GPS S4 01 (M/P)
Exm. Code: PSM4A/PSE4A/PSP4A

Politics in India-1
(Constitutional Dynamics)

SEMESTER IV

POLITICAL SCIENCE

BLOCK : 2



KRISHNA KANTA HANDIQUI STATE OPEN UNIVERSITY

Subject Experts

Dr. Shantanu Chakravorty, Cotton University
Dr. Dhruba Pratim Sharma, Gauhati University
Dr. Subhrajeet Konwer, Gauhati University

Course Co-ordinator: Dr. Abhijit Bhuyan, KKHSOU

SLM Preparation Team

UNITS	CONTRIBUTORS
10 & 12	Dr. Pankaj Kumar Sarmah, Kumar Bhaskar Varma Sanskrit and Ancient Studies University
11	Dr. Khaleda Sultana Ahmed, Guwahati
13	Krishna Moni Sarma, J.B. Law College, Guwahati
14	Urmimala Sengupta, Former Research Associate, OKD Institute of Social Change and Development, Guwahati
15	Dr. Abhijit Bhuyan, KKHSOU

Editorial Team

Content (English Version) : Dr. Shantanu Chakravarty, Cotton University (Units 10, 12, 13 & 15)
Professor Sandhya Goswami, Gauhati University (Units 11 & 14)

Language (English Version) : Professor Robin Goswami, Retired Professor, Cotton College (Formerly); Pritima Sharma & Bashabi Gogoi, Former Academic Consultants, KKHSOU

(Assamese Version): Dr. Runmoni Bora Phukan, Chandrapur College, Guwahati (Units 10,12 & 15)
Dr. Mrinal Jyoti Goswami, KKHSOU (Units 11 & 14)
Ms. Utpala Pathak, Guwahati (Unit 13)

Structure, Format & Graphics : Dr. Abhijit Bhuyan, KKHSOU

First Edition: October, 2018

This Self Learning Material (SLM) of the Krishna Kanta Handiqui State University is made available under a Creative Commons Attribution-Non Commercial-ShareAlike4.0 License (International): http.//creativecommons.org/licenses/by-nc-sa/4.0.

Printed and published by Registrar on behalf of the Krishna Kanta Handiqui State Open University.

Head Office : Patgaon, Rani Gate, Guwahati-781 017;
City Office : Housefed Complex, Dispur, Guwahati-781 006; Website: www.kkhsou.in

The University acknowledges with thanks the financial support provided by the **Distance Education Bureau, UGC**, for the preparation of this study material.

CONTENTS

UNIT 10: Citizenship **Pages: 133-142**

Meaning of Citizenship, Constitutional and Legal provisions relating to Indian Citizenship

UNIT 11: Amendment **Pages: 143-153**

Amendment Procedure of the Indian Constitution: Methods of Amendment of the Indian Constitution, An Overview of some important Amendments of the Constitution of India, Criticism against the Amendment Procedure of the Indian Constitution

UNIT 12: Basic Structure of the Indian Constitution **Pages: 154-165**

Basic Structure of the Indian Constitution, The issue of Amendment of the Basic Structure of the Indian Constitution: Criticism of the Basic Structure theory

UNIT 13: Reorganization of Indian States **Pages: 166-178**

Background, State Reorganisation Commission, State Reorganisation Act, 1956, Formation of New States

UNIT 14: Party System in India **Pages: 179-195**

Types of Political Parties in India, Features of the Indian Party System

UNIT 15: Parliamentary Democracy in India **Pages: 196-213**

Functioning of Parliamentary Democracy in India, Challenges and Future Prospects

BLOCK INTRODUCTION

This is the second block of the first course in Political Science of BA Fourth Semester Programme of KKHSOU. The first course in Political Science of BA Fourth Semester Programme of KKHSOU is titled “Politics in India-1 (Constitutional Dynamics)”. This block of the course consists of six units (Units 10-15)

The tenth unit discusses Citizenship.

The eleventh unit discusses the Amendment Procedure of the Indian Constitution.

The twelfth unit discusses the Basic Structure of the Indian Constitution and the issue of Amendment of the Basic Structure of the Indian Constitution.

The thirteenth unit discusses the Reorganization of Indian States.

The fourtheenth unit discusses the Party System in India.

The fifteenth unit discusses the functioning of Parliamentary Democracy in India.

While going through the units of the block, you will find that each unit is further divided into certain sections and sub-sections, wherever necessary, for your better understanding. Again, each unit carries certain *activities* after every section. These “ACTIVITIES” will provide you the opportunity to practically apply your own thoughts based on the knowledge gained through reading the text in a particular section. Besides, in order to give you additional information on certain relevant topics, you will find a category called “LET US KNOW” after the sections in each unit. Another category that has been included at the end of each section of a particular unit is “CHECK YOUR PROGRESS”. The purpose of this category is to help you to asses for yourself as to how thoroughly you have understood a particular section. You can then match your answers with “ANSWERS TO CHECK YOUR PROGRESS” given at the end of each unit. Further more, the category called “MODEL QUESTIONS” is intended to give you a hint of the pattern of questions you are likely to get in the examination.

UNIT 10: CITIZENSHIP

UNIT STRUCTURE

10.1 Learning Objectives

10.2 Introduction

10.3 Meaning of Citizenship

10.4 Constitutional and Legal Provisions Regarding Citizenship in Indian Context

10.5 Acquisition of Citizenship in India

10.6 Loss of Citizenship in India

10.7 Let Us Sum Up

10.8 Further Reading

10.9 Answers to Check Your Progress

10.10 Model Questions

10.1 LEARNING OBJECTIVES

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

- explain the meaning of Citizenship
- analyse the constitutional and legal provisions relating to the Indian citizenship
- discuss the condition for acquisition of Indian citizenship
- examine the conditions which lead to the loss of Indian citizenship.

10.2 INTRODUCTION

The concept of citizenship is one of the most debated issues in the academic discourse. The concept of citizenship indicates the relationship between the individual and the state. Citizenship denotes an individual's status as a responsible member of a state. For attaining all the facilities of citizenship, he or she must fulfil the duties and responsibilities along with obligations towards the state. The framers of the Indian Constitution basically put emphasis upon the concept of citizenship and a number of provisions have been incorporated in the Constitution accordingly. Regarding the

acquisition and termination of Indian citizenship, there are lots of constitutional and legal provisions. In this Unit we shall discuss the meaning of citizenship and the various issues related to Indian citizenship.

10.3 MEANING OF CITIZENSHIP

The notion of citizenship is seen in terms of a legal/formal status. Literally the term 'citizen' symbolises the person or resident of a country with certain privileges. Citizenship, very often focuses on a specific nationality, entitlements and claims, rights and duties for individuals enshrined in the Constitution of a country. It signifies that if the member of a particular political community performs their allotted duties and responsibilities according to the provisions of the Constitution, the state apparatus providesthem all the rights and privileges for enjoyment of a public life. The concept of citizenship originated in the ancient Greece. In ancient Greece citizenship was considered to be a narrow concept. During the time of ancient Greek philosopher Aristotle, citizenship privileges were restricted to a limited section of the society. Aristotle limited the concept of citizenship by including only a few sections of people into the ambit of citizen status. He visualised purely an aristocratic idea of citizenship. However, with the gradual development of modern nation state system, the whole concept of citizenship becomes inclusive in its nature and it includes a larger political community.

In any democratic country citizens are provided a number of rights and privileges and accordingly they must show their allegiance towards the state. The success of democracy also largely depends upon the qualities of the citizens.

10.4 CONSTITUTIONAL AND LEGAL PROVISIONS REGARDING CITIZENSHIP IN INDIAN CONTEXT

Though the Constitution of India has provided a federal structure, yet the very nature of the Indian political system is federal in spirit and unitary in practice. Therefore, in India, each individual is entitled with single citizenship, i.e. Citizenship of India. In order to form a unified polity, the framers of Indian Constitution put emphasisbasically upon single citizenship.

The framers of the Indian Constitution put enough importance upon the question of citizenship basically at the time of framing of the Constitution. Articles 5, 6, 7, 8, 9, 10, 11 of the Indian Constitution mainly deal with the issue of citizenship.

Article 5: Article 5 deals with the issue of citizenship at the time of commencement of the Constitution. Accordingly, the following categories of domiciled persons are offered citizenship on the date of adoption of the Constitution (26 January, 1950) :

a) Persons born within the territory of India [(Art. 5(a)].

b) Person, either of whose parents was born within the territory of India– irrespective of the nationality of his/her parents or the place of birth of such person [Art. 5(b)].

c) Person, who had been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement [Art. 5(c)].

Though Article 5 of the Indian Constitution offers citizenship by domicile, yet it did not define the term domicile. In simple words, domicile represents the permanent residence of a citizen.

Article 6: Right of citizenship of certain persons who have migrated to India from Pakistan.

Article 7: Right of citizenship of certain persons who, after having migrated to Pakistan, have returned to India.

Article 8: Right of citizenship of certain persons of Indian origin residing outside India.

Article 9: Persons voluntarily acquiring citizenship of a foreign State not to be citizens of India.

Article 10: Continuance of the rights of citizenship.

Article 11: Parliament to regulate the right of citizenship by law.

The Constitution of India did not implement any comprehensive constitutional law and statutory basis of citizenship in India. Regarding the law of citizenship, the responsibility is vested upon the Indian Parliament of India to legislate certain laws related to citizenship. The Indian parliament enacted the Citizenship Act 1955, the Citizenship (Amendment) Act 1986,

the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, the Citizenship (Amendment) Act, 2005 and Citizenship (Amendment) Act,2015 regarding Indian citizenship.



CHECK YOUR PROGRESS

Q.1: State the meaning of citizenship.

.....

.....

.....

.....

.....

.....

Q.2: Greek philosopher Aristotle limited the concept of citizenship only to a limited section of people. (True/False)

.....

Q.3: Which articles of the Indian Constitution deal with the issue of citizenship?

.....

.....

10.5 ACQUISITION OF CITIZENSHIP IN INDIA

According to the Citizenship Act 1955, citizenship can be acquired through various methods. This Act focuses upon the various modes of acquisition of citizenship. These methods of acquisition of citizenship are discussed below:

- *Citizenship by Birth*: Each person born in India on or after January26, 1950 shall be considered the citizen of India by birth. But in case of the children born to foreign diplomats who were posted in India are not eligible for Indian citizenship. In order to prevent the infiltration problem, an amendment was made in 1986 in the Citizenship Act of 1955 and thereby a person born in India is able to become a citizen of India by birth if his/her parents are citizens of India at the

time of his/her birth. In this way, an individual can attain Indian citizenship by birth.

- *Citizenship by Descent*: A person born outside India on or after January 26, 1950 shall be considered the citizen of India by descent if his/her parents are citizens of India at the time of his/her birth.
- *Citizenship by Registration*: Through registration with definite authority, a person can acquire Indian citizenship. Registration for Indian citizenship can be done through different methods. Persons of Indian Origin (PIOs) who generally reside in India for almost five years may apply for registration. A person, in case of citizenship, is deemed to be of Indian origin if his/her parents and grand-parentswere born in undivided India. Ordinarily residing PIOs outside India can also be included under Citizenship by Registration. Those women who get married to Indian citizens too become the citizens of India through the process of registration.
- *Citizenship by Naturalisation*: A person can acquire Indian citizenship by naturalisation. To attain Indian citizenship, he/she must qualify the following conditions–
  a) He must belong to a country where the citizens of India are allowed to become subjects or citizens of that country by naturalisation.
  b) He/she needs to renounce the citizenship of his/herown country according to the prevailing law of that country.
  c) Before the date of giving the application for naturalization, he or she must reside or serve the concerned government authority for 12 months.
  d) The person needs to possess a good and moral character.
  e) He/she must have workable knowledge of a particular Indian language.
  f) After acquiring citizenship by naturalisation, he or she is considered to be the permanent resident of India and is eligible to serve under the Union or State Governments in India.
- *Citizenship by Incorporation of Territory*: If India includes any new territory within its border, then the people of that territory will

automatically become the citizens of India. For example– the people of Sikkim acquired Indian citizenship after the annexation of Sikkim by India in 1976.

10.6 LOSS OF CITIZENSHIP IN INDIA

The Citizenship Act 1955 clearly lays down that under certain conditions a person may lose his/her Indian citizenship. Anyone may lose his or her citizenship under any of the three conditions. These conditionsare: renunciation, termination and deprivation.

- *By Renunciation*: Any Indian citizen may voluntarily renounce his/her citizenship in order to become the citizen of another country. For this purpose, the concerned citizen needs to make a necessary declaration in the prescribed format.
- *By Termination*: If any Indian citizen voluntarily acquires the citizenship of another country, then his/her citizenship in India will be automatically terminated. This kind of termination may take place by operation of law.
- *By Deprivation*: Deprivation is considered to be one kind of compulsory termination of Indian citizenship with the prior approval of Government Order. If any person obtains Indian citizenship by fraud, false representation or concealment of any material fact or if the person becomes disloyal towards the Indian Constitution or if he/she helps or assists a country with whom India is at war, the Government of India by an Order can deprive that person from enjoying Indian citizenship.



CHECK YOUR PROGRESS

Q.4: Mention any three methods of acquisition of Indian citizenship as provided by the Citizenship Act 1955.

.....

.....

Q.5: The state of Sikkim was incorporated in India in the year ..... (Fill in the blank)

Q.6: Write about any two conditions under which an Indian citizen may lose his/her Indian citizenship.

.....

.....

.....

.....

.....

.....

.....

.....

Q.7: Write a short note on the acquisition of Indian citizenship by the method of naturalisation.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....



10.7 LET US SUM UP

- The concept of citizenship indicates the relationship between the individual and the state. Citizenship denotes all individual's status as a responsible member of a state. For attaining all the facilities of

citizenship, he or she must fulfil the duties and responsibilities along with obligations towards the state.

- The concept of citizenship originated in the ancient Greece. In ancient Greece citizenship was considered to be a narrow concept. Greek philosopher Aristotle limited the concept of citizenship by including only a few sections of people into the ambit of citizen status.
- But in the present time the concept of citizenship has become a inclusive one and it includes a larger political community.
- Though the Constitution of India has provided a federal structure, but the very nature of Indian political system is federal in spirit and unitary in practice. Therefore in India, each individual is entitled to single citizenship, i.e. Citizenship of India.
- The Constitution of India has provided a number of provisions regarding Indian citizenship.But the responsibility to make laws and other statutory provisions related to Indian citizenship is vested upon the Parliament of India. Accordingly the Indian Parliament has enacted a number of laws in this regard, such asthe Citizenship Act 1955, the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, the Citizenship (Amendment) Act, 2005 and Citizenship (Amendment) Act,2015.
- The Citizenship Act 1955 has provided a number of methods of acquisition of Indian citizenship. These methods are-citizenship by birth,citizenship by descent, citizenship by registration, citizenship by naturalisation, citizenship by incorporation of territory.
- The Citizenship Act 1955 also provided that under certain condition a person may lose his/her Indian citizenship. Anyone may loss his or her citizenship under any of the three conditions, such as– renunciation, termination and deprivation.



10.8 FURTHRER 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.



10.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: By citizenship, very often focuses on a specific nationality, entitlements and claims, rights and duties for individuals enshrined in the Constitution of a country. It signifies that if the member of a particular political community performs their allotted duties and responsibilities according to the provisions of the Constitution, the state apparatus provides them all the rights and privileges for enjoyment of a public life.

Ans. to Q. No. 2: True

Ans. to Q. No. 3: Articles 5, 6, 7, 8, 9, 10, 11 of the Indian Constitution mainly deal with the issue of citizenship.

Ans. to Q. No. 4: Citizenship by birth,Citizenship by descent, Citizenship by registration.

Ans. to Q. No. 5: 1976

Ans. to Q. No. 6: i) By Renunciation: Any Indian citizen may voluntarily renounce his/her citizenship in order to become citizen of another country. For this purpose, the concerned citizen needs to make a necessary declaration in the prescribed format.

ii) By Termination: If any Indian citizen voluntarily acquires the citizenship of another country, then his/her citizenship in India will be automatically terminated. This kind of termination may take place by operation of law.

Ans. to Q. No. 7: A person can acquire Indian citizenship by naturalisation. To attain Indian citizenship, he/she must qualify the following conditions–

a) He must belong to a country where the citizens of India are allowed to become subjects or citizens of that country by naturalisation.
b) He/she needs to renounce the citizenship of his/herown country according to the prevailing law of that country.
c) Before the date of giving the application for naturalization, he or she must reside or serve the concern government authority for 12 months.
d) The person needs to possess a good and moral character.
e) He/she must have workable knowledge of a particular Indian language.
f) After acquiring citizenship by naturalisation, he or she is considered to be the permanent resident of India or elsewhere to serve under the Government of India.



10.10 MODEL QUESTIONS

A) Very Short Questions

Q.1: Mention any one provision of the Indian Constitution regarding citizenship.

Q.2: State the name of one important Act enacted by the Parliament of India which provides the detailed provisions about Indian citizenship.

Q.3: What is the full form of PIO in the context of Indian citizenship?

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

Q.1: Explain the conditions under which an Indian citizen may lose his/ her Indian citizenship.

Q.2: Write a short note on the meaning of citizenship.

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

Q.1: Discuss various provisions of the Indian Constitution regarding citizenship.

Q.2: Examine the various methods of acquisition of Indian citizenship.

*** ***** ***

UNIT 11: AMENDMENT OF THE INDIAN CONSTITUTION

UNIT STRUCTURE

11.1 Learning Objectives

11.2 Introduction

11.3 Amendment Procedure of the Indian Constitution

- 11.3.1 Methods of Amendment of the Indian Constitution
- 11.3.2 Criticism of the Amendment Procedure of the Indian Constitution

11.4 A Brief Comparison of the Amendment Procedure of the Indian Constitution with the American pattern of Constitutional Amendment

11.5 Let Us Sum Up

11.6 Further Reading

11.7 Answers to Check Your Progress

11.8 Model Questions

11.1 LEARNING OBJECTIVES

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

- explain the nature of the amending procedure of the Indian Constitution
- describe the three methods of amendment provided by the Indian Constitution
- discuss the criticisms of the amendment procedure of the Indian Constitution
- compare the amendment procedure of Indian Constitution with that of the United States of America.

11.2 INTRODUCTION

This unit introduces you to the amendment procedure of the Constitution of India. The process of amendment of our Constitution incorporates both rigid and flexible methods. That is why our Constitution

cannot be amended as easily as the British Constitution nor is it so difficult like the American one. Thus unlike other federal constitutions, the Indian Constitution can be amended by a rather simpler method. The Constitution must be amended if situation demands and also it must be protected from unnecessary and frequent changes. That is why Jawaharlal Nehru in the Constituent Assembly said, 'while we want this Constitution to be as solid and permanent as we can make it, there is no permanence in a constitution. If you make any constitution rigid and permanent you stop the nation's growth, the growth of a living, vital, organic people.' Thus Indian Constitution makes a balance between rigidity and flexibility and finds out a mixture of both.

11.3 AMENDMENT PROCEDURE OF THE INDIAN CONSTITUTION

The amendment procedure of the Indian Constitution has been discussed under Article 368 of the Constitution which lays down '...Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this Article.' Interestingly, the Indian Constitution provides for three different methods for amending different provisions of the Constitution.

11.3.1 Methods of Amendment of the Indian Constitution

Each of the three methods of amendment described in the Indian Constitution is unique in its own way and exhibits a mixture of flexibility and rigidity. Some of the provisions can be amended as easily as an ordinary law by the Union Parliament, some need a special majority of the Parliament and some provisions can be amended only when half of the States give consent besides special majority support in the Parliament.

- **First method of Amendment:** There are some provisions in the Constitution which can be amended by simple law of the Parliament. No special techniques need to be applied for it. These provisions are amended by the Indian Parliament by **simple**

majority in each of the two Houses without any approval of the States. The provisions under this system are as follows:

a) Articles 2, 3 and 4 providing the admission and establishment of new States and alteration of boundaries, areas or name of existing states.
b) Part II of the Constitution dealing with the issue of acquisition and termination of citizenship.
c) Article 81 prescribing the delimitation of constituencies.
d) Article 100(3) dealing with quorum in the Parliament.
e) Article 105 relating to the privileges of the members of the Parliament.
f) Article 106 relating with the salaries and allowances of the members of the Parliament.
g) Article 118(2) dealing with the rules of procedure in each House of the Parliament.
h) Article 210(2) relating to English as a language of the Parliament.
i) Article 124(1) dealing with the appointment of the Supreme Court Judge.
j) Article 135 concerning the jurisdiction of the Supreme Court.
k) Article 169 relating to the creation or abolition of the upper chamber of the state.
l) Article 240 relating to the Legislatures of the Union Territories.
m) Article 327 relating to the election of the country.
n) Article 341 relating to the official language of the country.
o) Schedule II, V and VI of the Constitution.

- **Second Method of Amendment of the Indian Constitution:** Most of the provisions of the Indian Constitution can be amended by relatively rigid method which needs a **special majority in each House of the Parliament**. Such an amendment bill can be proposed by either House of the Parliament and needs to be passed by two thirds of the members present and voting in each House and this must also include majority of the total membership of each house.

All the provisions of the Constitution except those which can be amended by other two methods are amended by this one.

- **Third Method of Amendment of the Indian Constitution:** There are some provisions in the Constitution which are amended by a rather difficult method. This method needs **the support of half of the States besides the special majority of the Parliament**. It involves two stages– The proposed amendment bill must be passed by a majority of the total membership and a 2/3rds majority of the members present and voting in each House. In the second stage such a bill must also have consent of half of the State legislatures.

  Provisions of the Indian Constitution which can be amended by this very rigid method are:

  a) Article 54 and 55 dealing with the election of the President of India.
  b) Article 73 relating to the extent of executive power of the Union.
  c) Article 162 relating to the executive power of the States.
  d) Article 241 dealing with the High Courts in the Union Territories.
  e) Chapter IV of Part V concerning with the Supreme Court of India.
  f) Chapter V of Part VI dealing with the High Courts of the States.
  g) Chapter I of Part XI describing the legislative relations between the Union and the States.
  h) All provisions relating to the List in the Seventh Schedule.
  i) Provisions relating to the representation of the States in the Parliament.
  j) The provisions of Article 368 itself.

The President of India needs to give his assent to all amendment bills. But he does not have any discretion in withholding his consent to a bill. Besides this, our Constitution has nowhere mentioned about any special commission for amendment. Also there is no question of referendum for ratification of the changes made in the Constitution as and when it is passed by the Parliament or in some cases by the State legislatures.

11.3.2 Criticism of the Amendment Procedure of the Indian Constitution

The Amendment procedure of the Indian Constitution has been criticised on various grounds. Some of these criticisms are mentioned below:

- It is criticized that in a very short period of time too many amendments have been made to the Indian Constitution. In just 70 years, 122 amendments have been made. It reflects the inadequacies of the original Constitution.
- The Indian States do not have the right to initiate an amendment bill. Every amendment bill must come up from either House of the Union Parliament. It has added to the powers of the Centre over the States.
- Majority provisions in the Constitution can be amended singlehandedly by the Parliament either through simple or special majority, without the consent of the States.
- The Indian Constitution is silent whenever there is a situation of deadlock emerging between the two houses of the Parliament over an amendment bill.
- The system of judicial review of the amendment bill makes the Supreme Court of India as the third chamber of the legislature with the power of rejecting a bill.



CHECK YOUR PROGRESS

Q.1: Which Article of the Indian Constitution deals with the amendment procedure of the Constitution itself?

.....

Q.2: The Constitution of India provides for how many amendment procedures?

.....

Q.3: Mention any four provisions of the Indian Constitution which can be amended by the Indian Parliament by simple majority in each of the two Houses.

.....

.....

.....

.....

Q.4: Write briefly about the Third method of Amendment of the Indian Constitution.

.....

.....

.....

.....

.....

.....

Q.5: Writeany two criticisms of the amendment procedure of the Indian Constitution.

.....

.....

.....

.....

.....

11.4 A BRIEF COMPARISON WITH THE AMERICAN PATTERN OF CONSTITUTIONAL AMENDMENT

India has borrowed many features from the American Constitution specially its federal character, a long list of fundamental rights and so on. Yet over the years our Constitution has gone for more than hundred amendments in 70 years of its commencement, while the American Constitution has undergone only 27 amendments in more than 200 years. The striking differences between the amendment procedures of the two countries can be enumerated as follows:

- Both India and the USA are federations, but the units of the Indian state, i.e., the States, cannot initiate any amendment proposal as is granted to the units of American federation.
- In India, ratification of the State legislature is not needed for all provisions. It is limited to some handful provisions of the Constitution. In America all constitutional amendment bills must be ratified by States. Not a single provision of the American constitution can be amended by the national legislature alone.
- In India, even when the ratification of the States for any amendment bill is needed, it needs only half of the State legislatures' approval whereas in case of America an amendment bill must be approved by the ¾ th of all State legislatures.
- In India some of the provisions of the Constitution can be amended by the Union Parliament by ordinary law making procedure, but in the USA not a single provision can be amended by ordinary law making process. That is why, it takes longer in America to enact any amendment bill than it does in India.
- In America, the constitutional amendment bill need not be approved or consented to by the President. As a matter of fact, in the USA, amendment bills are not sent to the President, unlike India. On the other hand, in India, all amendment bills must have the assent of the President for becoming an Act.



CHECK YOUR PROGRESS

Q.6: In the United States of America, the States can initiate an amendment proposal. (True/False)

.....

Q.7: In the United States of America why does an amendment bill take more time to be enacted?

.....

.....

.....

Q.8: In America, the constitutional amendment bill need not be approved or consented to by the President. (True/False)

.....

Q.9: Mention any two differences between the amendment procedures in the USA and India.

.....

.....

.....

.....

.....

.....

.....

.....



11.5 LET US SUM UP

- The amendment procedure enshrined in the Indian Constitution is unique in the sense that it is mixture of both flexibility and rigidity, combining three different methods for amending different provisions.
- The amendment procedure of the Indian Constitution has been discussed under Article 368 of the Constitution.
- Under the first method of amendment, there are some provisions in the Constitution which can be amended by simple law of the Parliament. No special techniques need to be applied for it. These provisions are amended by the Indian Parliament by simple majority in each of the two Houses without any approval of the States.
- Most of the provisions of the Indian Constitution can be amended by relatively rigid method which needs a special majority in each House of the Parliament. This is the second method of amendment of the Indian Constitution. Such amendment Bill can be proposed by either House of the Parliament and that needs to be passed by two thirds of the members present and voting in each House and this must also include majority of the total membership of each house.

- There are some provisions in the Constitution which are amended by a rather difficult method. This method needs the support of half of the States besides the special majority of the Parliament. It involves two stages- The proposed amendment bill must be passed by a majority of the total membership and a 2/3rd majority of the members present and voting in each House. In the second stage such a bill must also have consent of half of the State legislatures.
- The third method of amendment of the Indian Constitution is a rigid one. There are some provisions in the Constitution which are amended by a rather difficult method. This method needs the support of half of the States besides the special majority of the Parliament. It involves two stages– The proposed amendment bill must be passed by a majority of the total membership and a 2/3rds majority of the members present and voting in each House. In the second stage such a bill must also have consent of half of the State legislatures.
- The amendment procedure of the Indian Constitution has been criticised on various grounds. More particularly it has to face criticisms because of the more dominant role of the Parliament in comparison to the states.
- If we make a comparison between the amendment procedures of India and the USA, then we can see that are lots of differences between the constitution amendment procedures of the both countries.
- The amendment procedure of the Indian Constitution reflects the wisdom of the Constitution makers who tried to strike a balance between retaining the basic character of the Constitution and introducing changes as needed with time.



11.6 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.



11.7 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: Article 368

Ans. to Q. No. 2: Three

Ans. to Q. No. 3: a) Part II of the Constitution dealing with the citizenship question.

b) Article 81 prescribing the delimitation of constituencies.

c) Article 100(3) dealing with quorum in the Parliament.

d) Article 105 relating to the privileges of the members of the Parliament.

Ans. to Q. No. 4: There are some provisions in the Constitution which are amended by a rather difficult method. This method needs the support of half of the States besides the special majority of the Parliament. It involves two stages– The proposed amendment bill must be passed by a majority of the total membership and a 2/3rds majority of the members present and voting in each House. In the second stage such a bill must also have consent of 50% of the State legislatures.

Ans. to Q. No. 5: a)The Indian States do not have the right to initiate an amendment bill. Every amendment bill must come up from either House of the Union Parliament. It has added to the powers of the Centre over the States.

b) Majority provisions in the Constitution can be amended single handedly by the Parliament either through simple or special majority, without the consent of the States.

Ans. to Q. No. 6: True

Ans. to Q. No. 7: In the USA not a single provision can be amended by ordinary law making process. That is why, it takes longer in America to enact any amendment bill than it does in India.

Ans. to Q. No. 8: True

Ans. to Q. No. 9: a) In India, ratification of the State legislature is not needed for all provisions. It is limited to some handful provisions of the Constitution. In America all constitutional amendment bills must be ratified by States. Not a single provision of the American constitution can be amended by the national legislature alone.

b) In America, the constitutional amendment bill need not be approved or consented to by the President. As a matter of fact, in the USA, amendment bills are not sent to the President, unlike India. On the other hand, in India, all amendment bills must have the assent of the President for becoming an Act.



11.8 MODEL QUESTIONS

A) Very Short Questions

Q.1: Name the persons who supported the flexible method of amendment in the Constituent Assembly.

Q.2: Mention any two provisions of the Indian Constitution which can be amended by the very rigid method.

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

Q.1: Write a short note on the flexible amendment method of the Indian Constitution.

Q.2: Write briefly about the second method of amendment procedure of the Indian Constitution.

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

Q.1: Critically examine the amendment procedure of the Indian Constitution.

Q.2: Make a comparison of the amendment procedure of the Indian Constitution with the American pattern of constitutional amendment.

*** ***** ***

UNIT 12: BASIC STRUCTURE OF THE INDIAN CONSTITUTION AND AMENDMENT

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 24th, 25th and 29th 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: RE-ORGANISATION OF INDIAN STATES

UNIT STRUCTURE

13.1 Learning Objectives

13.2 Introduction

13.3 Re-organisation of Indian States

13.4 Formation of New States and Alteration of Boundaries and its Background

13.5 State Re-organisation Commission

13.6 State Re-organisation Acts, 1956

13.7 Let Us Sum Up

13.8 Further Reading

13.9 Answers to Check Your Progress

13.10 Model Questions

13.1 LEARNING OBJECTIVES

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

- discuss the issue of re-organisation of Indian States
- examine the process of formation of new states within Indian Union and alteration of boundaries of the existing states
- discuss the State Re-organisation Commission and States Re-organisation Acts, 1956.

13.2 INTRODUCTION

Article 1(1) of the Constitution of India declares India to be a "Union of States." The territory of India comprises States, Union territories and any other territory that may be acquired by the Government of India under Article 1(3). The important thing to be noted here is that the Indian federation, firstly, is not the outcome of an agreement among the constituent states and secondly, the constituent states do not have the freedom to secede from the Indian union. There are different communities living in different parts of India, with their own distinctive linguistic and cultural traits. Accordingly, new states

have been created while some others have been carved out from the existing states in the post-independence period to cater to the aspirations of different communities and for the convenience of administration. However, the country as a whole is an integrated whole with the people sharing one single national identity.

13.3 RE-ORGANISATION OF INDIAN STATES

The Parliament of India has been empowered to establish and re-organise states and union territories of India under Articles 2 and 3 respectively. Under Article 2 of the Constitution of India, the Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit. Article 3 of the Constitution of India enables the Parliament to bring about by law re-organisation of the territory of the States constituting the Indian Union. The reason for drafting Article 3 is that the Princely States had not been fully integrated. There was also in the air the possibility of re-organising the States on linguistic basis. The Constituent Assembly foresaw that such re-organisation could not be postponed for a long time. Accordingly, Article 3 was incorporated in the Constitution of India providing for an easy and simple method for re-organisation of the States at any point of time. Under Article 3 of the Constitution of India, the Parliament is empowered to enact a law to re-organise the existing States by forming new States, or by uniting any territory to a part of any State, or by altering their boundaries or by separating territory from or increasing or diminishing area or by changing the name of any state. The exercise of this power by Parliament is subject to the following conditions:

1) A bill for any such purpose cannot be introduced in either house of Parliament except on the recommendation of the President.
2) If the bill affects the area, name or boundaries of any of the States, the President has to refer the bill to the State Legislature concerned for its opinion before recommending its consideration to Parliament.

The term 'State' in Article 3 of the Constitution of India, includes a Union territory too, but in case of a Union Territory no reference need be made to the concerned legislature for its comments.

13.4 FORMATION OF NEW STATE AND ALTERATION OF BOUNDARIES AND ITS BACKGROUND

It is known to all that the Indian Federation differs from the traditional federal system in so far as it empowers the Parliament to alter the territory or boundaries, etc., of its constituent units, namely, the States by a simple majority and by the ordinary legislative process and thereby change the political map of India. However, a bill to this effect can be introduced in the Parliament only on the recommendation of the President. Although the President, while making this recommendation, is expected to ascertain the opinion of the legislature of the state concerned, yet he or she is not bound to accept the views of the latter while making the final recommendation to the Parliament. Originally, there was no time limit within which the concerned state legislature was required to communicate its views to the President. Accordingly, the state legislature could withhold its opinion and delay the introduction of the re-organisation bill by the Parliament. But, this difficulty was removed with the passage of the Constitution (Eighteenth Amendment) Act, 1966. Now, the period within which the concerned state legislature was required to communicate its views to the President is mentioned in the reference communicated to the state legislature by the President. Accordingly, although the states have been given sufficient autonomy by the framers of the Constitution, yet the Centre has been made more powerful in order to maintain the unity and integrity of the country as a whole. In the matter of re-organisation of states too, the Centre has been given greater powers as observance of the views of the concerned state legislature in the matter is not mandatory.

Where the federal system is the result of a contract or agreement between independent States, it is obvious that the agreement cannot be altered without the consent of the parties to it. This is why the American federation has been described as “an indestructible Union of indestructible States”. It is not possible for the national Government to redraw the map of the United States by forming new States or by altering boundaries of the States as they existed at the time of the contract without the consent of the Legislatures of the States concerned. But since federation in India was not

the result of any contract between independent States, there was no particular obligation to maintain the initial organisation of the States as outlined in the Constitution. The framers of our Constitution, therefore empowered Parliament to re-organise the States by a simple procedure, the essence of which is that the affected State or States may express their views but cannot resist the will of the Parliament.

- **Formation of Andhra Pradesh:** Formation of the state of Andhra Pradesh is an important event in the history Indian political system. It may be mentioned here that prior to independence, the grouping of the Provinces under the Government of India Acts was based on historical and political reasons rather than the social, cultural or linguistic divisions of the people themselves. The issue of the demand for re-organising the existing provinces was therefore raised at the time of the making of the Constitution but then there was not enough time to undertake this huge task, considering the magnitude of the problem. In the post-independence period, the demand for reorganisation of Sates on linguistic basis arose from different parts of the countries, mainly from South India. Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of Shri S. K. Dhar to look into the issue of reorganising the states on linguistic basis. The Commission rejected the linguistic factor of reorgansing the states and instead recommended that the states be reorganised on the basis of geographical contiguity, financial self-reliance, administrative viability and potential for development. The report submitted by the Dhar Commission met with a lot of resentment. Consequently, the JVP Committee was set up in 1949 to consider the recommendations of the Dhar Commission and to look into the issue of reorganization of the states. The JVP Committee was composed of three members, namely, Jawaharlal Nehru, Vallahbhai Patel and Pattabhi Sitaramayya. However, this Committee too rejected the reorganization of the states on linguistic basis. Instead the JVP Committee recommended the reorganization of States on the basis of security, unity and economic prosperity of the nation.

In the wake of the above developments, an agitation was started by the Telegu speaking people of Madras Presidency for the creation of a separate state of Andhra Pradesh. The leader of the movement was Potti Sriramulu. However, things took a serious turn when Potti Sriramulu died following a hunger strike that he undertook for 56 days in support of the formation of the Indian state of Andhra Pradesh for the Telugu-speaking population of Madras Presidency. His death led to a huge public outcry, triggering rioting. Subsequently, the Union Government had to bow down to popular pressure and created the first linguistic state of India, namely the State of Andhra Pradesh which was carved out of the existing State of Madras.



CHECK YOUR PROGRESS

Q.1: Which organ of the Indian Government has been empowered to establish and re-organise states and union territories of India?

.....

Q.2: A bill regarding re-organisation of Indian states cannot be introduced in either house of Parliament except on the recommendation of the President. (True/False)

.....

Q.3: The State of Andhra Pradesh which was carved out of the existing State of ..... (Fill in the Blank)

Q.4: Write briefly about Article 3 of the Indian Constitution regarding re-organisation of Indian states.

.....

.....

.....

.....

.....

.....

.....

.....

13.5 STATES RE-ORGANISATION COMMISSION

With the creation of Andhra Pradesh, the demand for reorganising the states on linguistic basis emerged in several other parts of India. Accordingly, the States Re-organisation Commission was constituted by the Government of India in 1953 under the chairmanship of Fazal Ali to revisit the issue of reorganisation of State boundaries. In 1955, after nearly 2 years of study, the Commission recommended that India's State boundaries should be reorganised to form 16 States and 3 Union territories. The Commission submitted its report on 30 September 1955. The Commission recommended that four principles should be borne in mind while reorganising the states. These include: linguistic and cultural homogeneity; preservation and strengthening of the unity and security of the nation; financial, economic and administrative considerations; planning and promotion of the welfare of the people in each state as well as of the nation as a whole.

The Commission submitted its report on 30 September 1955, with the following recommendations:

- The three-tier (Part-A/B/C) State system should be abolished
- The institution of Rajapramukh and special agreement with former princely states should be abolished
- The general control vested in Government of India by Article 371 should be abolished
- Only the following 3 states should be the Union Territories: Andaman & Nicobar, Delhi and Manipur. The other Part-C/D territories should be merged with the adjoining states
- The report was tabled in the Lok Sabha on 14 December 1955.

In Part II of the Report of the States Reorganisation Commission (SRC) 1955, titled "Factors Bearing on Reorganisation", the Commission clearly said that "it is neither possible nor desirable to reorganise States on the basis of the single test of either language or culture, but that a balanced approach to the whole problem is necessary in the interest of our national unity."

13.6 STATES RE-ORGANISATION ACT, 1956

The States Reorganisation Act, 1956 was a major reform of the boundaries of India's States and territories, organising them along linguistic lines. Although additional changes to India's State boundaries have been made since 1956, the States Reorganisation Act of 1956 remains the single most extensive change in state boundaries since the independence of India in 1947. The re-naming of the States by altering the boundaries has been made on the basis of language as per the recommendation of the State Re-organisation Commission which suggest re-organisation and re-naming on the basis of the language.

The Act came into effect at the same time as the Constitution (Seventh Amendment) Act, 1956, which (among other things) restructured the constitutional framework for India's existing States and the fulfilled the requirements necessary to pass the States Reorganisation Act, 1956 under the provisions of Articles 3 & 4 of the Constitution of India.

Apart from the aforesaid major Acts and Commissions, the creation of new States and change of boundaries of an existing State, the Parliament has passed the following Acts and Regulations:

1) The Assam (Alteration of Boundaries) Act, 1951, altered the boundaries of Assam by ceding a strip of territory from India to Bhutan
2) The Andhra State Act, 1953, formed a new State named Andhra, by taking out some territory from the State of Madras as it existed at the commencement of the Constitution.
3) The Himachal Pradesh and Bilaspur (New State) Act, 1954, merged the two Part C States of Himachal Pradesh and Bilaspur to form one State, namely, Himachal Pradesh.
4) The Bihar and West Bengal (Transfer of Territories) Act, 1956, transferred certain territories from Bihar to West Bengal.
5) The States Reorganisation Act, 1956, reorganised the boundaries of the different States of India in order to meet local and linguistic demands. Apart from transferring certain territories as between the existing States, it formed the new State of Kerala and merged the

former States of Madhya Bharat, Patiala and East Punjab States Union (PEPSU), Saurashtra, Travancore Cochin, Ajmer, Bhopal, Coorg, Kutch and Vindhya Pradesh in other adjoining States.

6) The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959, transferred certain territories from the State of Rajasthan to that of Madhya Pradesh.
7) The Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959, made alterations in the boundaries of the States of Andhra Pradesh and Madras.
8) The Bombay Reorganisation Act, 1960, partitioned the State of Bombay to form the new State of Gujarat and to name the residue of Bombay as Maharashtra. Thus, the State of Bombay was split up into two States- Maharashtra and Gujarat.
9) The Acquired Territories (Merger) Act, 1960, provided for the merger into the State of Assam, Punjab and West Bengal of certain territories acquired by agreements between the Government of India and Pakistan, in 1958 and 1959.

   A similar transfer of certain territories from West Bengal and Assam to Pakistan under the aforesaid agreement, was provided for by enacting the Constitution (9th Amendment) Act, 1960, because the Supreme Court opined that no territory can be ceded from India to a foreign country without amending the Constitution.
10) The State of Nagaland Act, 1962, formed the new State of Nagaland with effect from 1-2-1964, comprising the territory of the 'Naga Hills-Tuensang' Area which was previously a Tribal Area in the Sixth Schedule of the Constitution, forming part of the State of Assam.
11) The next change was introduced by the Punjab Reorganisation Act, 1966, by which the State of Punjab was split up into the State of Punjab and Haryana and the Union Territory of Chandigarh.
12) The Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968.
13) The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968.
14) The Assam Reorganisation (Meghalaya) Act, 1969, created an autonomous sub-State named Meghalaya, within the State of Assam.

15) Himachal Pradesh was upgraded from the status of a Union Territory to that of a State by the State of Himachal Pradesh Act, 1970.

16) The North Eastern Areas (Reorganisation) Act, 1971, similarly, brought up Manipur, Tripura and Meghalaya into the category of States, and added Mizoram and Arunachal Pradesh to the list of Union territories.

17) Mizoram which had been made a Union Territory by the Act of 1971 was elevated to the status of a State, by the State of Mizoram Act, 1986.

18) Arunachal Pradesh, a Union Territory was made a State by State of Arunachal Pradesh Act, 1986.

19) The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1979.

20) Goa became a State by virtue of Goa, Daman and Diu Reorganisation Act, 1987, separating it from Daman and Diu.

21) The name of Mysore State was changed into Karnataka by the Mysore State (Alteration of Name) Act, 1973. Similarly, the name of Madras State was changed into Tamil Nadu by the Madras State (Alteration of Name) Act, 1968. The official name of these two States have been changed on the basis of regional languages prevailing in these two States as the regional language of Karnataka is *Kanari* (Kannada) and the regional language of Tamil Nadu is Tamil.

22) The State of Kerala was formed in 1956 by combining Malayalam speaking regions, and thus, the entire region inhabited by Malayalam speaking people has been designated and known as Kerala.

23) A new State of Chhattisgarh was created by carving out its territory from that of the territories of the Madhya Pradesh by enacting the Madhya Pradesh Reorganisation Act, 2000.

24) The State of Uttaranchal came into being by separating its territory out of the territories of the Uttar Pradesh by way of the Uttar Pradesh Reorganisation Act, 2000.

25) By enacting the Bihar Reorganisation Act, 2000, the State of Jharkhand was created by carving its territory out of the territories of the Bihar State.

26) In 2014, Telangana was created by carving out a part from the State of Andhra Pradesh by Andhra Pradesh Re-organisation Act, 2014, which was the outcome of the 'Telangana Movement'.



CHECK YOUR PROGRESS

Q.5: The State of Jharkhand was created in the year ..... (Fill in the blank)

Q.6: Who was the chairperson of the States Re-organisation Commission?

.....

Q.7: Mention any two principles that the States Reorganisation Commission suggested as the basis for re-organisation of states.

.....

.....

Q.8: Mention the names of any four Acts passed by the Indian Parliament regarding creation of new States and change of boundaries of an existing State.

.....

.....

.....



13.7 LET US SUM UP

- The Parliament of India has been empowered to establish and re-organise states and union territories of India under Articles 2 and 3 respectively. Under Article 2 of the Constitution of India, the Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit. Article 3 of the Constitution of India enables the Parliament to bring about by law re-organisation of the territory of the States constituting the Indian Union.

- A bill regarding creation of new state or alteration of boundaries of existing states can be introduced in the Parliament only on the recommendation of the President.
- The States Re-organisation Commission was constituted by the Government of India in 1953 under the chairmanship of Fazl Ali to revisit the issue of reorganisation of State boundaries.
- The States Re-organisation Commission recommended that four principles should be borne in mind while reorganising the states. These include: linguistic and cultural homogeneity; preservation and strengthening of the unity and security of the nation; financial, economic and administrative considerations; planning and promotion of the welfare of the people in each state as well as of the nation as a whole.
- The States Reorganisation Act, 1956 was a major reform of the boundaries of India's States and territories, organising them along linguistic lines. Besides this Act the Parliament has passed a number of Acts and regulations regarding creation of new states and alteration of boundaries of existing states.



13.8 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.



13.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: The Parliament of India

Ans. to Q. No. 2: True

Ans. to Q. No. 3: Madras

Ans. to Q. No. 4: Article 3 of the Constitution of India enables the Parliament to bring about by law re-organisation of the territory of the States constituting the Indian Union. Article 3 was incorporated in the Constitution of India providing for an easy and simple method for re-organisation of the States at any point of time. Under Article 3 of the Constitution of India, the Parliament is empowered to enact a law to re-organise the existing States by forming new States, or by uniting any territory to a part of any State, or by altering their boundaries or by separating territory from or increasing or diminishing area or by changing the name of any state. The exercise of this power by Parliament is subject to the following conditions: (a) A bill for any such purpose cannot be introduced in either house of Parliament except on the recommendation of the President; (b) If the bill affects the area, name or boundaries of any of the States, the President has to refer the bill to the State Legislature concerned for its opinion before recommending its consideration to Parliament.

Ans. to Q. No. 5: 2000

Ans. to Q. No. 6: Fazl Ali

Ans. to Q. No. 7: a) linguistic and cultural homogeneity;

b) preservation and strengthening of the unity and security of the nation.

Ans. to Q. No. 8: The Assam (Alteration of Boundaries) Act, 1951, The Andhra State Act, 1953, The Himachal Pradesh and Bilaspur (New State) Act, 1954, The Bihar and West Bengal (Transfer of Territories) Act, 1956.



13.10 MODEL QUESTIONS

A) Very Short Questions

Q.1: In which year was the States Re-organisation Commission established?

Q.2: In which year was the state of Telangana created?

Q.3: Which Articles of the Indian Constitution discuss the issue of re-organisation of Indian states?

B) Short Questions (answer each question within 150 words)

Q.1: Write a note on States Re-organisation Act, 1956.

Q.2: Write Briefly about the provisions incorporated on the Indian Constitution regarding re-organisation of Indian States.

Q.3: Write a note on States Re-organisation Commission.

C) Long Questions (answer each question within 300-500 words)

Q.1: Make a note on the process and background of creation of new states and alteration of boundaries of existing states in India.

Q.2: Discuss the various legislative measures adopted in India regarding the creation of new states and alteration of boundaries of existing states.

*** ***** ***

UNIT 14: PARTY SYSTEM IN INDIA

UNIT STRUCTURE

14.1 Learning Objectives

14.2 Introduction

14.3 Concept of Political Parties

14.4 Functions of Political Parties

14.4.1 Electoral Functions

14.4.2 Non-electoral Function

14.5 Types of Political Parties

14.5.1 National Parties

14.5.2 State Parties

14.6 Role and Importance of Opposition Political Parties

14.7 Let Us Sum Up

14.8 Further Reading

14.9 Answers to Check Your Progress

14.10 Model Questions

14.1 LEARNING OBJECTIVES

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

- explain the meaning of a political party
- describe the functions of political parties
- explain the types of political parties in India
- discuss some important national and state level parties
- describe the role and Importance of opposition political parties in a democratic system.

14.2 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 different aspects of political parties in India including the concept of political parties, functions

of political parties, types of political parties and the role and importance of opposition political parties in India.

14.3 CONCEPT OF POLITICAL PARTIES

Political parties are such organizations which intermediate between citizens of a nation and the state. They are organized groups, whose members share common policy preferences and programmes. And it is through their common policy preferences and programmes that political parties aim at acquiring and holding on to government power. In a democratic form of government like that of India, political parties achieve their aim by contesting and winning elections.

The following are some of the characteristics of political parties which will help you understand the concept of political parties better–

- Political parties are organizations which have formal membership.
- The members of a political party share same political ideology.
- Political parties aim to achieve power, form government and exercise political power through constitutional means.



LET US KNOW

The study of political parties is called Stasiology. The term stasiology is derived from the Greek word 'Statis'.



ACTIVITY 14.1

Try to make a list of political parties, which contested the first general elections of independent India.

.....

.....

.....

14.4 FUNCTIONS OF POLITICAL PARTIES

In this section you will learn about important functions of political parties. Being an integral part of democracy political parties perform a variety

of functions. The list of functions performed by political parties is an exhaustive one; however, the functions of political parties can be broadly classified as:

i) Electoral Functions

ii) Non-electoral Functions

- **Electoral Functions:**
  a) One of the primary functions of political parties is to form government by winning political office through elections.
  b) In our country which is a representative democracy, it is political parties which represent millions of voters. Therefore, one of the important electoral functions of political parties is to nominate candidates. The voters elect their representatives from the list of nominated candidates from various political parties.
  c) Political parties also prepare a list of their policy programmes and promise to implement the listed programmes if they can come to power. This is known as the party manifesto.
  d) Campaigning and canvassing for election candidates is another electoral function of political parties.
- **Non-electoral Functions**
  a) One of the non-electoral functions of political parties is interest articulation and aggregation. This means political parties perform the function of educating, instructing and making the citizens politically conscious as well as active. Aggregation means to bring together interests of different sections and groups from across the nation and to provide a platform where the interests of the various groups can be combined or aggregated to form broad political programmes and policies.
  b) When voted to power political parties/party form the government, and perform all the functions which are necessary to run a nation.
  c) Political parties provide the much needed connection between the people and the government. They in fact bridge the gap between citizens and the government.
  d) Apart from capturing power which is one of the important functions of political parties, another important function of political

parties is to play the important function of the opposition if they fail to acquire power. These parties keep an eye on the activities of the party in power so that it does not become all powerful.



CHECK YOUR PROGRESS

Q.1: Mention any two characteristics of a political party.

.....

.....

Q.2: Mention any two electoral functions of a political party.

.....

.....

.....

.....

Q.3: Mention any two non-electoral functions of a political party.

.....

.....

.....

.....

Q.4: One of the non-electoral functions of political parties is interest articulation and aggregation.(True/False)

.....

14.5 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

14.5.1 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.

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.

- **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.

14.5.2 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.

Before knowing more about state parties let us see what parties have to do to become state party.

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.

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.



ACTIVITY 14.2

Make a list of regional political parties in your State.

.....

.....

.....



CHECK YOUR PROGRESS

Q.5: Name two national political parties of India.

.....

.....

Q.6: Write a short note on any national political party of India. (within 50 words)

.....

.....

.....

.....

.....

.....

.....

Q.7: India Anna Dravida Munnetra Kazagham (AIADMK) is a national political party. (True/False)

.....

14.6 ROLE AND IMPORTANCE OF OPPOSITION PARTIES

The political parties which do not come to power are described as the opposition parties. Opposition parties are an indispensable part of a democracy. They provide the checks and balances to the ruling parties by criticizing it on its lapses and mistakes. Opposition party or parties are expected not only to criticize the policies of the government, but to provide constructive criticism which can help the government to rule the nation efficiently. Keeping in mind the importance of opposition, many parliamentary democracies give official reorganization to opposition parties. For instance in Britain opposition party is officially recognized. Similarly, in India too the leader of the opposition enjoys same salary and privileges as that of a Cabinet Minister.

The role performed by the opposition can be outlined in the following way–

- By criticizing governmental policies and policy makers, it makes government responsible and accountable for every action it takes. Along with criticizing the governmental programme through questions and debates in the Parliament, the opposition provides alternative solutions and strategies to the government.
- It controls the ruling government through parliamentary debates, privileges and rules of procedure.
- It keeps the public abreast of every step taken by the government. It helps in the formation of vibrant public opinion.

Thus, we see that not only the party or parties which form the government are important but the opposition too plays an important role in the functioning and success of parliamentary democracy. However, at the same time it must be mentioned that the opposition parties sometimes oppose the government just for the sake of criticizing it and stall the proceedings of the cabinet resulting in noisy scenes in the Parliament. Accordingly, the opposition must always act responsibly and engage in constructive criticism of the government.



ACTIVITY 14.3

Make a list of all the leaders of the opposition in the Lok Sabha since independence.

.....

.....

.....



CHECK YOUR PROGRESS

Q.8: Write about the importance of opposition parties.

.....

.....

.....

.....

.....



14.7 LET US SUM UP

- Political parties are such organizations which intermediate between citizens of a nation and the state. They are organized groups, whose members share common policy preferences and programmes. And it is through their common policy preferences and programmes that political parties aim at acquiring and holding on to government power.
- The functions of political parties can be broadly classified as Electoral functions and Non-electoral functions.
- On the basis of strength and their area of functioning, political parties can be divided into two types, namely, National Parties and State Parties. 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.

- 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.
- Some of the important national parties in India are– the Indian National Congress (INC), the BharatiyaJanta Party (BJP) and the Communist Party of India (Marxist) etc.
- 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.
- Some of the important state political parties are– Asom Gana Parishad, All India Anna Dravida Munnetra Kazagham (AIADMK), Dravida Munnetra Kazagham (DMK) etc.
- Opposition parties are an indispensable part of a democracy. They provide the checks and balances to the ruling parties by criticizing it on its lapses and mistakes. Opposition party or parties are expected not only to criticize the policies of the government, but to provide

constructive criticism which can help the government to rule the nation efficiently.



14.8 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.
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.



14.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: a) Political parties are organizations which have formal membership.

b) The members of a political party share same political ideology.

Ans. to Q. No. 2: a) One of the primary functions of political parties is to form government by winning political office through elections.

b) One of the important electoral functions of political parties is to nominate candidates.

Ans. to Q. No. 3: a) One of the non-electoral functions of political parties is interest articulation and aggregation.

b) Political parties provide the much needed connection between the people and the government.

Ans. to Q. No. 4: True

Ans. to Q. No. 5: The Indian National Congress (INC) and the Bharatiya Janata Party (BJP)

Ans. to Q. No. 6: 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 BharatiyaJanta 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. 7: False

Ans. to Q. No. 8: Opposition parties are an indispensable part of a democracy. They provide the checks and balances to the ruling parties by criticizing it on its lapses and mistakes. Opposition party or parties are expected not only to criticize the policies of the government, but to provide constructive criticism which can help the government to rule the nation efficiently.



14.10 MODEL QUESTIONS

A) Very Short Questions

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

Q.2: Which Article of the Indian Constitution provides for the Election Commission of India?

Q.3: Mention the characteristics of a political party.

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

Q.1: Write briefly about the meaning of political party.

Q.2: What are the types of political parties in India? How are they determined?

Q.3: Write a short note on the Asom Gana Parishad.

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

Q.1: Explain the functions of a political party.

Q.2: Write a note on two national political parties of India.

Q.3: Examine the role of opposition parties in India.

*** ***** ***

UNIT 15: PARLIAMENTARY DEMOCRACY IN INDIA

UNIT STRUCTURE

15.1 Learning Objectives

15.2 Introduction

15.3 Background of Parliamentary Government in India

15.4 Constitutional Basis of Parliamentary Democracy and Electoral History in India

15.5 Functioning of Parliamentary Democracy in India– Challenges and Prospects

15.6 Let Us Sum Up

15.7 Further Reading

15.8 Answers to Check Your Progress

15.9 Model Questions

15.1 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.

15.2 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.

15.3 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?

.....

15.4 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?

.....

15.5 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 52nd 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.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....



15.6 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.



15.7 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.



15.8 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”.



15.9 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.

Name of the Paper: .....
Course Code: .....

Centre for Internal Quality Assurance (CIQA)
Krishna Kanta Handiqui State Open University
City Office: Housefed Complex, Guwahati-781006

Learner's Feedback on Course

Dear Learner,

Regarding the course as mentioned above, we would like to know your opinions and comments so as to improve the quality of self learning materials in future. Please respond to the following statements by ticking the number you feel most reflect your opinion. After completion of the additional comments, please detach the page and send/mail the same to us at the address given below.

The Director, Centre for Internal Quality Assurance, KKHandiqui State Open University
Housefed Complex, Dispur, Guwahati-781006
(E-mail id: ciqa@kkhsou.in)

1) Approximately how many hours did you spend for studying the units in the course? ☐☐☐

2) Please give your opinions (by ✓ mark) to the following items based on your reading of the block:

Sl. No.	Statements	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I)	The SLMs of the course fulfil the learning objectives set out in the beginning of each unit					
II)	The units of the SLM could satisfy my academic needs and expectations					
III)	The Unit writers have excellent knowledge about the course contents					
IV)	Language and contents of the units were presented at a level which I could readily understand					
V)	Ample opportunity for participation in the activities provided in the units					
VI)	Used enough Illustrations (Diagrams, tables etc.) for conceptual clarity					
VII)	Quality of content is engaging, relevant, and up-to-date					
VIII)	The self check questions are very helpful					
IX)	The Possible/model questions and the answers to check my progress have benefited me a lot					

Additional Comments: *(Please feel free to provide your open comments)*

1) Which aspects of the SLM, according to you, worked well?

.....

.....

2) What sort of changes/improvements do you feel KKHSOU could implement to improve the overall quality of the SLM?

.....

.....

Thank you for taking the time to complete this form.