# UNIT 12: BASIC STRUCTURE OF THE INDIAN CONSTITUTION

## UNIT STRUCTURE


12.1 Learning Objectives

12.2 Introduction

12.3 The issue of Amendment of the Basic Structure of the Indian Constitution

12.4 Criticism of the Basic Structure Concept

12.5 An overview of some important Amendments of the Constitution of India

12.6 Let Us Sum Up

12.7 Further Reading

12.8 Answers to Check Your Progress

12.9 Model Questions


## 12.1 LEARNING OBJECTIVES

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

- explain the basic structure of the Constitution of India
- examine the issue of amendment of the basic structure of Indian constitution
- discuss some of the important Amendments of Indian Constitution.

## 12.2 INTRODUCTION

In the previous unit, we have discussed the amendment procedure of the Indian Constitution. One very important issue that is associated with the amendment procedure of the Constitution is that of the basic structure of the Constitution. Basic structure generally refers to those provisions of the Constitution which cannot be amended by the Parliament. In this unit, we will discuss the basic structure of the Constitution and the issue of amendment of the Basic Structure of the Indian Constitution. This concept of basic structure of the Constitution also faces criticism from various sections

and we will focus on these criticisms also. Along with this, we will also discuss some important Amendments of the Constitution of India.

## 12.3 THE ISSUE OF AMENDMENT OF THE BASIC STRUCTURE OF THE INDIAN CONSTITUTION

The constitution of any country should be flexible to the extent that it can meet the changing demands and aspirations of the people of that country. Time and circumstances are not static but dynamic in nature. With the changing time and circumstances, needs and aspirations of the people also change. To fulfil these changing needs of the people, the constitution of any country should also be amended accordingly. The framers of the Indian Constitution realised this fact and provided for the provision of amendment of the Constitution. Article 368 of the Indian Constitution deals with the amendment procedure of the Constitution. The framers of the Indian Constitution adopted both rigid and flexible methods in case of amendment of different provisions of the Constitution. Due to the flexible method of the constitutional amendment, the question of 'amendment of the basic structure of the Constitution' came into existence. The concept of the 'Basic Structure of the Constitution' gained momentum on the eve of the Supreme Court's judgement in Keshavananda Bharati Case Vs State of Kerala in 1973. Before analysing the issue of amendment of the basic structure of the Indian constitution, we first need to know about the basic structure of the Constitution itself. In simple words, the basic structure symbolizes the special parts of the Constitution which are protected from the amending power of the Parliament.

But the Constitution has not provided any specified definition of the basic structure. The responsibility to decide which part of the Constitution would be considered as basic structure is vested upon the Indian Judiciary.

The Basic structure is considered to be the important part of the constitution which shows the fundamental character of the Constitution. Different judicial judgements have tried to explain the basic structure of the Indian Constitution. For example, Chief Justice Sikri focussed upon five special features of the basic structure, namely– Republican and Democratic form of government, Secular character of the Constitution, Supremacy of

the Constitution, Separation of powers among legislature, executive and judiciary, and the Federal character of the Constitution.

The Basic Structure concept of the Indian Constitution came into existence at the time of Keshavananda Bharati Case. In the Keshavananda Bharati Vs. State of Kerala case in 1973, the question of amendment of the basic structure of the Constitution was raised and the Supreme Court challenged the power of the Parliament to amend the Constitution by declaring that the basic structure of the Constitution could not be changed. In this historic judgement, the Supreme Court of India challenged a lot of past amendments of the Indian Constitution. The Supreme Court of India also reviewed its own decisions on different occasions for the purpose of social justice. Though in the Golak Nath Case the Supreme Court expressed that the Parliament possessed the right to amend the Fundamental Rights, yet in 1973 in the Keshavananda Bharati Case the Supreme Court declared that the Parliament cannot change the Basic Structure of the Indian Constitution. In this case, the Supreme Court of India challenged the 24$^{th}$, 25$^{th}$ and 29$^{th}$ amendments of the Constitution. The historic judgement of Keshavananda Bharati Case severely curtailed the amending power of the Indian Parliament.

The Supreme Court of India in the Minerva Mills case in 1980 again raised the question of basic structure of the Constitution. In its decision, the Supreme Court observed that though the Constitution has given the Parliament the power to amend the Constitution, yet the Parliament could not exercise this power in an absolute way. The Parliament cannot amend the basic structure of the Constitution, so that it does not lead to any change in the actual spirit of the Constitution itself. The Supreme Court also asserted that the limited amending power of the Parliament was one of the basic features of the Indian Constitution.It also stated that if the courts were not permitted to pronounce upon the constitutional validity of the amendments carried out by the Parliament, the Fundamental Rights of the citizens would be rendered ineffective.

In this way,since its first inception in the Keshavananda Bharati Case, the doctrine of 'basic structure of the Constitution' has been elaborated and debated through various historic cases like Indira Gandhi Vs Raj Narain,

Minerva Mills Case, etc. Since the Constitution itself has not mentioned clearly about the basic structure of the Constitution, so this concept involves a lot of debates and criticisms.

## 12.4 CRITICISM OF THE BASIC STRUCTURE CONCEPT

Critics have severely criticised the basic structure concept of the Indian Constitution on the following grounds–

a) Due to the availability of the substantive and formal contents in various provisions of the Indian Constitution, it is very much difficult to demarcate between the basic and non-basic features of the Constitution. Values and features are different from each other.

b) The framers of the Indian Constitution were also in favour of the dynamic character of the Constitution to suit the changing circumstances. The Constitution must change according to the needs of the society. So the critics are of the view that even if the provisions, which are included within the basic structure of the Constitution need any change to fulfil the changing needs of the society, they must be amended accordingly. But, if we change the basic structure of the Constitution for the purpose of the socio-economic change, the values of the Constitution may be eroded.

c) The judiciary has failed to define clearly about the 'basic structure of the Constitution' and vested the responsibility upon the subsequent judicial benches to identify the basic structure of the Constitution.The judges need to review the various laws in order to preserve the basic values enshrined in the Constitution. But some debate arises because the judiciary reserves the final right to decide whether a particular amendment made by the Parliament affects the basic structure of the Constitution or not. But at the same time, the framers of the Indian Constitution adopted the form of parliamentary democracy in India and in that sense the Parliament has to play a significant role. Since the final word rests with the Supreme Court rather than the Parliament regarding the amendment of the Constitution, this creates a dilemma between the Supreme Court and the Parliament.

The Indian Constitution is considered to be the supreme law of the land and supremacy of the Constitution is a peculiar feature of Indian political system. The judiciary has the prime responsibility to safeguard the laws enshrined in the Constitution. Therefore Judiciary tries its best to protect the Constitution.



## CHECK YOUR PROGRESS

**Q.1:** In which year did the concept of basic structure of the Constitution gain momentum in India?

.....

**Q.2:** The responsibility to decide which part of the Constitution would be considered as basic structure is vested upon the ..... (Fill in the blank)

**Q.3:** According to Chief Justice Sikri which features of the Indian Constitution are regarded as the basic structure of the Constitution?

.....

.....

.....

.....

**Q.4:** Write briefly about any two criticisms against the concept of the basic structure of the Constitution.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

## 12.5 AN OVERVIEW OF SOME IMPORTANT AMENDMENTS OF THE CONSTITUTION OF INDIA

The Constitution of India has been amended for several time still date since its adoption. These amendments carry a good deal of changes and significance to the Indian Political System. Some of the important amendments to the Constitution of India are discussed below:

1) The First Amendment to the Constitution of India was carried out in 1951 to provide safeguards against abuse of certain Fundamental Rights, such as the right to equality before law, right to freedom of speech. It also added a new Schedule to the Constitution (Schedule IX) and included certain Acts in the list, which could not be challenged by the Courts.
2) The Sixth Constitutional Amendment was carried out in 1956 and it empowered the Parliament to define sale 'outside' a state or in the course of import and export and restricted the state's power to levy tax on important goods or commodities in the inter-state trade.
3) In the year 1956, the 7th Amendment to the Constitution of India was carried out which led to thereorganisation of the states on linguistic basis and the introduction of Union Territories in India.
4) The Eighth Amendment carried out in 1959 extended the period of reservation of seats in the Lok Sabha and state legislative assemblies for Scheduled Castes, Scheduled Tribes and Anglo-Indians upto10 years.
5) In the year 1960, the Ninth Amendment was carried out and it led to the adjustment of Indian territory. It made changes in the First Schedule of the Constitution to cede the territory of Berubari to Pakistan as a result of Indo-Pakistan Agreement.
6) In the year 1961 Tenth and Twelfth Amendments to the Constitution of India were carried out which introduced Dadra, Nagar and Haveli, Goa, Daman and Diu respectively as Union Territories of India.
7) The Nineteenth Amendment to the Constitution of India was carried

out in 1966 and it curtailed the power of the Election Commission regarding the appointment of election tribunals for deciding election disputes of the members of the Parliament and the State Legislatures.

8) The Twenty Fourth Amendment to the Indian Constitution was carried out in 1971 which enables the Parliament to amend the Fundamental Rights incorporated in Part III of the Indian Constitution.
9) In 1973 the Thirty First Amendment to the Constitution of India increased the total number of members of Lok Sabha from 525 to 545, but reduced the representation of Union Territories from 25 to 20.
10) The Thirty Sixth Amendment of the Indian Constitution in 1975 incorporated Sikkim as a full-fledged Indian state.
11) The Forty Second Amendment to the Constitution of India was carried out in 1976. This amendment was the most comprehensive amendment carried out so far which led to fundamental changes in the Indian Constitution. This amendment incorporated the terms 'Socialist', 'Secular' and 'Integrity' in the Preamble of the Constitution. This Forty Second Amendment also incorporated Fundamental Duties of the citizens in the Constitution by adding Article 51A. It also asserted the primacy of the Directive Principles of State Policy over Fundamental Rights. Along with these changes the forty second amendment also made it obligatory for the President to act on the advice of the Council of Ministers.
12) The Forty Fourth Amendment to the Constitution of India was carried out in 1978 and it removed the Right to Property from the list of Fundamental Rights and made it a legal right.
13) The Fifty Second Amendmentto the Constitution of India was carried out in 1985 to stop political defection. As a result Anti-Defection law came into existence. By passing Anti-Defection Law, provision has been created for suspension of membership of the Parliament under Tenth Schedule of the Indian Constitution.
14) The Sixty First Amendment to the Constitution of India lowered the voting age of the citizens of India from 21 to 18 to the elections of the Lok Sabha and state legislative assemblies.

15) The Sixty Fifth Amendment in 1990 provided statutory recognition to the Commission for Schedule Castes and Schedule Tribes. This amendment accorded this Commission as the National Commission for the Schedule Caste and Schedule Tribes.

16) The Seventy Third Amendment to the Constitution of India in 1992 provided constitutional status to the Panchayati Raj Institutions in India by adding Part IX in the Constitution. Likewise in 1993 Seventy Fourth Amendment to the Constitution of India added Part IXA which provided constitutional status to the municipalities.

17) The Eighty Sixth Amendment to the Constitution of India in 2002 added Article 21A which provided that the state shall provide free and compulsory education to all children between the age of six to fourteen years without any discrimination.

18) In the year 2016, 101st Amendment to the Constitution of India was carried out which introduced Goods and Services Tax in India.



## CHECK YOUR PROGRESS

**Q.5:** Which amendment of the Constitution of India lowered the voting age of the citizens of India from 21 to 18?

.....

**Q.6:** In which year Indian states were reorganised on linguistic basis?

.....

**Q.7:** Which amendment of the Constitution of India provided constitutional status to the municipalities?

.....

**Q.8:** Write briefly about 42nd Amendment of the Indian Constitution.

.....

.....

.....

.....

.....

.....

.....



## 12.6 LET US SUM UP

- The constitution of any country should be flexible to the extent that it can meet the changing demands and aspirations of the people of that country. The framers of the Indian Constitution realised this fact and provided the provision of amendment procedure of the Constitution.
- Article 368 of the Indian Constitution deals with the amendment procedure of the Constitution. The framers of the Indian constitution adopted both rigid and flexible methods in case of amendment of different provisions of the Constitution. Due to theflexible method of the constitutional amendment, the question of 'amendment of the basic structure of the Constitution' came into existence.
- Basic structure symbolizes the special parts of the Constitution which are protected from the amending power of the Parliament.The concept of the 'Basic Structure of the constitution' gained momentum on the eve of Supreme Court's judgement in Keshavananda Bharati Case Vs. State of Kerala in 1973.
- Basic structure of the Constitution included features like- Republican and Democratic form of government, Secular character of the Constitution, Supremacy of the Constitution, Separation of powers between legislature, executive and judiciary, and Federal character of the Constitution etc.
- The responsibility to decide which part of the Constitution would be considered as basic structure is vested upon the Indian Judiciary. The Supreme Court of India through its different judgements in different cases has tried to define the basic structure of the Constitution and it stated that the Parliament cannot amend the basic structure of the Constitution.

- The concept of basic structure of the Constitution has been criticised by various sections of scholars.
- Right from the time of adoption of the India Constitution till now, a number of amendments have been carried out which have brought some important changes to the socio-political and economic scenario of the country.



## 12.7 FURTHER READING

1) Chander, Prakash (2008). *Indian Government And Politics*. Gurgaon: Cosmos Bookhive Pvt. Ltd.
2) Ghai, K. K. (2007). *Indian Government And Politics*. New Delhi: Kalyani Publishers.



## 12.8 ANSWERS TO CHECK YOUR PROGRESS

**Ans. to Q. No. 1:** 1973

**Ans. to Q. No. 2:** Indian Judiciary

**Ans. to Q. No. 3:** Republican and Democratic form of government, Secular character of the Constitution, Supremacy of the Constitution, Separation of powers between legislature, executive and judiciary, and Federal character of the Constitution.

**Ans. to Q. No. 4:** i) The framers of the Indian Constitution were also in favour of dynamic character of the Constitution to suit in the changing circumstances. The Constitution must change according to the needs of the society. So the critics are of the view that even if the provisions, which are included within the basic structure of the Constitution, need any change to fulfil the changing needs of the society, they must be amended accordingly.

ii) The judiciary has failed to define clearly about the 'basic structure of the Constitution' and vested the responsibility upon the

subsequent judicial benches to identify the basic structure of the Constitution.The judges need to review the various laws in order to preserve the basic values enshrined in the Constitution. But some debate arises because the judiciary reserves the final right to decide whether a particular amendment made by the Parliament effects the basic structure of the Constitution or not. But at the same time the framers of the Indian Constitution adopted parliamentary democracy in India and in that sense parliament have to play a significant role. Since the final word rests with the Supreme Court rather than the Parliament regarding the amendment of the Constitution, this creates a dilemma between the Supreme Court and Parliament.

**Ans. to Q. No. 5:** 61st Amendment to the Constitution of India.

**Ans. to Q. No. 6:** 1956

**Ans. to Q. No. 7:** 74th Amendment to the Constitution of India.

**Ans. to Q. No. 8:** The Forty Second Amendment to the Constitution of India was carried out in 1976. This amendment was the most comprehensive amendment carried out so far which led to fundamental changes in the Indian Constitution. This amendment incorporated the terms 'Socialist', 'Secular' and 'Integrity' in the Preamble of the Constitution. This Forty Second amendment also incorporated Fundamental Duties of the citizens in the Constitution by adding Article 51A. It also asserted the primacy of the Directive Principles of State Policy over Fundamental Rights. Along with these changes the forty second amendment also made it obligatory for the President to act on the advice of the Council of Ministers.



## 12.9 MODEL QUESTIONS

**A) Very Short Questions**

**Q.1:** In which yearwas Sikkim incorporated within India as a full-fledged state?

**Q.2:** Which amendment to the Constitution of India removed the Right to Property from the list of Fundamental Rights?

**Q.3:** Through which amendment the Panchayati Raj institutions were provided constitutional status in India?

**B) Short Questions** (Answer each question in about 150 words)

**Q.1:** Write briefly about the meaning of Basic Structure of the Constitution.

**Q.2:** Write briefly about the role of the Supreme Court of India in defining the basic structure of the Constitution of India.

**C) Long Questions** (Answer each question in about 300-500 words)

**Q.1:** Critically discuss the concept of basic structure of the Indian Constitution.

**Q.2:** Make a note on the various amendments of the Indian Constitution.

*** ***** ***

# UNIT 13: PARTY SYSTEM IN INDIA

## UNIT STRUCTURE


13.1 Learning Objectives

13.2 Introduction

13.3 Types of Political Parties

13.3.1 National Parties

13.3.2 State Parties

13.4 Features of the Indian Party System

13.5 Let Us Sum Up

13.6 Further Reading

13.7 Answers to Check Your Progress

13.8 Model Questions


## 13.1 LEARNING OBJECTIVES

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

- explain the types of political parties in India
- discuss the features of the Indian party system.

## 13.2 INTRODUCTION

India is a multi-party democracy. Political parties constitute an integral part of the Indian political system which is marked by the functioning of a variety of political parties. In this unit we shall read about the types of political parties and the features of the Indian party system.

## 13.3 TYPES OF POLITICAL PARTIES

On the basis of strength and their area of functioning political parties can be divided into two types, namely,

i) National Political Parties

ii) State Political Parties

The determination of a political party as a national or state party is done by

the Election Commisision of India based on the percentage of valid votes polled and the number of seats that a party wins in the Lok Sabha or the State Legislative Assembly as the case may be.

### 13.3.1 National Parties

The Constitution of India is silent about political parties and their functions. But Article 324 of the Constitution provides for an Election Commission. This independent body is the only authority which has the power to register political parties as national parties, state parties or unrecognized parties.

**LET US KNOW**



As per the criteria fixed by the Election Commission, a political party shall be eligible to be recognised as a national party if:

i) it secures at least six percent (6%) of the valid votes polled in any four or more states, at a general election to the House of the People or, to the State Legislative Assembly; and

ii) in addition, it wins at least four seats in the House of the People from any State or States.

or,

it wins at least two percent (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least three different States.

There are many national parties in India. The Indian National Congress (INC), the Bharatiya Janta Party (BJP) and the Communist Party of India (Marxist) are some of the important national political parties.

Let us know more about some of the important national parties of our country.

- **The Indian National Congress (INC):** The journey of the Indian National Congress (INC) can be distinctly divided into two phases:

Pre-independence period, during which time it was INC which led the struggle for Independence and Post-independence period, during which time the party emerged as the most dominant political party and ruled the nation for more than four decades.

Indian National Congress which is popularly known as the Congress Party or the INC is the oldest party of our country. It was founded on December 27, 1885, at Bombay at the initiative of Allan Octavian Hume, a retired British civil servant, and others like Womesh Chandra Bonerjee, Surendranath Banerjee and Dinshaw Wacha, Monomohun Ghose, William Wedderburn and Dadabhai Naoroji, all of whom played an important role in the formation of the INC. In its initial days INC just demanded political reforms alone. It performed its activities through constitutional means alone. However in 1907 the party split into two groups- the moderates and the extremists. It was with the emergence of Mahatma Gandhi that the party got mass support, which ultimately helped it to gain independence for the nation.

Although it was suggested after independence that the INC, having achieved the goal of Indian independence, should be turned into a voluntary organization, others however, felt that being a party which led the freedom struggle, the INC would be the best political party to guide India during the crisis which it was undergoing after the partition and independence. Therefore, INC re-established itself as an electoral party in independent India. As far as the ideology of the Congress party is concerned, the party projects itself as secular, democratic and modern.

In the very first general elections, the Congress party came out with flying colours. It became the first political party to rule independent India. There were many factors which not only helped the Congress party to win the first general elections but the party also managed to remain in power for thirty continuous years from 1947 to 1977 (at the centre). Some important factors contributed to the success of the party. For instance, the trust and support of the masses which it gained during the national struggle, continued in the post independent era as well. Besides, the presence of charismatic leaders like Pandit Jawahar Lal Nehru and others in the party also played a role. Moreover, the ideology of the party which includes secularism, socialism

and democracy was another contributing factor.

The United Progressive Alliance (UPA), which was a coalition of 15 Centre-Left political parties led by the Indian National Congress, the single largest political party in the Lok Sabha, was formed soon after the 2004 general elections. In the 2009 general elections, the Indian National Congress again emerged as the single largest political party in the Lok Sabha. The United Progressive Alliance (UPA) under the leadership of the Indian National Congress once again formed the government with Dr. Manmohan Singh as the Prime Minister. The UPA rule continued up to the latter part of May, 2014.

- **Bharatiya Janta Party:** The BharatiyaJanta Party (BJP) was founded in April 1980 under the leadership of Shri Atal Bihari Vajpayee. The party mostly constituted of members of erstwhile Bharatiya Jana Sangh (BJS). The BJS was founded in 1951 under the presidentship of Dr. Shyama Prasad Mukherjee with an objective of rebuilding a modern, democratic India in accordance with religious precepts and four fundamentals of– one country, one nation, one culture and rule of law based on the essence of Hinduism. BJS was a national party which had its support base in urban areas of North India. The party supported Jayprakash Narayan's anti-Congress, anti-corruption reform movement. In 1977 BJS became a part of Janata Party. But subsequently there arose internal differences within the Janata Party. When in 1980, the Janata Party was defeated, most of the former BJS members left Janata Party to form Bharatiya Janta Party. As far as ideology of the party is concerned BJP believes in the ideology of:

  i) Integral Humanism

  ii) Hindutva

  Integral Humanism is the political philosophy practised by the BJP. It was first propounded by Deendayal Upadhyaya in 1965. Integral Humanism is based on "swadeshi" and "decentralization."

  Besides this the party is also committed to the ideals of

nationalism, national integration, democracy, positive secularism, Gandhian socialism and value based politics.

As far as the electoral success of the party is concerned over the years the party has been successful in raising its share of votes in the general election. In the parliamentary elections of 1984 the party managed to win only two seats, in the very next election i.e. in 1989 the party won 88 Lok Sabha seats. BJP won 122, 161, 180 and 182 seats in 1991, 1996, 1998 and 1999 respectively. In the last general election of 2014 BJP emerged as the majority party securing 282 seats in the Lok Sabha. The BJP with its allies formed a coalition government at the Centre, namely, the National Democratic Alliance (NDA), under the leadership of Prime Minister Narendra Modi.

In the 2019 Lok Sabha Election, the Bharatiya Janata Party (BJP) was able to secure the top spot once again. The BJP won 303 seats in this election, which surpassed its 2014 performance. The party's emphasis on welfare programmes and national security was key to its success.

- **Communist Party of India (Marxist):** In India there are two national level communist parties– Communist Party of India or CPI and the Communist Party of India (Marxist) or CPI(M). Before taking about CPI(M), we have talk about the CPI first. CPI was founded in 1925. Its leaders were inspired by Marxism. The Constitution of CPI says, 'it is the political party of the Indian working class, its vanguard, its highest form of class organization. It is a voluntary organization of workers, peasants and toiling people in general, devoted to the cause of socialism and communism'.

  After the Chinese attack on India in 1962, there emerged a difference of opinion in the party. This difference ultimately resulted in the split of CPI into two factions– the Communist Party of India or (CPI) and the Communist Party of India (Marxist)

or CPI(M) in 1964. CPM was founded at the Seventh Congress of the Communist Party of India held in Calcutta in1964. Despite the split, there are little differences between the two parties in regard to their political, economic and social programmes. CPI(M) is committed towards a planned and independent development of India's economy. The party is strictly against any dependence on foreign nations especially USA. The Constitution of the party states that the party aims at socialism and communism through the establishment of the state of dictatorship of the proletariat. In all its activities the Party is guided by the philosophy and principles of Marxism-Leninism which shows to the toiling masses the correct way to the ending of exploitation of man by man, their complete emancipation. All-India Party Congress is the supreme organ of the Party.

### 13.3.2 State Parties

State or regional parties are those parties which function in certain states and they mostly participate in elections only within that state. The programmes and policies of these parties are narrower than the national parties. In the recent times there has been an increase in the number of state parties. Various state parties have different histories behind their emergence.

As far as the growth of regional political parties is concerned, different state parties have different histories behind their formation. However, the main reason behind the formation off regional or state parties could be said to be the inability of all-India parties to effectively deal with the varied problems in different regions of the country. At the same time, there has been an increasing cultural consciousness among the people of a particular region based on a desire to safeguard their own culture and language. These factors have mainly mainly contributed towards the growth of regional political parties.

**Now let us discuss some important state parties as follows:**

- **Asom Gana Parishad:** The party was launched on 14 October 1985 in Golaghat. The birth of the party is closely connected with the Assam Movement. In fact, the leaders who were in the forefront of the Assam Movement like Prafulla Kumar Mahanta, Brighu Kumar Phukan and others formed the party. The party was launched on 14 October 1985 at Golaghat. The headquarters of the party are situated at Ambari in Guwahati. The party has an executive body which consists of the President, Vice-Presidents and General Secretaries, besides some other members. The President of the party holds a key position in the party.

  The State Assembly elections were held in the month of December in 1985, the very same year of the formation of the party, in which the AGP not only contested but the party formed the government by registering a win in 67 out of the 126 seats. This was a historic moment for Assam because AGP was the first regional party to form government in the State. Until the formation of AGP the Congress party had a strong hold in the State. There were several factors which helped the party to form government, merely after two months of its formation.

  a) The political campaign of the party was based on a national issue i.e. expulsion of illegal immigrants from Assam. This serious issue helped the party immensely in winning mass support.
  b) The party was mainly formed by the leaders of Assam movement who enjoyed an overwhelming support from the public, these leaders continued to enjoy the euphoric support of the mass as members of AGP.
  c) The support of the student community was another reason behind the success of AGP.
  d) Though there were other regional political parties in Assam at that time like Plains Tribal Council of Assam and United Minorities Front, but these parties had narrower agendas and therefore their support base was limited compared to

that of AGP.

However, the party failed to retain power in the next assembly elections. In March 1991, differences among the party leaders led to its split. This resulted in the formation of the Natun Asom Gana Parishad by leaders like Bhrigu Kumar Phukan, Dinesh Goswami, Pulakesh Barua and few others who parted from the party. However, the Natun Asom Gana Parishad soon merged with the mother party, that is, the AGP, in 1992. Yet again in 2000, the AGP had to face another split. This split was led by Atul Borah, who went on to formed the Trinamool Gana Parishad. AGP faced another set back in 2005 when Prafulla Mahanta was expelled from the party. Mahanta then formed his own party and named it as Asom Gana Parishad (Progressive). On 14 October, 2008 Asom Gana Parishad (Progressive) merged with the mother party, with an aim to boost the party. In the last Assembly Elections held in 2016, AGP had become an ally of BJP and it won14 seats.The AGP is now part of the BJP led government in the State of Assam.

- **All India Anna Dravida Munnetra Kazagham (AIADMK) and Dravida Munnetra Kazagham (DMK):** The two main State parties of Tamil Nadu are All India Anna Dravida Munnetra Kazagham (AIADMK) and Dravida Munnetra Kazagham (DMK). The origin of the parties can be traced back to the pre-independence period. The main ideology of this party is Tamil national pride. Before India's independence there were two Dravidian parties. One was the Independent Party, which demanded an independent Dravidstan in South India. The other was the Justice Party, which had a Dravidian pride ideology. After India's independence, the Dravida Munnetra Kazagham (DMK) was established from the merger of these two parties in the former state of Madras, in South India. This party first demanded an independent Dravidstan for all of South India. Later on the demand was changed to an independent Tamil state. Finally this party compromised on a Tamil Nadu State within the Indian Union.

Apart from the national and the state parties there are some political parties which are unrecognized registered parties. This means that these political parties are registered with the Election Commission but they are not recognized because they fail to fulfil certain criteria which are essential for any political party to get official recognition. Some of these parties include the Akhil Bharatiya Jan Sangh, All India Muslim Forum, Ambedkar Samaj Party etc.



**LET US KNOW**

Political parties have to fulfil certain criteria to become state parties. As per the criteria fixed by the Election Commission, a political party shall be entitled to be recognised as a State party, if:

i) it secures at least six percent (6%) of the valid votes polled in the State at a general election, either to the House of the People or to the Legislative Assembly of the State concerned; and

ii) in addition, it wins at least two seats in the Legislative Assembly of the State concerned.

or,

it wins at least three percent (3%) of the total number of seats in the Legislative Assembly of the State, or at least three seats in the Assembly, whichever is more.



**ACTIVITY 13.1**

Make a list of a few regional political parties in India

.....

.....

.....



**CHECK YOUR PROGRESS**

**Q.1:** Name two national political parties of India.

.....

.....

**Q.2:** Write a short note on any national political party of India. (within 50 words)

.....

.....

.....

.....

.....

.....

.....

**Q.3:** India Anna Dravida Munnetra Kazagham (AIADMK) is a national political party. (True/False)

.....

## 13.4 FEATURES OF INDIAN PARTY SYSTEM

The party system in India is dynamic and complex, connected with identity politics, regionalism, and diversity. The political scene in India is also complicated, with many political parties that range from local to national. The Indian Party System has the following characteristics:

1. **Multi-Party System:** The existence of multiple political parties is an important characteristic of the Indian party system. In India, there are several national political parties, like Bharatiya Janata Party (BJP), Indian National Congress (INC), Bahujan Samaj Party (BSP), All India Trinamool Congress (TMC), Communist Party of India (CPI), etc. Besides, there are also numerous regional and smaller parties such as Akali Dal, Asom Gana Parishad (AGP), Samajwadi Party,

etc. This diversity is a reflection of India's large and diverse population.

2. **Dominance of National Parties**: In Indian politics, national parties such as the BJP and the INC play an important role. These parties are eligible to contest elections all over India and have widespread representation among Indians. They often form the government at the national level, and major coalitions are led by them, like the NDA and UPA.

3. **Emergence of Regional Parties:** Regional parties also play a crucial role in Indian politics, particularly at the state level. They focus on specific issues and represent regional interests. Regional political parties like All India Anna Dravida Munnetra Kazhagam (AIADMK) in Tamil Nadu, the Biju Janata Dal (BJD) in Odisha, and the AGP in Assam often have a significant impact on state-level politics and also influence national coalitions.

4. **Coalition Politics:** The Indian party system often leads to coalition governments at the national level. Often, it is noticed that, due to the fragmentation of political parties, no single party can secure an absolute majority in the Lok Sabha. This calls for the establishment of coalitions, where parties come together to create a majority. Coalition politics often involve negotiations, and compromises between parties with varying ideologies often have a significant impact on state-level politics and also influence national coalitions. UPA and NDA are two major coalitions in India.

5. **Ideological Diversity:** The Indian political spectrum is characterized by a broad range of ideologies ranging from left-wing socialism to centrist ideology to right-wing conservatism and nationalism. This ideological diversity reflects the plurality of Indian society, and voters have a wide range of options to choose from based on their beliefs and preferences. It presents challenges and opportunities for parties, requiring strategic adaption to remain relevant.

6. **Identity Politics:** Identity-based politics is an important feature of the Indian party system. Certain religious, linguistic, or caste groups are represented by a number of parties. For example, the Shiv Sena and the Dravida Munnetra Kazhagam (DMK) support Marathi and Dravidian interests, respectively. The issues of marginalised communities are the main focus of caste-based parties like the Samajwadi Party (SP) and the Bahujan Samaj Party (BSP).

7. **Lack of Effective Opposition:** An effective opposition is very essential for the success of parliamentary democracy. It restrains the ruling party's tendency towards autocracy. However, aside from brief appearances, a powerful, organised, and effective national opposition has never been able to arise in India. By and large, the opposition parties have been marked by a lack of unity among them. It is true, however, that opposition parties have attempted to unite on numerous occasions, but they have frequently failed because of a lack of harmony and understanding.

8. **Faction and Defection:** Both factionalism and defection are common phenomena in Indian politics. Factionalism and defection impact the functioning of political parties and the political environment of the country. The term "factionalism" in Indian politics describes the existence of internal factions within political parties. There may occasionally be internal disputes within the party as a result of these factions' frequently distinct leaders, philosophies, and interests. defection describes the act of a political figurehead or party member quitting to form a new group or go it alone. The practice of defection gained greater attention after the fourth general election (1967).

9. **Personality Cult:** A distinctive feature of the Indian party system is the fact that many political parties in India are organized around some eminent personality whose leadership style and charisma act as a major source of attraction and mass mobilization. Often times,

parties are known more by the face of their leaders than their manifestos. For instance, the popularity of political parties like the INC could be attributed to a great extent to the personal charisma of leaders such as Pt.Jawaharlal Nehru, Smt.Indira Gandhi and Shri Rajiv Gandhi. Likewise, the personality and charisma of leaders such as Shri Atal Bihari Vajpayee and Shri Narendra Modi have been immensely contributed towards the popularity and electoral victory of the BJP.



**CHECK YOUR PROGRESS**

**Q 4:** Mention any two features of the Indian party system.

.....

**Q 5:** Explain multiparty system as a feature of the Indian party system.

.....

.....



## 13.5 LET US SUM UP

- On the basis of strength and their area of functioning, political parties can be divided into two types, namely, National Parties and State Parties.

- But Article 324 of the Constitution provides for an Election Commission. The Election Commission is the only authority in India which has the power to register political parties as national parties, state parties or unrecognized parties.

- The determination of a political party as a national or state party is done by the Election Commisision of India based on the percentage

of valid votes polled and the number of seats that a party wins in the Lok Sabha or the State Legislative Assembly as the case may be.

- Some of the important national parties in India are- the Indian National Congress (INC), the Bharatiya Janta Party (BJP) and the Communist Party of India (Marxist), etc.
- Some of the important state political parties are- Asom Gana Parishad, All India Anna Dravida Munnetra Kazagham (AIADMK), Dravida Munnetra Kazagham (DMK) etc.
- A number of features could be indentified with respect to the Indian party system. Some such features include multi-party system, emergence of regional political parties, lack of effective opposition, faction and defection, personality cult, etc.



## 13.6 FURTHER READING

1. Chander, Prakash. (2008). *Indian Government And Politics*. Gurgaon: Cosmos Bookhive (P) Ltd.

2. Ghai, K.K. (2007). *Indian Government And Politics*. New Delhi: Kalyani Publishers.

3. Kapur, Anup Chand and Misra, K. K. (2006). *Select Constitutions.* New Delhi: S. Chand and Company.

4. Pylee, M, V. (2006). *Constitutional Government in India.* New Delhi: S. Chand and Company.



## 13.7 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q. No 1:** The Indian National Congress (INC) and the Bharatiya Janata Party (BJP)

**Ans to Q. No 2:** The Bharatiya Janta Party (BJP) was founded in April 1980 under the leadership of Atal Bihari Vajpayee. The party mostly constituted of members of erstwhile Bharatiya Jana

Sangh (BJS). In 1977 BJS became a part of Janta Party. When In 1980, the Janata Party was defeated, most of the former BJS members left Janta Party to form Bharatiya Janta Party. As far as ideology of the party is concerned BJP believes in the ideology of: Integral Humanism and Hindutva. Over the years, the BJP has emerged as a significant national party.

**Ans to Q. No 3:** False

**Ans to Q. No 4:** (a) Dominance of national parties

(b) Coalition politics

**Ans to Q. No 5:** The existence of multiple political parties is an important characteristic of the Indian party system. In India, there are several national political parties, like Bharatiya Janata Party (BJP), Indian National Congress (INC), Bahujan Samaj Party (BSP), All India Trinamool Congress (TMC), Communist Party of India (CPI), etc. Besides, there are also numerous regional and smaller parties such as Akali Dal, Asom Gana Parishad (AGP), Samajwadi Party, etc. This diversity is a reflection of India's large and diverse population.



## 13.8 MODEL QUESTIONS

**(A) Very Short Questions**

**Q. 1:** In which year the Communist Party of India was founded?

The Bharatiya Jana Sangh was founded in 1951 under whose presidentship?

**Q 3:** Which Article of the Indian Constitution provides for the Election Commission of India?

**(B) Short Questions** (Answer each question in about 150 words)

**Q.1:** Explain any two features of the Indian party system.

**Q.2:** Write a short note on the Asom Gana Parishad.

**(C) Long Questions** (Answer each question in about 300-500 words)

**Q.1:** Write a note on any two national political parties of India.

**Q.2:** Discuss any five features of the Indian party system.

# UNIT 14: PARLIAMENTARY DEMOCRACY IN INDIA

## UNIT STRUCTURE


14.1 Learning Objectives

14.2 Introduction

14.3 Background of Parliamentary Government in India

14.4 Constitutional Basis of Parliamentary Democracy and Electoral History in India

14.5 Functioning of Parliamentary Democracy in India– Challenges and Prospects

14.6 Let Us Sum Up

14.7 Further Reading

14.8 Answers to Check Your Progress

14.9 Model Questions


## 14.1 LEARNING OBJECTIVES

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

- explain the background of parliamentary government in India
- discuss the constitutional basis of parliamentary democracyin India
- explain the electoral history since the 1951-51 General Elections in India
- discuss the factors that have stood in the way of effective functioning of parliamentary system in India
- discuss any two factors which have contributed towards the success of parliamentarydemocracy in India.

## 14.2 INTRODUCTION

The Constitution of India has provided for a Parliamentary system of government both at the Centre and the States. Accordingly, in India there are two types of Executive-the Nominal or Titular executive and the Real executive at both the central and state levels. At the central level, while all

executive powers of the Union have been vested in the President of India, in reality, the President actually is only the titular or nominal executive. The real executive authority is the Union Council of Ministers headed by the Prime Minister who exercises all executive powers of the Union. Similarly, at the state level, the Governor acts as the nominal head while all executive powers are exercised by the real executive, namely, the state Council of Ministers headed by the Chief Minister. At the same time, both the Union and State governments in India are formed essentially from among the members of the party or coalition of parties securing majority in the Parliament or state legislature as the case may be. Again, the government remains responsible to the lower house of the Parliament or the state legislature as the case may be and continues in power as long as it enjoys the confidence of the legislature. Thus, there is a close relationship between the executive and the legislature in India as can be found in a typical parliamentary form of government. Although the parliamentary form of government that we have in India is largely based on the British model, yet the framers of the Constitution of India did not copy the model in its entirety. They made certain modifications in it to suit our own political conditions and historical legacies.

## 14.3 BACKGROUND OF PARLIAMENTARY GOVERNMENT IN INDIA

The seeds of modern parliamentary institutions in India were first sown by the British. Let us examine some the important steps in the field of introduction of elements of parliamentary governance in India in terms of the different Acts passed by the British Parliament from time to time relating to the administration of India.

- **The Charter Act of 1833:** The Charter Act of 1833 for the first time separated the legislative functions of the Governor General in Council from the executive functions.
- **Government of India Act, 1858:** Government of India Act, 1858 transferred the power of governance of India from the East India Company to the British Crown or government. The Board of Control and the Court of Directors were abolished and their powers were

transferred to the Secretary of State for India and the India Council. The India Council consisted of fifteen members.

- **Indian Councils Act, 1861:** The Indian Councils Act, 1861 introduced legislative decentralization. The Governor General was empowered to make rules and regulations with respect to the business of the Executive Council. Under this power, Lord Canning introduced the portfolio system in the Indian government which was the beginning of the cabinet system in India.
- **Indian Councils Act of 1892:** The Indian Councils Act of 1892 enlarged the legislative councils in India by increasing the additional members in all central and provincial legislative councils. The Act introduced an element of election for the first time. The additional (non-official) members could be indirectly elected to the legislative councils in the sense that the universities, district boards, municipalities, zamindars and chambers of commerce were given the power to recommend members to the provincial councils. The Act gave more functionsto the legislative councils and the members of the legislative councilswere given the right to put questions to the Executive Councillors on budget and matters of public interest. Thus, the principle of representation was introduced. Thus, the Indian Councils Act of 1892 marked the beginning of the parliamentary system in India.
- **Indian Councils Act (Morley-Minto Reforms), 1909:** The Indian Councils Act (the Morley-Minto Reforms), 1909 increased the strength of both the Central (Imperial) Legislative Council and the provincial legislative councils.
- **Government of India Act, 1919:** The Government of India Act, 1919 increased the number of Indian members from one to three. The Central Legislative Council was made bicameral. Instead of the Imperial Council, the Act provided for a bicameral legislature at the centre constituting of two houses namely– the Council of States (the upper house) and the Central Legislative Assembly (the lower house). The majority of the members of the Central Legislative

Assembly were to be elected while the rest were nominated members. The Central Legislature as a whole was given the power to legislate for the whole of British India. The Government of India Act, 1919 provided for two lists of subjects– Central and Provincial. The provincial subjects were divided into two parts: The Reserved subjects and the Transferred subjects. This was known as the system of Dyarchy (government by two independent authorities). The administration of Transferred subjects were vested in the Governor and the Council of Ministers. The ministers were to be elected and remained responsible to the provincial legislature.

- **Government of India Act, 1935:** The Government of India Act, 1935 abolished the system ofdyarchy at the provincial level and introduced the diarchy at the central level. Accordingly, there were two types of subjects at the central level, namely, Reserved and Transferred subjects. The Transferred subjects were to be administered by the Governor General and a Council of Ministers to be formed amongst the elected members of the Federal Legislature. The Act provided for a bicameral legislature at the centre consisting of two houses, namely, the Council of States (upper house) and the Federal Assembly (lower house).

The provinces were instead vested with provincial autonomy. Accordingly, full scale responsible government was introduced in the provinces. The executive power of the provinces was to remain with the Governor. The Governor was to be aided and advised by a Council of Ministers chosen by him from amongst the members of the provincial legislature. As per the Act, eleven provinces were to have legislatures out of which six were to have bicameral legislatures. The ministers remained responsible to the legislature and the principle of collective responsibility was encouraged.

The membership of both the central and provincial legislatures were expanded.

The Act also lowered the franchise qualifications. As a result, the size of the electorate was increased and as much as 10 percent of the population got the right to vote for the provincial legislatures.

Accordingly, the different Acts passed by the British Parliament in the pre-independence period with regard to the administration of India greatly contributed towards developing the initial framework of parliamentary government in India.



**CHECK YOUR PROGRESS**

**Q.1:** Which Act for the first time separated the legislative functions of the Governor General in Council from the executive functions?

.....

**Q.2:** Who introduced the portfolio system in the Indian government which was the beginning of the cabinet system in India?

.....

**Q.3:** Which Act marked the beginning of the parliamentary system in India?

.....

**Q.4:** Which Act provided for a bicameral legislature at the centre constituting of two houses namely– the Council of States (the upper house) and the Central Legislative Assembly (the lower house?

.....

**Q.5:** Mention the two types of subjects at the central level under the Government of India Act, 1935?

.....

## 14.4 CONSTITUTIONAL BASIS OF PARLIAMENTARY DEMOCRACY AND ELECTORAL HISTORY IN INDIA

- **Constitutional Basis of Parliamentary Democracy in India:** The Preamble to the Constitution of India describes India to be a democratic republic. Accordingly, Under the Constitution, India as a nation is committed to establishing a democratic polity in the country and the

parliamentary system of government is the mechanism which has been chosen to realise this goal. Accordingly, the principle of parliamentary democracy is a fundamental feature of the Constitution of India. The lower house of the Parliament of India, namely, the Lok Sabha is a popularly elected house. It is composed of directly elected representatives of the people and the government in turn is constitutedfrom among the directly elected representatives of the people representing the party or coalition of parties securing majority of seats in the Parliament.

Although the electorate remained restricted in the pre-independence period, after the independence of the country the Constitution of India has provided for universal adult franchise to all citizens irrespective of any discrimination on the basis caste, class, race, religion or gender. Thus, the base of parliamentary democracy has considerably widened in the post-independence period. The government remains forever responsible to the popularly elected house of the Parliament, namely, the Lok Sabha and remains in office so long as it enjoys the support and confidence of the majority of its members. It is therefore pertinent to examine the electoral trends and the formation of the Lok Sabha and the government since the first general elections held in 1952.

- **Electoral History in India since 1951-1952 General Elections:** Parliamentary Democracy has been set up in India and towards this end periodic elections are held after every five years where all eligible citizens of India above eighteen years of age can cast their votes in order to elect theirrepresentatives to the lower house of parliament, that is, the House of the People or the Lok Sabha. Each individual citizen has one vote.The country is divided into certain territorial constituencies called Lok Sabha constituencies for electing the representatives. Accordingly, there are 543 Lok Sabha constituencies in India and one member is elected from each Lok Sabha constituency by way of securing the largest number of votes cast in that particular constituency. The first General Elections to the Lok Sabha were held

in 1951-1952. The first three Houses of the People constituted by the 1952,1957 and 1962 General Elections completed a period of five years on each occasion. However, the fourth Lok Sabha elected in 1967 was dissolved fourteen months before the completion of its tenure. The fifth Lok Sabhawas elected in 1971. It should have completed its term in 1976 but the duration of the House was extended by two years. However, the then Prime Minister Mrs. Indira Gandhi sought the House dissolved in January, 1977 before the completion of its tenure. Subsequently, elections were held in March, 1977 for the sixth Lok Sabha. Following the ensuing elections, the first non-Congress government was formed at the Centre comprising a coalition of different parties together constituting the Janata Party. The sixth Lok Sabha got dissolved before completion of its tenure. The seventh Lok Sabhawas elected in 1980. The eighth Lok Sabha was elected in December, 1984 but before completion of its term the ninth Lok Sabha was elected in December, 1989. During the ninth Lok Sabha, two minority governments were formed successively within a period of one and a half years with support from other parties. Similarly, the tenth Lok Sabha elections also led to a minority government being formed in June, 1991. Significantly, the elections of 1996 produced a hung Parliament leading to the formation of unstable coalition governments with frequent change of Prime Ministers– thrice within a span of one year. Such political instability led many critics to question the functioning of the parliamentary system itself, with some arguing for the replacement of the parliamentary system by the presidential system of government. In 1999, the National Democratic Alliance (NDA) led by the Bharatiya Janata Party came to power. It became the first coalition government to complete the full term. In the 2004 elections, the United Progressive Alliance (UPA) formed the government. The UPA returned to power after the 2009 elections. Elections to the sixteenth Lok Sabha were held in 2014. The Bharatiya Janata Party achieved an absolute majority in the Lok Sabha and the NDA formed the government under its leader Shri Narendra Modi.



**CHECK YOUR PROGRESS**

**Q.6:** When was the seventh Lok Sabhaelected?

.....

**Q.7:** When were the elections to the sixteenth Lok Sabha held?

.....

## 14.5 FUNCTIONING OF PARLIAMENTARY DEMOCRACY IN INDIA– CHALLENGES AND PROSPECTS

- **Challenges:** Certain factors have stood in the way of effective functioning of parliamentary system in India:
  - **Vote Bank Politics:** India is a land of diversity with different groups of people residing in different regions of the country. Accordingly, there are differentcastes, class, religious and linguistic groups living in different electoral constituencies of the country. The political parties at the time of parliamentary and assembly elections try to appease and mobilise the people along caste, class, religious and linguistic lines for narrow political gains. Such political mobilisation often threatens to pit one group against the other. This, in turn, weakens the unity of the people and endangers democratic values.
  - **Absence of Collective Responsibility:** The principle of collective responsibility constituting a key component of parliamentary democracy has not been observed in the Indian context. There have been instances where for major failures at the policy level, individual ministers rather than the whole cabinet was made to tender resignation. For example, in the Sino-Indian war of 1962, where India suffered serious reverses, it was only the Defence Minister, V. K. Krishna Menon who tendered his resignation rather than the entire Cabinet. There have been other instances too where individual ministers were singled out and the Cabinet as a whole declined to share responsibility for collective failures.

This practice is actually a deviation from the principle of collective responsibility of the Cabinet.

- **Flouting of Parliamentary Norms:** Very often parliamentary norms and traditions are seen to be violated by the elected representatives in the Parliament and state legislatures. Many members use methods of agitation and protests in the Parliament and state legislatures. Such members often resort to shouting and other unparliamentary behaviour like rushing to the well of the house, etc. to register their protests instead of participating in healthy debates and deliberations. Such unruly behaviour disrupts the proceedings of the house and stalls the progress of the nation due to stalemate in carrying out legislative business. Accordingly, the elected representatives must be conscious of the dignity of legislative institutions and desist from indulging in such conduct for the smooth functioning of the parliamentary institutions of the country.
- **Lack of Effective Opposition:** For democracy to survive, it is essential that there exists a healthy opposition to keep any authoritarian tendency of the government under check. The opposition must be able to offer an alternative to replace the government in case the latter is found to have made any severe lapses. However, since the opposition is composed of different political parties with differing ideologies, the opposition oftenremains divided, lacking the ability to effectively curtail the arbitrary exercise of power by the government when necessary.
- **Frequent resort to Ordinance Making Powers:** It is often noticed that the executive tends to use the power to make ordinances very frequently. The Constitution makers originally vested the power to issue ordinances in the President of India to make necessary laws for the country when the Parliament is not in session. However, in actual practice it is noticed that very often ordinances have been issued on the eve of the session of the Parliament or even when the Parliament is in session. For instance

in 1974, the government suspended the right of the persons detained under Maintenance of Internal Security Act (MISA) to approach the court seeking enforcement of their fundamental rights through an Ordinance even when the Parliament was in session. This action of the government was severely criticized by the Speaker of the Lok Sabha. However, inspite of such criticism, such frequent use of the ordinance making power to serve narrow political interests at times has continued both at the national and state levels, thereby undermining the authority of parliamentary institutions.

- **Lack of effective Control over Delegated Legislation:** As in most other democracies, the Parliament and state legislatures pass only the broad framework of any piece of legislation. The details in terms of the necessary rules and regulations are left to the executive to frame. However, these rules and regulations framed by the executive are not always placed before the Parliament or the state legislature as the case may be which undermines the position of the legislative institutions and enhances the power of the executive.
- **Issue of Defections:** The problem of defection has also posed a threat to the smooth functioning of parliamentary system. At one stage, growing defections had resulted in increasing political instability. The Parliament therefore passed the 52$^{nd}$ Amendment Act in 1985 to check the menace of political defections. The Anti-Defection Law provided that if a member of a legislative party voluntarily leaves his or her party or votes against the whip of the party, he or she will lose the membership of the Parliament or the state legislature as the case may be. However, the Anti-Defection law allowed an exception in the sense that if one-third of the members of a party leave the party, it will constitute a split and will not come under the purview of the Anti-Defection law. This left the scope for political maneuvering whereby members defected to form political parties of their own. For instance, the

V. P. Singh Government fell after Chandra Shekhar along with his supporters defected from it and formed a separate party. Thus, political defections have also hampered the smooth functioning of the parliamentary system.

- **Election of undeserving Candidates:** Traditional loyalties based on caste, religion, class, language, region, etc. sometimes tend to influence certain sections of the voters in our country who tend to cast their votes along these lines. This often results in certain undeserving persons with doubtful credentialsbeing elected to the legislative bodies. Such elected representatives may not have faith in the high ethics of public life and time-honoured conventions of parliamentary government.

- **Prospects of Parliamentary Democracy in India:** Let us look at some of the factors which have contributed towards the success of Parliamentary Democracy in India and which offer hope for the future:
  - **Faith in Democratic Values:** The people of India have deep faith in the democratic values. Periodic elections have been held in the country since the first general elections in 1951-1952 except for a short period between 1975-1977 when emergency was imposed in the country. The Indian electorate has from time to time shown immense maturity in ensuring that the government remains accountable to the people and stands committed to democratic values and traditions of parliamentary governance. For instance, in 1977, the people of India voted the Congress party out of power due to its arbitrary imposition of the emergency. Thus, the people of India have taken utmost care to ensure that governance of the country always remains in the hands of a constitutional government which remains ever mindful to the needs and interests of the people in general.
  - **Free and Fair Elections:** Free and fair elections constitute the bedrock of the parliamentary system. The Election Commission of India is an independent constitutional body empowered to conduct different elections across the country. The Election

Commission has so far conducted sixteen general elections in a most free and fair manner. This has enabled the voters to cast their votes in favour of the candidate of their own choice without any fear. Such free and fair conduct of elections has strengthened the foundation of Indian democracy and raised the political consciousness of the people in general.

- **Independent Judiciary:** The Constitution of India has established an independent judiciary in the country. The judiciary adjudicates all constitutional cases and protects the fundamental rights of the citizens. The judiciary has guaranteed the functioning of a constitutional government in the country. The Supreme Court of India in the Indira Nehru Gandhi vs. Raj Naraian and also in the Minerva Mills case defined the Parliamentary form of Government as a basic feature of the Constitution. In the Kesavananda Bharati vs. State of Kerala of 1973, the Supreme Court, while laying out the "basic structure" of the Constitution held that the democratic character of the polity was an essential component of the "basic structure".
- **Political Decentralisation:** The 73rd and 74thAmendment Acts of the Constitution have put in place a decentralized political structure in India in the form of Panchayati Raj Institutions in rural areas and municipalities and town committees in the urban areas. These decentralisedrural and urban local self-government bodies have enabled the people to participate and play a more active role in the management of local affairs. The Gram Panchayats serve as parliaments at the village level. Thus, political decentralisation has helped the people to get necessary administrative training at a local level. Democratic participation at the grass roots has contributed towards strengthening the foundation of parliamentary democracy in India.
- **Freedom of Press:** Freedom of press is a cornerstone of Indian democracy. The existence of a free media, whether print or electronic, has played a very important role in the successful

working of democracy in India. The press has from time to time voiced the genuine concerns and demands of the people and communicated the same to the government. The government remains conscious of the news and views aired by the media and very often, important issues, reported by the media are raised by the elected representatives of the peopleon the floor of the Parliament and state legislatures.

- **Multi-party System:** The Indian political system is characterised by the existence of a multi-party system. The presence of a large number of parties, whether national or regional, has contributed to the functioning of a healthy parliamentary system of government in the country. Any lapses of the government and the ruling party are pointed out by the different political parties who provide an alternative to the people at the time of elections to the Parliament and state legislatures.



## CHECK YOUR PROGRESS

**Q.8:** Explain any two factors that have stood in the way ofeffective functioning of parliamentary system in India.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

**Q.9:** Explain any two factors which have contributed towards the success of Parliamentary Democracy in India.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....



## 14.6 LET US SUM UP

- The seeds of modern parliamentary institutions in India were first sown by the British. The British Parliament passed different Acts from time to time, related to the administration of India and these Acts helped in introducing elements of Parliamentary governance in India.
- Some of the Acts passed by the British Parliament during colonial period are: the Charter Act of 1833, Government of India Act, 1858, Indian Councils Act, 1861, Indian Councils Act of 1892, The Indian Councils Act (the Morley-Minto Reforms), 1909, Government of India Act, 1919 and the Government of India Act, 1935.
- The Preamble to the Constitution of India describes India to be a democratic republic. Accordingly, under the Constitution, India as a nation is committed to establishing a democratic polity in the country and the parliamentary system of government is the mechanism which has been chosen to realise this goal. Accordingly, the principle of parliamentary democracy is a fundamental feature of the Constitution of India.

- Parliamentary Democracy has been set up in India and towards this end periodic elections are held forsecuring the majority of votes cast in a particular constituency. The first General Election to the Lok Sabha were held in 1951-52. So far sixteen General Elections to the Lok Sabha have been held.
- The first three Houses of the People constituted by the 1952, 1957 and 1962 General Elections completed a period of five years. In 1977, after the general election to elect the sixth Lok Sabha, the first non Congress government was formed at the Centre comprising a coalition of different parties together constituting the Janata Party. The sixth Lok Sabhagot dissolved before completion of its tenure.
- During the ninth Lok Sabha, two minority governments were formed successively within a period of one and a half years with support from other parties. Similarly, the tenth Lok Sabha elections also led to a minority government being formed in June, 1991. Significantly, the elections of 1996 produced a hung Parliament leading to the formation of unstable coalition governments with frequent change of Prime Ministers- thrice within a span of one year.
- In 1999, the National Democratic Alliance (NDA) led by the Bharatiya Janata Party came to power. It became the first coalition government to complete the full term. In the 2004 elections, the United Progressive Alliance (UPA) formed the government. The UPA returned to power after the 2009 elections.
- Elections to the sixteenth Lok Sabha were held in 2014. The Bharatiya Janata Party achieved an absolute majority in the Lok Sabha and the NDA formed the government under its leader Shri Narendra Modi.
- Certain factors have stood in the way of effective functioning of parliamentary system in India such as– vote bank politics, absence of collective responsibility, flouting of parliamentary norms, lack of effective opposition, frequent resort to Ordinance making powers, lack of effective control over Delegated Legislation, issue of Defections, and election of undeserving candidates.

- There are some factors which have contributed towards the success of Parliamentary Democracy in India such as - faith in democratic values, free and fair elections, independent judiciary, political decentralisation, freedom of press and multi-party system.



## 14.7 FURTHER READING

1) Chander, Prakash (2008). *Indian Government And Politics*. Gurgaon: Cosmos Bookhive Pvt. Ltd.
2) Ghai, K. K. (2007). *Indian Government And Politics*. New Delhi: Kalyani Publishers.



## 14.8 ANSWERS TO CHECK YOUR PROGRESS

**Ans. to Q. No. 1:** The Charter Act of 1833.

**Ans. to Q. No. 2:** Lord Canning.

**Ans. to Q. No. 3:** The Indian Councils Act of 1892.

**Ans. to Q. No. 4:** Government of India Act, 1919.

**Ans. to Q. No. 5:** Reserved and Transferred subjects.

**Ans. to Q. No. 6:** 1980.

**Ans. to Q. No. 7:** 2014.

**Ans. to Q. No. 8:** i) Frequent resort to Ordinance Making Powers: It is often noticed that the executive tends to use the power to make ordinances very frequently. The Constitution makers originally vested the power to issue ordinances in the President of India to make necessary laws for the country when the Parliament is not in session. However, in actual practice it is noticed that very often ordinances have been issued on the eve of the session of the Parliament or even when the Parliament is in session. Such frequent use of the ordinance making power to serve narrow political interests at times continued both at the national and

state levels, thereby undermining the authority of parliamentary institutions.

ii) Lack of effective control over Delegated Legislation: As in most other democracies, the Parliament and state legislatures pass only the broad framework of any piece of legislation. The details in terms of the necessary rules and regulations are left to the executive to frame. However, these rules and regulations framed by the executive are not always placed before the Parliament or the state legislature as the case may be which undermines the position of the legislative institutions and enhances the power of the executive.

**Ans. to Q. No. 9:** i) Free and Fair Elections: Free and fair elections constitute the bedrock of the parliamentary system. The Election Commission of India is an independent constitutional body empowered to conduct different elections across the country. The Election Commission has so far conducted sixteen general elections in a most free and fair manner.This has enabled the voters to cast their votes in favour of the candidate of their own choice without any fear. Such free and fair conduct of elections has strengthened the foundation of Indian democracy and raised the political consciousness of the people in general.

ii) Independent Judiciary: The Constitution of India has established an independent judiciary in the country. The judiciary adjudicates all constitutional cases and protects the fundamental rights of the citizens. The judiciary has guaranteed the functioning of a constitutional government in the country. In the Kesavananda Bharati vs. State of Kerala of 1973, the Supreme Court, while laying out the “basic structure” of the Constitution held that the democratic character of the polity was an essential component of the “basic structure”.



## 14.9 MODEL QUESTIONS

**A) Very Short Questions**

**Q.1:** Which were the two lists of subjects provided by the Government of India Act, 1919?

**Q.2:** Mention the names of the two houses of the legislature at the centre under the Government of India Act, 1935?

**Q.3:** In which year was the first General Elections to the Lok Sabha held?

**Q.4:** Mention any two factors which have contributed towards the success of Parliamentary Democracy in India?

**B) Short Questions** (Answer each question in about 150 words)

**Q.1:** Write briefly about the Indian Councils Act of 1892 as the beginning of the parliamentary system in India.

**Q.2:** Explain the constitutional basis of Parliamentary Democracy in India

**Q.3:** Discuss the factors which have stood in the way of effective functioning of parliamentary system in India.

**Q.4:** Write briefly about the Government of India Act, 1919.

**C) Long Questions** (Answer each question in about 300-500 words)

**Q.1:** Discuss the background of parliamentary government in India.

**Q.2:** Explain the electoral history since 1951-52 General Elections in India.

**Q.3:** Explain the factors that have contributed towards the success of Parliamentary Democracy in India.

*** ***** ***



## REFERENCES


1) Basu, D. D. (2009). *Introduction to the Constitution of India*. New Delhi: Prentice Hall of India.
2) Brass, Paul R. (1997). *The Politics of India Since Independence*. New Delhi: Cambridge University Press.
3) Chander, Prakash (2000). *Indian Government and Politics*. Cosmos Bookhive Pvt. Ltd.
4) Ghai, K. K. (2007). *Indian Government and Politics*. New Delhi: Kalyani Publishers.
5) Kapur, Anup Chand & Misra, K. K. (2006). *Select Constitutions*. New Delhi: S. Chand and Company.
6) Pylee, M. V. (2006). *Constitutional Government in India*. New Delhi: S. Chand and Company.