, or place of birth.
- Article-16--Ensures equality of opportunity in matters of public employment.
- Article-17--Abolishes untouchability and forbids its practice in any form.
- Article-18--Prohibits the State from conferring titles, and prevents the use of any State-awarded distinction as a title.

2. The six freedoms guaranteed under Article 19 are--

- Right to freedom of speech and expression [Article 19(1)(a)].

- Right to assemble peaceably and without arms [Article 19(1)(b)].
- Right to form associations or unions or cooperative societies [Article 19(1)(c)].
- Right to move freely throughout the territory of India [Article 19(1)(d)].
- Right to reside and settle in any part of India [Article 19(1)(e)].
- Right to practice any profession, or to carry on any occupation, trade, or business [Article 19(1)(g)].

3. Article-14 guarantees **equality before the law** and **equal protection of the laws** within the territory of India.

4. Article-15 protects individuals from discrimination based on **religion, race, caste, gender, or place of birth**.

5. The **Right to Property** as a **fundamental right** was removed by the **44th Amendment** of 1978. It is now a **legal right** under **Article 300-A**.

Check Your Progress-3

1. Article-14 has two parts--"equality before the law" (a negative right prohibiting discrimination) and "equal protection of the laws" (a positive right requiring the state to ensure equal application of laws). It means equals should be treated equally, but unequal situations may require unequal treatment (like affirmative action) to achieve true equality.

2. Article-19 guarantees--

- Freedom of speech and expression.
- Freedom to assemble peaceably and without arms.
- Freedom to form associations or unions or cooperative societies.
- Freedom to move freely throughout India.
- Freedom to reside and settle in any part of India.

- Freedom to practice any profession, or to carry on any occupation, trade, or business.
3. Article-21 guarantees the protection of life and personal liberty. The Supreme Court has interpreted "life" to mean more than mere survival, including the right to live with human dignity and encompass aspects like the right to education, reputation, and privacy. It also established that any procedure established by law to deprive someone of personal liberty must be "reasonable," applying principles of natural justice.
 4. Conviction or penalty for an act not punishable at the time it was committed.
 5. Protection against double punishment for the same offence.
 6. A person cannot be forced to give evidence against oneself, but physical evidence like fingerprints can be collected.
 7. It must be fair, just, and reasonable.
 8. Within 24 hours of arrest (excluding travel time).
 9. Right to dignity, education, reputation, and privacy.
 10. Enemy aliens and persons detained under preventive detention laws.

Check Your Progress-4

1. Article-13 under Part-III of the Constitution is called the 'guardian' of fundamental rights because it invalidates all laws contravening fundamental rights — whether such laws

were in force before the commencement of the Constitution, or enacted afterwards by the State. The Supreme Court or the High Courts, vested with the power of judicial review, can declare such a law void. However, Article-13 will not apply if the Constitution is amended under Article-368 to pass a law contravening fundamental rights.

2. The Indian Constitution does not explicitly provide for a free press. However, the Supreme Court has interpreted Article-19(1)(a) granting the fundamental right to free speech, to implicitly contain the right to a free press. This is because in a democracy, people should have the right to form and voice their opinions freely, but this can happen only if the people already have the right to know and the right to be informed — which can be satisfied only by a free press.
3. The grounds for ‘reasonably’ limiting the fundamental rights are provided in Article-19(2), viz. in the interests of the sovereignty and integrity of India; the security of the State; friendly relations with foreign States; public order, decency or morality; and to avoid contempt of court, defamation, or incitement to an offence.
4. Human trafficking, forced labour, and child labour in hazardous industries.
5. Articles-23 and 24.
6. Equal respect and treatment of all religions by the State.
7. Freedom to profess, practice, and propagate

religion.

8. Right to manage religious affairs, establish institutions, and own property.
9. Payment of taxes for promoting any religion.
10. No, unless established by an endowment/trust requiring it.
11. Cultural preservation and rights of minorities to run educational institutions.
12. No, discrimination is prohibited.
13. It provides the right to constitutional remedies through courts.
14. Habeas Corpus and Mandamus.
15. No, they are subject to reasonable limitations/restrictions.

Check Your Progress-5

1. If citizens of India get to enjoy fundamental rights granted by the Constitution, then they must be morally ready to perform fundamental duties for the collective benefit of their country. This is the rationale with which fundamental duties were incorporated in the Constitution of India in 1976 through the 42nd Constitutional Amendment Act.
2. The fundamental duty of providing opportunities for education to one's child or ward between the age of 6 and 14 years, was added in 2002 through the 86th

Constitutional Amendment Act.

3. In 1976, through the 42nd Constitutional Amendment Act.
4. The Swaran Singh Committee.
5. 10.
6. To provide educational opportunities to children between 6 and 14 years.
7. No, they are non-justiciable.
8. The Constitution of the former Soviet Union.
9. To balance the rights of citizens with their moral and ethical obligations to the nation.
10. No, unless specific laws are made to enforce them.

Unit: 3

Directive Principles of State Policy

Unit Structure:-

- 3.1 Objectives**
- 3.2 Introduction**
- 3.3 Directive Principles of State Policy**
- 3.4 Directive Principles in Action**
- 3.5 Let Us Sum Up**
- 3.6 Glossary**
- 3.7 References and Suggested Readings**
- 3.8 Model Questions**
- 3.9 Answers to Check Your Progress**

3.1 Objectives

Our topic of discussion in this unit will be able to acquaint with---

- The Directive Principles of State Policy (DPSPs) and their significance alongside Fundamental Rights.
- DPSPs' role in promoting collective welfare and state action.
- Address common criticisms of DPSPs.
- The historical conflict between Fundamental Rights and DPSPs.
- The evolution of some DPSPs into Fundamental Rights.
- The critical analysis of India's progress on socio-economic goals related to DPSPs.

3.2 Introduction

The **Indian Constitution** strongly emphasizes its commitment to **social revolution**, particularly through the **Directive Principles of State Policy (DPSP)** enshrined in **Part-IV** (Articles **36 to 51**). These **positive directions** guide the Legislature and Executive in

exercising their powers to promote the **welfare of the people**, and aim to establish the **social and economic democracy** pledged in the Preamble. The **Directive Principles** seek to strike a balance between individual **Fundamental Rights** (Part-III) and the broader **public good**, focusing on the collective well-being of society.

The **concept** of the Directive Principles was inspired by the **Irish Constitution**, which allows for **social engineering** to create a **Welfare State**. However, their roots can be traced back to the **1931 Karachi Resolution** of the Indian National Congress, which advocated for the **socialization of resources** and welfare programs. Even earlier, in the **1920s**, nationalist and socialist leaders within Congress expressed their concerns for social justice and economic equality. With India's independence, the goal shifted from creating a **Police State** to establishing a **Welfare State**, which emphasized **social justice and equality**.

When drafting the Constitution, the **Constituent Assembly** initially did not clearly distinguish between '**positive obligations**'—which are collective state responsibilities to promote social well-being—and '**negative liberties**', which are individual freedoms protected from state interference. As the **drafting process** evolved, the members recognized the need to categorize certain rights as **justiciable** (such as the **right to equality**, which can be enforced in court) and others as **non-justiciable** (such as the **right to free primary education** or **adequate livelihood**, which depend on state action and resources).

The **Directive Principles**, unlike **Fundamental Rights**, are not enforceable by courts. However, they are an **essential moral framework** for government policy and cannot be ignored. As **Dr. Bhimrao Ambedkar** warned during the Constituent Assembly debates, a government that ignores these principles would ultimately face **political consequences** before the electorate, as the electorate holds the government accountable for fulfilling the promises of social justice.

The **Directive Principles** are based on three key sets of principles: **socialistic**, **Gandhian**, and **liberal-humanistic** values. As noted by **Granville Austin**, the **Directive Principles** are the core of the **Indian Constitution's conscience**. He argued that these principles

embody India's **economic independence**, emphasizing the country's responsibility to balance individual liberty with public good. Austin describes the **Directive Principles** as a declaration that India's new government must find a **middle way**—preserving **individual rights**, while promoting **social welfare**, and ensuring that **economic power** is not concentrated in the hands of a few, but distributed for the common good.

In his words--
“By establishing these positive obligations of the State, the members of the Constituent Assembly made it the responsibility of future Indian governments to find the middle way between individual liberty and the public good, between preserving the property and the privilege of the few and bestowing benefits on the many in order to liberate the powers of all men equally for contributions to the common good” (Austin, 1972).

STOP TO CONSIDER-1

- **Directive Principles vs. Fundamental Rights — A Comparison**
- **Purpose and Scope--**
Directive Principles operate at the **macro level**, aiming to guide the State in establishing **social, economic, and political justice** for the broader public. Fundamental Rights function at the **individual level**, ensuring the **protection of personal liberties and freedoms** of both citizens and, in some cases, non-citizens.
- **Nature--**
Directive Principles are **positive obligations** or **affirmative guidelines** issued to the State to frame policies for public welfare. In contrast, Fundamental Rights are **negative in character**, placing **restrictions on the State** to prevent encroachment on individual freedoms.

- **Enforceability--**
Directive Principles are **non-justiciable**, meaning they are **not legally enforceable** in a court of law. Fundamental Rights are **justiciable** and can be **enforced through judicial remedies**, especially under Article-32 (Supreme Court) and Article-226 (High Courts).

- **Implementation--**
Directive Principles **require legislation or executive action** for implementation. Fundamental Rights are often **directly applicable**, but some may require **statutory backing** for effective enforcement.

- **Judicial Remedy and Restrictions--**
Directive Principles do **not offer judicial remedies** if violated and are **not subject to direct limitations**. Fundamental Rights can be **reasonably restricted** under specific constitutional provisions, and **judicial remedies are available** in case of violation.

- **Binding Authority--**
Directive Principles are **binding on the State** as **moral and political obligations**, guiding policy-making. Fundamental Rights are **binding on the State**, but **some rights also impose obligations on individuals** (e.g., Article 17 – abolition of untouchability, Article-23 – prohibition of human trafficking).

3.3 Directive Principles of State Policy

As the gateway clause to Part IV, *Article 37* makes it clear that the Directive Principles ‘shall not be enforceable by any court, but the principles therein laid down are nevertheless *fundamental* in the

governance of the country and it shall be the duty of the State to apply these principles in making laws'. The resolve of the framers of the Constitution to adhere to the vision of India encapsulated in the Preamble is manifestly stated in **Article 38(1)**: 'The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life'. **Article 38(2)** adds: 'The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.'

We shall now undertake a brief survey of the Directive Principles, and the progress made in applying them in Government policy-making for the common good. At the very outset, it has to be kept in mind that these principles were repeatedly invoked while making five-year plans for the country to chart a route for balanced economic development and raise living standards of the masses. At the Union as well as State levels, these principles helped guide the legislative process.

Article 39 begins by stating that the State shall particularly direct its policy towards securing —

- a. that citizens, men and women equally, have the right to an adequate means of livelihood;
- b. that the ownership and control of material resources of the community are so distributed as best to subserve the common good;
- c. that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment;
- d. that there is equal pay for equal work for both men and women;
- e. that the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- f. that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are

protected against exploitation and against moral and material abandonment;

- Through **Article 39A**, the State is directed to ensure that the operation of the legal system promotes justice on the basis of equal opportunity that opportunities for securing justice are not denied to any citizen due to economic or other disabilities, and free legal aid will be provided.

Article 40 directs the State to take steps to organise village panchayats, and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Article 41 calls upon the State (within the limits of its economic capacity and development) to make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42 enjoins the State to make provision for securing just and humane conditions of work and for maternity relief.

Article 43 calls upon the State to secure to all workers a living wage, and a decent standard of life through suitable work conditions as well as full enjoyment of leisure and social and cultural opportunities, and in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. Through **Article 43A**, the State is urged to take steps to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry. Through **Article 43B**, the State is called upon to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies

Article 44 urges the State to secure for the citizens a uniform civil code throughout the country.

Article 45 directs the State to seek to provide early childhood care and education for all children until they complete the age of six years.

Article 46 calls upon the State to specially promote the educational and economic interests of the weaker sections, in particular the scheduled castes (SCs) and the scheduled tribes (STs), as well as to protect them from social injustice and all forms of exploitation.

Article 47 urges the State to raise the nutrition level and standard of living of people, to improve public health, and to ban the consumption of intoxicating drinks and drugs injurious to health.

Article 48 directs the State to organise agriculture and animal husbandry on modern and scientific lines; and to prohibit the slaughter of cows, calves and other milch and draught cattle and improve their breeds. Through *Article 48A*, the State is urged to protect and improve the environment, and to safeguard the forests and wildlife of the country

Article 49 calls upon the State to protect every monument or place of artistic or historic interest, declared or legislated by Parliament to be of national importance.

Article 50 directs the State to take steps to separate the Judiciary from the Executive in the public services of the State.

Article 51 declares that the State shall endeavour to promote international peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by arbitration.

OR

➤ **Directive Principles of State Policy (DPSPs)**

Part-IV of the Indian Constitution, comprising Articles **36 to 51**, contains the **Directive Principles of State Policy**. These principles serve as **guidelines** for the State in the governance of the country and aim to **promote social and economic democracy** in line with the vision of the **Preamble**.

Article-37 acts as the gateway clause, stating--

“The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

This reflects the Constitution's commitment to build a **Welfare State**, ensuring justice and equality in socio-economic terms. **Article-38(1)** directs the State to promote the welfare of the people by securing a **social, economic, and political order** based on justice. **Article-38(2)** further instructs the State to minimize inequalities in income, status, and opportunities among individuals and groups across regions and occupations.

❖ **Survey of Key Directive Principles and Their Application**

Over the decades, successive governments have invoked these principles to frame Five-Year Plans, welfare programs, and reforms. They have served as **policy foundations** for development, education, health, and social justice. Below is a summary of important articles and their directives:

Article-39 – The State shall strive to----

- (a) Secure the right to an adequate means of livelihood for all citizens.
- (b) Ensure equitable distribution of material resources to serve the common good.
- (c) Prevent concentration of wealth and means of production to the detriment of society.
- (d) Guarantee equal pay for equal work for both men and women.
- (e) Protect workers and children from exploitation and economic compulsion.
- (f) Safeguard the development and dignity of children and youth.

Article-39A – Ensure equal justice and free legal aid for citizens facing economic or other disabilities.

Article-40 – Organise Village Panchayats as units of self-government.

Article-41 – Provide, within economic limits, the right to work, education, and public assistance in cases of need.

Article-42 – Ensure just and humane working conditions and provision for maternity relief.

Article-43 – Secure living wages and decent standards of life for workers; promote cottage industries.

Article-43A – Encourage workers' participation in industrial management (inserted by the 42nd Amendment, 1976).

Article-43B – Promote co-operative societies with voluntary formation and democratic control (97th Amendment, 2011).

Article-44 – Strive for a Uniform Civil Code across the country.

Article-45 – Provide early childhood care and education for children below the age of six years (revised by the 86th Amendment, 2002).

Article-46 – Promote educational and economic interests of SCs, STs, and weaker sections; protect them from social injustice.

Article-47 – Improve nutrition, standard of living, public health, and ban intoxicants harmful to health.

Article-48 – Modernise agriculture and animal husbandry; prohibit slaughter of cows and milch cattle.

Article-48A – Protect and improve the environment, forests, and wildlife (added by the 42nd Amendment).

Article-49 – Protect monuments and cultural heritage of national importance.

Article-50 – Ensure separation of the Judiciary from the Executive in public services.

Article-51 – Promote international peace, just relations, respect for international law, and peaceful dispute resolution.

These principles are not enforceable by courts, but they **bind the State morally and politically**.

As Dr. B.R. Ambedkar stated in the Constituent Assembly--

“If any government ignores them, the party in power will certainly have to answer for them before the electorate at election time.”

STOP TO CONSIDER-2

➤ Directive Principles of State Policy (DPSPs)

- Enshrined in **Part-IV (Articles 36–51)** of the Constitution.
- **Non-justiciable**, but **fundamental** in guiding governance; intended to achieve **social and economic democracy**.
- Inspired by the **Irish Constitution** and earlier **Congress resolutions** (notably the 1931 Karachi Resolution).
- Classified into **Socialistic, Gandhian, and Liberal-Humanistic** principles.
- Article-37 emphasizes their importance despite non-enforceability.
- Key aims--
 - Promote **welfare of the people** (Art. 38).
 - Ensure **livelihood, equal pay, prevent wealth concentration** (Art. 39).
 - Secure **free legal aid** (Art. 39A), **Panchayati Raj** (Art. 40), **education and assistance** (Art. 41).
 - Encourage **workers’ rights, maternity relief, cottage industries, and co-operative societies** (Arts. 42, 43, 43A, 43B).
 - Call for a **Uniform Civil Code** (Art. 44) and **early childhood care** (Art. 45).
 - Uplift **weaker sections**, especially **SCs/STs** (Art. 46).
 - Improve **nutrition, health, environment, and agriculture** (Arts. 47–48A).

- Protect **monuments**, ensure **judicial independence**, and promote **global peace** (Arts. 49–51).
- Have informed Five-Year Plans, social legislation, and welfare schemes.
- Reflect the Constitution's **commitment to a Welfare State**.

➤ **Directive Principles--Amendments and Additions**

Over time, several changes and additions have been made to the Directive Principles of State Policy through constitutional amendments to reflect evolving social, economic, and environmental priorities. Notable among them are--

❖ ***42nd Constitutional Amendment Act, 1976***

- **Article-39(f)**--Expanded to include that children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity.
- **Article-39A**--A new provision directing the State to ensure equal access to justice and to provide free legal aid to citizens unable to afford it.
- **Article-43A**--Introduced to promote the participation of workers in the management of industrial undertakings and to support cottage industries in rural areas.
- **Article-48A**—Added to mandate the State to protect and improve the environment, and safeguard forests and wildlife.

❖ ***44th Constitutional Amendment Act, 1978***

- **Article-38(2)**—Introduced a new sub-clause directing the State to strive to reduce inequalities in income, status, facilities, and opportunities among individuals and groups residing in different areas or engaged in different vocations.

❖ ***86th Constitutional Amendment Act, 2002***

- **Article-45**—Amended to require the State to provide early childhood care and education for all children until they complete the age of six years. *(Originally, Article-45 had mandated free and compulsory education for children up to the age of fourteen years. That objective was shifted under Article-21A as a Fundamental*

Right.)

- **Note**—This amendment also introduced **Article-51A(k)**, adding a Fundamental Duty for parents or guardians to ensure education for their children aged six to fourteen years.

❖ **97th Constitutional Amendment Act, 2011**

- **Article 43B**--A new Directive Principle added to promote the voluntary formation, autonomous functioning, democratic control, and professional management of co-operative societies.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the primary purpose of the Directive Principles of State Policy (DPSPs) as outlined in the Indian Constitution?

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2. From which constitution was the idea of Directive Principles borrowed, and what earlier influences contributed to their development in India?

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3. What is the key difference between Fundamental Rights and Directive Principles regarding their enforceability?

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4. Name two Directive Principles that were added or significantly

amended through Constitutional Amendment Acts.

3.4 Directive Principles in Action

Since the Indian Constitution came into force in 1950, several Directive Principles have been enshrined as rights and laws, and have inspired vast public welfare programmes. These prove that the Directive Principles are not just ‘pious declarations’. Some successes are:

- Ensure a living wage (*Article 43*) — this became the ***Minimum Wages Act, 1948***
- Protect monuments and places of artistic or historic interest (*Article 49*) — the ***Ancient Monuments and Archaeological Sites and Remains Act, 1958*** to protect places, monuments and objects of national importance
- Make provisions for maternity relief (*Article 42*) — the ***Maternity Benefit Act, 1961***
- Protect and improve the environment, safeguard forests and wildlife (*Article 48A*) — the ***Wildlife (Protection) Act, 1972***, the ***Forest (Conservation) Act, 1980***, and the ***Environment (Protection) Act, 1986***
- Secure a living wage and suitable work conditions for all workers (*Article 43*) — the ***Bonded Labour System (Abolition) Act, 1976*** which unilaterally freed all bonded labourers with simultaneous liquidation of their debts
- Ensure equal pay for equal work (*Article 39*) — the ***Equal Remuneration Act, 1976***
- Protect childhood from exploitation and ensure that the tender age of children is not abused (*Article 39*) — the ***Child Labour Prohibition and Regulation Act, 1986*** (renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986 in 2016)

- Promote equal opportunities in justice and provide free legal aid (*Article 39A*) — the **Legal Services Authorities Act (1987)** under which a nationwide network provides free legal aid to the poor and organises LokAdalats for promoting equal justice
- Protect SCs and STs from social injustice and all forms of exploitation (*Article 46*) — ***The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*** (amended in 2015, 2018 and 2019)
- Organise village panchayats (*Article 40*) — this became **Panchayati Raj** system of 3-tier local self-government involving the village, block and district levels (through the 73rd Amendment Act, 1992 that also added a new Part IX to the Constitution)
- Several **land reform laws** have been enacted by various State Assemblies to fix land ceilings and distribute land among the landless poor, scheduled castes and scheduled tribes; ensure fair land rents and tenant security; abolish feudal landlords like *zamindars* and remove intermediaries etc.
- The Directive Principle under *Article 45* originally read: ‘*The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years*’. In 2009, this Directive Principle became the **Fundamental Right to Education** under *Article 21(A)* guaranteeing free and compulsory elementary education for all children till 14 years of age
- Develop cottage industries in rural areas (*Article 43A*) — Establishment of **Khadi and Village Industries Commission (KVIC)** under an Act of Parliament in 1956
- Improve public health (*Article 47*) — The **National Health Mission (NHM)** encompassing two sub-missions **National Rural Health Mission (NRHM)** and **National Urban Health Mission (NUHM)** to strengthen health systems, the **Pradhan Mantri Swasthya Suraksha Yojana (PMSSY)** to correct imbalances in availability of affordable healthcare facilities and augment quality medical education etc.
- The Directive Principle on international relations, law, peace and security (*Article 51*) has influenced **India’s foreign policy** and peace-keeping activities under the United Nations

- The emphasis on rural development given in Directive Principles like *Articles 40 and 43* has driven national programmes like ***Community Development Programme*** of 1952, ***Integrated Rural Development Programme*** of 1978 (later renamed Swarnjayanti Gram SwarozgarYojana) and ***Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)*** of 2005
- Directive Principles like *Article 47* enjoining the State ‘to improve public health’ have been invoked in the recurring demand for a **right to health**, and *Article 39* seeking ‘right to an adequate means of livelihood’ and *Article 41* for securing ‘right to work in cases of unemployment’ in the emerging debate on a **universal basic income** for all citizens.

OR

➤ **Directive Principles in Action**

Since the adoption of the Indian Constitution in 1950, numerous Directive Principles of State Policy have inspired legislation, public welfare programs, and constitutional developments. These examples show that Directive Principles are **not merely aspirational**, but have played a critical role in shaping India's socio-economic policy and legal landscape.

❖ ***Implementation through Laws and Policies--***

- **Living Wage (Article-43)**--The spirit of this article was reflected in the **Minimum Wages Act, 1948**, which predates the Constitution but was retained and reinforced post-1950 to ensure minimum remuneration for workers across various sectors.
- **Monuments and Heritage Protection (Article-49)**--The **Ancient Monuments and Archaeological Sites and Remains Act, 1958** provides for the preservation of monuments and sites of national importance.
- **Maternity Relief (Article-42)**--The **Maternity Benefit Act, 1961** provides maternity leave and related benefits to women workers.
- **Environmental Protection (Article-48A)**--Several key environmental laws reflect this mandate, including--

- **Wildlife Protection Act, 1972**
- **Forest (Conservation) Act, 1980**
- **Environment (Protection) Act, 1986**
- **Worker Welfare and Bonded Labour (Article-43)--The Bonded Labour System (Abolition) Act, 1976** abolished bonded labour and freed affected persons from associated debts.
- **Equal Pay for Equal Work (Article-39(d))--The Equal Remuneration Act, 1976** ensures gender parity in wages.
- **Protection of Childhood (Article-39(e) & (f))--The Child Labour (Prohibition and Regulation) Act, 1986**, later amended and renamed in 2016, prohibits hazardous child labour and regulates conditions of adolescent workers.
- **Access to Justice (Article-39A)--The Legal Services Authorities Act, 1987** created a nationwide system to provide **free legal aid** and organise **Lok Adalats** for quick, low-cost justice delivery.
- **Protection of SCs and STs (Article-46)--The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, along with subsequent amendments (2015, 2018, 2019), strengthens protections against discrimination and violence.
- **Village Panchayats (Article-40)--The 73rd Constitutional Amendment Act, 1992** institutionalised the Panchayati Raj system, creating a three-tier structure of rural local self-governance under **Part-IX of the Constitution**.
- **Land Reforms (Article-39(b) & (c))--State governments** enacted land ceiling laws to redistribute land among the landless, abolish zamindari systems, and ensure tenancy security.
- **Right to Education (Originally Article-45)--The goal of free and compulsory education was realised with the 86th Constitutional Amendment Act, 2002**, which introduced **Article-21A** as a Fundamental Right. The **Right of Children to Free and Compulsory Education Act, 2009** operationalised this right for children aged 6 to 14 years.
- **Cottage Industries (Article-43)--The Khadi and Village Industries Commission (KVIC)**, established in 1956, promotes rural self-employment and traditional industries.
- **Public Health (Article-47)--Several national programs** reflect this directive--

- **National Health Mission (NHM)**--Including NRHM and NUHM
- **Pradhan Mantri Swasthya Suraksha Yojana (PMSSY)**--Aims to strengthen healthcare infrastructure and medical education.
- **Foreign Policy and Peace (Article-51)**--India's participation in **UN peacekeeping missions**, emphasis on **non-alignment**, and promotion of **international cooperation** align with this Directive Principle.

❖ ***Directive Principles and National Development Programmes--***

- **Rural Development (Articles-40 & 43)**--These inspired flagship programmes like--
 - **Community Development Programme (1952).**
 - **Integrated Rural Development Programme (1978)** (later merged into **Swarnjayanti Gram Swarozgar Yojana**).
 - **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005**, providing 100 days of guaranteed wage employment annually.

❖ ***Emerging Debates and Policy Directions--***

- **Universal Basic Income (UBI)**—Articles-39 (livelihood) and 41 (right to work) have been cited in contemporary debates about introducing a **basic income guarantee** for all citizens.
- **Right to Health**—Article-47 on public health has increasingly been invoked to support proposals for **recognizing health as a justiciable fundamental right**.

STOP TO CONSIDER-3

➤ **Directive Principles in Action**

- **Legal Implementation**--Many Directive Principles inspired key laws—e.g., *Minimum Wages Act (1948)*, *Maternity Benefit Act (1961)*, *Equal Remuneration Act (1976)*, *Child Labour Act (1986)*, *Legal Services Authorities Act (1987)*.

- **Social Justice**--Laws like the *SC/ST (Prevention of Atrocities) Act (1989)* and *Bonded Labour Abolition Act (1976)* enforce principles of equality and dignity.
- **Environment & Health**--*Environment Protection Acts (1972–1986)* and *National Health Mission* reflect ecological and health goals.
- **Education**—Article-21A and the *Right to Education Act (2009)* evolved from original Article-45.
- **Democracy & Rural Development**--*73rd Amendment (1992)* institutionalised panchayats; programmes like MGNREGA (2005) further rural empowerment.
- **Foreign Policy**—Article-51 influenced India's UN peacekeeping and global cooperation strategies.
- **Evolving Goals**--DPSPs now support debates on *right to health* and *universal basic income*.

➤ **Can Directive Principles Outweigh Fundamental Rights?**

The Fundamental Rights (Part-III) and the Directive Principles of State Policy (Part-IV) are meant to work together to uphold the ideals of justice, liberty, equality, and fraternity. However, tensions have arisen between the two, especially when the implementation of certain Directive Principles appears to conflict with guaranteed Fundamental Rights. This conflict has led to several landmark Supreme Court rulings that have clarified their respective positions.

- **Champakam Dorairajan v. State of Madras (1951)**--The Supreme Court held that in case of a conflict, **Fundamental Rights take precedence** over Directive Principles. This decision emphasized that the latter cannot override the enforceable rights of individuals.
- **Golaknath v. State of Punjab (1967)**--The Court reversed earlier rulings (including *Shankari Prasad*), holding that **Parliament had no power to amend**

Fundamental Rights, even to implement Directive Principles. This interpretation curtailed the power of Parliament under Article-368.

- **Kesavananda Bharati v. State of Kerala (1973)**-- This landmark judgment **partially overruled Golaknath**, asserting that **Parliament can amend any part of the Constitution**, including Fundamental Rights, but **cannot alter the “basic structure”** of the Constitution. The judgment introduced the **Basic Structure Doctrine**, ensuring that core principles like judicial review, equality, and secularism remain inviolable. *(Note: While the judgment paved the way for the Right to Property to be moved from Fundamental Rights to a legal right, it was the 44th Amendment in 1978 that formally removed it from Part-III.)*
- **Minerva Mills v. Union of India (1980)**--The Court struck down certain clauses of the **42nd Amendment Act (1976)** that attempted to give **primacy to Directive Principles over Fundamental Rights**. The amendment had tried to prevent courts from reviewing laws made to implement Directive Principles—even if they violated Fundamental Rights under Articles-14 (equality) and 19 (freedom). The Court ruled that such a provision would destroy the basic structure of the Constitution. However, it upheld that **a harmonious balance must be maintained** between Fundamental Rights and Directive Principles. The Court also clarified that while **Directive Principles cannot override Fundamental Rights**, the goals they represent are essential to achieving social and economic justice.

➤ **Summary of Key Principles--**

- Fundamental Rights are **legally enforceable** and form part of the **basic structure** of the Constitution.
- Directive Principles are **non-justiciable**, but **essential for social welfare and governance**.
- Parliament can make laws to implement Directive Principles, but **such laws must not violate the essential features of Fundamental Rights**.
- The “**harmonious construction**” doctrine now guides the relationship between Parts-III and IV.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. From which source was the idea of Directive Principles taken?

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2. Compare the ‘justiciable’ nature of Fundamental Rights with Directive Principles.

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3. What are the three classes in which Directive Principles can be grouped?

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4. Are the Directive Principles subject to change?
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5. Between Fundamental Rights and Directive Principles, which one is subsidiary to the other?
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3.5 Let Us Sum Up

❖ Directive Principles of State Policy--Nature and Constitutional Role

The **Directive Principles of State Policy**, enshrined in **Part-IV of the Indian Constitution (Articles 36 to 51)**, are **guidelines to the State** for establishing a just, equitable, and welfare-oriented society. They represent the **aspirational goals** that the Constitution framers wanted the State to achieve in the governance of the country. These principles direct the State to ensure **economic, social, and political justice**, and serve as the **moral foundation** of legislation and policy-making in India.

While **Fundamental Rights (Part-III)** guarantee **individual freedoms** and are **legally enforceable by courts**, **Directive Principles are non-justiciable**, meaning they **cannot be enforced by any court of law**. However, they carry significant **constitutional and moral weight**, emphasizing that India should function as a **Welfare State** committed to the upliftment of all sections of society.

The Directive Principles are broadly categorized into three groups--

- **Socialistic principles**--e.g., securing the right to an adequate means of livelihood, equal pay for equal work, and promotion of economic equality.
- **Gandhian principles**--e.g., promotion of village panchayats, cottage industries, and prohibition of intoxicating drinks.
- **Liberal-intellectual or humanistic principles**--e.g., uniform civil code, protection of the environment, and promotion of international peace.

Over time, **several Directive Principles have been added or modified** through constitutional amendments (e.g., Articles 39A, 43A, 48A, and 43B). Many **public welfare laws, rights, and programmes**—such as minimum wage laws, maternity benefits, legal aid, and environmental protection—have their origin in these principles, demonstrating that they are not merely symbolic or idealistic declarations.

However, the implementation of certain Directive Principles has occasionally **conflicted with Fundamental Rights**, particularly those related to **equality (Article-14)** and **freedom (Article-19)**. This tension gave rise to **constitutional debates and landmark Supreme Court Judgments**, including--

- **Champakam Dorairajan (1951)** – Fundamental Rights prevailed over Directive Principles.
- **Kesavananda Bharati (1973)** – Parliament can amend Fundamental Rights, but not alter the **basic structure** of the Constitution.
- **Minerva Mills (1980)** – Reinforced that both Fundamental Rights and Directive Principles are **integral parts** of the Constitution and must be **harmoniously interpreted**.

The Court ultimately clarified that while **Directive Principles are subordinate to Fundamental Rights**, they are **not inferior in importance**. Instead, a **balanced and harmonious construction** is essential, so that the **rights of individuals and the goals of collective welfare** coexist and support each other in shaping India's constitutional democracy.

3.6 Glossary

- **Police State—**

A **Police State** is a political system in which the government exercises **authoritarian and repressive control** over its citizens through **excessive surveillance, censorship, and use of security and intelligence agencies**. Civil liberties are often restricted under the guise of maintaining law and order, and dissent is frequently suppressed. In other words, A **Police State** refers to a country where the **government exercises excessive and often repressive control over civil liberties**, typically through extensive surveillance, censorship, and the use of **security forces or intelligence agencies**. This control is often justified under the pretext of maintaining law and order, but it results in the **suppression of dissent and restriction of fundamental freedoms**.

- **Socialistic—**

The term **Socialistic** refers to an ideology or system in which the **means of production, distribution, and exchange** are owned or regulated by the **State or society as a whole**. The focus is on **reducing economic inequality**, ensuring **social welfare**, and promoting **collective ownership or control over resources** for the common good. In other words, **Socialistic** refers to a system of governance or economic organization in which the **means of production, distribution, and exchange are owned or regulated by the State or the community** as a whole. The goal is to **reduce economic inequalities**, ensure **equitable distribution of resources**, and promote **collective welfare** over individual profit.

- **Gandhian—**

Gandhian principles are derived from the **socio-economic and ethical ideals of Mahatma Gandhi**, emphasizing **truth (Satya), non-violence (Ahimsa), self-reliance (Swadeshi), trusteeship, decentralization of power, egalitarianism, and the creation of self-sufficient village republics (Gram Swaraj)**. These ideals focus on both **individual moral conduct** and **collective social justice**. In other words, **Gandhian** principles are based on the **socio-economic and political ideals of Mahatma Gandhi**, including **truth (Satya), non-violence (Ahimsa), self-reliance (Swadeshi), trusteeship, simplicity, rural upliftment, and the promotion of self-governing village republics (Gram Swaraj)**. These ideals emphasize **moral leadership, social justice, and the welfare of all (Sarvodaya)**.

- **Liberal-Humanistic—**

Liberal-humanistic philosophy emphasizes the **inherent worth, dignity, and autonomy of the individual**. It upholds **freedom of thought, individual liberty, human rights, and the pursuit of happiness**, while advocating **rationalism, equality, and compassion** as foundations for both personal and social ethics. In other words, A **Liberal-Humanistic** philosophy centers on the **dignity, freedom, and individuality of human beings**. It emphasizes **personal liberty, free will, equality, rational thought, and the right to pursue happiness and self-development**. Rooted in liberal democratic traditions and humanism, it promotes **individual rights, social justice, and tolerance**.

3.7 References and Suggested Readings

- Austin, G. (1966). *The Indian Constitution: Cornerstone of a nation*. Oxford University Press.

- Basu, D. D. (2013). *Introduction to the Constitution of India*. LexisNexis.
- Kashyap, S. C. (2021). *Our Constitution: An introduction to India's Constitution and constitutional law*. National Book Trust.

3.8 Model Questions

- ❖ Examine the role of the Right to Property in the ‘conflict’ between Fundamental Rights and Directive Principles. (200 words)
- ❖ Comment on the public good brought about through the Directive Principles. (300 words)
- ❖ Explain the historical context and influences that led to the inclusion of Directive Principles of State Policy in the Indian Constitution.
- ❖ Compare and contrast Fundamental Rights and Directive Principles of State Policy in terms of their nature, enforceability, and scope.
- ❖ Describe how specific Directive Principles have been implemented through legislation and government programs in India. Provide at least three concrete examples.
- ❖ Summarize the Supreme Court's evolving stance on the relationship between Fundamental Rights and Directive Principles, citing key cases and their outcomes.

3.9 Answers to Check Your Progress

Check Your Progress-1

1. The DPSPs are positive directions to the Legislature and the Executive, laying down how the State should exercise its law-making and governing powers for the good of the people. They aim to establish the ideals of social and economic democracy pledged in the Preamble and strike a balance between individual rights (Fundamental Rights) and the public good.
2. The idea was taken from the Irish Constitution, which allows the government to carry out social engineering to create a Welfare State. However, the text also mentions earlier influences from the 1931 Karachi Resolution of the Congress and even earlier to the 1920s, reflecting the nationalist and socialist streams within the Congress.
3. Fundamental Rights are justiciable, meaning they are enforceable through the courts. If a Fundamental Right is violated, an individual can seek legal remedy. Directive Principles, on the other hand, are non-justiciable; no court can compel the government to implement them. However, they carry significant political and moral weight.
4.
 - **Article-39A (added by the 42nd Amendment, 1976)**-State to promote equal opportunities for securing justice and provide free legal aid to the poor.
 - **Article-45 (amended by the 86th Amendment, 2002)**-The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. (Originally this article called for free and compulsory education up to age fourteen years).

Check Your Progress-2

1. The idea of the Directive Principles of State Policy was taken from the Irish Constitution whose objective was to

carry out social engineering for the establishment of a Welfare State.

2. The Fundamental Rights are justiciable, which means these can be enforced by the Court if they are violated. On the other hand, the Directive Principles are non-justiciable, rather these are moral obligations placed upon the State to frame laws and policies for the public good.
3. The Directive Principles can be grouped into 3 classes of ideals — Socialistic, Gandhian, and Liberal-Humanistic.
4. Like any part of the Indian Constitution, the Directive Principles are also subject to change through constitutional amendments. Four such amendments have been done to change or add new Directive Principles, viz. The 42nd, 44th, 86th and 97th Constitutional Amendment Acts.
5. According to the Supreme Court's settled position presently, the Directive Principles are subsidiary to the Fundamental Rights. This means that except the two Directive Principles in sub-clauses **b** and **c** of *Article-39*, Parliament cannot make laws to implement the other Directive Principles by contravening Fundamental Rights.

Unit: 4

Sixth Schedule, Autonomous Council & North East India

Unit Structure--

- 4.1 Introduction**
- 4.2 Objectives**
- 4.3 Sixth Schedule of the Constitution of India**
 - 4.3.1 Areas under the Sixth Schedule in Assam**
- 4.4 Autonomous Councils & North East India**
- 4.5 Powers of the Sixth Schedule Councils**
- 4.6 Sixth Schedule Administration & Democracy--An Assessment**
- 4.7 Let Us Sum Up**
- 4.8 References and Suggested Readings**
- 4.9 Model Questions**
- 4.10 Answers to Check Your Progress**

4.1 Introduction

The evolution of the modern welfare state has significantly expanded the scope and complexity of administrative functions across the world. In developing nations like India, this challenge is even more acute due to the enduring impact of colonial rule, which left behind a deeply centralized and hierarchical administrative legacy.

After gaining independence in 1947, India adopted a democratic system of governance guided by a progressive Constitution, committed to ensuring inclusive development and the welfare of all citizens. However, despite constitutional safeguards and democratic structures, Indian administration continues to face persistent challenges such as **corruption, nepotism, bureaucratic inefficiency, poverty, and unemployment**. These issues hinder effective governance and slow the pace of national progress.

The government, nevertheless, continues to implement reforms and programs aimed at addressing these systemic problems and promoting sustainable development.

This unit focuses on one such constitutional mechanism for inclusive governance—the **Sixth Schedule of the Indian Constitution**. It offers an in-depth exploration of the provisions under the Sixth Schedule, which was designed to safeguard the rights and autonomy of tribal communities in certain northeastern states. Special emphasis will be placed on its application in **Assam**, detailing the roles, functions, and powers of **Autonomous District Councils (ADCs)** constituted under this schedule. The unit also seeks to examine the administrative challenges that affect the implementation and functioning of these councils and other areas of Indian administration.

4.2 Objectives

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

- Know about the states in the 6th schedule.
- Analyze the powers of the 6th schedule councils.
- Understand the village level democracy in 6th schedule administration.

4.3 Sixth Schedule of the Constitution of India

The **Sixth Schedule** of the Constitution of India is a vital provision that supports **autonomous governance** in certain tribal areas of **North-East India**. It was designed to **preserve the unique cultural identity, social customs, and democratic traditions** of indigenous tribal communities in this region.

This Schedule provides for the **creation of Autonomous District Councils (ADCs)**, which are endowed with legislative, administrative, and judicial powers in specified subjects. These councils aim to protect tribal heritage while enabling **local self-governance and development planning**.

The Sixth Schedule applies to **tribal areas in four states--Assam, Meghalaya, Mizoram, and Tripura**, as per **Article 244(2)** and **Article 275(1)** of the Constitution.

Importantly, **Part IX** of the Constitution—dealing with the **Panchayati Raj System**—does **not apply** to areas under the Sixth Schedule. This exclusion is codified in **Article 243M(1)**, which states--

"Nothing in Part IX shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of Article 244."

❖ **Autonomous Councils under the Sixth Schedule (as of present)**

Currently, there are **ten Autonomous District Councils (ADCs)** functioning under the Sixth Schedule in four North-Eastern states--

(a) Assam

1. **Bodoland Territorial Region (BTR)** – governed by the **Bodoland Territorial Council (BTC)**.
2. **Karbi Anglong Autonomous Council (KAAC)**.
3. **Dima Hasao Autonomous Council (DHAC)** – earlier known as **North Cachar Hills Autonomous Council (NCHAC)**.

(b) Meghalaya

1. **Khasi Hills Autonomous District Council (KHADC)**.
2. **Jaintia Hills Autonomous District Council (JHADC)**.
3. **Garo Hills Autonomous District Council (GHADC)**.

(c) Mizoram

1. **Chakma Autonomous District Council (CADC)**.
2. **Mara Autonomous District Council (MADC)**.
3. **Lai Autonomous District Council (LADC)**.

(d) Tripura

1. **Tripura Tribal Areas Autonomous District Council (TTAADC).**

4.3.1 Areas under the Sixth Schedule in Assam

The **three Autonomous Councils** functioning under the Sixth Schedule in **Assam** are **not uniform** in character. They differ in terms of--

- **Historical formation.**
- **Ethnic and linguistic composition.**
- **Geographical size and location.**
- **Governance structures and constitutional frameworks.**

Each council—**BTC (Bodoland)**, **KAAC (Karbi Anglong)**, and **DHAC (Dima Hasao)**—reflects the **distinct socio-political aspirations** of the communities they represent and operate within **varying degrees of autonomy**.

STOP TO CONSIDER-1

➤ **Sixth Schedule of the Indian Constitution**

- **Purpose**--Protects tribal identity and promotes self-governance in select North-East tribal areas.
- **Constitutional Basis**--Article 244(2) and 275(1); excludes Panchayati Raj (Part IX) via Article 243M(1).
- **States Covered**--Assam, Meghalaya, Mizoram, and Tripura.
- **Structure**--Empowers **Autonomous District Councils (ADCs)** with legislative, executive, and judicial powers in specified areas.

➤ **Current ADCs under Sixth Schedule**

- **Assam**--
 - Bodoland Territorial Council (BTC) – Bodoland Territorial Region.
 - Karbi Anglong Autonomous Council (KAAC).
 - Dima Hasao Autonomous Council (DHAC).
- **Meghalaya**--

- Khasi Hills (KHADC).
- Jaintia Hills (JHADC).
- Garo Hills (GHADC).
- **Mizoram--**
 - Chakma (CADC).
 - Mara (MADC).
 - Lai (LADC).
- **Tripura--**
 - Tripura Tribal Areas Autonomous District Council (TTAADC).

➤ **Key Insight (Assam ADCs)**

- Assam's ADCs are **diverse**, not homogeneous.
- Variations exist in **history, population, geography, and governance** structures.
- Reflect **distinct community needs and constitutional arrangements**.

4.4 Autonomous Councils & North East India

➤ **The Karbi Anglong and North Cachar Hills Autonomous Councils in Assam**

❖ **Historical Background**

The **Karbi Anglong** and **North Cachar Hills** regions have a rich and complex history. Before British annexation, these areas were part of various kingdoms:

- **North Cachar Hills** was once part of the **Dimasa Kachari Kingdom**, with capitals at **Dimapur, Maibang, Khaspur**, and finally **Hojai (Horitikor)**.
- In **1830**, Dimasa King **Govinda Chandra** was assassinated by General **Gambhir Singh**.
- Following his death, the British annexed the southern part of the kingdom on **14 August 1832** under the **Doctrine of Lapse**. The remaining part was ruled by **General Tularam**.

- In **1837**, part of Tularam's territory was incorporated into the British Empire and made part of **Nagaon District** with headquarters at **Asalu**.
- After **Tularam's death in 1854**, the remaining kingdom was absorbed, and the **Asalu Sub-division** was eventually abolished in **1867**, its areas divided among **Cachar, Nagaon, and Khasi and Jaintia Hills** districts.

➤ **Creation of the United Mikir and North Cachar Hills District**

- On **November, 17, 1951**, the **United Mikir and North Cachar Hills District** was created by merging tribal areas from **Nagaon, Sivasagar, United Khasi and Jaintia Hills, and Cachar** districts.
- These areas had earlier been governed under distinct colonial administrative classifications.

➤ **Colonial Classification of Tribal Areas**

Under the **Government of India Acts (1919 and 1935)**--

- **Excluded Areas** (directly administered by the Governor)--
 - North-East Frontier Tracts (Sadiya, Balipara, Lakhimpur)
 - Naga Hills
 - Lushai Hills
 - North Cachar Hills Sub-division
- **Partially Excluded Areas** (Governor consulted ministers)--
 - Garo Hills
 - Mikir Hills (Nagaon & Sibsagar)
 - Parts of Khasi and Jaintia Hills (excluding Shillong municipality/cantonment)

These classifications allowed tribal areas to retain traditional governance systems, laws, and lifestyles, and imposed the **Inner Line Permit (ILP)** to restrict access by outsiders, aiming to protect tribal autonomy—but also isolating these regions socially and economically.

➤ **Formation of District Councils**

- Following the Sixth Schedule's implementation, two District Councils were created in the newly formed district:
 - **North Cachar Hills District Council** – established on **April,19, 1952.**
 - **Mikir Hills District Council** – established on **June,23, 1952.**
 - Both councils were headquartered in **Diphu.**
- On **February,02, 1970**, the **North Cachar Hills District** was declared a separate administrative district.
- From **June,01, 1970**, administrative functions in the **Mikir Hills** were handed over to its District Council.

➤ **Renaming and Reorganization (1976 onwards)**

- In **1976**, under constitutional reorganization--
 - **Karbi Anglong District Council** was formed by renaming the Mikir Hills District Council.
 - **North Cachar Hills District Council** was renamed **North Cachar Hills Autonomous Council (NCHAC).**
- In 2010, NCHAC was further renamed as the **Dima Hasao Autonomous Council.**

➤ **B. Bodoland Territorial Areas District (BTAD)--Sixth Schedule Extends to Plains**

- The **Bodoland Territorial Areas District (BTAD)** was created in **2003** through the **Memorandum of Settlement (Bodo Accord)** and brought under the **Sixth Schedule**, marking a significant shift as the provision was originally designed for **hill tribal areas.**
- The creation of **Bodoland Territorial Council (BTC)** under the Sixth Schedule involved an amendment to **Paragraph 2** of the Schedule to accommodate BTAD.

❖ **Composition of the BTC**

- Total members--**46**
 - **40 elected** by adult franchise--
 - **30 for Scheduled Tribes.**

- **5 for non-tribal communities.**
 - **5 for general communities.**
 - **6 nominated** by the **Governor**, from **unrepresented communities**, with at least **2 women**.
- All members, elected or nominated, have **equal voting rights** in the Council.

STOP TO CONSIDER-2

➤ **Autonomous Councils & North East India (Assam Focus)**

❖ **Karbi Anglong & North Cachar Hills (Dima Hasao)**

- **Historical Roots:** Once part of the **Dimasa Kachari Kingdom**; annexed by British post-1832 via the **Doctrine of Lapse**.
- **Colonial Era Classification--**
 - **Excluded Areas--** e.g., North Cachar Hills (governed directly by the Governor)
 - **Partially Excluded Areas--** e.g., Mikir Hills (Governor could consult ministers)
 - Use of **Inner Line Permit** restricted outsiders to protect tribal identity.
- **United District Formed--** In **1951**, the **United Mikir and North Cachar Hills District** was created by merging tribal areas from four districts.
- **District Councils Formed--**
 - **North Cachar Hills DC--** April, 19, 1952.
 - **Mikir Hills DC--** June, 23, 1952 (later became **Karbi Anglong**).
 - Headquarters for both: **Diphu**.
- **Reorganization--**
 - 1970-- North Cachar declared separate district.
 - 1976-- Councils renamed--
 - **North Cachar Hills Autonomous Council (now Dima Hasao).**
 - **Karbi Anglong Autonomous Council.**

❖ **Bodoland Territorial Areas District (BTAD)**

- **Created in 2003**, BTAD marked the **extension of the Sixth**

Schedule to plains tribal areas.

- **Bodoland Territorial Council (BTC)** formed under special constitutional amendment.
- **BTC Composition--**
 - **46 members--**
 - **40 elected** (30 STs, 5 non-tribals, 5 general)
 - **6 nominated** by Governor (from underrepresented groups; at least 2 women).
 - All members have **equal voting rights**.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the main objective of the Sixth Schedule of the Constitution of India?

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2. Which states have areas governed by the Sixth Schedule?

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3. What change occurred in the Sixth Schedule in 2003 with respect to the Bodoland Territorial Areas District(BTAD)?

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4. Why were "Excluded Areas" and "Partially Excluded Areas" created during British rule?

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4.5 Powers of the Sixth Schedule Councils

The **Sixth Schedule** of the Constitution of India provides a unique framework for **autonomous self-governance** in certain tribal areas of Assam, Meghalaya, Tripura, and Mizoram. These **District and Regional Councils** enjoy **legislative, judicial, executive, and financial powers**, ensuring administrative autonomy while preserving tribal culture and promoting development.

➤ Legislative Powers

Under **Paragraph 3** of the Sixth Schedule, District and Regional Councils are empowered to **make laws** (with the **assent of the Governor**) on the following matters--

- (a) Allotment, occupation, or use of land (excluding reserved forests), for agriculture, grazing, residence, or other purposes beneficial to village or town inhabitants.
- (b) Management of forests **other than reserved forests**.
- (c) Use of canals or watercourses for agricultural purposes.
- (d) Regulation of **Jhum** (shifting) cultivation or other similar practices.
- (e) Constitution of village or town committees/councils and regulation of their powers.
- (f) Village or town administration, including **police, public health, and sanitation**.
- (g) Appointment or succession of **chiefs or headmen**.
- (h) Inheritance of property.
- (i) Marriage and divorce.
- (j) Social customs.

Additionally, under **Paragraph 10**, District Councils may also make rules (with the Governor's approval) for--

- Constitution and functioning of **subordinate village councils or local boards**.
- Regulation of **money-lending and trading by non-tribals** in scheduled areas.

➤ **Judicial Powers**

According to **Paragraph 4**, the District and Regional Councils are empowered to--

- Constitute **Village Courts or Councils** to adjudicate disputes involving Scheduled Tribe members within their jurisdiction.
- These Village Courts exercise **civil and criminal jurisdiction**, subject to the extent permitted by law.
- Other state courts generally have **limited jurisdiction** over cases covered by these tribal courts, except in specified cases.
- Councils may also function as **courts of appeal** from the village courts.
- The **Chief and members** of these courts are appointed by the District or Regional Council.

➤ **Executive Powers**

As per **Paragraph 6**, District and Regional Councils have executive authority over a range of development and welfare functions. These include--

- Administration of **primary schools, dispensaries, markets, ferries, fisheries, roads, waterways, animal husbandry, and agriculture**.
- Promotion of **co-operative societies, community development, and village planning**.
- Framing rules for administration and maintenance of such institutions.

Note-- The range of powers may vary across councils, depending on state legislation and constitutional amendments.

➤ **Financial Powers**

- **Paragraph 7--** Each Autonomous District and Region must maintain a **District Fund** and **Regional Fund**, respectively, into which all receipts of the Councils are credited. The **Comptroller and Auditor-General of India (CAG)** oversees their financial accounts.
- **Paragraph 8--** Councils may levy and collect taxes and fees on:
 - Land and buildings.
 - Professions, trades, animals, vehicles, boats.
 - Entry of goods into markets for sale.
 - Use of ferries, roads, and other facilities.

The collected funds can be used for **education, healthcare, and infrastructure** development.

- **Paragraph 9--** The Councils are entitled to a **share of royalties** from licenses or leases granted by the State Government for **mining operations** in the autonomous districts. In case of disputes over royalty distribution, the matter is referred to the **Governor**, whose decision is final.
- **Paragraph 13--** The **budgetary statements** of income and expenditure of autonomous councils are to be **included in the State's annual financial statement** for legislative scrutiny.

Nagaland Village Council Act, 1990 – Summary

The **Nagaland Village Council Act, 1990** mandates that every recognized village in Nagaland must have a **Village Council**, constituted with the **consent of the villagers** and in accordance with **customary practices** approved by the State Government. Each Village Council has a **term of five years**.

❖ **Composition--**

- Members of the Council are **elected or selected** according to **local customary laws**.
- The **village chief or traditional head** automatically becomes an **ex-officio member** of the Council with **voting rights**.

- Traditional bodies like the **Putu Menden** (e.g., in Ao Naga villages), which perform similar functions to a council, are allowed to continue operating as per their customs.
- The Council elects a **Chairman** from among its members.
- A **Secretary** may be appointed by the Council; if the Secretary is not a Council member, they do **not have voting rights**.

❖ **Meetings and Responsibilities--**

- The Village Council is required to hold meetings at least **once every three months**.
- Key functions include:
 - **Planning and implementing development activities** in the village.
 - Overseeing **basic services** like water supply, roads, forests, education, sanitation, and public health.
 - Assisting government agencies in **executing development projects**.
 - Initiating **community-based development initiatives** independently or in collaboration with the government.

❖ **Financial Powers--**

- The Village Council may **raise funds** for village development, but only with **State Government approval**.
- It can **borrow funds** from government institutions, banks, or other financial agencies.
- All financial transactions must be conducted through a **Scheduled Bank** or the **Nagaland State Cooperative Bank**.

❖ **Administrative and Dispute Resolution Powers--**

- The Council has the authority to **frame and enforce rules** to ensure orderly governance of the village, based on local customs and traditions.

It can address and **resolve internal disputes or issues** arising within the village, acting in accordance with traditional norms.

STOP TO CONSIDER-3

➤ Powers of the Sixth Schedule Councils

- **Scope**--Applies to tribal areas in Assam, Meghalaya, Tripura, and Mizoram; provides legislative, judicial, executive, and financial autonomy.
- **Legislative Powers**--
 - Councils can make laws (with Governor's assent) on land use, forest management, water usage, shifting cultivation, village administration, inheritance, marriage, and social customs.
 - Can regulate non-tribal moneylenders and traders; can create local councils/boards.
- **Judicial Powers**--
 - Can establish Village Courts for civil and criminal matters involving Scheduled Tribes.
 - Councils act as appellate bodies; appoint court members.
- **Executive Powers**--
 - Authority over primary education, health, agriculture, markets, and community development.
 - Can manage and regulate local welfare institutions.
- **Financial Powers**--
 - Maintain District/Regional Funds audited by the CAG.
 - Can levy taxes on land, trades, animals, vehicles, markets, and facilities.
 - Share in mining royalties; disputes resolved by Governor.
 - Budgets are integrated into the State's annual financial statement.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What legislative powers do the District and Regional Councils have under the Sixth Schedule?

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2. What are the financial powers granted to the Sixth Schedule Councils?

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4.6 Sixth Schedule Administration & Democracy – An Assessment

The Sixth Schedule of the Indian Constitution was instituted to preserve the customs and traditional governance systems of tribal communities in the hill regions of Northeast India. Initially, it did not mandate elected local bodies, aligning with the prevailing governance models of the time. The broader movement towards decentralized governance in India gained momentum with the Balwantrai Mehta Committee's recommendations in 1957, culminating in the 73rd Constitutional Amendment in 1992, which introduced the Panchayati Raj system.

➤ **Assam's Hill Districts--Karbi Anglong and North Cachar Hills**

In Assam's Karbi Anglong and North Cachar Hills (now Dima Hasao), governance structures under the Sixth Schedule have primarily operated at the district level through Autonomous District Councils (ADCs). Unlike the three-tier Panchayati Raj system comprising Village, Intermediate, and District Panchayats, these hill districts lack elected bodies at the village and intermediate levels. This absence has led to a concentration of power at the district level, potentially limiting grassroots participation in governance.

➤ **Integrating Traditional and Modern Governance--Lessons from Nagaland**

Nagaland presents a model where traditional and modern governance structures coexist. The Nagaland Village and Area Councils Act, 1978, recognizes traditional village councils, such as the 'Putu Menden' among the Ao Nagas, and integrates them with Village Development Boards (VDBs). These VDBs, comprising both traditional leaders and elected representatives, are instrumental in implementing development projects and ensuring community participation.

➤ **Tripura's Village Councils--A Structured Approach**

Tripura has made significant strides in establishing elected Village Councils within its Sixth Schedule areas. The Tripura Tribal Areas Autonomous District Council (TTAADC), established in 1982 and brought under the Sixth Schedule in 1985, oversees 527 Village Committees. These committees function similarly to Gram Panchayats, with elections held to ensure representation. As of the 2006 elections, there were 4,165 elected members across these committees, with one-third of the seats reserved for women, promoting inclusive governance. [Wikipedia](#)

➤ **Grassroots Governance Initiatives in Meghalaya and Nagaland**

In Meghalaya, efforts have been made to enhance grassroots governance by establishing Village Executive Committees to implement programs like the National Rural Employment Guarantee

Act (NREGA). These committees aim to bridge the gap between traditional governance systems and modern administrative requirements. Similarly, in Nagaland, Village Development Boards have been instrumental in facilitating development projects, combining traditional leadership with elected representation to ensure effective local governance.

➤ **Summary of Key Points**

- **Initial Framework**--The Sixth Schedule was designed to preserve tribal customs and governance, initially without mandating elected local bodies.
- **Assam's Hill Districts**--Governance is concentrated at the district level, lacking elected village and intermediate bodies, which may limit grassroots participation.
- **Nagaland's Model**--Integration of traditional councils with Village Development Boards ensures community involvement in development initiatives.
- **Tripura's Structured Approach**--Establishment of 527 elected Village Committees under the TTAADC promotes inclusive and representative governance. [Wikipedia](#)
- **Meghalaya and Nagaland Initiatives**--Formation of Village Executive Committees and Development Boards enhances grassroots governance and development implementation.

These developments underscore the evolving nature of governance in Sixth Schedule areas, highlighting the importance of integrating traditional systems with modern democratic structures to ensure effective and inclusive administration.

STOP TO CONSIDER-4

➤ **Sixth Schedule Administration & Democracy—An Assessment**

- **Historical Background**--Initially, the Sixth Schedule areas in Northeast India did not have elected local leaders, a concept that evolved with the 73rd Constitutional Amendment (1992).
- **Lack of Panchayati Raj**--Karbi Anglong and North Cachar

in Assam have no Village or Intermediate Panchayat levels, unlike the traditional Panchayati Raj system.

- **Recommendations for Local Governance**--Suggested the establishment of local village councils with legislative power, maintaining the balance with traditional village structures. This model is similar to Nagaland's setup.
- **Diverse Local Structures**--Grassroots structures should reflect local geography and community needs, easing concerns about losing traditional authority.
- **Examples from Other States**--Tripura has implemented elected Village Councils, with a gender-inclusive representation. Meghalaya has experimented with Village Executive Committees under NREGA, highlighting the importance of local leadership.
- **Nagaland's Hybrid Approach**--In areas without a set schedule, Village Area Development Boards have combined traditional and elected leaders to govern villages effectively.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. How does the governance structure in Tripura differ from other Sixth Schedule areas?

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2. What is the role of Village Area Development Boards in Nagaland?

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4.7 Let Us Sum Up

The Sixth Schedule of the Indian Constitution plays a crucial role in the governance of tribal areas in North-East India. Its primary objective is to protect the cultural identities and traditional lifestyles of tribal communities by granting them autonomy and self-governance. This schedule allows for the creation of Autonomous District Councils (ADCs) in Assam, Meghalaya, Mizoram, and Tripura. These councils are empowered to manage local affairs, legislate on specific subjects, and preserve tribal customs without interference from state governments. Importantly, the Panchayati Raj system does not apply in these regions, reinforcing their unique administrative status.

In Assam, three main autonomous councils operate under the Sixth Schedule--the Karbi Anglong Autonomous Council (KAAC), the North Cachar Hills Autonomous Council (NCHAC), and the Bodoland Territorial Region (BTR). These councils vary in terms of their historical context, demographic composition, and governance structures. The Karbi Anglong and NCHAC councils evolved from princely and colonial administrative units into autonomous bodies, while the BTR was incorporated into the Sixth Schedule in 2003, marking a significant constitutional amendment that extended autonomy to a plain area traditionally outside the scope of the Sixth Schedule.

The councils possess legislative powers, enabling them to enact laws on land use, forest management, social customs, and other matters, with the Governor's assent. They also have judicial powers, including the authority to establish village courts to adjudicate matters concerning tribal populations. On the executive front, they manage essential services such as schools, roads, markets, and health facilities. Financially, the councils are empowered to levy taxes, maintain their own funds, and receive royalties from natural resources, with their accounts audited by the Comptroller and Auditor General of India. This broad range of powers provides the councils with significant autonomy to manage development in accordance with local needs and customs.

However, the democratic governance framework within these regions is not uniform. While Tripura has established village councils with elected representatives, Assam's hill districts lack grassroots-level institutions such as village or intermediate councils. In contrast, Nagaland and parts of Meghalaya have implemented hybrid systems that combine traditional authority with elected development boards, ensuring both cultural preservation and democratic representation. Thus, the Sixth Schedule serves as both a protective mechanism for tribal rights and a framework for evolving democratic governance, striking a balance between safeguarding traditions and encouraging local governance.

4.8 References and Suggested Readings

- Barua, B. K. (1951). *A cultural history of Assam: Early period* (Vol. 1). K. K. Barooah.
- Bhuyan, K. (2008). *Sixth Schedule in North-East India: A case study of Karbi Anglong district*. DVS Publishers.
- Choudhury, S. (2007). *The Bodos: Emergence and assertion of an ethnic minority*. Indian Institute of Advanced Study.
- Dutta, S. K. (2002). *Functioning of autonomous district councils in Meghalaya*. Akansha Publishing House.
- Gassah, L. S. (1997). *The autonomous district councils*. Omsons Publications.
- Hazarika, N. (2005). *Ethnic autonomy question in N.E. India: Search for an answer*. Spectrum Publications.
- Jayal, N. G., Prakash, A., & Sharma, P. K. (2007). *Local governance in India: Decentralization and beyond*. Oxford University Press.
- Kothari, R. (1970). *Politics in India*. Orient BlackSwan.
- Rao, V. V. (1976). *A century of tribal politics in North-East India: 1874–1974*. S. Chand & Company.

□ Rath, G. C. (Ed.). (2006). *Tribal development in India: The contemporary debate*. Sage Publications.

4.9 Model Questions

- ❖ Discuss the different types of powers of the Sixth Schedule Councils.
- ❖ Discuss in detail about the village level democracy as reflected in the Sixth Schedule administration.
- ❖ What are the different areas included under the Sixth Schedule in contemporary North-East India. Discuss.
- ❖ Analyze the challenges faced by the Sixth Schedule administration in Assam's hill districts, particularly regarding the absence of grassroots governance structures. How do the governance models in Tripura and Nagaland provide a contrasting perspective?
- ❖ Evaluate the role of the Sixth Schedule in preserving tribal customs and traditions while balancing democratic governance in North-East India. Include examples of initiatives like Village Councils and Development Boards in your response.

4.10 Answers to Check Your Progress

Check Your Progress-1

1. To safeguard the democratic traditions and cultural diversity of North-East India's tribal areas through self-governance.
2. Assam, Meghalaya, Mizoram, and Tripura.
3. The Sixth Schedule was extended to the plains, allowing the creation of the Bodoland Territorial Council(BTC) with special rules and 46 members.
4. To protect tribal communities by limiting external influence and

preserving their cultural and social systems.

Check Your Progress-2

1. They can make laws regarding land use, forest management, shifting cultivation, town/village administration, marriage, divorce, inheritance, and social customs with the Governor's assent.
2. They can collect taxes on land, buildings, professions, markets, and vehicles; maintain funds audited by the Comptroller and Auditor-General(CAG); and receive royalties from mining licenses.

Check Your Progress-3

1. Tripura has 527 self-governing villages with elected Village Committees under the Tripura Tribal Areas Act, 1994, while other Sixth Schedule areas often lack such village-level elected bodies.
2. They consist of traditional village leaders and elected representatives and play a role in village governance and development projects.

Unit: 1

Union Government: Structures of the Union Government and Functions

Unit Structure:-

- 1.1 Introduction**
- 1.2 Objectives**
- 1.3 Understanding the Union Government**
- 1.4 Structure of the Union Government**
- 1.5 Functions of the Union Government**
- 1.6 Let Us Sum Up**
- 1.7 References and Suggested Readings**
- 1.8 Model Questions**
- 1.9 Answers to Check Your Progress**

1.1 Introduction

Hello learners, and welcome to this unit on the **Union Government-Structures and Functions**. This unit will serve as a guide for your learning in Block 3, Unit 1. In this unit, we will explore the organizational structure and key functions of the Union Government, which is the central authority responsible for administering and governing the entire country.

Understanding the functioning of the Union Government is vital for anyone interested in Indian politics, public administration, and the democratic processes of the nation. The Union Government—also referred to as the Central Government—comprises of various ministries and departments that together manage the affairs of the country at the national level. It is distinct from state governments and is responsible for areas such as defence, foreign/external affairs, national finance, and interstate matters, among others.

This unit will help you gain insights into how the Union Government is structured, how it operates, and what roles it plays in shaping India's governance and policy-making landscape.

1.2 Objectives

The current unit will have the following objectives which will help the learners--

- To understand the meaning of Union Government.
- To analyse the role of Union Government in running the nation.
- To get a clear understanding about the different branches of Union Government.
- To get an overall understanding about the functions of the union Government.

1.3 Understanding the Union Government

The **Union Government of India**, also known as the **Central Government**, is the apex governing authority responsible for administering the entire nation. It operates from the national capital, **New Delhi**, and derives its authority from **Part V of the Indian Constitution**, which outlines the structure, powers, and functions of the Union Government.

The Union Government is headed by the **Prime Minister**, who leads the ruling party or coalition in Parliament. The term "**Union Government**" is the official terminology used in the Constitution, while "Central Government" is commonly used in practice. The Constitution of India, which came into effect in **1950**, formally established the Union Government.

India is a **federal republic** consisting of **28 states and 8 union territories**, all governed under a three-tiered system: the **Union level**, the **State level**, and the **Local level**. The Union Government handles matters of **national importance**, while the states and local bodies manage regional and local governance, respectively.

Constitutional expert **Subhash Kashyap** has clarified the significance of the term "Union" in the Indian context. According to him, the word "*centre*" implies a point at the middle of a circle, whereas "*Union*" refers to the whole circle. The Constitution deliberately uses the term "**Union of India**" instead of "Centre" to emphasize that the Indian federation is an **indivisible union** of its

constituent parts. The word "Centre" is **not mentioned** in the Constitution and was consciously avoided by its drafters.

❖ **Key Functions of the Union Government**

The Union Government performs several critical functions--

- **Policy Formulation** on national issues such as economy, defense, health, and education.
- **Legislation** through Parliament on matters listed in the Union and Concurrent Lists.
- **Administration** of national policies and governance through various ministries and departments.
- **Defense and Security** to safeguard the sovereignty and integrity of the nation.
- **Foreign Relations** and diplomacy, including treaties and representation at international forums.
- **Resource Allocation** and financial planning for national development and welfare.

❖ **Three Branches of the Union Government**

✓ **Executive Branch--**

- Headed by the **President of India**, who is the constitutional head of state.
- Includes the **Prime Minister** and the **Council of Ministers**, who exercise actual executive power.
- Responsible for policy implementation and day-to-day administration.

✓ **Legislative Branch--**

- Comprises the **Parliament of India**, which includes the **Lok Sabha (House of the People)** and the **Rajya Sabha (Council of States)**.
- Enacts laws, approves budgets, and holds the executive accountable.

✓ **Judicial Branch--**

- Consists of the **Supreme Court of India**, along with High Courts and subordinate courts.
- Ensures the interpretation of laws, protection of constitutional rights, and delivery of justice.

STOP TO CONSIDER-1

✓ Understanding the Union Government

- The **Union Government** (or Central Government) governs all of India and is based in **New Delhi**.
- It is established under **Part V** of the Constitution and was formally created in **1950**.
- India functions under a **three-tier federal system**: Union, State, and Local governments.
- The Constitution uses the term **“Union”** to reflect unity and avoid the hierarchical connotation of “Centre.”
- The Union Government is responsible for **national policies, defense, foreign relations, lawmaking, and resource allocation**.
- It comprises **three branches**--
 - **Executive**--President, Prime Minister, and Council of Ministers – implement laws.
 - **Legislative**--Parliament (Lok Sabha + Rajya Sabha) – make laws and oversee governance.
 - **Judiciary**--Supreme Court and High Courts – interpret laws and protect rights.

Article 1(1) of the Constitution of India says “India, that is Bharat, shall be a Union of States.”

In common parlance, the terms “union government” and “central government” are used interchangeably in India. However, the Constituent Assembly did not use the term ‘Centre’ or ‘Central government’ in all of its 395 Articles in 22 Parts and eight Schedules in the original Constitution.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Which part of the Indian constitution deals with the Union Government?

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2. What are the three branches of the Union Government?

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3. Who heads the Union Government and where does it operate from?

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1.4 Structure of the Union Government

The Union Government of India operates through three primary branches--**Legislative**, **Executive**, and **Judicial**. Each branch plays a distinct role in ensuring governance, law-making, law enforcement, and justice.

❖ Legislative Branch

The legislative branch of the Union Government is known as the **Parliament of India**, which is the **supreme law-making body**. It consists of:

- **President of India** – the constitutional head of the Parliament.

- **Lok Sabha (House of the People)** – the lower house.
- **Rajya Sabha (Council of States)** – the upper house.

✓ **Lok Sabha**

- It is composed of up to **545 members**, including **up to 2 members** nominated by the President from the Anglo-Indian community (this provision was removed by the 104th Constitutional Amendment in 2020).
- Members are **directly elected** by the people through general elections.
- It represents the citizens of India and has a **five-year term**, unless dissolved earlier.

✓ **Rajya Sabha**

- It has a maximum of **250 members**, including **12 members nominated** by the President for their expertise in fields like literature, science, art, and social service.
- Remaining members are **indirectly elected** by the elected members of State Legislative Assemblies.
- It is a **permanent body** and one-third of its members retire every two years.

✓ **Functions of the Legislative Branch**

- Drafting and enacting laws applicable to the entire country.
- Approving ordinances issued by the President.
- Legislating on matters related to Union Territories.
- Framing election laws and laws related to personal issues (e.g., contracts, evidence).
- Approving measures under **President's Rule** in states.
- Monitoring the Executive branch through debates, question hours, and motions.

The Legislature's powers are subject to **judicial review** by the Supreme Court and cannot override the Constitution.

❖ **Executive Branch**

The **Executive branch** is responsible for **implementing laws and policies** passed by the Parliament. It comprises:

- **President of India** – the ceremonial head of state and the constitutional head of the Executive.
- **Vice President** – also the ex-officio Chairman of the Rajya Sabha.
- **Prime Minister** – the head of government and the leader of the majority party in the Lok Sabha.
- **Council of Ministers** – includes Cabinet Ministers, Ministers of State, and Deputy Ministers who assist the Prime Minister in policy formulation and execution.

✓ **Key Responsibilities--**

- Enforcing laws passed by the Legislature.
- Administering daily functions of the government through various ministries and departments.
- Managing foreign relations, national defense, and emergency powers.
- Appointing key officials (Governors, judges, etc.).

The Executive is **accountable to the Legislature**, especially the Lok Sabha.

❖ **Judicial Branch**

The Judiciary is the **guardian of the Constitution** and the **final interpreter of laws**. It ensures justice, equality before law, and resolution of legal disputes.

✓ **Supreme Court of India**

- The highest court in the country.
- Composed of the **Chief Justice of India** and up to **33 other judges**.
- Functions include interpreting the Constitution, conducting judicial reviews, protecting fundamental rights, and resolving inter-governmental disputes.

✓ **High Courts and Subordinate Courts**

- High Courts operate at the state level.
- Subordinate courts include district and session courts, dealing with civil and criminal matters at the local level.

✓ **Key Functions of the Judiciary--**

- Ensuring laws comply with the Constitution.
- Settling disputes between the Union and states or between multiple states.
- Protecting citizens' rights through writs and other remedies.
- Maintaining a check on Legislative and Executive excesses.

This three-tier structure of governance ensures a **separation of powers, checks and balances**, and **democratic functioning** of the Indian political system.

STOP TO CONSIDER-2

✓ **Structure of the Union Government (India)**

❖ **Three main branches--**Legislative, Executive, and Judicial.

➤ **Legislative Branch--**

- Consists of the **Parliament** (President + Lok Sabha + Rajya Sabha).
- **Lok Sabha**--Lower house, directly elected, represents the people.
- **Rajya Sabha**--Upper house, indirectly elected, represents states.
- Key role--**Law-making**, approving budgets, and monitoring the Executive.

➤ **Executive Branch--**

- Headed by the **President** (ceremonial), **Prime Minister** (real authority), and **Council of Ministers**.
- Implements laws, formulates policies, and manages national administration.
- Accountable to **Parliament**, especially Lok Sabha.

➤ **Judicial Branch--**

- Headed by the **Supreme Court**, supported by High Courts and subordinate courts.
- Interprets the Constitution, enforces laws, protects rights.

- Ensures **checks and balances** between the other two branches.
- The Union Government is composed of three branches: Legislative, Executive, and Judiciary.
- **Legislative Branch**--Comprises the Parliament, including Lok Sabha and Rajya Sabha. It drafts laws, oversees ordinances, and handles matters like election laws and regulations for Union Territories. Judicial review ensures its decisions align with the Constitution.
- **Executive Branch**--Includes the President, Prime Minister, and Council of Ministers. The President is the ceremonial head, while the Prime Minister and the council execute policies and enforce laws.
- **Judiciary**--Led by the Supreme Court, supported by High Courts and subordinate courts. It interprets laws, ensures justice, protects fundamental rights, and resolves disputes between the central government and states or among states.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Who is the ceremonial head of the state?

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2. Name the highest judicial authority of India.

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3. How many houses do the Parliament of India consist of? Which is the lower house?

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1.5 Functions of the Union Government

The Union Government of India performs a wide range of functions essential for the governance and development of the nation. These functions are primarily derived from the **Union List (List-I)** of the Constitution, which includes subjects under the exclusive jurisdiction of the Union Government. Below is a structured overview of its key responsibilities--

➤ Legislative Powers

- The Union Government introduces, debates, and enacts laws through the **Parliament** (Lok Sabha and Rajya Sabha).
- It exercises **residuary powers**, allowing it to legislate on subjects not mentioned in the State List or Concurrent List.

➤ Defense and National Security

- Responsible for the **defence of India**, including maintaining the **armed forces** (Army, Navy, and Air Force).
- Formulates and implements **national defence and security policies**.
- Can exercise **special powers during national emergencies**, as provided by the Constitution.

➤ Foreign/External Affairs and International Relations

- Manages **diplomatic relations**, negotiates treaties, and represents India in **international organizations**.
- Oversees the functioning of **Indian embassies and consulates** abroad.

➤ Economic and Monetary Functions

- Controls the **monetary system**, including **currency and coinage**, through the **Reserve Bank of India (RBI)**.
- Regulates **banking and financial institutions**, sets fiscal and monetary policy.
- Plans and implements **national economic development programs** to promote growth, employment, and poverty reduction.

➤ **Trade, Commerce, and Infrastructure**

- Regulates **inter-state trade and commerce** to ensure a unified national market.
- Manages and develops **railways, national highways, civil aviation, and airways** infrastructure.

➤ **Administration of Union Territories**

- Directly administers **Union Territories** and **centrally governed areas** through appointed administrators and civil servants.
- Oversees the functioning of central services like the **IAS, IPS, and IFS**.

➤ **Conduct of Elections**

- Oversees the **conduct of national elections** through the **Election Commission of India**, ensuring free and fair democratic processes.

➤ **Policy Implementation and Governance**

- Implements national policies through various **ministries and departments**, each focusing on specific domains like health, education, environment, and technology.

STOP TO CONSIDER-3

➤ **Functions of the Union Government**

- **Legislative Role**--Enacts laws through Parliament and holds residuary powers for subjects not listed in the Constitution.
- **Defence & Security**--Maintains armed forces, formulates defense policies, and exercises emergency powers when needed.
- **Foreign/External Affairs**- Manages diplomatic relations, signs treaties, and represents India internationally.
- **Economic Management**--Controls currency, banking, fiscal policy, and national development programs.
- **Infrastructure & Commerce**--Regulates inter-state trade and oversees railways, airways, and national transport systems.

- **Election Oversight**--Conducts national elections via the Election Commission.
- **Administrative Control**--Administers Union Territories and central services (IAS, IPS, etc.).
- **Policy Execution**--Implements national policies through ministries and departments.

1.5.1 Significance of the Supreme Court in the Union Government of India

The **Supreme Court of India** is the apex judicial authority in the country and plays a critical role in upholding constitutional governance and ensuring justice for all. Its major functions and significance include--

- **Guardian of the Constitution**—
The Supreme Court acts as the custodian of the Constitution. It ensures that all laws and executive actions conform to constitutional provisions. Through the power of **judicial review**, it can invalidate any legislation or government action that violates the Constitution.
- **Final Appellate Authority**—
As the highest court of appeal in civil and criminal matters, the Supreme Court hears appeals from High Courts and other subordinate courts and tribunals. Its judgments are final and binding across the country.
- **Protector of Fundamental Rights**—
The Court safeguards the **fundamental rights** of citizens enshrined in the Constitution. Individuals can directly approach the Supreme Court under Article 32 in case of violations of these rights.
- **Arbiter of Inter-Governmental Disputes**—
The Supreme Court adjudicates disputes between the Union and state governments, between two or more states, or between individuals and the government on matters of national significance.
- **Judicial Activism and Public Interest Litigations (PILs)**--
The Court has played a pioneering role in expanding

access to justice through **judicial activism** and PILs. These instruments have been instrumental in addressing social, environmental, and administrative issues, enhancing transparency, accountability, and good governance.

1.5.2 Functions of the Parliament in the Union Government of India

The **Parliament of India** is the highest legislative body in the country and consists of two houses--

- **Lok Sabha (House of the People)**--Members are directly elected by the citizens of India. It represents the democratic will of the people.
- **Rajya Sabha (Council of States)**--Members are elected by the elected members of State Legislative Assemblies, with some nominated by the President. It represents the interests of the states.

➤ **Key Functions of Parliament--**

✓ **Legislation--**

Parliament enacts laws on subjects enumerated in the Union and Concurrent Lists. A bill must be passed by both houses and receive the President's assent to become law.

✓ **Oversight of the Executive—**

Parliament monitors the activities and decisions of the executive branch through **debates, question hours, motions, and parliamentary committees.**

✓ **Financial Control—**

Parliament exercises control over national finances. It approves the Union Budget, grants money through appropriation bills, and reviews financial bills.

✓ **Representation--**

Members of Parliament (MPs) act as representatives of their constituencies. They voice public concerns and deliberate on national issues, ensuring a link between the people and the government.

1.5.3 Role of the President in the Union Government of India

The **President of India** is the constitutional head of the country and plays an essential role in the functioning of the Union Government. Although the President's role is largely ceremonial, several constitutional responsibilities are entrusted to the office--

❖ **Ceremonial Head of State—**

The President symbolizes the unity and integrity of the nation and represents India on formal occasions both domestically and abroad.

❖ **Executive Powers—**

The President appoints the **Prime Minister**, Council of Ministers, Governors of states, judges of the Supreme Court and High Courts, and other key officials. These powers are mostly exercised on the advice of the Council of Ministers.

❖ **Legislative Powers—**

The President **summons and prorogues sessions of Parliament**, delivers the joint address at the start of the first session, and has the power to **dissolve the Lok Sabha**. No bill becomes law without the President's assent.

❖ **Judicial Powers—**

Under Article 72, the President can **grant pardons, reprieves, respites, and remissions of punishment**, or commute sentences in certain cases, particularly in matters involving capital punishment or federal offenses.

❖ **Emergency Powers—**

In times of national, state, or financial emergency, the President can **declare an emergency**, thereby assuming special powers to safeguard the sovereignty and stability of the nation.

STOP TO CONSIDER-4

- **Supreme Court of India--**
 - Guardian of the Constitution; ensures laws follow constitutional principles.
 - Final appellate court in civil and criminal matters.
 - Protects fundamental rights of citizens (Article 32).
 - Resolves disputes between Union and states, or among states.
 - Promotes social justice through PILs and judicial activism.
- **Parliament of India--**
 - Bicameral legislature: Lok Sabha (elected by people) and Rajya Sabha (elected by state assemblies, with nominated members).
 - Makes laws, approves budget, and exercises oversight over the executive.
 - Represents public interests and debates national issues.
- **President of India--**
 - Ceremonial head of the state and symbol of national unity.
 - Appoints key officials including PM, governors, and judges.
 - Summons Parliament sessions and gives assent to bills.
 - Has powers to grant pardons and declare national emergencies.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are residuary powers of the Union Government?

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2. Name two significant functions of the Supreme Court in India.
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3. What are the two houses of the Indian Parliament?
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4. List two legislative powers of the President of India.
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1.6 Let Us Sum Up

➤ The Union Government of India--Structure and Significance

The Union Government of India operates on the principle of **separation of powers**, ensuring a system of **checks and balances** among the three primary branches: the Executive, the Legislature, and the Judiciary. Each branch has distinct roles and powers, but they function interdependently to maintain accountability and prevent the concentration of power in any single entity.

For instance, the **Executive**, which includes the Prime Minister and the Council of Ministers, is accountable to the **Legislature** (Parliament). The Legislature exercises oversight by questioning executive actions, debating policies, and approving budgets. The **Judiciary**, particularly the **Supreme Court of India**, has the power of **judicial review**, allowing it to assess the constitutionality and legality of laws and executive actions.

The **structure** of the Union Government consists of--

- **The President of India**--The constitutional head of the state with specific powers in the executive, legislative, judicial, and emergency domains.

- **The Prime Minister and Council of Ministers**--Responsible for policy-making and administration.
- **Parliament**--Comprising the **Lok Sabha** and **Rajya Sabha**, it carries out legislative functions, financial control, and governmental oversight.
- **The Judiciary**--Headed by the **Supreme Court**, it ensures the protection of rights, legal compliance, and resolution of disputes.

The **functions** of the Union Government cover a broad range of responsibilities, including--

- **Formulating national policies.**
- **Administering Union Territories.**
- **Enacting and amending laws.**
- **Ensuring national defense and security.**
- **Conducting foreign diplomacy.**

All these activities are directed toward promoting the welfare, development, and security of the nation and its citizens.

The **President of India** plays a crucial ceremonial and constitutional role, with powers in:

- **Executive matters** (e.g., appointing key officials).
- **Legislative procedures** (e.g., summoning Parliament, assenting to bills).
- **Judicial functions** (e.g., granting pardons).
- **Emergency powers**, to act decisively during national crises.

The **Parliament of India** remains central to democratic governance, responsible for:

- **Legislative enactments.**
- **Scrutinizing government actions.**
- **Controlling finances.**
- **Representing the will of the people and the interests of states.**

Finally, the **Supreme Court of India**, as the highest judicial authority, plays a pivotal role in:

- **Upholding the rule of law.**
- **Protecting fundamental rights.**
- **Ensuring justice, equality, and constitutional governance.**

Together, these institutions form the core of the Union Government, each contributing to the smooth and democratic functioning of the Indian state.

1.7 References and Suggested Readings

- Indian Constitution
- Government of India websites
- Standard textbooks on Indian polity and governance.

1.8 Model Questions

- ❖ Explain the composition and functions of the Parliament in the Union Government of India.
- ❖ Analyse the role of Supreme Court in The Union Government of India.
- ❖ What can the President of India do during the time of National emergency?
- ❖ What are the main functions of the Union Government in India?
- ❖ What are the three branches of the Union Government of India, and briefly explain each.

1.9 Answers to Check Your Progress

Check Your Progress-1

1. Part-V of the Indian Constitution deals with the Union Government and its functions.
2. The three branches of the Union Government are the Executive, Legislative, and Judicial branches/Judiciary.
3. The Union Government is headed by the Prime Minister, and it operates from New Delhi, the national capital.

Check Your Progress-2

1. The President of India.
2. The Supreme Court of India.
3. The Parliament of India consists of two houses. The lower house is the Lok Sabha.

Check Your Progress-3

1. Residuary powers are the powers that allow the Union Government to legislate on matters not explicitly mentioned in any of the three lists.

2. Two significant functions of the Supreme Court in India--

- Guardian of the Constitution--Ensures laws and actions comply with the Constitution.
- Protector of Fundamental Rights--Safeguards individual rights and liberties.

3. The two houses of the Indian Parliament--

- Lok Sabha (House of the People)--Members are directly elected by the people.
- Rajya Sabha (Council of States)--Members are elected by state legislative assemblies and nominated by the President.

4. Two legislative powers of the President of India.

- Summoning and proroguing sessions of Parliament.
- Giving assent to bills passed by Parliament to make them law.

Unit: 2

The President of India

Unit Structure--

2.1 Introduction

2.2 Objectives

2.3 Indian Political System--An Overview

2.4 President of India--Constitutional Provisions

2.4.1 Eligibility

2.4.2 Election of the President

2.4.3 Oath of Office

2.4.4 Salary and other Emoluments

2.5 Powers and Functions of the President

2.6 Critical Appreciation of the Emergency Powers of the President

2.7 Role of the President of India

2.8 Let Us Sum Up

2.9 References and Suggested Readings

2.10 Model Questions

2.11 Answers to Check Your Progress

2.1 Introduction

India adopted a parliamentary form of democracy, drawing inspiration from the Westminster model followed in the United Kingdom(U.K.). However, unlike the British system, which has a constitutional monarchy as its formal head, India chose to adopt a republican framework with an elected President as the ceremonial head of the nation.

The Indian Constitution clearly states--"*There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President.*" This highlights the President's role as a constitutional figurehead, guided by the advice of the executive.

Dr. B. R. Ambedkar, the principal architect of the Indian Constitution, clarified this distinction during the Constituent Assembly Debates. He remarked--
"At the head of the Indian Union is a functionary called the President of the Union. The title of this functionary reminds one of the President of the United States(U.S.). But beyond identity of names, there is nothing in common between the American and Indian systems of government. Under the Indian Constitution, the President occupies the same position as the British Monarch under the English Constitution. He is the head of the State but not of the Government. He represents the nation but does not govern it. He is the symbol of the nation. His role in administration is essentially ceremonial—like a seal that gives formal approval to decisions made by the nation." (Constituent Assembly Debates, Vol. VII, pp. 33–34)

Thus, while India has a President as the head of the State, the position is not akin to the American President, who is the real executive authority. Rather, the Indian President's role is more comparable to that of the British Monarch—a titular or ceremonial head. The real executive powers rest with the Prime Minister and the Council of Ministers.

In this unit, we will explore the constitutional provisions related to the office of the President of India. We will examine the President's powers and functions, and critically analyze the role of the President in practice.

2.2 Objectives

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

- Understand Indian presidential system.
- Describe the powers and functions of the Indian President.
- Discuss the role of the Indian President.
- Analyse the importance of the President in the Indian Parliamentary democratic system.

2.3 Indian Political System — An Overview

India's political system is characterized by its remarkable diversity, complexity, and continuous evolution, making it one of the most vibrant and dynamic democracies in the world. As one of the most populous and culturally diverse nations, India stands as a testament to the resilience and strength of democratic governance.

Rooted in a rich historical, cultural, and socioeconomic context, India's political landscape features a complex interplay of institutions, actors, and processes. The foundation of the Indian political system lies in the principles enshrined in the **Constitution of India**, which came into effect on **January-26, 1950**. This Constitution established India as a **sovereign, socialist, secular, and democratic republic** with a **parliamentary form of government**.

India's political system aims to uphold the values of **democracy, secularism, and social justice** while addressing the challenges posed by its vast diversity. Despite numerous obstacles, the Indian democratic framework continues to be a beacon of hope and an example of constitutional resilience and democratic endurance.

✓ Key Features of the Indian Political System Include--

- **Federalism**
- **Parliamentary Democracy**
- **Elections and Political Parties**
- **Independent Judiciary**
- **Diversity and Pluralism**

However, the Indian political system also faces a range of challenges such as **corruption, communalism, caste-based politics, and regional disparities**. Reforms are ongoing to strengthen democratic institutions with a focus on **transparency, accountability, and inclusive governance**.

✓ The Indian Presidential System--A Misnomer

In political theory, a **presidential system** refers to a system where the **head of the state and the head of the government are the same person**, and the executive operates independently of the

legislature. In such systems (like that of the United States), the President holds substantial executive powers and is not directly accountable to the legislature.

However, **India does not follow a presidential system**. Instead, it follows a **parliamentary form of government** modelled on the British system. The major difference is that **India does not have a monarchy**. Instead, the **President of India serves as the ceremonial head of the state**, while the **Prime Minister is the real executive authority and head of the government**.

While the Constitution vests the executive powers of the Union in the President, these powers are exercised **only on the advice of the Prime Minister and the Council of Ministers**, as mandated by the Constitution. The **President acts as a constitutional figurehead**, whereas the **Prime Minister is responsible to the legislature and, by extension, to the people**.

In this unit, we will delve deeper into the constitutional provisions, powers, functions, and the actual role of the **President of India** within the broader framework of India's parliamentary democracy.

STOP TO CONSIDER-1

✓ Indian Political System —An Overview

- India follows a **parliamentary democracy** inspired by the British Westminster model.
- The **President** is the **ceremonial head of state**, while the **Prime Minister** is the **real executive**.
- The **Constitution of India** (1950) established India as a **sovereign, socialist, secular, democratic republic**.
- **Key features**--Federalism, Parliamentary Democracy, Elections & Political Parties, Independent Judiciary, Diversity & Pluralism.
- India does **not follow a presidential system** like the U.S.; executive power is exercised by the PM and Cabinet, not independently by the President.
- **Challenges**-- corruption, caste-based politics, communalism, regional disparities.
- Ongoing efforts aim to improve **transparency**,

accountability, and inclusive governance.

✓ **The Parliamentary Form of Government**

India adopted a **parliamentary system of governance** primarily due to the strong influence of the British model on the framers of the Constitution. The founding fathers believed that a parliamentary framework was better suited to managing the country's vast **social and cultural diversity**.

Another key consideration was that the **rigid separation of powers** inherent in the presidential system could potentially lead to **conflicts between the legislature and the executive**—a risk the newly independent nation could not afford. The flexibility and accountability of the parliamentary system were seen as more appropriate for a democratic society in transition.

Globally, **parliamentary systems outnumber presidential systems**, especially in countries with a colonial legacy or a diverse social structure. In this form of government, the **executive is accountable to the legislature**, which plays a supervisory role. This system is also known as a **“Responsible Government”** or the **Cabinet System**, where the Council of Ministers remains in office only as long as it enjoys the confidence of the legislature.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why did India adopt a parliamentary system of governance instead of a presidential system?

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2. What is the primary difference between the presidential and parliamentary systems in terms of executive accountability?

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2.4 President of India – Constitutional Provisions

Part -V of the Indian Constitution deals with the **Union Executive**, which includes the **President, Vice President, Prime Minister, Council of Ministers**, and the **Attorney General of India**.

- **Article 52** states-- “*There shall be a President of India.*”
- **Article 53(1)** provides that the **executive power of the Union shall be vested in the President** and shall be exercised by him either directly or through officers subordinate to him, in accordance with the Constitution.
- **Article 54** concerns the **election of the President**, while the President’s **role and powers** include being the constitutional head of the Union, the **supreme commander of the Armed Forces**, and a guardian of the **Constitution**.

The President is recognized as the **head of state**, the **first citizen of India**, and a symbol of **unity, integrity, and solidarity**. Though the President holds significant constitutional authority, the position is largely **ceremonial**, with real executive powers exercised by the **Prime Minister and the Council of Ministers**.

✓ **Tenure and Immunities**

- As per **Article-56**, the President holds office for a **term of five years**.
- In the event of **premature vacancy** due to death, resignation, removal, or other reasons, the **Vice President** discharges the functions of the President.
- The President enjoys **legal immunity** while in office--
 - Cannot be **arrested or imprisoned**.
 - **Criminal proceedings** cannot be initiated.
 - **Civil proceedings** can only be initiated after giving **two months’ prior notice** for acts done in a personal capacity.

✓ **Conditions of Office (Articles 52–62)**

- The President **must not be a member** of either **Lok Sabha or Rajya Sabha** at the time of assuming office. If elected, he/she must vacate such membership on the first day in office.
- The President **cannot hold any office of profit** under the government.
- The **salary, allowances, and privileges** of the President are determined by **Parliament** and **cannot be reduced** during the term of office.
- The President is entitled to a range of privileges that ensure the **dignity and independence** of the office.

2.4.1. Eligibility(Article-58)

To be eligible for election as the President of India, a person must--

- Be a **citizen of India**.
- Be at least **35 years of age**, and
- Be **qualified to be elected as a member of the Lok Sabha**.

As previously mentioned, individuals holding certain offices are **not disqualified** from contesting the presidential election. These include--

- The **Vice President** of India.
- The **Governor** of any state.
- A **Minister** at the Union or state level (including the **Prime Minister** and **Chief Ministers**).

If any of the above office-holders is elected President, they are considered to have **vacated their previous position** on the day they assume the office of President.

✓ **Re-election (Article-57)**

A person who is, or has been, the President is **eligible for re-election** to the office, subject to the other provisions of the Constitution.

✓ **Mode of Election**

It is important to note that the **President of India is not elected directly by the people**. Instead, the President is elected by an **Electoral College**, the composition and process of which will be discussed in the next section.

STOP TO CONSIDER-2

✓ **President of India – Constitutional Provisions**

- **Part -V** of the Constitution covers the **Union Executive**, including the President.
- **Articles 52–62** outline the **role, powers, tenure, and eligibility** of the President.
- The **President is the ceremonial head of state**, with executive powers exercised by the **Prime Minister and Council of Ministers**.
- **Term--5 years** (Article-56); Vice President acts in case of vacancy.
- **Immunity--No criminal proceedings**; civil cases require 2 months' notice.
- **Eligibility(Article-58)--Indian citizen, 35+ years**, eligible for Lok Sabha.
- **Cannot hold office of profit** or be an MP at the time of assuming office.
- **Certain office-holders**(Vice President, Governors, Ministers) can contest.
- **Re-election allowed**(Article-57).
- **Elected indirectly** by an **Electoral College**, not by the general public.

Self Asking Question(SAQ)-1

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| | ✓ Write a note on the constitutional provision regarding the |
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existence of President in India. (100 words)

2.4.2 Election of the President

According to **Article-56(1)** of the Indian Constitution, the **President holds office for a term of five years** from the date on which they enter office.

Article-62 mandates that an election to fill a vacancy caused by the expiration of the President's term must be completed **before the term ends**.

If a **vacancy arises** due to death, resignation, removal, or any other reason, an election must be held **as soon as possible and no later than six months** from the date of the vacancy. The elected individual, in such a case, shall hold office for a **full five-year term** starting from the date they assume office, in accordance with **Article-56**.

✓ Electoral College and Procedure(Articles-54 and 55)

Article-54 specifies that the **President of India is elected by an Electoral College** consisting of--

- ☐ The **elected members** of both Houses of Parliament,
- ☐ The **elected members** of the Legislative Assemblies of the States,
- ☐ The **elected members** of the Legislative Assemblies of Union Territories of **Delhi and Puducherry**, as clarified in **Article-55**.

The election follows the **system of proportional representation by means of a single transferable vote** (also known as **instant-runoff voting**) and is conducted by **secret ballot**.

✓ Vote Weighting and Value

The election is designed to maintain **balance between the Union and the States**. The value of votes is calculated to ensure--

- **Parity between the votes of MPs and MLAs**, and
- **Uniformity among states**, based on population.

✓ **Vote Value of a State Legislator**

The value of an MLA's vote is calculated using the following formula--

$$\text{Value of MLA's Vote} = \frac{\text{Population of the State (as per 1971 Census)}}{\text{Total elected MLAs in the State}} \times 1000$$

Note-- The **1971 Census** is used as a reference until further constitutional amendment.

✓ **Vote Value of a Member of Parliament(MP)**

The vote value of an MP is determined by--

$$\text{Value of MP's Vote} = \frac{\text{Total value of all MLA votes}}{\text{Total number of elected MPs}} \times \text{Total number of elected MPs}$$

Every elected MP gets **equal voting value**, which ensures a balanced representation between the Union and the States.

Let us have a look at the value of a vote in details--

The value of the vote of an MLA is given below--

	Total Population of the concerned
State	1

$$\text{Value of the vote of an MLA} = \frac{\text{Total number of elected members of the State Legislative Assembly}}{1000} \times \text{X}$$

The value of the vote of an MP is given below--

$$\text{Value of the vote of an MP} = \frac{\text{Total value of all MLAs of all states}}{\text{Total numbers of elected members of Parliament}}$$

However, there are certain members of union and state legislature who can not participate in the election of president of India.

- i. Nominated Members of Lok Sabha (2) and Rajya Sabha (12)
- ii. Nominated Members of State Legislative Assemblies.
- iii. Members of Legislative Councils (Both elected and nominated) in bicameral legislatures.
- iv. Nominated Members of union territories of Delhi and Puducherry .

✓ **Instant-Runoff Voting**

The **Constitution of India (1950)** refers to the use of the **Single Transferable Vote (STV)** system for the election of the President. While the term "single transferable vote" typically applies to **multi-member constituencies**, in the case of a **single-winner election**—such as the Presidential election—the system is more accurately referred to today as **Instant-Runoff Voting (IRV)**.

This voting method allows electors to **rank candidates in order of preference**, and if no candidate secures a majority of first-preference votes, the candidate with the fewest votes is eliminated. Their votes are then transferred to the remaining candidates based on the next preferences indicated, and this process continues until one candidate achieves an absolute majority.

2.4.3 Oath of Office

As per **Article-60 of the Constitution of India**, the **President-elect** is required to take an **oath or affirmation** in the **presence of the Chief Justice of India**, or in their absence, the **senior-most judge of the Supreme Court** available. The President pledges to **preserve, protect, and defend the Constitution and the law** and to dedicate themselves to the service and well-being of the people of India.

Text of the Oath--

"I, (name), do swear in the name of God (or solemnly affirm) that I will faithfully execute the office of President of the Republic of India, and will to the best of my ability preserve, protect and defend the Constitution and the law, and that I will devote myself to the service and well-being of the people of the Republic of India."

2.4.4 Salary and Emoluments (Article-59 and Second Schedule)

Originally, the **Second Schedule of the Constitution** provided the President of India a salary of **Rs.10,000/- per month**. This amount was increased over time--

₹Rs.50,000/- per month in 1998.

₹Rs.1.5 lakh per month in 2008.

₹Rs.5 lakhs per month in the **2018 Union Budget**.

However, most of the President's expenses related to official duties, travel, staff, and residence are covered under a **dedicated annual budget**, which in recent years has been around **225 million**.

The President of India resides at the **Rashtrapati Bhavan** in New Delhi, one of the **largest official residences of any head of state in the world**.

In addition to the serving President of India, **former Presidents** and their **spouses (widows or widowers)** are entitled to **pensions, furnished accommodation, security, and other privileges** as per government provisions.

STOP TO CONSIDER-3

✓ President of India – Election, Oath, Salary

- **Term & Vacancy (Articles-56 & 62)--**
The President serves a 5-year term; elections must occur before term expiry or within 6 months of vacancy due to death, resignation, etc.
- **Electoral College(Article-54)--**
Comprises of elected members of both the Houses of Parliament, i.e. the Lok Sabha and the Rajya Sabha and the Legislative Assemblies of States and Union Territories (Delhi, Puducherry).
- **Voting Method (Article-55)--**
Uses **Proportional Representation with Single Transferable Vote** (Instant-Runoff Voting), conducted by **secret ballot**.
- **Vote Value Calculation--**
 - **MLA's Vote** = State Population (1971 Census) ÷ (No. of MLAs × 1000)
 - **MP's Vote** = Total MLA vote value ÷ Total number of elected MPs
- **Exclusions--**
Nominated members (of Parliament/Assemblies), Legislative Council members, and nominated UT members **do not vote** in presidential elections.
- **Voting Process--**
Electors rank candidates by preference; lowest vote-getter eliminated and votes transferred until a majority is secured.
- **Oath of Office(Article-60)--**
Administered by the Chief Justice of India or senior-most SC judge; President vows to protect the Constitution and serve the people.
- **Salary & Perks(Article-59 & Second Schedule)--**

₹Rs.10,000/- per month initially.

₹Rs.50,000/- per month(1998).

₹Rs.1.5 lakh per month(2008).

₹Rs.5 lakhs(2018)per month.

- Expenses covered under a 225 million annual budget.
- **Rashtrapati Bhavan** is the official residence of the President of India.
- **Former Presidents & spouses** get pensions, housing, and security.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Who constitutes the Electoral College for the election of the President of India?

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2. What are the eligibility criteria to become the President of India?

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3. How is the value of votes determined in the Presidential election for MLAs?

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4. Which members of the Union and State legislatures are not eligible to participate in the Presidential election?

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5. What is the salary of the President of India, and what benefits do former Presidents receive?

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Self-Asking Question(SAQ)-2

✓ Discuss the Electoral Process of Indian President.

2.5 Powers and Functions of the President of India

The Constitution of India vests the President with a wide range of powers. While the President is the **ceremonial head of state**, he is **not the head of government**—a role played by the Prime Minister. Unlike the President of the United States(U.S.), the Indian President acts primarily on the advice of the **Council of Ministers** headed by the Prime Minister, as mandated by the Constitution.

In practice, there exists a significant distinction between the powers **formally vested** in the President and those **actually exercised**. Most executive authority is carried out by the Prime Minister and the Cabinet. However, in **extraordinary situations**, particularly under **Articles-352 to 360** (emergency provisions), the President may act with real executive authority. These are known as the **Emergency Powers** of the President.

The powers of the President can be classified under **six broad categories---**

- ✓ Executive powers,
- ✓ Legislative powers,
- ✓ Financial powers,
- ✓ Judicial powers,
- ✓ Diplomatic powers and
- ✓ Emergency powers.

A. Executive Powers

- The President is the **executive head of the Union**. All executive actions of the Government of India are taken in the President's name.
- **Appointments--**
 - Under Article-75, the President appoints the leader of the majority party in the Lok Sabha as the **Prime Minister**.
 - On the Prime Minister's advice, the President appoints other **Council of Ministers** and allocates portfolios.
 - The **Council of Ministers holds office at the pleasure of the President**, but this is subject to the condition that they must retain majority support in the Lok Sabha. The President **cannot arbitrarily dismiss the Council** as long as it enjoys parliamentary confidence.
- The President also makes a number of **key constitutional appointments**, including--
 - **Governors of States.**
 - **Chief Justice** and other judges of the **Supreme Court and High Courts.**
 - **Attorney General of India.**
 - **Comptroller and Auditor General(CAG).**
 - **Chief Election Commissioner and Election Commissioners.**
 - **Chairman and members of the Union Public Service Commission(UPSC).**
 - **Ambassadors and High Commissioners** to foreign nations.
 - **Chiefs of the Army, Navy, and Air Force.**
 - **Chairperson and members of the Finance Commission.**
 - **Commissioners for Scheduled Castes(SCs), Scheduled Tribes(STs), and Backward Classes.**

All these appointments are made **in consultation with the Prime Minister** and relevant ministers, as per established conventions.

- **Union Territories and Scheduled Areas--**
 - Under **Article-239**, the President is empowered to **administer Union Territories** through an **Administrator, Chief Commissioner**, or any other authority appointed by him.
 - In some cases, the President may direct a **Governor of a neighbouring state** to oversee a Union Territory. In such scenarios, the Governor acts according to **instructions from the President**.
 - The President also has powers concerning the **administration of Scheduled Areas and Tribal Areas**, including the appointment of administrators to oversee governance and ensure constitutional safeguards are implemented.

Self Assessment Question(SAQ)-3
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| ✓ Write a note on the appointing powers of the Indian President. (100 words) |
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B. Legislative Powers

The Constitution of India makes the **President an integral part of the Parliament** (Article-79), although the President is **not a member** of either House(Lok Sabha or Rajya Sabha). The President's role is largely ceremonial but constitutionally significant in the legislative process.

✓ **Key Legislative Functions and Powers--**

- **Inaugural Address--**
 - The President **addresses both Houses of Parliament** at the beginning of the first session after each **general election** and at the **first session of each year**. This address outlines the **government's policies and agenda**.
- **Summoning and Dissolution--**

- The President **summons, prorogues, and dissolves** the **Lok Sabha** and summons sessions of both Houses of Parliament.
- In case of a **deadlock** between the two Houses over an ordinary bill, the President may **convene a joint session** (Article 108), presided over by the Speaker of the Lok Sabha, to resolve the disagreement.
- **Nominations--**
 - The President **nominates 12 members** to the **Rajya Sabha** from among individuals who have made **notable contributions** in literature, science, art, and social service (Article 80).
 - The President may also **nominate two members** from the **Anglo-Indian community** to the **Lok Sabha**, if he or she believes the community is underrepresented (Note: This provision was abolished by the 104th Constitutional Amendment Act, 2020).
- **Assent to Bills--**
 - **No bill becomes law** until it receives the **President's assent**.
 - The President may--
 - **Give assent** to a bill,
 - **Withhold assent**, or
 - **Return the bill** (if it is not a Money Bill) to Parliament with suggestions for reconsideration.
 - If the bill is passed again by Parliament, **with or without amendments**, the President is **constitutionally bound to give assent**.
- **Prior Recommendation--**
 - Certain bills require the **President's prior approval** before introduction, such as--
 - **Money Bills** (Article-110),
 - Bills affecting the **creation or alteration of state boundaries**,
 - Bills involving expenditure from the **Consolidated Fund of India**.

Presidential Ordinance-Making Power (Article-123)

- **When Parliament is not in session, and immediate legislative action is necessary, the President may promulgate an Ordinance** under Article-123.
- An ordinance has the **same force and effect as a law** passed by Parliament.
- However, it must be **laid before both Houses** when Parliament reconvenes.
 - It remains valid for a **maximum of six weeks** from the date Parliament is reassembled, unless it is **approved earlier** by the legislature.
- Ordinances **cannot be issued** to amend the Constitution.
- This power is exercised **on the advice of the Council of Ministers**, not at the President's sole discretion.

C. Financial Powers

The Constitution of India vests the **President** with several important **financial powers**, though these are largely exercised on the **advice of the Council of Ministers**. The President plays a **central but formal role** in the country's financial administration.

✓ Key Financial Powers of the President--

- **Introduction of Money Bills--**
 - A **Money Bill** (as defined under Article 110) **can only be introduced** in the **Lok Sabha**, and that too **only with the prior recommendation of the President**.

- Without this recommendation, such a bill cannot be introduced in Parliament.
- **Assent to Money Bills--**
 - Once a **Money Bill is passed** by both Houses of Parliament (or deemed passed under Article 110), it must be **presented to the President** for assent.
 - The President **cannot return** a Money Bill for reconsideration and **must give assent** (though again, this is done on the advice of the Cabinet).
- **Taxation and Public Funds--**
 - **No tax can be levied or collected, and no money can be spent** from the **Consolidated Fund of India**, without the **authorization of Parliament**, which begins with a **proposal from the President**.
 - The **Annual Financial Statement (Union Budget)** is **laid before Parliament** by the **President**, typically in February each year.
- **Contingency Fund of India(Article-267)--**
 - The President has the authority to **authorize withdrawals** from the **Contingency Fund of India** to meet **unforeseen expenditures**, pending parliamentary approval.
 - This enables the government to respond swiftly in emergencies or unforeseen situations, such as natural disasters or sudden economic needs.
- **Finance Commission (Article-280)--**
 - The President **constitutes the Finance Commission every five years** or earlier as necessary.
 - The Commission recommends the **distribution of taxes** between the **Union and the States**, and other financial relations.
- **Grants-in-Aid--**
 - The President determines the **amount of grants-in-aid** to be given to certain states from the Consolidated Fund of India.
 - Historically, this included compensation to **Assam, Bengal, Bihar, and Odisha** in lieu of the **loss of revenue from jute export duties** (a provision relevant in earlier constitutional practice).

Though the President of India **formally holds extensive financial powers**, these are **exercised on the aid and advice** of the **Council of Ministers**, especially the **Finance Minister**, who presents and manages the financial affairs of the government.

STOP TO CONSIDER-4

✓ **Powers and Functions of the President of India**

- **Ceremonial Role**--The President is the constitutional head of state but not the head of government (that role belongs to the Prime Minister).
- **Real vs. Nominal Power**--Most powers are exercised on the advice of the Council of Ministers; real authority is limited, except during **emergencies (Articles-352–360)**.

✓ **Six Broad Categories of Presidential Powers—**

❖ **Executive Powers--**

- Executive actions are taken in the President's name.
- Appoints PM, Council of Ministers, Governors, Judges, CAG, AGI, ECs, UPSC members, Service Chiefs, Ambassadors, etc.
- Administers Union Territories (Art. 239) and Scheduled Areas.

❖ **Legislative Powers--**

- Part of Parliament (Art. 79) but not a member of either House.
- Summons, prorogues, dissolves Lok Sabha; convenes joint sessions.
- Nominates 12 Rajya Sabha members; previously nominated 2 Anglo-Indians to Lok Sabha.
- Gives assent to bills; may return non-Money Bills once.
- **Ordinance Power (Art. 123)**: Can issue ordinances when Parliament is not in session (valid for 6 weeks post-reassembly).

❖ **Financial Powers--**

- Money Bills introduced only with Presidential recommendation (Art. 110).
- No tax/spending without President's proposal; Union Budget laid by President.
- Controls **Contingency Fund** (Art. 267) for unforeseen expenses.
- Constitutes **Finance Commission** (Art. 280) every 5 years.
- Decides on **grants-in-aid** to certain states.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the President's executive powers in India?

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2. What is the President's role in the legislative process?

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3. How does the President exercise financial powers?

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D. Judicial Powers of the President of India

The President of India appoints the Chief Justice and other judges of the Supreme Court as well as the High Courts. However, in practice, these appointments are made based on the recommendations of the Union Cabinet, following the procedure established by the collegium system. Judges can only be removed by the President if both Houses of Parliament pass a resolution to that effect with a two-thirds majority of members present and voting, in accordance with the procedure laid down in the Constitution.

The President administers the oath of office to the Chief Justice and other judges of the Supreme Court. He is also empowered to accept their resignations and remove them following the due process. Additionally, the President may seek the opinion of the Supreme Court on questions of law or matters of public importance under Article 143. The Court's opinion, however, is advisory and not binding on the President.

The President enjoys legal immunity during the term of office. He/she cannot be held accountable to any court for actions carried out in the discharge of official duties and cannot be arrested or subjected to criminal proceedings. Civil suits can only be filed against the President after giving two months' prior written notice.

One of the key judicial powers of the President is the power of pardon under Article 72. The President can grant pardons, reprieves, respites, or remissions of punishment, particularly in cases involving the death sentence. This power is exercised independently of the advice of the Prime Minister or the majority in the Lok Sabha.

E. Diplomatic Powers of the President of India

The President of India also enjoys significant diplomatic powers. Declarations of war and peace are made in the name of the President. The President represents India in international affairs and maintains relations with foreign governments.

To facilitate diplomatic relations, the President appoints Indian ambassadors and high commissioners to other countries and receives foreign diplomats in India. The President also has the

authority to declare a foreign diplomat persona non grata, meaning an unwelcome person, and expel them from the country.

All international treaties and agreements are negotiated on behalf of the President and require the President's final approval and signature. However, in practice, such negotiations are conducted by the Prime Minister and the Ministry of External Affairs. These treaties are subject to parliamentary approval before coming into effect.

F. Emergency Powers of the President of India

Part XVIII of the Indian Constitution grants the President special emergency powers to address extraordinary situations. These include three types of emergencies: **National Emergency (Article 352)**, **State Emergency (Article 356)**, and **Financial Emergency (Article 360)**.

✓ National Emergency (Article-352)

A National Emergency can be declared when India's security is threatened due to war, external aggression, or armed rebellion. This declaration must be made based on a written recommendation from the Union Cabinet and must be approved by Parliament within one month. Initially valid for six months, it can be extended indefinitely with approval every six months, up to a maximum of three years.

During a national emergency, certain Fundamental Rights, especially those under Article 19, are suspended (except rights under Articles 20 and 21). The emergency provisions have been invoked three times in India's history--

- **1962–1968:** During the India-China war.
- **1971–1977:** During the India-Pakistan war, later extended.
- **1975–1977:** Due to internal disturbances under Prime Minister Indira Gandhi.

✓ State Emergency or President's Rule (Article-356)

The President can declare President's Rule in a state if, based on the Governor's report or other sources, it is concluded that the state

government is unable to function in accordance with constitutional provisions. This is also called a constitutional breakdown.

The proclamation must be approved by Parliament within two months and can be extended every six months for up to three years. An extension beyond three years requires a constitutional amendment and justification. During this period, the state's administration is taken over by the President, and the Governor acts on behalf of the President. The state legislative assembly may be dissolved or kept in suspended animation, and Parliament may legislate on state subjects.

Since the Constitution came into force, President's Rule has been imposed over 100 times. It was first declared in **Punjab in 1952**. The states with the highest instances of President's Rule include **Kerala (nine times)**, followed by **Punjab, Odisha, and Uttar Pradesh**.

✓ **Financial Emergency (Article-360)**

A Financial Emergency may be declared when the President is satisfied that India's financial stability or credit is threatened. The proclamation must be approved by Parliament within two months.

During a financial emergency, the President can issue directives to states regarding financial matters, reduce the salaries of government employees, including judges of the Supreme Court and High Courts, and modify budgetary allocations. However, **no financial emergency has ever been declared in India**. In times of economic distress, such as the 1991 balance of payments crisis, financial instability was resolved through alternative measures, such as pledging gold reserves.

While these emergency powers grant the President significant authority, the Constitution provides sufficient checks and balances. The President's actions are subject to parliamentary approval and judicial review, ensuring that such powers are not misused.

STOP TO CONSIDER-5

✓ Powers of the President of India

❖ Judicial Powers--

- Appoints Chief Justice and judges of SC and HCs (on Cabinet/collegium advice).
- Can remove judges only after two-thirds majority in both Houses.
- Administers oaths, accepts resignations, and seeks SC's advisory opinions (non-binding).
- Enjoys legal immunity during tenure; civil suits need 2-month notice.
- Has power to grant pardons, including in death sentence cases (independent of PM or Parliament).

❖ Diplomatic Powers--

- Declares war/peace in name of the nation.
- Appoints Indian diplomats and receives foreign representatives.
- Can expel foreign diplomats (persona non grata).
- Signs treaties/agreements—negotiated by the Cabinet, subject to Parliament's approval.

❖ Emergency Powers (Part-XVIII)--

1. **National Emergency (Art. 352)** – For war, external aggression, or armed rebellion; rights suspended (except Art. 20 & 21); invoked 3 times.
2. **State Emergency (Art. 356)** – When state governance fails; known as President's Rule; imposed over 100 times; Kerala most frequently.
3. **Financial Emergency (Art. 360)** – For financial instability; never invoked; President can reduce salaries and direct state finances.

❖ Safeguards--

- Parliamentary approvals required.
- Constitution provides checks to prevent misuse.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the executive functions of the Indian President?

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2. How president exercise his/her powers?

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3. What are the financial responsibilities of the Indian President?

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✓ First President's Rule in Assam

During the Assam Movement, the state's political situation remained highly unstable. Although the anti-Indira Gandhi sentiment that swept the country during the 1977 general elections did not significantly affect Assam, the Congress Party was defeated in the 1978 Assam Legislative Assembly elections. Golap Borbora of the Janata Party became the first non-Congress Chief Minister of Assam. His was a minority government supported by the Plains Tribals Council of Assam (PTCA), independents, and received outside support from the Communist Party of India (Marxist) [CPI(M)] and other leftist parties.

This fragile coalition collapsed in September, 1979 due to internal divisions within the Janata Party. Following the fall of Borbora's government, **Jogendra Nath Hazarika** assumed office as Chief Minister with the support of the Congress, Congress (I), and the Communist Party of India (CPI). However, his government too was

short-lived, lasting only ninety-four days. It collapsed in December, 1979 after the Congress withdrew its support.

As a result, **President's Rule was imposed in Assam for the first time in December, 1979.**

2.6 Critical Appreciation of the Emergency Powers of the President

The emergency provisions in the Indian Constitution were subject to significant debate and criticism during the proceedings of the Constituent Assembly. Eminent members such as **H.V. Kamath** and **Prof. K.T. Shah** expressed strong reservations about granting sweeping powers to the President during times of emergency. They feared that such provisions could pave the way for an authoritarian or dictatorial regime. Kamath, in particular, labeled the authority to suspend fundamental rights during an emergency as *autocratic* and undemocratic.

Many members were concerned that empowering the President to curtail the basic rights of citizens undermined the democratic spirit of the Constitution. The ability to suspend rights like freedom of speech, assembly, and personal liberty was seen as excessive and prone to misuse. These concerns were particularly sharp regarding Article-352 (National Emergency) and Article-356 (President's Rule), which could significantly centralize power and weaken democratic safeguards.

However, defenders of these provisions argued that in situations where the **very survival of the state is at stake**—such as war, external aggression, or armed rebellion—the protection of individual rights must be temporarily curtailed in favor of national security and unity. According to this view, the **state must take precedence over individual liberty** during grave crises, and emergency powers were seen as necessary instruments to preserve constitutional order.

Another major criticism was directed at **Article-356**, which allows the President to impose President's Rule in a state. Critics contended that this provision goes against the **federal spirit of the Constitution**, as it enables the central government to override the

autonomy of state governments. This has often been used as a tool to dismiss elected state governments, raising concerns about political misuse.

Yet, the inclusion of emergency powers must be understood in the context of the historical conditions prevailing at the time of drafting the Constitution. India was facing serious challenges such as the **conflict in Kashmir**, the **integration of princely states like Hyderabad and Junagadh**, and widespread **internal instability**. These situations influenced the **founding fathers to provide for a strong central authority** during emergencies to ensure the unity and integrity of the nascent republic.

In conclusion, while the emergency powers of the President were viewed by some as potentially autocratic, others considered them a **necessary safeguard in times of national crisis**. The ongoing challenge lies in balancing **state security with democratic accountability and federal principles**.

STOP TO CONSIDER-6

✓ Emergency Powers – A Critical View

- **Constituent Assembly Concerns--**
H.V. Kamath and K.T. Shah feared emergency powers could lead to presidential dictatorship.
- **Suspension of Rights--**
Suspension of fundamental rights during emergencies was seen as autocratic and undemocratic.
- **Federalism Undermined--**
Article-356 criticized for violating state autonomy; seen as a threat to the federal structure.
- **Supportive Views--**
Some argued state security should override individual rights during national crises.
- **Historical Context--**
Provisions shaped by post-independence instability—Kashmir conflict, Hyderabad crisis, etc.
- **Conclusion--**
Powers necessary for national unity, but risk of misuse

demands strong checks and accountability.

Self-Asking Question(SAQ)-4

- ✓ Do you think that the emergency powers of the President of India have strengthened his/her position ? Give arguments in favour of your answer. (80 words)

2.7 Role of the President of India

The President of India occupies a position of profound constitutional and symbolic significance, representing the highest office in the Republic. While the role is often described as largely ceremonial, it is in fact marked by a nuanced balance between formal ceremonial functions and substantive constitutional powers. As the constitutional head of the Indian state, the President is entrusted with the vital task of upholding democratic values, preserving the unity and integrity of the nation, and ensuring that the machinery of government operates in accordance with the Constitution.

This unit explores the **multifaceted role** of the Indian President within the broader framework of the country's political system. The President serves as the ceremonial figurehead who embodies the unity of a diverse nation, yet also plays a pivotal role in executive, legislative, judicial, diplomatic, and emergency functions as laid out in the Constitution. The influence of the President can be felt not only during routine state functions but more critically during times of political uncertainty, constitutional crises, or national emergencies.

We begin by tracing the **historical development** of the Indian Presidency—from its conceptual origins during the drafting of the Constitution to its evolution over decades of democratic practice. Drawing inspiration from the Westminster model but adapted to suit Indian realities, the President's office has matured within the parameters of a parliamentary system where the real executive powers lie with the Council of Ministers headed by the Prime Minister. Nevertheless, the President retains discretionary powers in

certain exceptional situations, making the role far more than ceremonial.

This unit also delves into the **constitutional provisions** that define the powers, duties, and limitations of the President. As the **guardian of the Constitution and the conscience-keeper of the nation**, the President ensures that all constitutional processes are upheld, particularly during transitions of power or legislative deadlock. The President's assent is required for bills to become laws, and their discretion plays a crucial role in appointments, pardons, and emergency declarations.

Furthermore, the discussion examines the **practical dimensions** of the President's role in the context of contemporary Indian politics. Whether during hung parliaments, state emergencies, or in matters requiring impartial constitutional judgment, the actions of the President have a lasting impact on governance and political stability.

Through this exploration, we aim to unravel the **complex nature of the Indian Presidency**, highlighting its ceremonial dignity, constitutional authority, and evolving relevance in a dynamic democratic setup. By understanding the role of the President, we gain insight into the careful system of checks and balances that form the foundation of India's democratic ethos.

STOP TO CONSIDER-7

✓ **Role of the Indian President**

- **Symbolic & Constitutional Head--**
Represents national unity and serves as the highest constitutional authority in India.
- **Balance of Powers--**
Performs ceremonial duties but also holds key constitutional, executive, legislative, and emergency powers.
- **Guardian of the Constitution--**
Ensures lawful governance, safeguards democracy, and upholds constitutional provisions.
- **Historical Evolution--**
Rooted in the Constitution's drafting; evolved within a parliamentary framework influenced by the Westminster

model.

- **Discretionary**

Influence--

Acts decisively during crises—hung parliaments, President’s Rule, and emergency declarations.

- **Modern-Day**

Relevance--

Though largely guided by the Prime Minister and Council of Ministers, the President’s role remains crucial in maintaining political and constitutional order.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the role of the President in Indian politics?

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2. How has the role of the President evolved in India?

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2.8 Let Us Sum Up

To sum up, the **Supreme Court of India**, empowered with the principle of **judicial review**, stands as a fundamental pillar of the nation’s democratic and constitutional framework. As the **highest judicial authority** in India, the Court plays a pivotal role in **upholding the Constitution, preserving the rule of law, and safeguarding the fundamental rights** of all citizens.

The Court derives its authority from several key constitutional provisions, including **Article-32** (Right to Constitutional Remedies), **Article-136** (Special Leave to Appeal), and **Article-143** (Advisory Jurisdiction). These articles collectively confer upon the Supreme Court a **broad spectrum of powers—original, appellate, advisory, and constitutional jurisdictions**. These empower the Court to not only interpret the Constitution but also resolve disputes between states and the Union, enforce legal rights, and provide advisory opinions to the President on significant questions of law and public importance.

A defining feature of the Supreme Court's role is its power of **judicial review**—the ability to examine and strike down laws, policies, and executive actions that contravene the Constitution. Over the years, the Court has developed and refined this principle, most notably in the landmark judgment of **Kesavananda Bharati v. State of Kerala (1973)**. In this case, the Court laid down the **basic structure doctrine**, asserting that while Parliament has wide powers to amend the Constitution, it cannot alter its core or fundamental features. This ruling placed **meaningful constitutional limits** on legislative authority and reinforced the supremacy of the Constitution.

Through such landmark verdicts, the Supreme Court has consistently upheld **democratic values, civil liberties, and social justice**, emerging as a **protector of constitutional morality** and a check against arbitrary and excessive exercise of power by other branches of government.

However, the exercise of judicial review has not been without criticism. Critics often allege **judicial overreach**, accusing the Court of intruding into the domains of the legislature and the executive. Concerns have also been raised about the **backlog of pending cases, delays in delivering justice**, and the need for **greater transparency and accountability** in judicial processes. Despite these challenges, the Supreme Court has retained public trust and moral authority, particularly through its innovative use of **Public Interest Litigation(PIL)**. This mechanism has enabled even the poorest and most marginalized citizens to seek justice in areas like **environmental protection, gender equality, labor rights, and government accountability**.

In conclusion, despite its imperfections and operational constraints, the **Supreme Court of India continues to be a beacon of hope**, especially for the vulnerable and underrepresented. Its **progressive interpretations, evolving jurisprudence, and responsiveness to societal needs** reflect its dynamic role in India's democratic process. As the **guardian of the Constitution and custodian of citizens' rights**, the Supreme Court remains central to **ensuring justice, reinforcing the rule of law, and preserving the spirit of participatory governance** in the world's largest democracy.

2.9 References and Suggested Readings

- Agarwal, R. C., & Bhatnagar, M. (2005). *Constitutional development and national movement in India*. S. Chand Publishing.
- Chander, P. (2023). *Indian government and politics*. Cosmos Bookhive.
- Mahajan, V. D. (1998). *Select modern governments*. S. Chand & Company.
- Pylee, M. V. (2018). *India's constitution* (16th ed.). S. Chand Publishing.
- Sikri, S. L. (1989). *Indian government and politics*. Kalyani Publishers.

2.10 Model Questions

- ❖ Discuss the powers and functions of the President of India as outlined in the Constitution. How do these powers relate to the role of the Prime Minister?
- ❖ Examine the judicial powers of the Indian President. How do these powers impact the judiciary, and what checks are placed on the President's judicial powers?

- ❖ What are the differences between the three types of emergencies (National, State, and Financial) that the President can declare, and under what circumstances can each be invoked?
- ❖ How do the diplomatic powers of the President contribute to India's foreign policy? Discuss the President's role in maintaining international relations and dealing with foreign diplomats.
- ❖ Critically evaluate the arguments for and against the emergency powers of the President as discussed in the Constituent Assembly. Do you think these powers strengthen or weaken the position of the President?
- ❖ Reflecting on the role of the President in India, discuss how the President's position has evolved over time and the significance of this role in maintaining democratic principles and governance in the country.

2.11 Answers to Check Your Progress

Check Your Progress-1

1. India adopted a parliamentary system because the English system significantly influenced the constitution's drafters. Additionally, the parliamentary system was seen as better suited to managing the diversity of India's population. The founding fathers also believed that the strict division of powers in a presidential system could lead to disputes between the legislative and executive branches, which the newly independent nation could not afford.
2. In a presidential system, the executive is not accountable to the legislature, and the head of the government is also the head of the state. In contrast, in a parliamentary system, the executive is accountable to the legislature, and the Prime Minister, as the head of the government, is responsible to both the legislature and the people.

Check Your Progress-2

1. The electoral college for the election of the President consists of--

- Elected members of both the Houses of Parliament.
- Elected members of the respective Legislative Assemblies of the States.
- Elected members of the Union Territories of Delhi and Puducherry (as per Article-55).

2. As per Article-58, the eligibility criteria to become the President of India are--

- The individual must be a citizen of India.
- They must be at least 35 years old.
- They must be qualified to become a member of the Lok Sabha.

3. The value of an MLA's vote is calculated as--

Value of an MLA's vote = $(\text{Total Population of the State} / \text{Total elected members of the State Legislative Assembly}) \times 1000$

4. Members who cannot participate are--

- Nominated Members of Lok Sabha (2) and Rajya Sabha (12).
- Nominated Members of State Legislative Assemblies.
- Members of Legislative Councils in bicameral legislatures (both elected and nominated).
- Nominated Members of Union Territories of Delhi and Puducherry.

5. The **salary** of the President of India is Rs.5,00,000/- per month. Former Presidents receive a **pension** of Rs.1,50,000/- per month, along with **free medical facilities, residential accommodation, and security**. They also receive allowances for staff and office expenses.

Check Your Progress-3

1. The President appoints the Prime Minister, Council of Ministers, and other key officials, but the real power is exercised by the Prime Minister and Cabinet.
2. The President addresses Parliament, convenes sessions, and gives assent to bills, including Money Bills. The President can also return a bill for reconsideration.
3. The President approves Money Bills, taxes, and sanctions amounts from the Contingency Fund of India. They also appoint the Finance Commission every five years.

Check Your Progress-4

1. The executive functions of the President include appointing the Prime Minister, Council of Ministers, and other key officials such as Governors, judges, and Chiefs of the Army, Navy, and Air Force. The President also administers Union Territories, appoints administrators for Scheduled Tribes(STs), and acts on the advice of the Prime Minister and Cabinet for most of these functions.
2. The President exercises powers as per the Constitution, though most powers are exercised on the advice of the Prime Minister and Cabinet. For example, the President appoints officials like the Prime Minister and ministers on the advice of the Prime Minister, and while holding the authority, the real executive functions are carried out by the Prime Minister and Cabinet.
3. The President's financial responsibilities include recommending the introduction of Money Bills in Parliament, giving consent to taxes and levies, and sanctioning amounts from the Contingency Fund of India. The President also appoints the Finance Commission every five years to recommend the distribution of taxes between the Union and States. Additionally, the President determines the grants-in-aid to certain states.

Check Your Progress-5

1. The President upholds democratic principles, safeguards the nation's sovereignty, and ensures the effective functioning of the government through both ceremonial and executive duties.
2. The role of the President has evolved from a largely ceremonial position to one with significant executive powers, influencing

governance, appointments, and decision-making, especially during national crises.

Unit: 3

Prime Minister, Cabinet, Parliament, Parliamentary Privileges

Unit Structure:

- 3.1 Introduction**
- 3.2 Objectives**
- 3.3 Prime Minister--Role and Powers**
- 3.4 Cabinet Ministers--Role and Powers**
- 3.5 Parliament--Structure, Role and Powers**
- 3.6 Parliamentary Privileges**
- 3.7 Let Us Sum Up**
- 3.8 References and Suggested Readings**
- 3.9 Model Questions**
- 3.10 Answers to Check Your Progress**

3.1 Introduction

Dear learners, in this unit, we will explore the role and powers of the Prime Minister, the Cabinet, and the Parliament of India. This unit will provide a comprehensive understanding of the process of selecting the Prime Minister and the composition of the Cabinet ministers. Additionally, we will delve into the structure and functions of the Indian Parliament, as well as examine the privileges granted to its members. Through this unit, you will gain a detailed insight into the key political institutions of India and their significance in the functioning of the government.

3.2 Objectives

After going through this unit, learners will be able to--

- Understand a detailed overview about the election, powers and responsibilities of the Prime Minister of India.

- Analyse the composition, powers and responsibilities of the Cabinet Ministers.
- Discuss about the Parliament of India and its functions in the Indian Government system.
- Get an overview about the parliamentary privileges.

3.3 Prime Minister--Role and Powers

The Prime Minister is the head of the Government and leads the executive branch of the Indian Government. India follows a Parliamentary system, in which the Prime Minister is the leader of the executive and the head of the Council of Ministers. The Prime Minister is the de facto custodian of all executive powers in the country.

The President of India appoints the Prime Minister, typically the leader of the party with a majority of seats in the Lok Sabha (the lower house of Parliament). Alternatively, the President may appoint a person who can command the confidence of the Lok Sabha, even if they are not from the majority party, by securing the support of other political parties. The President also appoints other ministers based on the advice of the Prime Minister.

There is no direct election for the office of the Prime Minister. The President designates the leader of the largest party or coalition in the Lok Sabha as the Prime Minister. If no party or alliance has a clear majority, the President selects the person most likely to gain the support of a majority in the Lok Sabha. The term of the Prime Minister is not fixed. As long as they remain the head of the majority party or coalition, they continue in office.

3.3.1 Qualifications

To be eligible for the office of the Prime Minister of India, the following qualifications are required--

- The individual must be a citizen of India.
- The person must be a member of either the Lok Sabha or the Rajya Sabha.

- If a member of the Lok Sabha, the individual must be at least 25 years of age. If a member of the Rajya Sabha, the individual must be at least 30 years old.

3.3.2 Powers and Functions of the Prime Minister of India

Let us now explore the key powers and functions of the Prime Minister--

❖ Power to Appoint Authorities--

- The Prime Minister has the authority to advise the President on the appointment of key government officials, including--
 - The Comptroller and Auditor General(CAG) of India
 - The Attorney General of India
 - The Solicitor General of India
 - Election Commissioners
 - The Chairman and Members of the Finance Commission
- The Prime Minister also advises the President on the appointment of the Council of Ministers and Cabinet Ministers.

❖ Power as the Leader of the House of Parliament--

- The Prime Minister is the leader of the Lok Sabha (the lower house of Parliament).
- The Prime Minister advises the President on summoning sessions of Parliament.
- The Prime Minister may recommend the dissolution of the Lok Sabha to the President.
- In consultation with the Speaker of the Lok Sabha, the Prime Minister decides the agenda of parliamentary sessions.

❖ Aid and Advice to the President--

- The Prime Minister serves as the chief advisor to the President.
- The Prime Minister advises the President on all state matters, keeping them informed of key decisions taken in Cabinet meetings.
- The Prime Minister advises the President on the need for emergency measures or changes in foreign policy.

- The Prime Minister provides guidance to the President on economic, financial, political, and developmental issues affecting the country.

❖ **Power as the Chairman of the Cabinet--**

- The Prime Minister is the leader of the Cabinet.
- The Prime Minister presides over Cabinet meetings and determines the agenda for discussion.
- Decisions made in Cabinet meetings require the approval of the Prime Minister.
- The Prime Minister has the authority to accept or reject proposals from Cabinet discussions.
- The Prime Minister guides, directs, and coordinates the activities of all Ministers.
- The Prime Minister allocates portfolios and ministries to Cabinet members.
- In cases of ministerial misconduct or differences in opinion, the Prime Minister can request a Minister's resignation or recommend dismissal by the President.
- The Prime Minister also chairs several important bodies, including--
 - NITI Aayog.
 - National Development Council.
 - National Integration Council.
 - Inter-State Council.
 - National Water Resources Council.

❖ **Power to Remove a Minister--**

- Ministers serve at the pleasure of the Prime Minister.
- The Prime Minister has the authority to demand the resignation of any Minister at any time, and the Minister is required to comply.
- A notable example is in April, 2010 when Shashi Tharoor, the Minister of State for External Affairs, resigned due to allegations of corruption related to the IPL case.

❖ **Emergency Powers--**

- The President can declare a national emergency only under the advice of the Prime Minister.

- Under Article-352 of the Indian Constitution, the President can declare an emergency following a written request from the Prime Minister.
- A historical example is the emergency imposed in 1975-1977 under Prime Minister Indira Gandhi's government, citing threats to national security and economic instability.

❖ **Coordinating Power--**

- The Prime Minister acts as the chief coordinator between the President and the Cabinet.
- The Prime Minister communicates Cabinet decisions to the President and conveys the President's decisions to the Cabinet, acting as an intermediary.
- It is the Prime Minister's responsibility to ensure coordination among all departments and foster cooperation among Ministers.

❖ **Other Powers--**

- The Prime Minister is often seen as the face of the nation, and general elections are often fought under their leadership.
- The Prime Minister plays a key role in shaping India's foreign policy and international relations.
- The Prime Minister also has the power to allocate and reassign ministerial portfolios as needed.

In summary, the Prime Minister holds a central position in the Indian political system, with significant powers and responsibilities in managing both the executive and legislative branches of government. The Prime Minister's leadership is crucial for the functioning of the government and the implementation of policies that affect the nation.

STOP TO CONSIDER-1

➤ **Prime Minister – Role and Powers**

- **Position**--Head of Government and leader of the executive; chairs the Council of Ministers.
- **Appointment**--Appointed by the President; must command majority support in Lok Sabha.

- **Term**--No fixed term; holds office as long as majority support is maintained.
- **Qualifications**--Must be an Indian citizen, member of Parliament(MP) (Lok Sabha-- 25+ years, Rajya Sabha--30+ years).
- **Key Powers**--
 - **Executive Appointments**-- Advises President on appointing key officials and ministers.
 - **Parliamentary Leader**--Leads Lok Sabha, sets agenda, can recommend dissolution.
 - **Chief Advisor to President**--Guides on policy, emergency, foreign affairs.
 - **Cabinet Head**--Chairs meetings, assigns portfolios, can remove ministers.
 - **Emergency Authority**--Can initiate emergency declaration (Art. 352).
 - **Coordinator**--Bridges Cabinet and President; ensures inter-ministerial cooperation.
 - **National Leader**--Influences elections and foreign policy direction.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Who elects the Prime Minister of India?

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2. What are the qualifications required for being the Prime Minister of India?

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3. Under whose request the President can declare emergency?

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3.4 Cabinet Ministers--Role and Powers

Cabinet Ministers are the senior-most members of the Union Council of Ministers and are led by the Prime Minister. They serve as the core decision-making body of the Government of India and play a vital role in policy formulation, administration, and governance. Cabinet Ministers may be members of either House of Parliament—Lok Sabha or Rajya Sabha—and are typically high-ranking leaders of the ruling party or coalition in charge of key ministries such as Finance, Home Affairs, Defence, and External Affairs.

The Cabinet is considered the nerve centre of the executive branch. It coordinates the working of all ministries, guides legislative activity in Parliament, and is central to shaping national policies. While Cabinet Ministers generally serve a five-year term, their tenure is not guaranteed and they can be removed or reshuffled at the discretion of the Prime Minister.

3.4.1 Powers and Functions of Cabinet Ministers

➤ Policy Formulation

- The Cabinet is the principal policy-making body of the government. It frames both domestic and foreign policies.
- It makes crucial decisions on issues such as national security, economic planning, industrial development, creation of new states, and imposition of President's Rule in states.
- Cabinet decisions are conveyed to Ministers of State and Deputy Ministers for coordinated implementation.
- Key appointments, such as members of planning bodies (e.g., NITI Aayog, earlier the Planning Commission), are approved by the Cabinet.

➤ **Control Over the Executive**

- Cabinet Ministers exercise supreme control over executive functions and are the real administrators of government policy.
- Each Cabinet Minister heads a ministry and is responsible for implementing policies and managing daily administration.
- They are accountable to Parliament for the functioning of their respective ministries.

➤ **Coordinating Role**

- Cabinet Ministers act as coordinators among various ministries and departments to ensure effective governance.
- They resolve inter-departmental conflicts and promote cooperation for unified policy execution.

➤ **Financial Powers**

- Cabinet Ministers, especially the Finance Minister, play a critical role in economic management.
- The Finance Minister prepares the annual Union Budget, estimating government revenue and expenditure.
- The Cabinet approves financial proposals and introduces money bills in Parliament with the President's consent.
- Each Minister is responsible for ensuring that their ministry's financial proposals are debated and passed in Parliament.

➤ **Power of Appointments**

- On the recommendation of the Cabinet, the President appoints high-ranking officials including--
 - Ambassadors and High Commissioners
 - The Attorney General of India
 - Governors of States
 - Judges of the Supreme Court and High Courts
 - Members of the Union Public Service Commission

➤ **Other Powers and Responsibilities**

- Cabinet Ministers provide official responses to questions raised by Members of Parliament, ensuring government transparency and accountability.
- They prepare the special address of the President to the Parliament at the beginning of each parliamentary session.
- The Cabinet also initiates and oversees the process of Constitutional Amendments and their implementation.

In summary, Cabinet Ministers serve as the central leadership group of the government. They not only shape and implement national policy but also manage administration, finances, and law-making processes, working closely with the Prime Minister and Parliament to ensure the effective governance of the country.

STOP TO CONSIDER-2

❖ **Cabinet Ministers – Role and Powers**

- **Position**--Senior-most members of the Union Council of Ministers, led by the Prime Minister.
- **Function**--Core decision-making body; central to administration and policy direction.
- **Parliamentary Role**--Can be members of either Lok Sabha or Rajya Sabha; accountable to Parliament.
- **Term**--Typically 5 years, but tenure depends on the Prime Minister's discretion.

❖ **Key Powers and Functions--**

- **Policy Formulation**--Develops domestic and foreign policies; decides on major national issues.
- **Executive Control**--Heads ministries, enforces policies, ensures administrative effectiveness.
- **Coordination**--Harmonizes functioning across ministries and departments.
- **Financial Oversight**--Prepares and presents the Budget; oversees fiscal management and money bills.
- **Appointments**--Recommends top-level appointments (e.g., Governors, Judges, UPSC members).
- **Legislative Role**--Answers parliamentary questions, pre-

presidential addresses, and proposes Constitutional Amendments.

- The Prime Minister, as the Chairman of the Cabinet, plays a pivotal role in allocating posts and portfolios to the Cabinet Ministers. The Prime Minister also has the authority to select and dismiss Cabinet Ministers, ensuring the smooth functioning of the government.
- The resignation of the Prime Minister leads to the resignation of the entire Cabinet, highlighting the interdependence of the Prime Minister and the Cabinet. This coordination ensures that the executive functions cohesively under the leadership of the Prime Minister.

Check Your Progress-2

Notes: i) Use the space below for your answers.
ii) Compare your answers with those given at the end of this unit.

1. What is the tenure of the Cabinet Ministers?

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2. Who allocates ministries to the Cabinet Ministers?

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3. What are the financial powers of the Cabinet Ministers?

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3.5 Parliament: Structure, Role and Powers

The **Parliament of India** is the highest legislative authority and plays a vital role in the country's democratic framework. It consists of two houses — **Lok Sabha (House of the People)** and **Rajya Sabha (Council of States)** — along with the **President of India**. As the central law-making body, Parliament is responsible for enacting legislation, shaping public policy, supervising government operations, and ensuring democratic accountability.

Parliament also has the power to amend the Constitution, impeach the President, remove judges, and approve the national budget. It is a forum for discussing national and international issues, ensuring that diverse voices are represented in the democratic process.

This unit will now explore the specific powers and functions of the Parliament in greater detail.

3.5.1 Powers and Functions of the Indian Parliament

➤ Legislative Functions

- Parliament enacts laws on subjects listed in the **Union List** and the **Concurrent List**.
- In the Concurrent List, where both Parliament and State Legislatures have jurisdiction, the law passed by Parliament takes precedence unless the state law has received prior Presidential assent.
- Parliament can legislate on **State List** items in specific circumstances--
 - During a **national emergency** or **President's rule** in a state.
 - Under **Article-249**, if Rajya Sabha passes a resolution (by a two-thirds majority) stating that Parliament must legislate on a State List matter in the national interest.
 - Under **Article-253**, for implementing international treaties or agreements.
 - Under **Article-252**, when two or more states pass resolutions asking Parliament to legislate on a matter in the State List.

➤ **Executive Functions**

Parliament exercises control over the executive branch through various mechanisms--

- **No-confidence motion**--If passed in the Lok Sabha, it forces the Council of Ministers to resign.
- **Question Hour** and **Zero Hour**--Members question ministers on government functioning and decisions.
- **Adjournment Motion**--Allowed only in the Lok Sabha, it draws attention to urgent national issues.
- **Committee on Ministerial Assurances**--Checks whether ministers fulfill promises made in Parliament.
- **Censure Motion**--Expresses disapproval of government policies. Though it does not require resignation, it can compel the government to prove its majority.
- **Cut Motions**--Used during budget discussions to question specific allocations or policies.

➤ **Financial Functions**

- No expenditure or tax can be imposed without **Parliamentary approval**.
- The **Union Budget**, prepared by the Cabinet, must be passed by Parliament.
- Parliament reviews government expenditure through--
 - **Public Accounts Committee (PAC)**.
 - **Estimates Committee**.

➤ **Amending Powers**

- Parliament has the authority to **amend the Constitution** as per Article-368.
- Both houses — **Lok Sabha** and **Rajya Sabha** — must pass an amendment bill by a special majority.
- Some amendments also require ratification by half of the state legislatures.

➤ **Electoral Functions**

- Parliament participates in the **election of the President and Vice President**.

- The **Electoral College** for the Presidential election includes elected members of both Houses of Parliament.
- Parliament can initiate proceedings for the **removal of the President** by impeachment.

➤ **Judicial Functions**

- Parliament has punitive powers in cases of **breach of privilege**.
 - A **privilege motion** may be moved if a member feels that the dignity or privileges of the House or its members have been violated.
- Parliament can **impeach** the President, Vice President, Judges of the Supreme Court and High Courts, and other high authorities like the **Comptroller and Auditor General (CAG)**.
- Parliamentary privileges are largely **immune from judicial review**, preserving the autonomy of the legislature.

➤ **Other Powers and Functions**

- Discusses and debates national and international issues, allowing multiple viewpoints to be represented.
- Serves as a forum for **public accountability** and transparent governance.
- Has the power to **alter state and union territory boundaries**, as well as create or dissolve states.
- Acts as an **organ of information**, as ministers are obligated to respond to queries raised by Members of Parliament.

STOP TO CONSIDER-3

❖ Indian Parliament – Powers and Functions

- **Structure**--Bicameral legislature comprising of the **Lok Sabha, Rajya Sabha**, and the **President**.
- **Legislative Powers**--
 - Makes laws on **Union and Concurrent List** subjects.
 - Can legislate on **State List** during emergency, President's rule, or under special provisions (Articles-249, 252, 253).
- **Executive Control**--
 - Holds government accountable through **questions, motions (no-confidence, censure, adjournment)**, and **committees**.
- **Financial Powers**--
 - Passes the **Union Budget**.
 - Controls public spending via **Public Accounts and Estimates Committees**.
- **Amendment Powers**--
 - Can **amend the Constitution** with special majority (Article 368), sometimes requiring state ratification.
- **Electoral Role**:
 - Participates in electing the **President and Vice President**.
 - Can initiate **impeachment** of the President.
- **Judicial Functions**--
 - Can punish members for **breach of privilege**.
 - Has power to **remove judges** and high constitutional functionaries.
- **Other Functions**--
 - Debates national/international issues.
 - Can **alter state boundaries**, create new states/UTs.
 - Serves as a **forum for public information and accountability**.
- The Parliament of India, composed of the Lok Sabha and Rajya Sabha, holds substantial legislative and executive powers, enabling it to enact laws, amend the Constitution, control the executive, and oversee financial matters.
- Parliament can legislate on matters in the Union and Concur-

rent Lists and even on items in the State List under specific circumstances, such as in emergencies or with the approval of the Rajya Sabha.

- It has executive functions like passing no-confidence motions, approving or rejecting government bills, and holding ministers accountable through questioning and censure motions.
- Financial powers include approving the Union Budget and imposing taxes, with the Parliament's oversight through committees ensuring transparency in the use of funds.
- The Parliament also plays a critical role in the election of the President and Vice President and has judicial functions like impeaching high-ranking officials.

Additionally, Parliament functions as a forum for discussing national and international issues and altering state boundaries, among other roles.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the main functions of the Parliament?

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2. How does the Parliament exercise control over the Executive?

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3. What are the judiciary functions of the Parliament?

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3.6 Parliamentary Privileges

Parliamentary privileges are special rights, immunities, and exemptions conferred upon the Houses of Parliament, their committees, and individual Members of Parliament (MPs) to enable them to perform their legislative functions efficiently and independently. These privileges allow the legislature to function without external interference and ensure freedom of speech and action in the course of parliamentary duties.

While these privileges are part of the law, they provide members with a certain degree of exemption from the application of general laws in specific contexts. However, they do not provide blanket immunity; for example, MPs are not exempt from criminal liability under these privileges.

These privileges are rooted in the **British Parliamentary Tradition**, which has heavily influenced the Indian parliamentary system. The Indian Constitution, under **Articles-105 and 122** for Parliament and **Articles-194 and 212** for State Legislatures, lays down the framework for these privileges.

Parliamentary privileges can only be claimed while a person is a sitting member of the House. Once a member's term ends or is terminated, these privileges are no longer applicable.

3.6.1 Types of Parliamentary Privileges

Parliamentary privileges in India are broadly classified into two categories--

➤ **Collective Privileges**

These are privileges enjoyed by each House of Parliament collectively--

- The **Parliament controls the publication** of its debates, reports, and proceedings.
- It can **exclude non-members (outsiders)** from its sittings and conduct **secret sessions** if necessary.
- It has the power to **regulate its own procedure**, conduct of business, and adjudication of internal matters.

- It can **suspend, expel, admonish, or imprison** members or outsiders for breach of privilege or contempt.
- The House must be **informed of the arrest, detention, conviction, or release** of its members.
- Parliament has the authority to **initiate inquiries**, summon witnesses, and demand the production of documents.
- **Court intervention is barred** regarding the internal proceedings of Parliament or its committees.
- **No arrests or legal proceedings** can take place within the premises of Parliament without the permission of the Presiding Officer.

➤ **Individual Privileges**

These privileges are enjoyed by individual MPs to enable them to discharge their duties without obstruction--

- MPs **cannot be arrested** during a session of Parliament, or **40 days before and after** the session, in civil cases (but this immunity does not apply in criminal cases).
- MPs have **absolute freedom of speech** within the House and cannot be prosecuted in any court for anything said or any vote given in Parliament or its committees.
- MPs are **exempt from jury duty** and can decline to appear as witnesses during sessions of Parliament.

➤ **Privilege Motion**

When a member believes that a breach of privilege has occurred, they may raise a **privilege motion** in the House. This motion brings attention to the alleged breach and can be moved by any MP.

- In the **Rajya Sabha**, the Chairman may refer the matter to the **Privileges Committee**, typically composed of 10 members.
- The Chairman of the Rajya Sabha also appoints the Chairperson of this Committee.
- The Committee then examines the motion and presents its findings to the House for consideration.

STOP TO CONSIDER-4

➤ **Parliamentary Privileges (India)**

- **Definition**--Special rights and immunities granted to Parliament, its committees, and members to ensure smooth legislative functioning.
- **Constitutional Basis**—Articles-105 & 122 (Parliament); Articles-194 & 212 (State Legislatures).
- **Purpose**--Enables free speech, independence, and protection from external influence during parliamentary work.

➤ **Types of Parliamentary Privileges**

✓ **Collective Privileges(House as a Whole)--**

- Control over publication of proceedings.
- Power to conduct secret sessions.
- Right to regulate procedures and discipline members.
- Immunity from court interference in proceedings.
- Authority to summon witnesses and conduct inquiries.
- Protection from arrests within House premises without permission.

✓ **Individual Privileges (MPs)--**

- Freedom of speech in Parliament.
- Immunity from civil arrest during sessions (+/- 40 days).
- Exemption from jury service and witness summons during sessions.

✓ **Privilege Motion**

- Raised when breach of privilege is suspected.
- Referred to the **Privileges Committee** by the Chairperson for investigation.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Which article of the Indian Constitution mentions the Parliamentary Privileges?

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2. What are the two types of parliamentary privileges?

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3. Mention the aim of introducing Parliamentary privileges?

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3.7 Let Us Sum Up

In India, the **Prime Minister** is appointed by the **President**, who also appoints the **Council of Ministers** based on the advice of the Prime Minister. While the President serves as the **constitutional head of the state**, the **real executive authority** rests with the Prime Minister and the Council of Ministers. They are responsible for the day-to-day administration and governance of the country.

The **Council of Ministers** is **collectively responsible** to the **Lok Sabha**. If the Lok Sabha passes a **vote of no confidence**, the entire Council, including the Prime Minister, must resign. This system of collective responsibility ensures **executive accountability to the legislature**, thereby reinforcing the principles of **parliamentary democracy**.

India follows a **quasi-federal system**, which blends features of both **federal** and **unitary** models. While powers are constitutionally

distributed between the **Centre and the States**, the **Central Government holds greater authority**, distinguishing India from purely federal systems like that of the United States. In this framework, the **Prime Minister**, as the head of the government, is **indirectly elected** through the people's representatives in Parliament, reflecting the democratic ideals of a government **of the people, by the people, and for the people**.

The **Prime Minister and Cabinet Ministers** have a **constitutional duty** to ensure **national development, public welfare, and good governance**. They do so by formulating policies, implementing laws, and addressing major national challenges effectively and responsibly.

Parliamentary privileges, granted to **Members of Parliament (MPs)** and **Parliamentary Committees**, enable them to perform their legislative functions without external interference. These include **freedom of speech in Parliament** and **immunity from legal proceedings** for statements made in the House during their official duties. These privileges are essential for ensuring **independent and effective legislative functioning** and can be amended by **a simple majority in Parliament**.

It is important to note that the **President of India** does **not enjoy parliamentary privileges**, as the President is not a member of either House of Parliament. Before assuming office, the President must take an **oath to preserve, protect, and defend the Constitution**, thereby ensuring **constitutional accountability**.

3.8 References and Suggested Readings

- ✓ Austin, G. (1999). *The Indian Constitution: Cornerstone of a nation* (2nd ed.). Oxford University Press.
- ✓ Dhar, P. N. (2000). *Indira Gandhi, the "Emergency", and Indian democracy*. Oxford University Press.
- ✓ Godbole, M. (2011). *India's parliamentary democracy on trial*. Rupa Publications.

- ✓ Kashyap, S. C. (2004). *Our Parliament: An introduction to the Parliament of India* (3rd ed.). National Book Trust.
- ✓ Pandey, B. N. (1976). *Nehru*. Allen & Unwin.

3.9 Model Questions

- ✓ What are the powers of the Prime Minister of India?
- ✓ Analyse the powers and functions of the Cabinet Ministers?
- ✓ What do you mean by Parliamentary privileges? Why do you think it is necessary?
- ✓ What are the two categories of Parliamentary privileges? Briefly describe both.
- ✓ What are the powers and responsibilities of the Parliament of India?

3.10 Answers to Check Your Progress

Check Your Progress-1

1. The Prime Minister of India is appointed by the President, who designates the leader of the party or coalition with a majority in the Lok Sabha or a person who can gain the confidence of the Lok Sabha.
2. The qualifications required for being the Prime Minister of India are--
 - Must be a citizen of India.
 - Must be a member of either the Lok Sabha or the Rajya Sabha.
 - Should be at least 25 years of age if a member of the Lok Sabha or 30 years of age if a member of the Rajya Sabha.
3. The President can declare an emergency only under the advice of

the Prime Minister.

Check Your Progress-2

1. The tenure of the Cabinet Ministers is 5 years, but they can be changed at the discretion of the Prime Minister.
2. The Prime Minister allocates ministries to the Cabinet Ministers.
3. The financial powers of the Cabinet Ministers include overseeing the expenditure of the government, with the Finance Minister preparing the annual budget. They also have the authority to introduce money bills with the consent of the President and ensure that proposals from their ministries are approved in the House.

Check Your Progress-3

1. The main functions of the Parliament include enacting laws, overseeing the executive, approving the budget, amending the Constitution, electing the President and Vice President, and performing judicial functions like impeaching high-ranking officials.
2. The Parliament exercises control over the Executive through measures such as passing a no-confidence motion, rejecting government bills, asking questions to ministers, moving adjournment and censure motions, and ensuring that promises made by ministers are fulfilled.
3. The judicial functions of the Parliament include punishing members for breaches of privilege, impeaching the President, Vice President, judges of the Supreme Court and High Courts, and other officials like the Auditor-General.

Check Your Progress-4

1. Parliamentary privileges are mentioned in **Article-79 to Article-122** of the Indian Constitution.
2. The two types of parliamentary privileges are--
 - **Collective Privileges**--Enjoyed by the Indian Parliament as a whole.

- **Individual Privileges**--Secured to individual members of Parliament.

3. The aim of introducing parliamentary privileges is to ensure legislators can perform their duties effectively without fear of repercussions.

Unit: 4

Supreme Court of India & Judicial Review

Unit Structure:

- 4.1 Introduction**
- 4.2 Objectives**
- 4.3 Supreme Court of India**
 - 4.3.1 Composition**
 - 4.3.2 Powers and Functions**
- 4.4 Judicial Review in India**
 - 4.4.1 Features of the Judicial Review System of India**
- 4.5 Let Us Sum Up**
- 4.6 References and Suggested Readings**
- 4.7 Model Questions**
- 4.8 Answers to Check Your Progress**

4.1 Introduction

Disagreements and conflicts are an inevitable part of any society. To resolve these disputes fairly and justly, an independent and impartial authority must act according to the principles of law. This is where the judiciary plays a critical role. The *rule of law* signifies that every individual, regardless of status or position, is equally subject to the law.

In India, the judiciary serves as a vital organ of the government, entrusted with the authority to interpret laws and resolve legal disputes. The Constitution of India contains detailed provisions to ensure the independence and integrity of the judiciary. It establishes a *single, integrated judicial system*, with the Supreme Court at its apex, followed by High Courts at the state level, and subordinate courts at the district and lower levels.

This unit provides an overview of the Indian judicial system and its functioning. It introduces key concepts such as judicial independence and *judicial review*, highlighting the judiciary's

essential role in safeguarding justice and upholding constitutional values. Through its decisions, the judiciary ensures that the rights of citizens are protected and that the laws enacted by the legislature are consistent with the Constitution.

4.2 Objectives

After going through this unit you will be able to---

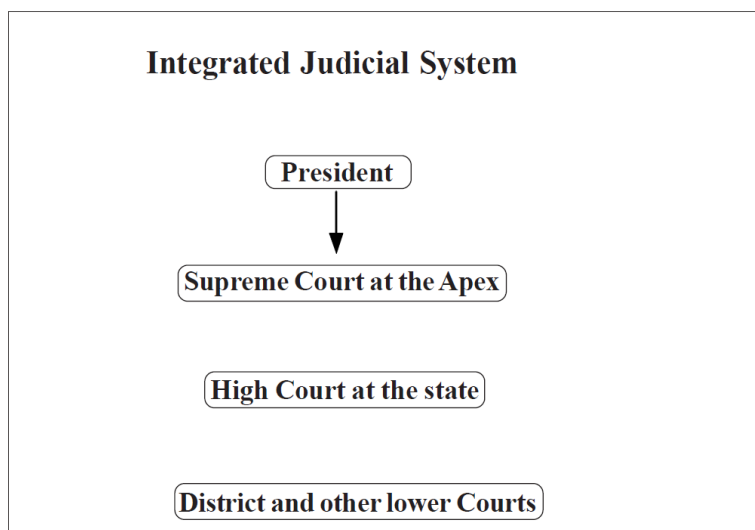
- Discuss the role of Supreme Court in India.
- Understand the functioning of the Supreme Court of India.
- Analyse the importance of Judicial Review.

4.3 Supreme Court of India

India follows a *single, integrated judicial system*, meaning that the same set of courts is responsible for interpreting and enforcing both central and state laws. This is in contrast to some federal systems like that of the United States, which operate a *dual system of courts*—one set for federal laws and another for state laws.

The *Supreme Court of India* is the apex judicial authority and the final court of appeal in the country. Established under **Article 124** of the Constitution, it states: “*There shall be a Supreme Court of India.*” The Supreme Court functions as the guardian of the Constitution, with the responsibility to interpret its provisions and uphold its principles.

A key feature of the Supreme Court's role is its power of **judicial review**, which allows it to examine the constitutionality of legislative and executive actions. This power ensures that laws passed by the legislature and decisions taken by the executive remain within the bounds of the Constitution.



The current system of a unified judiciary was inherited from the *Government of India Act, 1935*, which laid the foundation for a cohesive judicial structure in post-independence India. The Supreme Court enjoys the highest judicial authority in the country, and its decisions are binding on all other courts. There is no higher forum of appeal against its rulings, underscoring its position as the ultimate interpreter and protector of the Constitution and the rule of law.

4.3.1 Composition of the Supreme Court

Originally, the Supreme Court of India consisted of **one Chief Justice** and **seven other judges**. Over the years, this number has increased through legislative amendments to accommodate the growing need for judicial capacity. The number of puisne (associate) judges was increased to--

- **10 in 1956,**
- **13 in 1960,**
- **17 in 1977,**
- **25 in 1986, and**
- **30 in 2008.**

At present, the Supreme Court of India comprises the **Chief Justice of India (CJI)** and **30 other judges**, making a total strength of **31 judges**.

❖ Method of Appointment of Judges

As per **Article-124(2)** of the Indian Constitution, **judges of the Supreme Court** are appointed by the **President of India**, after consulting the **Chief Justice of India (CJI)** and such other judges of the Supreme Court and High Courts as the President deems necessary.

Though the Constitution does not explicitly mention the procedure for appointing the Chief Justice of India, **the established convention** is to appoint the **senior-most judge of the Supreme Court** as the CJI, after consulting the outgoing Chief Justice.

The **8th Report of the Law Commission (1980)** emphasized adherence to the **seniority principle** in the appointment of the CJI. This view was upheld in the **Second Judges Case (1993)**, where the

Supreme Court held that **the senior-most judge should be appointed as the Chief Justice**, reinforcing the independence and continuity of the judiciary.

❖ **Qualifications for Appointment as a Supreme Court Judge**

To be eligible for appointment as a judge of the Supreme Court, a person must--

1. Be a **citizen of India**, and
2. Fulfill at least one of the following criteria--
 - Have been a **judge of a High Court** (or two or more such courts in succession) for **at least five years**, or
 - Have been an **advocate of a High Court** (or multiple High Courts in succession) for **at least ten years**, or
 - Be, in the opinion of the President, a **distinguished jurist**.

❖ **Term of Office**

A judge of the Supreme Court **holds office until the age of 65 years**, as per constitutional provisions. There is no fixed tenure, but judges retire upon reaching the prescribed age.

❖ **Method of Removal of Judges**

Judges of the Supreme Court (and High Courts) can be removed **only through a process of impeachment**, as outlined in **Article-124(4)** and the **Judges (Inquiry) Act, 1968**. A judge may be removed on the grounds of--

- **Proven misbehaviour**, or
- **Incapacity**.

The process involves--

- A **motion for removal** being passed in **each House of Parliament** by--
 - A **majority of the total membership**, and

- A **two-thirds majority of the members present and voting**.
- The resolution must be passed **in the same session** of both Houses.
- Upon successful passage, the **President issues an order** for the judge's removal.

This stringent process ensures the **independence and security of tenure** of judges, protecting them from arbitrary dismissal.

STOP TO CONSIDER-1

❖ Supreme Court of India – Summary

- **Unified Judicial System**--India follows a single integrated judicial system where the same courts interpret both central and state laws—unlike the dual system in the U.S.
- **Supreme Court's Role**--Apex judicial authority; final court of appeal; guardian and interpreter of the Constitution; empowered with **judicial review** to ensure constitutionality of laws and executive actions.
- **Historical Origin**--Structure inherited from the Government of India Act, 1935.
- **Binding Authority**--Supreme Court decisions are binding on all subordinate courts; no higher appeal lies beyond it.
- **Composition**--
 - Originally--1 Chief Justice + 7 judges.
 - Increased gradually--10 (1956), 13 (1960), 17 (1977), 25 (1986), 30 (2008).
 - Present strength--1 Chief Justice + 30 judges = **31 judges total**.
- **Appointment**--
 - As per Article-124(2), judges are appointed by the **President** in consultation with the **CJI** and other senior judges.
 - Chief Justice appointed by **seniority convention**, supported by Law Commission and **Second Judges Case (1993)**.
- **Qualifications**--

- Must be an Indian citizen.
- Must meet one of--5 years as High Court judge, 10 years as advocate, or be a distinguished jurist (President's opinion).
- **Term**--Judges serve until **age 65**; no fixed term.
- **Removal (Impeachment)**--
 - Allowed only on **proven misbehaviour or incapacity**.
 - Requires approval by **both Houses of Parliament** with--
 - Majority of total membership, and
 - Two-thirds of present and voting members.
 - Removal is formalized by **Presidential order**.
- The Supreme Court of India is the highest judicial authority in the country, with the power of judicial review and its decisions binding on all courts.
- The Court initially consisted of one Chief Justice and seven other judges, but the number has increased over time, currently comprising the Chief Justice and 30 other judges.
- Judges are appointed by the President of India after consultation with the Chief Justice and other judges of the Supreme Court and High Courts.
- A person appointed as a judge must meet certain qualifications, such as being a citizen of India and having served as a judge of a High Court or an advocate for a specific duration.
- A judge holds office until reaching the age of 65.
 - Judges can only be removed on grounds of misconduct or incapacity through a process involving a resolution passed by both Houses of Parliament.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the composition of the Supreme Court of India, and how has it evolved over time?

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2. What are the qualifications required to be appointed as a judge of the Supreme Court of India?

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3. How can a judge of the Supreme Court of India be removed from office?

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4.3.2 Powers and Functions of the Supreme Court of India

The **Supreme Court of India** is the apex judicial authority in the country and occupies the highest position in the Indian judicial system. It is the final interpreter of the Constitution, the protector of fundamental rights, and the highest court of appeal in civil, criminal, and constitutional matters. Its jurisdiction is extensive and includes original, appellate, advisory, and writ powers.

❖ Court of Record

The Supreme Court is a **Court of Record** under **Article 129** of the Constitution. This means--

- Its proceedings, judgments, and records are recognized as legal precedents and cannot be questioned in any subordinate court.
- It has the authority to punish for **contempt of court**, both of itself and of any subordinate court.

Example-- In the Ayodhya case (Ram Janmabhoomi), the then Chief Minister of Uttar Pradesh, Kalyan Singh, was held guilty of

contempt for violating an undertaking given to the Court. This underscored the principle that no one is above the law.

❖ **Jurisdiction of the Supreme Court**

The jurisdiction of the Supreme Court can be broadly categorized as follows--

❖ **Original Jurisdiction (Article-131)**

The Supreme Court has **exclusive original jurisdiction** in disputes-

- Between the Government of India and one or more States;
- Between two or more States;
- Between the Government of India and one or more States on one side and other States on the other.

✓ **Exceptions to Original Jurisdiction--**

- Disputes arising from treaties and agreements made before the commencement of the Constitution.
- Matters related to the distribution or control of waters of inter-state rivers (Parliament may exclude the Court's jurisdiction under Article 262).
- Issues referred to the Finance Commission (Article 280).
- Adjustment of expenses between the Union and the States (Article 290).

❖ **Writ Jurisdiction (Article-32)**

Under Article-32, the Supreme Court has the power to issue writs for the enforcement of **Fundamental Rights**. This article--

- Guarantees the right to approach the Supreme Court directly for enforcement of Fundamental Rights.
- Makes the remedy under Article-32 itself a Fundamental Right.

Types of writs include-- **Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto.**

❖ **Appellate Jurisdiction**

The Supreme Court is the highest court of appeal in India. Its **appellate jurisdiction** extends over judgments from High Courts and certain tribunals, as per constitutional and statutory provisions. It covers four main categories:

✓ **Constitutional Cases (Article-132)**

- Appeals can be made from any judgment, decree, or final order of a High Court involving a **substantial question of law** as to the interpretation of the Constitution.
- Requires a certificate from the High Court stating that such a constitutional issue exists.
- If such a certificate is denied, the Supreme Court may still grant **Special Leave to Appeal** under Article 136.

✓ **Civil Cases (Article-133)**

- An appeal lies from a High Court judgment in a civil case if the High Court certifies--
 - That the case involves a **substantial question of law of general importance**; and
 - In its opinion, the Supreme Court needs to decide the matter.

✓ **Criminal Cases (Article-134)**

Appeals in criminal cases may be made--

- **Without a certificate** in cases where--
 - The High Court has reversed an acquittal and sentenced the accused to death.
 - The High Court withdraws a case for trial before itself and sentences the accused to death.
- **With a certificate** if the High Court certifies the case as fit for appeal.

✓ **Special Leave to Appeal (Article-136)**

- This article allows the Supreme Court to grant **Special Leave to Appeal** from any judgment, decree, or order passed by any court or tribunal in India (except military courts and court-martials).

- It provides **discretionary power** to the Court, and is not a matter of right.

✓ **Limitations--**

- Article 136 cannot be used to bypass High Courts or avoid regular legal channels like appeals under Article 226.
- New issues cannot be raised for the first time during such an appeal.

Despite these restrictions, the Supreme Court can set aside or modify any decision from any court or tribunal in India, reinforcing its authority as the ultimate guardian of justice.

❖ **Advisory Jurisdiction (Article-143)**

Although not mentioned in the original version you provided, it is worth noting--

- Under **Article-143**, the President of India can seek the Supreme Court's opinion on legal or constitutional matters.
- Such opinions are **advisory** and **not binding**, but are treated with great respect.

Self-Asking Question(SAQ)-1

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| ❖ Write a note on the qualification and appointment procedure of the Judges of the Supreme Court of India. (200 words) |
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❖ **Advisory Jurisdiction (Article-143)**

Under **Article-143** of the Constitution of India, the **President** has the authority to seek the **advisory opinion** of the Supreme Court.

- If it appears to the President that--
 - a) A **question of law or fact** has arisen or is likely to arise, and
 - b) The question is of such **public importance** that it is expedient to obtain the opinion of the Supreme Court, the President may **refer the matter** to the Court.
- The Supreme Court, after conducting such hearings as it deems appropriate, **reports its opinion** to the President.

While the opinion given under Article 143 is **advisory in nature and not binding**, it is treated with great respect and often influences future legal and constitutional developments.

❖ **Miscellaneous Powers of the Supreme Court**

Apart from its original, appellate, writ, and advisory jurisdictions, the Supreme Court also exercises several **miscellaneous powers**, including--

a. Interpretation of the Constitution

The Supreme Court is the final authority on interpreting the Constitution. Its rulings provide authoritative clarification of constitutional provisions, which are binding on all subordinate courts and often guide legislative and executive actions.

b. Contempt of Court Powers (Article-129)

The Court can punish individuals or institutions for **civil or criminal contempt**, ensuring compliance with its orders and maintaining the **dignity and authority of the judiciary**.

c. Public Interest Litigation (PIL)

The Supreme Court allows individuals or organizations to file **PILs** on behalf of public interest, especially for the protection of **human rights, environmental issues**, or the **welfare of marginalized sections**. PILs have become a powerful tool for judicial activism in India.

d. Administrative Powers

The Supreme Court regulates its own **procedure and practice** and also exercises certain administrative powers over the **High Courts**. These include:

- Formulating rules under **Article 145**.
- Appointing High Court judges in consultation with the President and the collegium system.
- Transferring judges from one High Court to another, as per constitutional provisions.

❖ **Binding Nature of Supreme Court Judgments**

Under **Article-141**, the law declared by the Supreme Court is **binding** on all courts within the territory of India. However, the Supreme Court is **not bound by its own previous decisions** and may **overrule them** when deemed necessary.

Example--

The judgment in **Golak Nath v. State of Punjab (1967)**, which held that Fundamental Rights could not be amended, was later overruled in **Kesavananda Bharati v. State of Kerala (1973)**, establishing the **Basic Structure Doctrine**.

❖ **Power to Review Its Own Judgments (Article-137)**

The Supreme Court has the power to **review its own judgments or orders**. This review power is subject to--

- Provisions made by **Parliament**, and
- Rules framed by the Supreme Court under **Article-145**.

This ensures that the Court can correct its own errors or revisit judgments in light of new evidence or constitutional developments.

STOP TO CONSIDER-2

✓ **Powers and Functions of the Supreme Court of India**

- **Apex Judicial Authority**--Final interpreter of the Constitution, protector of Fundamental Rights, and highest appellate court in civil, criminal, and constitutional matters.
- **Court of Record (Article-129)**--
 - Judgments are legal precedents.
 - Power to punish for contempt of court (e.g., Ayodhya case—Kalyan Singh).
- **Jurisdiction Types**--

- **Original Jurisdiction (Article-131)**--Disputes between Centre and States; excludes matters like treaties, water disputes, and financial adjustments.
- **Writ Jurisdiction (Article-32)**--Issues writs to enforce Fundamental Rights; itself a Fundamental Right.
- **Appellate Jurisdiction--**
 - **Constitutional Cases (Art. 132)**--Appeals on constitutional interpretation.
 - **Civil Cases (Art. 133)**--Appeals on questions of general legal importance.
 - **Criminal Cases (Art. 134)**--Appeals with/without certificate in serious matters (e.g., death penalty).
 - **Special Leave Petition (Art. 136)**--Discretionary appeals from any court/tribunal except military courts.
- **Advisory Jurisdiction (Article-143)**--
 - President may seek Court's opinion on important legal/constitutional questions.
 - Opinions are not binding but highly respected.
- **Miscellaneous Powers--**
 - **Interpretation of Constitution**--Final authority; creates binding precedents.
 - **Contempt of Court**--Ensures judicial authority is upheld.
 - **Public Interest Litigation (PIL)**--Allows access to justice for public causes.
 - **Administrative Powers**--Includes rule-making (Art. 145), judge appointments, and transfers.
- **Binding Nature of Judgments (Article-141)**--
 - Supreme Court decisions are binding on all courts.
 - Can overrule its own previous rulings (e.g., Golak Nath overruled by Kesavananda Bharati).
- **Power of Review (Article-137)**--
 - Can review its judgments subject to rules and laws.
 - Enables correction of legal errors and adaptation to new developments.
- The Supreme Court is the highest judicial authority in India, responsible for protecting fundamental rights and

interpreting the Constitution.

- Its jurisdiction includes original, appellate, and advisory functions.
- Article-32 grants exclusive jurisdiction to enforce fundamental rights, offering a direct remedy to citizens.
- The Supreme Court serves as a Court of Record, with decisions that are binding and the power to punish for contempt.
- It handles appeals in constitutional, civil, and criminal matters, and can grant special leave under Article-136.

The Court also has the power to review its judgments and entertain Public Interest Litigations (PILs).

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the significance of Article-32 in the powers of the Supreme Court of India?

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2. Explain the Supreme Court's jurisdiction as a Court of Record.

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3. What are the appellate powers of the Supreme Court in civil and criminal cases?

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4. What is the role of the Supreme Court in Public Interest Litigations (PILs)?

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4.4 Judicial Review in India

Judicial review refers to the power of the judiciary to interpret the Constitution and to nullify legislative and executive actions if they are found to violate constitutional provisions. This doctrine originated in the United States, where it was firmly established by the U.S. Supreme Court in the landmark case of *Marbury v. Madison* (1803). In that case, Chief Justice John Marshall declared that the judiciary has the authority to review acts of the legislature and executive and to strike them down if they are unconstitutional.

In contrast to the U.S. Constitution, which does not explicitly mention judicial review, the **Indian Constitution** clearly incorporates the principle. Judicial review in India is a **constitutional mandate** embedded in several provisions, primarily Articles **13, 32, and 226**. These articles empower the courts—particularly the Supreme Court and High Courts—to act as guardians of the Constitution and the rights of citizens.

➤ Constitutional Basis of Judicial Review in India

- **Article 13--**
 - **Article 13(1)**--Laws in force before the commencement of the Constitution that are inconsistent with Fundamental Rights are void.
 - **Article 13(2)**--The State shall not make any law that abridges or takes away Fundamental Rights; any such law is void to the extent of the contravention.
- **Article-32**--Empowers individuals to move the Supreme Court directly for the enforcement of Fundamental Rights; this itself is a Fundamental Right.
- **Article-226**--Grants High Courts the power to issue writs for the enforcement of Fundamental Rights and for any other purpose.

- **Article-131**--Provides the Supreme Court with original jurisdiction over disputes between the Centre and the States, which may include constitutional questions.
- **Article-132**--Grants the Supreme Court appellate jurisdiction in cases involving substantial questions of constitutional interpretation.
- **Article-246**--Distributes legislative powers between the Union and the States; disputes arising under this provision are subject to judicial review.

➤ **Reasons for Judicial Review in India--**

- ✓ **To ensure the supremacy of the Constitution.**
- ✓ **To maintain the federal structure and balance between Centre and States.**
- ✓ **To protect the Fundamental Rights of citizens.**
- ✓ **To uphold the independence of the judiciary and constitutional governance.**

➤ **Landmark Cases on Judicial Review--**

- **Kesavananda Bharati v. State of Kerala (1973)**-- Established the **Basic Structure Doctrine**, affirming that constitutional amendments cannot violate the basic structure of the Constitution, even if passed by Parliament.
- **Maneka Gandhi v. Union of India (1978)**-- Expanded the interpretation of personal liberty under Article 21 and emphasized **procedural fairness**.
- **Vishaka v. State of Rajasthan (1997)**-- Laid down guidelines to prevent sexual harassment at the workplace, demonstrating how judicial review can be used to fill legislative gaps.

➤ **Role of the Judiciary in Protecting Fundamental Rights-**

The judiciary acts as a **protector of Fundamental Rights** under

Articles-32 and 226. If these rights are violated, an aggrieved person can approach:

- The **Supreme Court** (under Article-32).
- The **High Court** (under Article-226).

Both courts can issue writs—**Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto**—to enforce rights and ensure constitutional compliance.

➤ **The Supreme Court's Role in Judicial Review**

As the **highest constitutional court**, the Supreme Court plays a vital role in--

- Interpreting the Constitution.
- Reviewing the constitutionality of legislative and executive actions.
- Exercising **writ jurisdiction (Art. 32)** and **appellate jurisdiction (Art. 136)**.
- Acting as a check on the abuse of power and ensuring **governmental accountability**.

The Court has also strengthened its role through **Public Interest Litigation (PIL)**, where citizens or organizations may seek judicial intervention on matters affecting public welfare.

➤ **Public Interest Litigation (PIL)**

PIL allows any public-spirited person or organization to approach the court on behalf of affected groups or individuals, especially those unable to seek justice themselves. PIL has become a cornerstone of **judicial activism** in India.

- **MC Mehta v. Union of India (1986)**--Focused on environmental protection, leading to stricter pollution control policies.
- **Janata Dal v. H.S. Chowdhary**--Clarified the scope and objectives of PIL as a means to advance public interest and

protect constitutional rights.

➤ **Challenges and Controversies**

Despite its importance, judicial review has faced criticism--

- **Judicial Overreach**--Critics argue that the judiciary sometimes encroaches upon the domain of the legislature and executive.
- **Delays**--Long-pending cases reduce judicial effectiveness.
- **Judicial Activism vs. Restraint**--The debate continues on whether courts should interpret laws expansively or defer to democratic institutions.

➤ **Conclusion**

Judicial review is a foundational feature of the Indian constitutional framework. It empowers the judiciary to act as the **guardian of the Constitution, protector of Fundamental Rights, and arbiter of federal relations**. Through landmark decisions and proactive PIL jurisprudence, the **Supreme Court has evolved as a dynamic institution** committed to ensuring justice, equality, and the rule of law in India.

STOP TO CONSIDER-3

➤ **Judicial Review in India**

- **Definition**--Judicial review is the power of courts to examine and invalidate laws or executive actions that violate the Constitution.
- **Origin**--Originated in the U.S. (Marbury v. Madison, 1803); unlike the U.S., India's Constitution explicitly provides for it.
- **Constitutional Provisions**--
 - **Article-13**--Invalidates pre- and post-Constitution laws violating Fundamental Rights.
 - **Articles-32 & 226**--Empower the Supreme Court and High Courts to enforce Fundamental Rights through writs.

- **Articles-131, 132, 246**--Address constitutional interpretation and federal disputes.
- **Key Purposes--**
 - Enforce constitutional supremacy.
 - Maintain Centre–State balance.
 - Protect Fundamental Rights.
 - Preserve judicial independence.
- **Landmark Cases--**
 - *Kesavananda Bharati* (1973)--Introduced the **Basic Structure Doctrine**.
 - *Maneka Gandhi* (1978), *Vishaka* (1997)--Expanded rights and social justice.
- **PIL (Public Interest Litigation)--**
 - Enables citizens to seek judicial remedy on public welfare issues.
 - Strengthens judicial activism (e.g., *MC Mehta* case on environment).
- **Challenges--**
 - Judicial overreach concerns.
 - Delays in case disposal.
 - Debate over limits of judicial activism.
- **Supreme Court's Role--**Final interpreter of the Constitution; ensures constitutional compliance across all branches of government.
- Judicial review is the court's authority to annul legislative or executive actions violating constitutional provisions, ensuring constitutional supremacy, federal balance, and protection of citizens' fundamental rights. Originating in the U.S. through *Marbury v. Madison* (1803), it was reinforced in India with landmark cases like *Kesavananda Bharati v. State of Kerala* (1973), which established the doctrine of basic structure. The Supreme Court of India plays a vital role in upholding constitutional values through Articles 13, 32, 226, and other provisions, ensuring accountability and justice while addressing challenges like judicial overreach and delays.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is judicial review, and how did it originate?

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2. What are the constitutional provisions in India that allow for judicial review?

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3. What role does the Supreme Court of India play in judicial review?

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4.4.1 Features of the Judicial Review System in India

- **Shared Powers**--Both the **Supreme Court** and **High Courts** are empowered to review laws and executive actions. However, the Supreme Court has the final authority on questions of constitutional validity.
- **Not Automatic**--Judicial review is **not a suo motu process**. Courts do not undertake judicial review on their own. It is initiated **only when a law or action is challenged** in a court of law during a case or litigation.

- **Wide Scope**--Judicial review in India extends to **laws passed by the Union and State legislatures, executive orders, ordinances, and even constitutional amendments.**
- **Exception – Ninth Schedule:** Acts and Regulations listed in the **Ninth Schedule** of the Constitution are **shielded from judicial review** under **Article 31-B**, which was introduced by the **First Constitutional Amendment (1951)**. However, in *I.R. Coelho v. State of Tamil Nadu (2007)*, the Supreme Court ruled that even laws in the Ninth Schedule can be reviewed if they violate the **basic structure** of the Constitution.

❖ **Powers of the Supreme Court in Cases of Violation of Fundamental Rights**

- The **Supreme Court** is the **ultimate interpreter and guardian** of the Constitution and the **protector of Fundamental Rights.**
- Under **Article-32**, it has the power to issue appropriate **writs, orders, and directions** for the enforcement of Fundamental Rights. The writs include--
 - **Habeas Corpus** – to produce a detained person before the court.
 - **Mandamus** – to compel performance of public duties.
 - **Prohibition** – to prevent lower courts from exceeding jurisdiction.
 - **Certiorari** – to quash unlawful orders of subordinate courts or tribunals.
 - **Quo Warranto** – to question the legality of a person holding public office.
- **Article-13** makes Fundamental Rights enforceable and legally protected. It--
 - Declares that any law violating Fundamental Rights is **null and void** (Article-13(1) & (2)).
 - Prohibits the State from enacting laws that abridge or take away Fundamental Rights.
- The Court has not just the power but also the **duty** to strike down laws that infringe on constitutional rights.

❖ Assessment of Judicial Review in India

- In India, judicial review is based on the principle of **"procedure established by law"**, unlike the **"due process of law"** in the United States.
 - Under "procedure established by law", the Court checks whether a law has been enacted following proper legislative procedure.
 - Under "due process", U.S. courts can assess not only **legality** but also the **reasonableness and fairness** of laws.
- As observed by **M.V. Pylee**, India's judicial review is **more limited** than in the U.S. The **Supreme Court refrains from invalidating laws** merely because they infringe on **natural, moral, or political rights**, unless such infringement is **expressly unconstitutional**.
- In India, **Fundamental Rights are not absolute**. The Constitution itself places **reasonable restrictions** on each right, unlike the U.S. Constitution which declares some rights in broader terms.
- Still, the **Supreme Court has expanded the scope** of judicial review through landmark judgments, including the **Basic Structure Doctrine**, and by declaring laws invalid that violate the **spirit and provisions** of the Constitution.
- While the legislature has the authority to impose reasonable restrictions on Fundamental Rights, the **Supreme Court is the final judge** of whether such restrictions are **justifiable**.
- Consequently, despite the structured limitations, the Indian judiciary exercises **substantial oversight** over legislative and executive functions, helping to **maintain constitutional supremacy and rule of law**.

STOP TO CONSIDER-4

❖ Judicial Review in India

- **Definition**--Power of the judiciary to examine laws and executive actions for conformity with the Constitution and invalidate them if found unconstitutional.
- **Constitutional Basis**--Enshrined in **Articles-13, 32, 226,**

and others (131, 132, 246). Explicitly provided in the Indian Constitution unlike in the U.S.

- **Scope--**
 - Applies to **laws, executive orders, ordinances, and constitutional amendments**.
 - Both **Supreme Court** and **High Courts** exercise this power.
 - Not *suo motu*—activated through litigation or specific challenge.
 - **Ninth Schedule** laws are generally exempt (Article 31-B), but reviewable if violating the **Basic Structure** (I.R. Coelho case).
- **Key Case--** *Kesavananda Bharati v. State of Kerala (1973)* – established **Basic Structure Doctrine** limiting amending power of Parliament.
- **Writ Powers--** Under **Article-32**, the Supreme Court issues writs (e.g., Habeas Corpus, Mandamus) to enforce Fundamental Rights.
- **High Courts--** Empowered under **Article-226** to enforce both Fundamental and legal rights.
- **PIL--** Public Interest Litigation expanded access to justice and enabled judicial activism (e.g., *M.C. Mehta v. Union of India*).
- **Limitations--**
 - India follows "**Procedure established by law**", not "**Due process of law**" (U.S.).
 - Courts avoid declaring laws void unless explicitly unconstitutional.
 - Fundamental Rights in India are **not absolute**—subject to **reasonable restrictions**.
- **Criticism--**
 - **Judicial overreach, delays, and activism** raise concerns.
 - Debate continues over the boundary between judicial interpretation and legislative intent.
- Judicial review in India empowers the Supreme Court and High Courts to examine legislative and executive acts for constitutional validity. While limited compared to the U.S., it ensures the supremacy of constitutional principles through procedural law. The Supreme Court safeguards fundamental

rights, issues writs under Article 32, and determines legislative justifiability.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the scope of judicial review in India compared to the U.S.?

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2. What powers does the Supreme Court have regarding fundamental rights?

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Self-Asking Questions(SAQ)-2

- ❖ What do you mean by Judicial Review? Discuss (200 words)

4.5 Let Us Sum Up

To conclude, the **Supreme Court of India** and its power of **judicial review** stand as foundational pillars of the Indian democratic system. The Court's unwavering commitment to upholding the **Constitution** and safeguarding **Fundamental Rights** has profoundly shaped the Indian legal and constitutional landscape.

Since its inception, the evolution of **judicial review** in India has reflected the judiciary's proactive role in defending the core values of **justice, liberty, equality, and fraternity**. Landmark judgments such as *Kesavananda Bharati v. State of Kerala* and *Maneka Gandhi v. Union of India* have significantly broadened the scope of constitutional interpretation and reaffirmed that the **Constitution is the supreme law of the land**.

However, the exercise of judicial review has not been without challenges. Allegations of **judicial activism, delays in case resolution, and judicial overreach** have sparked debates about the appropriate balance between the judiciary's role in protecting rights and the legislature and executive's role in governance. These concerns underscore the complex and sometimes contentious relationship between the **judiciary, legislature, and executive**.

Despite these criticisms, the Supreme Court remains a **beacon of hope** for millions of Indians. It serves as a powerful instrument for delivering justice, especially to the **oppressed, marginalized, and disempowered** sections of society. Its ability to adapt to **changing social realities**, embrace **progressive interpretations of the law**, and remain vigilant in upholding constitutional values reinforces its indispensable role in the democratic framework of India.

4.6 References and Suggested Readings

- ❖ Fadia, B. L. (2003). *Indian government and politics*. Sahitya Bhawan Publications.
- ❖ Ghai, K. K. (2016). *Indian government and politics* (11th ed.). Kalyani Publishers.
- ❖ Jain, M. P. (2010). *Constitutional law of India*. LexisNexis.
- ❖ Johari, J. C. (2001). *Indian government and politics* (Vol. 2). Vishal Publications.

- ❖ Kesari, U. P. D. (2000). *Lectures on administrative law*. Central Law Publications.
- ❖ Pylee, M. V. (2001). *Constitutional government of India*. Vikas Publishing House.

4.7 Model Questions

- ❖ Discuss the Powers and Functions of the Supreme Court of India.
- ❖ Analyse the role of Supreme Court as A Court of Record.
- ❖ Analyze whether judicial review promotes accountability or risks judicial overreach in its interpretation of the Constitution and governance.
- ❖ Critically examine the flexibility and limitations of judicial review in adapting to contemporary challenges like digital privacy, environmental issues, and social justice.
- ❖ Explore whether the judiciary's authority to strike down amendments under the basic structure doctrine ensures constitutional integrity or limits democratic representation.
- ❖ Evaluate whether the procedural framework in India compromises or complements the substantive protection of individual rights compared to the U.S. approach.

4.8 Answers to Check Your Progress

Check Your Progress-1

1. The Supreme Court originally consisted of

one Chief Justice and seven judges. Over time, the number of judges increased, reaching 30 in 2008.

2. To be appointed as a judge, one must be a citizen of India, have served as a High Court judge for at least five years, or have been an advocate for ten years, or be a distinguished jurist as per the President's opinion.
3. A judge can be removed through a resolution passed by both Houses of Parliament, supported by a simple majority of the total members and two-thirds of those present and voting, based on prima facie evidence of misconduct or incapacity.

Check Your Progress-2

1. Article 32 grants exclusive jurisdiction to the Supreme Court to enforce fundamental rights. It ensures citizens can approach the Court directly for violations of fundamental rights, making this remedy a fundamental right itself.
2. As a Court of Record, the Supreme Court's records are admissible as evidence and cannot be questioned. It also has the authority to punish for contempt under Article-129, ensuring no authority is above the law.
3. In civil cases, appeals are allowed under Article-133 if they involve significant legal issues. In criminal cases, appeals are permitted under Article-134 with or without High Court certification. The Supreme Court also has special appellate jurisdiction under Article-136.
4. The Supreme Court entertains PILs filed by individuals or organizations to address issues of social justice and human rights. This ensures that disadvantaged groups can seek justice and broader public interests are upheld.

Check Your Progress-3

1. Judicial review is the power of courts to invalidate legislative or executive actions if they contravene the Constitution. It

originated in the U.S. through *Marbury v. Madison* (1803), where the American Supreme Court asserted this authority.

2. Articles-13, 32, 226, 246, 131, and 132 provide for judicial review. These provisions empower courts to enforce fundamental rights, maintain federal balance, and interpret constitutional validity.
3. The Supreme Court ensures accountability by exercising writ jurisdiction under Article-32, appellate jurisdiction under Article- 136, and intervening through Public Interest Litigation (PIL) to safeguard constitutional principles, protect rights, and address environmental and social justice issues.

Check Your Progress-4

1. Judicial review in India is based on the principle of "procedure established by law," whereas the U.S. follows "due process of law," granting wider discretion to courts in the U.S. to declare laws void based on unreasonableness in addition to unlawfulness.
2. The Supreme Court, under Article-32, can issue writs like habeas corpus, mandamus, prohibition, quo warranto, and certiorari to enforce fundamental rights. It can also invalidate laws that violate Part-III of the Constitution.

Unit: 5

State Government: Structure and Functions

Unit Structure:

5.1 Introduction

5.2 Objectives

5.3 Nature of the Indian Constitution

5.4 Centre-State Relations in India

5.5 Special Provisions for Some States in India

5.6 Administration of Tribal and Scheduled Areas (5th & 6th Schedules)

5.7 Local Government in India

5.8 Let Us Sum Up

5.9 References & Suggested Readings

5.10 Model Questions

5.11 Possible Answers to SAQs

5.12 Answers to Check Your Progress

5.1 Introduction

India, or *Bharat*, is one of the world's oldest and most remarkable civilizations. As American author Mark Twain once said, "India is the cradle of the human race, the birthplace of human speech, the mother of history, the grandmother of legend, and the great-grandmother of tradition. Our most valuable and most instructive materials in the history of man are treasured up in India only." This statement underscores the profound historical and cultural legacy of the country.

Today, India stands as one of the largest democratic nations in the world, characterized by a unique blend of **quasi-federal** features. This means that while the structure resembles a federation, with power divided between different levels of government, the balance of power often tilts in favour of the Centre. India's governance system operates through two primary tiers--the **Central (Union) Government** and the **State Governments**. Additionally, certain states enjoy **special provisions** under the Constitution, which grant

them distinct administrative privileges and autonomy due to historical or regional factors.

The Constitution of India refers to the Central government as the **Union Government**. It defines the relationship between the Centre and the States as one between the whole and its constituent parts, with the Union holding greater authority in matters of national interest.

The **State Governments** are responsible for legislating on state-specific matters and ensuring their implementation within their territorial jurisdictions. Their powers and responsibilities are derived from the Constitution, which outlines a threefold distribution of legislative subjects--the **Union List**, the **State List**, and the **Concurrent List**.

- The **Union List** includes subjects of national importance, such as defence, foreign/external affairs, and atomic energy, which are exclusively under the jurisdiction of the Central Government.
- The **State List** consists of matters such as police, public health, and local government, which are managed solely by the State Governments.
- The **Concurrent List** contains subjects on which both the Centre and the States can legislate, such as education, forest, and marriage laws. In case of conflict, central legislation prevails.

In this unit, we will explore the functioning of **State Governments**, especially in relation to the **Central Government**, as defined by various Articles of the Indian Constitution. The subsequent sections will delve into the **structure**, **components**, and **key functions** of State Governments within the framework of India's constitutional democracy.

5.2 Objectives

This unit is an attempt to analyze the positioning of the state governments as per constitution and its relationship with the Central government by discussing basic structure of our constitution and

various aspects of Centre-State relations in the light of different Articles of our constitution. After reading this unit you will be able to---

- Know the basic structure of our constitution through the lens of state machinery.
- Understand how Indian Federalism is different from other federal structures.
- Analyze the relationship of Central and State Governments.
- Know the different forms of administrative set up in the states.

5.3 Nature of the Indian Constitution

India, or *Bharat*, operates under a federal structure with the **Union Government at the Centre** and **State Governments at the periphery**. However, it is often described as both **federal and parliamentary** in nature. While the **Constituent Assembly** and members of the **Drafting Committee** referred to the Constitution as federal, many political scientists and constitutional scholars have debated this classification. The primary reason for this debate is that, unlike classical federal systems such as that of the United States, India's states have **limited autonomy**, and the **division of powers** heavily favours the Centre.

In principle, the Indian federal system exhibits a **dual polity**, where powers are constitutionally distributed between the Union and the States. These units are not in a subordinate relationship, but rather are meant to be **complementary**. The federal features of the Indian Constitution are reinforced by key characteristics such as--

- A written Constitution with some rigid provisions.
- Distribution of legislative and administrative powers.
- Supremacy of the Constitution.
- An independent judiciary empowered to resolve disputes between different levels of government.

Let us now examine some of the **distinctive features of Indian Federalism**--

❖ **Emergency Powers (Articles-352, 356, and 360)--**

- **Article-352** permits the Centre to legislate on State subjects during a national emergency.
- **Article-356** allows the President to impose President's Rule in a state if the constitutional machinery fails.
- **Article-360** deals with financial emergencies and authorizes the Centre to take control of the financial operations of states if the financial stability of India is threatened.

❖ **Legislative Powers and Presidential Assent--**
Certain bills passed by State Legislatures require **reservation for the President's consideration**, and do not become law unless the President grants assent.

❖ **Administrative Supremacy of the Centre—**
Though States have autonomy in administrative matters, the Constitution allows the Centre to issue directives to States on specific issues. These **directions are binding**.

❖ **Alteration of State Boundaries—**
Unlike other federal countries, in India, **Parliament has the power** to alter the **territorial boundaries or names** of states through legislation (Article-3), without requiring consent from the concerned State.

❖ **Presidential Assent to State Laws—**
The **validity of certain State laws** depends on **Presidential assent**, making the central authority pivotal in the legislative process of states.

❖ **Role of Governors—**
The **Governor of a State** is **appointed by the President** and holds office at his pleasure. He acts as a representative of the Union Government, thus, further reflecting central influence.

❖ **Integrated Judiciary—**

India has a **unified and integrated judicial system** with the **Supreme Court at the apex**, supervising all courts below. There is no separate judiciary for the Union and the States, unlike in many other federal countries. This unified system underlines the **unitary character** of the Constitution.

❖ **Unitary Character during Emergencies—**

Although the Constitution is **federal under normal circumstances**, it assumes a **unitary character during emergencies** (like war or financial crises), significantly increasing the Centre's powers. In contrast, countries like the USA and Australia maintain federalism even in crises, often through judicial interpretations rather than centralized control.

❖ **Single Citizenship—**

Unlike the United States, India provides for **single citizenship**. There is no separate state-level citizenship, underscoring **national unity** and limited state autonomy in this domain.

❖ **Central Institutions Reflecting Unitary Traits—**

Bodies like the **Election Commission of India (ECI)** and the **Comptroller and Auditor General (CAG)** function as **independent constitutional authorities** with powers derived from the Union.

- The **ECI** conducts elections for both Parliament and State Legislatures and is appointed by the President.
- The **CAG** is also appointed by the President and is not accountable to any State Government.

❖ **All India Services—**

Services like the **Indian Administrative Service (IAS)** and **Indian Police Service (IPS)** are recruited centrally and allotted to different states. Officers of

these services function under the control of both the State and the Centre, but their careers are managed by the Union Government, reflecting a **unitary bias**.

❖ **Single Constitution for Union and States--**

In contrast to the USA, where each state has its own constitution, India has **one common Constitution** for both the Union and the States. This promotes **uniformity** in governance and legal processes across the country.

In conclusion, while the Indian Constitution incorporates several federal features, it also includes significant **unitary elements**, particularly in matters related to emergency powers, administrative control, and institutional design. Thus, India is best described as having a **quasi-federal structure**, where federalism is adapted to suit the unique needs of a vast, diverse, and complex society.

STOP TO CONSIDER-1

❖ **Nature of the Indian Constitution**

- India has a **quasi-federal structure** with a strong central government and constitutionally limited powers for states.
- Federal features include--**Dual Polity, Distribution of Powers, Written Constitution, Independent Judiciary, and Supremacy of the Constitution.**
- **Unitary Features--**
 - Emergency powers (Articles-352, 356, 360) enhance central control.
 - Centre can alter state boundaries and override state laws with **Presidential Assent**.
 - Governors appointed by the Centre act as its representatives.
 - **Single Integrated Judiciary** headed by the Supreme Court.
 - **All India Services** are centrally controlled and state-posted.
 - **Election Commission (ECI)** and **CAG** are central institutions with no state role.

- **Single Citizenship** and **Single Constitution** for the entire country.
- In **normal times**, India functions federatively; in **emergencies**, it assumes a **unitary character**.
- The Constitution balances **unity and diversity**, with centralization ensuring national integrity and administrative efficiency.
- ❖ The Indian Constitution has both federal and unitary characteristics--
- **Federal Design with Unitary Tendencies**--While powers are divided between central and state governments, several provisions empower the centre.
- **Emergency Powers**—Articles-352, 356, and 360 significantly increase central authority during emergencies.
- **Central Control Mechanisms**--These include--
 - President's Assent for State Laws.
 - Centrally Appointed Governors.
 - All India Services.
 - Institutions like the Election Commission and CAG.
- **Single Constitution and Judiciary**--Unlike some federations, India has a unified legal framework.
- **Dynamic System**--The system operates federally in normal times but shifts towards a unitary structure during emergencies.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the Three Lists as given by the parliament?

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2. Discuss how subjects of the Three Lists changes during national emergency.

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5.4 Centre-State Relations in India

India's federalism, while inspired by classical federal models, is uniquely centralized, reflecting a strong Centre with relatively limited autonomy for states. This distinctive arrangement also shapes the relationship between the Centre and the States. The Constitution outlines these Centre-State relations across three dimensions: legislative, administrative, and financial.

❖ Legislative Relations

Legislative relations are defined in **Articles-245 to 255** under **Part-XI** of the Constitution. The division of legislative powers is made through three lists in the **Seventh Schedule--**

- **Union List(100 items)**--This list includes subjects over which only the Parliament has the exclusive power to legislate. Key subjects include defense, foreign affairs, atomic energy, banking, and inter-state trade.
- **State List (61 items)**-These are matters over which state legislatures have exclusive authority. Examples include police, public order, agriculture, and local government. However, under certain conditions, Parliament can also legislate on these matters.
- **Concurrent List (52 items)**--Both the Centre and the States can legislate on these subjects, which include education, forests, trade unions, marriage and divorce, and criminal procedure. In case of a conflict, the law made by the Parliament prevails.

✓ **Exceptional Provisions Allowing Centre's Intervention in State Matters--**

- **Article-249**--Rajya Sabha can authorize Parliament to legislate on State List matters in national interest by a two-thirds majority.
- **Article-250**--During a national emergency, Parliament can legislate on State List subjects.
- **Article-252**--If two or more states consent, Parliament can legislate on State List subjects for those states.
- **Article-253**--Parliament can legislate on any subject to implement international agreements.
- **Article-356**--During President's Rule, Parliament assumes the power to legislate for the concerned state.
- **Residuary Powers**--Unlike the U.S. or Australia, residuary powers in India rest with the Centre, not the States, reflecting the Canadian model.

❖ **Administrative Relations**

Administrative relations are governed by **Articles-256 to 263** in **Part- XI**. These articles ensure that the States comply with Union laws and cooperate in the execution of national policies.

- **Article-256** mandates states to ensure that their executive power is exercised in compliance with Central laws.
- **Article-257** allows the Union to direct States in matters related to national importance.
- The Centre can deploy All India Services (like IAS and IPS) across states, reinforcing centralized control.
- **Article-356** (President's Rule) allows the Union to take over state administration during constitutional breakdown.
- **Article-263** provides for the establishment of an Inter-State Council to promote coordination between states, though its recommendations are advisory.
- The Centre also has authority over **inter-state river water disputes** and may appoint tribunals or commissions to resolve them.

❖ **Financial Relations**

The financial relations between the Centre and the States are detailed in **Articles-268 to 293** under **Part-XII** of the Constitution.

- **Article-268**--Certain taxes (like stamp duties on financial documents and excise duties on medicinal products) are levied by the Centre but collected and appropriated by the States.
- **Article-269**--Taxes on inter-state trade are levied and collected by the Centre but assigned to states.
- **Article-270**--Defines the distribution of income tax and Union excise duties between the Centre and States.

❖ **Grants and Loans--**

- **Article-275**--Provides for statutory grants-in-aid to needy states and for the development of Scheduled Tribes and scheduled areas.
- Additional grants can be made by Parliament for--
 - Meeting state budget deficits.
 - Specific industries or regions (e.g., compensation for jute-producing states).
 - National development projects.
- The Centre provides **loans** to States as per limits set by Parliament. States cannot borrow externally without Union consent.

❖ **Finance Commission--**

- The President constitutes a **Finance Commission** every five years (or earlier) to recommend the distribution of financial resources between the Centre and States.
- The **Comptroller and Auditor General (CAG)** audits state accounts, ensuring transparency and accountability.

❖ **Emergency Provisions--**

During a national, state, or financial emergency (Articles-352, 356, 360), the Centre gains enhanced authority over state finances and legislative powers, underlining the unitary tilt in Indian federalism.

In summary, while India is federal in structure, the Constitution provides the Union government with broad and overriding powers in legislative, administrative, and financial domains to ensure national unity and effective governance.

STOP TO CONSIDER-2

- **Centre-State Relations in India**
- **Federal but Centralized**--India follows a quasi-federal model with a strong Centre and relatively weaker States.
- **Legislative Relations (Art. 245–255, Part XI)--**
 - **Three Lists (Seventh Schedule)--**
 - *Union List* (100 items)--Parliament's exclusive domain (e.g., defense, foreign affairs).
 - *State List* (61 items)--State legislatures' domain (e.g., police, agriculture), with exceptions.
 - *Concurrent List* (52 items)--Both can legislate; Parliament's law prevails in conflict.
 - **Centre's Override Provisions**—Articles-249, 250, 252, 253, 356 empower the Centre to legislate on State matters.
 - **Residuary Powers**--Vested in the Centre (like Canada).
- **Administrative Relations (Art. 256–263, Part XI)--**
 - States must comply with Central laws (Art. 256).
 - Union can direct States on national concerns (Art. 257).
 - All India Services strengthen Centre's control.
 - President's Rule (Art. 356) allows Centre to take over State administration.
 - Inter-State Council (Art. 263) fosters coordination.
 - Centre mediates inter-state river disputes.
- **Financial Relations (Art. 268–293, Part XII)--**
 - Taxes: Some levied by Centre but collected by States (Art. 268, 269, 270).
 - Grants-in-aid under Art. 275 for special needs and development.
 - Parliament sanctions additional grants and loans;

States need Centre's consent for external borrowing.

- **Finance Commission--**
 - Constituted every five years by the President to recommend revenue sharing.
 - CAG audits State finances for accountability.
- **Emergency Provisions (Art. 352, 356, 360)--**
 - Enhance Centre's control over States during crises—further centralizing power.
- **Conclusion:** India's federalism emphasizes national unity and governance efficiency, with overriding powers granted to the Union across domains.
- The complex relationship between the central and state governments in India, covering legislative, administrative, and financial aspects. Key takeaways include--
- **Legislative Power Distribution--**Powers are divided via three lists (Union, State, Concurrent), but the center has overriding powers in certain situations, including emergencies and matters of national interest.
- **Administrative Control--**The center can direct states and even take over administration during emergencies.
- **Financial Dependence--**States rely heavily on the center for financial resources through revenue sharing, grants, and loans. The Finance Commission plays a crucial role in recommending financial distribution.
- **Central Dominance--**Despite the federal structure, the central government maintains significant control over states in all three areas (legislative, administrative, and financial), especially during emergencies. This reflects the "quasi-federal" nature of the Indian system.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Can the subjects of the State List be changed?

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2. What are the subjects of the Concurrent List?

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3. Discuss the Centre –State relations in various terms.

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4. What are the different types of grants the Centre use to offer to the states?

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5.5 Special Provisions for Some States in India

India's diversity necessitates constitutional safeguards that respect its varied cultures, aspirations, and regional disparities. To address these concerns, **Part-XXI of the Constitution (Articles-371 to 371J)** provides **special provisions** for certain states. These are meant to--

- Preserve distinct cultures and customs.
- Protect local interests and identity.
- Address aspirations of backward or marginalized regions.
- Deal with specific administrative or law-and-order challenges.

The states with special provisions include **Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, and Goa.**

➤ **Special Provisions for Assam – Article-371B**

(Inserted by the 22nd Amendment Act, 1969)

- The President may establish a **committee within the Assam Legislative Assembly**, comprising members elected from the state's tribal areas, to ensure adequate representation and address their specific issues.

➤ **Special Provisions for Andhra Pradesh – Articles-371D & 371E**

(Inserted by the 32nd Amendment Act, 1973)

- **Article-371D** empowers the President to--
 - Ensure **equitable opportunities in public employment and education** across different regions of the state.
 - Establish **administrative tribunals** to resolve disputes related to civil services appointments and promotions. These tribunals can be dissolved if deemed unnecessary by the President.
- **Article-371E** allows the establishment of a **Central University** in Andhra Pradesh through a Parliamentary Act.

➤ **Special Provisions for Arunachal Pradesh – Article-371H**

(Inserted by the 55th Amendment Act, 1986)

- The **Governor has special responsibility for law and order** and shall consult the Council of Ministers while exercising this power. This responsibility ceases once the President so directs.
- The **Legislative Assembly must have at least 30 members.**

➤ **Special Provisions for Goa – Article-371I**

(Inserted by the 56th Amendment Act, 1987)

- The **Legislative Assembly of Goa** shall consist of **not less than 30 members**.

➤ **Special Provisions for Nagaland – Article-371A**

(Inserted by the 13th Amendment Act, 1962)

- Acts of Parliament **do not apply** to Nagaland on the following matters unless approved by the State Legislative Assembly--
 - Religious or social practices of the Nagas.
 - Naga customary laws and procedures.
 - Administration of civil and criminal justice according to Naga customs.
 - Ownership and transfer of land and its resources.
- The **Governor has special responsibility for law and order**, especially regarding internal disturbances, particularly in the **Tuensang** region.
- The **Governor must ensure proper allocation** of funds from the Consolidated Fund of India for designated purposes.
- A **Regional Council for Tuensang District** must be constituted with **35 members** to promote local self-governance.

➤ **Special Provisions for Maharashtra and Gujarat – Article-371**

- The **Governors of Maharashtra and Gujarat** are given special responsibility to establish **separate development boards** for--
 - **Vidarbha, Marathwada, and the rest of Maharashtra.**
 - **Saurashtra, Kutch, and the rest of Gujarat.**
- These boards are to--
 - Ensure **equitable allocation of funds** for development.
 - Promote **technical education, vocational training, and employment opportunities** in these regions.

➤ **Special Provisions for Manipur – Article-371C**

(Inserted by the 27th Amendment Act, 1971)

- The President can direct the formation of a **Hill Areas Committee** in the Manipur Legislative Assembly for members elected from the **Hill Areas**.
- The **Governor has special responsibility** to ensure the committee functions effectively.
- The Governor must **submit an annual report** to the President on the administration of the Hill Areas.
- The **Union government** can give directions to the **State government** concerning the administration of these areas.

➤ **Special Provisions for Mizoram – Article-371G**

(Inserted by the 53rd Amendment Act, 1986)

- Acts of Parliament **do not apply** to Mizoram on the following unless approved by the State Legislative Assembly--
 - Mizo religious or social practices.
 - Mizo customary law and procedure.
 - Administration of justice based on Mizo customs.
 - Ownership and transfer of land and its resources.
- The **Legislative Assembly of Mizoram** must consist of **not less than 40 members**.

➤ **Special Provisions for Sikkim – Article-371F**

(Inserted by the 36th Amendment Act, 1975)

- The **Legislative Assembly of Sikkim** shall consist of **not less than 30 members**.
- **One Lok Sabha seat** is allotted to Sikkim, and it forms a **single parliamentary constituency**.
- Parliament can--
 - Determine the number of **Assembly seats** to protect the rights of various ethnic sections of Sikkim.
 - Delimit Assembly constituencies where only members of certain sections may contest to ensure adequate representation.

- The **Governor has special responsibility for peace and equitable socio-economic development** of different communities in Sikkim, and may act at his discretion, guided by the President.
- The **President may extend any law** in force in other parts of India to Sikkim with necessary modifications.

➤ **Conclusion**

These special provisions underline India's commitment to **cooperative federalism**, recognizing and respecting its **regional diversity, tribal identities**, and **developmental imbalances**. They strike a balance between **national unity** and **local autonomy** by giving certain states tailored constitutional privileges.

STOP TO CONSIDER-3

The Indian Constitution provides special provisions for certain states to address their unique circumstances and needs. These provisions aim to--

- **Preserve Cultural Identities**--Protect distinct cultural practices and traditions.
- **Safeguard Local Interests**--Ensure the protection of local resources, land ownership, and customary laws.
- **Address Regional Disparities**--Promote equitable development and address the needs of backward or underdeveloped regions.
- **Maintain Law and Order**--Deal with specific law and order situations, particularly in areas with internal disturbances or insurgency.

These special provisions often involve--

- **Governor's Special Responsibilities**--Giving the Governor specific powers related to law and order, administration of tribal areas, or financial matters.
- **Legislative Assembly Composition**--Specifying minimum numbers of members in the state legislative assemblies or creating committees for specific regions.

- **Protection of Customary Laws and Practices**--Exempting certain state laws from the application of Parliamentary acts related to religious, social, or customary practices.
- **Special Development Boards or Councils**--Establishing bodies to oversee development in specific regions within the state.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Under which Article the state of Arunachal Pradesh has special provisions?

.....

2. What are the special provisions for administration of the states of Assam and Manipur.

.....

3. Discuss the special provisions given to the tribal people of Nagaland.

.....

5.6 Administration of Tribal and Scheduled Areas (Fifth & Sixth Schedules)

Article-244 of Part-X of the Indian Constitution provides for a special administrative framework for the governance of Scheduled Areas and Tribal Areas, aimed at safeguarding the rights, identity, and welfare of indigenous communities. This dual mechanism ensures both autonomy and integration—recognizing tribal distinctiveness while promoting inclusive development. The Fifth and Sixth Schedules of the Constitution lay out detailed provisions for the administration of these areas, conferring special powers on the President, Governors, and local tribal institutions to protect tribal interests.

➤ Fifth Schedule--Administration of Scheduled Areas (Except in the Northeast)

- **Applicability**—Article-244(1) applies the Fifth Schedule to the Scheduled Areas and Scheduled Tribes in all Indian states except Assam, Meghalaya, Tripura, and Mizoram.
- **Presidential Powers**--The President of India is empowered to declare any area as a Scheduled Area and to alter, increase, or rescind such declarations based on changing socio-economic conditions of the tribal populations.
- **Governor's Role**--The Governor of a state with Scheduled Areas has significant powers, including the authority to make regulations for--
 - Prohibiting or restricting land transfers from tribals to non-tribals,
 - Regulating business and money-lending activities to prevent exploitation.
- **Tribes Advisory Council (TAC)**--
 - Each state with Scheduled Areas must establish a TAC.
 - It consists of tribal representatives and advises the Governor on matters related to tribal welfare and governance.
 - While advisory in nature, the TAC ensures that tribal voices are incorporated into administrative decisions.

➤ **Sixth Schedule--Administration of Tribal Areas in the Northeast**

- **Applicability**—Article-244(2) extends the Sixth Schedule to the tribal areas of four northeastern states—Assam, Meghalaya, Tripura, and Mizoram—recognizing their unique cultural and administrative needs.
- **Autonomous Councils--**
 - The Sixth Schedule provides for the establishment of **Autonomous District Councils (ADCs)** and **Autonomous Regional Councils (ARCs)**.
 - These councils are elected bodies with legislative, administrative, and judicial powers in designated areas.
- **Powers and Functions--**
 - Councils can enact laws on land use, forest management, inheritance, marriage and divorce, social customs, village administration, and public health.
 - They are empowered to establish local courts for the trial of tribal disputes and offenses.
 - They can also levy and collect taxes within their jurisdiction for local development.
- **Governor's Oversight--**
 - The Governor retains the power to dissolve or modify councils and to approve or withhold their laws.
 - This ensures a constitutional check while allowing for substantial self-governance.

➤ **Significance**

The Fifth and Sixth Schedules embody the Constitution's commitment to tribal self-rule, cultural preservation, and socio-economic empowerment. They aim to strike a balance between respecting tribal autonomy and ensuring their integration into the broader framework of Indian governance and development. These provisions not only uphold the diversity of India's social fabric but also seek to redress historical disadvantages faced by indigenous communities through legal and administrative safeguards.

STOP TO CONSIDER-4

- **Administration of Tribal and Scheduled Areas(Fifth & Sixth Schedules)**
- **Article-244** governs administration of tribal areas through **Fifth and Sixth Schedules**.
- **Fifth Schedule--**
 - Applies to **Scheduled Areas** in all states **except** Assam, Meghalaya, Tripura, and Mizoram.
 - **President** can declare or modify Scheduled Areas.
 - **Governor** has powers to regulate land transfer, business, and money lending.
 - **Tribes Advisory Councils (TACs)** advise on tribal welfare.
- **Sixth Schedule--**
 - Applies to **Tribal Areas** of **Assam, Meghalaya, Tripura, and Mizoram**.
 - Provides for **Autonomous District and Regional Councils (ADCs/ARCs)** with legislative and judicial powers.
 - Councils manage land, customs, local governance, and taxation.
 - **Governor** retains supervisory powers over council legislation.
- **Objective--**Ensure tribal autonomy, cultural preservation, and equitable development within the constitutional framework.

Check Your Progress-4

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. **Fill in the blanks--**

The _____ Schedule of the Indian Constitution applies to tribal areas in Assam, Meghalaya, Tripura, and Mizoram, whereas the _____ Schedule applies to Scheduled Areas in _____ other _____ states.

2. What is the role of the Tribes Advisory Council (TAC) in the administration of Scheduled Areas?

5.7 Local Government in India

India, as a democratic republic, emphasizes people's participation at all levels of governance. To truly realize the spirit of democracy, it is essential to empower local self-government institutions. Mahatma Gandhi, the Father of the Nation, envisioned **Gram Swaraj**—self-rule by village communities—as a cornerstone of India's development. He believed that strengthening grassroots institutions would foster national progress through **decentralized governance**.

When we talk about **local government**, we refer to two broad categories--

- **Panchayati Raj Institutions (PRIs)** for rural areas, and
- **Municipalities** for urban areas.

➤ Evolution of Panchayati Raj System

❖ Balwant Rai Mehta Committee (1957)

To evaluate the effectiveness of community development programmes, the **Balwant Rai Mehta Committee** was appointed in 1957. It recommended the establishment of a **three-tier Panchayati Raj system**--

- **Gram Panchayat** at the village level,
- **Panchayat Samiti** at the block/intermediate level, and
- **Zila Parishad** at the district level.

It also suggested that these bodies be entrusted with **planning and development responsibilities**, emphasizing the need for **democratic decentralization**.

❖ **Ashok Mehta Committee (1977)**

The **Ashok Mehta Committee**, constituted in 1977, proposed several key reforms. It recommended--

- **A two-tier structure--**
 - **Zila Parishad** at the district level, and
 - **Mandal Panchayat** for a group of villages below the district level.
- **Direct elections** to local bodies,
- **Involvement of political parties** in Panchayat elections,
- **District-level planning** as the central focus,
- Establishment of **Nyaya Panchayats** for judicial functions,
- Creation of a **State Election Commission** to oversee local elections, and
- **Reservation for Scheduled Castes (SCs), Scheduled Tribes (STs)**, and women in Panchayat bodies.

5.7.1 The 73rd Constitutional Amendment Act, 1992-- Panchayati Raj

The landmark **73rd Amendment Act**, enacted in **1992**, granted **constitutional status** to Panchayati Raj Institutions. Key features include--

- **Addition of Part-IX** to the Constitution (Articles-243 to 243O).
- **Insertion of the Eleventh Schedule**, listing **29 subjects** under the functional domain of Panchayats.
- The Act introduced **uniformity** in structure, composition, powers, and elections of Panchayats across states.

❖ **Compulsory and Voluntary Provisions--**

- **Compulsory provisions**--These must be implemented by state legislatures, such as the conduct of regular elections, formation of Gram Sabhas, and reservation for SCs, STs, and women.
- **Voluntary provisions**--These are left to the discretion of the states, maintaining the federal balance between the Centre and the States.

5.7.2 The 74th Constitutional Amendment Act, 1992--Urban Local Bodies

In parallel, the **74th Constitutional Amendment Act, 1992**, conferred constitutional status on **Municipalities** and urban local bodies. Key highlights--

- Insertion of **Part IX-A (Articles-243P to 243ZG)** to deal with **urban governance**.
- Introduction of the **Twelfth Schedule**, listing **18 functions** assigned to municipalities.
- The Act provides for--
 - Three types of urban bodies--**Municipal Corporations, Municipal Councils, and Nagar Panchayats**, depending on the size and nature of the urban area.
 - Regular elections, representation for marginalized groups, and constitution of State Election Commissions.

❖ **Conclusion**

The 73rd and 74th Amendment Acts marked a significant shift in India's democratic structure by institutionalizing **local self-governance**. These provisions empower people at the grassroots to participate in governance, ensure accountability, and promote

inclusive development—fulfilling the vision of a truly decentralized and participatory democracy.

STOP TO CONSIDER-5

➤ **Local Government in India**

- **Local government** includes **Panchayati Raj Institutions (rural)** and **Municipalities (urban)** to ensure democratic decentralization.
- **Gandhian vision** emphasized **Gram Swaraj**—development through empowered village-level governance.
- **Balwant Rai Mehta Committee (1957)--**
 - Recommended **three-tier system**--Gram Panchayat (village), Panchayat Samiti (block), Zila Parishad (district).
 - Focused on decentralizing planning and development.
- **Ashok Mehta Committee (1977)--**
 - Proposed **two-tier system**--Zila Parishad and Mandal Panchayat.
 - Suggested **direct elections**, party participation, **Nyaya Panchayats**, **State Election Commission**, and **SC/ST reservations**.

❖ **73rd Amendment Act (1992)--Panchayati Raj**

- Added **Part-IX** (Articles-243–243O) and **Eleventh Schedule** (29 subjects).
- Made Panchayats **constitutionally mandatory**.
- Classified provisions as **compulsory** (e.g., elections, reservations) and **voluntary** (e.g., financial autonomy).
- Ensured **uniformity** in structure and functioning of Panchayats across states.

❖ **74th Amendment Act (1992)--Urban Local Bodies**

- Added **Part IX-A** (Articles-243P–243ZG) and **Twelfth Schedule** (18 functions).
- Recognized **Municipal Corporations, Councils, Nagar**

Panchayats.

- Provided for **regular elections**, representation, and **State Election Commissions**.

❖ **Significance**

- Both amendments entrenched **grassroots democracy**, enhanced **local accountability**, and promoted **inclusive, participatory development**.
- **Tribal/Scheduled Areas**—Article-244 and the Fifth/Sixth Schedules provide special administration recognizing unique needs. The Sixth Schedule applies to Assam, Meghalaya, Tripura, and Mizoram.
- **Local Government**--The 73rd (Panchayats) and 74th (Municipalities) Amendments (1992) granted constitutional status, strengthening local democracy.

The 73rd Amendment added Part-IX and the Eleventh Schedule; the 74th Amendment added Part-IXA and the Twelfth Schedule.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the 5th and 6th schedules of our constitution?

.....
.....
.....
.....
.....

2. What is the importance of having Panchayati Raj institutions in India?

.....
.....
.....
.....

.....

Self Asking Questions (SAQs)

- I. In Centre State Relations, under what circumstances the parliament may legislate on state subjects? (45 words)

- II. Discuss who has the residuary powers of the constitution and what it signifies? (45 words)

- III. Discuss how Indian Federalism is different from that of USA.(30 words)

- IV. Discuss different features of 73rd constitutional Amendments Acts, 1992. (45 words)

- V. Discuss the importance of sixth schedule for the people of Assam. (30 words)

- VI. Comment on the financial relations between the Union and the States in India. (60 words)

5.8 Let Us Sum Up

This unit begins with a reference to **Mark Twain's observation** on India, recognizing it as one of the oldest living civilizations in the world—a land of ancient wisdom, rich culture, and deep historical continuity. The discussion then transitions to the **nature of the Indian Constitution**, which establishes a **unique federal structure**. Unlike classical federal systems such as that of the **United States**, where constituent units enjoy considerable autonomy, India follows a **quasi-federal model**. In this model, the **central government wields greater authority** than the states, especially in times of emergency or national interest.

Scholars often describe the Indian system as **federal in form but unitary in spirit**, due to the Constitution's provisions allowing the Centre to assume control under specific circumstances. This framework aims to balance the need for **national unity** with the necessity of **regional autonomy** in a country marked by vast socio-cultural diversity.

The unit further explores **Centre-State relations**, analyzed from three key dimensions--

- **Legislative** – The Constitution divides subjects into **Union List, State List, and Concurrent List**. In case of conflict, **Union law prevails** over State law in the Concurrent List.
- **Administrative** – The Union can issue directions to states, and in certain situations, take over state functions.
- **Financial** – Revenue-sharing between the Centre and states is critical to the working of **cooperative federalism**. Mechanisms like the **Finance Commission** ensure periodic and fair distribution of financial resources.

Recognizing India's **linguistic, cultural, and ethnic diversity**, the Constitution makes **special provisions for certain states**, including **Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, and Goa**. These provisions grant special safeguards in matters of **governance**,

administrative autonomy, and **developmental support**, tailored to the unique historical and social contexts of these regions.

For the administration of **tribal areas**, especially in the North-Eastern states, the **Sixth Schedule** of the Constitution establishes a distinctive governance framework. It provides for the creation of **Autonomous District Councils (ADCs)**, which are empowered with **legislative, administrative, and limited judicial authority**. These councils play a vital role in preserving the **customs, languages, and traditional practices** of tribal communities and ensuring localized self-governance.

The unit concludes with a focus on the **decentralization of power** introduced through the **73rd and 74th Constitutional Amendment Acts, 1992**. These amendments gave **constitutional recognition to Panchayati Raj Institutions (PRIs)** in rural areas and **urban local bodies** (municipalities) in cities and towns. By embedding local self-governance in the constitutional framework, these reforms have significantly enhanced **grassroots democracy**, promoted **citizen participation**, and facilitated **community-driven development** across the country.

5.9 References & Suggested Readings

- Basu, D. D. (2022). *Introduction to the Constitution of India* (26th ed.). LexisNexis.
<https://store.lexisnexis.in/introduction-to-constitution-of-india>
- Laxmikanth, M. (2022). *Indian polity for civil services and other state examinations*. McGraw Hill.

Websites for readings--

- <https://www.jatinverma.org>
- <https://byjus.com>

5.10 Model Questions

- Do you think that it is good for our country that the states are dependent on the Centre for different kinds of grants? Discuss.
- Do you think that we still need the special provisions even after so many years of India getting independence?
- Write about the special provisions given to the state of Goa and Andhra Pradesh.
- Explain the importance of power sharing in a federal set up. Discuss the relationship of the Centre and the States in this perspective.
- Discuss different Articles of our constitution to establish co-ordination between the Centre and the states?

5.11 Possible Answers to SAQs

I) Under Article-356 of emergency procedure, the parliament can take over the legislative authority of the state. Article-249 gives power to the Rajya Sabha to transfer any item of State List to the purview of parliament by a resolution passed by two thirds majority. Under Article-253 parliament can also make laws related to State List which have an impact in international agreement or treaty signed by the country.

II) Only the parliament has residuary powers and not the states. Here our constitution follows the example of Canada and not the USA and Australia where residuary powers are placed under respective state units. It means that the Union government at the centre is given more power than the state government.

III) In India the Union government is stronger than the states unlike in the USA.

IV) The 73rd Constitutional Amendment Act was enacted in 1992. This Act has added Part-IX to Constitution and consists of provisions from Articles-243 to 243O. In addition, it has added the

Eleventh Schedule consisting of 29 items of the panchayats. There are two categories of provisions in the Act--compulsory and voluntary. For the compulsory provisions of the act, state legislatures have to include these in the state laws creating the new Panchayati Raj System. On the other hand, the voluntary provisions may be included at the discretion of the States.

V) Article-244(2) provides that the provisions of the sixth schedule. Assam has been included in the 6th schedule to protect the culture of local indigenous people. 6th schedule also empowers the tribal population by allowing the local administration to make laws on land, agriculture, public health etc. through the creation of autonomous council.

VI) The Articles from 268 to 293 of Part-XII of the constitution entails various aspects of Centre-State financial relations. As a federal nation, the distribution of resources is very important among its different states. Also, there should be fiscal autonomy without which any particular state cannot grow economically. However, in case of India, we see that since we have a strong Union and weak States, major resources are accrued to the Union and out of those revenues, some are transferred to the States and States are completely dependent on the Centre for financial assistance.

5.11 Answers to Check Your Progress

Check Your Progress-1

1.

- **Union List**--Subjects over which the central government has exclusive jurisdiction (e.g., defence, foreign/external affairs, currency).
- **State List**--Subjects over which state governments have exclusive jurisdiction (e.g., police, local government, public health).
- **Concurrent List**--Subjects over which both the central and state governments have jurisdiction (e.g., education, forests, economic and social planning).

2. During a national emergency (declared under Article-

352), the balance of power shifts significantly. The text states that Article-352 "empowers the parliament in making laws in relation to the matters in the State List." This means that during a national emergency, the central government can legislate on subjects normally reserved for the states, effectively blurring the lines between the Union and State Lists and moving towards a unitary system. The Concurrent List remains in effect, but the central government's laws will prevail in case of conflict.

Check Your Progress-2

1. However, the Constitution also contains a provision that allows the Centre to extend its jurisdiction over subjects in the State List under certain circumstances."Like, under Article-356 of emergency procedure, the parliament can take over the legislative authority of the state."

- "Article-249 gives power to the Rajya Sabha to transfer any item of State List to the purview of parliament by a resolution passed by two thirds majority."
- "Under Article-253 parliament can also make laws related to State List which have an impact in international agreement or treaty signed by the country."

2. The following subjects of the Concurrent List--Labour welfare, electricity, newspapers, books and printing presses, population control and family planning, criminal and civil procedure, marriage and divorce, economic and special planning, trade unions, labour welfare etc.

3. Centre-State relations in terms of--

- **Legislative Relations**--Defined by the three lists (Union, State, and Concurrent) and the provisions allowing the Centre to legislate on State List subjects under certain circumstances.
- **Administrative Relations**--The Centre can give directions to states, and states are obligated to comply. During emergencies, the President can take over state administration. The Centre also plays a role in resolving

inter-state disputes.

- **Financial Relations**--This involves revenue distribution, grants-in-aid, and loans. The Centre has greater financial resources and provides assistance to states. The Finance Commission is responsible for recommending financial distribution.

4. The Centre offers two main types of grants to the states--**statutory grants**, which are provided under Article-275 based on Finance Commission recommendations, and **discretionary grants**, given under Article-282 for specific purposes at the Centre's discretion.

Check Your Progress-3

1. Arunachal Pradesh has special provisions under Article-371-H.

2.

- **Assam (Article-371-B)**--The President may provide for a committee of the Legislative Assembly consisting of members elected from tribal areas.
- **Manipur (Article-371-C)**--The President can provide for a committee of the Legislative Assembly elected from Hill areas. The Governor has special responsibility to ensure the proper functioning of this committee and submits an annual report to the President. The Union executive can give directions to the state government regarding the administration of the Hill areas.

3. The special provisions for Nagaland under Article-371-A include-

- Certain Acts of Parliament do not apply to Nagaland regarding Naga religious or social practices, customary law and procedure, administration of civil and criminal justice according to Naga customary law, and ownership and transfer of land and its resources unless the state legislative assembly decides otherwise.
- The Governor has special responsibility for law and order as long as internal disturbances continue in the Naga Hills, particularly the Tuensang area.
- The Governor ensures that funds provided by the central

government for specific purposes are included in the relevant grant demand.

- A regional council is established for the Tuensang district.

Check Your Progress-4

1. Fill in the blanks--

The **Sixth** Schedule of the Indian Constitution applies to tribal areas in Assam, Meghalaya, Tripura, and Mizoram, whereas the **Fifth** Schedule applies to Scheduled Areas in other states.

2. The Tribes Advisory Council (TAC) is responsible for advising the Governor on matters related to the welfare and advancement of Scheduled Tribes(STs) in the state. It ensures that tribal interests are protected and considered in policy-making and governance.

Check Your Progress-5

1. Fifth and Sixth Schedules of our constitution are--

- **Fifth Schedule-** "Article-244(1) provides that the provisions of the fifth schedule shall apply to administration and control of the scheduled areas and scheduled tribes in any state other than the states of Assam, Meghalaya, Tripura and Mizoram..." So, the Fifth Schedule deals with the administration and control of scheduled areas and scheduled tribes in most states of India.
- **Sixth Schedule-** "Article-244(2) provides that the provisions of the sixth schedule shall apply to the administration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram." Therefore, the Sixth Schedule deals with the administration of tribal areas specifically in these four northeastern states.

2. The importance of Panchayati Raj institutions--

- **Realizing the Power of Democracy--** "...to realize the power of democracy we need to empower local government also." This implies that Panchayati Raj institutions are crucial for bringing democracy to the grassroots level.
- **Decentralization and National Development--** "...the

Father of our nation MK Gandhi has the vision of developing India by developing village level institutions which can play a bigger role in national development through decentralization." This emphasizes the role of these institutions in decentralizing power and contributing to national development.

- **Planning and Development Activities--** The Balwant Rai Mehta committee recommended "...entrustment of planning and development activities to these bodies," showing their role in local development.
- **Constitutional Status--** The 73rd Amendment gave Panchayati Raj "constitutional status," signifying their importance as a formal and integral part of the Indian governance system.

Unit: 6

Governor, Chief Minister, Cabinet, State Legislature

Unit Structure:

6.1 Introduction

6.2 Objectives

6.3 Executive (Governor, Chief Minister & State Council of Ministers)

6.4 Legislative (State Legislatures: Unicameral & Bicameral)

6.5 Let Us Sum Up

6.6 References & Suggested Readings

6.7 Model Questions

6.8 Possible Answers to SAQs

6.9 Answers to Check Your Progress

6.1 Introduction

The **State Government** plays a crucial role in maintaining **law and order** and delivering essential **public services** to the people within its jurisdiction. Its responsibilities primarily revolve around subjects listed in the **State List** and the **Concurrent List** of the Constitution. To effectively manage these responsibilities, the state government functions through several key components, each entrusted with specific powers and duties related to the administration of state affairs.

The structure of a state government consists of **three main organs--**

- The **Legislature**, which is responsible for law-making.
- The **Executive**, which implements and enforces laws.
- The **Judiciary**, which interprets laws and ensures justice.

In the **previous unit**, we explored various foundational aspects of the state government. In this unit, our focus will shift towards a

more detailed understanding of these **three core components** and their respective **roles and functions** in the governance of a state.

6.2 Objectives

This unit is an attempt to analyze the structure of state governments and its functions with different components. After reading this unit you will be able to---

- Know about the different components of state government.
- Understand how it functions with its different components.
- Know the duties and powers exercised by different entities: Governor, Chief Minister, Council of Ministers and state legislature.

6.3 Executive (Governor, Chief Minister & State Council of Ministers)

India follows a parliamentary system of government at both the Union and State levels. The executive authority in a state comprises of the Governor, the Chief Minister, and the State Council of Ministers. These institutions are governed by provisions under Articles-153 to 167 of Part-VI of the Constitution of India (except for the former special status of Jammu and Kashmir, which has since changed post the abrogation of Article-370).

6.3.1 The Governor

The Governor is the constitutional head of a state and acts as the nominal executive, whereas real executive powers lie with the elected Chief Minister and the Council of Ministers. Though each state generally has its own Governor, the Constitution permits the appointment of one Governor for two or more states.

The Governor is appointed by the President of India and holds office during the President's pleasure, though the term is generally five years. The President may transfer a Governor from one state to another, and a Governor may resign by addressing a resignation letter to the President.

✓ **Qualifications to be a Governor--**

- Must be a citizen of India.
- Must have completed 35 years of age.

✓ **Conditions of Office--**

- Cannot be a Member of Parliament(MP) or any State Legislature; if appointed, their seat becomes vacant upon assuming office.
- Cannot hold any other office of profit during the term.
- Entitled to official residence without rent.
- Receives emoluments, allowances, and privileges determined by the Parliament.
- If appointed for more than one state, the emoluments are shared among those states as decided by the President.
- Emoluments and allowances cannot be reduced during their tenure.
- Must take an oath or affirmation administered by the Chief Justice of the High Court of the state (or the senior most judge in absence of the Chief Justice).

✓ **Powers of the Governor**

The powers of the Governor can be broadly classified into five categories--

❖ **Executive Powers--**

- All executive actions are taken in the name of the Governor.
- Can make rules for the authentication of official acts and business transaction.
- Appoints the Chief Minister, and on their advice, other ministers.
- Appoints the Advocate General, State Election Commissioner (Article-243K), and State Finance Commission members.
- Has special responsibilities in certain states for tribal welfare (e.g., Jharkhand, Odisha).
- In Assam and other Sixth Schedule states, exercises special powers over tribal administration.

- Acts as a link between the Centre and State, reflecting the federal character of the Constitution.

❖ **Legislative Powers--**

- Integral part of the state legislature.
- Can summon or dissolve the Legislative Assembly and prorogue sessions.
- Nominates one member to the Legislative Assembly (from the Anglo-Indian community, if necessary) and others to the Legislative Council.
- Addresses the legislature at the commencement of the first session after each general election and the first session of each year.
- Can send messages to the House(s) regarding pending legislation or matters of importance.
- Must give assent to bills passed by the legislature for them to become law; may withhold assent, return a bill (if not a money bill), or reserve it for the President's consideration.

❖ **Ordinance-Making Power (Article-213)--**

- Can promulgate ordinances when the legislature is not in session.
- These ordinances have the same force as laws but must be approved within six weeks of the legislature reassembling.
- Cannot issue ordinances on matters requiring prior Presidential sanction or which must be reserved for Presidential assent.

❖ **Financial Powers--**

- No Money Bill can be introduced in the legislature without the Governor's recommendation.
- Presents the annual budget and supplementary budgets to the legislature.
- Authorizes advances from the Contingency Fund of the State to meet unforeseen expenditures.
- Constitutes the State Finance Commission every five years to review the financial position of Panchayats and Municipalities.

❖ Administrative & Reporting Powers--

- Receives annual reports of bodies like the State Public Service Commission (Article-323), Comptroller and Auditor General(CAG)(Article-151), and the State Finance Commission, which are laid before the legislature for scrutiny.

STOP TO CONSIDER-1

✓ Executive (State Government – Governor)

- India adopts a **parliamentary system** at both Union and State levels, with the **Governor** as the constitutional head of a state.
- The **Governor is appointed by the President**, holds office during the President's pleasure, and acts as a link between the Centre and the State.
- Powers of the Governor are categorized into--
 - **Executive Powers**--Includes appointments (e.g., Chief Minister, Advocate General), administration, and tribal welfare responsibilities.
 - **Legislative Powers**--Summons, prorogues, dissolves the legislature; gives assent to bills; can nominate members.
 - **Ordinance-Making Powers**--Can issue ordinances when the legislature is not in session(Article-213).
 - **Financial Powers**--Involvement in budget presentation, contingency funding, and finance commissions.
 - **Administrative/Reporting Powers**--Receives and lays key reports before the legislature.
- Governor symbolizes both **state authority** and **central representation**, reflecting India's **quasi-federal** constitutional structure.
- **Governor's Dual Role**--The Governor acts as both the state's head (ceremonial) and the central government's representative, highlighting the federal structure.
- **Appointment and Tenure**--The Governor is appointed by

the President and serves at their pleasure, typically for five years.

- **Powers of the Governor**--These are extensive and include executive, legislative, ordinance-making, and financial powers, as well as special responsibilities in certain states. The Governor's powers are exercised on the aid and advice of the council of ministers except in certain discretionary areas.
- **Chief Minister and Council of Ministers**--The Chief Minister heads the elected government and is assisted by the Council of Ministers, responsible to the State Legislative Assembly.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the qualifications for being appointed as a Governor?

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2. What are some of the Governor's Executive Powers?

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3. How does the Governor's ordinance-making power work?

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6.3.2 The Chief Minister

The **Chief Minister (CM)** is the real executive authority in a state government, whereas the **Governor** serves as the nominal or constitutional head. The Chief Minister is appointed by the Governor, and the other Ministers are appointed by the Governor on the advice of the Chief Minister. All Ministers, including the Chief Minister, hold office during the pleasure of the Governor.

The leader of the political party or coalition that secures a majority in the State Legislative Assembly elections is typically invited by the Governor to form the government and is appointed as the Chief Minister. If no party secures an outright majority (i.e., in a hung assembly), the Governor has the discretion to appoint a Chief Minister. In such cases, the Governor may invite the leader of the largest single party or a post-election coalition to form the government, with the condition that the Chief Minister must prove their majority on the floor of the Assembly within a stipulated time—usually one month.

In the event of the death of a sitting Chief Minister, the Governor can appoint a new Chief Minister at his discretion, typically based on the nomination of a successor by the ruling party. The newly appointed Chief Minister must also prove majority support in the Legislative Assembly within the prescribed time.

A person who is not a member of the State Legislature (i.e., neither from the Legislative Assembly nor the Legislative Council) can also be appointed as Chief Minister. However, such a person must get elected to either house of the State Legislature within six months of their appointment; failing this, they must resign from office.

The Chief Minister can be a member of either house of the State Legislature.

According to **Article-166** of the Indian Constitution, the conduct of business of the state government is carried out in the name of the Governor, but in practice, it is the Chief Minister who holds executive authority. **Article-167** outlines the duties of the Chief Minister, particularly in furnishing information to the Governor and communicating decisions of the Council of Ministers.

6.3.2.1 Functions of the Chief Minister

The Chief Minister performs a range of functions related to the **Council of Ministers**, the **Governor**, and the **State Legislature**. Apart from these, the Chief Minister plays important roles in various intergovernmental bodies.

✓ **Other Key Roles--**

- **Chairperson of the State Planning Board.**
- **Vice-Chairperson of the Zonal Council** concerned (on a rotational basis for one year).
- **Member of the Inter-State Council and the National Development Council**, both headed by the Prime Minister.

❖ **In Relation to the Council of Ministers--**

As the head of the State Council of Ministers, the Chief Minister performs the following functions--

- Recommends to the Governor the names of ministers to be appointed.
- Allocates and reshuffles ministerial portfolios.
- Has the authority to advise a minister to resign.
- Presides over meetings of the Council of Ministers.
- Guides, supervises, and coordinates the activities of all the ministers.
- The resignation of the Chief Minister leads to the dissolution of the entire Council of Ministers.

❖ **In Relation to the Governor--**

The Chief Minister is the primary link between the Governor and the state cabinet. His duties include--

- Communicating all decisions and matters of the Council of Ministers to the Governor.
- Providing any information regarding the state's administrative affairs when requested by the Governor.
- Informing the Governor about individual ministerial decisions not yet considered by the cabinet.

- Advising the Governor on key constitutional appointments, such as the Advocate-General of the State, Chairman and members of the State Public Service Commission, and State Election Commission.

❖ **In Relation to the State Legislature--**

As the leader of the house (usually the Legislative Assembly), the Chief Minister--

- Advises the Governor regarding the summoning and proroguing of legislative sessions.
- May recommend the dissolution of the Legislative Assembly at any time.
- Announces government policies and major decisions on the floor of the House.

STOP TO CONSIDER-2

✓ **The Chief Minister**

- **Appointment**--Appointed by the Governor; usually the leader of the majority party/coalition in the State Legislative Assembly.
- **Discretion of Governor**--Applied in case of a hung assembly or death of incumbent; CM must prove majority within a set time (usually 1 month).
- **Eligibility**--Can be from either house or even outside the legislature (must get elected within 6 months).
- **Executive Role**--Real executive head of the state; Governor is the nominal head.
- **Key Constitutional Articles**--
 - **Article-166**--Conduct of state government business.
 - **Article-167**--Duties of the CM to the Governor.

❖ **Functions of the Chief Minister**

- **With Council of Ministers**--
 - Recommends appointments, allocates portfolios.
 - Presides over meetings.

- Guides and can ask ministers to resign.
- Resignation leads to fall of entire council.
- **With Governor--**
 - Communicates cabinet decisions.
 - Supplies information on administration.
 - Advises on key constitutional appointments.
- **With State Legislature--**
 - Advises on sessions, dissolution.
 - Leads the House.
 - Announces government policies.

❖ **Additional Roles--**

- Chairs State Planning Board.
 - Vice-chair of Zonal Council (by rotation).
 - Member of Inter-State and National Development Councils.
- ✓ The Chief Minister is the key figure in the state executive, leading the Council of Ministers and advising the Governor. This section explores the Chief Minister's appointment, relationship with the Governor and the Council of Ministers, and their crucial role in state governance. Key aspects include--
- **Appointment and Tenure--**The Chief Minister is typically the leader of the majority party in the assembly, but the Governor plays a role in appointments, especially in hung assemblies.
 - **Powers and Functions--**The Chief Minister heads the Council of Ministers, advises the Governor, and plays a key role in legislation, administration, and state development.
 - **Relationship with the Governor--**The Chief Minister advises the Governor on various matters, while the Governor remains the nominal head of the state.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Discuss different functions of a Chief Minister of a state.

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2. What are the conditions to become a Chief Minister of a state?

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6.3.3 The State Council of Ministers

The **Council of Ministers** in a state functions on principles broadly similar to those at the Union level. It is a key component of the state executive and is responsible for the administration and governance of the state. The Council operates under the leadership of the **Chief Minister** and collectively holds responsibility to the **State Legislative Assembly**.

As per **Article-164(2)** of the Indian Constitution, the **Council of Ministers is collectively responsible to the Legislative Assembly** of the state. This means that if the Assembly passes a vote of no confidence against the Council, the entire body, including the Chief Minister, must resign. This principle ensures unity and accountability in decision-making.

✓ Appointment and Membership

Any individual can be appointed as a Minister in the State Government. However, **Article-164(4)** states that a person who is not a member of the State Legislature at the time of appointment must secure a seat in either house of the legislature within six months. Failure to do so leads to termination of the ministerial post. This ensures that all ministers remain accountable to the legislature and, by extension, to the people.

✓ **Council of Ministers and the Governor**

Under **Article-163**, the **Council of Ministers is responsible for aiding and advising the Governor** in the exercise of their executive powers. While this mirrors the relationship between the President and the Union Council of Ministers, there are important distinctions--

- The **Governor** is generally expected to act on the advice of the Council.
- However, unlike the President, the Governor is vested with certain **discretionary powers** under Article-163(1).
- In specific situations—such as a hung assembly, reservation of bills for the President’s consideration, or dismissal of a government—the **Governor can act without or against the advice of the Council**.

This discretionary authority adds a unique dimension to the Governor’s role at the state level.

✓ **Composition of the Council of Ministers**

The Indian Constitution does not specify a fixed number of ministers in a state government. Instead, the size and composition of the Council are determined by the **Chief Minister**, depending on administrative needs and legislative strength.

The Council is typically structured in three tiers--

- **Cabinet Ministers--**
 - Senior-most members of the Council.
 - Head major departments such as Finance, Home, Education, etc.
 - Make key policy and administrative decisions.
- **Ministers of State--**
 - Junior to Cabinet Ministers.

- May hold independent charge of certain departments or assist Cabinet Ministers.
- **Deputy Ministers--**
 - Work under Cabinet or State Ministers.
 - Assist in handling day-to-day administrative functions.

In some states, **Parliamentary Secretaries** are also appointed to assist ministers, though their position is not constitutionally mandated and has often been subject to judicial scrutiny.

✓ **Role and Functioning**

Under the leadership of the Chief Minister, the **Council of Ministers plays a vital role** in--

- Formulating state policies.
- Administering departments.
- Ensuring legislative accountability.
- Implementing welfare and development programs.

The Chief Minister coordinates the functioning of all ministers and ensures unity and coherence in governance.

✓ **Civic Awareness**

Knowing the **Ministers of State** or the **current members of your state's Council of Ministers**—such as in Assam or your home state—enhances civic understanding and enables citizens to better engage with local governance.

STOP TO CONSIDER-3

✓ **The State Council of Ministers**

- **Constitutional Basis--**
 - **Article-163**--Council aids and advises the Governor.
 - **Article-164(2)**--Collective responsibility to the Legislative Assembly.
 - **Article-164(4)**--Non-legislators must get elected

within 6 months to remain ministers.

- **Governor's Discretion--**

- Has limited discretionary powers (unlike the President).
- Can act independently in specific constitutional situations.

- **Collective Responsibility--**

- Entire Council must resign if it loses confidence of the Legislative Assembly.

➤ **Composition of the Council**

- **No fixed number**; decided by Chief Minister based on administrative needs.

- **Three levels--**

- ☐ **Cabinet Ministers** – Senior decision-makers; head key ministries.
- ☐ **Ministers of State** – Assist Cabinet Ministers or hold independent charge.
- ☐ **Deputy Ministers** – Support both levels in administrative functions.

➤ **Key Functions--**

- Assist the Chief Minister in governance.
- Implement legislative policies and development programs.
- Maintain administrative coordination across departments.

➤ **Civic Note--**

Knowing your state's ministers enhances awareness of local governance and public accountability.

- ✓ The State Council of Ministers, mirroring the Union Council, is collectively responsible to the State Legislative Assembly. While generally advising the Governor, the Governor has some discretionary powers. The Council comprises of Cabinet Ministers, Ministers of State, and Deputy Ministers, with the Chief Minister determining its size and composition.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Discuss the relationship between the Governor and the Council of Ministers of a state.

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2. What are different types of Council of Ministers a state can have?

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6.4 Legislative(State Legislatures: Unicameral & Bicameral)

➤ State Legislatures--Unicameral and Bicameral Systems

Chapter-III of Part-VI of the Indian Constitution (Articles-168 to 212) deals with the **State Legislature**, encompassing its **organization, composition, duration, presiding officers, procedures, privileges, powers**, and more.

❖ Structure of the State Legislature

As per **Article-168**, the **Legislature of every State** shall consist of the **Governor** and either **one House (unicameral)** or **two Houses (bicameral)**.

- **Unicameral Legislatures (one House)**--Most Indian states, such as Kerala, Odisha, and Gujarat, have only the **Legislative Assembly (Vidhan Sabha)**.

- **Bicameral Legislatures (two Houses)**--States like **Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh** have both the **Legislative Assembly** and the **Legislative Council (Vidhan Parishad)**.

6.4.1 Legislative Council (Vidhan Parishad)

✓ **Composition--**

The total number of members in the **Legislative Council** of a state--

- Shall **not exceed one-third** of the total strength of the **Legislative Assembly**.
- Shall **not be less than 40** members in any case (except for Jammu & Kashmir under its former special status, which is no longer applicable after 2019).

The **composition** is based on **indirect elections and nominations**, as follows--

- **One-third**--Elected by local authorities (Municipalities, District Boards, etc.) as specified by Parliament.
- **One-twelfth**--Elected by graduates of three years' standing residing in the state.
- **One-twelfth**--Elected by teachers who have taught in institutions not below the secondary level for at least three years.
- **One-third**--Elected by members of the State Legislative Assembly from among persons not part of the Assembly.
- **One-sixth**--**Nominated by the Governor**, from individuals with expertise in **literature, science, art, the cooperative movement, or social service**.

✓ **Duration--**

- The Legislative Council is a **permanent body** and **cannot be dissolved**.
- However, **one-third of its members retire every two years**, and they can be **re-elected or re-nominated**.

6.4.2 Legislative Assembly(Vidhan Sabha)

✓ Composition--

- The **minimum strength** of a State Legislative Assembly is **60** members, and the **maximum is 500**, as per Article-170.
- However, smaller states like **Goa, Mizoram, and Sikkim** have **fewer than 60 members** (Goa and Mizoram have 40 each).
- Members are **directly elected** by the **people of the state** through **adult suffrage**, from **single-member territorial constituencies**.

✓ Reservation of Seats--

- Seats are **reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs)** based on population.
- The **Governor may nominate one member** from the **Anglo-Indian community** to the Assembly if he believes the community is **not adequately represented** (this provision was abolished by the 104th Constitutional Amendment Act, 2020, and is no longer in effect).

✓ Duration--

- The normal tenure of the Legislative Assembly is **five years** from the date of its first sitting.
- It can be **dissolved earlier** by the Governor.
- During a **national emergency**, Parliament may **extend its term** by **one year at a time**, but **not beyond six months** after the emergency ends.

✓ Qualifications for Membership (Article-173)

To be eligible for election to the State Legislature, a person must--

- Be a **citizen of India**.
- Be at least **25 years old** for the **Legislative Assembly** and **30 years old** for the **Legislative Council**.
- Fulfill any **additional qualifications** as may be prescribed by Parliament by law.

✓ Disqualifications for Membership (Article-191)

A person is disqualified from being chosen as a member of the State Legislature if--

- They hold an **office of profit** under the Government of India or a State (except for offices exempted by law).
- They are of **unsound mind**, as declared by a competent court.
- They are an **undischarged insolvent**.
- They are **not a citizen of India**, or have voluntarily acquired **foreign citizenship**, or have declared allegiance to a foreign State.
- They are **disqualified by any law made by Parliament** (e.g., under the Representation of the People Act, 1951).

✓ Decision on Disqualification (Article-192)--

- If a question arises regarding disqualification, it is referred to the **Governor**, whose decision is **final**.
- However, **the Governor must act based on the opinion of the Election Commission of India**.

STOP TO CONSIDER-4

➤ State Legislatures in India

- **Constitutional Basis**—Articles-168–212 in Part-VI deal with State Legislatures.
- **Structure--**
 - **Unicameral**--Most states (e.g., Kerala, Gujarat) – only **Legislative Assembly**.
 - **Bicameral**--Some states (e.g., UP, Maharashtra) – **Legislative Assembly + Legislative Council**.

➤ **Legislative Council (Vidhan Parishad)--**

- **Permanent body**, not subject to dissolution.
- **One-third members retire every 2 years.**
- **Composition--**
 - 1/3 by local authorities.
 - 1/12 by graduates.
 - 1/12 by teachers.
 - 1/3 by MLAs.
 - 1/6 nominated by Governor (experts in various fields).
- **Membership not less than 40.**

➤ **Legislative Assembly(Vidhan Sabha)--**

- **Directly elected** by people; size-- **60 to 500** (smaller states like Goa, Mizoram = 40).
- **Tenure-- 5 years**, extendable during emergency (max 1 year at a time, up to 6 months post-emergency).
- **Seats reserved** for SCs/STs; **Anglo-Indian nomination abolished in 2020.**

✓ **Eligibility--**

- Indian citizen.
- Min. age: 25 (Assembly), 30 (Council).
- Other qualifications by law.

✓ **Disqualifications (Art. 191)--**

- Office of profit, unsound mind, insolvency, foreign citizenship, or disqualified by law.
- **Governor decides** disqualification cases **based on Election Commission's advice** (Art. 192).

- **Bicameral vs. Unicameral--**Some states have both a Legislative Assembly (Vidhan Sabha) and a Legislative Council (Vidhan Parishad), while others have only the Assembly.

- **Legislative Council (Vidhan Parishad)**--Its composition includes members elected by local bodies, graduates, teachers, members of the Legislative Assembly, and those nominated by the Governor. It is a permanent body with staggered terms.
- **Legislative Assembly (Vidhan Sabha)**--Its members are directly elected by the people. Seats are reserved for Scheduled Castes(SCs) and Scheduled Tribes(STs) and the Governor can nominate a member of the Anglo-Indian community if necessary.
- **Qualifications and Disqualifications**--Specific age and citizenship requirements exist for membership in both houses, along with disqualifications for holding offices of profit, unsound mind, insolvency, and foreign citizenship.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Discuss the composition of legislative assembly of a state.

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2. What is the duration of a legislative assembly?

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Self Asking Questions(SAQs)

I.	Discuss the ordinance making power of the Governors of a state. (Within 70 words)

II.	Discuss responsibilities of a Chief Minister in relation to the Governor.(Within 70 words)

III.	What are the different conditions of disqualification of a member of Legislative Assembly of a state? (Within 70 words)

IV.	Discuss the composition of legislative council of a state. (Within 60 words)

6.5 Let Us Sum Up

This unit has explored the structure and functioning of the **Executive** and **Legislative** branches of a State Government in India.

The **Executive** at the state level comprises of the **Governor**, the **Chief Minister**, and the **Council of Ministers**. The Governor is appointed by the President of India and serves as the **constitutional (nominal) head** of the state, similar to the role of the President at the Union level. In contrast, the **Chief Minister is the real executive authority**, responsible for the day-to-day functioning of the state government.

According to constitutional provisions, the **Governor cannot simultaneously be a Member of Parliament(MP) or a State Legislature**. If a person holding such a position is appointed by the Governor, their seat in the Legislature becomes **automatically vacated on the date they assume office**.

The **Chief Minister** leads the **Council of Ministers**, which collectively aids and advises the Governor in carrying out executive functions. The Council of Ministers in a state functions similarly to the Union Council of Ministers and is **collectively responsible to the State Legislative Assembly**. If the Chief Minister resigns or loses the confidence of the Assembly, the entire Council of Ministers must step down.

The **Legislature** of a state, as per **Article-168** of the Constitution, consists of the **Governor** and either one or two Houses--

- **Unicameral Legislature**--Most Indian states have a single House—the **Legislative Assembly(Vidhan Sabha)**.
- **Bicameral Legislature**--Some states, such as **Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh, and Telangana**, have two Houses—**Legislative Assembly and Legislative Council(Vidhan Parishad)**.

The **Legislative Council** is a permanent body, not subject to dissolution, with one-third of its members retiring every two years. Its total strength must not exceed **one-third of the strength of the Legislative Assembly** and must not be less than **40 members**.

The **Legislative Assembly** is directly elected by the people and plays a central role in the law-making and financial functions of the state. Its **strength ranges between 60 and 500 members**, although smaller states like **Mizoram and Goa** are constitutionally allowed to have only **40 members** each.

In conclusion, each organ of the state government—**Executive and Legislature**—must function within the **framework laid down by the Constitution**, upholding democratic principles and ensuring responsible governance at the state level.

6.6 References & Suggested Readings

- ✓ Basu, D. D. (2022). *Introduction to the Constitution of India* (26th ed.). LexisNexis.
<https://store.lexisnexis.in/introduction-to-constitution-of-india>

- ✓ Laxmikanth, M. (2022). *Indian polity: For civil services and other state examinations* (7th ed.). McGraw Hill.

➤ **Websites for readings--**

- <https://www.jatinverma.org>
- <https://byjus.com>

6.7 Model Questions

- What are the powers in terms of different money bills exercised by the Governor?
- Discuss functions of a Chief Minister in relation to the Legislature of a state.
- What is the duration of a legislative council?
- Explain the relationship between the Governor and the State Legislative Assembly.
- Discuss the role of the State Council of Ministers in the governance of a state.
- Analyze the executive powers of the Governor, including appointing the Chief Minister and other ministers, making rules, and taking executive actions.

6.8 Possible Answers to SAQs

I) He can issue an Ordinance when one or both Houses of the State Legislature are not in session. It has the force of a law. However, the Governor is prohibited from promulgating Ordinances that contain provisions, which under the Constitution require the previous sanction of the President for introduction in the State Legislature or which are to be reserved for the assent of the President. An

Ordinance issued by the Governor ceases to be in operation six weeks after the assembly of the Legislature unless approved earlier. The Governor may withdraw an Ordinance any time before it expires

II) i) All the activities, decisions that are taken up by the council of ministers are communicated to the Governor by the chief minister

ii) To report to the Governor, information about the administrative affairs if and when asked by the Governor

ii) If any minister has decided on any issue, the same has to be reported to the Governor by the Chief Minister when the same has not been considered by the council.

iii) He gives his advice to the Governor for the appointment of the Advocate-General, Chairman of state public service commission, the state election commission, etc.

III) Article-191 provides that a person is disqualified for being chosen as a member of the Legislature of a State--

1) If he holds any office of profit under the Central or State Governments;

2) If he is of unsound mind, or

3) If he is an undercharged insolvent; or

4) If he is not a citizen of India or have voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance of adherence to a foreign State; or

5) If he is so disqualified under any law of Parliament.

If any question arises as to whether a member of a House of the Legislature of a State has become a subject to any of the disqualifications mentioned above, the question shall be referred for the decision of the Governor and his decision is final. Before giving any decision on any such question, the Governor should obtain the opinion of the Election Commission of India and must act according to such opinion (Article-192).

IV)1. One-third are to be elected by electors consisting of members

of Municipality District Boards and such other local authorities in the State as Parliament may by law specify;

2. One-twelfth are to be elected by electorates consisting of graduates of three years standing and residing within the State;

3. One-twelfth are to be elected by electorates consisting of persons who have been teaching for at least three years in educational institutions within the state, not lower in standard than secondary school;

4. One-third are to be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

5. The remainder i.e., the one-sixth is to be nominated by the Governor from persons having special knowledge or practical experience in Literature, Science, Art, Co-operative movement and Social Service.

6.9 Answers to Check Your Progress

Check Your Progress-1

1. In order to be appointed as Governor, a person 1) Must be a citizen of India: and 2) Must have completed the age of thirty-five years.

2. Governor's Executive Powers--

- All executive actions of the State Government are taken in his name.
- The Governor is authorized to make rules regarding the way in which orders and instructions made and executed in his name are to be authenticated.
- He also makes rules for the convenient transaction of the business of Government and for its allocation amongst the ministers.
- Special responsibilities in certain states (e.g., tribal welfare

in Jharkhand, Madhya Pradesh, Chhattisgarh, and Odisha; administration of tribal areas in Assam).

- Powers of appointment and patronage (Chief Minister, other ministers, Advocate-General, State Public Service Commission members, State Election Commission, State Finance Commission).
- Receiving communication from the Chief Minister regarding decisions of the Council of Ministers.

3. He can issue an Ordinance when one or both Houses of the State Legislature are not in session. It has the force of a law. However, the Governor is prohibited from promulgating Ordinances that contain provisions, which under the Constitution require the previous sanction of the President for introduction in the State Legislature or which are to be reserved for the assent of the President. An Ordinance issued by the Governor ceases to be in operation six weeks after the assembly of the Legislature unless approved earlier. The Governor may withdraw an Ordinance any time before it expires.

Check Your Progress-2

1. The Chief Minister leads the Council of Ministers, advises the Governor, and plays a key role in legislation, administration, and state development. They head the State Planning Board, serve as vice-chairperson of zonal councils, and are members of the Inter-State Council and National Development Council.

2.

- The Chief Minister is usually the leader of the majority party in the assembly.
- In hung assemblies, the Governor plays a role in appointing the CM. A person not belonging to the legislature must be elected within six months.
- The Chief Minister can belong to either house of the State Legislature.

Check Your Progress-3

1. Broadly speaking, the relationship between the Governor and the Council of Ministers is similar to that between the President and the

Union Council of Ministers. Whereas the Constitution does not provide much discretionary powers for the President, it empowers the Governor to exercise some functions in his discretion (Article-163). While exercising his discretionary power, the Governor need not seek or act according to the advice tendered by his council of ministers." In essence, the Council advises the Governor, but the Governor can act independently in certain discretionary areas.

2. The three categories: "a) Cabinet Ministers, b) Ministers of State and c) Deputy Ministers.

Check Your Progress-4

1. The legislative assembly (Vidhan Sabha) of a state consists of members chosen directly by the people based on universal adult franchise from territorial constituencies. The minimum number of seats is 60, and the maximum is 500, except for Mizoram and Goa, which have 40 members each. Seats are reserved for Scheduled Castes(SCs) and Scheduled Tribes(STs) based on population. Additionally, the Governor can nominate one member from the Anglo-Indian community if it is underrepresented in the assembly.

2. The normal tenure of a legislative assembly is five years. However, it can be dissolved earlier by the Governor. During a national emergency, its tenure can be extended by an Act of Parliament for one year at a time, but not beyond six months after the end of the emergency.

Unit: 7

Judicial System in States, High Courts and other Subordinate Courts

Unit Structure:

- 7.1 Introduction
- 7.2 Objectives
- 7.3 Judicial System in India
- 7.4 Judicial Systems in States
- 7.5 High Courts in India
- 7.6 Sub-Ordinate Courts
- 7.7 Let Us Sum Up
- 7.8 References and Suggested Readings
- 7.9 Model Questions
- 7.10 Answer to Check Your Progress

7.1 Introduction

The judicial system of India is a well-organized, hierarchical framework entrusted with upholding justice, interpreting laws, and safeguarding the constitutional rights of citizens. At the apex of this structure is the **Supreme Court of India**, which functions as the highest judicial authority and the final court of appeal in the country.

Beneath the Supreme Court are the **High Courts**, which serve as the highest judicial bodies at the state level. Each state has its own High Court, or in some cases, a common High Court may serve multiple states or union territories. Article-214 of the Constitution of India provides that “There shall be a High Court for each State,” thereby, establishing the constitutional basis for these institutions.

Below the High Courts lies the vast network of **subordinate courts**, which operate at the district and taluka (sub-district) levels. These

include **District Courts, Sessions Courts, Civil Judges, and Judicial Magistrates**, among others. These courts primarily deal with civil and criminal matters and are essential for delivering justice at the grassroots level.

The Indian judiciary derives its authority from the **Constitution of India**, which defines the structure, powers, jurisdiction, and functioning of various courts. It provides for the independence of the judiciary, separation of powers, and access to justice for all citizens.

Over the years, the judiciary has expanded and adapted to evolving social, political, and technological contexts. The creation of **specialized courts and tribunals**, such as family courts, commercial courts, consumer forums, and cybercrime tribunals, reflects efforts to streamline judicial processes and address the growing complexity of legal issues.

This unit aims to provide a comprehensive understanding of the judicial system in India, with a special emphasis on the **High Courts and subordinate courts at the state level**. It will explore their **structure, composition, roles, and responsibilities**, along with significant constitutional provisions that govern their functioning. The unit will also address **key challenges** faced by the judiciary, such as pendency of cases, infrastructure limitations, and delays in justice, and highlight ongoing **reform initiatives** to enhance the **efficiency, transparency, and accessibility** of the judicial system.

7.2 Objectives

After going through this unit, the learners will be able to---

- **Analyze** the judicial system of the country, understanding its framework and principles.
- **Gain an overview** of the judicial systems in the states, examining their structure and functioning.
- **Understand** the role, powers, and jurisdiction of High Courts in the Indian judicial system.

- **Gain an understanding** of the different types of subordinate courts and their functions within the judicial hierarchy.

7.3 Judicial System in India

The Indian judiciary is an integrated and hierarchical system designed to uphold the rule of law, interpret the Constitution, and protect the fundamental rights of citizens. Functioning as a unified legal framework across the entire country, it ensures consistency and uniformity in the administration of justice. At the top of this structure is the **Supreme Court of India**, followed by the **High Courts** at the state level, and a broad network of **subordinate courts** at the district and local levels. The Constitution of India clearly outlines the powers, structure, and jurisdiction of these courts.

A defining feature of the Indian judicial system is that it allows individuals to seek redress at multiple judicial levels for violations of legal or constitutional rights. The **independence of the judiciary** is a foundational principle enshrined in the Constitution, ensuring the judiciary remains free from influence by the executive or legislature. This separation of powers is crucial to the functioning of a healthy democracy.

➤ **Hierarchical Structure of Courts in India**

- India's judiciary operates on a tiered model--
 - **Supreme Court of India** – The apex court with national jurisdiction.
 - **High Courts** – The highest courts at the state level, with appellate and original jurisdiction.
 - **Subordinate Courts** – District and lower courts dealing with the majority of civil and criminal cases.

This structure ensures legal remedies are available across regions, providing citizens with accessible pathways to justice. Lower courts deal with everyday legal disputes, while higher courts resolve complex constitutional and appellate issues.

➤ **The Supreme Court of India**

The **Supreme Court** was established on **January,26, 1950**, coinciding with the commencement of the Constitution. It serves as-

- The **Guardian of the Constitution**,
- The **Highest Appellate Court**, and
- The **Protector of Fundamental Rights**.

Initially, the Supreme Court consisted of a **Chief Justice and seven Judges**. As the volume and complexity of cases increased, Parliament expanded the bench--

- 11 Judges in 1956.
- 14 in 1960.
- 18 in 1978.
- 26 in 1986.

As of now, the **sanctioned strength** is **34 judges**, including the Chief Justice of India.

✓ **Appointment** and **Tenure--**

Judges are appointed by the **President of India**, following recommendations of the **Collegium system**. A Judge retires at the age of **65**. Eligibility criteria include--

- Minimum five years as a High Court Judge, or
- Ten years as a High Court advocate, or
- Recognition as a distinguished jurist by the President.

To address judicial demands, **ad hoc Judges** from High Courts or retired Judges may be appointed temporarily.

Judicial Independence is protected by strict procedures: Judges can only be removed through **impeachment** in Parliament on grounds of **proven misbehavior or incapacity**, requiring a two-thirds majority in both Houses. After retirement, Judges are barred from practicing law in any Indian court or before any authority.

All proceedings in the Supreme Court are conducted in **English**, as mandated by **Article 145** of the Constitution and the **Supreme Court Rules, 1966**.

✓ **Role and Jurisdiction of the Supreme Court**

The Supreme Court derives its jurisdiction from **Articles-124 to 147** of the Constitution. Its primary functions include:

- **Appellate Jurisdiction**--Hearing appeals from High Courts and lower courts in civil, criminal, and constitutional matters.
- **Original Jurisdiction**--Addressing disputes between the Union and States or between States.
- **Writ Jurisdiction**--Under **Article-32**, individuals may approach the Court directly for the enforcement of fundamental rights.
- **Advisory Jurisdiction**--Under **Article-143**, the President may seek the Court's opinion on legal questions.

The Court has played a vital role in shaping India's democracy through landmark rulings on civil liberties, secularism, electoral reform, reservation, and environmental protection.

✓ **High Courts and Subordinate Courts**

High Courts, established under **Article-214**, function as the highest courts in the states. While most states have their own High Courts, some share a common High Court (e.g., Punjab and Haryana, or the Northeastern states).

✓ High Courts possess--

- **Original Jurisdiction** in certain matters (like writs under Article-226),
- **Appellate Jurisdiction** over civil and criminal cases from subordinate courts,
- **Supervisory Authority** over all subordinate courts within their jurisdiction.

✓ **Subordinate Courts** form the foundation of India's justice delivery system. These include--

- **District Courts** (civil and sessions divisions),
- **Chief Judicial Magistrate Courts**,

- **Civil Judge (Junior Division) and Judicial Magistrate First Class Courts.**

Special courts and tribunals have also been established for specific areas of law—**family disputes, commercial litigation, consumer protection, cybercrime**, and more—aimed at resolving cases efficiently.

✓ **Evolution and Modernization of the Judiciary**

India's judiciary has undergone significant transformation to address the demands of a growing population and increasing legal complexities. Some key developments include--

- **E-courts and digital filings** to enhance access and transparency.
- **Virtual hearings**, especially post-COVID-19, enabling remote case disposal.
- **Fast-track courts and special tribunals** for targeted justice delivery.
- **Alternative Dispute Resolution (ADR)** methods such as **Lok Adalats, mediation, and arbitration** to reduce case backlogs.

The first sitting of the Supreme Court of India took place on **January,28, 1950**. Since then, the judiciary has grown into a robust pillar of Indian democracy, dedicated to upholding constitutional principles and delivering justice equitably and efficiently.

STOP TO CONSIDER-1

➤ **Judicial System in India**

- **Integrated Structure**--Unified and hierarchical—Supreme Court at the apex, followed by High Courts and Subordinate Courts.
- **Supreme Court**--
 - Established--January,26, 1950.
 - Role--Guardian of the Constitution, highest appellate authority, enforcer of fundamental rights.

- Strength--34 judges (including Chief Justice); appointed via Collegium, retire at 65.
- Jurisdiction--Original (Article-131), Appellate (Articles-132–136), Writ (Article-32), Advisory (Article-143).
- **High Courts--**
 - Established under Article-214.
 - Each state (or group of states) has a High Court.
 - Jurisdiction--Original (Article-226), appellate, and supervisory over subordinate courts.
- **Subordinate Courts--**
 - Includes District Courts, Sessions Courts, Magistrate Courts.
 - Handle most civil and criminal matters at grassroots.
 - Special courts/tribunals address family, commercial, cyber, and consumer cases.
- **Judicial Independence--**
 - Guaranteed by Constitution.
 - Judges removable only by impeachment (two-thirds majority).
 - Post-retirement legal practice is prohibited.
- **Modernization--**
 - E-courts, virtual hearings, digital filings.
 - ADR methods--Lok Adalats, mediation, arbitration.
 - Aim--Reduce backlog and improve access to justice.
- The Indian judiciary is a hierarchical and independent system ensuring justice.
- The Supreme Court is the highest authority, followed by High Courts and subordinate courts.
- Courts have jurisdiction over constitutional, civil, and criminal matters.
- The judiciary safeguards fundamental rights and ensures legal uniformity.
- Technological advancements have improved judicial efficiency.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. How is the Indian Judiciary system?

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2. What is the jurisdiction of courts?

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3. What are responsibilities of courts?

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7.4 Judicial Systems in Indian States

The judicial system at the state level in India is headed by the **High Court**, which serves as the highest judicial authority within the territorial jurisdiction of the state. As per **Article-214** of the Constitution of India, each state shall have a High Court. However, in practice, some High Courts have jurisdiction over more than one state or union territory (e.g., the Bombay High Court serves Maharashtra, Goa, and the union territories of Dadra and Nagar Haveli and Daman and Diu).

High Courts exercise original, appellate, and supervisory jurisdiction in **civil, criminal, and constitutional matters**. They are also empowered with **writ jurisdiction under Article-226**, enabling them to issue writs such as **habeas corpus, mandamus, prohibition, quo warranto**, and **certiorari** for the enforcement of fundamental rights and for other legal purposes.

➤ **Subordinate Judiciary in States**

Beneath the High Court is a structured network of **subordinate courts**, which function at the **district and lower levels**. These courts are essential for ensuring justice at the grassroots and include the following--

✓ **District Courts**

- Present in each district.
- Presided over by a **District Judge**, who exercises both original and appellate jurisdiction in civil and criminal matters.
- Function under the **administrative and supervisory control of the respective High Court**.

✓ **Sessions Courts**

- Deal with **serious criminal cases**, including those punishable with life imprisonment or the death penalty.
- The **Sessions Judge** conducts trials and passes sentences under the Code of Criminal Procedure.

✓ **Civil Courts**

- Handle disputes related to **property, contracts, family law, inheritance**, etc.
- Organized in a hierarchy that includes--
 - **Civil Judge (Senior Division)**.
 - **Civil Judge (Junior Division)**.

4. Magistrate Courts

- Deal with **less serious criminal cases**.
- Categories include--
 - **Chief Judicial Magistrates (CJM)**.
 - **Judicial Magistrates First Class (JMFC)**.
 - **Judicial Magistrates Second Class**.
- Their powers are defined under the **Criminal Procedure Code (CrPC)**.

✓ **Specialized and Statutory Courts**

In addition to regular courts, several **specialized courts and tribunals** function at the state level to handle specific kinds of cases--

- **Family Courts** – For marriage and family-related disputes.
- **Labour Courts** – For resolving industrial and employment issues.
- **Consumer Disputes Redressal Forums** – For consumer rights violations.
- **Juvenile Justice Boards** – For cases involving minors.
- **Fast Track Courts** – For the expeditious trial of selected cases, such as sexual offenses, crimes against women, and corruption.

✓ **Reforms and Technological Advancements**

To improve efficiency and ensure wider access to justice, several **judicial reforms and technological upgrades** have been initiated in the state judiciary. These include--

- **Digitization of court records.**
- **E-filing of cases and online case management systems.**
- **Virtual hearings and video conferencing for trials.**
- **National Judicial Data Grid (NJDG)** for real-time tracking of cases.

✓ **Conclusion**

The state-level judiciary forms the backbone of India's justice delivery system. With the High Court at its helm and a vast network of subordinate courts, it ensures that **legal redress is available to citizens at every level**. The incorporation of technology and creation of specialized courts reflect ongoing efforts to make justice **more efficient, inclusive, and accessible** across the country.

STOP TO CONSIDER-2

➤ **Judicial Systems in Indian States**

- **High Court** is the highest court in a state, established under Article-214; some serve multiple states/UTs.
- **Jurisdiction** includes civil, criminal, constitutional, and writ (Article-226) powers.
- **Subordinate courts** include--
 - District Courts (civil and criminal appellate jurisdiction),
 - Sessions Courts (serious criminal cases),
 - Civil Judges (Senior and Junior Divisions),
 - Magistrate Courts (Chief Judicial Magistrate, JMFC, JM Second Class).
- **Specialized courts** address specific matters--Family Courts, Labour Courts, Consumer Forums, Juvenile Justice Boards, Fast Track Courts.
- **Reforms**--Digitization, e-filing, virtual hearings, and National Judicial Data Grid enhance access and efficiency.

The High Court is the highest judicial authority in a state, empowered by Article-214 of the Constitution, with jurisdiction over civil, criminal, and constitutional matters. Subordinate courts include District, Session, Civil, and Magistrate Courts, each handling specific types of cases under the supervision of the High Court. Specialized courts such as Family Courts, Labour Courts, Consumer Courts, Juvenile Justice Boards, and Fast Track Courts address focused legal areas. High Courts also have writ powers under Article-226 to protect fundamental rights. Technological reforms like e-filing and digitization have improved accessibility and efficiency in state judicial systems.

Check Your Progress-2

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the different types of subordinate courts under the state judicial system, and what are their primary functions?

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2. What is the significance of Article-226 in the context of the powers of High Courts?

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7.5. High Courts in India

High Courts in India are constitutional authorities established under **Article-214** of the Constitution. Each state has its own High Court, though some High Courts serve more than one state and/or Union Territory. High Courts represent the **highest judicial authority at the state level** and act as vital components of India's unified judicial structure. As per **Article-215**, every High Court is a **Court of Record**, empowered to preserve judicial precedents and punish for contempt, thereby upholding the rule of law and judicial independence.

➤ Composition and Appointment of High Court Judges

The composition of a High Court is defined under **Article-216**, which provides for a **Chief Justice** and such number of other judges as the President of India may determine. This number is decided based on factors such as the average number of cases filed over the previous five years and the rate at which judges dispose of cases.

Under **Article-217**, the appointment of High Court judges is made by the **President of India**, in consultation with--

- The **Chief Justice of India**,
- The **Governor** of the respective state, and
- The **Chief Justice of the concerned High Court**.

Judges of the High Court serve until the age of **62 years**. Their salaries, conditions of service, and grounds for removal are defined by the Constitution to ensure judicial independence.

As of **March 2023**, India has **25 High Courts**. The **Allahabad High Court** in Uttar Pradesh has the largest sanctioned strength (160 judges), while the **Sikkim High Court** has the smallest (3 judges).

➤ **Qualifications for Appointment**

To be eligible for appointment as a High Court judge, a person must--

- Be a **citizen of India**,
- Have held a **judicial office in India for at least 10 years**, or
- Have practiced as an **advocate in one or more High Courts** for at least 10 years.

These criteria ensure that only individuals with substantial legal expertise and experience are elevated to the High Court bench.

➤ **Jurisdiction and Powers of High Courts**

High Courts exercise a wide range of powers and jurisdiction, derived from the Constitution and applicable laws--

✓ **Original Jurisdiction**

High Courts have original jurisdiction in--

- Matters specifically assigned by state or central law,
- Civil or criminal cases beyond the pecuniary or territorial limits of subordinate courts,

- **Writ jurisdiction under Article-226**, which empowers them to issue constitutional writs for the enforcement of **fundamental rights** and other legal rights.

The five types of writs they can issue are--

- **Habeas Corpus** – for unlawful detention,
- **Mandamus** – to compel performance of public duty,
- **Prohibition** – to prevent lower courts from acting beyond their jurisdiction,
- **Certiorari** – to quash unlawful decisions of subordinate courts or authorities,
- **Quo Warranto** – to challenge unlawful holding of a public office.

✓ **Appellate Jurisdiction**

High Courts hear **appeals** in both **civil** and **criminal** cases from subordinate courts. They serve as the first appellate forum and, in certain cases, even as the second appellate authority in matters of law and fact.

✓ **Supervisory Jurisdiction**

Under **Article-227**, High Courts have the power to **supervise** all subordinate courts and tribunals under their jurisdiction. This ensures that lower courts function within the bounds of law and justice.

✓ **Judicial Review**

High Courts can **review the constitutionality** of state laws or executive actions. They act as guardians of the Constitution at the state level and can declare any law **null and void** if found violative of constitutional provisions.

✓ **Contempt of Court Powers**

As Courts of Record (Article-215), High Courts can **punish for contempt**—civil or criminal—thereby, ensuring the **dignity, authority, and efficacy** of the judiciary.

➤ **Hierarchy of Courts Below High Courts**

The judicial structure beneath each High Court is well-defined and supports grassroots delivery of justice. These include--

- **District Courts** – handle original jurisdiction in civil and criminal matters at the district level.
- **Sessions Courts** – hear serious criminal cases like murder, rape, and terrorism under the Code of Criminal Procedure.
- **Family Courts** – deal with matrimonial and child custody matters.
- **Special Courts and Tribunals** – established for cases related to consumer protection, anti-corruption, labour disputes, and environmental laws.

All these subordinate courts operate under the **administrative and judicial supervision** of the respective High Court.

➤ **Significance of High Courts in Indian Judiciary**

High Courts are pivotal in **preserving constitutional democracy** at the state level. Their multiple roles include--

- Protecting **fundamental rights** of citizens,
- Interpreting state laws,
- Supervising subordinate courts,
- Upholding judicial discipline and legal consistency.

High Courts are also instrumental in ensuring the **checks and balances** needed in a federal democracy. They help prevent abuse of power by state authorities and uphold individual liberties.

➤ **Modernization and Reforms**

In recent years, High Courts have taken significant steps towards modernization--

- **E-filing** of petitions and appeals,
- **Virtual court hearings** via video conferencing,
- **Digital case tracking systems** and cause lists,
- Integration with the **National Judicial Data Grid (NJDG)** to improve transparency and efficiency.

These reforms enhance accessibility to justice and help tackle the **backlog of cases**, a chronic issue in the Indian judicial system.

➤ Conclusion

High Courts are vital institutions in the Indian legal and constitutional framework. Acting as the **final judicial authority** in most state-level matters and a **critical link** between the subordinate judiciary and the Supreme Court, they ensure justice is dispensed fairly and in accordance with the Constitution. Their powers of review, writ issuance, supervision, and interpretation make them indispensable pillars of the Indian judiciary.

STOP TO CONSIDER-3

➤ High Courts in India

- **Constitutional Status**--Established under Article-214; act as the highest courts at the state level and Courts of Record under Article-215.
- **Composition**--Includes a Chief Justice and other judges appointed by the President in consultation with the CJI, state Governor, and concerned Chief Justice (Article-217); retirement age is 62.
- **Eligibility**--Must be an Indian citizen with 10 years as a judicial officer or advocate in a High Court.
- **Jurisdiction**--
 - **Original**--Includes writ jurisdiction under Article- 226 (habeas corpus, mandamus, prohibition, certiorari, quo warranto).
 - **Appellate**--Hears civil and criminal appeals from subordinate courts.
 - **Supervisory**--Oversees functioning of lower courts under Article-227.
 - **Judicial Review**--Can invalidate unconstitutional state laws.
- **Powers**-- Can punish for contempt (Article-215); must follow Supreme Court precedents (Article-141).
- **Subordinate Judiciary**--Includes District, Sessions,

Family, and Special Courts under High Court supervision.

- **Modern Reforms**--Includes e-filing, virtual hearings, and digitization to improve access and reduce backlog.
- **Significance**--Protects constitutional rights, ensures legal consistency, and upholds the rule of law at the state level.

The High Court is a Constitutional Court in terms of Article-215. It is a Court of record and has all the powers of such Court including the power to punish for Contempt of itself.

Article-141 of the Constitution of India mandates that they are bound by the judgments and orders of the Supreme Court of India by precedence. These courts have jurisdiction over a state, a union territory or a group of states and union territories. Below the High Courts are a hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and various other district courts.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Discuss about the functions of High Court.

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2. What is the jurisdiction of High Court?

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Self Asking Questions(SAQs)

- a. How High Court in a State maintain the judicial activities? Elaborate with example (20+ 60 words)

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- b. How the Indian Judiciary can be best described?

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7.6. Sub-Ordinate Courts in India

- **District and Lower Courts --**

In addition to the High Courts, India has a network of subordinate courts that operate at the district and lower levels. These courts are classified based on the nature of the cases they handle and serve as the primary judicial bodies for administering justice at the grassroots level. The District Courts, established by state governments, are responsible for overseeing the administration of justice within a district or a group of districts. Their jurisdiction is determined by factors such as the volume of cases and the population distribution of the area.

District Courts function under the administrative control of the High Court of the respective state or union territory. This ensures a uniform judicial approach, with the decisions made by District Courts subject to the appellate jurisdiction of the concerned High Court. The judicial decisions of the District Courts are, therefore, not final and can be appealed before the High Court.

The head of a District Court is the District Judge, who is appointed by the state government in consultation with the High Court. This consultation is a mandatory procedure to ensure impartiality and judicial integrity. The District Judge is responsible for the overall functioning of the District Court. In addition to the District Judge,

the court may have Additional District Judges and Assistant District Judges, based on the workload and the volume of cases in the district.

District Courts hold appellate jurisdiction over all subordinate courts within their district, handling both civil and criminal matters. These subordinate courts are divided into two categories:

- **Civil Courts--**

- **Junior Civil Judge Court--** The lowest level of civil courts, dealing with less complex civil matters.
- **Principal Junior Civil Judge Court--** Handles cases that are slightly more complex than those dealt with by the Junior Civil Judge.
- **Senior Civil Judge Court (Sub-Court)--** The highest civil court at the district level, presiding over more complex civil cases and appeals from the lower civil courts.

- **Criminal Courts--**

- **Second Class Judicial Magistrate Court--** The lowest tier of criminal courts, handling minor criminal cases.
- **First Class Judicial Magistrate Court--** Handles more serious criminal offenses compared to the second class.
- **Chief Judicial Magistrate Court--** The highest-level criminal court at the district level, dealing with serious criminal offenses and appeals from subordinate criminal courts.

In addition to these courts, **Family Courts** have been established to address matrimonial disputes and family-related issues, such as divorce, child custody, and maintenance. The Principal Judge of a Family Court holds the same rank as a District Judge, ensuring that the court operates with the necessary judicial authority to deal with sensitive family matters.

This hierarchical structure of District and subordinate courts ensures that the judicial process is both comprehensive and accessible, addressing the needs of citizens at various levels while maintaining oversight and consistency through the High Court.

STOP TO CONSIDER-4

➤ Subordinate Courts in India

- **District Courts**--Primary courts at the district level; oversee civil and criminal justice within districts; headed by District Judges appointed by state governments in consultation with High Courts.
- **Administrative Control**--Function under respective High Courts; their decisions can be appealed in the High Court.
- **Appellate Jurisdiction**--District Courts handle appeals from all subordinate courts in their district.

✓ Subordinate Civil Courts--

- Junior Civil Judge Court--Handles simple civil matters.
- Principal Junior Civil Judge Court--Deals with moderately complex civil issues.
- Senior Civil Judge Court (Sub-Court)--Presides over complex civil cases and appeals.

✓ Subordinate Criminal Courts--

- Second Class Judicial Magistrate Court--Handles minor criminal cases.
- First Class Judicial Magistrate Court--Deals with more serious offenses.
- Chief Judicial Magistrate Court--Highest criminal court at the district level; handles serious cases and appeals.

✓ Family Courts--

- Address matrimonial and family matters; led by Principal Judges equivalent to District Judges.

- **Purpose:** Ensures grassroots justice delivery with uniform oversight by High Courts.

District and subordinate courts form the grassroots level of India's judiciary. District Courts are headed by District Judges and work under the High Court's supervision. They handle both civil and criminal matters and include Additional and Assistant District Judges based on workload. Subordinate civil courts include Junior, Principal Junior, and Senior Civil Judge Courts, while criminal courts consist of Second and First Class Judicial Magistrates and Chief Judicial Magistrates. Family Courts also function at this level, handling matrimonial and child custody cases. This hierarchy ensures accessible, structured, and supervised judicial processes.

Check Your Progress-4

Notes—

- Use the space below for your answers.
- Compare your answers with those given at the end of this unit.

- What are the different types of civil and criminal subordinate courts under the District Court, and what kinds of cases do they handle?

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- What is the role of the District Judge in the functioning of District Courts, and how is the appointment made?

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7.7 Let Us Sum Up

The judicial system in India comprises multiple levels of courts, ensuring the fair and effective administration of justice. At the highest level are the High Courts, which are constitutional bodies established under Article 214 of the Indian Constitution. Each state or union territory has its own High Court, functioning as a Court of Record with the power to maintain judicial precedents and punish for contempt of court. The judges of the High Court are appointed by the President of India after consultation with the Chief Justice of India, the Governor of the State, and the Chief Justice of the concerned High Court. High Courts have original, appellate, and supervisory jurisdiction over matters within their territories, and they can issue writs for the protection of fundamental rights. They also have the power of judicial review to strike down unconstitutional laws and punish for contempt of court.

Below the High Courts are District Courts, which operate at the district level and handle both civil and criminal matters. The District Courts are presided over by a District Judge appointed by the state government, in consultation with the High Court. These courts exercise appellate jurisdiction over subordinate courts in their districts. Subordinate courts are categorized into civil and criminal courts, with different levels of judicial officers such as Junior Civil Judge, Senior Civil Judge, and Chief Judicial Magistrates, depending on the complexity of cases. Additionally, Family Courts are specifically established to deal with matrimonial disputes, where the Principal Judge holds the same rank as a District Judge.

In summary, the judicial system in India is hierarchical, with the High Courts at the top, followed by District Courts and a network of subordinate courts. These courts play a crucial role in ensuring justice is delivered at both the state and district levels, maintaining a structured and accessible system for legal recourse.

7.8 References and Suggested Readings

- ✓ Ghai, K. K. (2019). *Indian government and politics*. Kalyani Publishers.
- ✓ Rai, K. (2010). *The constitutional law of India*. Central Law Publications.

7.9 Model Questions

- ✓ What are the characteristics of Indian Judicial system?
- ✓ Discuss how Indian judicial system is different and unique?
- ✓ What are different types of courts in district level? Define these according to their nature of cases handled.
- ✓ How do the High Courts balance their original, appellate, and supervisory jurisdictions to ensure justice in India's judicial system?
- ✓ In what ways does the structure of District Courts contribute to the accessibility and efficiency of justice at the district level?
- ✓ Considering the specialized nature of Family Courts, how do they differ from regular courts in handling matrimonial and family-related disputes ?

7.10 Answer to Check Your Progress

Check Your Progress-1

1. The Indian judiciary is an integrated and hierarchical system with the Supreme Court at the apex, followed by High Courts at the state level and subordinate courts at the district and local levels. It is independent of the executive and legislature, ensuring fair justice.
2. The jurisdiction of courts varies based on their level. The Supreme Court has original, appellate, and advisory jurisdiction. High Courts oversee state matters and have original and appellate jurisdiction. Subordinate courts handle

civil and criminal cases within their local territories.

3. Courts are responsible for interpreting laws, protecting fundamental rights, resolving disputes, ensuring justice, and upholding the Constitution. The Supreme Court also acts as the guardian of the Constitution and the final appellate authority.

Check Your Progress-2

1. The subordinate courts under the state judicial system include--
 - District Courts, which hear appeals in civil and criminal cases from lower courts.
 - Session Courts, which handle serious criminal cases such as those involving life imprisonment or death.
 - Civil Courts, which deal with disputes related to property, contracts, and family matters.
 - Magistrate Courts, which handle minor criminal cases and include Chief Judicial Magistrates and Judicial Magistrates of First and Second Class. Additionally, there are specialized courts like Family Courts, Labour Courts, Consumer Courts, Juvenile Justice Boards, and Fast Track Courts for specific types of cases.
2. Article 226 empowers High Courts to issue writs—such as habeas corpus, mandamus, prohibition, quo warranto, and certiorari—for the enforcement of fundamental rights and other legal rights. This gives High Courts a vital role in ensuring justice and upholding constitutional principles at the state level.

Check Your Progress-3

1. The High Court performs several key functions:
 - **Original Jurisdiction:** It hears cases that lower courts cannot, due to limitations, and in specific matters conferred by laws.
 - **Writ Jurisdiction:** Under Article 226, it can issue writs like Habeas Corpus, Mandamus, and Certiorari to protect rights and ensure proper functioning.

- **Appellate Jurisdiction:** High Courts hear appeals from subordinate courts in civil and criminal matters.
- **Supervisory Jurisdiction:** It supervises lower courts and tribunals, correcting errors or intervening in cases of injustice.
- **Judicial Review:** It can strike down unconstitutional state laws.
- **Contempt of Court:** It punishes contempt to maintain judicial authority.

2. The High Court has the following jurisdictions:

- **Original Jurisdiction:** It hears cases that lower courts cannot, and those specified by laws.
- **Writ Jurisdiction:** It can issue writs like Habeas Corpus and Mandamus to protect rights.
- **Appellate Jurisdiction:** It hears appeals from subordinate courts in civil and criminal cases.
- **Supervisory Jurisdiction:** It supervises lower courts and tribunals, correcting errors.

Check Your Progress-4

1. Under the District Court, **civil subordinate courts** include:

- **Junior Civil Judge Court:** Handles less complex civil matters.
- **Principal Junior Civil Judge Court:** Deals with moderately complex civil cases.
- **Senior Civil Judge Court (Sub-Court):** The highest district-level civil court, handling complex cases and appeals from lower civil courts.

Criminal subordinate courts include--

- **Second Class Judicial Magistrate Court:** Handles minor criminal cases.
- **First Class Judicial Magistrate Court:** Deals with more serious offenses than second class.
- **Chief Judicial Magistrate Court:** The top criminal court at the district level, handling serious criminal offenses and

appeals from lower criminal courts.

2. The **District Judge** is the head of the District Court and oversees its overall functioning. They handle both civil and criminal matters and have appellate jurisdiction over subordinate courts in the district. The District Judge is appointed by the **state government in consultation with the High Court**, ensuring impartiality and judicial integrity. The position may also include **Additional** and **Assistant District Judges**, depending on the district's case volume.

Unit: 8

Panchayati Raj

Unit Structure:

- 8.1 Introduction**
- 8.2 Objectives**
- 8.3 Panchayati Raj in India: Historical Background**
- 8.4 Panchayati Raj after Independence**
- 8.5 73rd and 74th Constitutional Amendments**
 - 8.5.1 Functions of Panchayati Raj Institutions**
- 8.6 State Finance Commission**
- 8.7 State Election Commission**
- 8.8 Working of Indian Panchayati Raj**
- 8.9 Let Us Sum Up**
- 8.10 References and Suggested Readings**
- 8.11 Model Questions**
- 8.12 Answers to Check Your Progress**

8.1 Introduction

This unit explores the concepts of **democratic decentralization** and **Panchayati Raj Institutions (PRIs)** in India. Democratic decentralization refers to the process of devolving powers and responsibilities from central authorities to lower levels of government, while retaining a democratic framework that prioritizes people's welfare and participation in governance. It aims to bring governance closer to the people, enabling more responsive and inclusive decision-making at the grassroots level.

Panchayati Raj, derived from the Sanskrit term meaning “village self-governance,” is India’s institutional mechanism for decentralized rural administration. It was constitutionally formalized through the **73rd Constitutional Amendment Act, 1992**, which marked a significant milestone in India's democratic journey. This amendment provided constitutional status to PRIs and laid the foundation for a **three-tier system** of rural local governance:

- **Gram Panchayat** at the village level,
- **Panchayat Samiti** at the block level, and
- **Zilla Parishad** at the district level.

Each tier is entrusted with specific responsibilities related to the provision of civic amenities, planning and execution of local development projects, and the allocation of resources. These institutions play a crucial role in addressing sectors such as education, healthcare, rural infrastructure, agriculture, and environmental management. They serve as platforms for grassroots-level decision-making and encourage community involvement in shaping local priorities.

Over the years, the Panchayati Raj system has significantly enhanced rural governance by promoting **social inclusion**, **transparency**, and **accountability**. One of its most progressive features is the **reservation of seats** for women, Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs), which has improved the political representation of historically marginalized communities and fostered inclusive governance.

However, despite its successes, PRIs face several enduring challenges. These include inadequate **financial autonomy**, limited **administrative capacity**, lack of **technical expertise**, and instances of **political interference** that undermine their effectiveness. Continuous efforts are required to build institutional capacity, ensure timely devolution of funds, functions, and functionaries, and strengthen governance mechanisms at the local level.

In conclusion, the **Panchayati Raj system** stands as a vital pillar of democratic governance and rural development in India. It embodies the principles of **decentralization**, **empowerment**, and **community participation**, reflecting the nation's ongoing commitment to fostering grassroots democracy and achieving equitable, sustainable development.

8.2 Objectives

After going through this unit you will be able to-

- **Discuss** the growth of Panchayati Raj Institutions in India,
- **Describe** the importance of Panchayati Raj Institutions,
- **Understand** the importance of 73rd and 74th Constitutional amendments,
- **Analyse** importance of State Finance Commission.

8.3 Panchayati Raj in India: Historical Background

The **Panchayati Raj system** in India has its roots in ancient times, where the idea of **local self-governance** was a deeply embedded tradition in rural society. Villages were historically governed by local assemblies such as Sabhas or Gram Sabhas, which comprised respected elders and community leaders. These bodies deliberated on local matters, administered justice, and resolved disputes, embodying a grassroots democratic ethos.

However, during the colonial era, the British introduced a highly centralized administrative structure. This **centralization marginalized traditional village institutions**, although some form of local governance continued in a weakened state.

The history of Panchayati Raj in India can be analytically divided into the following phases--

➤ Vedic Era

In the Vedic period, the term Panchayatan appears in ancient Sanskrit texts, referring to a group of five individuals—often including a religious figure. Over time, this religious association faded. The Rigveda mentions three important local assemblies: **Sabha**, **Samiti**, and **Vidatha**—early democratic institutions where community members participated in decision-making. The king had to consult these bodies to implement certain actions, highlighting an early form of participatory governance.

➤ Epic Period

During the **Ramayana and Mahabharata eras**, governance structures differentiated between **Pur (city)** and **Janapada (village/state)**. Caste-based Panchayats also existed, with some representatives joining the King's advisory council. The

Mahabharata's Shanti Parva, Manu Smriti, and Kautilya's Arthashastra reference decentralized village governance. Villages were organized into administrative clusters such as:

- **Gramik** – village head
- **Dashap** – in charge of 10 villages
- **Vinshya Adhipati** – over 20 villages
- **Shat Gram Adhyaksha** – over 100 villages
- **Sahasra Gram Pati** – head of 1,000 villages

These officials managed **tax collection, administration, and defense**. However, there is **no evidence of women's participation** in these bodies during this period.

➤ **Ancient Period**

The **Mauryan and Gupta periods** maintained structured village governance. The Arthashastra highlights autonomous local bodies. The **town chief was called Nagarik**, while the **village headman (Grampati)** and the **district officer (Vishyapati)** handled local affairs. The village functioned autonomously, guided by **customs and traditions**. Women's exclusion from governance roles continued during this era.

➤ **Medieval Period**

Under the **Delhi Sultanate and Mughal rule**, villages had a degree of administrative autonomy. Each village typically had:

- **Mukkaddam** – village administrator
- **Patwari** – revenue officer
- **Chaudhri** – assisted in dispute resolution through Panchayats

However, **caste hierarchies** and **feudal structures** increasingly eroded village autonomy. The traditional Panchayati system lost prominence, and **women remained excluded** from administrative participation.

➤ Colonial Period

The **British colonial administration** significantly disrupted traditional self-governance. After the **1857 Revolt**, the **Government of India Act, 1858** further centralized control. Attempts at decentralization included:

- **Lord Mayo's 1870 Resolution** – proposed but did not implement local self-government.
- **Lord Ripon's 1882 Resolution** – marked a milestone by advocating democratic decentralization, though focused primarily on urban areas.

The **Royal Commission on Decentralization (1907)** strongly supported the formation of **village Panchayats**. Its 1909 report recommended:

- Village should be the basic unit.
- Panchayats to be under **district authority**, not local boards.
- **Village headman** to be ex-officio chairman.
- Other members to be chosen via informal election.
- Panchayats to manage **petty civil/criminal cases, sanitation, schools, public works**, with appropriate funding.
- Non-interference by lower-level officials was key to success.

However, the British government was **reluctant to fully empower rural self-governance**, focusing instead on maintaining administrative control and financial extraction.

➤ Montagu-Chelmsford Reforms (1918) and Government of India Act, 1919

These reforms transferred **local self-governance to the provinces**, promoting greater Indian participation in governance. The Montagu-Chelmsford Report suggested that local governments should be **popularly controlled** and adapted to **local needs and conditions**. Though it recommended the development of Panchayats, they remained **limited in scope and coverage**, with financial and organizational weaknesses.

➤ **Government of India Act, 1935**

This Act marked another critical step, giving **provincial autonomy** to elected governments. Most provinces initiated laws to democratize **local self-governing institutions**, including Panchayats. However, with the onset of **World War II (1939)** and the resignation of Congress ministries, progress stalled.

Despite some efforts, the **British never fully committed** to revitalizing Panchayati Raj. Traditional Indian village autonomy, once vibrant, had been replaced by a **bureaucratic and centrally controlled system**. By **independence in 1947**, India's villages had largely lost their institutional self-governance and awaited meaningful democratic restoration.

STOP TO CONSIDER-1

➤ **Panchayati Raj in India – Historical Background**

- **Ancient Roots**--Local self-governance dates back to the Vedic period, with institutions like *Sabha*, *Samiti*, and *Vidatha* ensuring community participation. The *Gramik*, *Dashap*, and other officials managed village clusters, taxation, and defense.
- **Epic and Classical Periods**--Texts like the *Mahabharata*, *Manu Smriti*, and *Arthashastra* mention well-structured village administration. However, women were excluded from leadership roles.
- **Medieval Period**--Despite some village autonomy under Sultans and Mughals, self-governance weakened due to caste hierarchies and feudal structures. Women's participation remained absent.
- **Colonial Period**--British rule centralized authority, undermining Panchayati systems. While Lord Ripon advocated for local self-government (urban focus), significant reports like the 1909 Royal Commission and 1918 Montagu-Chelmsford report suggested reforms for village panchayats—limited by lack of implementation and resources.
- **1935 Act & Beyond**--The Government of India Act, 1935

encouraged provinces to democratize local governance. Yet, real revival began post-independence, as colonial policies had stripped villages of autonomy.

- How did ancient "Sabhas" and "Gram Sabhas" compare to later Panchayati Raj?
- What do Vedic/Epic era descriptions of local bodies and officials tell us about governance then?
- How did religious texts like the "Arthashastra" influence village governance?
- What were the most significant changes in village governance across different periods?
- Why did British rule negatively impact Panchayati Raj?
- What are the implications of the historical absence of women in panchayats?
- Why was the 1907 Royal Commission a turning point?

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What was the role of Panchayats in the Vedic Era?

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2. What did the Royal Commission Report in 1909 recommend for Panchayats?

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3. What was the significance of the Government of India Act, 1935 in Panchayati Raj?

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❖ **Ripon’s Resolution 1882**

It was through the resolution introduced by the liberal Viceroy, Lord Ripon, in 1882 that the perspective for the rural local self-government began to acquire its proper shape. He regarded popular education as the primary function of local self government. This was the test by which these institutions were to be judged even though it meant sacrifice of efficiency which was to be regarded as means to an end rather than something to be worshipped for its own sake.

Ripon proposed a smaller unit for constituting rural local boards, namely a sub-division, tehsil or taluqa. These should have a majority of non-officials who should be elected wherever it was feasible to make such arrangements, presumably on caste or occupational basis. The Chairman of these boards was to be a non-official as far as possible, the official control to be exercised from without rather than from within. At the village level the need was felt to “revive and extend the indigenous system of the country” and “to make full use of what remains of the village system.” (source:<https://panchayatelection.com/india/panchayati-raj-during>.)

8.4 Panchayati Raj After Independence

After India gained independence, the idea of Panchayati Raj emerged as a constitutional directive aimed at empowering rural local governance. Article-40 of the Directive Principles of State Policy in the Indian Constitution mandates the state to take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Although the principle was constitutionally acknowledged, the credit for institutionalizing Panchayati Raj goes to Prime Minister Pandit Jawaharlal Nehru. Despite initial skepticism and his earlier

dismissal of Mahatma Gandhi's concept of *Gram Swaraj*, Nehru later recognized the need for democratic decentralization—especially after the Community Development Programme of the early 1950s failed to deliver the desired outcomes due to its top-down administrative approach. This led to the appointment of the **Balwant Rai Mehta Committee** in 1957 to examine the issue of democratic decentralization.

➤ **Balwant Rai Mehta Committee (1957) – Key Recommendations--**

- There should be *administrative decentralization* to effectively implement development programs.
- The decentralized administrative machinery should function under *democratically elected bodies*.
- A **three-tier Panchayati Raj system** should be introduced--
 1. **Village Panchayat** (at the base),
 2. **Panchayat Samiti** (at the block level),
 3. **Zila Parishad** (at the district level).
- These institutions should have real *power and responsibility*, not just advisory roles.
- Adequate *financial resources* must be transferred to them to enable effective functioning.

While the report was accepted by both the Union and State Governments, the implementation was left to the discretion of individual states, based on their local conditions. However, certain common guiding principles were expected to be followed for a degree of uniformity.

The Panchayati Raj system was first implemented in **Rajasthan in 1959**, followed by Andhra Pradesh and other states such as Gujarat, Tamil Nadu, Maharashtra, Karnataka, Odisha, Punjab, Haryana, Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal, Himachal Pradesh, and Delhi. Despite limitations, these institutions contributed to rural development by providing agricultural inputs, developing minor irrigation facilities, and, in some states, establishing health centers, schools, and drinking water infrastructure.

➤ **Ashoka Mehta Committee (1977) – A New Vision**

In response to the perceived decline of Panchayati Raj institutions, the **Janata Party government**, after coming to power in 1977, appointed the **Ashoka Mehta Committee** to review the system and recommend reforms. The Committee submitted its report in 1978 and made several significant suggestions:

- The **three-tier system** should be replaced with a **two-tier structure**--
 1. **Zila Parishad** (district level)
 2. **Mandal Panchayat** (a group of villages with a population of 15,000–20,000)
- The Mandal Panchayat should include--
 - 15 directly elected members based on village and population representation,
 - Representatives from farmers' service societies,
 - Two women representatives,
 - Reserved seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) proportional to their population.

The president of the Mandal Panchayat should be elected by its directly elected members.

The Zila Parishad should comprise a mix of directly elected, nominated, and co-opted members, with a similar reservation policy.

The chairperson of the Zila Parishad should be elected by its members.

The report was particularly insightful in identifying the *reasons behind the decline* of PRIs--

- Indifference and apathy of higher-level political elites towards grassroots democracy,
- Bureaucratic inefficiencies, including *corruption*, delays, and lack of responsiveness.

➤ **Rajiv Gandhi's Initiatives and the 64th Amendment Bill**

Prime Minister **Rajiv Gandhi** placed significant emphasis on reviving and strengthening Panchayati Raj institutions. During the **Seventh Five-Year Plan**, he proposed the **Constitution (64th**

Amendment) Bill in the Lok Sabha in 1989, aimed at giving constitutional status to Panchayati Raj.

The Bill identified several challenges--

- Irregular or nonexistent elections,
- Inadequate representation of weaker sections such as SCs, STs, and women,
- Lack of sufficient financial resources,
- Failure of states to devolve real powers and responsibilities to Panchayats.

Though the 64th Amendment Bill could not pass in the Rajya Sabha, it laid the foundation for future reforms. It ultimately culminated in the **73rd Constitutional Amendment Act, 1992**, which gave *constitutional status* to Panchayati Raj institutions and ensured uniformity, periodic elections, representation of marginalized groups, and financial empowerment.

STOP TO CONSIDER-2

➤ Panchayati Raj after Independence--

- **Constitutional Basis**—Article-40 of the Directive Principles called for the establishment of village panchayats as units of self-government.
- **Nehru's Role**--Despite initial skepticism, Nehru backed democratic decentralization after the failure of the Community Development Programme.
- **Balwant Rai Mehta Committee (1957)--**
 - Proposed a **three-tier system**--Village Panchayat, Panchayat Samiti (block), Zila Parishad (district).
 - Emphasized power devolution, administrative control by elected bodies, and adequate financial support.
 - First implemented in **Rajasthan (1959)**, followed by many other states.
- **Ashoka Mehta Committee (1977–78)--**
 - Recommended a **two-tier system**: Zila Parishad and Mandal Panchayat.
 - Called for direct elections, inclusion of women,

SC/ST representation, and co-opted/nominated members.

- Highlighted issues like political apathy and bureaucratic inefficiencies.

- **Rajiv Gandhi's Efforts--**

- Introduced **64th Amendment Bill** (1989) to give constitutional status to PRIs.
- Identified issues: irregular elections, weak representation, poor finances, and lack of power devolution.
- Though the bill failed, it paved the way for the **73rd Amendment (1992)**, which formalized the Panchayati Raj system.

The post-independence Panchayati Raj system evolved through constitutional recognition, starting with the Balwant Rai Mehta Committee (1957), which proposed a three-tier system. The Ashoka Mehta Committee (1978) suggested a two-tier structure, highlighting bureaucratic inefficiencies. Rajiv Gandhi's reforms emphasized elections, financial resources, and reservations for marginalized groups, culminating in the 73rd Amendment.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What were the key recommendations of the Balwant Rai Mehta Committee?

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2. Why did the Ashoka Mehta Committee propose a two-tier system?

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❖ Key Characteristics of the Panchayati Raj System :-

The new operational framework of the Panchayati Raj system has the following key characteristics :

- ✓ It is a constitutional entity;
- ✓ It has the characteristics of a government except law-making;
- ✓ It has got a three-tier system;
- ✓ Gram Sabha is the basic unit of the system for people's participation;
- ✓ District Planning Committee is the constitutionally regionalized unit for micro level planning;
- ✓ State Finance Commission to suggest modalities to share resources between the state and the Panchayats;
- ✓ One-third reservation of seats in all positions in all the three tiers for women;
- ✓ Reservation of seats in all positions in all the three tiers for SC/ST proportionate to their population;
- ✓ Allocation of 29 subjects in the 11th Schedule to Panchayats;
- ✓ Constituting an Election Commission to conduct the election periodically;
- ✓ Election to Panchayati bodies every five years is mandatory.

8.5 73rd and 74th Constitutional Amendments

➤ 73rd Constitutional Amendment (1992)--Strengthening Panchayati Raj

The **73rd Amendment to the Constitution of India**, enacted in 1992 and effective from April 24, 1993, marked a watershed in the history of **democratic decentralization**. It sought to institutionalize **Panchayati Raj** as a system of governance at the grassroots level,

particularly in **rural India**. The amendment added **Part IX** to the Constitution, titled "The Panchayats", and included the **Eleventh Schedule**, which lists 29 functional areas to be devolved to Panchayati Raj Institutions (PRIs).

❖ **Key Provisions of the 73rd Amendment--**

✓ **Three-Tier Structure--**

- The amendment mandated a three-tier system for states with populations over 20 lakhs--
 - **Gram Panchayat** (village level)
 - **Panchayat Samiti** (block/intermediate level)
 - **Zila Parishad** (district level)

✓ **Direct Elections--**

- All members of Panchayati Raj bodies are to be **directly elected** by the people, ensuring democratic legitimacy and accountability.

✓ **Reservation of Seats--**

- Reservation of seats is mandatory for--
 - **Scheduled Castes (SCs)** and **Scheduled Tribes (STs)** in proportion to their population.
 - **Women** (not less than **one-third** of total seats), including those reserved for SCs and STs.

✓ **Reservation for Chairpersons--**

- The posts of Chairpersons at all levels are to be reserved for SCs, STs, and women in proportion to their population.

✓ **State Finance Commissions--**

- Each state is required to constitute a **State Finance Commission (SFC)** every five years to recommend distribution of financial resources between the state and PRIs.

✓ **State Election Commissions--**

- The amendment mandates the formation of an independent **State Election Commission (SEC)** to conduct fair and regular elections to Panchayati Raj institutions.

✓ **Tenure and Dissolution--**

- PRIs have a **fixed term of five years**. If dissolved prematurely, elections must be held within six months.

✓ **Devolution of Powers--**

- The Eleventh Schedule lists **29 subjects** to be devolved to PRIs, including rural development, agriculture, education, health, and sanitation.

❖ **Significance of the 73rd Amendment**

- **Grassroots Democracy--** It institutionalized democratic participation at the village level and gave citizens a direct role in decision-making.
- **Social Empowerment--** By ensuring representation for SCs, STs, and especially **women**, it created opportunities for leadership among historically marginalized groups.
- **Decentralized Development--** Local bodies became central to planning and implementing rural development programs, ensuring more context-sensitive governance.
- **Accountability and Transparency--** Direct elections and fixed tenures created mechanisms for regular scrutiny by the public.
- **Capacity Building--** The functioning of PRIs has spurred demand for training, administrative support, and governance reforms at the local level.

❖ **Shortcomings and Challenges of the 73rd Amendment**

✓ **Inadequate Devolution of Powers--**

- Despite the constitutional mandate, many states have failed to meaningfully devolve functions, funds, and functionaries to PRIs. The control often remains centralized.

✓ **Financial Constraints--**

- Panchayats are heavily dependent on state and central grants. Delays and inadequate funding limit their effectiveness.

✓ **Political and Bureaucratic Interference--**

- State governments and bureaucracies often interfere in local governance, undermining autonomy and hindering independent functioning.

✓ **Uneven Implementation Across States--**

- States vary in terms of commitment, legislation, and administrative support, leading to disparities in PRI performance and development outcomes.

✓ **Capacity Deficit--**

- Many elected representatives lack education, training, and technical knowledge. This affects decision-making and implementation at the grassroots level.

✓ **Gender Representation vs. Participation--**

- While women have secured positions due to reservation, actual participation and influence in decision-making often remain limited due to societal norms and proxy leadership by male relatives.

✓ **Transparency and Corruption--**

- Cases of nepotism, misappropriation of funds, and weak monitoring mechanisms have been reported, undermining the credibility of PRIs.

➤ **74th Constitutional Amendment (1992)--Strengthening Urban Local Governance**

Alongside rural reforms, the **74th Amendment** was also passed in 1992 to empower **urban local bodies (ULBs)**. It added **Part IX-A** titled “The Municipalities” and included the **Twelfth Schedule**, listing 18 functions to be devolved to municipalities.

✓ **Key Features--**

- **Three types of ULBs** based on population and area--
 - **Municipal Corporations** for large urban areas
 - **Municipal Councils** for smaller urban areas
 - **Nagar Panchayats** for transitional (semi-urban) areas
- **Direct elections, reservations, fixed tenures, and State Finance/Election Commissions** were similarly provided as in the 73rd Amendment.

❖ **Conclusion**

The 73rd and 74th Amendments are landmark reforms aimed at **deepening democracy** and **enhancing participatory governance** in both rural and urban India. While the constitutional framework is robust, the real challenge lies in **effective implementation, capacity building, and strengthening fiscal and functional autonomy** of local bodies to fulfill the vision of decentralized development.

STOP TO CONSIDER-3

➤ 73rd & 74th Constitutional Amendments

- **73rd Amendment (1992)**--Institutionalized *Panchayati Raj* in rural areas through a 3-tier system—Gram Panchayat, Panchayat Samiti, Zila Parishad.
- **Direct Elections**--Ensured democratic election of members at all levels; tenure fixed at 5 years.
- **Reservations**--Mandated seat reservations for SCs, STs, and women (minimum one-third) including leadership positions.
- **State Finance & Election Commissions**--Established to ensure fair elections and resource allocation to Panchayats.
- **Eleventh Schedule**--Listed 29 subjects (e.g., rural development, health, education) to be devolved to Panchayats.
- **Shortcomings**--
 - Incomplete devolution of powers and funds.
 - Uneven implementation across states.
 - Political interference, corruption.
 - Low capacity and limited real participation of women.
- **74th Amendment (1992)**-- Strengthened *Urban Local Bodies* (ULBs) — Municipal Corporations, Municipal Councils, Nagar Panchayats.
- **Twelfth Schedule**-- Outlined 18 urban functions (e.g., planning, sanitation, housing).

Overall--Both amendments were critical for grassroots democracy, but success depends on real autonomy, adequate funding, and local capacity building.

The 73rd Amendment (1992) strengthened Panchayati Raj institutions through a three-tier system and empowered marginalized communities with reserved seats. It focused on promoting grassroots democracy, devolution of powers, financial autonomy, and accountability. However, criticisms include inadequate devolution of powers, limited financial resources, political interference, and challenges in capacity building and gender equality, limiting the effectiveness of the reforms.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the key provisions of the 73rd Amendment to the Constitution of India?

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2. What are the criticisms faced by the 73rd Amendment?

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3. How does the 73rd Amendment promote grassroots democracy?

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Mahatma Gandhi's vision on Panchayat Raj

Panchayat Raj was the most valuable component of Mahatma Gandhi's vision of future India in which economic and political power would be decentralized on the grassroots level and each village would be self-sufficient and self-reliant economically. According to him a rural society based on the self-sufficient village unit would be in a better position to maintain its freedom than an urban society. Every village would be a republic as well as highly decentralized, autonomous and non-violent character of the village society. His firm conviction was rooted in the idyllic nature of Indian village life. Gandhiji's Village Panchayat Raj was concerned with the creation of a peaceful and harmonious way of living which would be restored in rural life through self-reliance, self-sufficiency, co-operation and peaceful existence among all sections of village

people. Gandhiji sought to revive the first Panchayati Raj tradition in India.

➤ **74th Constitutional Amendment**

The 74th Amendment to the Constitution of India, passed in 1992, is a pivotal legislation aimed at promoting urban governance and decentralization by empowering urban local bodies (ULBs). It provides a framework for the establishment, organization, and functioning of municipalities in India. Below are the detailed provisions and the importance of the 74th Amendment:

- ✓ **Constitutional Recognition of Urban Local Bodies (ULBs)**--The amendment grants constitutional status to municipalities, ensuring their recognition as institutions of self-government at the urban level.
- ✓ **Three Types of Municipalities**--The amendment categorizes municipalities into three types based on the population size of the area: Nagar Panchayats for smaller urban areas, Municipal Councils for medium-sized towns and Municipal Corporations for larger cities.
- ✓ **Composition of Municipalities**--It specifies the composition of municipalities, including provisions for direct elections, reservation of seats for Scheduled Castes (SCs), Scheduled Tribes (STs), and women, and representation of nominated members, such as experts and professionals.
- ✓ **Reservation of Seats**--Similar to the 73rd Amendment for Panchayati Raj institutions, the 74th Amendment mandates the reservation of seats for SCs, STs, and women in municipalities to ensure their representation and participation in urban governance.
- ✓ **Functions of Municipalities**--The amendment delineates the functions and responsibilities of

municipalities, including urban planning, provision of basic services such as water supply, sanitation, and solid waste management, infrastructure development, and promotion of economic activities.

- ✓ **Finance Commission for Municipalities**--It requires the establishment of State Finance Commissions to recommend the principles governing the distribution of finances between the state government and municipalities. This provision ensures financial autonomy and resources for urban local bodies to carry out their functions effectively.
- ✓ **State Election Commission for Municipalities**--Similar to the provision for Panchayati Raj institutions, the amendment mandates the establishment of State Election Commissions to conduct elections to urban local bodies in a free and fair manner, ensuring the democratic process in municipal governance.

➤ **Importance of the 74th Amendment--**

- ✓ **Promotion of Urban Governance**--The amendment strengthens urban governance by providing a constitutional framework for the establishment and functioning of municipalities, facilitating local decision-making and administration in urban areas.
- ✓ **Decentralization of Power**--By granting constitutional recognition to urban local bodies, the amendment promotes decentralization and empowers local governments to address the unique needs and challenges of urban areas, leading to more effective and responsive governance.
- ✓ **Empowerment of Marginalized Sections**--Similar to the 73rd Amendment, the provision for reservation of seats in municipalities ensures the representation and participation of marginalized sections of society, including SCs, STs, and women, in urban governance, promoting social justice and inclusion.

- ✓ **Improvement of Urban Services**--Municipalities play a crucial role in providing basic services and infrastructure in urban areas. The amendment enhances the capacity of urban local bodies to plan, manage, and deliver essential services such as water supply, sanitation, and solid waste management, leading to improved quality of life for urban residents.
- ✓ **Fiscal Autonomy**--The establishment of State Finance Commissions ensures financial autonomy for municipalities, enabling them to mobilize resources and allocate funds according to local priorities, thereby enhancing their ability to address urban development challenges effectively.

Overall, the 74th Amendment to the Indian Constitution represents a significant step towards strengthening urban governance, decentralization, and inclusive development in India. It provides a legal framework for empowering urban local bodies to play a more active role in shaping the future of cities and towns, thereby contributing to sustainable urbanization and equitable growth.

Self-Asking Questions(SAQ)

Write a note on the importance of 73rd Amendment Act. (Within 100 words)

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8.5.1 Functions of Panchayati Raj Institutions

The functions of Village Panchayats can broadly be categorized into three main groups--

- **Civic Amenities**
- **Social Welfare Activities**
- **Developmental Work**

➤ **Civic Amenities (Obligatory Functions)**

These are essential services that Panchayats are mandated to provide. They include--

- Maintenance of sanitation and public health.
- Street lighting in villages and public areas.
- Upkeep and repair of village roads.
- Maintenance and support of elementary schools.
- Provision of safe drinking water.
- Drainage and waste management.

These functions are considered **obligatory** and are essential for ensuring basic living standards in rural areas.

➤ **Social Welfare Activities (Optional Functions)**

These functions support the well-being of the community and are usually taken up based on local needs and resources. They include--

- Maintenance of cremation and burial grounds.
- Keeping records and statistics of births and deaths.
- Establishment of maternity and child welfare centers.
- Regulation of cattle pounds and prevention of stray animals.
- Propagation of family planning and health awareness.
- Support and promotion of agricultural practices.

➤ **Developmental Activities**

These functions aim to improve infrastructure and promote economic and social development. Key areas include--

- Construction of roads, wells, tanks, and public buildings.
- Establishment of libraries, reading rooms, and Panchayat houses.
- Promotion of cooperative societies and cottage industries.
- Management of minor irrigation works.
- Encouragement of collective farming and rural employment schemes.

➤ **Distribution of Powers and Responsibilities**

The division of functions among the Central, State, and Local Governments is not strictly defined and often overlaps. As Gilchrist observes, "It can be described but not defined, for a definition requires limits, and local government and central government cannot always be clearly demarcated." Typically--

- **Central Government** handles national issues such as defense, foreign affairs, currency, and inter-state commerce.
- **State Governments** manage areas like education, police, and revenue.
- **Local Bodies (Panchayats)** are responsible for local issues including primary education, sanitation, lighting, and civil registration.

Similarly, Leacock points out that the distinction lies partly in constitutional authority and partly in the nature of services provided.

➤ **Constitutional Framework – Article-243(G)**

The 73rd Constitutional Amendment (Article-243G) emphasizes that the Panchayats are entrusted with responsibilities related to **economic development and social justice**. This forms the guiding principle for their role in rural governance.

➤ **Summarized List of Panchayat Functions**

Based on constitutional provisions and administrative responsibilities, the Panchayat functions include--

- (a) Construction, repair, and maintenance of public roads.
- (b) Lighting of public roads and public spaces.
- (c) Provision of proper drainage systems.
- (d) Cleaning and maintenance of streets.
- (e) Construction and maintenance of elementary schools.
- (f) Taking preventive and remedial measures against epidemics.
- (g) Provision and maintenance of burial and cremation grounds.
- (h) Supply of water for washing and bathing.
- (i) Registration and record-keeping of births and deaths.

- (j) Improvement of agriculture and livestock.
- (k) Promotion of cottage and small-scale industries.
- (l) Any other duties assigned by the government through official notifications.

STOP TO CONSIDER-4

➤ **Functions of Panchayati Raj Institutions**

✓ **Civic Amenities (Obligatory)**

- Sanitation, public health, street lighting.
- Maintenance of roads, schools, drainage.
- Drinking water supply.

✓ **Social Welfare (Optional)**

- Burial/cremation grounds, birth and death records.
- Maternity/child care centers, family planning.
- Cattle control, agricultural support.

✓ **Development Activities**

- Construction of roads, wells, tanks, public buildings.
- Libraries, Panchayat houses, co-operatives, irrigation.
- Promotion of cottage industries and collective farming.

➤ **Constitutional Basis – Article-243(G)**

- Twin goals-- *economic development* and *social justice*.

➤ **Functional Examples**

- Road repair, street lighting, epidemic control.
- Primary education, water for bathing, rural industries.
- Functions expand as per government notification.

➤ **Power Distribution Insight**

- **Centre**--Defence, foreign affairs, currency.
- **State**--Education, law & order, revenue.

- **Panchayats**--Local services like sanitation, lighting, civil records.

The 74th Amendment (1992) empowers urban local bodies (ULBs) by granting them constitutional recognition and promoting decentralization. It establishes municipalities categorized into Nagar Panchayats, Municipal Councils, and Municipal Corporations, depending on population size. The amendment emphasizes direct elections, reservations for marginalized groups, and defines the functions of municipalities in urban planning and basic services. It also ensures fiscal autonomy through State Finance Commissions and mandates State Election Commissions for free and fair elections. The amendment strengthens urban governance, decentralization, and inclusive development, improving services and governance at the urban level.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Discuss the structure and constitution of Panchayati Raj institutions in India.

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2. Explain the functions assigned to the Panchayati Raj Institutions at the grassroots level.

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3. Discuss the role of Panchayati Raj Institutions in bringing about rural development.

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8.6 State Finance Commission (SFC)

➤ Overview

Under Article-243-I of the Constitution of India, the **Governor of each state** is required to constitute a **State Finance Commission (SFC)** every five years. The SFC is tasked with reviewing the financial position of **Panchayats** and **Municipalities** and making recommendations to improve fiscal devolution and local governance.

➤ Key Powers and Functions of the State Finance Commission--

1. Recommendation of Financial Devolution--

- Suggests principles governing the distribution of the net proceeds of taxes, duties, tolls, and fees between the state and the local bodies.
- Recommends the share of state revenue to be allocated to Panchayats and Municipalities to enable them to discharge their responsibilities.

2. Determination of Grants-in-Aid--

- Assesses the financial requirements of local bodies considering factors like population, geographic area, and revenue generation capacity.
- Recommends the amount and method of grants-in-aid to supplement the resources of Panchayats and Municipalities.

3. Distribution of Tax Revenues--

- Evaluates existing sources of revenue for local bodies.
- Advises on how tax revenues should be fairly and equitably shared between state and local levels to promote financial autonomy.

4. Review of Fiscal Performance--

- Analyzes the revenue and expenditure trends of local bodies.
 - Offers suggestions to enhance fiscal responsibility and efficient financial management.
- 5. Promotion of Fiscal Discipline--**
- Establishes norms for financial governance by local bodies.
 - Recommends practices for budget planning, expenditure control, and financial reporting to ensure transparency and accountability.
- 6. Consultation and Reporting--**
- Engages with stakeholders, including local representatives and experts, to gather inputs.
 - Submits a detailed report to the state government with actionable recommendations.
- 7. Periodic Review and Monitoring--**
- Evaluates the implementation of its previous recommendations.
 - Suggests modifications to address new fiscal challenges and strengthen decentralized governance.

➤ **Importance--**

The SFC plays a critical role in strengthening fiscal federalism by ensuring adequate and predictable funding to local governments, promoting grassroots development, and enhancing the efficiency of decentralized governance structures.

8.7 State Election Commission (SEC)

❖ Overview

The **State Election Commission (SEC)** is a **constitutional body** established under **Articles-243K and 243ZA** through the 73rd and 74th Constitutional Amendments (1992). It is entrusted with the responsibility of conducting free, fair, and periodic elections to the **Panchayati Raj Institutions** and **Urban Local Bodies (ULBs)**.

Each SEC is headed by a **State Election Commissioner**, who is appointed by the **Governor** and enjoys the same security of tenure

as a High Court Judge. The **State Election Commission of Maharashtra**, for instance, was constituted on **April, 26, 1994**.

✓ **Key Powers and Functions of the State Election Commission--**

1. Conduct of Local Body Elections--

- Organizes and oversees elections to all rural (Panchayats) and urban (Municipalities) local bodies.
- Ensures adherence to constitutional and legal provisions throughout the electoral process.

2. Delimitation of Electoral Wards--

- Determines and demarcates the boundaries of electoral wards based on population and administrative criteria.
- Allocates seats to each ward in proportion to their population.

3. Preparation and Management of Electoral Rolls--

- Uses the voter's list prepared by the **Election Commission of India (ECI)** under the **Representation of the People Act, 1950**.
- Adapts the roll to suit local elections by bifurcating it according to ward boundaries.

4. Appointment and Training of Election Officials--

- Appoints Returning Officers, Presiding Officers, and Polling Officers.
- Conducts training programs to ensure fair and efficient conduct of elections.

5. Monitoring Election Campaigns--

- Enforces the **Model Code of Conduct** to ensure fair play by candidates and political parties.
- Takes action against electoral malpractices such as bribery, coercion, and misuse of official machinery.

6. Redressal of Electoral Disputes--

- Investigates and resolves complaints related to electoral violations and disputes.
- Can order recounts, re-polls, or declare elections null and void if irregularities are proven.

7. Declaration of Results--

- Supervises vote counting and officially declares election results.

- Issues election certificates to the winning candidates.

8. **Voter Education and Awareness--**

- Conducts campaigns to enhance voter participation and electoral literacy.
- Promotes civic engagement, especially among youth and marginalized communities.

❖ **Significance--**

The SEC ensures the **democratic integrity of grassroots governance** by upholding transparency, impartiality, and constitutional propriety in local elections. It plays a vital role in enabling participatory democracy and strengthening the legitimacy of local self-governance institutions.

❖ **Democratic Decentralization**

The concept of ‘democratic decentralisation’ is in consonance with the concept of good governance. Actually, democracy becomes more meaningful if the powers are decentralized, because decentralization enables the people to participate in the process of decision-making. With the passing of the 73rd and 74th amendments to the Indian Constitution in 1992, decentralization came into its own in the Indian polity. The process of decentralization helps to deepen the democratic foundations of the Indian state. This process actually implies that people should be given a say in how their communities would develop. Decentralization thus empowers people to look after themselves in a democracy. But the fact is that the 73rd and 74th amendments have been implemented only in form, not in substance. Therefore, the weaknesses in the functioning of these bodies reflect not on decentralization itself, but on the stunted form in which it has been practiced. Recently, the World Bank undertook an interstate study of “decentralization in the Indian states” that is detailed and comprehensive in its scope and coverage. The states covered were Andhra Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh. These World Bank studies looked at decentralization in political, administrative and fiscal terms.

STOP TO CONSIDER-5

➤ **State Finance Commission (SFC) & State Election Commission (SEC)**

✓ **State Finance Commission (SFC)--**

- **Constitutional Basis**—Article-243-I mandates SFC every 5 years.
- **Purpose**--Reviews finances of Panchayats and Municipalities; recommends fiscal devolution.
- **Key Functions**--
 - Recommends tax-sharing principles and grants-in-aid.
 - Reviews local bodies' revenue/expenditure and suggests fiscal improvements.
 - Promotes transparency, fiscal discipline, and efficient financial planning.
- **Significance**--Strengthens fiscal federalism and grassroots development.

✓ **State Election Commission (SEC)--**

- **Constitutional Basis**—Articles-243K & 243ZA (73rd & 74th Amendments).
- **Purpose**--Conducts free and fair elections to rural and urban local bodies.
- **Key Functions**--
 - Conducts and supervises local elections.
 - Manages delimitation, electoral rolls, and election personnel.
 - Enforces the Model Code of Conduct; resolves electoral disputes.
 - Promotes voter awareness and civic participation.
- **Significance**--Upholds democratic governance and legitimacy at the local level.

- **State Finance Commission**--Established every five years, it

ensures the financial devolution of resources between the state government and local bodies like Panchayats and Municipalities. It reviews fiscal performance, determines grants, and promotes financial discipline.

- **State Election Commission**--An autonomous body responsible for conducting elections for local self-governing bodies. It oversees electoral rolls, monitors campaigns, resolves election disputes, and ensures free and fair elections at the grassroots level.
- **Democratic Decentralization**--Strengthens local governance by empowering people in decision-making. The 73rd and 74th Amendments institutionalized decentralization, but their implementation has been more formal than substantive, limiting their impact.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What is the primary function of the State Finance Commission?

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2. How is the State Election Commissioner appointed, and what is the tenure?

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3. What role does the State Election Commission play in the preparation of electoral rolls?

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4. How do the 73rd and 74th constitutional amendments contribute

to democratic decentralization?

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8.8 Working of the Indian Panchayati Raj System: Challenges and Prospects

The Panchayati Raj Institutions (PRIs) have played a vital role in facilitating decentralized governance by empowering local communities to manage their affairs. This has enhanced participation, ownership, and accountability in grassroots-level development initiatives. The Panchayati Raj System functions as the cornerstone of local self-government in rural India, responsible for key areas such as health, primary education, agriculture, women's and child welfare, sanitation, and rural infrastructure.

However, not all Indian states follow the Panchayati Raj model. States like **Nagaland, Mizoram**, and certain tribal areas in other northeastern states are exempted from the provisions of Part-IX of the Constitution under **Article-243M**, due to the prevalence of traditional tribal governance systems. This exemption recognizes their distinct social and cultural practices.

The functions of PRIs are defined by the respective State Panchayati Raj Acts, as governance is a state subject. These functions vary across states but generally align with the vision of empowering panchayats as institutions of self-government. The powers and responsibilities devolved to them by state legislatures are crucial for enabling PRIs to effectively perform their roles at the village, block, and district levels.

✓ **Challenges Facing Panchayati Raj Institutions (PRIs)--**

- **Inadequate Financial Resources--**PRIs often lack adequate and predictable financial support, restricting their capacity to implement development schemes and deliver essential services effectively.

- **Limited Administrative and Functional Powers**--The devolution of powers and functions from the state governments remains partial in many cases, which limits the autonomy of PRIs in local decision-making.
- **Capacity Constraints and Lack of Skilled Personnel**--Many local bodies struggle with insufficient technical expertise and administrative capacity, leading to inefficiencies in planning and execution.
- **Low Participation of Women and Marginalized Groups**--Despite constitutional provisions for reservation, actual participation of women, Scheduled Castes, Scheduled Tribes, and other disadvantaged groups in decision-making remains uneven and sometimes symbolic.
- **Political Interference**--Excessive control or influence by state-level politicians and bureaucracies can undermine the independence of PRIs, affecting the quality and credibility of local governance.
- **Information Deficits**--Lack of access to updated data, planning tools, and technical support hampers evidence-based decision-making and long-term planning.
- **Poor Inter-Governmental Coordination**--Weak coordination between PRIs and other tiers of government—especially in planning and funding—results in overlapping responsibilities and poor service delivery.

✓ **Prospects and Achievements**--

Despite these challenges, PRIs have significantly contributed to rural development in India. They have been instrumental in implementing programs related to infrastructure development, poverty alleviation, and social welfare, bringing tangible improvements in the lives of rural populations.

Reservation policies for women and marginalized communities have led to increased representation, leadership opportunities, and empowerment at the grassroots level. This has promoted **social inclusion** and democratization of governance processes.

PRIs have fostered **community mobilization**, enabling villagers to identify local needs, participate in decision-making, and take ownership of development initiatives.

Above all, Panchayati Raj has strengthened the democratic fabric of India by institutionalizing **grassroots democracy**, encouraging **citizen participation**, and promoting **transparency and accountability** in governance at the local level.

STOP TO CONSIDER-6

➤ **Working of Indian Panchayati Raj System – Challenges and Prospects**

✓ **Overview--**

- PRIs enable decentralized governance and grassroots participation in local development.
- Functions include health, education, agriculture, women and child welfare, and rural infrastructure.

✓ **Exemptions--**

- States like Nagaland and Mizoram are exempt under **Article- 243M** due to traditional tribal governance systems.

✓ **Challenges--**

- **Financial Constraints--**Inadequate and uncertain funding.
- **Limited Powers--**Incomplete devolution of functions by state governments.
- **Capacity Issues--**Lack of trained staff and technical expertise.
- **Social Gaps--**Low meaningful participation by women and marginalized groups.
- **Political Interference--**Undermines autonomy and decision-making.
- **Information Deficits--**Lack of access to data and planning tools.
- **Poor Coordination--**Weak linkage with state and central authorities.

✓ **Prospects--**

- Improved delivery of development programs and rural welfare schemes.
- Enhanced social inclusion through reservations and local representation.
- Stronger grassroots democracy, accountability, and community ownership.

Panchayati Raj Institutions (PRIs) have played a pivotal role in promoting decentralized governance by empowering rural communities to participate in decision-making and take charge of their own development. Through the implementation of rural development schemes and infrastructure projects, PRIs have contributed significantly to improving local livelihoods and living standards. Reservation policies have further strengthened inclusivity by increasing the representation of women and marginalized communities in local governance. However, the system faces persistent challenges such as financial constraints, limited powers, political interference, and lack of administrative capacity. Many Panchayats operate with minimal training and resources, restricting their ability to effectively plan or execute development programs. Additionally, coordination with higher levels of government often remains weak. Despite these hurdles, PRIs continue to serve as vital democratic institutions, reflecting India's commitment to grassroots democracy. For PRIs to achieve their full potential, ongoing reforms and support are essential to enhance autonomy, accountability, and public participation in the governance process.

Check Your Progress-6

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are two major challenges faced by Panchayati Raj Institutions (PRIs)?

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2. How have reservation policies helped improve inclusivity in PRIs?

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8.9 Let Us Sum Up

➤ Panchayati Raj Institutions in India – A Pillar of Grassroots Democracy

Panchayati Raj Institutions (PRIs) represent a landmark achievement in India’s democratic evolution, embodying the core principles of decentralization, participatory governance, and inclusive development. Since their institutionalization through the **73rd Constitutional Amendment Act of 1992**, PRIs have served as a robust framework for local self-government, enabling rural communities to take charge of their developmental priorities and governance needs.

The 73rd Amendment laid the foundation for a **three-tier structure**—comprising **Gram Panchayats** at the village level, **Panchayat Samitis** at the intermediate (block) level, and **Zilla Parishads** at the district level. This constitutional reform aimed to empower grassroots institutions by devolving powers and responsibilities, while also ensuring **social justice** through mandatory reservations for **women, Scheduled Castes (SCs), and Scheduled Tribes (STs)** in all tiers of the panchayati system.

Over the decades, PRIs have evolved dynamically, with states adopting diverse models tailored to their specific socio-economic contexts. PRIs have contributed significantly to local development, improved service delivery, and enhanced political representation for marginalized groups. Their involvement in implementing welfare schemes, improving rural infrastructure, and mobilizing community

participation has underscored their relevance in India's governance landscape.

In conclusion, Panchayati Raj Institutions stand as a cornerstone of India's democratic and developmental journey. They have played a transformative role in advancing **local empowerment, social inclusion, and participatory democracy**. However, to fully realize their potential, it is imperative to address persistent challenges—such as limited financial autonomy, administrative constraints, and political interference.

Sustained support from **policymakers, civil society, and local stakeholders** is essential to strengthen the autonomy, capacity, and accountability of PRIs. Doing so will not only deepen democracy at the grassroots but also promote **sustainable and inclusive development**, thereby contributing to a more equitable and empowered India.

8.10 References and Suggested Readings

- Bardhan, P., & Mookherjee, D. (Eds.). (2006). *Decentralization and local governance in developing countries: A comparative perspective*. MIT Press.
- Bhagwan, V., & Bhushan, V. (2005). *Indian administration* (Rev. ed.). S. Chand Publishing.
- Datta, P. K. (2006). *Decentralisation, participation and governance*. Kalpaz Publications.
- Gupta, D. N. (2004). *Decentralisation: Need for reforms*. Concept Publishing Company.
- Palanithurai, G. (2000). *Grassroot democracy in Indian society*. Concept Publishing Company.

- Rao, C. N. S. (2001). *Sociology: Principles of sociology with an introduction to social thought* (6th ed.). S. Chand Publishing.
- Vyasulu, V. (2003). *Panchayats, democracy, and development*. Rawat Publications.

8.11 Model Questions

- ✓ How does the State Finance Commission contribute to the financial empowerment of local bodies?
- ✓ What are the key functions of the State Election Commission in ensuring free and fair elections at the local level?
- ✓ In what ways do the 73rd and 74th Amendments promote democratic decentralization?
- ✓ What challenges does the Panchayati Raj system face in its implementation, and how can they be addressed?
- ✓ How does the structure of Panchayati Raj institutions help in grassroots governance and local development?
- ✓ Why is financial autonomy important for Panchayati Raj institutions, and what role does the State Finance Commission play in ensuring it?

8.12 Answers to Check Your Progress

Check Your Progress-1

1. The Vedic Era saw local self-governed bodies like *Sabha*, *Samiti*, and *Vidatha*, which had to consent to the king's decisions.
2. The Commission recommended the creation of Panchayats with powers related to sanitation, public works, and local revenue, under district authority, with limited functions.
3. The Act led to provincial governments adopting legislation to democratize local self-governance, although it didn't fully empower Panchayats.

Check Your Progress-2

1. The Balwant Rai Mehta Committee recommended a three-tier Panchayati Raj system, administrative decentralization, elected bodies controlling local administration, power devolution, and financial autonomy.
2. The Ashoka Mehta Committee proposed a two-tier system (district and mandal levels) to streamline administration, improve efficiency, and address the decline of Panchayati Raj institutions due to bureaucratic inefficiencies and lack of political support.

Check Your Progress-3

1. The key provisions include a three-tier system of Panchayati Raj institutions, direct elections, reservation for SCs, STs, and women, establishment of State Finance Commissions, devolution of powers, and State Election Commissions for free and fair elections.
2. Criticisms include inadequate devolution of powers, limited financial resources, political interference, unequal implementation across states, challenges in capacity building, gender disparities in representation, and lack of transparency and accountability.
3. The 73rd Amendment promotes grassroots democracy by establishing elected local bodies, ensuring direct participation of the people in decision-making, and empowering marginalized groups through reservations, thereby fostering inclusive and decentralized governance.

Check Your Progress-4

1. Panchayati Raj institutions in India are structured into a three-tier system consisting of Gram Panchayats (village level), Panchayat Samitis (block level), and Zilla Parishads (district level). The 73rd Amendment grants them constitutional recognition, ensuring the direct election of members, reservation of seats for SCs, STs, and women, and empowerment to address rural development through devolution of powers.
2. Panchayati Raj Institutions are responsible for civic amenities (e.g., sanitation, street lighting, roads, and water

supply), social welfare activities (e.g., birth and death records, family planning, welfare centers), and development work (e.g., road construction, public buildings, promotion of co-operatives and agriculture). These functions contribute to the economic development and social justice objectives of the system.

3. Panchayati Raj Institutions play a vital role in rural development by undertaking projects related to infrastructure (e.g., roads, public buildings), social welfare (e.g., health services, family planning), and agricultural promotion. They empower local communities through decentralized governance, ensuring effective service delivery and better alignment of development projects with local needs.

Check Your Progress-5

1. The State Finance Commission recommends principles for the distribution of financial resources between the state government and local bodies, including Panchayats and Municipalities. It also determines grants-in-aid and ensures fiscal discipline.
2. The State Election Commissioner is appointed by the Governor for a fixed tenure of five years and cannot be removed from office except in the same manner as a High Court Judge.

3. The State Election Commission does not prepare a separate voter list for local body elections but uses the list prepared by the Election Commission of India under the Representation of the People Act, 1950, by bifurcating it according to local wards.

4. These amendments provided constitutional status to Panchayati Raj Institutions and Urban Local Bodies, ensuring regular elections and empowering local governance. However, their implementation has been more formal than substantive, limiting their effectiveness.

Check Your Progress-6

1. What are two major challenges faced by Panchayati Raj

Institutions (PRIs)?

Two major challenges faced by PRIs are--

- Lack of financial resources to carry out development projects.
- Political interference that undermines their independence and decision-making.

2. How have reservation policies helped improve inclusivity in PRIs?

Reservation policies have improved inclusivity by increasing the representation of women and marginalized communities in Panchayati Raj Institutions, allowing them to actively participate in local governance and decision-making.

Unit: 1

Problems of the Indian Political System: Linguism, Regionalism, Communalism, Insurgency, Terrorism, Casteism, Corruption and Criminalization of Politics

Unit Structure:

- 1.1 Introduction**
- 1.2 Objectives**
- 1.3 Linguism and Regionalism**
- 1.4 Communalism in India**
- 1.5 Terrorism in India**
- 1.6 Casteism**
- 1.7 Corruption in India**
- 1.8 Criminalisation of Politics**
- 1.9 Let Us Sum Up**
- 1.10 References and Suggested Readings**
- 1.11 Model Questions**
- 1.12 Answers to Check Your Progress**

1.1 Introduction

This unit explores some of the most significant divisions within the Indian political system—namely **casteism**, **communalism**, and **regionalism**—which continue to shape and challenge the nation's unity and democratic ethos.

Caste has been a deeply embedded feature of Indian society since ancient times. Originally conceptualized as a system based on the division of labour, over centuries it evolved into a rigid and hierarchical social order. In its modern form, **casteism** has become a source of political and social fragmentation. The **marginalization of Scheduled Castes (SCs)** and the persistent **dominance of upper castes** in key spheres of influence have weakened social cohesion

and continue to hinder the realization of national integration and social justice.

India's independence was marked by the traumatic partition and accompanying **communal violence**, particularly between Hindus and Muslims. Despite **secularism** being a core constitutional value, **communalism** has remained a recurring threat to India's pluralistic fabric. Communal tensions, often manifesting in the form of riots, hate crimes, and religious polarization, underscore the need for more than just legal or ideological responses. Combating **communalism, religious extremism, and hate propaganda** requires a **pragmatic and sociological approach** that addresses root causes like economic disparities, identity politics, and historical grievances, rather than merely condemning prejudice on moral grounds.

Another persistent challenge is **regionalism**. India's vast and diverse geography has given rise to rich regional identities characterized by distinct **languages, cuisines, customs, attire, and traditions**. While cultural diversity is a strength, when coupled with uneven development and political marginalization, it can fuel regionalist sentiments and inter-state conflicts. **Demands for statehood, regional autonomy, or preferential treatment for locals** have at times undermined the vision of a unified nation.

In sum, casteism, communalism, and regionalism are **not merely social issues but deeply political challenges** that must be addressed to build a more inclusive, equitable, and integrated India. Tackling these divisions requires a multi-pronged strategy involving education, inclusive policy-making, equitable development, and active civil society engagement.

1.2 Objectives

Upon completion of this unit, you will---

- Engage in discussions concerning casteism within Indian society.
- Analyse the implications and consequences of communalism.

- Explore the multifaceted dimensions of regionalism in India.

1.3 Linguism and Regionalism

Regionalism refers to the advocacy or implementation of dividing a nation into smaller political, economic, social, and cultural entities. Politically, it often involves decentralized or federalist governance structures, where regions seek greater autonomy. Culturally and politically, regionalism is closely linked with the development and preservation of regional identity. It can arise due to the persistent neglect of a specific region by governing authorities or from the growing political awareness among marginalized communities who have faced discrimination. In some cases, political leaders exploit regional sentiments to maintain control over particular territories or demographics.

In India, regionalism manifests in several forms--

- **Demand for State Autonomy**--Calls for greater independence from the central government have been growing, especially as the central authority increasingly intervenes in state matters. Certain regions within states have also demanded autonomy.
- **Secessionist Movements**--In some instances, the desire for autonomy evolves into a demand for separation from the central authority. Disputes over resources, such as water-sharing between states, language preferences, and the influx of migrants, often fuel regional sentiments.
- **Historical Context of Regionalism in India**--Regionalism in India has deep historical roots, particularly due to the colonial policies of British imperialists who deliberately fostered regional divisions to maintain control over the subcontinent. The British also left behind significant economic disparities and imbalances between regions, which further exacerbated regional consciousness.
- **Southern India Movements**--The **Dravida Movement** in Tamil Nadu in the 1940s, also known as the Non-Brahmin Movement, advocated for regional identity and escalated

into demands for a separate Tamil state. Similarly, the demand for a separate state in the Andhra region gained momentum, particularly in the 1950s and 1960s, with Potti Sriramulu's leadership in the Andhra movement catalyzing regional political activism.

- **States Reorganisation and Linguistic Lines**--In response to regional demands, the **States Reorganisation Committee** (1953) recommended the reorganization of states along linguistic lines, a move formalized through the **States Reorganisation Act** of 1956. This act created linguistic states, contributing significantly to regionalist sentiments.
- **Insurgencies in Northeastern India**--In the 1970s and 1980s, tribal insurgencies in northeastern India led to the **North-Eastern States Reorganisation Act (1971)**, which elevated Manipur and Tripura to full statehood and created Meghalaya as a sub-state. Mizoram and Arunachal Pradesh, initially Union Territories, were granted statehood in 1986.
- **21st Century Developments**--The demand for separate states continued into the 21st century, leading to the creation of three new states: **Chhattisgarh** from Madhya Pradesh, **Jharkhand** from Bihar, and **Uttarakhand** from Uttar Pradesh. Additionally, the bifurcation of Andhra Pradesh in 2014 led to the creation of **Telangana** as a new state.
- **Recent Developments**--In 2019, the **Jammu and Kashmir Reorganisation Act** led to the bifurcation of Jammu and Kashmir into two Union Territories—**Jammu & Kashmir** and **Ladakh**, marking a significant restructuring of the region's administrative framework.

➤ **Types of Regional Movements in India--**

- ❖ **Secessionism**--Militants and fundamentalist groups advocate separation from India based on ethnicity or other factors. Examples include:
 - **NSCN-IM (National Socialist Council of Nagaland)** in Nagaland
 - Islamic fundamentalist groups in Jammu and Kashmir
 - **ULFA (United Liberation Front of Assam)** in Assam

- ❖ **Separatism**--This involves demands for separate statehood within the Indian Union, often by linguistic or ethnic minorities. Examples include:
 - **Uttarakhand, Jharkhand, Chhattisgarh, and Telangana**
 - Demands for **Bodoland** in Assam, **Gorkhaland** in West Bengal, and **Bundelkhand**
- ❖ **Demand for Full Statehood**--Union territories like **Delhi** have long sought full statehood, a demand that has gained traction but has yet to be fully realized. Other former Union Territories like **Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh, and Sikkim** have achieved full statehood.
- ❖ **Demand for Regional Autonomy within a State**--Some regions seek autonomy or recognition of their distinct regional identities within the same state. For example, **Ladakh** (in the erstwhile Jammu and Kashmir state) has sought regional status due to its distinct cultural and geographical characteristics.

➤ **Causes of Growing Regionalism--**

- **Historical and geographical isolation** leading to a sense of nativism and son-of-the-soil ideology.
- **Uneven development**, where some regions have been neglected despite their resource potential.
- **Top-down development approaches** that disproportionately favor certain regions.
- **Imposition of conflicting ideologies** that do not account for regional identities and aspirations.
- **Linguistic and ethnic differences** fueling the demand for regional identity and autonomy.

➤ **Impacts of Regionalism on Indian Polity--**

▪ **Positive Impacts--**

- The rise of **regional parties** has enhanced democracy by representing local issues and interests.

- A focus on **regional issues** has led to better planning and development tailored to local needs.
- Regionalism has promoted **pride in local culture**, fostering artistic and cultural growth and preserving regional heritage.

▪ **Negative Impacts--**

- **Violence and instability**, as seen in various insurgencies and conflicts, can destabilize the economy and security situation.
- Regionalism can hinder **national unity**, potentially leading to secessionist tendencies and inter-state hostility.
- The rise of **divisive vote-bank politics** undermines national integration and erodes social cohesion.

➤ **Balancing Unity in Diversity--**

India's **pluralistic character** demands that regional aspirations be recognized and accommodated within a broader framework of national unity. Ensuring that every region has access to adequate resources for development, particularly in areas like education, healthcare, and sanitation, is vital for **human resource development** and the overall growth of the nation.

The establishment of the **NITI Aayog** is a step towards fostering **cooperative federalism**, enabling state governments to have a more active role in economic policymaking. However, the effective implementation of initiatives such as centrally sponsored schemes and support for private sector development in underdeveloped regions is crucial for **inclusive growth**.

Moreover, implementing a **national education system** can help mitigate regional divisions and foster a greater sense of national attachment. Genuine pride in regional languages and cultures should be encouraged, but it must not come at the cost of **national unity**. Thus, regionalism should not be inherently viewed as detrimental unless it manifests in aggressive or militant forms that undermine national integrity and lead to separatist tendencies.

STOP TO CONSIDER-1

➤ Linguism and Regionalism in India

- **Definition**--Regionalism is the assertion of regional identity and demands for autonomy due to perceived neglect, cultural pride, or historical grievances.
- **Forms**--
 - **State Autonomy**-- Calls for greater power to states.
 - **Secessionism**--Demands for complete separation from India.
 - **Separatism**: Movements for new states within India (e.g., Telangana).
 - **Regional Autonomy**--Demands for sub-state recognition (e.g., Ladakh before 2019).
- **Historical Roots**--
 - Fueled by **British colonial policies** and post-independence disparities.
 - Notable movements: **Dravida Movement, Andhra statehood, Northeast insurgencies**.
- **Key Events**--
 - **States Reorganisation Act (1956)**--States reorganized on linguistic lines.
 - **Creation of new states (2000 & 2014)**-- Chhattisgarh, Jharkhand, Uttarakhand, Telangana.
 - **J&K Reorganisation (2019)**: Bifurcation into two Union Territories.
- **Causes**--
 - Historical neglect, uneven development, linguistic/ethnic identity, and top-down governance.
- **Impacts**--
 - *Positive*--Strengthens democracy, cultural pride, better local governance.
 - *Negative*--Violence, secessionism, vote-bank politics, inter-state conflicts.
- **Solutions**--
 - **Cooperative federalism** (e.g., NITI Aayog),
 - **Inclusive development**, and
 - **Balanced education policy** promoting national unity alongside regional diversity.

- Regionalism addresses political, cultural, and social identity within smaller entities.
- In India, it ranges from autonomy demands to secessionist movements.
- Regionalism often stems from historical neglect and geographical isolation.
- Post-independence measures, like linguistic reorganization of states, addressed regional issues.
- Positive aspects include cultural pride and focused regional planning.
- Negative impacts include instability, violence, and divisive politics.
- Preserving unity and diversity demands inclusive growth and cooperative federalism.

Check Your Progress-1

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What historical factors contributed to the rise of regionalism in India during the colonial period?

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2. What were the outcomes of the States Reorganisation Act of 1956?

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3. What are the major causes of growing regionalism in India?

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1.4 Communalism in India

The concept of communalism stems from the idea of a "commune" or "community," typically referring to groups bound by common religion, ethnicity, or identity. While "community" implies shared culture and co-existence, *communalism* is a socio-political ideology that places the interests of one religious or ethnic group above others, often leading to division and conflict. In sociological terms, communalism represents antagonism between religious or ethnic communities, frequently fuelled by political motives.

India, historically known for its cultural, religious, linguistic, and ethnic diversity, experienced relatively limited communal tensions prior to colonial rule. However, during the British period, communalism emerged as a structured ideology and became a significant factor in social and political life.

➤ Understanding Communalism vs. Communal Harmony

It is essential to distinguish between "communal" and "communalism." While the former relates to identity based on shared beliefs or space, the latter indicates a politicized and often aggressive assertion of religious identity at the cost of national or civic unity. Scholars such as Rajni Kothari, T.K. Oommen, and Bipan Chandra emphasize that communalism is not merely religious intolerance but an ideology that mobilizes religion for political advantage.

As Kamath (2003) suggests, communal harmony is achieved through peaceful co-existence and mutual respect among diverse communities. In contrast, communalism fosters exclusivity and animosity, often resulting in violence and disharmony.

➤ Historical Roots of Communalism in India

The emergence of communalism in colonial India was influenced by several factors--

- **British Policies**--The British followed a divide-and-rule strategy, reinforcing religious identities to weaken nationalist unity. Policies such as the *Partition of Bengal* (1905) and the *Communal Award* (1932) institutionalized communal

divisions by granting separate electorates and benefits based on religion.

- **Economic Stagnation**--Colonial economic policies adversely affected sections of Indian society, especially the middle class. Faced with limited opportunities, some turned to communal ideologies to protect their socio-economic interests.
- **Colonial Historiography**--British historians like James Mill categorized Indian history into Hindu, Muslim, and British periods, often portraying the medieval Islamic era as tyrannical and backward. This biased narrative deepened religious mistrust.
- **Religious Nationalism**--Elements of Hindu religious symbolism became embedded in the nationalist movement, which inadvertently alienated Muslim communities. This was further intensified by orientalist glorification of Hindu antiquity.
- **Communal Riots and Violence**--Communalism often resulted in violent outbreaks. The *Partition of India* in 1947 led to massive communal massacres, and incidents like the *Babri Masjid demolition* in 1992 further widened religious fault lines.

➤ **Post-Independence Secularism and Political Developments**

After independence, India adopted a secular Constitution, emphasizing equal respect for all religions and separating religion from the functions of the state. Jawaharlal Nehru strongly advocated for secularism as the foundation for modern India, promoting pluralism and unity over religious exclusivity.

However, the political landscape changed significantly in later decades--

- The **Congress Party**, under Nehru and later leaders, pursued a policy of inclusive nationalism, but was often criticized for "appeasement politics" aimed at minority vote banks.
- The **Bharatiya Jana Sangh** (predecessor to the BJP) promoted Hindu nationalist ideology. Following the Emergency, it merged into the Janata Party in 1977, but re-

emerged as the **Bharatiya Janata Party (BJP)** in 1980 with a broader ideological base, including Gandhian socialism.

- From **1986 onward**, the BJP began emphasizing **Hindutva**, a concept formulated by **V.D. Savarkar**, which posits that Indian nationhood is intrinsically tied to Hindu culture. Hindutva views India as both *punyabhoomi* (holy land) and *pitribhoomi* (fatherland), thereby excluding those whose holy lands lie outside India.

➤ **Key Events Shaping Communal Politics**

Two pivotal developments in the 1980s reshaped Indian communal politics--

1. **Shah Bano Case (1985)**--The Supreme Court's verdict granting maintenance to a divorced Muslim woman was overturned by the **Muslim Women (Protection of Rights on Divorce) Act, 1986** passed by the Congress government. This move was widely seen as appeasement and was criticized for undermining gender justice.
2. **Ayodhya Dispute (1986)**--The unlocking of the Babri Masjid gates and the permission to offer Hindu prayers reignited claims over the site as the birthplace of Lord Ram. This event triggered a national campaign led by the BJP, RSS, and VHP, significantly raising communal tensions.

➤ **Babri Masjid Demolition and Aftermath**

On **December 6, 1992**, despite assurances to the Supreme Court, the Babri Masjid in Ayodhya was demolished by karsevaks mobilized by right-wing groups. The demolition led to nationwide communal riots, most notably in Mumbai, and resulted in the dismissal of BJP-led state governments. The **Liberhan Commission** was later set up to investigate the incident.

The demolition was a turning point in Indian politics. It deepened religious polarization, challenged the secular character of the Indian state, and shifted the balance of power, with the BJP emerging as a

major national party in the post-1989 period, while the Congress faced electoral decline.

STOP TO CONSIDER-2

➤ Communalism in India

- **Definition**--Communalism is a politicized ideology promoting the interests of one religious or ethnic group over others, often leading to conflict.
- **Community vs. Communalism**--A community signifies shared identity; communalism promotes exclusivity and division.
- **Colonial Roots**--
 - British policies (e.g., *Divide and Rule*, *Partition of Bengal*, *Communal Award*) institutionalized communal identities.
 - Colonial historiography distorted India's past into Hindu-Muslim binaries.
 - Economic decline pushed middle classes toward communal affiliations.
- **Nationalism and Religion**--Religious symbols in nationalist discourse alienated minority communities, especially Muslims.
- **Post-Independence Secularism**--
 - Nehru promoted secularism and unity in a diverse society.
 - Congress policies sometimes accused of "minority appeasement."
- **Rise of Hindutva**--
 - BJP revived Hindu nationalist ideology from the 1980s.
 - Key triggers: Shah Bano case (1985) and Ayodhya temple movement (1986).
- **Babri Masjid Demolition (1992)**-- Sparked widespread violence; became a turning point in India's political and communal history.
- **Current Relevance**-- Communalism continues to influence

electoral politics, challenge secular values, and shape inter-religious dynamics in India.

- Communalism in India stems from allegiance to one's community or religion rather than society.
- Historical India had minimal inter-group tensions until British colonial policies like Divide and Rule fostered discord.
- Distorted historical narratives and majoritarian ideologies intensified communal tensions.
- Communal harmony thrives on peaceful coexistence, while exclusivity fosters discord and violence.
- Events like the Babri Masjid dispute and political shifts in the post-1980s era have shaped India's communal landscape.
- The rise of Hindutva ideologies challenged India's secular framework and emphasized cultural nationalism.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What does the term "communalism" signify in the Indian context?

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2. How did British colonial policies contribute to communal tensions in India?

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3. What role did the Babri Masjid dispute play in shaping communal tensions?

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1.5 Terrorism in India

The UN defines terrorism as any criminal act intended to provoke terror in the public, a group, or an individual for specific purposes. These acts are unjustifiable regardless of any political, ideological, racial, religious, or other considerations.

Under the Indian National Security Guard Act, 1986, a terrorist is defined as a person intending to intimidate the government or instill terror in the public by using bombs, explosives, firearms, poisons, or other hazardous substances to cause death, injury, destruction, or disruption of essential supplies and services.

➤ Terrorism in India--A Persistent Threat

India has faced terrorism for over five decades. Key incidents include the 2001 Parliament attack, linked to Jaish-e-Mohammed and Lashkar-e-Taiba with Pakistan's ISI's support, and the Red Fort attack and hijacking of IC 814. The ISI's involvement in these events aimed to spread panic and chaos. Despite government efforts to counter "cross-border" terrorism, prosecuting foreign collaborators and apprehending masterminds like Dawood Ibrahim remains a challenge. The 1987 SAARC agreement to combat terrorism has seen limited success, with Pakistan's continued support for terrorist organizations targeting India.

▪ Legislative Responses to Terrorism

The Terrorist and Disruptive Activities (Prevention) Act (TADA), introduced in 1985 and amended in 1987, sought to address escalating terrorism. Section 3(1) of TADA defines a terrorist act as using coercion and violence to intimidate governments, disrupt harmony, or cause widespread damage.

▪ Legal and Operational Complexities

The Supreme Court, in *Hitendra Vishnu Thakur Vs. State of Maharashtra*, highlighted the complexity of defining terrorism, emphasizing its goal to instil fear, disrupt harmony, and challenge authority. Unlike other forms of violence, terrorism systematically

employs coercive intimidation, requiring a distinct legal and operational response.

▪ **The Diverse Nature of Terrorism**

Terrorist organizations differ significantly in objectives, ideologies, and resources, reflecting their unique political contexts. While efforts have been made to classify terrorist activities, their diverse nature defies a single overarching theory.

The 8th report of ARC-2 introduces a terrorism paradigm outlining different forms of terrorism:

• **Ethno-Nationalist Terrorism--**

- Emerged post-World War II and remained prominent for over 50 years until religious terrorism gained prominence.
- Defined as deliberate violence by a subnational ethnic group to further its cause, often aiming for a breakaway state or ethnic group supremacy.
- Examples include Tamil Nationalist groups in Sri Lanka and insurgent factions in North East India.

• **Religious Terrorism--**

- Predominant in contemporary times, driven by religious imperatives globally.
- Perpetrators view violence as a divine duty or sacramental act, with distinct forms of legitimization and justification.

• **Ideology Oriented Terrorism--**

- Terrorism motivated by ideological beliefs, categorized into left-wing and right-wing extremism.

• **Left-Wing Terrorism--**

- Typically involves violence by the peasant class against ruling elites, advocating for revolutionary change through violent means.

- Examples include the Red Army Faction in West Germany and Maoist groups in India and Nepal.
- **Right-Wing Terrorism--**
 - Seeks to maintain or revert to a perceived ideal state, sometimes with ethnic or racist undertones.
 - Examples include Nazism in Germany and Fascists in Italy.
- **Narcoterrorism--**
 - Refers to drug traffickers' use of violence and intimidation to influence policies or obstruct anti-drug enforcement.
 - Examples include D-Company in India, involved in narcotics trafficking.
- **Cyberterrorism--**
 - Involves illegal attacks or threats on computers and networks to achieve political or social goals.
 - Examples include malware, hacking, and phishing.
- **Bioterrorism--**
 - Involves the deliberate release or spread of biological agents.
 - Examples include the use of bacteria, viruses, or toxins for warfare.
- **Cross-Border Terrorism--**
 - Occurs when one country's soil is used to perpetrate terror in neighbouring countries.

Factors include internal support, corrupt officials, porous borders, and backing from non-state actors, as seen in India's situation with Pakistan.

➤ **Impacts of Terrorism--**

The menace of terrorism poses a significant threat to global peace and stability, undermining fundamental principles of peace and

development. Its repercussions extend beyond mere loss of lives and include economic and social setbacks, with terrorist activities often transcending borders. Particularly alarming are attacks involving CBRNE materials, which can inflict catastrophic damage on both human lives and infrastructure.

India grapples with terrorism in regions like Kashmir, the northeast, and to a lesser extent, Punjab, facing threats from secessionists and left-wing extremist groups. The 2008 Mumbai attacks by Lashkar-e-Taiba highlighted the severity of the issue. India ranks among the most affected countries globally, with thousands of lives lost to terror strikes, particularly affecting regions like Jammu and Kashmir. Its standing in the Global Terrorism Index underscores the ongoing threat.

➤ **Steps Taken by India to Combat Terrorism--**

India has enacted the Unlawful Activities (Prevention) Amendment Act 1967 to combat terrorism comprehensively. Post the 2001 Mumbai attacks, initiatives like the establishment of the National Investigation Agency (NIA) demonstrate India's resolve. Additionally, India advocates for global cooperation through forums like the Comprehensive Convention on International Terrorism (CCIT) and actively participates in organizations like the FATF. Its robust intelligence network, including agencies like RAW and IB, is pivotal in countering terrorism.

➤ **Various Counter-Terrorism Operations--**

India has undertaken numerous operations, such as Operation Rakshak and Operation Sarp Vinash, to tackle insurgency and terrorism, notably in Jammu and Kashmir. These efforts underscore India's commitment to combating terrorism through both military and diplomatic channels.

Addressing the complex challenges posed by terrorism requires strengthened multilateral cooperation and revamped strategies. Countries must collectively pressure states involved in sponsoring terrorism. Efficient intelligence gathering should be coupled with prompt action, necessitating enhanced financial and technological resources for intelligence agencies. Upholding human rights and fair

implementation are imperative, especially amidst challenges like the Covid-19 pandemic, necessitating a united global effort.

STOP TO CONSIDER-3

- Understanding Terrorism--Terrorism encompasses diverse forms, including ethno-nationalist, religious, ideological, narcoterrorism, cyberterrorism, bioterrorism, and cross-border terrorism, each with unique motivations and impacts.
- India's Challenges and Responses--India faces significant terrorism threats, particularly in regions like Kashmir, the northeast, and Punjab, and has enacted robust measures like the Unlawful Activities (Prevention) Amendment Act and established the NIA to counter these threats.
- Global Collaboration Needed--Strengthening multilateral cooperation, leveraging intelligence resources, and ensuring fair implementation of counter-terrorism strategies are crucial to addressing the evolving challenges posed by terrorism.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

Q1: What is ethno-nationalist terrorism, and provide two examples?

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Q2: What significant steps has India taken to combat terrorism?

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1.6 Casteism

➤ Caste in Historical Context

Caste is a distinctive social institution rooted deeply in Indian history and culture. Although primarily associated with Hindu society, caste-based divisions have influenced non-Hindu communities such as Muslims, Christians, and Sikhs. The term *caste*, derived from the Portuguese word *casta* (meaning lineage or purity), is reflected in Indian traditions through the concepts of *varna* and *jati*.

- **Varna**, meaning "colour," categorizes society into four broad classes--Brahmins (priests and scholars), Kshatriyas (warriors and rulers), Vaishyas (traders and merchants), and Shudras (labourers and service providers). Marginalized groups, such as outcastes and tribal communities, historically excluded from this system, were referred to as *panchamas* or the "fifth category."
- **Jati** refers to a more localized and complex categorization of communities into thousands of castes and sub-castes, based on occupation, region, and kinship. While *varna* presents a pan-Indian ideological framework, *jati* reflects social diversity on a regional and local scale.

Scholars interpret *varna* as a theoretical and idealized classification, while *jati* represents the real, lived structure of social organization in Indian society. Unlike the relatively consistent *varna* model, *jati* hierarchies differ widely across regions.

The caste system is believed to have originated around 3,000 years ago. In the **late Vedic period** (circa 900–500 BCE), caste was relatively fluid, with occupational roles shaping identity and some degree of social mobility possible. However, in the **post-Vedic period**, caste evolved into a rigid, birth-based system characterized by the following features--

- **Hereditary Status** – Caste became ascribed by birth, with limited scope for change.

- **Endogamy** – Marriage was strictly confined within one's own caste.
- **Dietary Rules** – Caste dictated food habits and interactions around meals.
- **Hierarchical Order** – Castes were ranked based on notions of ritual purity and pollution.
- **Segmental Organization** – Castes and sub-castes functioned as distinct social segments.
- **Occupational Rigidity** – Professions became hereditary and exclusive to particular castes.

Although religious texts codified these rules, their enforcement varied. Higher castes enjoyed social and economic advantages, while lower castes faced exclusion and exploitation. Once caste status was tied to birth, it restricted individuals' opportunities, regardless of merit or capability.

Conceptually, the caste system combined **differentiation**, **segregation**, **hierarchy**, and **interdependence**, forming a holistic structure. Notions of ritual purity governed rank, and those at the top generally controlled economic resources and military power.

➤ Colonial Influence on Caste

The colonial period (19th–20th centuries) significantly altered the caste system, reshaping its structure and solidifying caste identities. British administrators, in their attempt to understand and govern Indian society, institutionalized caste through surveys and censuses.

The **Census of 1901**, led by **Herbert Risley**, classified castes based on occupation and perceived social hierarchy. This official enumeration prompted communities to seek higher classification, thereby, reinforcing caste divisions.

Colonial governance inadvertently made caste more rigid. By treating caste as a fixed social category, British policies transformed a once more fluid and contextual system into a bureaucratically codified hierarchy.

At the same time, colonial reforms initiated legal measures to address caste-based inequities. The **Government of India Act of**

1935 formally recognized **Scheduled Castes(SCs)** and **Scheduled Tribes(STs)**, paving the way for affirmative action. While these measures aimed to promote social justice, they also contributed to the institutionalization of caste categories within the legal and political system.

➤ **Caste in Post-Independence India**

After independence in 1947, India committed to eradicating caste-based discrimination. The **Indian Constitution**, drafted under the leadership of **Dr. B.R. Ambedkar**, outlawed **untouchability** and provided for equality before the law.

Reformers like **Mahatma Gandhi** and Ambedkar led efforts to uplift marginalized communities. However, the practical implementation of anti-caste ideals faced numerous challenges.

Although government employment and education were made caste-neutral in principle, **affirmative action (reservations)** for **Scheduled Castes (SCs)**, **Scheduled Tribes (STs)**, and later **Other Backward Classes (OBCs)** remained necessary to address historical disadvantage.

Urbanization and economic development created new social mobility opportunities, yet caste-based discrimination persisted in both rural and urban contexts. Endogamy continued to shape marriage patterns, and caste identities remained influential in electoral politics. The rise of **caste-based political parties** revealed the continued relevance of caste in India's democratic processes.

➤ **Sociological Perspectives on Caste**

Modern sociologists have developed conceptual tools to analyze caste in contemporary India--

- **Sanskritisation** (M.N. Srinivas)--A process whereby lower castes adopt the practices and lifestyles of higher castes to gain social mobility.
- **Dominant caste**--A concept referring to castes that wield local economic and political power, often due to landownership, numerical strength, or social influence.

For **urban upper-caste elites**, access to education and resources has led to a perception that caste no longer matters. However, marginalized groups continue to face systemic discrimination and depend on state support for advancement.

➤ **Modern Challenges**

Today, caste remains a complex and enduring feature of Indian society. Despite constitutional protections and social reform movements, caste continues to influence identity, opportunity, and discrimination.

Economic liberalization and globalization have transformed some aspects of caste, particularly in urban and professional settings. Nonetheless, caste hierarchies endure in areas like marriage, social interactions, and politics.

Efforts to eliminate caste-based inequity must grapple with its deep historical roots and modern reinforcements. The persistence of caste as both a social reality and a political tool underscores the challenges of building an egalitarian society in a historically stratified nation.

In summary, India has made significant progress in addressing caste-based discrimination, but caste remains deeply embedded in its cultural, social, and political fabric. True equality will require not only legal safeguards but also sustained efforts to transform entrenched attitudes and structures.

STOP TO CONSIDER-4

➤ **Casteism**

- **Historical Roots**--Caste in India emerged over 3,000 years ago; *varna* (idealized, four-fold division) and *jati* (localized, occupation-based sub-groups) shaped its structure.
- **Early Fluidity to Rigidity**--Initially flexible, caste became birth-based and hierarchical in the post-Vedic era, enforcing

endogamy, occupational heredity, and purity-pollution norms.

- **Colonial Impact**--British censuses (notably Risley's 1901 census) codified and hardened caste identities, while also introducing legal recognition of Scheduled Castes/Tribes.
 - **Post-Independence Reforms**--Constitution outlawed untouchability and enabled affirmative action. Leaders like Ambedkar and Gandhi pushed for caste equity, though practical change was slow.
 - **Modern Realities**--Caste persists through marriage, politics, and discrimination, despite economic development and urbanization.
 - **Sociological Insights**--Concepts like Sanskritisation and dominant caste explain caste mobility and power dynamics.
 - **Contemporary Challenges**--Legal reforms coexist with deep-rooted social hierarchies. Caste remains a marker of identity and inequality in 21st-century India.
-
- Caste is a unique social institution in India, deeply rooted in both historical and modern contexts.
 - It was originally fluid in the Vedic period but became rigid in the post-Vedic era.
 - Colonialism played a key role in solidifying caste hierarchies and categorizing communities for state assistance.
 - Despite legal measures to abolish caste discrimination, caste continues to influence cultural, political, and social dynamics in modern India.

Check Your Progress-4

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the key characteristics of the caste system in ancient India?

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2. How did colonialism influence the caste system in India?

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1.7 Corruption in India

According to *Transparency International's* Corruption Perceptions Index (CPI) 2023, **India ranked 93rd out of 180 countries**, maintaining the same position as the previous year. The CPI evaluates perceived levels of public sector corruption using a scale from 0 to 100—**0 indicating high corruption and 100 representing clean governance**.

In 2023, **India scored 39**, a slight dip from **40 in 2022**, when it held the **85th position**. The decline in rank despite a minor drop in score is due to relative performance by other countries. The report noted that India's score has remained largely stable over recent years, making it difficult to infer significant trends. However, concerns were raised about **shrinking civic space** ahead of elections, especially after the passage of a **telecommunications bill** that critics argue could endanger fundamental rights.

➤ Regional Context

❖ Within South Asia--

- **Pakistan (133)** and **Sri Lanka (115)** struggle with political instability and debt, yet benefit from comparatively robust judicial mechanisms that help enforce accountability.
- **Bangladesh (149)**, despite economic growth and poverty reduction, suffers from restricted press freedom and limited information access due to state crackdowns.
- **China (76)** has conducted an extensive anti-corruption campaign, disciplining over 3.7 million officials over the past decade. However, the report emphasized that **relying on punitive measures without strengthening institutional checks** can undermine long-term effectiveness.

In the broader **Asia-Pacific** region, progress remains stagnant. The **regional average CPI score has remained at 45** for the last five

years, indicating persistent challenges in addressing corruption, compounded by **press restrictions** and **civil society suppression**.

Top-performing countries include--

- **New Zealand (Rank 3)**
- **Singapore (Rank 5)**
- **Australia (Rank 14)**
- **Japan (Rank 16)**

Conversely, **fragile and authoritarian states** such as **North Korea (172)**, **Myanmar (162)**, and **Afghanistan (162)** ranked at the bottom, grappling with severe governance and humanitarian crises.

❖ **Understanding Corruption in India**

Corruption refers to the abuse of entrusted power for private gain. In India, it has become deeply entrenched in public life, often viewed as a norm rather than an exception. This systemic issue undermines governance, justice, and development.

Key Reasons Why Corruption Persists in India--

- **Lack of Transparency**
Opaque government processes shield officials from scrutiny, enabling misuse of power.
- **Weak Institutional and Legal Enforcement**
Many enforcement agencies and courts struggle with limited resources, backlogs, or political influence, reducing their effectiveness.
- **Perception of Impunity**
Inconsistent or inadequate punishment for corrupt acts fosters a culture where individuals believe they can act without consequence.
- **Low Salaries in Public Service**
Insufficient pay, particularly for lower-level employees, often leads to bribe-seeking as a supplementary income.
- **Excessive Bureaucracy (Red Tape)**
Complicated regulations and procedures incentivize bribes to speed up processes or circumvent rules.

- **Political Interference**
Politicians frequently meddle in administrative affairs, compromising institutional autonomy and facilitating corruption.
- **Cultural Tolerance**
A widely held belief that "everyone is corrupt" normalizes unethical behavior, diminishing public resistance.
- **Weak Whistleblower Protection**
Insufficient safeguards deter individuals from reporting corruption, fearing retaliation.
- **Socioeconomic Inequality**
The wealthy and powerful often manipulate the system for personal gain, with minimal accountability due to their influence.

❖ Conclusion

Despite constitutional safeguards and institutional efforts, **corruption remains a persistent challenge in India**, fueled by structural, cultural, and political factors. While India has seen some progress in digital governance and public service delivery, systemic reforms in transparency, accountability, and civil liberties are crucial to curbing corruption in the long term.

STOP TO CONSIDER-5

➤ Corruption in India

- **Global Ranking--** India ranked **93rd out of 180** in the 2023 Corruption Perceptions Index with a score of **39/100**, slightly down from 2022.
- **Regional Snapshot--**South Asian neighbors like Pakistan, Sri Lanka, and Bangladesh struggle with governance, while China's anti-corruption drive raises concerns over unchecked power.
- **Asia-Pacific Trend--**The region's average score stagnates at 45, reflecting little progress and growing constraints on civil society and media.
- **High Performers--**Countries like **New Zealand, Singapore,**

Australia, and **Japan** consistently rank high due to strong institutions and transparency.

- **Low Performers--North Korea, Myanmar, and Afghanistan** sit at the bottom due to authoritarianism and instability.

➤ **Why Corruption Persists in India**

- **Opaque governance** and weak institutional enforcement.
- **Perceived impunity** and lack of deterrents.
- **Low public sector wages** and **bureaucratic hurdles**.
- **Political interference** and **cultural normalization**.
- **Poor whistleblower protection** and rising **inequality**.
- **Conclusion:** Corruption in India is systemic and persistent. Reforms must strengthen transparency, autonomy, and public trust to drive lasting change.
- India ranks 93rd on the 2023 Corruption Perceptions Index, with a score of 39, reflecting minimal change in corruption levels.
- The report raises concerns about the narrowing of civic space, particularly ahead of elections.
- Countries like New Zealand and Singapore lead in controlling corruption, while fragile states with authoritarian regimes face significant challenges.
- Corruption in India persists due to lack of transparency, weak institutions, low salaries, political interference, and cultural acceptance.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What are the main reasons for corruption persisting in India?
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2. How did India perform on the Corruption Perceptions Index for 2023 and what were the concerns highlighted in the report?

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1.8 Criminalisation of Politics

Overview

Recent findings by the **Association for Democratic Reforms (ADR)** highlight a concerning rise in candidates with criminal backgrounds contesting elections, as observed ahead of the **2023 Karnataka Assembly Elections**. This trend reflects the deepening issue of criminalisation in Indian politics. ADR has advocated for the **permanent disqualification** of individuals convicted of serious crimes—a reform yet to be implemented.

➤ What is Criminalisation of Politics?

Criminalisation of politics refers to the increasing involvement of individuals with criminal records in electoral politics, including their candidacy and election to legislative bodies. This undermines core democratic principles such as **free and fair elections, rule of law, and accountability**.

❖ Key Statistics

- In **2004**, 24% of Indian MPs had pending criminal cases.
- By **2019**, this figure rose to **43%**, with **159 MPs** facing serious charges like **rape, murder, attempt to murder, kidnapping, and crimes against women**.
- A **2023 petition** reported a **44% rise** in MPs with declared criminal cases since 2009.

➤ Drivers of Criminalisation

- **Vote Bank Politics**--Candidates use illicit tactics like **vote-buying**, often facilitated by local strongmen (“goondas”), to secure electoral wins.

- **Corruption Nexus**--The financial burden of campaigning leads to reliance on black money, strengthening ties between criminals and politicians.
- **Vested Interests**--Voters sometimes prioritize **community or caste affiliations** over clean records, enabling candidates with criminal backgrounds.
- **Muscle Power**--The **First-Past-The-Post (FPTP)** electoral system favors candidates who can secure the largest vote share, often through coercion or influence.
- **Money Power**--Electoral victories are increasingly dependent on **illicit funds**, including contributions from criminal syndicates.
- **Poor Governance**--Ineffective implementation of electoral laws and over-reliance on the **Model Code of Conduct** have failed to curb criminal influence.

➤ **Consequences of Criminalisation**

- **Erodes Free and Fair Elections**--Voter choice is compromised, affecting the integrity of democracy.
- **Weakens Governance**--Lawmakers with criminal records damage institutional credibility and hinder policy implementation.
- **Undermines Public Trust**--The use of **black money and coercion** in elections normalizes corruption, demoralizing honest public servants.
- **Fuels Violence and Polarisation**--Criminals in politics often resort to violence, spreading fear and fostering social discord.

➤ **Legal Framework**

- The **Constitution of India** does not directly address disqualification on the grounds of pending criminal cases.
- The **Representation of the People Act, 1951 (RPA)** disqualifies individuals **convicted** of offences punishable by **over two years** of imprisonment.
- However, those facing **ongoing criminal trials** can contest elections until conviction.

➤ **Judicial Measures**

- **ADR v. Union of India (2002)**--Supreme Court mandated candidates to disclose criminal records and assets.
- **Lily Thomas v. Union of India (2013)**--MPs and MLAs convicted of crimes are **immediately disqualified**, removing the earlier 3-month window for appeal.
- **2014 SC Directive**--Trials against sitting legislators must be completed within **one year** of framing charges.
- **Public Interest Foundation v. Union of India (2019)**--Political parties must **publicly disclose criminal records** of their candidates, including reasons for their selection.

➤ **Election Commission of India (ECI) Initiatives**

- **Booth Capturing Controls**--Since **1989**, elections can be adjourned or canceled in cases of booth capturing.
- **Ban on Arms**--Possession of arms near polling stations is strictly prohibited.
- **Code of Conduct Enforcement**--The ECI enforces rules to counter **muscle power** and electoral malpractice.
- **Affidavit Requirement**--Candidates must disclose criminal cases and assets when filing nominations.

➤ **Proposed Reforms for Decriminalisation**

- **Amend RPA, 1951**--To bar individuals with **serious criminal charges** from contesting elections, even before conviction.
- **State Funding of Elections**--As recommended by the **Dinesh Goswami Committee (1990)** and **Inderjeet Committee (1988)**, to reduce dependency on illicit funds.
- **Empower the ECI**--Enhance the Commission's autonomy and capacity to regulate political parties effectively.
- **Fast-Track Courts**--Ensure timely disposal of cases involving political candidates to prevent misuse of legal delays.
- **Lifetime Ban for Convicts**--Disqualify those convicted of grave offences from contesting future elections.

- **Voter Awareness**--Encourage citizen vigilance to reject candidates with criminal backgrounds and curb vote-buying practices.

STOP TO CONSIDER-6

➤ **Criminalisation of Politics in India**

- **Definition**--The infiltration of individuals with criminal records into electoral politics, weakening democracy, rule of law, and governance.
- **Key Stats**--
 - 24% of MPs had criminal charges in 2004;
 - Rose to 43% in 2019 (159 MPs with serious charges);
 - 44% increase since 2009 (ADR, 2023).
- **Main Causes**--
 - **Vote-bank politics** and **caste/community loyalties**
 - **Money and muscle power** under the First-Past-the-Post system
 - **Weak institutional enforcement** and **delays in legal proceedings**
 - **Voter desensitization** to criminality
- **Legal Gaps**--
 - Candidates can contest elections despite pending serious criminal charges (only convicted individuals are disqualified under current law).
- **Judicial Interventions**--
 - Mandatory disclosure of criminal records (ADR v. Union of India, 2002)
 - Immediate disqualification upon conviction (Lily Thomas, 2013)
 - SC urged speedy trials and public disclosure by parties (2014, 2019)
- **Consequences**--
 - Erosion of trust, flawed policy-making, misuse of power, and electoral violence.
- **Reform Proposals**--
 - Bar candidates with serious charges pre-conviction
 - State funding of elections

- Strengthen ECI's powers and fast-track courts
- Voter awareness and lifetime bans for serious convicts
- The criminalisation of politics refers to the infiltration of criminals into government positions, undermining democratic principles and fair elections.
- In India, the number of elected parliamentarians with pending criminal cases has increased, reaching 43% in 2019.
- Factors driving criminalisation include vote bank politics, corruption, muscle and money power, and poor governance.
- Consequences include undermining free elections, impairing good governance, and fuelling social discord.
- Legal measures such as the Representation of the People Act exist, but individuals with criminal charges can still contest elections.

Check Your Progress-6

Notes: i) Use the space below for your answers.
ii) Compare your answers with those given at the end of this unit.

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1. What are the key drivers of criminalisation of politics in India?

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2. What are the proposed solutions to combat the criminalization of politics?

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1.9 Let Us Sum Up

- Despite secularism being enshrined as a fundamental principle in our Constitution, communal conflicts have plagued our history.
- Culturally and politically, regionalism is intertwined with the development and preservation of regional identity.
- During the colonial period, British imperialists deliberately fostered regional divisions to maintain control over the subcontinent. Post-independence, efforts were made to foster national unity, with the Constitution promoting a sense of single citizenship and establishing unified institutions.
- In addition to communalism, communal riots represent a collective expression of religious sentiments and identities against other communities. These riots, often fueled by communal ideologies, manifest as violent clashes over conflicting interests and beliefs.
- In addition to communalism, communal riots represent a collective expression of religious sentiments and identities against other communities.
- India grapples with terrorism in regions like Kashmir, the northeast, and to a lesser extent, Punjab, facing threats from secessionists and left-wing extremist groups.
- According to a Transparency International report, India maintained its position at 93 out of 180 countries on the Corruption Perceptions Index for 2023.
- Corruption manifests as unethical conduct among those in positions of authority, often leveraging public office for personal gain.
- The Criminalisation of politics refers to the infiltration of criminals into governmental politics, including their candidacy and election to parliamentary and state legislative positions.
- Increased awareness among voters regarding the misuse of funds and gifts during elections can mitigate the influence of criminal elements.

1.10 References and Suggested Readings

- Achin, V. (1990). *The painful transition: Bourgeois democracy in India*. Verso.

- Bhatia, K. (1971). *The ordeal of nationhood: A social study of India since independence, 1947–1970*. Atheneum.

- Brass, P. R. (1992). *The politics of India since independence* (Indian ed.). Cambridge University Press.

- Chandra, B. (1999). *Essays on contemporary India* (Rev. ed.). Har-Anand Publications.

- Frankel, F. R. (1978). *India's political economy, 1947–1977: The gradual revolution*. Oxford University Press.

- Hardgrave, R. L., Jr., & Kochanek, S. A. (1993). *India: Government and politics in a developing nation* (5th ed.). Harcourt Brace College Publishers.

- Khilnani, S. (1997). *The idea of India*. Hamish Hamilton.
- Kohli, A. (Ed.). (1988). *India's democracy: An analysis of changing state-society relations*. Princeton University Press.

- Kothari, R. (1970). *Politics in India*. Orient Longman.

- Morris-Jones, W. H. (1978). *Politics mainly Indian*. Orient Longman.

- Morris-Jones, W. H. (1987). *The government and politics of India* (4th rev. ed.). Hutchinson.
- Mukherjee, A. (2002). *Imperialism, nationalism and the making of the Indian capitalist class, 1927–1947*. SAGE Publications India.
- Rudolph, L. I., & Rudolph, S. H. (1987). *In pursuit of Lakshmi: The political economy of the Indian state*. University of Chicago Press.
- Singh, Y. (2007). *Social change in India*. Har-Anand Publications.
- Tharoor, S. (1997). *India: From midnight to the millennium*. Penguin Books India.
- Thorner, D. (1980). *The shaping of modern India*. R. N. Sachdev.

1.11 Model Questions

- ❖ How does the Corruption Perceptions Index evaluate corruption, and what was India's position in 2023?
- ❖ What are the main reasons for the persistence of corruption in India, as outlined in the report?
- ❖ Explain the criminalization of politics in India and its impact on democratic processes.

- ❖ What legal measures and judicial rulings have been implemented to address the criminalization of politics in India?
- ❖ How do cultural norms and political interference contribute to the continuation of corruption in India?
- ❖ What proposed solutions can reduce the criminalization of politics and improve the electoral process in India?

1.12 Answers to Check Your Progress

Check Your Progress-1

1. British policies, such as differential treatment of princely states and regions under direct rule, fostered regional consciousness. Economic neglect by the British also created regional imbalances.
2. The act formalized the creation of linguistic states, further bolstering regionalism in India.
3. Historical and geographical isolation, uneven development, neglect of resource-rich regions, conflicting ideologies, and linguistic and ethnic aspirations.

Check Your Progress-2

1. Communalism signifies collective animosity between communities, arising from allegiance to one's community, religion, or ethnic group over society at large.
2. Policies like the Partition of Bengal in 1905, the Communal Award of 1932, and the Divide and Rule strategy deepened divisions by favouring one community over another for political gain.
3. The dispute, culminating in the demolition of the mosque in 1992, heightened communal tensions, led to violence, and reignited debates on secularism and minority rights in India.

Check Your Progress-3

1. Ethno-nationalist terrorism refers to deliberate violence by a sub-national ethnic group to further its cause, often aiming for a breakaway state or ethnic supremacy. Examples include Tamil nationalist groups in Sri Lanka and insurgent factions in Northeast India.
2. India has implemented the Unlawful Activities (Prevention) Amendment Act (1967), established the National Investigation Agency (NIA), and engaged in counter-terrorism operations like Operation Rakshak and Operation Sarp Vinash. It also advocates for global cooperation through forums like the CCIT and actively participates in organizations like FATF.

Check Your Progress-4

1. The key characteristics of the ancient caste system include birth-based determination, marriage restrictions (endogamy), dietary regulations, hierarchical structure, segmental organization, and occupational ties.
2. Colonialism influenced the caste system by systematically categorizing castes, solidifying social hierarchies, and introducing affirmative action policies for marginalized castes, leading to the rigidification of caste identities.

Check Your Progress-5

1. India ranked 93rd with a score of 39 on the Corruption Perceptions Index for 2023, showing minimal change from the previous year. The report raised concerns about the narrowing of civic space, especially due to the passage of a telecommunications bill that could threaten fundamental rights.
2. Corruption persists in India due to lack of transparency, weak institutions and legal frameworks, a perception of impunity, low salaries, bureaucratic red tape, political interference, cultural acceptance, lack of whistleblower protection, and social inequality.

Check Your Progress-6

1. The key drivers include vote bank politics, corruption, muscle and money power, vested interests, and poor governance.
2. Proposed solutions include empowering the Election Commission of India, vigilant voting, expedited judicial processes, amendments to the Representation of the People Act, and greater transparency in candidate disclosures.

Unit-2

Nation Building in India: Problems and Prospects

Unit Structure:

- 2.1 Introduction**
- 2.2 Objectives**
- 2.3 Challenges for the New Nation**
- 2.4 Partition and its Consequences**
- 2.5 Integration of Princely States**
- 2.6 Reorganisation of States**
- 2.7 Creation of New States in India**
- 2.8 Let Us Some Up**
- 2.9 References and Suggested Readings**
- 2.10 Model Questions**
- 2.11 Answers to Check Your Progress**

2.1 Introduction

The initial years following India's independence in 1947 were marked by a host of formidable challenges, particularly concerning national unity and territorial consolidation. A closer examination of the post-independence political landscape reveals that the newly sovereign nation confronted three critical challenges in its first decade--

- Independence was accompanied by the Partition, which triggered widespread communal violence, massive displacement, and posed a severe challenge to the secular fabric of the Indian state.
- The political integration of over 500 princely states into the Indian Union required urgent and strategic resolution.
- Redrawing internal state boundaries to reflect linguistic and cultural aspirations emerged as a major demand, necessitating a fresh federal map.

At the stroke of midnight on August 14–15, 1947, India finally emerged as an independent nation. Jawaharlal Nehru, the country's first Prime Minister, addressed the Constituent Assembly in a historic speech famously remembered as the "*Tryst with Destiny*" address.

This landmark moment marked the realization of a long-cherished dream held by millions of Indians. Despite differing perspectives within the national movement, two unifying goals were widely shared: the establishment of a democratic political system and the pursuit of inclusive development aimed at uplifting all citizens—especially the marginalized and historically disadvantaged.

However, the transition from colonial rule to self-governance was not smooth. India's independence was born out of extraordinary historical circumstances, unmatched in their complexity. The joy of liberation was overshadowed by the trauma of Partition, which brought with it unparalleled violence, mass migration, and social upheaval.

Despite these overwhelming challenges, independent India embarked on its journey with resilience and clarity of purpose. The country's leadership remained undeterred, fully aware of the immense obstacles ahead, and resolute in its vision to build a united, democratic, and equitable nation.

2.2 Objectives--

- To discuss the problems and prospects of nation building process in India.
- To understand the challenges faced during the process of nation building in India.

2.3 Challenges for the New Nation

In the formative years of independent India, the country encountered three fundamental and interrelated challenges. The foremost was the task of nation-building—creating a unified national identity while respecting the vast diversity inherent in Indian society. With its

immense geographical size and an extraordinary range of cultures, languages, religions, and ethnicities, India presented a unique challenge to the concept of political unity. The trauma of Partition in 1947, accompanied by widespread violence and the displacement of millions, deepened anxieties about the sustainability of national cohesion. Doubts were raised over whether India could preserve its unity without suppressing regional and sub-national identities. This led to critical debates on how best to reconcile the imperative of national integration with the aspirations of various linguistic, cultural, and regional groups.

Nation-building in India during this period was characterized by a series of landmark decisions and initiatives. Among the most significant was the integration of over 500 princely states into the Indian Union—a task masterfully undertaken by Sardar Vallabhbhai Patel through a mix of diplomacy, persuasion, and strategic pressure. Simultaneously, the rehabilitation of refugees displaced by Partition posed a massive humanitarian challenge. The leadership also prioritized the framing of a democratic and secular Constitution, which laid down the vision of a just, inclusive, and sovereign republic. The early political leadership, including Nehru, Patel, and Ambedkar, sought to transform constitutional values like liberty, equality, and fraternity into living realities for all citizens. Their efforts underscored the delicate balancing act between preserving India's pluralistic heritage and forging a strong, unified national identity—an endeavor that continues to evolve in contemporary times.

The second major challenge was the establishment and nurturing of a functioning democracy. The Constitution of India, adopted in 1950, enshrined universal adult suffrage, the rule of law, fundamental rights, and an independent judiciary. However, while the legal framework was in place, the real test lay in fostering democratic practices and political culture in a society emerging from centuries of colonial rule, deep social hierarchies, and widespread poverty. Ensuring regular elections, safeguarding civil liberties, and building accountable institutions were ongoing processes that required time, vigilance, and political will.

The third challenge centered around economic development and social transformation. The Directive Principles of State Policy

articulated the vision of a welfare state committed to reducing inequality, eradicating poverty, and ensuring social justice. However, implementing these ideals through concrete economic strategies proved difficult. Independent India inherited a largely agrarian and impoverished economy, with low industrial output and inadequate infrastructure. Addressing the needs of millions living in poverty, while simultaneously modernizing the economy, posed a daunting task for planners and policymakers.

Independent India grappled with these three challenges—national integration, democratic consolidation, and economic development—simultaneously. The degree to which the country succeeded in fulfilling the lofty objectives of the Constitution continues to be a subject of scholarly inquiry and public debate.

This unit focuses on the most immediate challenge in the aftermath of Independence: the task of nation-building. By examining the historical circumstances surrounding 1947, it becomes evident why national unity and security were urgent priorities for the new government. The unit also explores India's efforts to forge a collective national identity, drawing upon a shared history and commitment to democratic ideals, while addressing regional imbalances and accommodating the country's multifaceted social fabric.

STOP TO CONSIDER-1

➤ Key Challenges in Post-Independence India

- **Nation-Building--**

India faced the urgent task of unifying a diverse population following Partition and mass displacement. Integration of princely states and rehabilitation of refugees were crucial. Sardar Patel played a key role in territorial unification.

- **Balancing Diversity and Unity--**

Efforts aimed at preserving India's pluralism while fostering a strong national identity; this included accommodating linguistic and cultural differences within a democratic framework.

- **Democratic Foundations--**

The Constitution established universal suffrage and

fundamental rights. However, developing democratic institutions and political culture was an ongoing challenge.

- **Economic and Social Development--**
The Directive Principles outlined goals for a welfare state, but translating these into effective policies to reduce poverty and inequality was difficult.
- **Legacy of Leadership--**
Nehru, Patel, and Ambedkar led the charge in institutionalizing constitutional values like liberty, equality, and justice.
- **Focus of the Unit--**
This section explores how India prioritized national unity and integration immediately after Independence, setting the foundation for its democratic and developmental journey.
- India's early post-independence period posed three major challenges: forging unity amidst diversity, nurturing democratic practices, and achieving socio-economic development.
- Partition intensified fears about national cohesion, making the task of integrating diverse regions even more critical.
- The political integration of princely states, refugee rehabilitation, and adoption of a secular Constitution laid the foundation for unity.
- Sardar Patel's leadership and efforts to instill constitutional values helped cement a collective national identity.
- Establishing democracy involved translating constitutional ideals into daily political practices.

- Socio-economic development focused on equality and welfare, yet poverty and inequality posed persistent hurdles.
- These themes guide the book's exploration of India's political evolution and encourage critical reflection.
- This unit specifically focuses on the immediate post-Independence nation-building efforts.

Check Your Progress-1

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What were the three major challenges faced by India immediately after Independence?

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2. How did the leaders like Sardar Vallabhbhai Patel contribute to the process of nation-building in India ?

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2.4 Partition and Its Consequences

On August 14 and 15, 1947, British India was formally divided, giving birth to two independent nation-states—India and Pakistan. This historic partition stemmed largely from the 'two-nation theory' advocated by the Muslim League, which argued that Muslims and Hindus constituted separate nations requiring distinct political identities. Although the Indian National Congress opposed this idea, a combination of political rivalry, communal tensions, and British complicity led to the final decision to create Pakistan.

The partition aimed to divide the subcontinent primarily along religious lines: Muslim-majority regions were designated as part of Pakistan, while the remaining territories would remain with India.

However, this division proved far more complex than anticipated. The Muslim-majority areas were not contiguous, leading to the creation of two wings of Pakistan—West Pakistan and East Pakistan—separated by over a thousand miles of Indian territory. Further complicating the situation was the fact that not all Muslim-majority regions wished to join Pakistan. Leaders like Khan Abdul Ghaffar Khan in the North-West Frontier Province opposed the idea, highlighting the diversity of political opinion within the Muslim population.

The partition also involved the division of provinces such as Punjab and Bengal, where religious demographics were deeply mixed at the local level. These divisions sowed confusion, fear, and unrest, leading to unprecedented communal violence and mass displacement.

One of the most tragic outcomes of the partition was the fate of minority communities on both sides of the newly drawn borders. Hindus and Sikhs in Pakistan, and Muslims in India, were suddenly rendered vulnerable. Widespread violence erupted with minimal preparation by the authorities to manage the resulting humanitarian crisis. The situation spiraled into one of the largest and most tragic forced migrations in human history.

➤ **Major Consequences of the Partition--**

❖ **Mass Displacement--**

Around 8 million people were displaced as they migrated across the newly formed borders. Hindus and Sikhs moved from Pakistan to India, while Muslims migrated in the opposite direction, often amid violence and chaos.

❖ **Communal Violence and Atrocities--**

The partition triggered massive communal riots and targeted attacks, resulting in the deaths of an estimated 500,000 to 1 million people. Many were killed, raped, or abducted, and entire communities were uprooted.

❖ **Humanitarian Crisis--**

The displaced population faced immense suffering, with many separated from their families or losing

loved ones. Women and children were particularly vulnerable to exploitation and violence during the upheaval.

❖ **Creation of Refugee Camps--**

The refugee influx overwhelmed resources. Camps were hastily established but often lacked adequate food, water, sanitation, and shelter. Many refugees lived in these temporary settlements for extended periods.

❖ **Fracturing of Communal Harmony--**

Communities that had coexisted for centuries were torn apart. Cities like Lahore, Amritsar, and Delhi witnessed complete demographic transformations. Communal trust was severely eroded, fostering long-lasting tensions.

❖ **Cultural and Psychological Impact--**

The trauma of the partition left deep scars on the collective consciousness of both nations. Writers, poets, and filmmakers have since portrayed the pain and dislocation as a “division of hearts,” underscoring the emotional cost of the separation.

Beyond its demographic and administrative implications, the partition posed deeper existential questions for the newly independent India. Though the Indian leadership had rejected the two-nation theory, the reality of partition on religious grounds raised fears about whether India would become a Hindu state by default. By 1951, even after the migration of many Muslims to Pakistan, nearly 12% of India’s population was still Muslim. This reality compelled the Indian state to confront how it would treat its religious minorities, including Sikhs, Christians, Jains, Buddhists, Parsis, and Jews.

In the post-partition period, communal tensions were further exacerbated by opposing political ideologies. While the Muslim League had campaigned for a separate Muslim homeland, some right-wing Hindu organizations began mobilizing around the idea of Hindu dominance in India. In contrast, the majority of leaders from the national movement, including Mahatma Gandhi and Jawaharlal Nehru, strongly upheld secular values. They envisioned India as a

nation where citizenship would not depend on religion, and where all individuals would be treated equally before the law.

This commitment to secularism was not merely rhetorical—it was institutionalized through the Indian Constitution. The founding principles of the Republic ensured freedom of religion, equality, and protection of minority rights, laying the foundation for a pluralistic democracy that continues to evolve to this day.

STOP TO CONSIDER-2

➤ Partition and Its Consequences

- **Historical Trigger**--Partition occurred in 1947 due to the 'two-nation theory' advanced by the Muslim League; despite Congress opposition, communal tensions and British decisions led to the division.
- **Territorial Complexity**--Pakistan was created in two non-contiguous parts (East and West), and not all Muslim-majority areas supported the idea (e.g., Khan Abdul Ghaffar Khan).
- **Violent Fallout**--Estimated 8 million displaced and 500,000–1,000,000 killed; widespread communal riots and atrocities occurred during the migration.
- **Humanitarian Crisis**--Refugee camps were overcrowded and under-resourced; families were torn apart and survivors faced trauma, especially women and children.
- **Communal Fracturing**--Cities like Lahore and Amritsar saw demographic and social ruptures; trust between religious communities was deeply shaken.
- **Cultural Legacy**--Partition became a recurring theme in literature and film, symbolizing deep emotional and national trauma.
- **Secular Vision**--Despite the partition, India rejected religious nationalism and constitutionally committed to secularism and equal rights for all citizens.
- **Tension between Unity and Diversity**--Newly independent India faced the challenge of creating a unified nation while

respecting its diverse cultures, languages, and religions.

- **Impact of Partition:** Partition, based on the two-nation theory, led to--
 - Mass displacement (approximately 8 million people).
 - Widespread violence and atrocities (estimated 500,000 to 1,000,000 deaths).
 - Deep-seated trauma and suffering.
- **India's Secular Stance--**Despite the Partition's religious basis, India did *not* become a Hindu nation.
- **Commitment to Equality--**India's leaders committed to secularism and equal citizenship for all, regardless of religion, enshrined in the Constitution.
- **Importance of Historical Context--**Understanding the scale of human suffering during Partition is crucial for understanding India's subsequent trajectory.
- **Challenge of Upholding Secularism--**Reflecting on how India has upheld (or failed to uphold) its commitment to secularism throughout its history is essential.

Check Your Progress-2

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What were the three main challenges faced by independent India in its early years?

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2. What were some of the key consequences of the Partition of India in 1947?

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3. Despite the Partition being based on religious lines, why did India not become a Hindu nation?

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2.5 Integration of Princely States

At the time of Independence in 1947, British India comprised two distinct administrative entities: the British Indian Provinces, directly ruled by the British government, and the Princely States, governed by local hereditary rulers under British suzerainty. While these princely states enjoyed varying degrees of autonomy, they accounted for nearly one-third of the Indian subcontinent and housed about one-fourth of its population.

A major challenge arose when the British declared that their suzerainty over these princely states would lapse with the end of colonial rule. This meant that the 565 princely states would become legally independent, with the option to join either India or Pakistan—or to remain independent. Crucially, this decision lay in the hands of the rulers, not the people, creating a grave threat to India's territorial integrity and national unity.

Tensions surfaced immediately. States like Travancore and Hyderabad declared their intention to remain independent, while others, such as Bhopal, delayed joining the Indian Constituent Assembly. This raised fears of a fragmented subcontinent, with multiple small independent states undermining the vision of a unified and democratic India. Many princely states were autocratic in nature, with rulers reluctant to democratize or extend civil rights to their people, in stark contrast to the democratic values enshrined in the Indian freedom movement.

The interim Indian government, aware of the risks, firmly opposed any possibility of balkanization. While the Muslim League supported the idea that princely states should be free to chart their own course, the Indian National Congress was determined to ensure

national unity. At this critical juncture, Sardar Vallabhbhai Patel—India's first Deputy Prime Minister and Home Minister—emerged as the architect of national integration. Through a combination of diplomatic tact, firm negotiation, and strategic persuasion, Patel and his secretary V.P. Menon successfully convinced the majority of princely states to accede to India. The task was monumental: for instance, the present-day state of Odisha had 26 princely territories, while Gujarat's Saurashtra region alone had over 130 principalities of various sizes.

The government's strategy for integration rested on three key considerations. First, there was widespread popular support within princely states for joining India. Second, the government adopted a flexible approach, offering autonomy and special provisions to accommodate cultural and regional diversity. Third, in the wake of Partition, consolidating India's territorial boundaries became even more crucial to ensure national stability.

Before August 15, 1947, most of the states contiguous to India's borders agreed to sign the *Instrument of Accession*, formally joining the Indian Union. However, a few states presented exceptional challenges—most notably Junagadh, Hyderabad, Kashmir, and Manipur.

- **Junagadh**, a Muslim-ruled state with a Hindu-majority population in present-day Gujarat, acceded to Pakistan, triggering strong opposition from local residents. Following public protests and a plebiscite, Junagadh was integrated into India.
- **Hyderabad**, the largest princely state, was entirely surrounded by Indian territory. Its ruler, the Nizam, one of the wealthiest individuals of his time, sought independence and entered into a *Standstill Agreement* with India in November 1947 to maintain the status quo during negotiations. However, his oppressive regime, especially in the Telangana region, led to a popular uprising supported by the Communist Party and the Hyderabad State Congress. The Nizam's private militia, the *Razakars*, committed widespread atrocities, escalating tensions. In response, the Indian government launched *Operation Polo* in September 1948, sending in troops to restore order. The operation ended

with the Nizam's surrender and Hyderabad's accession to India.

- **Manipur** posed a different challenge. Its ruler, Maharaja Bodhachandra Singh, had signed the Instrument of Accession in 1947, retaining internal autonomy. Responding to democratic pressures, elections were held in June 1948, making Manipur the first Indian region to implement universal adult suffrage. It briefly functioned as a constitutional monarchy. However, in September 1949, the Government of India compelled the Maharaja to sign a *Merger Agreement*, bypassing the elected Legislative Assembly. This unilateral action led to widespread resentment and left a lasting impact on Manipur's political landscape.

The integration of the princely states was one of the most critical and complex tasks faced by independent India. Despite the challenges, it laid the foundation for a politically unified nation. This process not only prevented territorial fragmentation but also set the stage for the establishment of a democratic republic grounded in unity, diversity, and constitutional governance.

STOP TO CONSIDER-3

➤ Integration of Princely States

- **Context**--At Independence, British India was divided into British Provinces and 565 Princely States, which became legally independent with the end of British rule.
- **Challenge**--Princely rulers, not the people, were given the choice to join India, Pakistan, or remain independent—threatening national unity.
- **Key Architect**--Sardar Patel, as Home Minister, led the integration process using diplomacy, firmness, and strategic negotiation.
- **Approach**--
 - Popular support within states for joining India.
 - Flexibility through autonomy and accommodation.
 - National security urgency after Partition.
- **Difficult Cases**--
 - **Junagadh**--Acceded to Pakistan; resolved via plebiscite favoring India.
 - **Hyderabad**--Nizam wanted independence; subdued by *Operation Polo* in 1948.
 - **Manipur**--Initially retained autonomy; merged through a contested agreement in 1949, causing local resentment.
- **Outcome**--Successful integration prevented political fragmentation and reinforced India's foundation as a unified, democratic republic.
- The integration of princely states was a critical step in ensuring India's unity, preventing the fragmentation of the nation into smaller principalities that could have undermined its democratic and territorial integrity.
- Sardar Patel, as Deputy Prime Minister and Home Minister, played a historic role in diplomatically persuading the rulers of princely states to join the Indian Union, showcasing remarkable skill and firmness in negotiations.
- Several princely states posed challenges to the integration process, including Junagadh, where a

plebiscite confirmed the desire to join India; Hyderabad, where military intervention was required; and Manipur, where a forced merger caused lasting resentment.

- Hyderabad's integration highlighted the complexities of merging a large state with aspirations for independence, with significant resistance from the Nizam and atrocities committed by the Razakars leading to military intervention by the Indian government.
- Manipur's unique position involved a transition to constitutional monarchy through elections based on universal adult franchise, but its forced merger with India bypassing the Legislative Assembly led to widespread public discontent.

Check Your Progress-3

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why was the integration of princely states critical for India's unity after Independence?

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2. How did the Government of India handle the situation in Hyderabad and Manipur during the integration process?

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2.6 Reorganisation of States

The process of nation-building in India did not conclude with Partition and the integration of Princely States. Rather, the next crucial step involved redefining the internal boundaries of the Indian Union—a task that required balancing administrative efficiency with the linguistic and cultural diversity of its people, while preserving national unity.

Under British rule, the boundaries of Indian provinces were largely dictated by colonial administrative convenience or the territorial control of princely rulers. These divisions were often arbitrary and disconnected from the cultural and linguistic identities of the people. The Indian national movement, however, rejected such artificial demarcations. As early as the **Nagpur Session of the Indian National Congress in 1920**, the demand for linguistic reorganisation of provinces was officially recognized. The Congress restructured its Provincial Committees along linguistic lines, promoting the idea that language should form the basis of administrative boundaries.

However, after Independence in 1947, national leaders were cautious about reorganising states solely on linguistic grounds. There were concerns that such a move might threaten the fragile unity of a newly independent nation, especially in the wake of the traumatic Partition. Leaders like Jawaharlal Nehru feared that linguistic reorganisation could encourage regionalism, deepen divisions, and distract from urgent issues such as poverty alleviation and economic development. Furthermore, the political integration of the princely states was still underway, adding to the leadership's reluctance.

Despite this resistance, the demand for linguistic states gained momentum, particularly in the Telugu-speaking regions of the then Madras Presidency. The **Vishalandhra movement**, which sought the creation of a separate Andhra state, intensified when **Potti Sriramulu** undertook a hunger strike demanding its formation. His death in 1952 after a prolonged fast provoked widespread unrest and

sympathy, compelling Prime Minister Nehru to announce the creation of **Andhra State**, carved out of Madras, in 1953.

The formation of Andhra acted as a catalyst for similar demands in other regions. In response, the Government of India constituted the **States Reorganisation Commission (SRC)** in 1953, headed by Justice **Fazl Ali**, to examine the issue comprehensively. The SRC submitted its report in 1955, recommending the reorganisation of states primarily on linguistic lines, while also considering administrative convenience, economic viability, and the promotion of national integration.

This led to the enactment of the **States Reorganisation Act, 1956**, which reorganised India into **14 states and 6 union territories**, marking a major step in democratic nation-building. Though initial fears persisted that linguistic states might fragment national unity, over time, they proved to be a democratic and pragmatic solution. By acknowledging and respecting regional languages and identities, India fostered a stronger sense of belonging among its citizens.

The creation of linguistic states not only reinforced the federal structure of India but also exemplified the country's commitment to unity in diversity. It demonstrated that democracy in India is not limited to elections and institutions but also involves recognising and accommodating multiple identities, perspectives, and ways of life. This inclusive approach has continued to shape the political landscape and governance in post-independence India.

STOP TO CONSIDER-4

➤ Reorganisation of States

- Post-independence, India faced the challenge of redefining internal state boundaries to reflect linguistic and cultural identities while preserving unity.
- The national movement had long advocated linguistic reorganisation (recognized by Congress in 1920), but post-1947 leaders feared it might fuel regionalism.
- The **Vishalandhra movement** and **Potti Sriramulu's death** in 1952 led to the creation of **Andhra State** in 1953.

- This triggered similar demands, prompting the formation of the **States Reorganisation Commission (1953)**.
- The **States Reorganisation Act of 1956** established **14 states and 6 union territories**, mostly on linguistic lines.
- Despite initial concerns, linguistic states **strengthened national unity** by democratically accommodating diversity.
- The process highlighted Indian democracy's inclusive nature, going beyond formal institutions to embrace pluralism and regional identities.
- Nation-building continued with the internal reorganization of state boundaries based on linguistic and cultural identities.
- Colonial-era divisions were rejected by the national movement, which favored linguistic zones.
- Post-Independence leaders feared linguistic states might threaten unity, but popular movements challenged this stance.
- The Vishalandhra movement and Potti Sriramulu's hunger strike led to the creation of Andhra state.
- The 1956 States Reorganisation Act formed 14 states and six union territories based on linguistic lines.
- Linguistic states have since strengthened unity by embracing diversity and deepening democratic governance.
- India's democracy honors pluralism, recognizing multiple voices and cultures in political life.

Check Your Progress-4

Notes—i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. Why did the national movement advocate for linguistic states, and how did this idea gain ground within the Congress?

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2. What was the significance of the States Reorganisation Act of 1956 in India's nation-building process?

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2.7 Creation of New States in India

The creation of linguistic states was a landmark step in post-independence India, aimed at accommodating the country's vast linguistic diversity. However, this process was neither immediate nor uniform across all regions. One prominent example was the erstwhile Bombay State, which comprised both Gujarati- and Marathi-speaking populations. Persistent demands and popular agitation eventually led to the bifurcation of Bombay into two separate states—**Maharashtra** and **Gujarat**—in **1960**.

Similarly, **Punjab** witnessed a prolonged demand for a Punjabi-speaking state. The demand was rooted in both linguistic and religious identity, with Sikh leaders playing a central role in the movement. However, unlike other regions reorganized in 1956, Punjab was not granted statehood at that time. Only in **1966**, following sustained agitation and political negotiation, was Punjab reorganized. The Hindi-speaking areas were separated to form **Haryana**, and **Himachal Pradesh** was carved out as a union territory (later gaining full statehood in 1971).

In **northeastern India**, reorganization unfolded in phases. The region, marked by distinct tribal and ethnic identities, required a more nuanced approach. **Nagaland** was granted statehood in **1963**, while **Meghalaya** was carved out of Assam in **1972**, alongside **Manipur** and **Tripura**, which were also elevated to statehood. **Mizoram** and **Arunachal Pradesh** followed later, becoming full-fledged states in **1987**. These changes reflected both ethnic assertions and administrative necessities in a complex terrain.

While language was an important criterion for state formation, over time, other factors such as **regional identity**, **economic disparity**, and **perceived neglect** also became central to demands for new states. This shift was evident in the creation of **Chhattisgarh (from Madhya Pradesh)**, **Uttarakhand (from Uttar Pradesh)**, and **Jharkhand (from Bihar)** in the year **2000**. These states were formed not on linguistic grounds but due to sustained campaigns emphasizing distinct cultural identities and developmental imbalances.

Even in the present day, the process of state reorganization remains dynamic. Various regions continue to advocate for separate statehood based on cultural distinctiveness or the demand for better governance. Notable ongoing demands include **Vidarbha** (from Maharashtra), **Harit Pradesh** (from western Uttar Pradesh), and **Gorkhaland** (in northern West Bengal). These movements underscore the evolving nature of India's federal structure, where governance is expected to be responsive to local aspirations.

➤ **India's Democratic Path Amidst Global Challenges**

Despite such internal complexities, India's leadership remained committed to democracy—a path that many newly independent nations did not follow. Across Asia, Africa, and Latin America, several countries that emerged from colonial rule prioritized **national unity over democratic governance**, fearing that democracy would foster division and conflict. As a result, many of these nations experienced non-democratic regimes—whether in the form of **military rule**, **single-party dominance**, or **authoritarian leadership under the guise of democracy**. These regimes often began with promises of restoring democracy but, once entrenched, became difficult to dislodge.

India, in contrast, chose a different course. The Indian freedom struggle was deeply embedded in **democratic ideals**, and post-independence leaders remained steadfast in their belief that **democracy was not a hindrance but a solution**. They understood that **political differences were inevitable in a diverse society**, and that democratic politics could serve as a means to resolve them constructively. Rather than suppressing dissent, they allowed space

for **political competition, debate, and negotiation**, seeing these processes as integral to nation-building.

Thus, India's approach to state formation and governance reflects its foundational belief in **democracy, pluralism, and federalism**. The ongoing evolution of its internal boundaries continues to be shaped by democratic pressures and constitutional processes—demonstrating that unity and diversity can coexist within a democratic framework.

STOP TO CONSIDER-5

➤ Creation of New States in India

- Post-independence, India created linguistic states to reflect its cultural and linguistic diversity, starting with Andhra in 1953.
- Bombay was split into Maharashtra and Gujarat (1960) after agitation by Marathi and Gujarati speakers.
- Punjab was reorganized in 1966 into Punjab, Haryana, and Himachal Pradesh due to linguistic and religious demands.
- The Northeast saw phased state formation: Nagaland (1963), Meghalaya, Manipur, Tripura (1972), Mizoram and Arunachal Pradesh (1987).
- In 2000, Chhattisgarh, Jharkhand, and Uttarakhand were created based on cultural identity and economic grievances, not language.
- Current demands for new states (e.g., Vidarbha, Harit Pradesh, Gorkhaland) reflect ongoing regional aspirations.
- Unlike many postcolonial states that opted for authoritarianism, India upheld democracy as a tool to manage diversity.
- Democratic governance allowed peaceful negotiation and political expression, reinforcing national unity through federalism.
- The process of reorganizing states post-Independence addressed India's linguistic and cultural diversity, ensuring

unity while embracing pluralism in governance.

- Linguistic states, like Andhra Pradesh, Maharashtra, and Gujarat, emerged as democratic solutions, highlighting India's commitment to accommodating regional aspirations and promoting inclusivity.
- Beyond linguistic considerations, factors like developmental imbalances and regional cultural identities contributed to the creation of states like Jharkhand, Uttarakhand, and Chhattisgarh.
- India's democratic framework stands out globally, as its leaders chose to uphold democratic principles even under challenging conditions, contrasting with the non-democratic regimes seen in other newly independent nations.
- Democratic politics in India is seen as a constructive process for resolving societal differences and advancing public welfare, demonstrating the nation's dedication to governance by and for its people.

Check Your Progress-5

Notes: i) Use the space below for your answers.

ii) Compare your answers with those given at the end of this unit.

1. What principle guided the creation of linguistic states in India?

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2. How did the States Reorganisation Act of 1956 impact India?

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3. What were the factors besides language that led to the creation of states like Jharkhand, Uttarakhand, and Chhattisgarh?

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2.8 Let Us Sum Up

- The attainment of freedom was accompanied by the painful partition of the country, resulting in widespread violence and mass displacement in the year 1947.
- India, with its expansive size and myriad cultures, languages, and religions, appeared to defy unity.
- The partition process aimed to divide the Indian subcontinent along religious lines, with areas where Muslims formed the majority constituting Pakistan, while the rest remained with India.
- One of the most significant challenges was the fate of minority communities residing on both sides of the border. Hindus, Sikhs, and Muslims found themselves vulnerable to violence and displacement, facing persecution in what had been their homes for generations.
- Prior to August 15, 1947, diplomatic negotiations successfully brought nearly all states contiguous to India's new boundaries into the Indian Union. The majority of state rulers endorsed the "Instrument of Accession," signalling their agreement for their states to join the Union of India.
- During colonial rule, state boundaries were often drawn for administrative convenience or coincided with territories controlled by the British or princely powers. However, the national movement rejected these divisions as artificial and advocated for the linguistic principle as the basis for state formation.

- The acceptance of linguistic states in India was a significant step in addressing the diverse linguistic populations within the country. However, the process of creating linguistic states was not immediate or uniform across all regions.

2.9 References and Suggested Readings

- Brass, P. R. (1994). *The politics of India since independence* (2nd ed.). Cambridge University Press.
- Chandra, B., Mukherjee, M., & Mukherjee, A. (2000). *India after independence: 1947–2000*. Penguin Books.
- Chatterjee, P. (Ed.). (1997). *State and politics in India*. Oxford University Press.
- Frankel, F. R. (2005). *India's political economy: 1947–2004*. Oxford University Press.
- Guha, R. (2007). *India after Gandhi: The history of the world's largest democracy*. Picador India.
- Jayal, N. G. (Ed.). (2001). *Democracy in India*. Oxford University Press.
- Kaviraj, S. (Ed.). (1997). *Politics in India*. Oxford University Press.

- Khilnani, S. (2003). *The idea of India* (Paperback ed.). Penguin Books.
- Kothari, R. (1985). *Politics in India*. Orient Longman.
- Mehta, P. B. (2003). *The burden of democracy*. Penguin Books.
- Vanaik, A. (1990). *The painful transition: Bourgeois democracy in India*. Verso.

2.10 Model Questions

- How did the integration of princely states like Hyderabad, Junagadh, and Manipur challenge India's unity? Discuss the strategies employed by Sardar Patel to address these challenges.
- Why was the linguistic principle adopted for the reorganization of Indian states? How did the States Reorganisation Act of 1956 address the diversity and unity of the nation?
- What were the factors that led to the creation of new states such as Maharashtra, Gujarat, and Nagaland? How did these movements balance linguistic, cultural, and developmental concerns?

- Despite the challenges of post-Independence India, why did the leaders choose democracy as the guiding principle? How did democratic institutions help in resolving conflicts and addressing regional aspirations?

- How have linguistic states contributed to strengthening India's democracy while maintaining unity? Reflect on the role of diversity in shaping the nation's political framework.

2.11 Answers to Check Your Progress

Check Your Progress-1

1. The three major challenges faced by India after Independence were--

- Forging a unified nation while respecting cultural and regional diversity
- Establishing democratic practices in line with the Constitution
- Ensuring social and economic development with a focus on equality and welfare

2. Sardar Vallabhbhai Patel played a crucial role in politically integrating the princely states into the Indian Union, helping to unify the country and lay the foundation for national identity and stability.

Check Your Progress-2

1. The three main challenges were-- (1) forging a cohesive nation while respecting its vast diversity; (2) establishing democratic practices in line with the principles of the Constitution; and (3) ensuring holistic societal development, emphasizing equality and

social welfare through effective economic policies to combat poverty.

2. Key consequences included-- mass displacement of approximately 8 million people; widespread violence and atrocities resulting in an estimated 500,000 to 1,000,000 deaths; immense human suffering, including loss of loved ones and separation of families; the creation of refugee camps with dire conditions; the division of communities that had previously lived together; and far-reaching cultural and social impacts, including deep trauma and a "division of hearts.

3. Despite the Partition's basis in the two-nation theory (separate nations for Hindus and Muslims), India's leaders, including those who led the national movement, upheld the principle of equality for all religions. They envisioned and enshrined in the Constitution a secular nation where citizenship was not dependent on religious affiliation and where all citizens, regardless of faith, would be treated equally. The fact that a significant Muslim minority (12% in 1951) remained in India further necessitated this commitment to secularism.

Check Your Progress-3

1. The integration was crucial to prevent the fragmentation of India into small principalities, ensuring national unity and democratic governance.

2. In Hyderabad, the government deployed the army to suppress resistance and secure the state's accession. In Manipur, the Maharaja was coerced into signing a Merger Agreement, sparking widespread resentment among the population.

Check Your Progress-4

1. The national movement advocated for linguistic states to reflect India's cultural and linguistic diversity and reject the arbitrary colonial boundaries. This idea gained ground within the Indian National Congress after the Nagpur session in 1920, where it was

decided to form Provincial Congress Committees based on linguistic regions.

2. The States Reorganisation Act of 1956 was significant as it reorganized Indian states along linguistic lines, creating 14 states and six union territories. This helped strengthen national unity by addressing regional aspirations democratically, promoting inclusion, and affirming India's commitment to diversity within a unified nation.

Check Your Progress-5

1. The linguistic principle, recognizing the cultural and linguistic diversity of the nation, guided the creation of linguistic states.

2. It redrew state boundaries based on linguistic considerations, resulting in the formation of 14 states and six union territories, promoting unity and inclusivity.

3. Distinct regional cultures and grievances regarding developmental imbalances prompted the creation of these states.

3. Indian leaders, rooted in democratic ideals, viewed politics as a tool for resolving societal issues and ensuring public welfare, choosing democracy over other forms of governance.