Chapter-1

Gradual Development of Democracy

INTRODUCTION

The present book discusses the theoretical and practical sides of democracy. In the first chapter we will show how during the last hundred years democracy has developed and expanded in more and more countries of the world. You will see that today also in many countries democracy after coming to an end , is being re-established.

In this chapter, many examples of the end of democracy and its re-establishment in many countries have been given. Through these examples you will be able to understand how much struggle people had to make to establish democracy. After reading this chapter you will also recognize some of salient characteristics of democracy. We are also presenting examples related to establishment and re-establishment of democracy in the neighbouring countries of India. At the end of the chapter we have tried to see whether democracy is possible at the world level or not.

Before understanding the nature of the expansion of democracy in the modern world we will try to know how much struggle people had to make for the establishment of democratic set-up in their country. With the passage of time how this set-up of democracy was re-established. Let us see Chile, one of the main countries of South America, and the incidents of 1980 in Poland :-

There is a country named Chile in the continent of South America. A man named Allende established the Socialist Party in Chile and thereafter in 1970 in the Presidential elections led the alliance called “Popular Unity “. After becoming the president, Allende brought in many programmes of social reforms. He made efforts to reform the condition of the labourers, and the condition of education in Chile. The Allende government also started other programmes such as distribution of free milk to children, distribution of land to landless farmers, etc. At this stage, the economic condition of Chile was very pathetic. During this period many foreign companies were taking away the country’s natural resources like copper in huge quantity and earning great profit through it. The president Salvador Allende opposed the activities of these foreign companies. Many churches, the landlords, the moneyed people, and many political parties opposed these reform programmes of the president and joined in a conspiracy against him.

As a result, on 11th September 1973, a group of navy conquered a famous port of Chile. The Defence minister of the country was captured by the people from the army. Using the medium of radio, the president was asked to quit. The president Allende declined from either resigning or going out of the country. But before the army could do anything the president delivered his message to the country through the radio, the parts of which are :-

“Workers of my homeland! I have faith in Chile and its future. Chileans will overcome this dark and bitter moment when treason be came dominant. You must never forget that, sooner rather than later, the grand avenues will be opened where free men will march on to build a better society. Long live Chile! Long live the people! Long live the workers!

These are my last words and I have certainty that my sacrifice will not be in vain; I have certainty that at the least, I will be a moral lesson to castigate felony, cowardice and treason."

- Does the president point out about the reforms of the condition of the labourers?
- Who all can oppose the president?
- Why were the rich unhappy with the president?

In this way, on 11th September 1973, under the leadership of General Augusto a group of rebel soldiers, with the help of the American government, conquered the authority of Chile and killed the president Allende.

Whatever happened on 11th September 1973 in Chile is known as "Military coup d' etat". General Augusto Pinochet became the president of the country. The government of Pinochet subdued the followers of Allende and the seekers of democracy and got them killed. Allende's daughter and other family members were imprisoned. Many people went missing whose details were not known.

The military government of Pinochet ruled over Chile for 17 years. The military government of Pinochet came to an end in 1988 when he decided to hold a referendum. In the referendum, the people of the country rejected the authority of Pinochet by great majority. In this way the people of Chile punished the criminals who were disloyal to the country. This is how democracy was re-established in Chile.

Up till now Chile has held four elections. In these elections different political parties have participated and many parties have formed government. Now the role of military has come to an end in the administration of Chile. In the Presidential election of January 2006, the daughter of ex air force chief Alberto Bachelet who was killed during the coup of 1973, Michelle Bachelet was declared victorious. Today Chile is a democratic country. In this way it is clear after a period of long struggle the people of Chile could establish democracy in their country.

- ACTIVITY
- Locate and shade Chile.
- Which state in our country has a shape similar to Chile?
- Find out the neighbouring countries of Chile?

STRUGGLE FOR DEMOCRACY IN POLAND

In the latter half of the 20th century, the rule of the Communist parties was established in many countries of Eastern Europe. Among these Communist countries and their rulers was the country Poland, previously ruled by the Communist rule of USSR. In those days Poland was ruled by Polish United Workers Party led by Jaruzelski. Like other Communist countries, in Poland also , no other political party was permitted to participate in politics.

On 14th August 1980, an incident occurred in Poland. On that day the workers of Lenin shipyard in the city Gdansk went on strike. The reason for the strike was – a woman crane operator was unjustly ousted

from her job. The demand of the workers was to take the woman back in her job. Like other Communist ruled countries, in Poland, apart from the Trade Union of the Communist party, any other trade union was not permitted to go on strike. Thus, the strike was declared illegal. But the workers without caring for anything, continued their strike. An electrician, Lech Walesa, dismissed from this factory, became the leader of the strikers. Slowly the strike spread across the whole of the city, and the number of its followers started increasing rapidly. The striking members put the following demands before the government:

1. Recognition of independent Trade Unions in the country;
2. Release of political prisoners;
3. An end to the censorship of press.

The government had to surrender to the popularity of the movement. The workers under the leadership of “Lech Walesa” signed a 21 point agreement with the government. This agreement was known as the “Gdanska Agreement”. After this Gdanska Agreement a new Trade Union was formed whose popularity increased in the whole of Poland. The name of this trade union was Solidarnosc or Solidarity. In the form of Solidarity it was for the first time that an independent Trade Union was formed in any of the Communist states. Within a year the branches of Solidarity was established in the entire country and had about one crore members. In 1988 under the leadership of Lech Walesa there was once again a strike in Poland. At this time Poland’s economy was declining very fast. There was no hope of support from the Soviet Union to the government. Revelations of widespread mismanagement and corruption of the Communist government of Poland led by General Jaruzelski started facing several difficulties. Thousands of Solidarity

members were put in prison and freedom to organise, protest and express opinions was once again taken away.

Once again under the leadership of Lech Walesa, the movement spread across the country. Finally, the Communist government of Poland had to surrender. Once again in 1989 there was an agreement between the government and Lech Walesa. According to this agreement a multi-party independent election was held in Poland. Under the leadership of Lech Walesa the Solidarity party won 99 seats of the Senate. Poland had its first Presidential elections in 1990. In this election Lech Walesa got a majority and became the first elected President of Poland.

ACTVITY

- Locate Poland on the map. Which other European countries were ruled by Communist parties in the decade of 1990? Shade them on the map.
- Find out those countries which have Communist governments at present.

FEATURES OF DEMOCRACY

We have seen incidents relating to establishment of democracy in Chile and Poland. We have seen that the democratic government of Allende was popular among the general public in Chile, because the government had started several reform measures for the welfare of the general public. The government formed after the coup of 11 September, 1973 was non- democratic whose aim was to benefit the rich. Once again in 1988 after the Referendum democracy was restored in Chile.

In the decade of 1980 the Communist government of Poland was non- democratic which was led by the military dictator General Jaruzelski. This government was unpopular among the public. But in 1990 the government formed under the leadership of Lech Walesa was different from the earlier government in the sense that it was an elected government.

Children, let us compare these different governments. First, let us compare the two non- democratic governments. The difference between the Pinochet rule of Chile and the Communist rule of Poland are as follows:

1. There was the military rule in Chile while Poland has one- party rule.

2. The Communist government of Poland claimed that it was ruling on behalf of the working classes. The ruler of Chile, Pinochet made no such claim.

3. Whereas the rule in Poland was an example of the dictatorship of a special Trade Union, the rule in Chile was an example of military dictatorship.

In spite of these differences both had some common features which are as follows:

1. The people of both the countries could not choose their rulers.

2. There was no real freedom to express one's opinions, form political associations and organise protests and political action.

Now let us analyse the common features of the three democratic governments- the Allende government of Chile, the Lech Walesa government of Poland and the Michelle government of Chile –

1. All the three governments were elected by the people of the country.

2. Unelected leaders, or any external power or the army could not rule the country.

3. The citizens enjoyed some basic political freedoms.

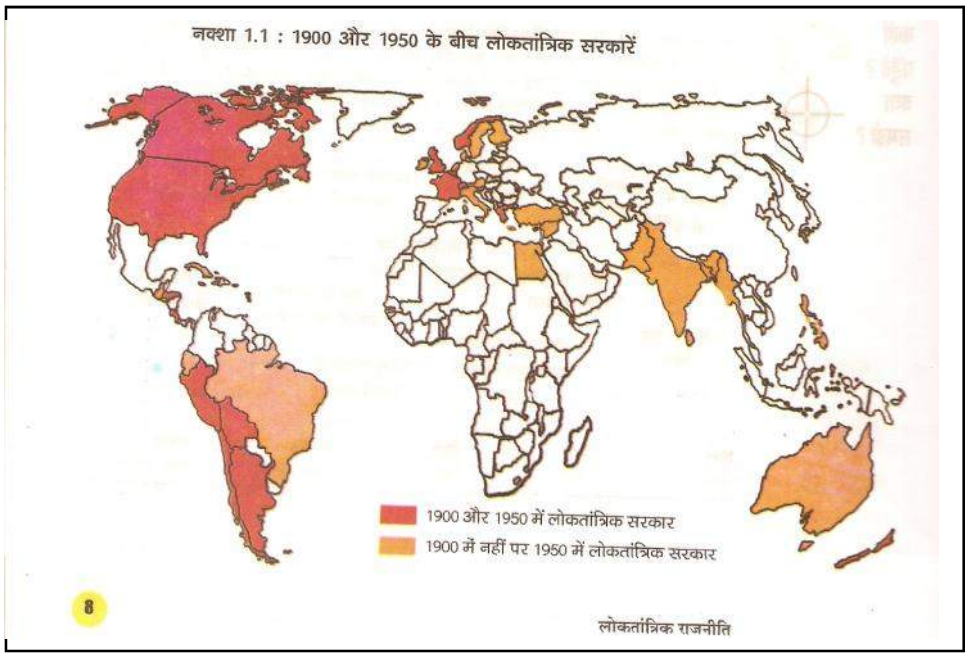
From the above mentioned description we can identify some common features of democracy.

- Democracy is a form of government that allows people to choose their rulers.
- Only leaders elected by people should rule the country.
- In democracy people have the freedom to express their views.
- In democratic countries people have the freedom to protest.
- People have the right to organise.

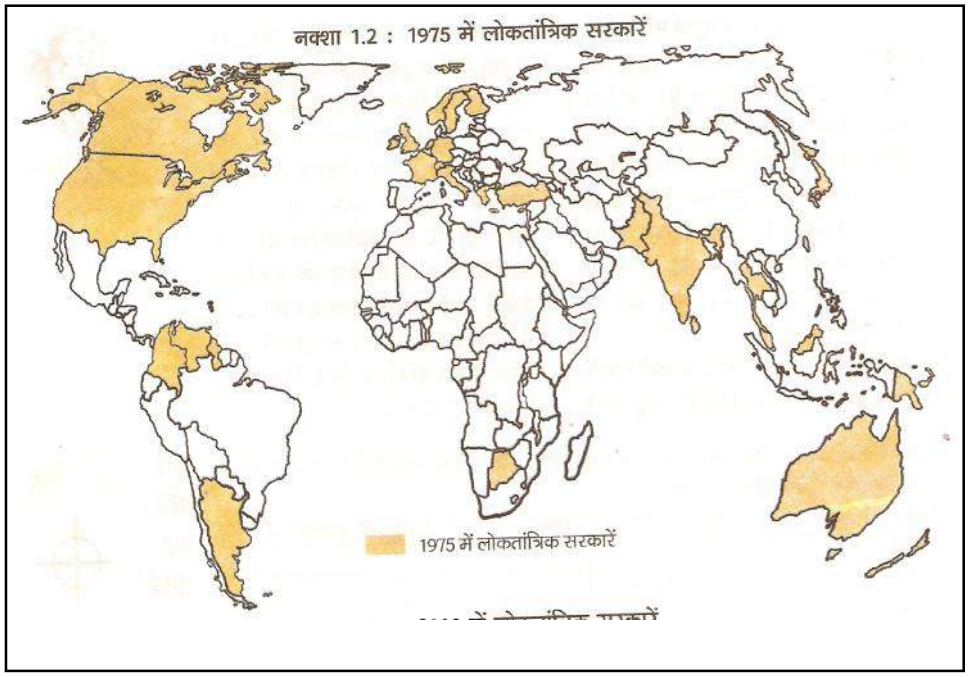
we shall come back once again to this question in Chapter 2 and develop a simple definition of Democracy. After reading the above stories we draw the following conclusions:

- For the establishment of Democracy, the challenges faced by Democracy and for the re-establishment of Democracy, the people had to struggle a lot.
- In many countries after the establishment of Democracy a Military Coup d' etat occurred and a military Dictatorship was established as a result in the country.
- Once again after a long struggle, Democracy, was re-established.

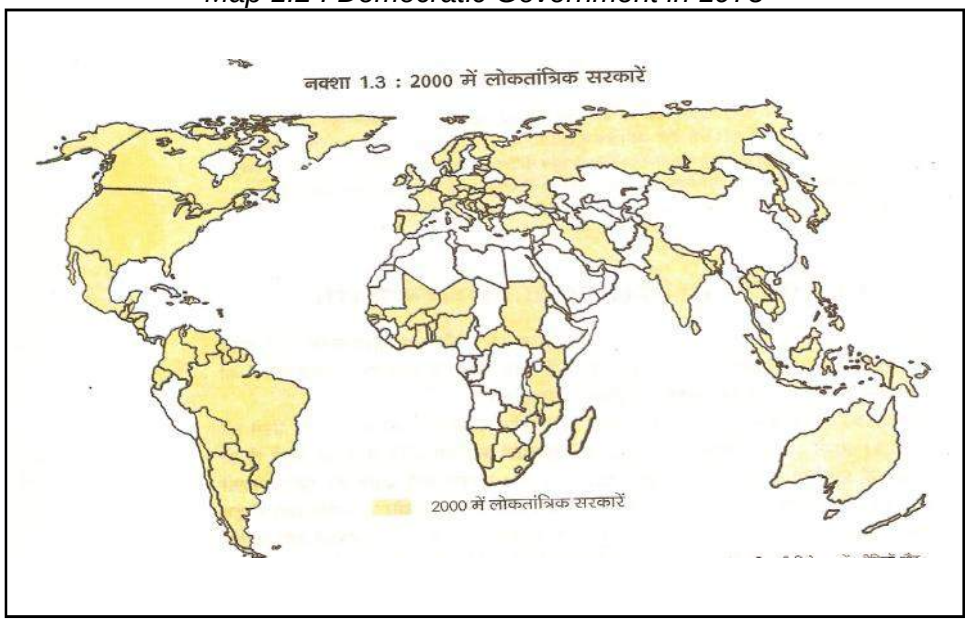
No, let us identify the Democratic organisations in different countries of the world on the basis of the basic features of Democracy which have been mentioned earlier. All these conditions can be seen clearly in the map mentioned below. In the first map the countries with Democratic rule up 1950 have been depicted. By 1975 many colonial countries of the world have gained independence. Those countries have



Map 1.1 : Democractic Government during 1900-1950



Map 1.2 : Democratic Government in 1975



Map 1.3 : Democratic Government in 2000

been depicted in the second map of 1975. In the same manner, in the third map are depicted those countries where Democratic regimes had been established by 2000.

As we look at these maps, some questions arise in our minds. How has Democracy marched through the 20th century? When and in which regions did the expansions take place? Did it expand in the entire 20th century? Can we say that the expansion of Democracy in all parts of the world was not an even pattern? Is a great part of the world yet not Democratic? Let us search the answers of these questions and solutions to our doubts in the sub- title: **Different Phases in the Expansion of Democracy.**

CHECK YOUR PROGRESS

On the basis of these maps identify three countries where there were Democratic organisations in the given years and fill the table given below:

Year	Africa	Asia	Europe	Latin America
1950				
1975				
2000				

- Locate those countries in the map 1.1 where there was Democracy from 1900 to 1950.
- Identify those countries in map 1.1 and 1.2 where Democracy came fom 1950 to 1975
- Locate those countries of Europe in the maps 1.2 and 1.3 which were Democratic during 1975 to 2000.
- Identify those countries of Latin America which accepted Democracy after 1975.
- Make a list of such countries which were not Democratic even by 2000.

DIFFERENT PHASES IN THE EXPANSION OF DEMOCRACY:

Now let us, first, observe Democratic set –up established in some areas of ancient India. in many Republics of 6th century B.C. of the Buddhist period we come across the remains of Democratic administrative organisations. Among these Republics are included Kapilavastu of the Sakyas, the state in the hills of Subhar, the Buli of Alkampa, the Kalam of Keruputta, Ramagram, the Mallas of Kushinara, the Moriyas of Pippalivana, the Licchavis of Vaishali, the Vidhas of Mithila, etc. In these Republics the chief of the administration was an elected officer who was called the king. The real strength of the king lay in the central committee in which there were representatives from the people. These representatives were also known as kings. It is said that in the central committee of the Licchavis there were 1707 representatives. Every king has as his sub-ordinates- Deputy King, Chief of the army, Storekeeper, etc. Any decision was taken through a majority. Thus, this helps us to draw a conclusion that in the Buddhist period the rulers of the Republic were chosen through election.

Now, let us observe the different phases of the expansion of Democracy in the modern world.

PRIMARY PHASE :

In the modern world Democracy is established and expanded after the French Revolution of 1789. This Revolution established the three tenets of Democracy – Liberty, Equality, and Fraternity. But the mass Revolution of France did not establish a secure and stable Democracy because the French rulers overthrew Democracy several times. But again and again Democracy was restored in France. The message of the French Revolution spread across many countries of the

world. This mass Revolution inspired many countries of Europe to struggle for the sake of Democracy.

In Britain the progress towards Democracy started much before the French Revolution. After the Glorious Revolution of 1688 Democracy had started consolidating its position in Britain. As an effect of a series of political events that took place in Britain, it reduced the power of the Monarchy and the feudal lords and people were granted many rights. In the U.S.A. there was the British rule in the earlier period. But in the later half of the 18th century the people of this country started struggling against the British regime. This is called the American War of Independence. In 1776 A.D. the American citizens overthrew the British regime and America became independent. All the colonies came together and formed the United States of America. In 1789 a Democratic Constitution was enforced and till date the American government follows this Constitution.

Though in the 19th century, the struggles for Democracy continued and there was a rise in it but these struggles were centred round political equality, freedom, and justice. Till now universal adult suffrage was not given to people. By 1900, New Zealand was the only country where every adult had voting right. In New Zealand the people had been granted the right to vote in1893. In some countries only those people had the right to vote who owned property. In America along with the common women the non- White males were also granted the right to vote. In this way struggle was still needed for the establishment of Democracy. Now all people, all adults, whether male or female, rich or poor, black or white, started struggling for the right to vote. Now this was clear that the primary phase of Democracy was over in Europe, North and South America. In these countries people selected the government of their own choice

through a great majority. Although the majority that participated in elections were more often males.

END OF COLONIALISM:

Now, let us glance through the colonies which broke threw the shackles of colonialism and established democracy. Most of the countries of Asia and Africa were colonies of European countries. Hence, the people of these countries started struggling for establishment of democracy in their own countries. The colonial rulers tried to suppress them but looking at the spread of their struggle the colonial rulers had to surrender and rights to form government with limited rights was granted. But the people were not satisfied. There was demand for complete political rights. Finally, the colonial rulers had to make these countries independent. In these countries democracy was established. In this way our country India was made independent in 1947 and democracy was established. This democracy was successful and it continues successfully. But for majority of the countries who had been colonies, the experience has not been so good.

Let us take the story of the country Ghana in West Africa where the experiment of democratic rule was not successful. Ghana used to be a British colony named Gold Coast. Here struggle for political rights began. A teacher, Kwame Nkrumah, son of a goldsmith, was the leader of this struggle. In his leadership Ghana became independent in 1957. After independence Nkrumah became the first Prime Minister and then the President of Ghana. In this way the first trial with democracy in West Africa was successful. But democracy could not stabilise for long because Nkrumah got himself elected president for life. Soon after, in 1966, he was overthrown by the military and in this way democracy ended

in Ghana. Like Ghana , most African countries that gained independence had almost the same fate.

THE PERIOD OF UNIVERSAL ADULT FRANCHISE	
1893	New Zealand
1917	Russia
1918	Germany
1919	Netherland
1928	Britain
1931	Sri Lanka
1934	Turkey
1944	France
1945	Japan
1950	India
1951	Argentina
1952	Greece
1955	Malaysia
1962	Australia
1965	America
1978	Spain
1994	South Africa

ACTIVITY

- Locate Ghana in Atlas and find out who is the present ruler of Ghana?
- Find out the leaders of French Revolution.

Now let us discuss the recent rise of democracy.

After 1980, in Latin America a democratic government was established. We have already read about Chile. Also, we saw how after the diffusion of Soviet Union, democracy was once again established in Poland. In 1989-90 the control of the Soviet decreased on the Eastern European countries and citizens of these countries accepted democratic rule. After the break- down of the Soviet Union in 1991, the 15 Republics of Soviet Union emerged as independent countries. Most of them became democracies. Thus, the break- up of Soviet Union led to a big change in the political map of the world.

Now, let us get some information about the struggles going on in some of the neighbouring countries of India.

We can see the story of Nepal, a neighbouring country of India the establishment of democracy, its end and revival- in 1948 the first constitution of Nepal was made. According to this constitution the king was the real ruler of Nepal. In 1959 King Mahindra enforced a new constitution and the first elections for the Parliament were held in 1962, but in 1962, King Mahindra ended the democracy in Nepal. As a result of people's movement in 1990 in Nepal, a multi- party democracy was established. In 1991 in the Parliamentary elections of Nepal the Nepali Congress got a majority and G. P. Koirala became the Prime Minister of

the country. Thus, democracy was re-established in Nepal. In 1996 the Maoists in Nepal started movements to end the monarchy and raise the voice of the people. In June 2001, there was a dramatic turn in the history of Nepal when King Birendra and his family members were assassinated in the royal palace. Thereafter Jnanendra ascended as the King. King jnanendra dissolved the Parliament and dismissed the government. So, once again the king had ended the democracy in Nepal. But after the people's movement in Nepal in May2008, the Constitutional Assembly was elected and in Nepal Dr. Rambardhan Yadav became the President of the first Republic and Prachanda became the Prime Minister. Monarchy which had been existing for centuries was put to an end. Thus, we have seen, how democracy was ended and revived in Nepal several times.

In another neighbouring country of India, Pakistan, the process of establishment and decline of democracy keeps going on. After the death of General Zia ul Haq, in the decade of 1990, democracy was revived in Pakistan but it was not stable. In 1999 General Parvez Musharraf brought about a coup and ousted Prime- Minister Nawaz Sharif and established military rule. But in the recent times there has been a change in the condition of Pakistan and the people there had started struggling for democracy. Finally the military rule had to surrender to public movement and elections for Parliament were held. After the elections of 2008 the coalition government of Pakistan People's Party came into power. But this change was not peaceful in Pakistan and the democracy supporter leader and the Ex Prime Minister Benazir Bhutto was assassinated. When the new government came into power the chief of the military rule, Parvez Musharraf, had to quit. Asif Ali Zardari became the President and Yusuf Raza Gilani became the Prime Minister. Democracy was, thus, established in Pakistan but it has to face challenges even now.

In the same manner Myanmar, previously known as Burma, the struggle for democracy is continuing. Though after independence from colonial rule in 1948, it accepted democracy, but in 1962 after the military coup democracy came to an end. Again in 1990 after almost 30 years elections were held for the first time. In these elections the National League for democracy led by Aung San Su Kyi won by a majority but the military leaders of Myanmar refused to step down and did not recognize the election results. Instead the military put the elected pro- democracy rulers, including Su Kyi, under house arrest. Anyone caught publicly airing views or issuing statements critical of the regime was prohibited. Due to the coercive policies of the military ruled government in Myanmar, lakhs of people in that country have been uprooted from their homes and have taken shelter elsewhere.

Despite being under house arrest Su Kyi continued to campaign for democracy. According to her: " The quest for democracy in Burma is the struggle of the people to live whole, meaningful lives as free and equal members of the world community." Her struggle has won international recognition. She has also been awarded the Nobel Peace Prize. The U.N. has appealed to all the countries of the world to put restrictions on Myanmar to end the present military dictatorship. In this way, the movement supporting democracy is gaining strength day by day and the day is not far when democracy will be re-established in Myanmar.

ACTIVITY

- Locate those countries of Asia where the struggle of Democracy is going out.
- Find out the names of the presidents and Prime minister of Pakistan and Nepal
- Locate Myanmar on an atlas which Indian states border this country ?

DEMOCRACY AT THE GLOBAL LEVEL

We have seen that democracy has been expanding in most pf the countries of the world. An idea often comes to our mind whether we are moving towards global democracy. India has a government, Nepal has a government, Britain has a government but the world has no government who can enforce laws made by it on the people of the world. There is no world government, but there are many institutions in the world that partly do those very works which the government of any country does. These institutions or organisations cannot control different countries or its people as any government can do.

The United Nations was established in 1945. Presently it has 192 members. It has six main organs – Great Assembly, Defence Council, Economic and Social Council, Trust Council, International Court of Justice and Parliament. The Great Assembly is just like the Parliament, where there can be a discussion on any international problem or issue. All the 192 member countries have the right to cast one vote. The decisions are taken on the basis of majority. On the basis of this we can say that the organisation of the Great Assembly is democratic. There are 15 members in the Defence Council of which five are permanent while ten temporary. The permanent members are – America, Russia, Britain, France and China. The ten temporary members are elected by the Great Assembly for two years. All the permanent members have the right to veto. If any permanent member exercises this right the Defence Council cannot take a decision against it.

The Economic and Social Council encourages economic and social co-operation among different countries. It has 54 members. The Trust Council chiefly looks at those areas which were not independent or had not developed self- rule. The International Court of Justice is that

organ of United Nations which presents a solution to the conflicts between different countries. There are total 15 judges in it. It has got its own Parliament situated at New York in America. The General Secretary of the United Nations is its chief administrative officer.

Organisations like United Nations cannot control countries or people as the government of a country can do. These organisations make such laws that decide the work process of different governments and give directions to them. After analysing the nature of laws and rules made and developed by the international organisations, these are the points that are made clear to us.

- Laws made for trading in the sea areas within the boundary of a country
- Laws to restrict factors influencing environment of all countries.
- Laws made to control arms.

To enforce these rules and laws on international level, we have to face many difficulties. The competition among different states creates obstacles in enforcing them. In this age of Globalisation for the last few years people from different countries have come into closer contact. There has been even more demand than it was earlier for democracy in global organisations and struggle for it is still continuing.

Questions for Practice:

1. Which of the following is not true about democracy?
    a. People have freedom of expression in democracy.
    b. People have the right to form organisations in democracy.
    c. People do not have the right to oppose in democratic countries.

d. Only the elected representatives have the right to rule the country in democracy.

2. Which of the following help in the expansion of democracy?

a. Attack of a foreign democratic rule.

b. Military coup de'etat

c. Restriction on press.

d. Struggle of people.

3. Which of the following expressions is true?

a. There is no proof of democracy in Ancient India.

b. After the Glorious Revolution of 1688 democracy grew weak in Britain.

c. The French Revolution of 1789 sowed the seeds of democracy .

d. There were no challenges to democracy in Pakistan and Nepal.

4. Complete the following sentence with any of the given statements–

Democracy is required in international organisations so that –

a. The richer country may become more influential.

b. There may be equal behaviour among all the countries of the world.

c. The countries may get respect according to the size of their population.

d. The countries will get their importance according to the ratio of their armed forces.

5. Match A and B

A	B
Lichchavis	End of military dictatorship
Nepal	Independence from British colonial administration.
Pakistan	An Ancient Indian Republic with Democratic rule.
Ghana	The king agreed to leave his rights

6. What are the difficulties that the people have to face in non-democratic countries? On the basis of the examples given in this chapter give your opinion in favour of this statement .

7. Name five non- democratic countries of Asia.

8. When a military coup uproots a democratic rule, what are the liberties that are generally seized?

9. On the basis of the study of this chapter, point out the common features of democracy.

Make different groups in you class and collect information related to the struggle of democracy going on in Nepal and Pakistan. Focus your attention on these issues:

a. On which basis was the previous government of these countries non-democratic

b. What are the main complaints and demands of Nepal and Pakistan?

c. What were the reactions of the earlier rulers?

d. Who is the chief leader of struggle for independence in these two countries?

Chapter-2

Democracy – What and Why ?

Introduction:

In the preceding chapter we learnt what is nature of democratic administrative system? How democracy expanded in the modern world? What was the nature of democracy in ancient India ? And how democracy developed in the mo!!dern world ? Now we will know : what is democracy ? What are the features of democracy ? In this chapter we will try to know what will be the correct definition of democracy ? We will begin with a very simple definition of democracy . We will also try to find out : what are the differences between democratic and non-democratic governments? We will know the practical aspects of democracy . Besides, we will also know what are the minimum features of any democratic government ? Toward the end of this chapter we step beyond the statements given for and against democracy and come to a broader idea of democracy .

WHAT IS DEMOCRACY?

The nature of administrative system can be of many types . There are such administrative systems which are chosen by people and they rule for the benefit of the people . Such an administrative system is called democracy. There are some other forms of government which is not elected by the people but attains power through such mediums like, coup , family heredity tradition , etc and the officers of such governments

rule for their own benefit . Such administrative systems are known as non-democratic governments .After knowing some of the governments of the world we will be able to differentiate between democratic and non-democratic governments.

Let us , through some examples , discuss one by one the working systems of such governments .First of all we can take Pakistan .In Pakistan General Parvez Musharraf led the military coup in October 1999 .He uprooted the government elected through democratic manner and declared himself **the chief executive** of the country . Later on he declared himself the president and thus strangled democracy. Through a referendum he extended his term for 5 years in which there has been forgery and disorder on a large scale. He changed the constitution in 2002 . According to the changed constitution the president became very powerful .The work of the civilian cabinet was supervised by a national security council of whose majority of the members were army officials . In this way we see that Pakistan had elections , elected representatives had some powers , but the final power rested with the military officers and General Musharraf himself .In February 2008, there were general elections in Pakistan in which Asif ali Zardari became the president and Yusuf Raza Gilani became the prime minister. Democracy thus was established there but it is still facing many challenges .

It is clear that Pakistan under Musharraf should not be called a democracy because the people of Pakistan had not elected him .The power to take final decision rested with army officials who were not elected by the people.

This happens commonly in all dictatorships and monarchies in the world . Prior to the present administrative set-up there was monarchy in Nepal where the ruler was not elected but the one who was born in the

royal family became the ruler. Here also in running the administration the general public had no participation. China which had accepted communist administrative system also did not have the people's participation in the equal manner. In the the Chinese parliament there are regular elections every five years .The parliament appoints the president .But some of the members of the parliament are elected by the army .Before contesting elections , a candidate needs the approval of the Chinese Communist Party . The government is always formed by the Communist Party . That is why in the important decisions of the country ,there is the participation of the Communist Party instead of the people of the country .

We have seen the techniques and ways of the governments of Pakistan , Nepal and China.The government in India and Britain is formed through the medium of elections . For this there are elections every five years in which all adult citizens above the age of 18 cast their votes. The one who gets the highest number of votes wins the election.They are known as the people's **Representatives** and they are the ones who form the government and participte in the working of the government .

Now we can understand that the government with people's participation is democratic while the one withot people's participation is non-democratic .

CHECK YOUR PROGRESS

When Abdul , in the evening , went to the stting room of his grand-father he saw many people talking among themselves . Karim's father said that in the last elections his vote was casted by someone else . Ramesh was saying that he had casted two votes while Ganesh's uncle said that his name was not in the voter list .After listening to all these I cannot understand why people vote and what are the benefits of voting?

GENERAL DEFINITION OF DEMOCRACY

Earlier we have gathered information related to democratic and non-democratic governments . Now let us know one general definition of democracy. In democracy people elect their own government through the election. Adults of the country , i.e. , people above the age of 18 cast their votes and elect a responsible person as their representative who can conduct administration. Thus we can define democracy in simple language. Democracy in this sense is that face of administration where people elect the administrators .

In fact, in a democratic set-up people are the centre of administration . We can understand this from the definition of democracy given by Abraham Lincolon, the ex president of America. According to him "Democracy is the administration of the people , for the people and by the people .'' This definition, in a very simple manner, differentiates between a democratic and a non-democratic administration. Here we

have seen that the government of General Parvez Musharraf of Pakistan and the military administrator of Myanmar were not elected by the people. In countries with such administrative set-ups those who controlled the army became the rulers. In the decisions of the ruler there was no participation of the people . The same can be applied on the monarchy of Nepal. Prior to this we had seen that before the present administrative organisation of Nepal, there was monarchy in Nepal where the ruler was not elected , but the one who took birth in the royal family became the ruler . We can understand that the administration of these countries cannot be called democracy. In a democracy people elect their representatives and these elected representatives become the administrators. We can understand this like this : through their elected representatives people themselves participate in administration and in the decisions of the administrator there is the participation of the people. Such democratic organisations are called **Representative Democracy** or **Indirect Democracy**. Switzerland is one country where there is Direct Democracy. Here people participate in the administration and make law themselves. That is why it is called **Direct Democracy.**

CHECK YOUR PROGRESS

Ramesh came from his school and told his father that his school would be closed on the next day because on that day the representatives of that area would come to his school and deliver speeches . There will be a great crowd to listen to his speeches . Now tell when so many people can sit together then why cannot they take decisions for administration? Why is it necessary to elect a representative for the same ?

FEATURES OF DEMOCRACY

So far we have understood that democracy , in the generally is that form of government in which the administrators are elected by the people. Once we understand this definition of democracy some questions come to our mind, such as, who is the ruler? How are the rulers elected ? Who are the people that participate in the election of the rulers ? what type of government can be called a democratic one ?

Now, let us get the answers of these questions through the medium of the features of democracy .

All of us see that on the day of elections the members of our family who are adult go to cast their votes .These people through their votes elect their representatives. These elected representatives conduct their governance , take decisions for the government and construct laws. Here we must understand one thing that through the votes of the people, representatives are elected .Or we can say that the final decision making power rests with the people . This is a feature of democracy.

When our family members went to cast their votes, then their were many people waiting for the same . Some of them could vote according to their choices while the others could not cast their votes . Still their were some people who were compelled to vote against their choices . Wherever there is such an arrangement of casting the votes , there democracy cannot exist . In a democracy the elections should be withot fear and allurement and according to one's own wishes. Hence, we can say as a feature of democracy that it is based on free and fair elections.

We know that democracy is directly related to franchise. This principle has now come to be accepted almost all over the world. But

still there are many countries where people are denied of equal right to vote . For example, in Saudi Arabia the women do not have the right to vote and in Fiji , the electoral system is such that the vote of an indigenous Fiji has more value than that of an Indian-Fijian .

We have to understand that wherever all the people do not have the right to vote , there democracy can never exist . So it is essential for democracy that all the people get equal right to vote and the importance of their votes be equal . This is also an important feature of democracy.

In a democracy, the administration of a country operates through the constitution and not through any person or any organisation .If any law is made against the spirit of the constitution can the judiciary end such laws? In a democracy there is a guarantee for the basic rights of the citizens . They should be free to think , to have opinions, to express these in public , to form associations , to protest and take other political actions independently . Everyone shuld be equal before law . These rights must be protected by an independent judiciary whose orders are obeyed by all of us. In this way we can understand that in democracy the government cannot do whatever it likes. The government conducts its functions and responsibilities on the basis of prescribed manners. Every major decision has to go through a series of consultations. Every office-bearer has certain rights and responsibilities assigned by the constitution and the law, and each of

Do yourself

Ask your Panchayat's Mukhiya or Ward Member : How many times general meeting for people has been called during this month in the Panchayat or Ward area? How many people participated the meting and shared ideas.

these is accountable to the people. Thus we can understand that in democracy the rule of the law operates, and there is a guarantee of rights and a democratic government rules within limits set by constitutional law and citizens' rights.

We saw that in the year 2005 there were elections in Bihar in which the adult people caste their votes. On basis of the votes the representatives won the elections and came into the legislative assembly. Thereafter the government of Shri Nitish Kumar was formed in Bihar. We know that the government of that party is formed who gets a support of representatives that are more than half of the total representatives. This is the same as the government belongs to the one who has a majority [we will study about this in detail in Chapter 5]. Hence, it is a feature of democracy that **the party which gets a majority forms the government.**

Thus we see that whenever there are elections for Lok sabha or Vidhan sabha people campaign for elections through different types of flags and banners. These different flags belong to different parties, such as the five fingers of hand – Congress party , lotus – Bhartiya Janata party, lantern – Rashtriya Janata Dal, arrow – Janata Dal United, etc. All these parties want to mobilise and attract the voters in their favour to get their votes. The leaders of different parties through their election programmes and speeches put forward their policies. The people of the country listen to their speeches and ideas and vote according to their own wishes. At that time the voter has before him a number of alternatives of different parties. Democracy cannot exist wherever there is no multi party system.

In the beginning of this chapter we talked about a simple definition of democracy and also said that democracy is that form of government in which the rulers are elected by the people. On the basis of this definition and through the help of various examples the features of democracy can be understood. Democracy is that form of government where –

- The decisions are taken by the representatives elected by the people.
- The elections are free and fair.
- The government formed through elections works within limits set by constitutional law and prescribed rules and respects the basic rights of the citizens.

CHECK YOUR PROGRESS

During an election we can see motor cars full of different flags and banners with songs and music moving around villages and colonies. This makes us happy but one cannot understand what is the logic behind contesting by different parties for the same election?

WHY DEMOCRACY?

In the previous chapter and in this chapter we have come to know that there are different forms of government, for example, Monarchy, Military rule, Communist rule and Democracy. We will be delighted to know that among al the governments , Democratic government is the best form of government. There is a tough competition in the world to accept the

democratic form of government. Now the question comes to our mind why is it the best form of government? To understand this we will have to discuss the merits and demerits of democracy as well as the arguments in favour of, and against democracy.

CHECK YOUR PROGRESS

Through the medium of television we see through the medium of radio we listen that in the parliament and in the state assemblies there are hot discussions on any issue. Why are discussions held? What benefits do we have from them?

ARGUMENTS AGAIST DEMOCRACY

When we discuss democracy and democratic governments then some arguments come against democracy. The opponents of democracy argue that in democratic countries the number of illiterate and irresponsible persons are too many. Thus by giving importance to these votes the quality of the government deteriorates.

In democracy the struggle for power and the game for power is a continuous process. There is no place for morality , the only thing that is important is how to grab power. It proves harmful to the people as well as to the country.

The process of taking decision is difficult in democracy. Before reaching any decision there is a lot of debate, discussion, and argument which leads to huge problems.

There is another argument against democracy that it is a very expensive form of government, because lots of expenses are incurred

in the process of elections involved in it. There is another allegation that it becomes a toy in the hands of corrupt politicians. They grab power by arousing the sentiments and by gaining the sympathy of the people.

Here we have come across many arguments against democracy. We also have to understand that democracy has not developed any method or manner related to these problems so that they can be solved. Democracy has neither been able to eradicate poverty nor doubts. In a democracy there is the participation of the people. There is a delay as well as mistakes in taking decisions. But all the decisions are not wrong.

Hence, from the above given points it seems that democracy is not an ideal form of government. Still it is the best form of governments amongst the ones we have to choose.

ARGUMENTS IN FAVOUR OF DEMOCACY

In this discussion we will try to understand mainly two points : firstly, why democracy is better than other forms of government? secondly, what are the merits of democracy? We will solve these problems with the help of an example. China's famine of 1958-1961 was the worst recorded famine in world history. Crores of people died of hunger in the famine. A terrific situation similar to this catastrophe due to floods occurred in the months of August-September, 2008 in North Bihar which destroyed property and life worth millions. Lakhs of people were ruined. We have before us the conditions of two forms of governments in two counties. As a result of the democratic government in India Bihar could soon get free from the spoils of devastation, while China took a long time in getting rid of the spoils of the above mentioned famine. In this context the economists have to say that no large scale

tragedy has ever occurred in a democratic country, because in a democracy there are multi - party election system. The opposition parties are strong and there is an independent media to criticize the government.

This example brings out one of the reasons why democracy is considered the best form of government. Democracy is better than any form of government in responding to the needs of the people. A non-democratic government may and can respond to the people's needs, but it all depends on the wishes of the people who rule. Thus we can understand that a democratic government has its first quality that it is a more accountable form of government.

In comparison to non- democratic governments, the democratic government is the best form of government for public welfare. In a democracy people rule through the medium of their representatives. The representatives are well aware of the wishes, sentiments and needs of the people. While ruling they take into consideration the wishes, sentiments and the needs of the people. Hence, in a democracy the government works for public welfare.

We know that nature has granted us some rights, such as, Right to Freedom, Right to Equality, Right to Life, etc. These are also called human rights. [Human Rights has been discussed in Chapter 6]. By using these rights an individual can achieve an all round development of his personality. These different types of rights are granted only in a democracy. Only in a democracy a person can express his views. They can practise political and civil rights equally. This enhances the dignity of the citizens. This is a major quality of democracy. In this context the role of the judiciary becomes significant because judiciary is a constant watchdog of the legislature and the executive.

In a democracy there is discussion and debates held publicly over the decisions taken by the government. If the government takes some rash and irresponsible decision then through public discussion the government's attention is attracted, because of which the government has the alternative of amendment in its decisions. If the government does not change its incorrect decisions then the government is likely to be changed. The example of such a case is when in 1975 Smt Indira Gandhi declared an emergency in India, it was supposed to be an incorrect decision on the part of the people. As a result people did not give their mandate to Smt Indira Gandhi in the elections of 1977, and Smt Indira Gandhi had to quit from authority. Such a system is not possible in a non- democratic government. Hence, in a democracy the government gets an opportunity to improve the quality of decision making.

During the elections, or even on normal days, the leaders deliver speeches. In these speeches they acquaint the people with the policies and programmes of the government which is easily comprehensible to the people whether it is in their interest or not. If the decision of the government is not in their interest they oppose it. This proves that people are aware of their rights and duties. We can understand that democracy is the only form of government in which a political training continues on a regular basis.

Let us sum it up. Democracy cannot get us everything which is necessary for life and is also not the solution to all the problems. But still it is better than any other alternative that we know and which the people have experienced. It offers better chances of a good decision. It is likely to respect people's own wishes and allows different kinds of people to live together. It allows a way of correcting its mistakes and offers more dignity to all citizens. That is why democracy is considered the best form of government. On the basis of all these discussions we can

conclude that democracy is not just a type of government but also a type of political, social and economic system.

BRODER MEANINGS OF DEMOCRACY

In this chapter we have considered the basic meaning of democracy. We have also understood that as a form of government democracy is better than any other form of government. Except some, most of the countries have opted for a representative democracy. In representative democracy all the people do not rule , only the representatives rule.

We have understood democracy as the best form of government. Now we have to understand that democracy exists in many countries. Among these countries we would try to know which one is a general democracy and which one a good democracy? Is there the operation of democracy beyond government? To understand these questions we need to turn to broader meanings of democracy. To understand the broader meaning of democracy we can go through some examples:

The marriage of Riti, the elder sister of Prafulla, has been finalised. All the members of the family are happy. At night all the members of the family are sitting together. In that meeting it has to be decided what and how the things are to be for the marriage. All the members get an opportunity to put forward their views. After listening to all the members some decisions are taken with the consent of all the members so that the ceremony would take place in a cordial manner without the shortage of any item.

Another example is that of Dusshera Puja which is going to take place. Durga Puja will be held in the village as well. To arrange this all the people of the village are presenting their views. Some people talk about the cultural programmes to be performed during the Puja, while some others talk about the better formation of the Pandal. The point is that everyone is presenting one's views and in the end a conclusion will be drawn after taking into consideration the viewpoints of all the people present.

In both these examples the basic pattern of a democratic discussion has been focussed. This also makes clear that democracy is not limited to government only, it has its reach to organisations, villages and families. Thus, democracy is such a system which can be practised in any sphere of life.

Sometimes we use the word democracy not to describe any existing government but to set up an ideal standard that all democracies continuosly aim to become. True democracy will come to this country when no one goes hungry to bed, every citizen must get equal right to vote, play an equal role in decision making, every citizen gets equal information and basic education.

If we take these ideals seriously, then no country in the world is a democracy. In a democracy these basic weaknesses are identified and also solved which is ideal for democracy. Thus, we can differentiate between general and good democracy.

Summing up we can say that in its broader sense democracy is not just a political system, but also a moral belief and a social situation. It develops dedication in a common man. It is used as a type of living one's life.

QUESTIONS

1. Which of the following is not true of Democracy?
   a. A government elected by the people.
   b. Fair elections.
   c. Control of someone on the judiciary.
   d. People's participation in the decision taken by the government.
2. Which form of government is supposed to be the best in the world today?
   a. A democratic rule.
   b. Military rule.
   c. Communist rule .
   d. Monarchy.
3. How do we differentiate between a democratic and a non-democratic government?
   a. On the basis of the right to vote.
   b. On the basis of multi- party system.
   c. On the basis of elections held within a certain time- frame.
   d. On the basis of the process of the decision taken by the government.
4. Who rules in a democracy?
   a. People
   b. Army
   c. Judiciary
   d. Election- commission

5. Who has the authority to rule in a military rule?

   a. In the hands of the parliament.

   b. In the hands of the people.

   c. In the hands of the army /military.

   d. In the hands of the judges.

6. In the year 2005 in the Bihar Legislative Assembly elections, Anita, along with her parents went to cast her vote. But she was prohibited from voting because she was not of age. Now tell us what is the minimum age for voting in India?

   a. 20 years.

   b. 21 years.

   c. 18 years .

   d. 16 years.

7. Match the following countries with their respective forms of government?

a.	Democratic government	1.	Myanmar [Burma]
b.	Military rule	2.	Bhutan
c.	Communist rule	3.	India
d.	Monarchy	4.	China

8. The symbols and names of some of the parties have been given below. Match them.

a.	Fingers of hand	1. Bhartiya Janata Party
b.	Lotus	2. Janata Dal United
c.	Lantern	3. Congress
d.	Arrow	4. Rshtriya Janata Dal

9. Here is some information about four countries. Based on this information how would you classify each of these countries. Write

"Democratic", "Non- Democratic". Or "not sure "against each of these.

   a. Country A- where people rule through their representatives.
   b. Country B- only military has the right to take decisions in administration.
   c. Country C- where the importance of the votes of the males are more than those of the females.
   d. Country D- where universal franchise does not exist.

10. Here is some information about four countries. Based on this information how would you classify each of these countries? Write 'democratic', undemocratic' or 'not sure' against each of these.

   a. Country A- in the elections the members of only one party can contest.
   b. Country B- there is no independent Election Commission.
   c. Country C- people have the right to vote according to their religion.
   d. Country D- the senior citizens are prohibited from voting.

11. The following are some wrong statements about democracy. Identify the wrong element in each of them and on the basis of this chapter. Rewrite after making correction.

   a. There cannot be an equal participation of all the individuals because all the individuals are not equal.
   b. If a democratic government takes a wrong decision, it is accepted readily by the people.

c. Wherever there are elections, it is supposed that there exists democracy.

d. There is no control over the government in democracy. The government is free to take its decisions according to its wishes.

e. It is not necessary that there should be an independent judiciary in democracy.

12. Following are some arguments. Which of them are against democracy?

a. In a democracy all the votes are of equal value.

b. A democratic government works for public welfare.

c. A democratic government acts arbitrarily.

d. In a democratic country , the government is accountable to the people.

13. Following are some statements among which some are democratic and some undemocratic. Why are these statements democratic or undemocratic?

a. In the Indian government, a minister said – the parliament should make such laws which restrict upon the freedom of press.

b. There is a mukhia who prohibits a senior woman citizen from voting on account of being illiterate.

c. A Commission of depressed classes for the development of depressed classes has been formed in Bihar.

d. The women organisations have demanded for their complete participation in parliament.

14. There is a village in Bihar where a single school has not yet opened. The people of the village have held a meeting to attract the attention of the government in this direction and have discussed a number of ideas. Which of these ways is undemocratic and why?

    a. To file a case in the court on account of right to education being a compulsory and fundamental right.

    b. Organise meetings and public gathering against government.

    c. To mortgage officials who have come in the village and behave irrationally with them.

    d. To boycott the next election.

15. Which of the following statements do you consider democratic and why?

    a. A leader – whoever votes for me in this election will get a dhoti, a sari, and a blanket free.

    b. A farmer to a labourer – your wife will get half of the wages, because she is a woman.

    c. The workers to the officials – we should get the prescribed facilities by the government during the period of our work.

16. Two items of news published in a newspaper in the month of September 2008 are before you.

    A An adult girl Guddi marries Shanker, according to her own wishes. Shanker belongs to a different caste. The people of the village oppose this marriage, and forcibly oust Shanker's father out uf the village.

B The police forced brutally on the demonstrators demonstrating before the government in favour of their demands.

Consider both these news items and give reasons to your answer whether they are in favour of democracy or not.

17. On 26th December 2008, there was a news published in the Hindustan Daily – "Against the Nuclear Treaty the opposition members of the parliament have seized and demonstrated before the parliament house and have demanded for a meeting of the parliament. Consider this news and state whether the manner of the opposition is democratic or undemocratic. Give reasons to you answer.

Project work:

Find out by asking the responsible persons of your village and colony: How many times have the representatives of your village or your colony have come? Why did they come and what works did they do?

Chapter-3

Constitution Framing

INTRODUCTION

We have noted in the previous chapter how democracy was established and developed. For the success of democracy, a constitution is supposed to be compulsory. The collection of the rules and principles on which the administration of a government operates is called a constitution. It is useless to imagine a state without constitution. Without a constitution a state does not remain a state but becomes anarchy.

In this chapter we ask some basic questions about the constitutional design of a democracy. Why do we need a constitution? How are the constitutions drawn up? Who designs them and in what way? What are the values that shape the constitution in democratic states? once a constitution is accepted, can we make changes later as required by the changing conditions?

One recent instance of designing constitution for a democratic state is that of the South Africa. In the beginning of this chapter we will consider this experience of the South Africa - what happened there and how the South Africans went about this task of designing their constitution. Then we turn to how the Indian constitution was made, what are its fundamental values, and how it provides a good framework for the conduct of citizens' life and that of the government.

DEMOCRATIC CONSTITUTION IN SOUTH AFRICA

The establishment of democracy in South Africa is a result of a very long struggle. There is a long history about how the people here framed their constitution. The government was based on apartheid in South Africa. The white Europeans imposed this system on South Africa. During the 17th and 18th centuries, the trading companies from Europe occupied it with arms and force, in the way they occupied India. But unlike India, a large number of 'whites' had settled in South Africa and became the local rulers. The system of apartheid divided the people and labelled them on the basis of their skin colour. The native people of South Africa are black in colour. They made up about three-fourth of the population and were called 'blacks'. Besides these two groups, there were people of mixed races who were called 'coloured' and people who migrated from India. The white rulers treated all non-whites as inferiors. The non-whites did not have voting rights. The apartheid system was particularly oppressive for the blacks. They were forbidden from living in white areas. They could work in white areas only if they had a permit. Trains, buses, taxies, hotels, hospitals, schools and colleges, libraries, cinema-halls, theatres, beaches, swimming-pools, public-toilets were all separate for the whites and the blacks. This was called segregation. Blacks could not form associations or protest against this terrible treatment.

Since 1950 A.D. the blacks, the coloured and the people from Indian origin fought against the apartheid system. They launched protest-marches and strikes. The African National Congress [ANC] was the umbrella organisation that led the struggle against the policies of segregation. This included many workers-unions and the Communist party. Many wise and sensitive whites also joined the ANC to oppose

apartheid and played a leading role in this struggle. Several countries denounced apartheid and raised their voice against it. But the white racist government continued to rule by detaining, torturing and killing thousands of black and coloured people.

AN INTRODUCTION TO NELSON MANDELA AND THE ROLE OF HIS CONTRIBUTION

As protests and struggles against apartheid had increased the government realised that they could no longer keep the blacks under their rule through repression. Therefore, the white regime changed its policies. Discriminatory laws were repealed. Ban on political parties and restriction on the media were lifted. After 28 years of imprisonment Nelson Mandela walked out of the jail as a free man. Finally the new national flag of the Republic of South Africa was unfurled marking the newly born democracy in the world. The apartheid government came to an end paving way for the formation of a multi-racial government.

How did this come about? Let us hear Mandela, the first president of this new South Africa, on this extraordinary transition:-

''Historical enemies succeeded in negotiating a peaceful transition from apartheid to democracy exactly because we were prepared to accept the inherent capacity for goodness in the other. My wish is that the South Africans never give up on the belief in goodness, that they cherish that faith in human beings is the corner stone of our democracy. ''

After the emergence of the new democratic South Africa, black leaders appealed to fellow blacks to forgive the whites for the attrocities they had committed while in power they said let us build a new South

Africa based on equality of all races, men and women, on democratic values, social justice and human rights. One party had ruled through oppression and brutal killings and another party led the freedom struggle. They sat together to draw up a common constitution. After two years of discussion and debate they came out successfully with a very fine constitution, this constitution gave to its citizens the most extensive rights. They agreed that everybody should become part of the solution, forgetting their past nightmarish experiences, and without any prejudices. The South African constitution inspires democrats all over the world. A state denounced by the entire world till recently as the most undemocratic one is now seen as a model of democracy. What made this change possible was the determination of the people of South Africa to work together , to transform bitter experiences into the binding glue of a rainbow nation.

WHY DO WE NEED A CONSTITUTION ?

Why do we need a constitution and what does a constitution do? The South African example is a good way to understand this. The oppressor and the oppressed in this new democracy were planning to live together as equals. It was not going to be easy for them to trust each other. They wanted to safeguard their interests. The blacks were in majority. They were keen to ensure that the democratic principle of majority rule was not compromised. They wanted substantial social and economic rights. The white minority was keen to protect its privileges and property.

After long negotiations both parties agreed to a compromise. The whites agreed to the principle of majority rule and that of one person one vote. They also agreed to accept some basic rights for the poor

and the workers. The blacks agreed that majority rule would not be absolute. They agreed that the majority would not take away the property of the white minority. This compromise was not easy. This was even more difficult to implement. For its implementation it was necessary in the first place to trust each other and even if they managed to trust each other, what was the guarantee that this trust will not be broken in future?

The only way to build and maintain trust in such a situation is to write down some rules that every one would abide by. These rules lay down how the rulers are to be chosen in future. These rules also determined what the elected governments are empowered to do and what they cannot do. Amongst these rules there were also the rights of the citizens. These rules will work only if the winner of the election cannot change them very easily and according to their own choice. This is what the South Africans did. They agreed on some basic rules. They also agreed that these rules will be supreme, that no government will be able to ignore these. This set of basic rules is called a **Constitution.**

Constitution making is not unique to South Africa. Its existence is experienced in a universal manner, though all over the world people have differences of opinions and interests. Whether democratic or not, most countries in the world need to have these basic rules. This applies not just to governments. Any association needs to have its constitution, it could be a club in your area, a co-operative society or a political party – they all need a constitution.

Thus the constitution of a country is a set of written rules that are accepted by all people living together in a country. Constitution is the supreme law that determines the relationship among people living in a

territory called citizens and also the relationship between the people and the government.

A constitution does many things, the chief among them are:-

- First, it generates a degree of trust and co-ordination that is necessary for different kind of people to live together.
- Second, it specifies how the government will be constituted, who will have power to take which decisions.
- Third, it lays down limits on the powers of the government and tells us what the rights of the citizens are; and
- Fourth, it expresses the aspirations of the people about creating a god society.

All countries that have constitutions are not necessarily democratic, but all countries that are democratic will have constitutions. After the war of independence against Great Britain the Americans gave themselves a constitution. After the Revolution the French people approved a democratic constitution. Since then it has become a practice in all democracies to have a written constitution.

MAKING OF THE INDIAN CONSTITUTION

Indian constitution was drawn up under very difficult circumstances. The making of the constitution for a huge and diverse country like India was not an easy affair. At that time the people of India were emerging from the status of subjects to that of citizens. The country had faced the terrifying experience of partition on the basis of religion. This was a traumatic experience for the people of India and Pakistan.

At least ten lakh people were killed on both sides of the border in partition related violence. There was another major problem, the British had left it to the rulers of the princely states to decide whether they wanted to merge with India or with Pakistan or remain independent. The merger of these princely states was a difficult and uncertain task. When the constitution was being written, the future of the country did not look secure and peaceful. The makers of the constitution had anxieties about the present and future of the country .

In 1922 AD Mahatma Gandhi expressed his opinion that the Indian constitution would be made according to the wishes of the Indians. In 1924 A.D. Motilal Nehru asked the British government to form a constituent assembly for the making of the constitution. In 1928 Motilal Nehru and eight other Congress leaders drafted a constitution for India. In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like. Both these documents were committed to the inclusion of universal adult franchise, right to freedom and equality and to protecting the rights of minorities in the constitution of independent India. Thus some basic values were accepted by all leaders much before the constituent assembly met to deliberate on the constitution.

The familiarity with political institutions of colonial rule also helped develop an agreement over the institutional design. The British rule had given voting rights only to a few. On that basis the British had introduced very weak legislatures. Elections were held in 1937 to Provincial Legislatures all over British India. These were not fully democratic governments. But the experience gained by Indians in the working of the legislative institutions proved to be very useful for the country in setting up its own institutions and organisations and working in them. That is

why the Indian constitution adopted many institutional details and procedures from colonial laws like the Government of India Act 1935.

Years of thinking and deliberation on the framework of constitution after Independence proud greatly benificial. Our leaders gained confidence to learn from other countries but on our own terms. Many of our leaders were inspired by the ideals of French Revolution, the practice of parliamentary democracy in Britain, and the Bill of Rights in the U.S. The Socialist Revolution in Russia had inspired many Indians to think of shaping a system based on social and economic equality. Yet they were simply not imitating what the others had done. At each step they were questioning whether these things suited our country. All these factors contributed to the making of our constitution.

THE CONSTITUENT ASSEMBLY

The drafting of the document called the constitution was done by an assembly of elected representatives called the constituent assembly. Elections to the constituent assembly were held in July 1946. Its first meeting was held in December, 1946. Soon after the country was divided into India and Pakistan –the constituent assembly was also divided into the constituent assembly of India and that of Pakistan. The constituent assembly that wrote the Indian Constitution had 299 members. It completed its work on 26th November 1949. The constitution came into effect on January 26, 1950. To mark this day we celebrate 26th January as Republic Day every year.

Why should we accept the constitution made by this Assembly more than 50 years ago? The reason behind it is that the constitution does not reflect the views of its members alone. It expresses a broad consensus of its time. It expresses the broad agreements of its age.

Over the last half a century, several groups have questioned some provisions of the constitution. But no large social group or political party has ever questioned the legitimacy of the constitution itself. This is an unusual achievement of our constitution.

The second reason for accepting the constitution is that the constituent assembly represented the people of India. There was universal adult franchise at that time. So the constituent assembly could not have been chosen directly by the people of India. It was elected mainly by the members of the existing provincial legislatures. This ensured a fair geographical share of members from all the regions of the country. In social terms too, the assembly represented members from different language groups, castes, classes, religions, and occupations. Even if the constituent assembly was elected by universal adult franchise its composition would not have been very different, and finally the manner in which the constituent assembly worked gave sanctity to the constitution. The constituent assembly worked in a systematic, open and consensual manner. First, some basic principles were decided and agreed upon. Then a Drafting Committee chaired by Dr. B.R.Ambedkar prepared a draft constitution for discussion. Several rounds of thorough discussion took place on draft constitution, clause by clause. More than 2000 amendments were considered.

A debate of 114 days spread over three years took place. Every document presented and every word spoken in the constituent assembly has been recorded and preserved. These are called 'Constituent Assembly Debates' and printed in 12 bulky volumes. These debates provide the thought and rationale behind every provision of the constitution. These are used to interpret the vastness of the constitution.

CHECK YOUR PROGRESS

Read the information about all the makers of the Indian Constitution. You do not need to memorize this information. Just give examples from these to support the following statements.

1. The Assembly had many members who were not with the Congress
2. The Assembly represented members from different social groups.
3. Members of the Assembly believed in different ideologies.

BASIC VALUES OF THE INDIAN CONSTITUTION

In this chapter we shall study the exact provisions of the constitution. Now we will try to understand the philosophy behind our constitution. We can do this in two ways. We can understand it by reading the views of some of our major leaders on our constitution. But it is equally important to read what the constitution says about its own philosophy. This is what the Preamble to the constitution does. Let us turn to these one by one.

DREAMS AND PROMISES

Children, some of you must have been shocked to see the name of Mahatma Gandhi missing from the sketches of the makers of the constitution. He was not a member of the constituent assembly yet there were many members who followed his vision. Years ago writing in his magazine, "Young India", in 1931 he had spelt out what he wanted the constitution to do,

"I shall strive for a constitution which will release India from thraldom and patronage ..... I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice; an India in which there shall be no high class and low class of people ; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of intoxicating drinks and drugs. Women will enjoy the same rights as men ..... I shall be satisfied with nothing else. "

This dream of an India that has eliminated inequality was shared by Dr.Ambedker, who played a key role in the making of the constitution but he had a different understanding of how inequalities could be removed. He often bitterly criticized Mahatma Gandhi and his vision. In his concluding speech to the constituent assembly he stated his anxiety very clearly :

"On the 26th January 1950 we are going to enter a life of contradictions. In politics we will have equality, and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall by reason of our social and economic structure, continue to deny the principle of one man one value. How long

shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril."

Finally let us turn to Jawaharlal Nehru giving his famous speech to the Constituent Assembly at the stroke of midnight on August 15, 1947:

"Long years ago we make tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this seldom moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.....

Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be

beyond us, but as long as there are tears and suffering, so long our work will not be over. “

Check your progress

Read the three quotations above carefully:

- Can you identify one idea that is common to all these three?
- What are the differences in their ways of expressing that common idea?

Values that inspired and guided the freedom struggle and in turn nurtured by it, form the foundation for India’s Democracy. These values are embedded in the Preamble of the Indian Constitution. They guide all the articles of the Indian Constitution. The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution. Taking inspiration from the American model, most countries in the contemporary world have chosen to begin their constitution with a preamble.

We the people of the United States

In order to make a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Let us read the preamble of our constitution very carefully and understand the meaning of each of its key words.

The Preamble of the constitution reads like a poem on democracy. It contains the philosophy on which the entire constitution has been built. It provides a standard to examine and evaluate any law and action of government, to find out whether it is good or bad. It is the soul of the Indian constitution.

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political ; LIBERTY of thought, expression, belief, faith and worship ; EQUALITY of status and of opportunity , and to promote among them all, FRATERNITY assuring the dignity of the individual and the unity and integrity and the dignity of the nation ;

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

CHECK YOUR PROGRESS

√ Compare the Preambles to the constitutions of the United States of America and India.

√ Make a list of ideas that are common to both.

√ Note down at least one of the major difference between the two

√ Which of the two make a reference to the past?

SALIENT FEATURES OF THE INDIAN CONSTITUTION

SOVEREIGNTY :

The Indian constitution is based on popular sovereignty. This constitution has been made by the people of India and the supreme power rests in the people. In the Preamble of the constitution it has been clearly stated,: "WE THE PEOPLE OF INDIA.....this twenty-sixth day of November, 1949, do HERBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION." In this way the Indian constitution has been made, enacted, and adopted by the people of India.

LARGEST WRITTEN CONSTITUTION

Indian constitution is the longest, the most detailed constitution in the world. There are 395 articles and 12 schedules in it. There are many reasons for its vastness. The constitution is federal and the relationship between the union and the states has been detailed in a

very detailed manner. The description of Fundamental rights and the arrangement of restrictions upon it under different circumstances is the reason behind its increase of its volume. The greatest reason for the vastness of the Indian Constitution is that not only the principles have been described in the Indian Constitution, but there is also a detailed description of administrative organisations. The reality is that the Indian Constitution is not just a constitution, it is also a detailed codification of the important points of the constitutional and administrative systems.

DEMOCRATIC REPUBLIC

The constitution has established a democratic Republic. The word **Democratic** is indicative of the fact that the power of the government is vested in the people. A democratic government is established by the people for the people and of the people. The government is established by the elected representatives and these representatives have been elected by the people through the right of adult franchise given to them. Republic means that the head of the government is an elected person and not a hereditary position and has been elected for a limited period. This is the meaning of Republic, the source of complete power is in the hands of the people.

SOCIALIST STATE

In the Indian Constitution socialism is emphasized in governance. Socialism is that form of political governing theory which gives an equal chance to all the members of the society in contrast to an individual. Its aim is to establish an economic and political equality in the society in a rightful manner. Through the 42nd amendment of the constitution, India has been declared a socialist state in the Preamble.

SECULARISM

SECULARISM IS A CHIEF FEATURE OF Indian constitution. Through the 42nd amendment the constitution of India has declared India to be secular state in the Preamble. By secularism is understood that in the eye of the state all religions are equal, and there will be no distinction on the basis of religion. In the section of Fundamental Rights it is stated that the state will not differentiate among its citizens on the basis of religion, caste, or sex.

PARLIAMENTARY FORM OF GOVERNMENT

By accepting the parliamentary form of government , India has accepted the parliament as the highest organisation. In this form of government the actual power of government is vested in the cabinet of ministers. The control of the cabinet of ministers is through the organiser/ vyavasthapika and this cabinet continues only up to the lifetime of the organiser. The president and the governor are the constitutional heads and they work according to the advice given to them by the responsible ministers.

FEDERAL GOVERNMENT

In the very beginning of the constitution it is said that India is a union of states, i.e., here we will have a federal government. The power of the government has not been centred at one place rather divided between the centre and the states. If there is a conflict between the centre and the state on any issue of rights, then the right to solve it has been vested in the judiciary. India is a union of states but unlike the United States of America here the states have given rights to the centre.

Though theoretically the nature of the constitution is federal, but practically in its spirit it is unitary, because the centre has been made powerful.

INDEPENDENCE OF JUDICIARY

An important feature of the Indian constitution is the existence of an independent judiciary in the country. At the time of constitution formation, looking at the condition of the Indians it was not only necessary but also compulsory, otherwise the existence of democracy would have been in danger. The Indian constitution organises for a single judiciary in the country, on the apex of which is the**Supreme Court.** The decisions of the supreme court is mandatory to all the lower courts, individuals, organisations, and the government. To impart equal justice to the people the judiciary has to be free from the control and the pressure of the executive. An independent judiciary is the foundation of democracy.

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

The Indian constitution has included the Fundamental Rights and the Fundamental Duties. To include the Fundamental rights in our constitution we got an inspiration from the American constitution. The leaders of the Freedom Struggle had that people should get some basic demands of human rights of liberty, equality, etc. The constitution prohibits the making of such laws which violates the Fundamental rights. If the state makes such laws the judiciary can declare them unconstitutional. The constitution had provided such 7 Fundamental rights, but now the Right to Property ,no more remains a fundamental right. Through the 86th amendment ,2002, the Right to Education has been accepted as a Fundamental right.

In the same manner, through the 42nd amendment, in1976, 10 fundamental duties have been mentioned in the constitution. It is the duty of every citizen, abide by the constitution and respect the National flag and the National Anthem. The state expects every citizen to accept these duties.

DIRECTIVE PRINCIPLES OF THE STATE POLICY

It is the duty of the state to follow some directive principles enumerated in the constitution. The aim of the Directive principles of the state is to establish a welfare state. Through its medium , it has been emphasized to establish social economic and political justice.

UNIVERSAL ADULT FRANCHISE

In our constitution universal adult franchise has been established. There is no distinction on the right of voting on the basis of caste, sex, education, region, language and occupation etc. All Indian citizens who have completed the prescribed age given by the Indian Parliament have the right to vote. Earlier the prescribed age of adulthood was 21, but through the 66th amendment the age limit has been decreased to 18.

SINGLE CITIZENSHIP

Despite being a federal system, we have in our country the system of single citizenship. In India every citizen, whichever state he belongs to, whichever religion or sect he follows, whichever language or region he is related to, is the citizen of India. In India there is an emphasis on integrity and fundamental unity. Hence, there is a provision of single citizenship.

In addition, to strengthen the national unity our constitution has declared Hindi of Devnagari script to be the national language.

We have understood the formation of the constitution, its philosophy, and its features. But a constitution is not just a description of values and philosophy. It is a very long and detailed document. Hence, amendments to give the constitution a new shape is required time and again. The makers of the constitution felt that it should be according to the feelings of the people and so it should not be separated from the aspirations and changes going on in the society. Hence, there was an option for changes in the constitution regularly. These changes are called constitutional amendments.

The constitution is an expression of the thoughts of our people, their sentiments, and their progressiveness. It inspires the unity and the integrity of the nation, and helps in promoting an all round development and progressiveness of human beings.

SALIENT FEATURES OF INDIAN CONSTITUTION

1. Sovereignty
2. Largest written constitution
3. Democratic Republic
4. Socialist state
5. Secularism
6. Parliamentary form of government
7. Federal government
8. Independence of judiciary
9. Fundamental rights and fundamental duties
10. Directive principles of the state policy
11. Single citizenship
12. Provision of one national language

GLOSSARY

Constitution : the highest law of a country, it has the fundamental laws to run the politics and society of a country.

Article : a section of a document.

Constituent Assembly: an assembly of people's representatives that writes a constitution for a country.

Constitutional amendment: a change in the constitution made by the supreme legislative body in a country.

Draft : a preliminary version of a legal document.

Philosophy : the most fundamental principles underlying one's thoughts and actions.

Preamble : an introductory statement in a constitution which states the reasons and guiding values of the constitution.

Apartheid : the official policy of racial separation and ill treatment of Blacks by the government of South Africa between 1948 and 1989.

Treason : the offence attempting to overthrow the government of the state to which the offender owes allegiance.

QUESTIONS

1. Here are some false statements. Identify the mistake in each case and rewrite these correctly based on what you have read in this chapter.

   a. Leaders of the freedom movement had an open mind about whether the country should be democratic or not after independence.

   b. Members of the Constituent Assembly of India held the same views on all provisions of the constitution.

   c. a country that has a constitution must be a democracy.

   d. Constitution cannot be amended because it is the supreme law of a country.

2. Which of these is the most underlying salient feature underlying the conflict in the making of a democratic constitution in South Africa :

   a. Between South Africa and its neighbours.

   b. Between men and women.

   c. Between the white minority and black majority.

   d. Between the coloured majority and the black minority.

3. Which of these is a provision that a democratic constitution does not have?

   a. Powers of the head of the state.

   b. Name of the head of the state.

   c. Powers of the legislature.

   d. Name of the country.

4. Match the following with their roles in the , making of the constitution.

a.	Motilal Nehru	1.	President of the Constituent Assembly
b.	B.R.Amedker	2.	Member of the Constituent Assembly
c.	Rajendra Prasad	3.	Chairman of the Drafting Committee.
d.	Sarojini Naidu	4.	Prepared a constitution for India in1928

5. On the basis of the Nehru's speech "Trust with Destiny" answer the following questions:

   a. Why did Nehru say that India's "future is not one of ease or resting"?

   b. How are the dreams of new India united with the world?

   c. What pledge did he want the makers of the Indian constitution to take?

6. Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly:

a.	Sovereign	1.	Government will not favour any religion.
b.	Republic	2.	People have the supreme right to take decisions.
c.	Fraternity	3.	Head of the state is an elected person.
d.	Secular	4.	People should live together like family.

7. Some days ago a friend from Nepal wrote you a letter describing the political situation there. Many political parties were opposing the rule of the king. Some of them said that the existing constitution given by the monarch can be amended to allow more powers to elected representatives. Other parties are demanding for a new constituent assembly to make a republican constitution. Reply to your friend giving your own opinions on the subject.

8. Here are different opinions about what made India a democracy. How much importance would you give to each of these factors?

   a. Democracy in India is a gift of the British rulers. We received training to work with representative legislative institutions under the British rule.

   b. Freedom Struggle challenged the colonial exploitation and denial of different freedoms to Indians. Free India could not be anything but democratic.

c. We had faith in leaders who had democratic convictions. The denial of democracy in several other newly independent countries shows the important role of these leaders.

9. Read the following statements. Do you agree? Give reasons.

a. The authority of the rules of the constitution is the same as that of any other law.

b. Constitution lays down how different organs of the government will be formed.

c. Rights of citizens and limits on the power of the government are clearly laid down in the constitution.

d. A constitution is about institutions, not about values.

10. Compare the Indian Constitution with the Constitutions of other countries.

11. Read the following statements. Do you agree with them? Give reasons.

a. India is a country with majority of Hindus, so Hindus have special rights.

b. India is a Republic because the post of president is hereditary.

c. There can be no discrimination on the basis of caste, religion, and sex among the citizens.

d. Everybody is equal before law. Is this the real situation?

12. What are not the features of Indian Constitution?

a. Longest and detailed constitution.

b. Secularism.

c. Fundamental rights and fundamental duties.

d. Socialist state.

13. In the formation of Indian Constitution name the leaders from Bihar who were active? Identify them and collect information about them.

Let us read the newspapers. Follow any report on a discussion on any constitutional amendment or demand for any constitutional amendment. You could, for example, focus on demand for constitutional amendment for reservation for women in legislatures. Was there a public debate? What reasons were put forward in favour of the amendment? How did different parties react to the constitutional amendment? Did the amendment take place?

Chapter-4

Electoral Politics

In the last chapter we saw that in a democracy it is not possible to govern directly. The most common and practical form of democracy in our times is for the people to govern through their representatives. In this chapter we will look at how these representatives are elected. We begin by understanding why elections are necessary and useful in a democracy. In the process of understanding elections, we will try to understand how electoral competition among parties serves the people. To distinguish the democratic elections from the non-democratic ones, we will try to search those basic characteristics on the basis of which an election can be called democratic.

In the rest of the chapter we will try to assess the elections in India. That is, from the drawing of boundaries of different constituencies to the declaration of the results. In the process we will consider whether the elections held in India are free and fair. Towards the end of the chapter we will examine the role of Election Commission in ensuring free and fair elections, and also consider the steps in electoral reforms.

WHY DO WE NEED ELECTIONS

Elections take place regularly in any democracy. We have noted in the last chapter that in more than a hundred countries of the world elections are held to choose people's representatives. The best part is

that elections are held in many countries that are not democratic. The question arises, why do we need elections? Why do the democratic and non-democratic countries feel secure under of elections. To consider the importance of elections let us , first, imagine a democracy without elections and consider : is it possible for all the people to sit together everyday and take all the decisions? But this is only possible in a small group or community. This is not possible in any large community. In practicality, neither can we collect the entire community nor can all of us agree on a matter. For the solution of this problem most of the democratic countries rule through the medium of representatives.

Is there a democratic way of selecting representatives without elections? Let us think of a place where representatives are selected on the basis of age and experience or education and knowledge. There could be a difficulty in deciding who is more experienced or knowledgeable. But let us say the people can resolve these difficulties, then such a place does not require elections.

But the question is, can we call it a democracy? How do we find out if the people like their representatives or not? How do we ensure that these representatives rule as per the wishes of the people? How to make sure that those who the people do not like do not remain their representatives? This requires a mechanism by which people can choose their representatives at regular intervals and change them if they wish to do so. This mechanism is called election. Therefore, elections are considered essential in the present times for any representative democracy.

WHAT MAKES AN ELECTION DEMOCRATIC

It is clear that elections can be held in many ways. All democratic countries hold elections. Even most non- democratic countries hold some kinds of elections. How do we distinguish democratic elections from any other elections?

Now let us start with some necessary minimum conditions required for democracy: First, everyone should have the right to vote and every vote should have equal value. Second, there should be something to choose from. Parties and candidates should be free to contest elections and should offer some real choice to the voters.

Third, elections must be held regularly after every few years. Fourth, the candidate preferred by the people should get elected. Fifth, elections should be conducted in a free and fair manner, where people can choose their representatives, according to their wish.

These conditions might look very simple and easy. But there are many countries where the minimum conditions are not fulfilled. Let us apply these conditions to the elections held in our country and try to test whether the elections in our country can be called democratic?

RATIONALISATION OF POLITICAL COMPETITION IN ELECTIONS

By election is meant political competition. This competition can be seen in various forms. The most obvious form is the competition among political parties. At the constituency level it takes the form of competition among several candidates. If there is no competition election will become pointless. Let us consider how much these

competitions are issue- based and person- based? Let us also consider, is it profitable to have political competition? Cleary an electoral competition has many demerits. It creates a sense of disunity and factionalism in every locality. You would have heard of people complaining of party politics dividing their families. Different political parties and leaders often level allegations against one another. They use dirty tricks to win the elections. Some people say that in this competition good politics is sacrificed for the sake of winning elections. The result is that some good people who may wish to serve the country and society through politics are greatly disappointed.

Our constitution makers were aware of these problems. But still they hoped that in future this independent electoral competition will slowly improve with time. There have been some reforms in this direction. But they cannot be called satisfactory.

In such a situation how do we face the realities? One way is to reform and change the character and knowledge of the political leaders, and another practical method is to develop such a system in which the political leaders who serve the people will be rewarded while the ones who do not serve the people will be punished. Who will decide the reward or punishment? It is clear that this is done by the general public. This is the exact meaning of electoral politics. Regular electoral competition provides incentives to political parties and leaders. In the process they know the fact that if they do not show interest in the solution of the problems of the people, then people will not accept them and people will defeat them. Sometimes it also happens that instead of giving importance to general problems they pay attention to personal problems. As a result those political leaders win the elections who believe in making individuals happy and not in a common problem.

It is true that all parties wish to come to power. And just for the sake of pretence they have to serve the people. They are compelled to join this race. Hence, political competition is beneficial not only for elections but also for democracy.

ELECTION SYSTEM IN INDIA

We have come to know that India is a democratic country. Here also we have regular elections, which we have seen and heard. Now the point is whether our elections are democratic. To answer this question let us see how are elections held in India. In our country the elections of Lok Sabha and Vidhan Sabha are held every five years. The representatives who are elected have a term of five years. That is to say every five years the Lok Sabha and the Vidhan Sabha are dissolved. Then on a single day or within a small interval on different days elections are held in all constituencies. This is called general elections. Sometimes elections are held in only one constituency where it may have turned vacant on account of death or resignation. This is known as by- elections. Sometimes it also happens that due to not having the majority of votes , some of the governments fail to get confidence in the Lok Sabha or the Vidhan Sabha , then in such in a condition there are mid-term polls , then these mid- term polls turn into general elections. In this chapter we will discuss the general elections.

Constituency

ACTIVITY

In the Ara Lok Sabha constituency, how many Vidhan Sabha constituencies are there?

In which Lok Sabha constituency is Sandesh Vidhan Sabha constituency?

Find out how many constituencies of Vidhan Sabha are there in your Lok Sabha constituency.

In 2005 the people of Bihar elected 243 members of legislative Assembly [M.L.A.]. People from your area must have also made M.L.A.s. Did all the people of Bihar vote to elect 243 M.L.A.s? Perhaps you might be knowing that this does not happen. This does not even seem possible. For the purpose of elections the country is divided into several constituencies depending on the population. These areas are called electoral constituencies. The voters who live in an area elect one representative. Bihar is divided into 243 electoral constituencies to elect M.L.A.s. Similarly for Lok Sabha elections the country is divided into 543 electoral constituencies. The representative elected from each constituency of Lok Sabha is called a member of Parliament or an M.P. One of the features of a democratic election is that every vote should have equal value. That is, the vote of the President of India and a common man is of the equal value. That is why our constitution requires that each constituency should have roughly equal population in ratio with the area living within it.

Similarly, each state is divided into a specific number of Assembly constituencies. In this case the elected representative is called the member of Legislative Assembly or an M.L.A. The parliamentary constituencies are far bigger than the Legislative constituencies. We can also say that each parliamentary constituency has within it several Assembly constituencies.

The same principle applies Panchayat and Municipal elections. That is to say that even these have been divided into smaller electoral constituencies. The similarity in nomenclature may not cause any

confusion, hence they are called wards. Each ward elects one representative who is called a ward commissioner. In common language these constituencies are called seats, because each constituency represents one seat in the Assembly.

RESERVED CONSTITUENCIES :

Our constitution entitles every citizen to elect its representative. The constitution makers were, however, worried that in an open electoral competition, certain weaker sections may not stand a good chance to get elected to the Lok Sabha and the state Legislative Assemblies. They may not have the required resources to win and contest the elections against others. It is also possible that those who are influential and resourceful may prevent them from winning elections. If that happens, our parliament and Assemblies would be deprived of the voice of a significant section of our population. And that would make our democracy less representative and less democratic.

So, the makers of our constitution thought of a specific system of reserved constituencies for the weaker sections. Hence, some constituencies of the Lok sabha are reserved for the people of schedule castes [SC] and scheduled tribes [ST]. In a SC reserved constituency only someone who belongs to the scheduled caste can stand for election. Similarly, only those belonging to the scheduled tribes can contest an election from a constituency reserved for ST. Currently in the Lok Sabha, 79 seats are reserved for the ST. After the making of Jharkhand there is little population of ST in Bihar, hence, there is no seat reserved for the ST in Bihar. Only women can contest for seats

reserved for women. For the seats of General and Backward Classes only women of that group can contest.

- √ Can other states , like Bihar , can reserve half of the seats for women?
- √ Can one third seats be reserved for women in Lok Sabha and Vidhan Sabha?

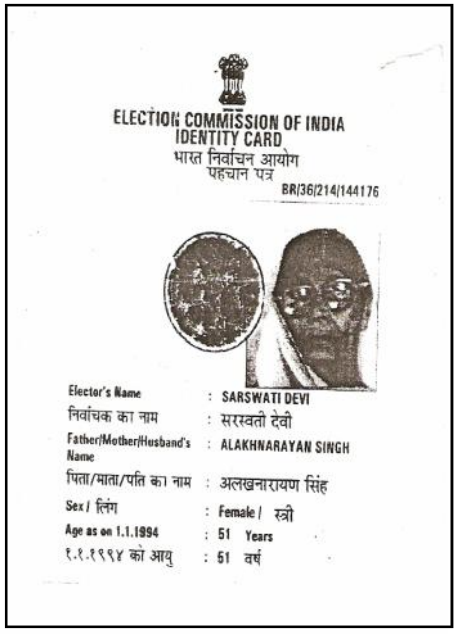
Voter's list

Once the constituencies are decided the next step is to decide who can and who cannot vote. In a democratic election, the list of those who are eligible to vote is prepared much before the election and given to everyone. This list is officially called Electoral Roll and is commonly known as the voter's list. The preparation of the voter's list is an important work. Without it elections are not possible. In the last chapter we have read about the principle of universal adult franchise. In practise it means everybody has the right to vote and each vote should have equal value. No one should be denied the right to vote without a good reason. In India all citizens 18 and above are considered to be adults.

On the basis of being an adult they have the right to vote. In adult franchise every adult has the right to vote regardless of caste, religion, community, rich, poor, or education. Only the age of 18 and above is seen. There is a provision in our constitution to deny voting rights to criminals, and persons with unsound minds. It is the responsibility of the government to get the names of eligible voters put on the voter list. As

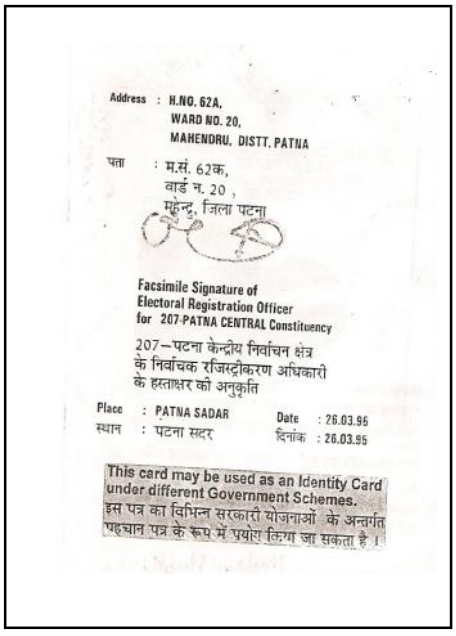
new persons attain voting age names are added to the voters list. Names of those who have died or who have moved out are deleted. In that situation a revision of the list takes place every five years. It is the responsibility of the government to get it done.

In the last few years in the elections a photo identity card has been introduced. The government has tried to give this card to every person on the voter list. The voters are required to carry this card so that no body may be debarred from voting and no one can vote for someone else. Now the process of getting the photo embossed on the voter's list is in progess. It is true that all the voters have not yet received their photo identity cards. That is why the election commission has given validity to 14 other identity cards for the purpose of voting, for example, voter's ration card, electricity bill, driving license etc.


ELECTION COMMISSION OF INDIA
IDENTITY CARD
भारत निर्वाचन आयोग
पहचान पत्र

BR/36/214/144176

Elector's Name : SARSWATI DEVI
निर्वाचक का नाम : सरस्वती देवी
Father/Mother/Husband's Name : ALAKHNARAYAN SINGH
पिता/माता/पति का नाम : अलखनारायण सिंह
Sex / लिंग : Female / स्त्री
Age as on 1.1.1994 : 51 Years
१.१.१९९४ को आयु : 51 वर्ष


Address : H.NO. 62A,
WARD NO. 20,
MAHENDRU, DISTT. PATNA

पता : म.सं. 62क,
वार्ड न. 20 ,
महेन्द्रु, जिला पटना

Facsimile Signature of
Electoral Registration Officer
for 207-PATNA CENTRAL Constituency

207—पटना केन्द्रीय निर्वाचन क्षेत्र
के निर्वाचक रजिस्ट्रीकरण अधिकारी
के हस्ताक्षर की अनुकृति

Place : PATNA SADAR Date : 26.03.95
स्थान : पटना सदर दिनांक : 26.03.95

This card may be used as an Identity Card under different Government Schemes.
इस पत्र का विभिन्न सरकारी योजनाओं के अन्तर्गत पहचान पत्र के रूप में प्रयोग किया जा सकता है ।

SAMPLE OF PHOTO IDENTITY CARD

THE FIRST PAGE OF ELECTORAL ROLL

निर्वाचक नामावली, 2014 (S04) बिहार

विधान सभा क्षेत्र की संख्या , नाम व आरक्षण स्थिति :	190 -पालीगंज - सामान्य	भाग संख्या : 234
लोक सभा क्षेत्र की संख्या, नाम व आरक्षण स्थिति :	31 -पाटलिपुत्र-सामान्य	

1.पुनरीक्षण का विवरण :

पुनरीक्षण का वर्ष	: 2014	**निर्वाचक नामावली की पहचान :** विशेष संक्षिप्त पुनरीक्षण, 2013 के अन्तर्गत अंतिम रूप से प्रकाशित तथा उसके पश्चात सतत अद्यतीकरण के अनुपूरक के साथ एकीकृत एवं समेकित मूल निर्वाचक सूची
अर्हता की तिथि	: 01.01.2014	
पुनरीक्षण का स्वरुप	: विशेष संक्षिप्त पुनरीक्षण, 2014	
प्रकाशन की तिथि	: 02.09.2013	

2.भाग व मतदान क्षेत्र का विवरण :

भाग में आनेवाले प्रभागों की संख्या व नाम :
(1) कटका

मुख्य ग्राम	:	कटका
डाकघर	:	लंकरपुर इमामगंज
थाना	:	पालीगंज
राजस्व हलका	:	009
पंचायत	:	कटका पैगम्बरपुर
अंचल	:	पालीगंज
प्रखंड	:	पालीगंज
अनुमंडल	:	पालीगंज
जिला	:	पटना
पिन कोड	:	804426

3.मतदान केन्द्र का विवरण :

मतदान केन्द्र की संख्या व नाम :	234 उर्दु मध्य विद्यालय,करिमपुर कटका	मतदान केन्द्र की विशेष हैसियत :	सामान्य
मतदान केन्द्र का भवन व पता	उर्दु मध्य विद्यालय, करिमपुर कटका	इस मतदान क्षेत्र के सहायक (ऑक्जिलियरी) मतदान केन्द्रों की संख्या :	0

4.मतदाताओं की संख्या :

आरम्भिक क्रम संख्या	अंतिम क्रम संख्या	मतदाताओं की संख्या		
		पुरूष	महिला	कुल
1	821	411	410	821

NOMINATION OF CANDIDATES

We have noted above that in a democratic election people should have the facility of choosing an alternative. This happens only when there are almost no restrictions on anyone to contest an election. This is what our election system provides. That is to say any one who can be a voter can also become a candidate in elections. The only difference is that in order to be a candidate the minimum age is 25 years, while it is 18 years for being a voter. There are some limited restrictions on criminals. The limited restrictions are because the criminals escape because of the final judgement of the court.

For elections the political parties declare the names of their candidates, and also their symbols and support. The process of nomination by political parties in common language is known as ticket.

A person who wishes to contest an election has to fill a nomination form and give some money as security deposit. In the recent days a new system of declaration has been introduced on direction from the Supreme Court. Every candidate has to make a legal declaration giving full details of :-

- Serious criminal cases pending against the candidate;
- Details of the assets and liabilities of the candidate and his or her family;
- Educational qualification of the candidate.

QUESTIONS RELATED TO EDUCATIONAL QUALIFICATIONS FOR CANDIDATES

- √ Why is there no educational qualification for M.L.A.s, M.P.s and people's representatives when some kind of educational qualification is needed for any other job in the country ?
- √ If educational qualifications become compulsory for these in our country, will it not deprive half of the population of their fundamental rights? Deprived, because half of the population is illiterate.

ELECTION CAMPAIGN

The main purpose of elections is to give a chance to choose their representatives and participate in the making of the government. For this it is essential for the people to know who is a better representative, which party will give a better government, or whose policy is for the sake of welfare. During the election campaign the political parties and voters participate in a free and open discussion.

In our country such campaigns take place for a two week period between the announcement of the final list of candidates and the date of polling . During this period the candidate contact their voters, address

election meeting, and different political parties propagate through newspapers and T.V. channels.

During election campaigns the political parties attract people through charming slogans. In 1971 the Congress party gave the slogan of garibi hatao [remove poverty]. In 1977 Save democracy was the slogan given by Janata party. The slogan of land to the tiller was given in the West Bengal Assembly elections in 1977. In 1988 the slogan of 'Protect the self respect of the Telugus' was given in Andhra Pradesh and in 2000 the slogan of 'Make Jharkhand' was given.

In a democracy it is best to leave political parties and candidates free to conduct their election campaigns the way they want to. But it is necessary to give all parties fair and equal chance to compete. That is why there are some tough provisions prescribed law for election. No party or Candidate can do these works.

√ Bribe or threaten voters;

√ Use government resources for election campaign;

√ Spend more than Rs. 2,50,000 in a constituency for a Lok sabha election or Rs. 1,00,000 in a constituency in an Assembly election.

If any candidate is found guilty of indulging in any of these activities, then his election may be declared rejected. In addition to these laws, all the political parties in our country have agreed to a Model Code of Conduct for election campaigns. According to this no party or candidate can :

♦ Use any religion or religious place for election propagation.

- Use government vehicles, aircrafts, and officials for elections.
- Once elections are announced, Ministers shall not lay foundation stones of any projects, take any big policy decisions, or make any promises of providing public facilities.

POLLING AND COUNTING OF VOTES.

The final phase of election campaign is polling. The voters cast their votes on the day prescribed by the Election Commission. Along with the date of elections the polling booths are also decided. For this the time limit is also declared beforehand. For a polling booth , any government or a public place or building is selected. To conduct the election on the polling booth the government appoints one presiding officer and other polling officers. Once the voter goes inside the booth, the election officials identify them, put a mark on their finger, and allow them to cast their votes. There are agents from different representatives to identify the voters.

The voters are given a ballot paper on which the names of the contesting candidates along with party names and symbols are listed on which they cast their votes of their choice. Now a days to make voting even more transparent, electronic voting machines [EVM] are being used. The machine shows the names of the candidates and the party symbols. The voter has to just press the button against the name of the candidate they want to vote. Once the polling is over all the ballot boxes are sealed and taken to a secure place fixed by the Election Commission. Then on a fixed and declared date the votes are counted.

The agents of all candidates are present there to ensure that the counting is done properly. The candidate who secures the highest number of votes is declared elected. In the general election , usually the counting of votes in all the constituencies takes place at the same time on the same day. Thus, newspapers and T.V. channels report the entire result of the elections immediately.

IS ELECTION IN INDIA DEMOCRATIC?

After the declaration of election results the newspapers and the T.V. channels report about the use of unfair means in elections in different areas. some malpractises are discovered by the media itself while some are reported by the political parties. Most of these reports are about the following:

- Inclusion of false names and exclusion of genuine names in the voter list.
- Misuse of government facilities and officials by the ruling party.
- Intimidation of voters and rigging on the voting day.
- Spread rumours on the eve of election related to caste and religion and distribution of illegal wealth among the voters.

To some extent these reports are correct. It is not only a question of competition among political parties. Very often it is heard that it is very difficult to keep alive a democracy in this country. Then can we say that in India the elections are not democratic? To reply this question we

have to consider if a party win an election and come to power not because it has popular support but through electoral malpractices. In this connection we should also think over the role of people in electoral malpractices, as to how much they are indifferent and how much co-operative they are. Let us carefully examine various aspects of this question.

INDEPENDENT ELECTION COMMISION

To examine the impartiality of election the Indian constitution has constituted an independent election commission, which is called 'Election Commission of India.' Now the points to be noted are, who conducts the election commission? Are they independent of the government or can the government or the ruling party influence or pressurize them directly or indirectly? Do they have enough powers to be able to conduct free and fair elections? Do they actually use these powers?

The answers to all these questions are quite satisfactory and positive for our country. In our country the election commission is as independent as the judiciary. The chief election commissioner is appointed by the President of India. Once appointed, the Election Commissioner is not answerable to the government or the President and no government can remove the CEC before his/her term.

Very few election commissions in the world have such wide ranging powers as the Election Commission of India. Let us consider its rights:-

The EC takes decisions on every aspect of conduct and control of elections from the announcement of elections to the declaration of results and its decision is final.

Along with this, the EC implements a code of conduct and can make the government and the candidates to follow some guidelines whose violation will be a punishable offence.

During the elections the government is compelled to follow the guidelines of EC. In it are included the use of government machinery to win elections and to transfer some government officials.

When on election duty, government officers work under the control of the EC and not the government.

In the last decade, the role of the intervening power of the EC has given rise to faith of the people. In the election of Bihar 2005, the EC was very active. When election officials come to the opinion that polling was not fair in some booths or even an entire constituency, they order for a re-election which, in common language, is called re-polling.

The EC is involved in the process of electoral reforms and is working out solutions for the problems of people and to control the malpractices. Now, in addition, photo identity card, the photos of the voters will also be in the voter-list. The revision of voter- list and the making of photo identity card is a continuous process.

We can conclude that if the EC in India had not been independent and powerful then definitely the elections would not have been democratic.

THE CIRCULAR ISSUED BY ELECION COMMISSION FOR THE FORMATION OF BIHAR VIDHAN SABHA:

- Photo identity card compulsory for elections.
- The EC declared guilty a Minister of the government for the violation of code of conduct.
- The EC controlled the expenses on elections.
- EC: ban and censorship on political advertisements.
- An eye on the hidden expenses of elections by the EC.
- Honourable court requested the EC to prohibit the criminals from contesting the elections.
- At the spur of elections, the EC changed the D.M.s and the S.P.s.

Consider these points and find out which powers are being used by the EC for a fair and free election.

Participation of people in election:

Another way to check the quality of the election process is to see whether people participate in it with enthusiasm. If the election process is not free or fair, people will not continue to participate in the exercise.

People's participation in election is usually measured by voters' turn- out figures. This is correct from the scale of practical view point. From this we get an idea of the actual voting done by eligible voters. Over the last 50 years the turn- out in Europe and North America has declined whereas the turn-out in India has either remained stable or actually gone up.

Very often it is seen that in India the poor, illiterate and underprivileged people vote in larger proportion as compared to the rich and the privileged sections. In America the poor people, Afro-Americans vote much less than the rich and the White people.

The point to consider here is that whether the poor, illiterate and weaker sections have interest in elections in the real sense, and vote. Is this interest to show a participation in government? Do the rich and privileged sections have a natural disinterest towards government?

We should evaluate the participation of people only after finding the answers to these questions.

Let us see the conclusions of the National Election Study 2004 in which the people were asked what difference did their votes make?

Let us see the percentage of election related activities , and the increase in its percentage.

The compulsion to accept election outcomes:

One final test of the free and fair election is its outcome. If elections are not free or fair, the outcome always favours the powerful. But this

does not happen in India. Very often the government in power is defeated. Many sitting M.P.s and M.L.A.s lose elections. The representatives capable of buying votes and those with a criminal background very often lose.

As a conclusion, it is a constitutional compulsion to accept the election results.

CHALLENGES TO FREE AND FAIR ELECTIONS:

All these lead to a simple conclusion that elections in India are basically free and fair. We have to accept the fact that the party that wins an election and forms government does so because it has got the support of the people. It is possible that a few candidates may win through unfair means, but the overall verdict of the general election still reflects popular preference.

By this time certain questions arise in our minds which give a different picture of free and fair elections:-

- Do the voters have correct and healthy alternative on the basis of which they can use their voting right?
- The candidates with criminal background are able to push others out of the electoral race and secure a ticket from major parties.
- Some families dominate political parties; tickets are distributed to relatives from these families.

- Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties..there may be some other challenges as well.

It is obvious that only the efforts of EC are not sufficient. The alertness and understanding of people is also necessary. Along with the general citizens social activists and organisations will have to think over it seriously. It is true that these challenges are not only faced in India. More or less the situation is the same in almost all democratic countries.

Do you have a solid solution to election reforms? What can an ordinary citizen do to face these challenges?

GLOSSARY

Election Commission of India: an independent unit meant for holding elections in Parliament and Assembly in India, which has been given powers by the constitution of India.

Constituency: voters in a geographical area who elect a representative.

Model Code of Conduct: : A set of norms and guidelines to be followed by political parties and contesting candidates during election time.

Election symbol: The EC allots specific election symbols to recognized parties. the independent candidates do not have any specific symbol but it is different in different constituencies. The symbol indicated against the name of the representative is called Election Symbol.

QUESTIONS

1. Why are elections important? Which of these statements , regarding it, are not true?
   a. In elections people elect representatives of their choice.
   b. Elections enable people to judge the performance of the government.
   c. Elections give an opportunity to fulfil the aspirations of the people.
   d. Election gets an opportunity to intervene in the working of the judiciary.

2. Which of these is not a good reason to say that Indian elections are democratic?
   a. India has the largest number of voters in the world.
   b. In India elections are free and fair.
   c. In India everyone above the age of 18 has a right to vote.
   d. In India the losing parties accept the electoral verdict.

3. Match the following:

A.	Universal adult franchise.	(1)	Almost equal number of voters in every constituency
B.	Representation of weaker sections	(2)	Right to vote at the age of 18 and above.
C.	Open political competition	(3)	Everyone is independent to form party or contest elections.
D.	One vote, one value.	(4)	Reservation of seats for Scheduled Tribes.

4. List all the election related activities mentioned in the chapter and arrange them in a serial order from beginning to the end:

   Counting of votes, making of voter list, election results, filing nomination, announcing election schedule, releasing election manifestos, election campaign.

5. At the time of election, what roles of EC do you not agree with?

   a. elections on the basis of photo identity card and other prescribed identifications.

   b. ban on misuse of government machinery in elections.

   c. the EC should intervene in the selection of candidates by political parties.

   d. Along with the security of the voters the EC should also give security to the election officials.

6. On the basis of the information gathered from this chapter give two facts to support your statement.

   a. it is easy for the party in power to win in election.

   b. for a free and fair election the people should participate in it.

   c. the EC does not have enough powers to hold free and fair elections in the country.

   d. there is a great participation of people in our country,

7. Shyamlal, in a criminal matter, got the punishment of life imprisonment. Mohanlal has been found guilty of torturing his wife for dowry. The court has not permitted both of them to contest elections. Is this judgment against the basic policies of democratic elections? Give reasons for your answer.

8. Veera Singh and Saifuddin are two representatives who have been imprisoned at the order of court on account of criminal matter. Until the final judgment the EC has to accept them as legal representatives. What should people do in such cases?

    a. Should people make them win the elections and free them from crime?

    b. Should people not vote them because of their criminal face?

    c. Should they be allowed to meet people during elections?

    d. 1. If yes, is it not a threat to democracy?

        2. If no, then why is he included in the working of the parliament?

        3. If this is a challenge to Indian democracy, then what would you say in this relation?

Chapter-5

Institutions of Parliamentary Democracy

INTRODUCTION

We have seen in the preceding chapter that in a democracy the wishes of the people are fulfilled by the representatives elected by the people. We have also considered that whenever a representative works against the wishes of the people it loses its way from the path of democracy. The feeling of dissatisfaction and opposition rises in the people. This opposition continues until the representative institutions and the units of administration once again start ruling for the welfare of the people.

Now we have reached a point when we should know how these institutions of democracy work for the welfare of the people. We will also try to know how the major decisions of the country are implemented. Which unit of administration gives it a final shape? What processes are involved in giving it a final shape? In the case of controversies how are they solved?

As far as the decisions are concerned it can be said that there are three main institutions : **The Legislature, The Executive, and The Judiciary.** This is the central point of this chapter.

You have already read something about these institutions in earlier classes. Here we shall quickly summarize the functional aspects of these institutions and move on to asking larger questions. We shall try to see

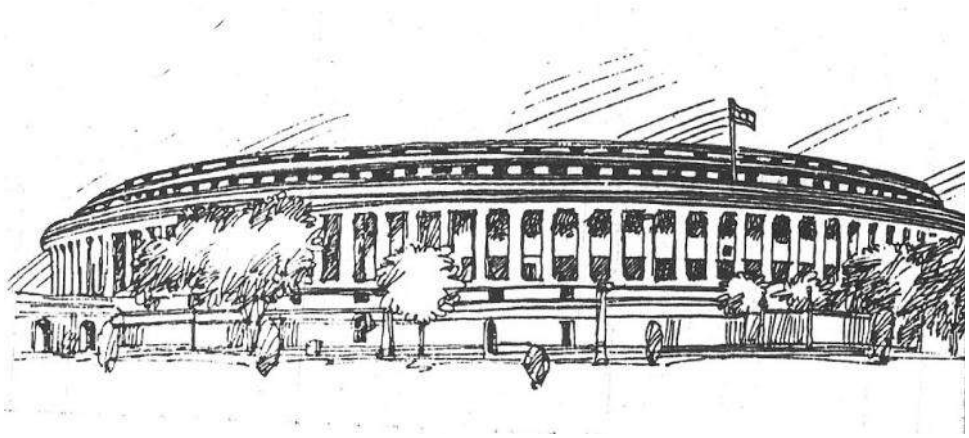
: What does these institutions do? How are these institutions connected to other institutions? What makes their functioning more or less democratic? We shall discuss the functional aspects and compare these institutions with the world's such institutions with national and local examples to make our topic clear.

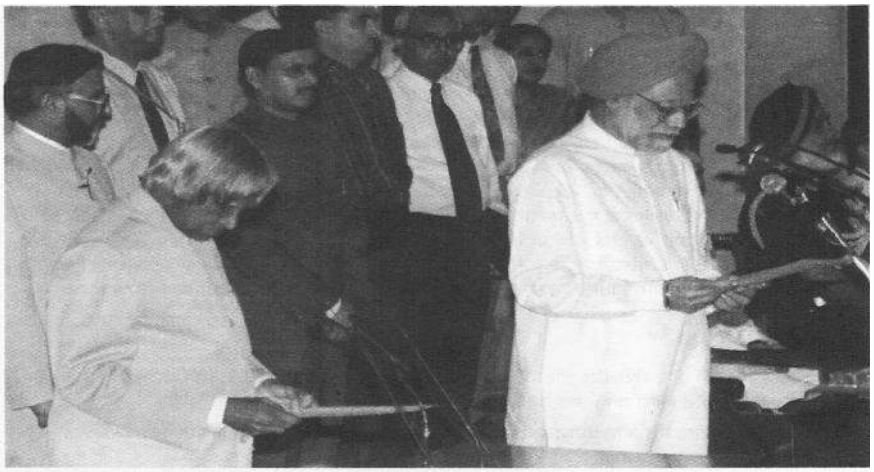
Decision Making Institutions in a Democracy

Children! You know that in a democracy administration is implemented and fulfilled through three organs: Executive, Legislature and Judiciary. But the functional nature of the administration is prescribed in a practical manner by the Executive.

Children, you also know that in India a federal government has been established on the lines of U.S.A. hence, the government functions on the state and the union level as given in the constitution. Thus, the union government fulfils its responsibilities at the central level, while the state government does the same at the state level; it decides its policies and takes decisions. The union government takes decisions on subjects related to the entire country, while the state government takes decisions on local subjects.

Now, while focussing on the nature and decision taking process of the central government, we shall try to know the practical functioning of the government.





राष्ट्रपति डॉ. ए.पी.जे. अब्दुल कलाम प्रधानमंत्री डॉ. मनमोहन सिंह को पद की शपथ दिलाते हुए

To make clear the functioning of the union government we shall give an example, which will tell you the practical functioning of how decisions are taken.

The Joint Secretary, Department of Personnel and Training, Public Grievances and Pensions signed an order on 13th August 1990. It was quite short, barely one page.

G.I.Dept. of Per. & Tr. O.M. No. 36012/31/90 – Est. [SCT], dated 13.8.1990

SUBJECT: 27% Reservation for Socially and Educationally Backward Classes in Civil Posts/ Services.

1. In a multiple undulating society like ours, achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission, called the MANDAL COMMISSION, was established by the then government with this purpose in view, which submitted its report to the Government of India on 31st December, 1980.

2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows :

a. 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC.

G.I. Dept. of per. & Tr. O.M. No. 36012/31/90 –[SCT], dated 8.9.1993

SUBJECT : Reservation for Other Backward Classes in Civil Posts and Services under the Government of India – Regarding.

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90 –Estt. [SCT], dated the 13th August, 1990 and 25th September, 1991, regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgment in the Indira Sawhney and others Vs. Union of India and other case [Writ Petition {Civil} No. 930 of 1990], the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/ sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

Though this is one of the many circulars signed by the Joint Secretary, Department of Personnel and Training, of the Ministry of Grievances and Pensions but this one was very important and became a source of controversy for several years.

Let us see how the decision was taken and what happened later.

This was in reality the announcement of a major policy decision. It said that 27% of the vacancies in civil posts and services under the

Government of India are reserved for Socially and Economically Backward Classes [SEBC].

Now we will see how was this memorandum issued? The answer would be – in the light of the direction given by the minister the order must have been issued by the secretary, but this is not so. It was neither a decision taken by the minister of Personnel and Training Department, nor by any officer. Rather the decision must have crossed various steps. The Government of India appointed in 1979 a Commission for Backward Classes. Its Chairman B. P. Mandal in his recommendations in 1980 said that 27% of government jobs should be reserved for SEBC. The report and the recommendations were discussed in the parliament. The parliamentarians and the parties kept demanding the implementation of the Commission's recommendations. Then came the Lok Sabha election of 1989 and the Janata Dal in its election manifesto promised to implement this. After the elections the leader of the Janata Dal government, V. P.Singh through the address of the President of India announced the intention of the government to implement the recommendations of the Mandal Commission. Then on 6th August, 1990, in a meeting the Union Cabinet took a formal decision to implement the recommendations and the Prime Minister V.P.Singh through a statement informed both the houses of the parliament. Then a senior officer of the Department drafted an order in line with the Cabinet decision and took the Minister's approval. The Joint Secretary signed the order on behalf of the Union government and that was how O.M. No.36012/31/90 was passed on August13, 1990. Although there were a number of hot debates on this issue in the country. Widespread protests and counter- protests were held all over the country.

In opposition to this decision many cases were filed in many courts of the country and there were demands to declare this decision invalid. The Supreme Court of India bunched all these cases together and under 'Indira Sawhney and others Vs Union of India. The 11 senior most Supreme Court judges after listening to both the sides declared by a majority that this order of the Government of India was valid but the well to do classes among the Backward Classes should be excluded. Accordingly, the Department of Personnel and Training issued another Office Memorandum on September8, 1993. The dispute thus came to an end and this policy has been followed since then.

CHECK YOUR PROGRESS

- A single person cannot take a major decision.
- In the modern democratic countries there are different institutions for different functions.
- Any institution can work only when these institutions work in the best possible way.
- The Prime Minister and the Cabinet are such institutions which can take major policy decisions.
- To implement the decisions taken by ministers the officers in the government are responsible.
- The Supreme Court is that institution where disputes between citizens and the government are solved.

Through the above discussions we can draw a conclusion that –

1. The policy decisions are taken by the Executive.

2. The Executive takes decision for the welfare of the people. Sometimes there is pressure on the Executive to take decisions.

3. In the process of making policies the Executive cannot ignore the Parliament.



Children, now we would tell you about the nature of the Executive which takes decisions.

As we have already said the Executive is of two types:

a. Political Executive

b. Permanent Executive

The real power of administration is vested in the Political Executive. The Political Executive rules on the people through the people's representatives. It has a definite period of term, and holds responsibility in the Lok Sabha until it has a majority. The Permanent Executive is a group of high officers who advise the government at different levels in making policies and they are the ones who actually devise policies as directed. Its term is until the retirement of the officers.

The Political Executive consists of the President, the Prime Minister and the Council of ministers. Although the President is the Executive head, all the works are done in consultation with the Prime Minister and his Council of ministers.

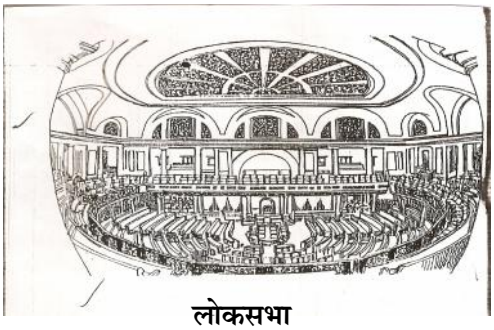
Along with the President, there is also the post of Vice- President who in the absence of the President, or when the post gets vacant, he performs all the functions of the President.

THE ELECTION OF PRESIDENT:

The president is elected indirectly by an electoral college which consists of two types of members –

1. Elected members of both the houses of the Parliament, the Lok Sabha and the Rajya Sabha.
2. The elected members of the state Assemblies, the Vidhan Sabhas.

The President is elected on the basis of a proportional representation through single representative vote. The Vice President is also elected on the same basis of proportional representation of single representative vote. In these elections both the houses of Parliament participate.



लोकसभा

The President and the Vice President are elected

for a period of 5 years. The President can be impeached if he is accused on a charge.

The President, in consultation with the Prime- Minister, appoints other ministers. Apart from this, with the consultation of the Prime- Minister he appoints the Governor, the Chief- Justice of the Supreme Court, the Election Commissioners, Ambassadors, etc.

The President has the right to call the sessions of the Indian Parliament , adjourn it and dissolve it.

Amongst the different functions of the President, he has also the right to issue an ordinance. The President addresses both the houses of the parliament , other than these he appoints the members of the Finance Commission, and acceptance of money bill are some of his major functions. The President can also declare war, external attacks, armed rebellion, or its danger, emergency due to constitutional failure, or financial emergency. The President has used these powers in 1962, 1971 and 1975.

Through the 44th amendment of the Constitution there has been some changes in the emergency powers of the President.

By the 44th amendment the President can ask the Council of ministers to reconsider its advice. But if the advice is given again, the President is compelled to accept the advice.

THE PRIME –MINISTER AND THE COUNCIL OF MINISTERS:

Children! You have seen that practically all the functions of the President are performed by the Prime- minister. Although the decisions regarding them are taken in the Cabinet meetings. The Prime minister

appoints ministers and can compel them to resign from their post. Hence, the Prime minister has complete control over his council of ministers. The Prime Minister , himself, is appointed by the President. But being the leader of the majority party in the Lok Sabha his appointment is supposed to be fixed. If there is no party with a majority , then different parties can form a coalition and choose a leader. In a coalition the parties join the government or support the government from outside.

THE PARLIAMENT

In all Democratic countries there is an assembly of elected representatives, which is called the **Parliament.** In America it is known as the Congress while in England it is the Parliament. In France it is called National Assembly, in Japan Diet, and in Russia it is known by the name of Dumas.

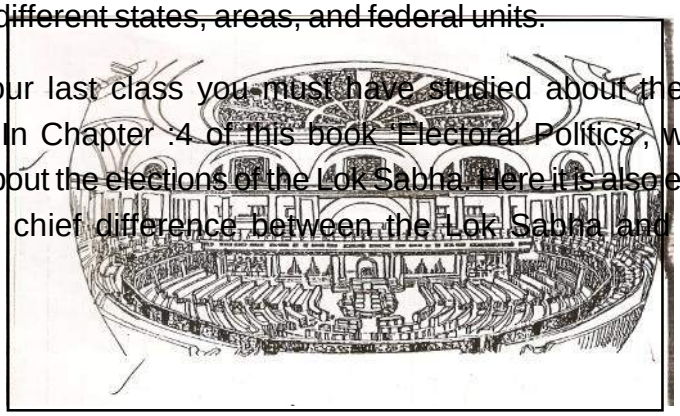
In India and England the Parliament is such an assembly of representatives who have the highest political rights. Because like other countries the Parliament has the power to make laws.

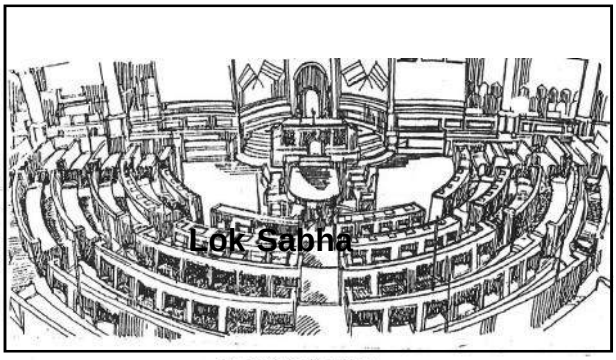
All the Parliaments of the world make new laws, amend existing laws, or abolish them. That is why we call them **Legislature.** In the centre we call it Parliament, but at the state level we call it Legislative Council.

Like all over the world, the Indian Parliament exercises control over those who run the government. But in India the control of Parliament over the governmet is direct and full, because the government can implement decisions only if it enjoys the support of the Parliament. There are two houses or Chambers in the Parliament, the **Lok Sabha ,** and the**Rajya Sabha.**

The Lok Sabha is known as the **first house** of the Parliament, and its members are commonly chosen directly by the people, so it is the representative of the people and actually uses power on behalf of the people. In India it is called Lok Sabha, in U.S.A. it is known as the House of Representatives, and in England as the House of Commons. At the state level this house of the legislative Council is called **Legislative Assembly**. In India the Rajya Sabha is known as the **Second House.** In America , it is the Senate, and in England it is the House of Lords that are known as the Second House. The general functions of the Second House, or the Upper Chamber is to safeguard the rights of different states, areas, and federal units.

In your last class you must have studied about the Indian Parliament. In Chapter :4 of this book 'Electoral Politics', we have discussed about the elections of the Lok Sabha. Here it is also essential to know the chief difference between the Lok Sabha and a state Assembly.





Lok Sabha

Lok Sabha and Rajya Sabha

CHECK YOUR PROGRESS

- What is the total number of members in the Lok Sabha and the Rajya Sabha?
- Who elects these members?
- What is the term of their period?
- When can Lok Sabha be dissolved?
- Can a Rajya Sabha be dissolved?

Children, you know that the chief function of the Parliament is to frame laws. The proposal to make a law is called a **bill. Bills** are of two types – **Ordinary Bill** and **Money or Finance Bill.** Any ordinary law has to pass through **five** levels to become a law.

First reading: An ordinary bill can be introduced either in the Lok Sabha or the Rajya Sabha. The ones who introduce the ordinary bill have to name it and thereafter present its related issues.

Second Reading: At this level it is seen whether the bill is to be presented before a superior committee, or for a public voting, or is it to be immediately decided within the Parliament. After coming on a conclusion on any of these, the bill is later debated in detail.

A DAY IN LOK SABHA.....

लोकसभा में एक दिन ...

चौदहवीं लोकसभा के कार्यकाल में 7 दिसंबर 2004 एक सामान्य दिन था। आइए इस बात पर गौर करें कि सदन में इस दिन क्या हुआ। इस दिन की कार्रवाई के आधार पर संसद की भूमिका और अधिकारों की पहचान करें। आप अपनी कक्षा में इस दिन की कार्रवाई का अभिनय कर सकते हैं।



11.00 विभिन्न मंत्रियों ने सदस्यों द्वारा पूछे गए करीब 250 प्रश्नों के लिखित जवाब दिए। इन प्रश्नों में शामिल थे:

- कश्मीर के आतंकवादी समूहों से बातचीत के बारे में सरकार की नीति क्या है?
- पुलिस और आम लोगों द्वारा अनुसूचित जनजातियों के खिलाफ़ किए गए अत्याचारों का आँकड़ा बताएँ।
- बड़ी कंपनियों द्वारा दवाएँ अत्यधिक महँगी किए जाने के बारे में सरकार क्या कर रही है?



12.00 ढेर सारे सरकारी दस्तावेज़ चर्चा के लिए पेश किए गए। इन दस्तावेजों में शामिल थे:

- भारत-तिब्बत सीमा पुलिस बल में नियुक्ति के नियम
- इंडियन इंस्टीट्यूट ऑफ टेक्नोलॉजी, खड़गपुर की वार्षिक रिपोर्ट
- राष्ट्रीय इस्पात निगम लिमिटेड, विशाखापत्तनम की रिपोर्ट और लेखा-जोखा



12.02 पूर्वोत्तर क्षेत्र के विकास मंत्री ने पूर्वोत्तर परिषद् को पुनर्जीवित करने के बारे में बयान दिया।

- रेल राज्य मंत्री ने एक वक्तव्य देकर बताया कि स्वीकृत रेल बजट के अतिरिक्त रेलवे को और अनुदान की जरूरत है।
- मानव संसाधन विकास मंत्री ने अल्पसंख्यक शैक्षिक संस्थान विधेयक, 2004 के लिए राष्ट्रीय आयोग की घोषणा की। उन्होंने यह भी स्पष्ट किया कि इसके लिए सरकार को अध्यादेश क्यों लाना पड़ा।



12.14 कई सदस्यों ने कुछ मुद्दों को उठाया, जिनमें शामिल थे:

- तहलका मामले में कुछ नेताओं के खिलाफ़ मामले दर्ज करने में केंद्रीय अन्वेषण ब्यूरो (सीबीआई) का प्रतिशोधात्मक रवैया।
- संविधान में एक आधिकारिक भाषा के रूप में राजस्थानी को शामिल करने की ज़रूरत।
- आंध्र प्रदेश के किसानों और कृषि मजदूरों की बीमा नीतियों के नवीनीकरण की आवश्यकता।



2.26 सरकार द्वारा प्रस्तावित दो विधेयकों पर विचार करके उन्हें पारित किया गया। ये विधेयक थे:

- प्रतिभूति कानून (संशोधन) विधेयक
- प्रतिभूति ब्याज और ऋण वसूली कानून का प्रत्यावर्तन (संशोधन) विधेयक



4.00 आखिर में सरकार की विदेश नीति और इराक की स्थिति के संदर्भ में स्वतंत्र विदेश नीति ज़ारी रखने की ज़रूरत पर लंबी चर्चा हुई।



7.17 चर्चा समाप्त हुई। सदन अगले दिन तक के लिए स्थगित हुआ।

If the bill is sent to a senior committee, the committee thinks over it and if necessary, give suggestions for amendments.

Once again the Parliament considers over all the aspects of the bill in detail after it is sent by the senior committee. The supporters and those who oppose may present their votes on the amendments of the bill. Thereafter the Parliament passes the bill with or without the amendments.

THIRD READING: At this level there can be no changes in the bill. After language correction the bill is voted and considered to be passed.

After being passed from one house the bill is presented in the Second House. In the Second Hose it has to pass through the processes through which it had to pass in the previous House. But if there is a difference between the two Houses, the final decision is taken in a joint session in which members of both the Houses sit together; and the bill is passed with a majority. Because of the larger number of members from the Lok Sabha, the bill passed by the Lok Sabha is basically passed in a joint session.

ACCEPTANCE OF THE PRESIDENT : After the bill is passed from both the houses it is sent to the president after whose assent the bill becomes a law.here the point to be noted is

If the president wants he can once again send the bill back for reconsideration. In 2007 A.P.J.Abdul Kalam exercised this power and sent to the Parliament for reconsideration the bill related to the post of profit. If the Parliament would have once again send the bill in the same form, then it would have become mandatory for the president to sign it.

POINTS TO REMEMBER

- Most of the countries in the modern world have democratic form of government.
- The nature of government is of two types: Presidential form of government and Parliamentary form of government. The examples of Presidential form are United States of America, most Latin American countries, Sri Lanka, South Africa etc. The examples of Parliamentary form are India, England, the recent Nepal, Italy, Japan Australia [most European countries]etc. Whereas in France and Switzerland we have a combined form of Presidential and Parliamentary forms.
- The Council of Ministers is that government unit that includes all ministers. There are almost 60 to 80 ministers of different levels.
- The Cabinet Minister is generally a senior leader of the party in power, or the coalition. They are in charge of important ministries.
- The State ministers are an adjunct to the Cabinet ministers of their Department and help them.
- The Prime- minister of a coalition government cannot take independent decision. He has to accept the ideas of his alliances because he is in the government with their support. In the recent days there was a difficult situation in the Manmohan government when the left parties drew their support on the issue of Nuclear Treaty.
- In all the Parliamentary Democracies of the world the power of the Prime Minister has increased in the recent years to such an extent that they are sometimes called the Prime- ministerial form of Democracy. Because of the nature of the Prime minister to

limit almost all the powers within himself, the first Prime- Minister of India, Jawaharlal Nehru, enjoyed various rights because he had a lot of influence on the people directly. Mrs. Indira Gandhi was a very powerful Prime- Minister. It is clear that the rights of a Prime-Minister depends on the personality of the person on that chair.

- The post of President also depends upon the personality of the person chairing it. Dr. Rajendra Prasad, Giani Jail Singh, K. R. Narayanan, A. P. J. Abdul Kalam are supposed to be powerful Presidents.

STATE EXECUTIVE AND LEGISLATURE:

India has a federal system of government. In the same way in many other democratic countries also there is a federal system of government for example, United States of America has the same type of federal system.

The Indian federation has organised the government on two levels – centre and state. The state executive consists of the governor, the council of ministers, and the Chief Minister. Although the Governor is the executive head of the state, but practically like the Prime- minister , the Chief- Minister is the head of the executive.

The Governor is appointed by the President, but practically the President appoints the Governor in consultation with the cabinet ministers. The Governor appoints the Chief –Minister, but he actually invites the leader of the majority party as the Chief minister. If a single party does not have a majority then he invites the leader of a coalition to the post of Chief minister and finalises a date to prove his majority in the Vidhan Sabha in consultation with the Chief Minister the Governor

appoints other members of the Council of ministers. He divides the departments amongst the ministers. The Advocate General of the state, the chairman of the State Public Service Commission, and its members, and such other high officials are appointed by the Governor in consultation with the Chief Minister.

The Governor has the rights to call one or both the houses of the state Legislature, to adjourn it, or to dissolve the Legislative Assembly. He addresses the joint sessions of both the houses which is called the Governor's Address. The Governor has the right to send messages to the state Legislature, and nominate1/6th of the members of the Vidhan Parishad/ the Legislative Council.

Only after the signature of the Governor a bill passed by the State Legislature becomes a law. The Governor can issue an ordinance when the sessions of the state Legislature are not going on. The finance bill can be introduced in the Vidhan Sabha with his prior permission and after his assent the money bill becomes a law. He has the right to minimise the punishment of the criminal, postpone it, or change it or completely pardon it but the Governor cannot pardon death penalty. Through the recommendation of the Governor only, President's rule is implemented in a state. In the state of President's rule, the Governor acts as an agent of the centre and according to the directions given by the centre. He is also the Chancellor of different universities.

Children! It seems through the discussion of the rights and duties of the Governor that he is a powerful person, but this is not so in practice. The Governor performs his functions in consultation with the Chief minister. So he is the nominal head. The real power is vested with the Chief minister and his Council of ministers.

The Chief minister is the leader of the Vidhan Sabha. He decides the policies for the administration of the state, or acts as a co-ordinator among his ministers. For the appointment of his ministers he gives advice to the Governor. For the division of the functions of ministers his will is the supreme, though he is compelled to give important departments to persons who are senior and have an important personality.

The power of the Chief Minister depends upon the person who chairs that post. In Bihar there have been many powerful and weak Chief-Ministers.

VIDHANMANDAL/ STATE LEGISLATURE:

It is mentioned in the Constitution that every state will have a legislature which will consist of the Governor and the two house [Vidhan Sabha and the Vidhan Parishad/ Legislative Assembly and the Legislative Council]. The right to decide whether the state legislature will have one or two houses is vested with the elected representatives and the Parliament. Six states in India have two houses [Bihar, U.P., Andhra Pradesh, Karnataka, Jammu& Kashmir, and Maharahtra] and the rest 22 states have one house, and union territiories, Delhi and Pondicherry will respectively have one house of Legislature. According to the Constitution, the highest number of members in Vidhan Sabha will be 500, and the lowest will be 60. At present in Bihar Vidhan Sabha we have 243 members and in the Vidhan Parishad we have 75 members.

ELECTION PROCESS:

Except the nominated members of the Anglo- Indian Community, all the other members of the Vidhan Sabha are elected by the voters

through the process of direct election. The age limit of the voters is 18 and all men and women who have crossed 25 can become candidate for Vidhan Sabha.

In normal conditions the term for Vidhan Sabha is 5 years. But the Governor can dissolve it within 5 years in special conditions.

Vidhan Sabha is the chief house for making laws. The Money Bill can be presented only in the Vidhan Sabha.

An ordinary bill can be presented in any of the two houses. The Vidhan Parishad has to pass the bill passed by the Vidhan Sabha within four months. If it is delayed by more than four months, then the bill is automatically supposed to be passed. The money bill can be delayed only by 14 days in the Vidhan Parishad. Hence, in the process of law making, Vidhan Sabha is a powerful body. The Vidhan Sabha keeps a control over the Council of ministers. By asking questions, supplementary questions, and by a cut motion during budget session, it controls over the government.

The collective responsibility of the Council of ministers is towards the Vidhan Sabha. No- Confidence motion, and No- Work motion can be brought only in the Vidhan Sabha.

SPEAKER AND DEPUTY SPEAKER:

The Vidhan Sabha, in every state, elects amongst its citizens a Speaker and a deputy Speaker. In the absence of the Speaker the Deputy Speaker conducts the proceedings of the House.

VIDHAN PARISHAD:

Vidhan Parishad is the upper House of the State Legislature. Now 6 states of India have Vidhan Parishad. In 1957 Andhra Pradesh

constituted a Vidhan Parishad and ended it in 1985. In 1969 West Bengal and Punjab also ended the upper House of the Legislature.

In the Article 169 of our Constitution there is a provision that the states which do not have a upper House can constitute its organisation. The states which have an upper House can end it. But to this they have to pass this proposal with a special majority[majority of the total members or 2/3 of the voting members] and then send it to the Parliament. If the Parliament wants, it can make laws for the related states to constitute or end the upper House.

There is a provision in the Constitution that the minimum number of members in a Vidhan Parishad should be 40, and the maximum number should be 1/3 of the total number of the members of the Vidhan Sabha. There are 75 members in Bihar Vidhan Parishad out of which 1/3rd of the total members are elected through the local bodies of that state- municipal councils, village panchayats, etc. Once again, 1/3rd of its total members are elected by the members of the Legislative Assembly. 1/12th of the total members of the Council are elected by the graduates of the universities of the state. 1/12th of the total members are elected by high schools, colleges and universities teachers and 16th of the total members are nominated by the Governor who have practically excelled in the areas literature, art, social service etc.

TERM- Vidhan Parishad is a permanent House. Every two years 1/3rd of its members have to leave their posts. New members are elected on that place. Every member is elected for a period of six years.

OFFICERS: THE Council selects one of its members as the chairman and another one as Vice- Chairman. The chairman chairs the session of the Council, and maintains law and order in the House.

Just as in the Vidhan Sabha an ordinary bill can be presented in the Council. If a bill which has been passed by the Vidhan Sabha is sent to Vidhan Parishad , it is mandatory that it should consider it within 3 months. If the Vidhan Parishad presents some amendments to it which is not acceptable to the Vidhan Sabha, or if it rejects the bill and the Vidhan Sabha once again passes the same bill, then if the Vidhan Parishad passes the bill not within one month it is sent to the Governor for his assent. Hence, in terms of ordinary bills also the Vidhan Parishad has very little power.

JUDICIARY:

Children! Remember the story which was told in the beginning of this chapter, that of 27% reservation which created a great commotion in the country. There were struggles against it at many places in the country.

Many people filed case against 27% reservation in public sectors and central departments in the high courts and the Supreme Court. Finally the Supreme Court gave its verdict on this debate and there was a satisfactory end to the debate. Everyone accepted it.

Iimagine, what would happen in the following circumstances.

a. There would have been no organisations like high court or Supreme Court.

b. If government would not agree to accept the decisions of the Supreme Court, or if Supreme court did not have the power to judge the actions and decisions of the government.

It is clear that there would have been a reign of terror and uncertainty in our country. Democracy would have lost its original form. The constitutional set-up would have come to an end.

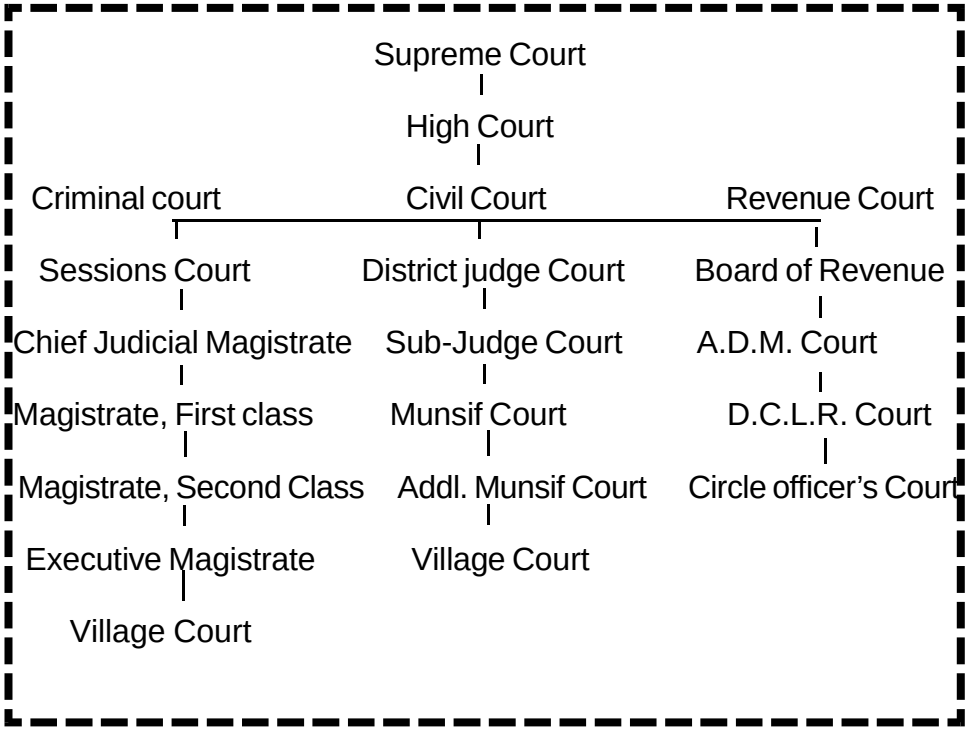
This is why an independent and powerful **judiciary** is considered essential for Democracies. All the courts at different levels in a country put together are called the judiciary.

The nature of judiciary in our country is as follows:

a. Supreme Court.

b. High Court in the states.

c. District courts and the courts at the local level.



In Indian Judiciary, Supreme Court is for the entire country, High courts for states, and under the High courts are civil, criminal and revenue courts and also the ones under them. India has an integrated judiciary. In the U.S.A. the judiciary is federal, or the judiciary is at at two levels. There is a federal court at the centre. All cases and issues related to federal laws are resolved in the federal court. The Supreme court ,there , is at the top of the federal court.

THE SUPREME COURT OF INDIA:

Supreme Court is the highest court in the country. In India it was established on 26th January 1950, and it is situated in New Delhi. At present the minimum qualifications for the judges in the Supreme Court are as follows:

a. Should be a citizen of India.

b. Should have worked as a judge for minimum 5 years in an HIGH court, or

c. Should have practised as an advocate for at least for ten years in any High Court.

d. According to the president one who has the knowledge of law .

Appointment:

The judges are appointed by the President. In India up to the age of 65 one can remain on the post of judge in the Supreme Court. But he can be removed through impeachment. The motion of impeachment has to be passed separately by a majority of the members of the two

houses of the Parliament separately and two thirds of the members present and voting .

Jurisdiction : The Supreme Court has both the rights - primary and appellate. Among its primary rights are included -conflict between state and centre, cases related to Fundamental Rights, conflict between two or more states, etc. In Supreme court we have the right to appeal in both the areas- civil or criminal. Any citizen or state government can appeal in the Supreme Court against the decisions given by the High courts. The Supreme Court is also the protector of the Constitution. That is why the Constitutional bench of the Supreme Court explains the Constitution.

The Supreme Court also has the advisory rights. The President of India can take the views of Supreme Court on any legal matter. Neither the Supreme Court is compelled to advise the President, nor the President is compelled to accept the advice of Supreme Court. The Supreme Court can reconsider its own decisions. It can issue orders and writs to protect Fundamental rights. These writs include Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto etc. The Supreme Court can inspect the courts under it. With the prior permission of the President, the Supreme court can make rules related to salary, allowances, leave, pension and other conditions related to service. The Supreme Court of India has been made independent and impartial. Arrangements have been made in the constitution for its independence. By the 42nd amendment act of the constitution there has been attempts to restrict the constitution but through the 43rd amendment its independence has been established once again.

Once again by the 44th amendment some changes have been made in the jurisdiction of the Supreme Court.

HIGH COURT: According to the constitution there will be one high court in one state or for more than one state. This court is above all other courts in the state. That is why it has been named as High Court. The Patna High Court is the highest court of the state which was established on 1st March 1916. At present in Patna High Court there is one chief justice and many judges other than him. The chief justice of the high courts are appointed by the President in consultation with the Governor of the related states and the other judges are appointed by the President in consultation with the chief justice. Only those persons can be appointed in the high court who :

a. Is a citizen of India.

b. Has held a judicial post for five years, or has practised in a high court for at least ten years.

After consulting the chief justice the President can transfer a judge of a high court to any other high court. The high court judges retire at the age of 62 years. But the parliament can pass a proposal for impeachment by a 2/3rd majority. The high court judges after retirement cannot practise in any court.

Jurisdiction: it has been said in the constitution that whatever rights the high courts had before the implementation of the constitution the same jurisdiction would continue in the high courts of the states. The jurisdiction of the high courts are as follows:

Primary Jurisdiction: under the Primary Jurisdiction any case related to Fundamental Rights can be taken directly to the high court.

To implement the Fundamental rights, just like the Supreme Court , it can also issue writs like Habeas Corpus, mandamus, Prohibition,

Certiorari, and Quo Warranto. Again divorce, will, water resource department, contempt of court, case related to company laws also comes under the primary jurisdiction of high courts.

Appellate jurisdiction: Against the decisions of the sub-ordinate courts the following cases can be appealed in the high court:

a. Those civil cases related to an amount of Rs. 5000 or more or property with its valuation of Rs. 5000 or more.

b. Those criminal cases where the culprit is punished for more than four years of imprisonment.

c. The punishment of execution can also be appealed in the high court. It is to be noted that the punishment of execution has compulsorily to be confirmed by the high court.

d. Those cases where the explanation of constitution is involved.

Other than this the high court, like the Supreme Court, has the right to revision. It can also inspect the sub- ordinate courts.

Apart from this on the district level in the states for civil, criminal and revenue cases sub-ordinates courts have been abolished. At the lowest level there is the village court which has the right to impose maximum a fine of Rs 100 and a punishment of one month. The village court can listen to civil cases up to Rs 500.

POINTS TO REMEMBER:

- In the 42nd amendment act of the constitution made in 1976, the President is compelled to accept the advice of the Council of ministers. In the 42nd amendment of the

constitution the word cabinet was used for the first time and that the President is compelled to accept the advice of the cabinet.

- In the Presidential election there cannot be a discrimination on the basis of birth and otherwise.
- A contestant for the Presidential election has compulsorily to deposit a security of Rs15000. The names of the contesting candidates for the election of President should have been proposed by 50 voters and also recommended by 50 voters.
- It is compulsory to present a proposal of impeachment signed by 1/4th of the total members of the House 14 days prior to the chairman.
- The nominated members of the Parliament and the Legislative Assembly will not participate in the Presidential election but will definitely participate in the process of impeachment.
- The general secretaries of the Lok Sabha or the Rajya Sabha are elected by the election commission.
- The President is the Commander-in-chief of the army.
- The vice president is the ex officio chairman of the Rajya Sabha.
- In the Indian constitution there is no provision for Deputy Prime minister. But in 1978 Morarji Desai appointed Babu

Jagjivan Ram and Choudhary Charan Singh as Deputy Prime ministers. In 1990 Chandrashekhar appointed Choudhary Devilal as Deputy prime minister and in 2002 Mr. Bajpeyi appointed Lal Krishna Advani as Deputy prime minister. Although according the constitution the Deputy prime minister has no special powers.

- N. V. Gadgil had said that the powers of the prime minister are so great that there is a danger of his becoming a despot if he is not of a democratic mentality. In 1975-77 by implementing emergency, Indira Gandhi has created somewhat a similar situation.
- From 15th 1947 till date 19 persons have been made prime-ministers and 13 persons have been made the President.
- In the Rajya Sabha of India all the states have not been given equal representation whereas in America, Russia, Switzerland both the houses have been given equal representation.
- The members of the Rajya Sabha are elected through open voting rather than secret voting. [through the amendment of 2003 in the public representative law.]
- For the working of the Rajya Sabha it is essential that 1/10th of its total members are present.
- The Rajya Sabha has got some special powers. By a majority of 2/3rd members of the Rajya Sabha , it has the right to establish all India services.

- If the Rajya Sabha passes by a majority of 2/3rd on a subject mentioned in the State List, that it is essential to make a law by the parliament for the welfare of the people, then the parliament can make laws related to that subject.
- The number of the elected members of the Lok Sabha has been fixed to a maximum of 550. Out of 550 members 530 represent the federation of the states while the resr 20 represent the union territories.
- The Indian parliament has freezed the total number of seats in the parliament till 2026 by a constitutional amendment of 2001.
- The present 14th Lok Sabha was composed on 17th May 2004 and out of the total 539 members only 44 women members were elected.
- The speaker of the Lok Sabha and the chairman of the Rajya Sabha have the deciding voting right when the total number of votes on both sides are equal.
- The Speaker of the Lok Sabha presides over the joint session of both the houses.
- After the approval of the President the bill is published in the Indian Gazette. In this way the bill takes the form of law in the country.
- If there is a delay on an ordinary bill in both the houses then the President can call a joint session but on a money bill the joint session cannot be called.

GLOSSARY

Coalition Government: a government formed by an alliance of two or more political parties usually when no single party enjoys majority support of the members in a Legislature.

Executive : a body of persons having authority to initiate major policies make decisions, and implement them on the basis of the constitution and laws of the country.

Government : a set of institutions that have the power to make, implement and interpret laws so as to ensure an orderly life. In its broad sense, government administers and supervises over citizens and resources of a country.

Judiciary : an institution empowered to administer justice and provide a mechanism for the resolution of legal disputes. All the courts in the country are collectively referred to as judiciary.

Legislature: an assembly of people's representatives with the power to enact laws for a country. In addition to enacting laws, legislatures have authority to raise taxes and adopt the budget and other money bills.

Office Memorandum : a communication issued by an appropriate authority stating the policy or decision of the government.

Political Institution : a set of procedures for regulating the conduct of government and political life in the country.

Reservations : a policy that declares some positions in government employment and educational institutions 'reserved ' for people and communities who have been discriminated against, are disadvantaged and backward.

State : political association occupying a definite territory, having an organised government and possessing power to make domestic and foreign policies. Government may change, but the state continues. In common speech, the terms country, nation and state are synonyms.

QUESTIONS

1. If you are elected as the President of India which of the following decisions can you take on your own?
   a. Select the person you like as Prime Minister.
   b. Dismiss a Prime Minister who has a majority in Lok Sabha.
   c. Ask for a reconsideration of a bill passed by both the Houses.
   d. Nominate the leaders of your choice to the Council of Ministers.

2. Which among the following is a part of the political executive?
   a. District Collector.
   b. Secretary of the Ministry of Home Affairs.
   c. Home Minister.
   d. Director General of Police.

3. Which of the following statements about the judiciary is incorrect?
   a. Every law passed by the parliament needs approval of the Supreme Court.
   b. Judiciary can strike down a law if it goes against the spirit of the constitution.
   c. Judiciary is independent of the executive.
   d. Any citizen can approach the courts if her/his rights are violated.

4. Which of the following institutions can make changes to an existing law in the country?

   a. The Supreme Court
   b. The President
   c. The Prime Minister
   d. The Parliament

5. Match the ministry with the news that the ministry may have released:

A	B
A new policy is being made to increase the jute exports from the country.	Ministry of Defence
Telephone services will be made more accessible to rural areas.	Ministry of Agriculture, Food and Public Distribution
The price of rice and wheat sold under the Public Distribution System will go down	Ministry of Health
A pulse polio campaign will be launched, allowances will be increased.	Ministry of Commerce and Industry.

6. Name the institution among the legislature, executive and the judiciary that exercises the powers on each of the following matters.

   a. Decision on allocation of money for developing infrastructure like roads, irrigation, etc. And different welfare activities for the citizens.

   b. Considers the recommendation of a Committee on a law to regulate the stock exchange.

   c. Decides on a legal dispute between two state governments.

   d. Implements the decision to provide relief for the victims of an earthquake.

7. Why is the Prime Minister in India not directly elected by the people? Choose the most appropriate answer among the given four choices and give reasons for your answer.

   a. In a Parliamentary democracy only the leader of the majority party in the Lok Sabha can become the Prime Minister.

   b. Lok Sabha can remove the Prime Minister and the Council of Ministers even before the expiry of their term.

   c. Since the Prime Minister is appointed by the President there is no need for direct election by the people.

   d. Direct election of the Prime Minister will involve lot of expenditure.

8. Three friends went to watch a film that showed the hero becoming Chief Minister for a day and making big changes in the state. Imran said this is what the country needs. Rizwan said that the rule of this sort of man, without supported by any institution is dangerous. Shanker said that this is a fantasy. No minister can do so much in one day. What would be your reaction to such a film?

9. A teacher was making preparations for a mock parliament. She called two students to act as leaders of two political parties she gave them an option: each one could have a majority either in the mock Lok Sabha or in the mock Rajya Sabha. If this choice was given to you, which one would you choose and why?

10. After reading the example of reservation order, three students had different reactions about the roe of the judiciary. Which view, according to you, is a correct reading of the rile of judiciary?

    a. Srinivas argues that since the Supreme Court agreed with the government, it is not independent.

    b. Anjaiah says that judiciary is independent because it could have given a verdict against the government order . the Supreme Court did direct the government to modify it.

    c. Vijaya thinks that the judiciary is neither independent nor conformist, but acts as a mediator between opposing parties. The cour struck a good balance between those who supported and those who opposed the order.

Project Work

We have discussed four different institutions of our country in this chapter. Collect newspaper for the last one week and classify the news in four groups.

- √ Working of the legislatures.
- √ Working of the political executive.
- √ Working of the civil services.
- √ Working of the judiciary.

Chapter-6

Democratic Rights

In democracy there is the participation of the public. This participation is possible only through individual's rights [for example, right to vote, right to expression, right to information, etc.]. Hence, the rights of an individual is not only a compulsory element for democracy, it is also an associate of democratic politics whose presence regularly display the real nature of a democratic rule.

IMPORTANCE OF RIGHTS:

To know the importance of rights let us begin this chapter with those incidents through which the individual loses his rights. The difficulties and problems coming out of it make us feel immediately that without the rights our life would have been very difficult. This also invites us to know what is the meaning of right? Why do we need them? What is the necessity of getting them of getting them mentioned in the Constitution? which was the first country to take a step in this direction? How much did we have to struggle to get rights placed in our Constitution? After independence what were the rights given to the citizens in our Constitution? we will also see how a common man can achieve these rights. If anyone takes away these rights who will safeguard them and who will implement them?

In the end we shall see why do we need rights in a democracy?

What is the role of rights in maintaining democracy, implementing it and developing it? Today most of the countries are democratic. Has the development and expansion of democracy also expanded the rights? What has our own country, other countries of the world and the United Nations Organisation done for it in the recent years?

Life without Rights

Every day in the newspapers we read that innocent persons have been the victims of the torture exercised on them by the police, the wicked people, the strong and the persons in power. There are news of such prisoners who pass the major time of their life in prisons because of the delay in justice. The prisoners, children and women are treated in the most inhuman manner. In Bhagalpur the prisoners were blinded. The American army had immensely tortured in the name of revival of democracy. After 11th September 2001, in the name of terrorism, America tortured the innocents as well. In Myanmar, Aung San Su Kyi was kept in House arrest for years. In Iraq, Yugoslavia, India, and in many other countries of the world the common people had to face great problems because of the human slaughter done in the name of religion.

What do we think after reading such news? Definitely we would not like to repeat these incidents again and try for an organisation which would guarantee the minimum things and where there is an equal opportunity for respect and honour.

In other words man wants to live a healthy life. For this he needs certain facilities. The individual makes a demand for these facilities. Since all the people of the society need these facilities, these demands and claims should be reasonable and intelligible. These demands have to be implemented equally on all. Only then can it get a social sanction.

The society accepts only those demands which are essential, and in which there is the emotion of universal welfare. When the socially recognized claims are written into law they acquire real force and then these are called rights.

Hence, rights are those reasonable demands of people which have been accepted by the society and recognized by the courts.

ACTIVITY

- What type life is it without right? You can find it yourself by collecting incidents from magazines and journals, for example:-
- Newspaper reports on custodial violence
- Ethnic massacre in any part of the country.
- Reports regarding unequal treatment of women .

NECCESSITY OF RIGHTS IN A DEMOCRACY:

In the beginning of this chapter we have seen that in a democracy there is the participation of the common people. This participation is of two types - first, the citizens participate in the regular decisions and run the government directly but when the question is of millions of people to participate then this sort of democracy becomes impractical and impossible. Hence, a system has been organized in which the representatives chosen by the citizens run the government and take decisions. We have read in the last chapter that the process of choosing the representatives is called elections and the rights which are needed to choose the representatives by the citizens , is called the voting rights.

In this way the first condition of representative democratic rule is the presence of rights. In a democracy every citizen has the right to vote and elect his favourite representative and also through election get elected as representative.

This representative government should regularly express in the real sense the aspirations and wants of the people and for this it is essential to compose a government through impartial elections on regular intervals. For this it is necessary that people should have the freedom to express, form political parties, and political activities.

It is necessary to pay attention on the limits of their works so that a government may not become despotic and their democratic nature be maintained. The powers of the government has to prescribe these limits for the rights of the people. This helps the government to maintain its democratic nature. It is necessary that the government is evaluated regularly to see that it is functioning properly. It is possible only if people have the freedom to express. They have the right to information regarding the works of the government, they have the right to criticize the government.

The work- culture of democracy is such that the majority is always powerful. Hence, there is always a chance of the majority being arbitrary. By suppressing the rights of the majority the security of the minority is guaranteed. They organise that the majority may not act arbitrarily in any democratic organisation.

WHY DO WE NEED TO MENTION RIGHTS IN THE CONSTITUTION

Very often even the elected governments do not secure the rights of its citizens. Rather they themselves attack the rights of the citizens. That

is why some rights need to be given a higher status than the government itself so that the government may not violate them and the rights may be implemented. So in a democratic rule there is the necessity of writing down the rights.

Now let us see from where has the list of rights begun in the constitutions of the world.

IN THE CONTEXT OF THE WORLD:

At the international law Fundamental Rights were used for the first time in the French Revolution of 1789. The National Assembly of France while declaring the Human Rights, included in its Constitution some of the Fundamental rights of its citizens. The declaration of Human Rights has influenced many constitutions of the world. The United States of America made Fundamental Rights a part of the constitution within two years of its implementation with the help of ten amendments. Please also refer to United Nations declaration of Universal Human Rights in 1948. Today in all constitutions of the world there is a mention of Fundamental Rights. Even the constitutions of countries like China and Russia where the rights are controlled, mention the Fundamental rights of the citizens.

IN THE CONTEXT OF INDIA:

In India for the first time Bal Gangadhar Tilak raised the question of Fundamental rights. During the freedom struggle, the Congress demanded the Fundamental rights several times. In the Bombay session of 1918, in the Karachi session of 1933, by the Nehru Committee in 1928, and by the Sapru Committee in 1945 the matter of Fundamental Rights was raised but the Indians were not granted these rights. Hence,

it was natural that after freedom struggle, the Fundamental rights be incorporated in the constitution and they also remain secured. This was suggested by all. The rights which had to give security were listed in the fundamental frame of the constitution and were called the Fundamental Rights.

The Preamble of the Indian Constitution promises to give to its citizens equality, freedom and justice and the Fundamental Rights try to fulfil these promises.

The Fundamental Rights are very important. Special provisions have been made for their security. They are so important that the constitution itself ascertains that the government does not violate them.

RIGHTS IN THE INDIAN CONSTITUTION:

PURPOSE OF FUNDAMENTAL RIGHTS:

Fundamental rights are different from our other rights. Whereas to protect and implement the general legal rights, the help of general laws are taken, for Fundamental Rights the guarantee and security is provided by the constitution itself. The general laws can be altered by the Parliament by making a law, there has to be an amendment done in the constitution to alter the Fundamental Rights. Apart from this, any organ of the government cannot function against the Fundamental Rights.

These are the following rights whose provision have been given in our constitution:

RIGHT TO EQUALITY: [Articles 14 to 18]

Many things happen around us which make us think that these

conditions are not fit to live in human society.

- In a farm both men and women work. At the end of the day while the men get Rs.50, the women get only Rs.45.
- On a public place the Dalits or persons of a particular religion are denied entry.
- In any school there is a separate place for drinking water for any special caste or class.

All these are clear examples of distinctions. In one case there has been a discrimination on the ground of sex, in another on caste. Do you find these discriminations reasonable?

The right to equality tries to remove all these discriminations. On the basis of equality it gives access to public places , for example, shops, hotels, entertainment houses, wells, wash-rooms, and places of worship. On the basis of caste, race, colour, sex, religion and place of birth, no one can discriminate their entry.

On the basis of above mentioned data there can be no discrimination in public services. There is equality for all citizens for the appointment to any position in the government. There are equal opportunities for all in matters of public jobs.

Except those persons who have achieved some greatness in the spheres of education or army, people are not awarded special titles by the state.

In this way the right to equality establishes India as a true democracy. According to this every person is equal before law. It means that the

laws apply in the same manner to all, regardless of a person's status. This is called the rule of law.

Have you read the Preamble of our constitution? You will find that in the Preamble there has been mention of two things regarding equality : equality of honour and equality of opportunity. The meaning of equality of opportunity is that every class in the society should get equal opportunity. But when the society is full of inequalities, then what is the meaning of equal opportunity. The constitution makes it clear that the government will implement plans and programmes for the betterment of children, women and men of socially and economically backward classes. We had read in the last chapter about the provision of reservation by the government for schedule castes, scheduled tribes, and backward castes. Different governments through different plans give preference to women, persons below poverty line, and handicapped persons in jobs. You can think that this policy of reservation is against the right to equality. But this is not true. Equality means giving everyone an equal opportunity to achieve whatever one is capable of. Sometimes it is necessary to give special treatment to someone in order to ensure equal opportunity. This is what reservations do. To clarify this point the Constitution says that reservations of this kind are not a violation of the Right to Equality.

ACTIVITY

Observe any public building. Is there a special arrangement for physically handicapped and senior citizens? Is this arrangement a violation of the Right to Equality? For example on a reservation counter there is the provision of a special counter for senior citizens.

RIGHT TO FREEDOM :

Can you imagine a condition where you have no freedom to work according to your wishes? Definitely you would not like to live in such a condition. The first condition of a democratic society is freedom. But freedom does not mean that you have unlimited license to do anything. If you do that many people will violate other people's rights. Freedom is that license in which an individual without harming the freedom, social and legal organisation enjoys freedom.

Let's see what types of Rights of Freedom has been given by the Constitution.

Freedom to speech and expression: the Freedom to expression includes expressing your ideas by speaking, by writing, printing, publication, and through different forms of art. Without these our personality cannot develop.

But this freedom cannot be used for disrespect, abusive language, for false allegation, contempt of court, to instigate violence against a person or a community. You cannot use it to incite people to rebel against government. On this basis the government can put legal restrictions. There was no provision of freedom of press in our Constitution. This was incorporated in the 44th



PM Addressing people

Constitutional amendment of our Constitution in 1978, so that no one can be punished if a true report of the sessions of the Parliament or of the State Assemblies is published. But if the publication has been due to some wrong purpose, the related persons are liable to be punished.

Citizens have the freedom to hold meetings, processions, rallies, and demonstrations on any issue. They may want to discuss a problem, exchange ideas, mobilize public support to a cause, or seek votes for a candidate or party in an election. But such meetings have to be peaceful. They should not lead to public disorder or breach of peace in society. Those who participate in these activities and meetings should not carry weapons with them.

Citizens also can form associations, for example, workers in a factory can form a workers' union to promote their interests. Some people in a town may come together to form an association to campaign against corruption or pollution.



Procession

As citizens everyone has the freedom to travel to any part of the country, reside or settle in any part of the territory of India.

The same freedom also extends to choice of occupations.

Right to Freedom of Religion:

If you study History you will see that the rulers or kings of many of the countries of the world do not give their people the right to freedom of religion. People with religion different from the rulers have either been killed or forced by the rulers to accept their religion. Hence, in democracy it was accepted as a basic theory to follow religion of one's own choice.

You have read in Chapter3 that India is a secular country, the state has no religion of its own. Everyone has the freedom to select one's religion. According to the Constitution the citizens of India have the right to accept any religion and propagate it and profess it. Persons of different religion can deliver speeches to propagate their religion, hold meetings, publish books, and establish institutions and run educational institutions. For example, the Sikhs have the right to keep *kripans* with them according to their religious tradition. This right related to religion is complete since in India there are followers of many religions. So due to the process of propagating religion there are chances of disagreement. As a result, keeping in view the social organisation and moral conduct the state has been given the right to regularise and control religious freedom. If the followers of any religion create disharmony in the state through their method of propagation, or any immoral acts are done, then the state can control it and postpone it.

Propagation of Religion:

The followers of a religion have the right to open schools, colleges, madrasas etc. Like other educational institutions these will also get financial aid from the government. But there will be no religion related education in the institutions run and conducted by the government. Nor the students studying in the institutions run by any followers of religion

can be forced to accept any religion.

The religious institutions have the right to acquire property but the state can control it in the same way as any common citizen's property.

The state cannot fund any religion for its propagation or helping any religion financially. It cannot acquire taxes for the above mentioned causes.

CHECK YOUR PROGRESS

1. Make a list of the economic activities and the educational institutions run by different followers of religion.
2. Make a list of those incidents from newspapers which have given a blow to economic independence and there has been a case when someone voiced against it.

Cultural and Educational Rights:

Unity in diversity is the chief quality of the national character of our country. In India various types of people live and have their own language-script and culture. Through these articles of the Constitution the people living in India have the right to protect their script, language and culture. For this they can open and conduct schools, colleges, museums.

The classes based on different religions and the minorities have

the right to protect their script, language and culture. No government or government aided institution can deny admission on the ground of religion or language.

All minorities have the right and administer educational institutions of their choice.

Right to Life and Personal Security:

According to the Constitution no person can be denied of their right to life or personal security by law or its processes. This means that until the court gives the verdict of death sentence, he cannot be denied of his life. This also means that on the basis of law the government or the police officials can arrest a citizen. But if they do this they have to follow some rules.

When a person is arrested the reasons for his arrest has to be given. Without giving reasons no one can be arrested.

Any person has to be presented before the magistrate within 24 hours of his arrest. The arrested person also has the right to consult his advocate to plead for his arrest.

The Constitution has also made the system of preventive detentions. Laws for preventive detentions can also be made for state security, universal peace, to maintain the essential services in the society, India's security, and for foreign affairs. According to these laws if the government has a doubt on any person that in the near future he may get involved in some crime, the government may beforehand, that is, before committing

the crime, detain him. In the Presidential bill of 24th October and 31st December, 2001, the system of preventive detention has been organised. This bill of Preventive Detention was passed by a joint session of both the Houses of Parliament on 26th March 2002, under the act of opposing Terrorism. But the U.P.A. led government repelled POTA.

Right Against Exploitation:

The system of forced or bonded labour without wages , i.e., "begari" was prevalent in India from centuries. Hence, this provision was enacted in our Constitution so that the weaker sections could not be exploited.

The Constitution prohibits 'trafficking' in human beings, especially the women and children who have been victims of fraud and are being exploited for immoral purpose. In Chennai through the ill tradition of 'Devadasi' children were offered to gods and goddesses, and later the girls were compelled to work immorally. Through an act this ill tradition was abandoned.

Our constitution prohibits forced labour or 'begari' in any form. 'Begari' is a practice where the worker is forced to render service to the 'master' free of charge or at a nominal remuneration. When this practice takes place on a life long basis, it is called the practice of bonded labour. The Constitution also prohibits child labour. No one can employ a child below the age of fourteen to work in any factory or mine or in any other hazardous work, such as railways, and ports. Using this as a basis many laws have been made to prohibit children from working in industries such as beedi making, fire crackers and matches, printing and dyeing.

Right to Education:

Through the 86th Constitutional amendment 2002, Right to Education has been made a Fundamental Right. It has been mentioned in Par 3 of the Constitution which contains Fundamental Rights. Now children from 6 to 14, have the Fundamental Right to Education . For children up to the age of 6 years, the government will take care for compulsory education and childhood. If this right is violated petition can be given for its implementation.

Right to Constitutional Remedies:

The above mentioned rights are useless if there is no one to accept them and implement them. It is possible that our rights are being violated by a person or an institution or by the government itself. If any one violates our rights we can prevent that attempt through the court.

If the matter is related to Fundamental Rights we can directly go to the Supreme Court or to the High Court of the state. The Supreme Court and the High Courts have the right to issue the following writs:

By the writ of Habeas Corpus the court can order to present the person before it who has been illegally arrested. If the court thinks that his arrest is illegal or improper, it can order to release him.

By the writ of Mandamus, the court can order a person or an institution to perform its duty which it is compelled by law to do. For example, if a factory owner dismisses a worker without any reason, or deducts his

salary or his allowances, then on the application of the worker the writ of Mandamus can be issued against the owner of the factory.

By the writ of Prohibition, the Supreme Court and high court can prohibit the subordinate courts from doing any work which is against law or outside its jurisdiction.

By Certiorari the High court can order the subordinate courts to bring all the records related to accusation.

By the writ of Quo Warranto the court can prohibit such a person whose appointment or selection has not been made according to law, from doing any government work.

Thus we have seen that the judiciary of our country can take steps to secure the rights of its citizens. Under the PIL [Public Interest Litigation], any citizen can approach the Supreme Court or a High Court for the protection of public interest against a particular law or action of the government. One can write to the judges even on a postcard. The court will take up the matter if the judges find it in public interest.

EXPANDING SCOPE OF RIGHTS :

In this chapter we have discussed the Fundamental Rights. But other than the Fundamental Rights, our Constitution offers a wide range of rights, which can bring a change and develop the social and political situations. Over the years the scope of rights has expanded. In a democratic organisation the demands for rights expand rapidly. In reality, the democratic values develop simultaneously along with the rights. In

other words, the growing rights of the individual are a proof of the fact how strong the roots of democracy are in the given society.

Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.

From time to time, the courts' judgements, people's struggles, bills passed by the Parliament etc. has expanded the rights. In the Constitution we have the right to Life. Even in emergency a citizen cannot be deprived of this right. In the same way by expanding the right to Life the Supreme Court has also included the right to Food in it.

Several times by making new Constitutions we also get new rights. For example, in South Africa, a search of the citizens or in his houses cannot be done, their phones cannot be tapped, their letters cannot be opened and read.

After the above mentioned rights it is also essential to be introduced to two of the following democratic rights:

1. **Right to Property:** In the original Constitution, this was included among the Fundamental Rights. But by the 44th Constitutional Amendment Act in 1978, this right was removed from that list and given the status of a legal right.

2. **Right to Information:** In accordance to the emotions of democracy, the Parliament of India, by making a law, has given its citizens the Right to Information.

IMPORTANT RIGHTS GIVEN IN THE CONSTITUTION OF SOUTH AFRICA

√ Right to Dignity

√ Right to Individuality

√ Right to labour related proper behaviour

√ Right to Healthy Environment and Environment Protection

√ Right to proper Housing

√ Right to Health Facilities, Food, Water and social Security

√ Child rights

√ Right to basic and higher education

√ Cultural, Economical and Language Community Rights

√ Right to Information.

FUNDAMENTAL DUTIES:

Many countries of the world such as China, Japan, Russia, Italy, etc, mention Fundamental duties along with the rights. In Indian Constitution through the 86th Amendment the Fundamental Duties were also included. These include -

- To abide by the Constitution and respect its ideals and institutions,

the National Flag and the National Anthem;

- To cherish and follow the noble ideals which inspired our National struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national service when called upon to do so;
- To promote harmony and the spirit and common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;
- To protect and improve the natural environment including forests, lakes, rivers and wild life and have compassion for living creatures;
- To develop the scientific temper, humanism and the spirit of enquiry and reform;
- To safeguard public property and abjure violence; to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- Provision of proper opportunities of education for children by the parents.

FUNDAMENTAL DUTIES IN CHINA

- √ To maintain national integrity;
- √ To follow the Constitution and laws of the country;
- √ To maintain the secrecy of the state;
- √ To protect public property;
- √ To maintain labour discipline;
- √ To maintain public arrangement;
- √ To get included in army service.

QUESTIONS

1. Which of the following is not a Fundamental Right?
   a. Right to Equality
   b. Right to travel in foreign countries
   c. Freedom of religion.

2. Who is the protector of Fundamental Rights?
   a. President
   b. Prime- Minister
   c. Supreme Court
   d. Supreme Court and High Courts

3. Which right has been taken out from the category of Fundamental Rights?
   a. Right to Equality
   b. Right to Freedom
   c. Right to Property
   d. Right to Life

4. Fundamental Rights of citizens during Emergency -
   a. Are postponed
   b. Are put to an end
   c. The Constitution is silent about this
   d. It becomes meaningless

5. Which of the following freedoms is not available to an Indian citizen?
   a. Freedom to criticize the government
   b. Freedom to participate in armed revolution
   c. Freedom to start a movement to change the government
   d. Freedom to oppose the central values of the Constitution

6. Which of the following rights is available under the Indian Constitution?
   a. Right to Work
   b. Right to Life
   c. Right to protect one's culture
   d. Right to sufficient livelihood

7. Which of the following two is the correct explanation of freedom of religion

   a. Each individual has the freedom to accept any religion according to his wishes and propagate it.

   b. If any religious body runs an educational institution it has the freedom not to give entry to followers of other religions

8. Which of the following is a Right to Freedom given to the citizens?

   a. Freedom to hold a meeting with arms

   b. Freedom to conspire against the government

   c. Freedom to deliver speeches and express opinions

   d. Freedom to travel in foreign countries

9. State true or false

   a. In India the rights are protected by the judiciary

   b. We have the right to choose only our traditional profession

   c. We have the right to live in that state where we have taken birth

   d. The right to Expression means that we have the right to speak anything to a person

10. Write a letter to Human Rights Commission of your state, discussing an incident of the violation of Human Rights.

11. Read the following situations and tell in each situation whether the Fundamental Rights have been violated and if yes, how?

   a. Sunita went to an office to give an application for job. Her application was rejected because she was a woman.

b. Ban on a book criticizing government policies.

c. The people of Orissa are running a cultural institution in Bihar to propagate their language and culture.

12. Do you think that the following situations demand for a prohibition on the Right to Freedom. Give reasons for your answer.

    a. During the period of riots people want to take out an armed procession.

    b. Ramesh and Suresh want to go to those areas which are safe in the eyes of army.

13. Draw a web interconnecting different rights discussed in this chapter. For example, right to freedom of movement is connected to the freedom of occupation. One reason for this is that freedom of movement enables a person to go to place of work within one's village or city or to another village, city or state. Similarly this right can be used for pilgrimage, connected with freedom to follow one's religion. Draw a circle for each right and mark arrow that show connection between or among different rights. For each arrow give an example that shows the linkage.

PROJECT WORK:

Write a newspaper for the notice board of your school in which try to include the following reports

a. Recent incidents related to violation of rights.

b. News related to court decisions to Fundamental Rights.

c. News related to violation of Human Rights in other countries of the world.