

A TEXTBOOK

OF

POLITICAL SCIENCE
(DEMOCRATIC POLITICS – I)

For
Class – IX



**The Jammu and Kashmir State Board of School
Education, Srinagar/Jammu.**

First Edition

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FOREWORD

The NCF – 2005 strongly recommends constructivist approach i.e. the students should construct the knowledge of their own rather than the teacher spoon feeding them. The school of constructivism leaves enough room for questioning, inferences and logical reasoning. (The contextualisation of curriculum, i.e., linking of students' school life to their life outside the school which is a departure from the past practice of bookish learning that caused a gap between the school, home and environment). This departure leads us to the child-centred system of education envisaged by NPE-1986. But the success of this endeavour depends on the teacher who teaches at the grass roots. The textbook should not be used as the sole basis of examination and ignore other sources and sites of learning. It is meant to treat learners as participants in learning.

As a matter of fact an increasing number of meritorious students are opting for social sciences with an aspiration to qualify civil service examinations like IAS and KAS which is a noticeable departure from the traditional mindset.

This textbook attempts to give priority and space to contemplation, discussion and activities. It won't be out of place to mention here that our esteemed teachers will have to equip themselves with the latest knowledge and follow innovative pedagogy to stimulate the interest of children.

One needs to identify the changing role of teacher from merely imparting passive knowledge to actively facilitating the construction of knowledge by simplifying the concepts.

This textbook of Political Science (Democratic Politics-I) for class IX is to be taught not in isolation of the day to day happenings at the local, national and international arena but in consonance with them. The reading of newspapers and a daily dose of national and international news underscoring the persons, places and events would go a long way to make this textbook interesting both for the teachers and the learners. The concise information provided must be supplemented with the latest, through online encyclopaedias and websites.

I place on record my gratitude to Dr. Renu Goswamy Secretary BOSE, Mr. Nazir Ahmed Wani, Liaison Officer for their cooperation in the development of this textbook.

I acknowledge the commendable efforts put in by Dr. Firdous Ali, Sr. Lecturer, Political Science, Govt. Higher Secondary School, Nowpora, Srinagar in the development of this textbook and contextualizing the content. He has very aptly incorporated photo features, illustrations and visuals of persons, places and events, to minimise the content load, therefore, making this textbook colourful and lively. Moreover credit is also due to him for painstakingly updating the textbook with the latest developments from the Middle East, Myanmar and Nepal.

I also thank Ms. Veena Pandita, presently Joint Secretary Publication J & K BOSE for publishing this textbook of Political Science (Democratic Politics-I) for class IX.

I also appreciate Ms. Naila Neelofar, Academic Officer, English for coordinating the development of this textbook and editing the same.

I hope this textbook shall be seen as a point of reference in the opening of new avenues and vistas for generating the spirit of enquiry among the learners.

The J&K BOSE is open to suggestions and constructive criticism to further improvise the textbook.

Hridesh Kumar IAS
Chairman

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www.wikipedia.org/eng for the content and the visuals used in various chapters.

Besides credit is due to various Open Educational Resource portals and other similar sites that host content and images which is in open domain and under Creative Commons.

If inadvertently any acknowledgement has been missed, the same shall be incorporated in the next edition.

Malik Ghulam Hasan
Ex Director Academics

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Chapter 1

Democracy in the Contemporary World

OVERVIEW

This book is about democracy.

The institution of Democracy dates back to Polis, the Greek city state, where it was practiced in its direct form. Due to small population of polis and the restricted citizenship, it was possible for all the eligible citizens to participate in the administration and the law making.

But the modern nation state comprises of a vast area of territory having a huge population as its citizens. The principle of one man one vote and the Universal Adult Franchise has increased the quantum of political participation to its maximum possible extent.

Under this backdrop it would be a colossal task to operate a direct form of democracy.

Hence the modern democracy as a convention operates in an indirect form whereby it works through popular representative institutions.

The march of democracy in its modern connotation started as a strong demand for constitutionalism in the Glorious Revolution of 1688 in England.

Later it was the success of American War of Independence in 1776 which ushered in a constitutional government based on representative institutions.

The French Revolution articulated the demand for Liberty, Equality and Fraternity which are the corollaries of democracy.

However, it was the end of Second World War and the subsequent creation of United Nations Organization that proved a watershed in the spread of Democracy in Asia, Africa and Latin America. On 26th June 1945, the UN Charter was signed by just 50 sovereign countries and within less than a century the number of its signatories has gone up to 193 Sovereign States.

The transition from colonial set up to a Sovereign Democracy in most of the countries in Asia, Africa and Latin America has not been smooth and straight.

Democracy has seen several ups and downs in different countries. It still remains an unstable and uncertain achievement.

1.1 TWO TALES OF DEMOCRACY

“Workers of my home land! I have faith in Chile and its future. Chileans will overcome this dark and bitter moment when treason became 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.”



President Salvador Allende (wearing a helmet) and his security guards in front of La Moneda, Chile’s Presidential Palace, on 11 September 1973, hours before his death. What do you read on everyone’s face in this photograph?

These are some extracts from the last speech of Salvador Allende (pronounced Ayen-thee). He was then the President of Chile, a country in South America. The speech was given on the morning of 11 September 1973, the day his government was overthrown by the military. Allende was the founder leader of the Socialist Party of Chile and led the Popular Unity Coalition to victory in the presidential election in 1970.

After being elected as the President, Allende had taken several policy decisions to help the poor and the workers. These included reform of the educational system, free milk for children and redistribution of land to the landless farmers. He was opposed to foreign companies taking away natural resources like copper from the country. The landlords, the rich and the Church opposed his policies. Some other political parties in Chile also opposed his government.

DO YOU KNOW

United Progressive Alliance (UPA) is a coalition of political parties in India.

Military Coup of 1973

On the morning of September 11, 1973, the military took over the seaport. The Defence Minister was arrested by the military when he arrived at his office. The military commanders asked the President to resign. Allende refused to resign or

DO YOU KNOW

COUP-DE-TAT (COO DE TAA) is a French word, it means violent overthrow of elected government by military establishment.

leave the country. But realising the danger to the country and to his life, he addressed the people on the radio, part of which we read in the beginning. Then the military surrounded the President's house and started bombing it. President Allende died in the military attack. This was the sacrifice he was talking about in his last speech. A government elected by the people was overthrown by the military through conspiracy and violence.

What took place in Chile on September 11, 1973 was a military coup. General Augusto Pinochet (pronounced Pinoshe), an Army general, led the coup. The government of the United States of America was unhappy with Allende's rule and is known to have supported and funded activities that led to the coup. Pinochet became the President of the country and ruled it for the next 17 years. From a government that was elected by the people, the power shifted to the military officers. They could do as they wished and no one could question them. Thus a military dictatorship was established in Chile.

Pinochet's government tortured and killed several of those who supported Allende and those who wanted democracy to be restored. These included General Alberto Bachelet of the Chilean Air Force and many other officers who refused to join the coup. General Bachelet's wife and daughter were put in prison and tortured. More than 3,000 people were killed by the military. Many more were reported 'missing'. No one knows what happened to them.



President Michelle Bachelet addressing her supporters after her victory in the presidential election in January 2006. From this photograph do you notice any difference between an election rally in Chile and in India?

ACTIVITY

With the help of your teacher compile a list of countries in South Asia which faced overthrow of elected governments. Also find out the details of the leaders who fought politically to restore liberty, rights and democracy.

Restoration of Democracy

Pinochet's military dictatorship came to an end after he decided to hold a **referendum** in 1988. He felt confident that in this referendum, the people would say 'yes' to his continuing in power. But the people of Chile had not forgotten their democratic traditions. Their vote

was a decisive ‘no’ to Pinochet. This led to Pinochet losing first his political and then his military powers. The hope Allende expressed in his last address was realised: felony, cowardice and treason were finally punished. Political freedom was restored. Since then Chile has held four presidential elections in which different political parties have participated. Slowly, the army’s role in the country’s

PAST FACT:-

Benazir Bhutto, struggled hard to restore democracy in Pakistan, but she was assassinated in December 2007.

government has been eliminated. The elected governments that came to power ordered inquiries into Pinochet’s rule. These inquiries showed that his government was not only very brutal, but also very corrupt.

Do you remember a little reference made earlier to General Bachelet’s daughter who was imprisoned and tortured along with her mother? That girl, Michelle Bachelet (pronounced Mishel Bachelet), was elected President of Chile in January 2006. A medical doctor and a moderate socialist, Michelle became the first woman to be a Defence Minister in Latin America. In the presidential elections, she defeated one of Chile’s richest men. In this photograph of her victory speech, she is saying to her supporters:

“Because I was the victim of hatred, I have dedicated my life to reverse that hatred and turn it into understanding, tolerance and — why not say it — into love.”

Democracy in Poland

Let us turn to another event, this time from Poland, in 1980. At that time Poland was ruled by the Polish United Workers’ Party. This was one of the many communist parties that ruled in several countries of East Europe at that time. In these countries no other political party was allowed to function. The people could not freely choose the leaders of the communist party or the government. Those who spoke against the leaders or the party or the government were put in prison. The government in Poland was supported and controlled by the government of the Soviet Union (USSR), a vast and powerful communist state.

The shipyard was owned by the government. In fact, all the factories and big property in Poland were owned by the government. The strike began with a demand to take back a crane operator, a woman worker, who was unjustly dismissed from service. This strike was illegal, because trade unions independent of the ruling party were not allowed in Poland.

As the strike continued, a former electrician of the shipyard, Lech Walesa (pronounced Lek Walesha), joined the strikers. He was dismissed from service in 1976 for demanding higher pay. Walesa soon emerged as the leader of the striking workers. The strike began to spread across the whole city. Now the workers started raising larger demands. They wanted the right to form independent trade unions. They also demanded the release of **political prisoners** and an end to censorship on press.

The movement became so popular that the government had to give in. The workers led by Walesa signed a 21-point agreement with the government that ended their strike. The government agreed to recognize the workers' right to form independent trade unions and their right to strike. After the Gdansk agreement was signed, a new trade union called Solidarity (Solidarnosc in Polish) was formed. It was the first time an independent trade union was formed in any of the communist states. Within a year, Solidarity swept across Poland and had about one crore members. Revelations of widespread corruption and mismanagement in the government made matters worse for the rulers. The government, led by General Jaruzelski, grew anxious and imposed martial law in December 1981. Thousands of Solidarity members were put in prison. Freedom to organise, protest and express opinions was once again taken away.

Another wave of strikes, again organised by Solidarity, began in 1988. This time the Polish government was weaker, the support from Soviet Union uncertain and the economy was in decline. Another round of negotiations with Walesa resulted in an agreement in April 1989 for free elections. Solidarity contested all the 100 seats of the Senate and won 99 of them. In October 1990, Poland had its first presidential elections in which more than one party could contest. Walesa was elected President of Poland.



©Wikipedia,

Lech Wałęsa a Polish politician, trade-union organizer, co-founded Solidarity Trade Union (**Solidarność**), won the Nobel Peace Prize in 1983, and served as President of Poland between 1990 and 1995.

Do You Know:

WARSAW is the capital of Poland, WARSAW PACT was a military alliance sponsored by USSR.

ACTIVITY

- Locate Poland on a world political map. Write down the names of the countries that surround it.
- Find out the present status of WARSAW PACT countries.

Two Features of Democracy

We have read two different kinds of real life stories. The story from Chile was of a democratic government led by Allende being replaced by a non-democratic military government of Pinochet, followed by restoration of democracy. In Poland we tracked the transition from a non-democratic government to a democratic government.

PAST FACT:-

India adopted a **socialistic pattern of society**, preventing concentration of wealth in few hands, **a mixed economy** with private and public sector, a multiparty democracy.

Let us compare the two nondemocratic governments in these stories. There were many differences between Pinochet's rule in Chile and the communist rule in Poland. Chile was ruled by a military dictator, while Poland was ruled by a political party. The government of Poland claimed that it was ruling on behalf of the working classes. Pinochet made no such claim and openly favoured big capitalists. Yet both had some common features:

- The people could not choose or change their rulers.
- There was no real freedom to express one's opinions, form political associations and organize protests and political action.

The three democratic governments identified above — Allende's Chile, Walesa's Poland and Michelle's Chile — are different in their approach towards social and economic matters. Allende preferred government control on all big industries and the economy. Walesa wanted the market to be free of government interference. Michelle stands somewhere in the middle on this issue. Yet these three governments shared some basic features. Power was exercised by governments elected by the people and not by the army, unelected leaders or any external power. The people enjoyed some basic political freedoms.

From these two stories let us draw a rough way to identify a democracy.

Democracy is a form of government that allows people to choose their rulers. In a democracy:

- only leaders elected by the people should rule the country and
- people have the freedom to express views, freedom to organise and freedom to protest.

We shall come back to this question in chapter two and develop a definition of democracy. We shall also note some features of democracy.

Check Your Progress

Shahnaz made a list of the features of all the five governments that we have discussed so far. But somehow the list got mixed up. Now she has a list of many features but she does not remember which feature applies to which government. Can you help her by writing the correct feature under the name of the government in the table below? Remember, some of these features may apply to more than one government and would need to be written separately under each of these.

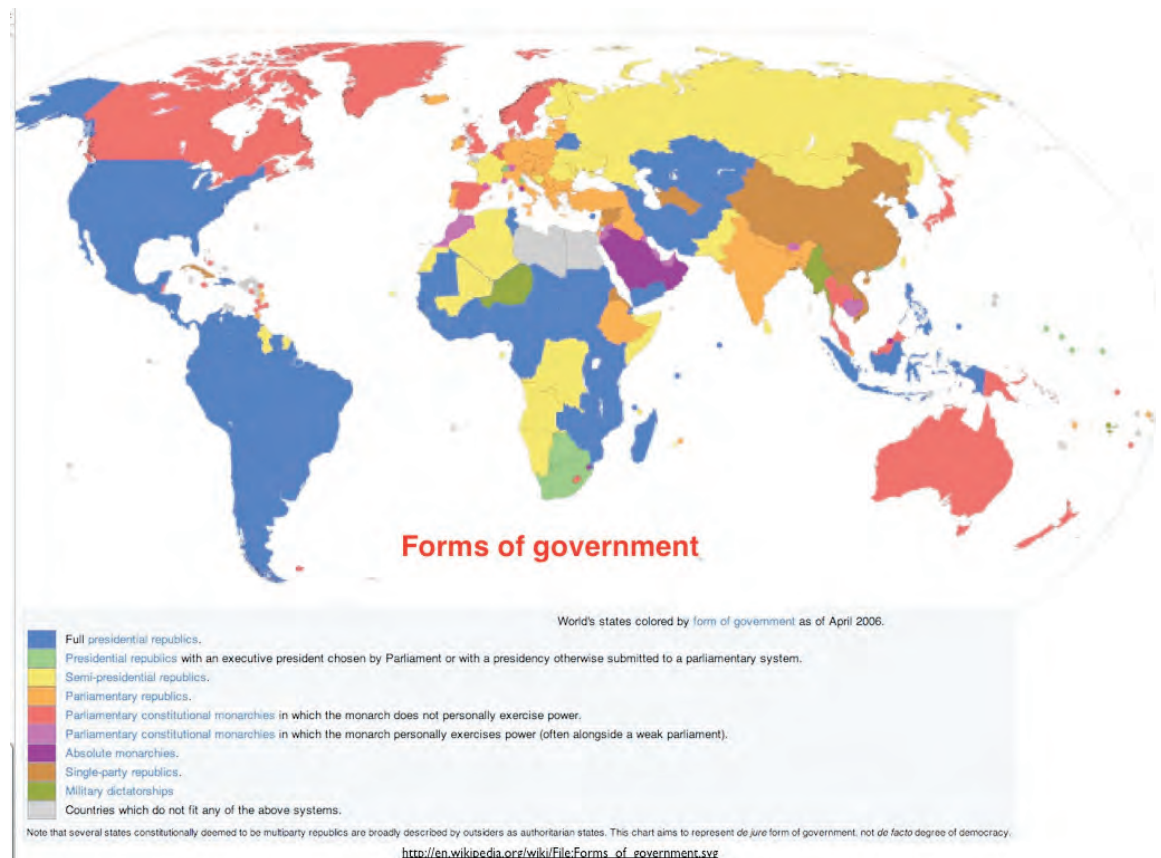
Features:

Criticism of the government not allowed	Military dictatorship		Widespread corruption	
The president was once a political prisoner	Ruler elected by the people		Government owned all industries	
More than one parties exist	Ruler not elected by the people		Missing people	
People enjoyed basic political freedoms		Foreign intervention in domestic affairs		
Chile Allende	Chile Pinochet	Chile Bachelet	Poland Jaruzelski	Poland Walesa

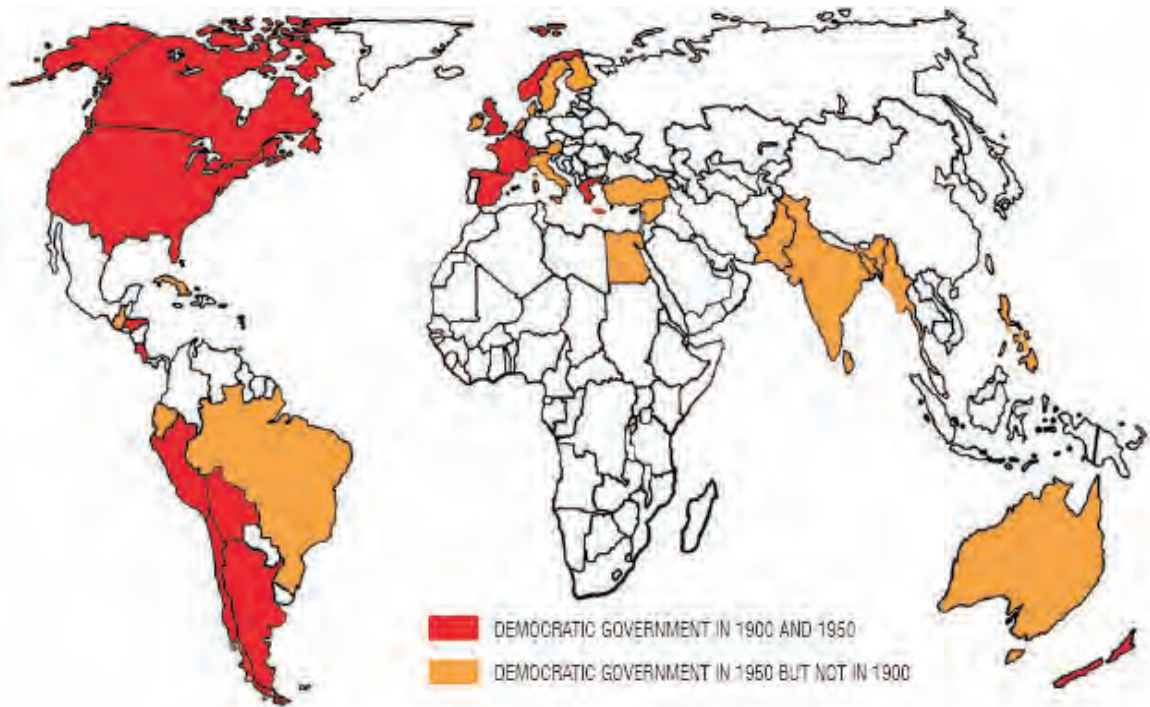
1.2 THE CHANGING MAP OF DEMOCRACY

Twentieth century was full of the kind of stories we have read above: stories of transition to democracy, of challenges to democracy, of military coups, of struggles of the people to bring back democracy. Was there a pattern to these stories that record both the march towards democracy and the setbacks to democracy? Let us use the basic features we noted

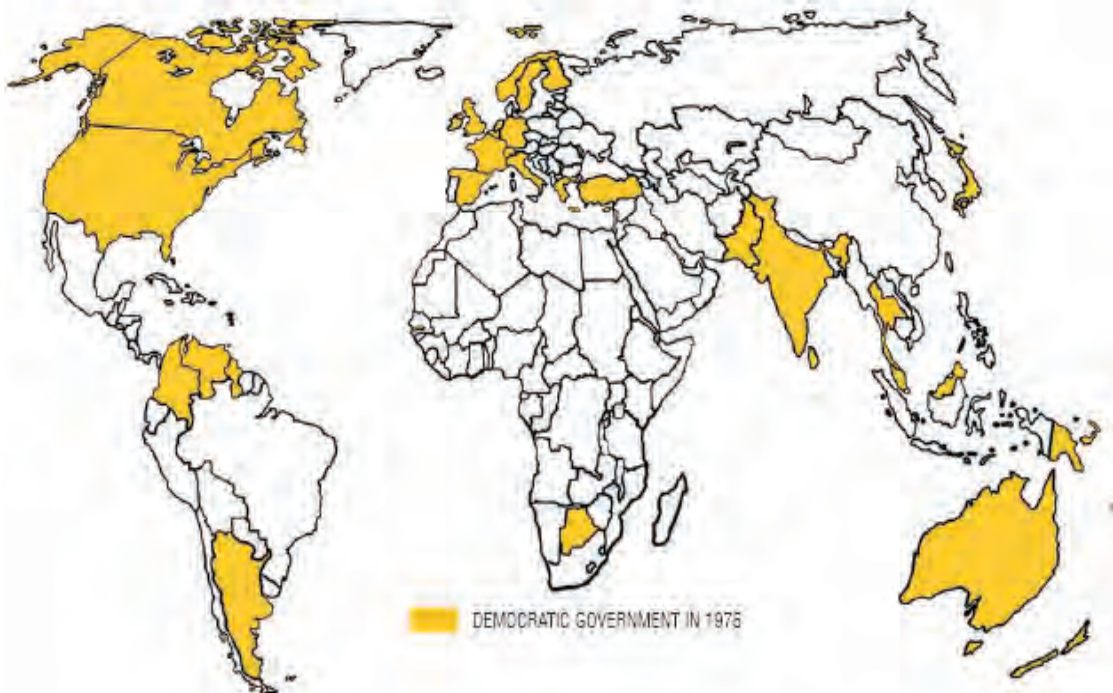
earlier and identify democracies among different countries of the world. This is what the three maps shown here do. Take a look at these three maps below and find out if there was a pattern in the way democracies have evolved in the twentieth century. The first map depicts the countries that were democratic in 1950, a few years after the end of the Second World War. This map also shows countries from this set that had already become democratic by 1900. The second map presents a picture of democratic regimes in 1975, after most of the colonies had gained independence. Finally, we take another leap and look at democracies in the year 2000, at the beginning of the twenty-first century. As we look at these maps, let us ask ourselves some questions. How has democracy marched through the twentieth century? Is there a clear pattern of expansion? When did the expansion take place? In which regions?



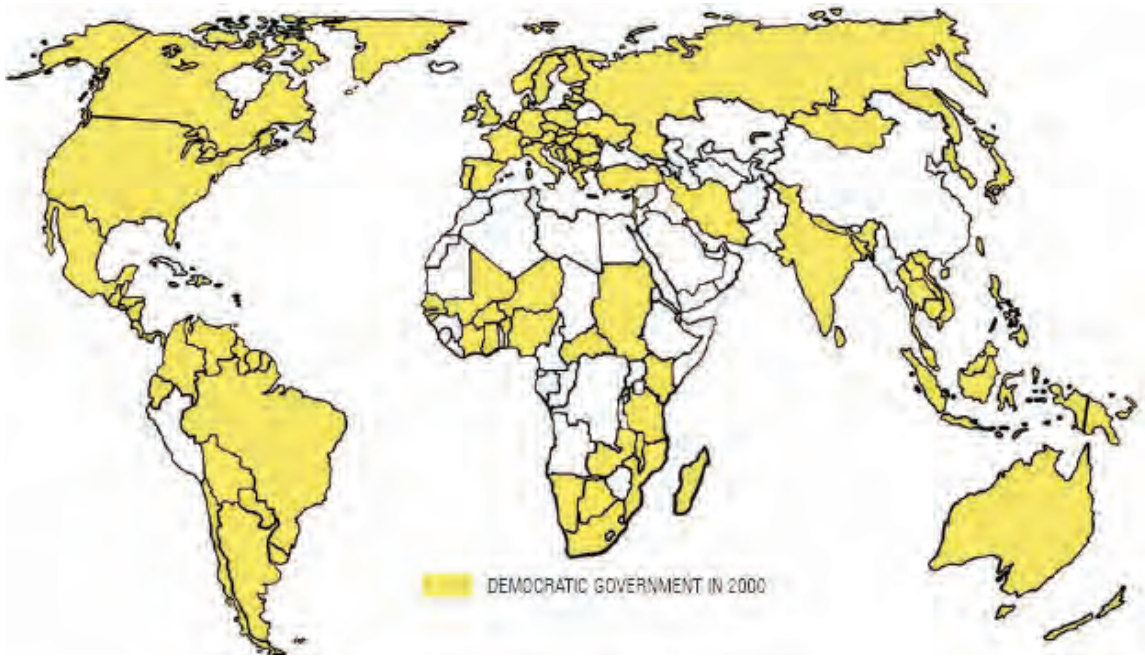
MAP 1.1: DEMOCRATIC GOVERNMENTS IN 1900-1950



Map 1.2: DEMOCRATIC GOVERNMENT IN 1975



MAP 1.3: DEMOCRATIC GOVERNMENT IN 2000



Source: Historical data for these maps is taken from Polity IV Project dataset of University of Maryland. This dataset defines democracy as existence of choices about policies and leaders, checks on executive power and guarantee of civil liberties. Here we have used positive 'Polity' scores as indicating the existence of democracy. In some cases the scores of dataset have been modified. For details see <http://www.cidcm.umd.edu>

CHECK YOUR PROGRESS

On the basis of these maps identify up to three countries (in some cases you won't find three countries) that were democratic in these continents for the given years and make a table as given below.

Year	Africa	Asia	Europe	Latin America
1950				
1975				
2000				

- Identify some countries from map 1.1 that became democratic between 1900 and 1950.
- Identify some countries from map 1.1 and 1.2 that were democratic in 1950 and 1975.
- Identify some European countries from map 1.2 and 1.3 that were democratic in 1975 and 2000.
- Identify some countries in Latin America that became democratic after 1975.
- Make a list of big countries that were not democratic in 2000.

Let us summarise the main points that emerge from reading of these maps. You need to go back to the maps to answer the question that comes after each point.

- **Democracy has expanded throughout the twentieth century.** Is it correct to say that at each point in these maps, the number of democratic countries is larger than at the previous point in time?
- **Democracy did not spread evenly in all parts of the world. It was established first in some regions and then spread to other regions.** Which continents in the world had a large number of democracies in 1900 and 1950? And which continents did not have almost any?
- **While a majority of countries are democratic today, there are still large parts of the world that are not democratic.** Which regions in the world account for most of the countries that were not democracies in 2000?

When was universal adult franchise granted?

1893	New Zealand
1917	Russia
1918	Germany
1919	Netherlands
1928	Britain
1931	Sri Lanka
1934	Turkey
1944	France
1945	Japan
1950	India
1951	Argentina
1952	Greece
1955	Malaysia
1962	Australia
1965	US
1978	Spain
1994	South Africa

Note: This is only an illustrative list from different parts of the world. The year indicates when the principle of one person one vote was fully realised in that country. The list does not include those cases where the right to vote was withdrawn later.

1.3 PHASES IN THE EXPANSION OF DEMOCRACY

The Beginning

These maps do not tell us much about what happened before the twentieth century. The story of modern democracy began at least two centuries ago. You may have read the chapter on the French Revolution of 1789 in the history book of this course. This popular uprising

FIND OUT

Looking at these maps, which period do you find most important in the expansion of democracy? Why?

did not establish a secure and stable democracy in France. Throughout the nineteenth century, democracy in France was overthrown and restored several times. Yet the French Revolution inspired many struggles for democracy all over Europe.

In Britain, the progress towards democracy started much before the French Revolution. But the progress was very slow. Through the eighteenth and the nineteenth centuries, series of political events reduced the power of monarchy and feudal lords. The right to vote was granted to more and more people. Around the same time as the French Revolution, the British colonies in North America declared themselves independent in 1776. In the next few years these colonies came together to form the United States of America. They adopted a democratic constitution in 1787. But here too the right to vote was limited to very few men.

FIND OUT

When was the voting age reduced to 18 years, from 21 in India?

In the nineteenth century struggles for democracy often centered round political equality, freedom and justice. One major demand was the right for every adult citizen to vote. Many European countries that were becoming more democratic did not initially allow all people to vote. In some countries only people owning property had the right to vote. Often women did not have the right to vote. In the United States of America, the blacks all over the country could not exercise the right to vote until 1965. Those struggling for democracy wanted this right granted universally to all adults — men or women, rich or poor, white or black. This is called ‘universal adult franchise’ or ‘universal suffrage’. The box here tells us when universal suffrage was granted in many countries of the world.

As you can see, by 1900 New Zealand was the only country where every adult had voting right. But if you go back to the map, you can see many other countries are marked as ‘democracies’ by the beginning of the twentieth century. These countries had by then governments elected by a significant number of people, mostly men, and had granted political freedom in some measure. Early democracies were established in Europe, North America and Latin America.

End of Colonialism

For a very long time most countries in Asia and Africa were colonies under the control of European nations. People of the colonized countries had to wage struggles to achieve

independence. They not only wanted to get rid of their colonial masters, but also wished to choose their future leaders. Our country was one of the few colonies where people carried a nationalist struggle to liberate the country from the colonial rule. Many of these countries became democracies immediately after the end of the Second World War in 1945. India achieved Independence in 1947 and embarked on its journey to transform itself from a subject country to a democracy. It continues to be a democracy. Most former colonies did not have such a good experience. The case of Ghana, a country in western Africa, illustrates the more common experience of former colonies. Ghana used to be a British colony named Gold Coast. It became independent in 1957. It was among the first countries in Africa to gain independence. It inspired other African countries to struggle for freedom. Kwame Nkrumah (pronounced Enkruma), son of a goldsmith and himself a teacher, was active in the independence struggle of his country.

After independence, Nkrumah became the first Prime Minister and then the President of Ghana. He was a friend of Jawaharlal Nehru and an inspiration for democrats in Africa. But unlike Nehru, he got himself elected president for life. Soon after, in 1966, he was overthrown by the military. Like Ghana, most countries that became democracies after gaining independence had a mixed record. They could not remain democracies for long.

ACTIVITY

- Locate Ghana in an atlas and then spot it in the three maps in the previous section. Was Ghana a democracy in 2000?
- Do you think it is good to elect someone President for life? Or is it better to hold regular elections after every few years?

Recent phase

The next big push towards democracy came after 1980, as democracy was revived in several countries of Latin America. The disintegration of the Soviet Union accelerated this process. From the story of Poland we know that the then Soviet Union controlled many of its neighbouring communist countries in Eastern Europe. Poland and several other countries became free from the control of the Soviet Union during 1989-90. They chose to become democracies. Finally the Soviet Union itself broke down in 1991. The Soviet Union comprised of 15 Republics. All the constituent Republics emerged as independent countries. Most of them became democracies. Thus the end of Soviet control on East

Europe and the break up of the Soviet Union led to a big change in the political map of the world.



© Wikipedia

In this period major changes also took place in India's neighbourhood. Pakistan and Bangladesh made a transition from army rule to democracy in 1990s. In Nepal, the king gave up many of his powers to become a constitutional monarch to be guided by elected leaders. However, these changes were not permanent. In 1999 General Musharraf brought back army rule in Pakistan. In 2005 the new king of Nepal dismissed the elected government and took back political freedoms that people had won in the previous decade.

Yet the overall trend in this period points to more and more countries turning to democracy. This phase still continues.

By 2005, about 140 countries were holding multi-party elections. This number was higher than ever before. More than 80 previously non-democratic countries have made significant advances towards democracy since 1980. But, even today, there are many countries where

people cannot express their opinion freely. They still cannot elect their leaders. They cannot take big decisions about their present and future life.

One such country is Myanmar, previously known as Burma. It gained freedom from colonial rule in 1948 and became a democracy. But the democratic rule ended in 1962 with a military coup.

In 1990 elections were held for the first time after almost 30 years. The National League for Democracy, led by Aung San Suu Kyi (pronounced Soo-chi), won the election. But the military leaders of Myanmar refused to step down and did not recognise the election results. Instead, the military put the elected pro-democracy leaders, including Suu Kyi,



*Ang San Suu Kyi with the National League for Democracy
(wikipedia.org/eng)*

under house arrest. Political activists accused of even the most trivial offences have been jailed. Anyone caught publicly airing views or issuing statements critical of the regime could be sentenced up to twenty years in prison. Due to the coercive policies of the military-ruled government in Myanmar, about 6 to 10 lakh people in that country have been uprooted from their homes and have taken shelter elsewhere. Despite being under house arrest, Suu 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.

CASE STUDY :
ANG SAN SUU KYI

NON VIOLENT STRUGGLE TO RESTORE DEMOCRACY

- 1945: June 19. Aung San Suu Kyi born in Rangoon, third child in family. “Aung San” for father, “Kyi” for mother, “Suu” for grandmother, also day of week of birth.
- 1947: July 19. Suu Kyi was two years old when her father General Aung San was assassinated.
- 1948: January 4. Myanmar gained freedom and became a democracy.
- 1960: Daw Khin Kyi (mother of Aung San Suu Kyi) appointed Burma’s ambassador to India. Suu Kyi accompanies mother to New Delhi.
- 1960-64: Suu Kyi completes her high school education from Lady Shri Ram College in New Delhi. In India she came under the influence of the teachings of Gandhi Ji and became a staunch believer in Nonviolent Civil Disobedience.
- 1964-67: Went to Oxford University London where she did B.A. in philosophy, politics and economics.
- 1969-71: Worked as Assistant Secretary in the United Nations Secretariat, New York.
- 1988: August 15, Suu Kyi in her first political action, sent an open letter to government, asking for formation of independent consultative committee to prepare multi-party elections.
- 1988: August 26. In her first public speech, she addressed several hundred thousand people outside Shwedagon Pagoda, calling for establishing a democratic government in Myanmar.
- 1988: September 24. National League for Democracy (NLD) formed, with Suu Kyi as its general-secretary.
- 1989: July 20. Suu Kyi placed under house arrest, without charge or trial.
- 1990: May 27. Despite detention of Suu Kyi, NLD won elections with 82% of parliamentary seats. SLORC (State Law and Order Restoration Council) refused to recognise results.
- 1991: October 14, Norwegian Nobel Committee awarded Suu Kyi The Nobel Peace Prize.
- 1991: December. Sui Kyi published a book Freedom from Fear.
- 1992: Suu Kyi announced that she will use \$1.3 million prize money to establish health and education trust for Burmese people.



- 1995: July 10. SLORC which has been renamed as (SPDC) State Peace and Development Council, released Suu Kyi from house arrest after six years of detention.
- 2000: She was again placed under house arrest after attempting to travel to rural areas outside Myanmar to meet NLD members.
- 2001: Nobel Prize winners gathered in Oslo, Norway, to protest Aung San Suu Kyi's continued detention and signed an appeal to the Myanmar government requesting that she be set free.
- 2002: Aung San Suu Kyi was finally released from house arrest.
- 2003: Aung San has been touring the entire country, drawing large crowds wherever she spoke to her followers about the restoration of democracy in Myanmar.
- 2004: Aung San Suu Kyi continues her peaceful and nonviolent struggle.
- 2005: The world leaders supported Aung San Suu Kyi and convinced the military junta to carry out certain democratic reforms and restore rights and liberties of people of Myanmar.
- 2012: April, won a seat in the parliamentary election, and became an opposition leader in the Myanmar's Parliament
- 2012: Visited Oslo to receive the Noble Peace Prize personally after 20 years of its being awarded in 1991.

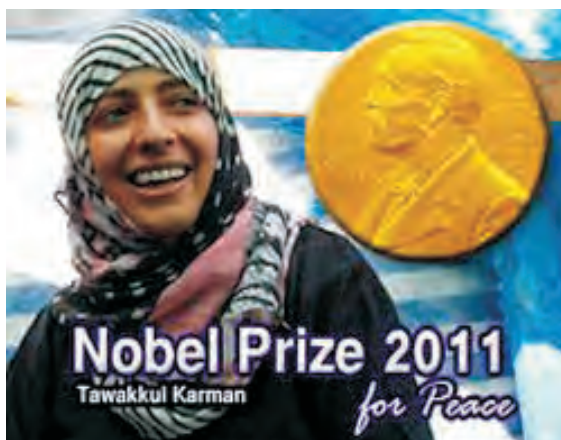
Inputs from the Nobel Prize Foundation, www.nobelprize.org

In the recent election held in April 2012, Aung San Suu Kyi won a seat in Myanmar's parliament. It seems that after a long non-violent struggle the stage is being set for the restoration of democracy and her to hold public office for the first time.



Ang San Suu Kyi surrounded by supporters after her victory in April 2012 elections © bbc.com

DEMOCRATIC UPRISING IN THE ARAB WORLD



Tawakkol Karman with the Nobel Prize



The by-line of Arab Spring

Tawakkol Karman is the Yemeni political activist who shared the Nobel Peace Prize with two other female activists in 2011.

During the “Arab Spring” of 2010 and 2011, as activists were fighting entrenched rulers in countries like Egypt and Tunisia, Karman began leading Yemeni protests against the rule of President Ali Abdullah Saleh.

Arab Spring

The Arab Spring is a revolutionary wave of demonstrations and protests occurring in the Arab world that began on 17 December 2010. Long time rulers have been forced out of power in Tunisia, Egypt, Yemen, Libya and Syria. Protests are continuing in many countries in the region to restore democracy.

TIMELINE OF ARAB SPRING (ARAB REVOLUTION)

TUNISIA

Arab Revolution began from Tunisia when Mohammad Bouazizi, a university graduate self immolated himself on 17th December 2010.

The event led to a series of street demonstrations against unemployment, hyper food inflation, widespread corruption and lack of freedom of speech.

The revolution in Tunisia finally ended after the ousting of Tunisian President Zine-El-Abideen Ben Ali in January 2011 and thorough democratization of the country.

EGYPT:-

The Revolution spread to neighbouring Egypt where demonstration started from 25th January 2011 in the Tahriri Square and soon spread throughout Egypt.

The protesters demanded stepping down of President Hosni Mubarak, and conduct of free and fair elections.

After prolonged protests President Mubarak resigned and thus his 30 year autocratic rule ended heralding the beginning of democratization of Egypt.

YEMEN

The Revolution reached Yemen in January 27, 2011 when thousands of protesters demanded the ouster of longtime President Ali Abdullah Saleh.

February 2, 2011, Ali Abdullah Saleh announced, that he will not seek re-election in the 2013 presidential elections.

Finally on June 4, 2011, Ali Abdullah Saleh stepped down.

LIBYA

A protest rally was organized in Libya encouraging people to gather in the streets and voice their disapproval of Muammar Gaddafi and his regime.

The response from Gaddafi was quick and brutal; army was deployed to disperse the protestors.

After a bloody civil war, the Libyan rebels took control of Tripoli the capital of Libya.

Gaddafi was killed and Abdur-Rahim El-Keib was appointed as the interim Prime Minister.

Activity

Find out the outcome of the revolution in Syria.

1.4 DEMOCRACY AT THE GLOBAL LEVEL

At present, there are 193 sovereign countries in the world. All these countries are ruled by their national governments, whether democratic or non democratic. They exercise their internal and external sovereignty in making laws applicable within their boundaries and conduct their external relations in the community of nations.

There is a government of India, a government of the United States of America, and so on. But there is no government of the world.

There are federal Governments in USA, and India, yet we don't foresee a federal government at international level.

No government can pass any law that will apply to all the people of the world. If there is no such government, if there are no uniform rules, laws, conventions, how can we apply the two features of democracy at the world level?

These two features, you would recall, were that the rulers should be elected by the people and that people should have basic political freedoms.

Even if all the people of the world do not elect a single government to rule the entire world uniformly, yet we cannot say that the question of democracy does not arise here.

There is no single World Government, but there are many institutions in the world that perform partially the functions of such a government. These organisations cannot command countries and citizens in a way a government can, but they do make rules that put limits on what governments can do. Consider these points:

- Who makes laws and rules to govern the seas that do not fall within the boundaries of any one country? Or who takes steps to control environmental degradation that threatens all the countries together. The **United Nations** (UN) has evolved many conventions on these questions that are now binding on most countries of the world. The UN is a global association of nations of the world to help cooperation in international law, security, economic development and social equity. The UN Secretary General is its chief administrative officer.
- What happens when a country attacks another country in an unjust manner? The **UN Security Council**, an organ of the UN, is responsible for maintaining peace and security among countries. It can put together an international army and take action against the wrongdoer.
- Who lends money to governments when they need it? The **International Monetary Fund** (IMF) does so. The **World Bank** also gives loans to the governments. Before lending they ask the concerned government to show all its accounts and direct it to make changes in its economic policy.

Are these decisions democratic?

So, there are many institutions at the world level that perform some of the functions that a world government would perform. But we need to know just how democratic these organisations are. The yardstick here is whether each of the countries has free and equal say in the decisions that affect them.

FIND OUT

Which countries are demanding a permanent seat in the security council?

In this light let us examine the organisation of some of these world bodies.

Each of the 193 member countries of the UN has one vote in the UN General Assembly. It meets in regular yearly sessions under a president elected from among the representatives of the member countries. General Assembly is like the parliament where all the discussion takes place. In that sense the UN would appear to be a very democratic organisation. But the General Assembly cannot take any decision about what action should be taken in a conflict between different countries.

The fifteen-member Security Council of the UN takes such crucial decisions. The Council has five permanent members – US, Russia, UK, France and China. Ten other members are elected by the General Assembly for two-year terms. The real power is with five permanent members. The permanent members, especially the US, contribute most of the money needed for the maintenance of the UN. Each permanent member has veto power. It means that the Council cannot take a decision if any permanent member says no to that decision. This system has led more and more people and countries to protest and demand that the UN becomes more democratic.

International Monetary Fund (IMF) is one of the biggest moneylenders for any country in the world. Its 173 member states do not have equal voting rights. The vote of each country is weighed by how much money it has contributed to the IMF. Nearly half of the voting power in the IMF is in the hands of only seven countries (US, Japan, France, UK, Saudi Arabia, China and Russia). The remaining 166 countries have very little say in how these international organisations take decisions. The World Bank has a similar system of voting. The President of the World Bank has always been a citizen of the US, conventionally nominated by the Treasury Secretary (Finance Minister) of the US government.

PROJECT WORK

Visit the website of United Nations Organization (www.uno.org/english) & obtain information about various peace keeping /humanitarian operations carried by UNO in the recent past.

Compare these to the kind of democratic practices that we have been discussing in this chapter. What would you say about a country where some persons have a permanent position in the ministry and have the power to stop the decision of the entire parliament? Or a parliament where five per cent of the members hold a majority of votes? Would you call these democratic? Most of the global institutions fail to pass the simple test of democracy that we use for national governments.

If global institutions are not democratic, are they at least becoming more democratic than before? Here too the evidence is not very encouraging. In fact, while nations are becoming more democratic than they were earlier, international organisations are becoming less democratic. Twenty years ago there were two big powers in the world: the US and the Soviet Union. The competition and conflict between these two big powers and their allies kept a certain balance in all the global organisations. After the collapse of the Soviet Union, the US appears to be the only superpower in the world. This American dominance affects the working of international organisations.

This is not to say that there is no urge or move towards global democracy. The urge comes from people who get more opportunities to come in touch with one another. Over the last few years the people of different countries have come together without their governments' support. They have formed global organisations against war and against domination of the world by a few countries and business companies. As in the case of democracy within the nations, the initiative for democracy among nations has come from the struggles of the people.

CHECK YOUR PROGRESS

Here are some suggestions to strengthen world democracy. Do you support these changes? Are these changes likely to happen? Give reasons for each of these.

- More nations should become permanent members of the Security Council.
- UN General Assembly should become like a world parliament with representatives from each country in proportion to the population of the country. These representatives should elect a world government.

- Individual countries should not have armies. The UN should maintain task forces to bring about peace in case of conflict between nations.
- A UN President should be elected directly by all the people of the world,

GLOSSARY

Censorship: A condition under which the freedom of expression is taken away. Citizens have to take prior permission from the censor authorities of the government for making a speech or publishing news and views. Anything that the government finds objectionable cannot be published.

Coalition: An alliance of people, associations, parties or nations. This alliance may be temporary or a matter of convenience.

Colony: Territory under the immediate political control of another state.

Communist state: A state governed by a communist party without allowing other parties to compete for power. The state controls all the big property and industry.

Martial law: A system of rules that takes effect when a military authority takes control of the normal administration of justice.

Political prisoners: Persons held in prison or otherwise detained, perhaps under house arrest, because a government considers their ideas, image or activities as a threat to the authority of the state. Often exaggerated or false cases are foisted on them and they are kept in detention without following normal law.

Referendum: A direct vote in which an entire electorate is asked to either accept or reject a particular proposal. This may be adoption of a new constitution, a law or a specific governmental policy.

Strike: Mass refusal by workers or employees to perform work due to certain grievances or because of demands not met. In most democratic countries the right to strike is legal.

Trade Union: An association of workers for the purpose of maintaining or improving the conditions of their employment.

Veto: The right of a person, party or nation to stop a certain decision or law. The word comes from Latin, which means 'I forbid'. A veto gives unlimited power to stop a decision, but not to adopt one.

Exercises

Long Answer Type Questions:

1. What are the difficulties people face in a non-democratic country? Give answers drawing from the examples given in this chapter.
2. Which freedoms are usually taken away when a democracy is overthrown by the military?
3. Which of the following positions can contribute to democracy at the global level? Give reasons for your answer in each case.
 - a. My country gives more money to international institutions. Therefore, I want to be treated with more respect and exercise more power.
 - b. My country may be small or poor. But my voice must be heard with equal respect, because these decisions will affect my country.
 - c. Wealthy nations will have a greater say in international affairs. They cannot let their interests suffer just because they are outnumbered by poor nations.
 - d. Big countries like India must have a greater say in international organisations.
4. What is the role of IMF and World Bank at the international level?
5. How United Nations Organization can be made more democratic?

Short Answer Type Questions:

1. What is Coup-de-tat?
2. Who led the Coup in Chile?
3. Name the party founded by Lech Walesa in Poland.
4. Which British colony was called Gold Coast?
5. What is common wealth of independent states?
6. Name the political party formed by Ang San Suu Kyi.
7. Write a short note on the Arab Spring.
8. Who is Tawaqqul Karman?
9. What is the main function of IMF?

Very Short Answer Type Questions:

1. Name the party founded by Lech Walesa.
2. Which type of government was established by Augusto Pinochet in Chile?
3. Which country disintegrated in 1990-91?
4. When was Universal Adult Franchise granted to the citizens of India?
5. Name the country from which the Arab Spring started.
6. Name the movement founded by Nehru with the help of Nkrumah of Ghana.

Objective Type Questions:

- 1 Which of the following does not lead to the spread of democracy?
 - a. Struggle by the people
 - b. Invasion by foreign countries
 - c. End of colonialism
 - d. People's desire for freedom
- 2 Which of the following statement is true about today's world?
 - a. Monarchy as a form of government has vanished.
 - b. The relationship between different countries has become more democratic than ever before.
 - c. In more and more countries rulers are being elected by the people.
 - d. There are no more military dictators in the world.
- 3 Use one of the following statements to complete the sentence:
Democracy in the international organisations requires that ...
 - a. The rich countries should have a greater say.
 - b. Countries should have a say according to their military power.
 - c. Countries should be treated with respect in proportion to their population.
 - d. All countries in the world should be treated equally.

4 Based on the information given in this chapter, match the following countries and the path democracy has taken in that country.

COUNTRY	PATH TO DEMOCRACY
b. Chile	i Freedom from British colonial rule
c. Nepal	ii End of military dictatorship
d. Poland	iii End of one party rule
e. Ghana	iv King agreed to give up his powers

LET US READ NEWSPAPERS

Form different groups in your class and collect different types of information (news clippings, articles, photographs, cartoons etc.) about struggles for democracy in any country that is currently not democratic. Focus on the following questions:

- What makes the government non-democratic?
- What are the main complaints and demands of the people in that country?
- How do the existing rulers react to people's demands?
- Who are the main leaders of the struggle for democracy?

You could present the information thus collected in various forms: an exhibition, a collage, a report or a wall paper.

“

My nation of democracy is that under it the weakest should have the same opportunity as the strongest.

Mahatma Gandhi

”



Statue of Mahatma Gandhi installed at Gate No. 1 of Parliament House

Chapter 2

What is Democracy? Why Democracy?

OVERVIEW

The stories and the analysis in the previous chapter gave us a sense of what Democracy is like. There we described some governments as democratic and some as non-democratic. We saw how governments in some of those countries changed from one form to the other. Let us now draw general lessons from those stories and ask the more basic question:

What is Democracy? What are its features? This chapter builds on a simple definition of Democracy. Step by step, we work out the meaning of the terms involved in this definition. The aim here is to understand clearly the bare minimum features of a democratic form of government.

After going through this chapter we should be able to distinguish a democratic form of government from a non-democratic government. Towards the end of this chapter, we step beyond this minimal objective and introduce a broader idea of Democracy.

In the previous chapter, we have seen that Democracy is the most prevalent form of government in the world today and it is expanding to more countries. But why is it so? What makes it better than other forms of government? That is the second big question that we take up in this chapter.

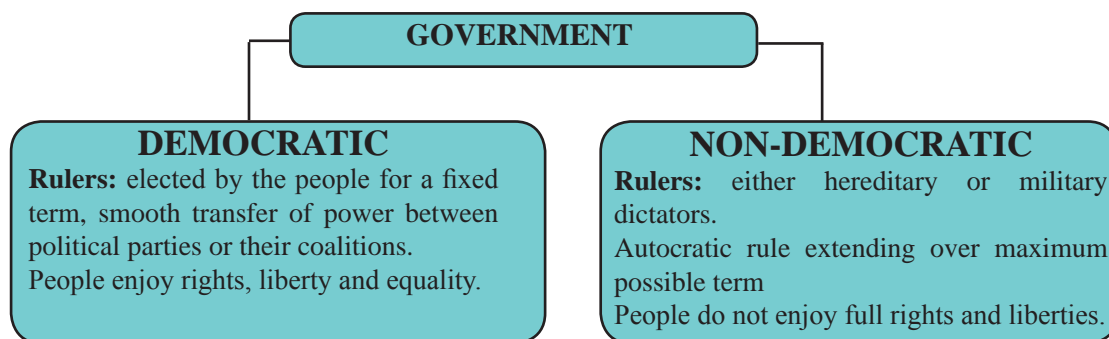
2.1 WHAT IS DEMOCRACY?

In chapter one we read many stories from different parts of the world. Through these stories we discussed various governments and organisations. We called some of these democracies. Others were described as non-democracies. Can you recall, for each of these countries, something about the governments that were described as democracies?

- Chile, before and after Pinochet's rule
- Poland, after the fall of communist rule
- Ghana, in the early period of Nkrumah's government

What do you think is common to them? Why do we club them all under the label of Democracy? What is it that distinguishes these governments from Pinochet's rule in Chile, communist rule in Poland or the later period of Nkrumah's rule in Ghana? What do these governments have in common with the military rule in Myanmar? Why do we say that these governments are not democratic? On the basis of this analysis, write down some common features of:

- Democratic governments
- Non-democratic governments



Why define Democracy?

Before we proceed further, let us first take note of an objection by **Fazila**. She does not like this way of defining Democracy and wants to ask some basic questions.

Her teacher **Masarat** responds to her questions, as other classmates join the discussion:

Fazila: Ma'am, I don't like this idea. First we spend one whole chapter discussing democracies in different parts of the world and then we want to find out the meaning of Democracy.

I mean logically shouldn't we have approached it the other way round? Shouldn't the meaning have come first and then the example?

Masarat Madam: I can see your point. But that is not how we reason in everyday life. We use words like pen, rain or love. Do we wait to have a definition of these words before we use them? Come to think of it, do we have clear definition of these words? It is only by using a word that we understand its meaning.

Fazila: But then why do we need definitions at all?

Masarat Madam: We need a definition only when we come across a difficulty in the use of a word. We need a definition of rain only when we wish to distinguish it from, say, drizzle or cloudburst. The same is true for Democracy. We need a clear definition only because people use it for different purposes, because very different kinds of governments call themselves Democracy.

Arbeena: But why do we need to work on a definition? The other day you quoted Abraham Lincoln to us: "Democracy is a government of the people, for the people and by the people". This definition is accepted by everyone. Why do we need to change it?

Masarat Madam: I am not saying we need to change it. I too find this definition very beautiful. But we don't know if this is the best way of defining unless we think about it ourselves. We must not accept something just because it is famous, just because everyone accepts it.

Naveed: Ma'am, can I suggest something? We don't need to look for any definition. I read in a reference book that the word Democracy comes from a Greek word 'Demokratia'. In Greek 'demos' means people and 'kratia' means rule. So, Democracy is a rule by the people. This is the correct meaning. Where is the need to debate?

Masarat Madam: That is also a very helpful way of thinking about this matter. I would just say that this does not always work. A word does not remain tied to its origin. Just think of computers.

Originally they were used for computing, that is to say calculating, very difficult mathematical sums. These were very powerful calculators. But nowadays very few people use computers for computing sums. They use it for writing, for designing, for listening to music and for watching films. Words remain the same but their meaning can change with time. In that case it is not very useful to look at the origins of a word.

Fazila: Ma'am, so basically what you are saying is that there is no shortcut to our thinking about the matter ourselves. We have to think about its meaning and evolve a definition.

Masarat Madam: You got me right. The words and concepts in social sciences are abstract in nature and thus are taken in broader and narrower contexts. So a single definition is not always complete and needs to be modified with the passage of time.

ACTIVITY

Let us take Masarat Madam seriously and try to write down the exact definition of some of the simple words that we use all the time: pen, rain and love. For example, is there a way of defining a pen that distinguishes it clearly from a pencil, a brush, a highlighter or a marker?

- What have you learnt from this attempt?
- What does it teach us about understanding the meaning of Democracy?

A simple definition

Let us get back to our discussion on similarities and differences among governments that are called democracies. In the last chapter we identified one simple factor common to all democracies: the government is chosen by the people. We could thus start with a simple definition:

Democracy is a form of government in which the rulers are elected by the people.

This simple definition is not adequate. It reminds us that Democracy is people's rule. But if we use this definition in its narrow sense, we would end up calling almost every government that holds an election a Democracy. That would be very misleading.

While the desire for freedom may be innate, the practice of Democracy must be learned. Democracies flourish when they are tended by citizens willing to use their hard-won freedom to participate in the life of their society--adding their voices to the public debate, electing representatives who are held accountable for their actions, and accepting the need for tolerance and compromise in public life.

The citizens of a Democracy enjoy the right of individual freedom, but they also share the responsibility of joining with others to shape a future that will continue to embrace the fundamental values of freedom and self government.

Every government in contemporary world wants to be called a Democracy, even if it is not so. That is why we need to carefully distinguish between a government that is a Democracy

and one that pretends to be one. We can do so by understanding each word in this definition carefully and spelling out the features of a democratic government.

FIND OUT

With the help of internet try to find some more definitions of Democracy. Make various groups and choose few definitions to discuss with each other in presence of your teacher.

Democratic Society:

In a Democracy, government is only one element coexisting in a social fabric of many and varied institutions, political parties, organizations, and associations. This diversity is called pluralism, and it assumes that the organized groups and institutions in a democratic society do not depend upon government for their existence, legitimacy or authority.



THE PILLARS OF DEMOCRACY

- Sovereignty of the people.
- Free and fair elections.
- Majority rule.
- Minority rights.
- Constitutional limits on government.
- Guarantee of basic human rights.
- Equality before the law.
- Social, economic, and political pluralism.
- Values of tolerance, cooperation, and compromise.

Democratic Elections

Democratic elections are the benchmark of modern Democracy. All modern democracies hold elections, but all elections are not democratic. Right-wing dictatorships, Marxist regimes, and single-party governments also stage elections to give their rule the aura of legitimacy. In such elections, there may be only one candidate or a list of candidates, with no alternative choices. Such elections may

PARTY SYSTEM

MULTIPARTY SYSTEM

More choice More democratic
Coalition governments
India, France, etc

BI-PARTY SYSTEM

Only two major parties:
Clear choice to the voter
Stable government & organized opposition
USA,UK, etc

SINGLE PARTY SYSTEM

No choice at all
Non-democratic
Elections only a show
China, Russia, Cuba etc

offer several candidates for each office, but ensure through intimidation or rigging that only the government-approved candidate is chosen. Other elections may offer genuine choices-- but only within the incumbent party. These are not democratic elections.

In India after every General Election, if there is a change, the transfer of power from one political party, or an alliance of parties has always been very smooth.

2.2 FEATURES OF DEMOCRACY

Thus, modern Democracy is representative Democracy and as a system of government it has five key Features:

1. A system of free and fair periodic elections for choosing and replacing the representatives who actually run the government.
2. The active participation of the citizens, in politics and civic life.
3. Protection of human rights of all the citizens.
4. A rule of law, in which laws and procedures apply equally to all citizens.
5. Consensus and tolerance as the limits and requirements for Democracy.

I. Free and Fair Periodic Elections

Democracy is a means for the people to choose their leaders and to hold their leaders accountable for their policies and their conduct in office.

The people decide who will represent them in parliament, and who will head the government at the national and local levels. They do so by choosing between competing parties in regular, free and fair elections.

The people are sovereign—they are the highest form of political authority.

Power flows from the people to the leaders of government, who hold power only temporarily.

Laws and policies require majority support in parliament, but the rights of minorities are protected in various ways.

The people are free to criticize their elected leaders and representatives, and to observe how they conduct the business of government.

Elected representatives at the national and local levels should listen to the people and respond to their needs and suggestions.

Elections have to occur at regular intervals, as prescribed by law. Those in power cannot extend their terms in office without asking for the consent of the people again in an election.

For elections to be free and fair, they have to be administered by a neutral, fair, and professional body that treats all political parties and candidates equally.

All parties and candidates must have the right to campaign freely, to present their proposals to the voters both directly and through mass media.

Voters must be able to vote in secret, free of intimidation and violence.

Independent observers must be able to observe the voting and the vote counting to ensure that the process is free of corruption, intimidation, and fraud.

There needs to be some impartial and independent tribunal to resolve any disputes about the election results.

This is why it takes a lot of time to organize a good, democratic election.

Any country can hold an election, but for an election to be free and fair requires a lot of organization, preparation, and training of political parties, electoral officials, and civil society organizations who monitor the process.

II. Participation: The Role of the Citizen in a Democracy

The key role of citizens in a Democracy is to participate in public life. Citizens have an obligation to become informed about public issues, to watch carefully how their political leaders and representatives use their powers, and to express their own opinions and interests. Voting in elections is another important civic duty of all citizens. But to vote wisely, each citizen should listen to the views of the different parties and candidates, and then make his or her own decision on whom to support. Participation can also involve campaigning for a political party or candidate, standing as a candidate for political office, debating public issues, attending community meetings, petitioning the government, and even protesting.

A vital form of participation comes through active membership in independent, non-governmental organizations, that we call “civil society.” These organizations represent a variety of interests and beliefs: farmers, workers, doctors, teachers, business owners, religious believers, women, students, human rights activists.

It is important that women participate fully both in politics and in civil society. This requires efforts by civil society organizations to educate women about their democratic rights and responsibilities, improve their political skills, represent their common interests, and involve them in political life. In a Democracy, participation in civic groups should be voluntary. No one should be forced to join an organization against their will. Political

parties are vital organizations in a Democracy, and Democracy is stronger when citizens become active members of political parties.

However, no one should support a political party because he is forced or threatened by others. In a Democracy, citizens are free to choose which party to support. Democracy depends on citizen participation in all these ways. But participation must be peaceful, respectful of the law, and tolerant of the different views of other groups and individuals.

III. The Rights of Citizens in a Democracy

In a Democracy, every citizen has certain basic rights that the state cannot take away from them. These rights are guaranteed by the constitution which is supreme law of the land in a country. You have the right to have your own beliefs, and to say and write what you think. No one can tell you what you must think, believe, and say or not say.

There is freedom of religion. Everyone is free to choose their own religion and to worship and practice their religion as they see fit. Every individual has the right to enjoy their own culture, along with other members of their group, even if their group is a minority. There is freedom and pluralism in the mass media. You can choose between different sources of news and opinion to read in the newspapers, to hear on the radio, and to watch on television.

You have the right to associate with other people, and to form and join organizations of your own choice, including trade unions. You are free to move about the country, and if you wish, to leave the country. You have the right to assemble freely, and to protest government actions. However, everyone has an obligation to exercise these rights peacefully, with respect for the law and for the rights of others.

IV. The Rule of Law

Democracy is a system of rule by laws, not by individuals. In a Democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government. All citizens are equal under the law. No one may be discriminated against on the basis of their race, religion, ethnic group, or gender. No one may be arrested, imprisoned, or exiled arbitrarily. If you are detained, you have the right to know the charges against you, and to be presumed innocent until proven guilty according to the law. Anyone charged with a crime has the right to a fair, speedy, and public trial by an impartial court. No one may be

taxed or prosecuted except by a law established in advance. No one is above the law, not even a king or an elected president.

The law is fairly, impartially, and consistently enforced, by courts that are independent of the other branches of government.

Torture and cruel and inhumane treatment are absolutely forbidden. The rule of law places limits on the power of government. No government official may violate these limits. No ruler, minister, or political party can tell a judge how to decide a case. Office holders cannot use their power to enrich themselves. Independent courts and commissions punish corruption, no matter who is guilty.

V. Consensus and tolerance as the Limits and Requirements for Democracy

If Democracy is to work, citizens must not only participate and exercise their rights. They must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just because you disagree with them. Every citizen must respect the rights of his or her fellow citizens, and their dignity as human beings. No one should denounce a political opponent as evil and illegitimate, just because they have different views. People should question the decisions of the government, but not reject the government's authority. Every group has the right to practice its culture and to have some control over its own affairs, but each group should accept that it is a part of a democratic state. When you express your opinions, you should also listen to the views of other people, even people you disagree with. Everyone has a right to be heard. Don't be so convinced of the rightness of your views that you refuse to see any merit in another position. Consider different interests and points of view.

When you make demands, you should understand that in a Democracy, it is impossible for everyone to achieve everything they want. Democracy requires compromise. Groups with different interests and opinions must be willing to sit down with one another and negotiate. In a Democracy, one group does not always win everything it wants. Different combinations of groups win on different issues. Over time, everyone wins something. If one group is always excluded and fails to be heard, it may turn against Democracy in anger and frustration. Everyone who is willing to participate peacefully and respect the rights of others should have some say in the way the country is governed.

2.3 WHY DEMOCRACY?

An argument broke out in **Masarat Madam's** class. She had finished teaching the previous section on what is Democracy and asked the students if they thought Democracy was the best form of government. Everyone had something to say.

Debating merits of Democracy

Naveed: We live in a democratic country. We read in the last chapter that all over the world people want Democracy. Countries that were not democratic earlier are becoming democratic now. All great people have said nice things about Democracy. Isn't it obvious that Democracy is the best? Do we need to debate this?

Iram: But Masarat Madam had said we should not accept something just because it is famous, just because everyone else accepts it. Isn't it possible that everyone is following a wrong path?



A scene of Debate in the British Parliament (Wikimedia)

Insha: Yes, it actually is a wrong path. What has Democracy brought to India? More than half a century of Democracy and there is so much poverty in the country.

Arbeena: But what has Democracy got to do with it? Do we have poverty because we are democratic or do we have poverty despite being a Democracy?

Insha: Whatever, how does it make a difference? The point is that this can't be the best form of government. Democracy is all about chaos, instability, corruption and hypocrisy. Politicians fight among themselves. Who cares for the country?

Naveed: So, what should we have instead? Go back to the British Rule? Invite some kings to rule this country?

Rahil: I don't know. I think what this country needs is a strong leader, someone who does not have to bother about elections and parliament. One leader should have all the powers. He should be able to do whatever is needed in country's interest. That alone can remove corruption and poverty from this country.



A Debate in the Legislative Assembly

Someone shouted: That is called dictatorship!

Insha: What if that person starts using all these powers for himself and his family? What if he is corrupt himself?

Rahil: I am speaking only of the honest, sincere and strong leader.

Huzaifa: But that is not fair. You are comparing a real Democracy with an ideal dictatorship. We should compare an ideal with an ideal, the real with the real. Go and check the record of dictators in real life. They are most corrupt, selfish and brutal. It is just that we don't get to know about this. And what is worse, you can't even get rid of them.

Madam Masarat was listening to this discussion with interest.

Now she stepped in: *“I was delighted to see you all arguing so passionately. I don't know who is right and who is wrong. That is for you to settle. But I did feel that you all wanted to speak your mind. You may have felt very bad if someone tried to stop you or if someone punished you for saying what you felt. Would you be able to do that in a country that is not democratic? Is that a good argument for Democracy?”*

Arguments against Democracy

This conversation has most of the arguments that we routinely hear against Democracy. Let us go over to some of these arguments:

- Leaders keep changing in a Democracy. This leads to instability.
- Democracy is all about political competition and power play. There is no scope for morality.
- So many people have to be consulted in a Democracy that it leads to delays.
- Elected leaders do not know the best interest of the people. It leads to bad decisions.
- Democracy leads to corruption for it is based on electoral competition.
- Ordinary people don't know what is good for them; they should not decide anything.

Are there some other arguments against Democracy that you can think of? Which of these arguments applies mainly to Democracy? Which of these can apply to misuse of any form of government? Which of these do you agree with?

Clearly, Democracy is not a magical solution for all the problems. It has not ended poverty in our country and in other parts of the world. Democracy as a form of government only ensures that people take their own decisions. This does not guarantee that their decisions will be good. People can make mistakes. Involving the people in these decisions does lead to delays in decision making. It is also true that Democracy leads to frequent changes in leadership. Sometimes this can set back big decisions and effect the government's efficiency.

These arguments show that Democracy of the kind we see may not be the ideal form of government. But that is not a question we face in real life. The real question we face is different: **Is Democracy better than other forms of governments that are there for us to choose from?**

Arguments for Democracy

Democracy is considered to be the best form of government. It is better than any other form of government in responding to the needs of the people. A Non Democratic government may and can respond to the peoples needs, but it all depends on the wishes of the people who rule. If the rulers don't want to, they don't have to act according to the wishes of the people.

A Democracy requires that the rulers have to attend to the needs of the people. **A democratic government is a better government because it is a more accountable form of government.**

There is another reason why Democracy should lead to better decisions than any non-democratic government. Democracy is based on consultation and discussion. A democratic decision always involves many persons, discussions and meetings. When a number of people put their head together, they are able to point out possible mistakes in any decision. This takes time. But there is a big advantage in taking time over important decisions. This reduces the chances of rash or irresponsible decisions. **Thus, Democracy improves the quality of decision making.**

This is related to the third argument. **Democracy provides a method to deal with differences and conflicts.** In any society people are bound to have differences of opinions and interests. These differences are particularly sharp in a pluralistic country like India, which has an amazing social diversity. People belong to different regions, speak different languages, practice different religions and have different castes. They look at the world very differently and have different preferences. The preference of one group can clash with those of other groups. How do we resolve such a conflict? The conflict can be solved by brutal power. Whichever group is more powerful will dictate its terms and others will have to accept that. But that would lead to resentment and unhappiness. Different groups may not be able to live together for long in such a way. Democracy provides the only peaceful solution to this problem. In Democracy, no one is a permanent winner. No one

is a permanent loser. Different groups can live with one another peacefully. In a diverse country like India, Democracy keeps people together.

These three arguments were about the effects of Democracy on the quality of government and social life. But the strongest argument for Democracy is not about what Democracy does to the government. It is about what Democracy does to the citizens. Even if Democracy does not bring about better decisions and accountable government, it is still better than other forms of government.

Democracy enhances the dignity of citizens. As we discussed above, Democracy is based on the principle of political equality, on recognising that the poorest and the least educated have the same status as the rich and the educated. People are not subjects of a ruler, they are the rulers themselves. Even when they make mistakes, they are responsible for their conduct.

“
*Democracy must in essence...
mean the art and science of
mobilizing the entire physical,
economic and spiritual
resources of all the
various sections of the
people in the service
of the common
good of all.*
”



Mahatma Gandhi (Father of the Nation)

Finally, Democracy **is better than other forms of government because it allows us to correct our own mistakes.** As we saw above, there is no guarantee that mistakes cannot be made in Democracy. No form of government can guarantee that. The advantage in a Democracy is that such mistakes cannot be hidden for long. There is a space for public discussion on these mistakes. And there is a room for correction. Either the rulers have to change their decisions, or the rulers can be changed. This cannot happen in a non-democratic government.

Let us sum it up. Democracy cannot get us everything and is not the solution to all problems. But it is clearly better than any other alternative that we know. 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. Even when it fails to do some of these things, 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.

CHECK YOUR PROGRESS

Rajesh and Muzaffar read an article. It showed that no Democracy has ever gone to war with another Democracy. Wars take place only when one of the two governments is non-democratic. The article said that this was a great merit of Democracy. After reading the essay, Rajesh and Muzaffar had different reactions. Rajesh said that this was not a good argument for Democracy. It was just a matter of chance. It is possible that in future democracies may have wars. Muzaffar said that it could not be a matter of chance. Democracies take decisions in such a way that it reduces the chances of war.

Which of the two positions do you agree with and why?

2.4 BROADER MEANINGS OF DEMOCRACY

The most common form that Democracy takes in our times is that of a representative Democracy. Representative Democracy is the indirect form of Democracy where all the people do not rule. A majority is allowed to take decisions on behalf of all the people. Even the majority does not rule directly. The majority of people rule through their elected representatives. This becomes necessary because:

- Modern democracies involve such a large number of people that it is physically impossible for them to sit together and take a collective decision.
- Even if they could, the citizens do not have the time, the desire or the skills to take part in all the decisions.

This gives us a clear but minimal understanding of Democracy. This clarity helps us to distinguish democracies from non-democracies. But it does not allow us to distinguish between a Democracy and a good Democracy. It does not allow us to see the operation of Democracy beyond government. For this we need to turn to broader meanings of Democracy.

In its broader meaning we use Democracy for organisations other than the government.

- *“We are a very democratic family. Whenever a decision has to be taken, we all sit down and arrive at a consensus. My opinion matters as much as my father’s.”*

- *“I don’t like teachers who do not allow students to speak and ask questions in the class. I would like to have teachers with democratic temperament.”*
- *“One leader and his family members decide everything in this party. How can they talk of Democracy?”*

These ways of using the word Democracy go back to its basic sense of a method of taking decisions. A democratic decision involves consultation with and consent of all those who are affected by that decision. Those who are not powerful have the same say in taking the decision as those who are powerful. This can apply to a government or a family or any other organisation.

Thus, Democracy is also a principle that can be applied to 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 must aim to become:

- *“True Democracy will come to this country only when no one goes hungry to bed.”*
- *“In a Democracy every citizen must be able to play equal role in decision making. For this you don’t need just an equal right to vote. Every citizen needs to have equal information, basic education, equal resources and a lot of commitment.”*

If we take these ideals seriously, then no country in the world is a Democracy. Yet an understanding of Democracy as an ideal reminds us of why we value Democracy. It enables us to judge an existing Democracy and identify its weaknesses. It helps us to distinguish between a minimal Democracy and a good Democracy. In this book we do not deal much with this expanded notion of Democracy. Our focus here is with some core institutional features of Democracy as a form of government. Next year you will read more about a democratic society and ways of evaluating our Democracy. At this stage we just need to note that Democracy can apply to many spheres of life and that Democracy can take many forms. There can be various ways of taking decisions in a democratic manner, as long as the basic principle of consultation on an equal basis is accepted. The most common form of Democracy in today’s world is rule through people’s elected representatives. We shall read more about that in Chapter Four. But if the community is small, there can be other ways of taking democratic decisions. All the people can sit together and take decisions directly. This is how Gram Sabha should work in a village. Can you think of some other democratic ways of decision making?

This also means that no country is a perfect Democracy. The features of Democracy that we discussed in this chapter provide only the minimum conditions of a Democracy. That does not make it an ideal Democracy. Every Democracy has to try to realise the ideals of a democratic decision making. This cannot be achieved once and for all. This requires a constant effort to save and strengthen democratic forms of decision making. What we do as citizens can make a difference to making our country more or less democratic. This is the strength and the weakness of Democracy: the fate of the country depends not just on what the rulers do, but mainly on what we, as citizens, do.

ACTIVITY

Find out the total number of eligible voters in your Assembly Constituency and your Parliamentary Constituency. Find out how many people can fit into the largest stadium in your area. Is it possible for all the voters in your Parliamentary or Assembly Constituency to sit together and have a meaningful discussion?

This is what distinguishes Democracy from other Governments. Other forms of government like Monarchy, Dictatorship or one-party rule do not require all citizens to take part in politics. In fact most Non-Democratic Governments would like citizens not to take part in politics. But Democracy depends on active political participation by all the citizens. That is why a study of Democracy must focus on democratic politics.

Exercises

Long Answer Type Questions:

1. Give the broader meaning of Democracy.
2. What are the features of Democracy?
3. List few arguments against Democracy.
4. Consider the following facts about a country and decide if you would call it a Democracy. Give reasons to support your decision.
 - A: All the citizens of the country have a right to vote. Elections are held regularly.
 - B: The country took loan from international agencies. One of the conditions for giving loan was that the government would reduce its expenses on education and health.
 - C: People speak more than seven languages but education is available only in one language, the language spoken by 52 percent people of that country.

D: Several organisations have given a call for peaceful demonstrations and nation wide strikes in the country to oppose these policies. Government has arrested these leaders.

E: The government owns the radio and television in the country. All the newspapers have to get permission from the government to publish any news about government's policies and protests.

Short Answer Type Questions:

1. Why is Democracy important?
2. What do you mean by free and fair periodic elections?
3. What is the role of citizens in Democracy?
4. Give two strong arguments in favour of Democracy

Very Short Answer Type Questions:

1. What is representative Democracy?
2. What is meant by consensus?
3. What is meant by 'Rule of Law'?

Objective Type Questions:

1. The word "democracy" has been derived from ____ word.
a) Greek b) Latin c) German d) Russian
2. Democracy in Ancient times was
a) Direct b) Indirect
c) Both d) None of these
3. Every government in contemporary world wants to be called
a) Autocratic b) Democratic c) Despotic d) Monarchy

LET US READ NEWSPAPERS

Most newspapers have an editorial page. On that page the newspaper publishes its own opinions about current affairs. The papers also publish the views of other writers and intellectuals and letters written by the readers. Follow any one newspaper for one month and collect editorials, articles and letters on that page that have anything to do with Democracy.

Classify these into the following categories:

- Constitutional and legal aspects of Democracy
- Citizens' rights
- Electoral and party politics
- Criticism of Democracy



Preamble to the Constitution of India engraved on a Copper Plate (Wikipedia)

Chapter 3

CONSTITUTIONAL DESIGN

OVERVIEW

We noted in the previous chapter that in a democracy the rulers are not free to do what they like. There are certain basic rules that the citizens and the government have to follow. All such rules together are called constitution. As the supreme law of the country, the constitution determines the rights of citizens, the powers of the government and how the government should function.

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 constitutions 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. We begin this chapter by looking at 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 its foundational values are, and how it provides a good framework for the conduct of citizens' life and that of the government.

3.1 DEMOCRATIC CONSTITUTION IN SOUTH AFRICA



“I have fought against white domination and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if need be, it is an ideal for which I am prepared to die.”

This was Nelson Mandela, being tried for treason by the white South African government. He and seven other leaders were sentenced to life imprisonment in 1964 for daring to oppose the apartheid regime in his country. He spent the next 28 years in South Africa’s most dreaded prison, Robben Island.

Struggle against apartheid

Apartheid was the name of a system of racial discrimination unique to South Africa. The white Europeans imposed this system on South Africa. During the seventeenth and eighteenth centuries, the trading companies from Europe occupied it with arms and force, in the same 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 the 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, taxis, 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. They could not even visit the churches where the whites worshipped. The blacks could not form associations or protest against the terrible treatment.

Since 1950, the blacks, the coloured and the Indians 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

sensitive whites also joined the ANC to oppose apartheid and played a leading role in this struggle. Several countries denounced apartheid as unjust and racist. But the white racist government continued to rule by detaining, torturing and killing thousands of black and coloured people.

ACTIVITY

- Make a poster on the life and struggle of Nelson Mandela.
- Find out when South African cricket team was allowed to play international Cricket.

Towards a new constitution

As protests and struggles against apartheid had increased, the government realised that they could no longer keep the blacks under their rule through repression. The white regime changed its policies. Discriminatory laws were repealed. Ban on political parties and restrictions on the media were lifted. After 28 years of imprisonment, Nelson Mandela walked out of the jail as a free man. Finally, at the midnight of 26 April 1994, 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 South Africans never give up on the belief in goodness, that they cherish that faith in human beings is the cornerstone of our democracy.”

After the emergence of the new democratic South Africa, black leaders appealed to fellow blacks to forgive the whites for the atrocities they had committed while in power. They said let us build a new South Africa based on equality of all races and men and women, on democratic values, social justice and human rights. The party that ruled through oppression and brutal killings and the party that led the freedom struggle sat together to draw up a common constitution.

After two years of discussion and debate they came out with one of the finest constitutions the world has ever had. This constitution gave to its citizens the most

extensive rights available in any country. Together, they decided that in the search for a solution to the problems, nobody should be excluded, no one should be treated as a demon. They agreed that everybody should become part of the solution, whatever they might have done or represented in the past. The preamble to the South African Constitution sums up this spirit.



This image captures the spirit of South Africa today. South Africans call themselves a 'rainbow nation'. Can you guess why?

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. Speaking on the South African Constitution, Mandela said:

“The Constitution of South Africa speaks of both the past and the future. On the one hand, it is a solemn pact in which we, as South Africans, declare to one another that we shall never permit a repetition of our racist, brutal and repressive past. But it is more than that. It is also a charter for the transformation of our country into one which is truly shared by all its people — a country which in the fullest sense belongs to all of us, black and white, women and men.”

CHECK YOUR PROGRESS

Does the story of South African struggle for freedom remind you of the Indian national movement?

Make a list of similarities and dissimilarities between the two on the following points:

- Nature of colonialism
- Relationship between different communities
- Leadership: Gandhi/ Mandela
- Party that led the struggle: African National Congress/ Indian National Congress
- Method of struggle

3.2 WHY DO WE NEED A CONSTITUTION?

The South African example is a good way to understand why we need a constitution and what is the function of a Constitution. 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 had their fears. They wanted to safeguard their interests. The black majority was 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. How was this compromise going to be implemented? 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 of the game that everyone would abide by. These rules lay down how the rulers are to be chosen in future. These rules also determine what the elected governments are empowered to do and what they cannot do.

Finally, these rules decide the rights of the citizen. These rules will work only if the winner cannot change them very easily. 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. Every country has diverse groups of people. Their relationship may not have been as bad as that between the whites and the blacks in South Africa. But all over the world people have differences of opinion 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 cooperative society or a political party, they all need a constitution.

ACTIVITY

Approach a club or cooperative society or union or political party in your locality. Get a copy of their rule book (it is often called Rules of Association) and read it. Are these rules in accordance with the principles of democracy? Do they give membership to any person without discrimination?

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 government. A constitution does many things:

- First, it generates a degree of trust and coordination 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 good society.

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

Nepal

In April 2006 after a massive people's movement (**Jan Andolan**) against the Monarchy in the Kingdom of Nepal, resulted in the framing of an Interim Constitution which came into force on January 15, 2007.

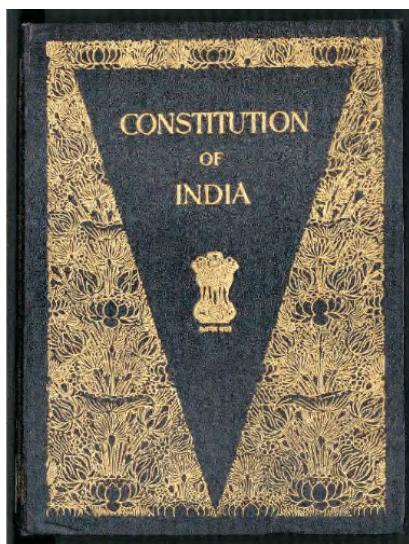
The Interim Constitution was drafted to manage the smooth transition of Nepal from a constitutional monarchy country to a **Federal Republic**.

The Interim Constitution (2007) provides for a Constituent Assembly, assigned to frame Nepal's permanent constitution.

Under the terms of the Interim Constitution, the new constitution was to be promulgated by May 28, 2010; but the Constituent Assembly changed the deadline by a year because of many points of disagreement between the political parties.

3.3 MAKING OF THE INDIAN CONSTITUTION

Like South Africa, India's Constitution was also 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 was born through a partition on the basis of religious differences. This was a traumatic experience for the people of India and Pakistan.

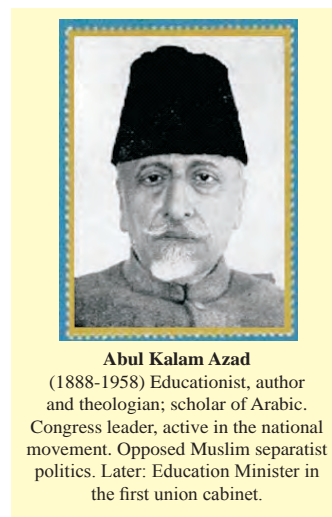


Front Cover page of the Constitution

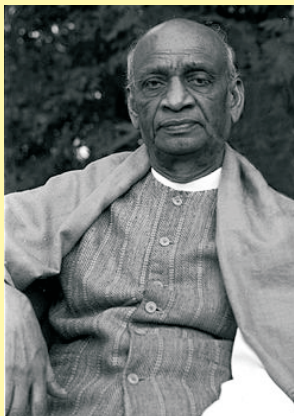


Preamble to the Constitution of India in Hindi and English

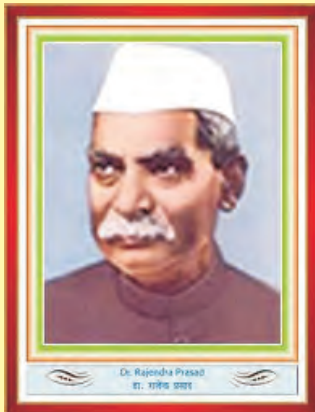
At least ten lakh people were killed on both sides of the border in partition related violence. There was another problem. The British had left it to the rulers of the princely states to decide whether they wanted to merge with India or with Pakistan or remain independent. The merger of these princely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



Abul Kalam Azad
(1888-1958) Educationist, author and theologian; scholar of Arabic. Congress leader, active in the national movement. Opposed Muslim separatist politics. Later: Education Minister in the first union cabinet.



Jhaverbhai Vallabhai Patel
(1875-1950): Minister of Home, Information and Broadcasting in the Interim Government. Leader of Bardoli peasant satyagraha. Played a decisive role in the integration of the Indian princely states.



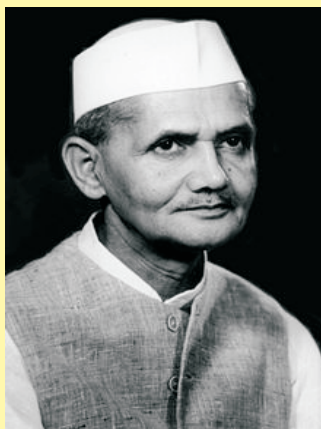
Rajendra Prasad
(1884-1963)
Chairman of the Constituent Assembly. Lawyer, known for his role in the Champaran satyagraha. Three times the president of Congress. Later: the first President of India



Smt. Sucheta Kriplani
(1908-1974) Elected as a member of Constituent Assembly in 1946. Sucheta Kripalani was in the words of Shrimati Indira Gandhi, “a person of rare courage and character who brought credit to Indian womanhood.”



Vijaya Lakshmi Pandit (1900-1990) Indian diplomat and politician, the sister of Jawaharlal Nehru. Served as India’s ambassador to the Soviet Union, USA, UK and Ireland.



Lal Bahadur Shastri
(1904-1966): A school teacher who became the Prime Minister of India. Gave the slogan of JAI JAWAN JAI KISAN



T.T. Krishnamachari
(1899-1974) : Member, Drafting Committee. Entrepreneur and Congress leader. Later, Finance Minister in the Union Cabinet.

The path to Constitution



Pandit Jawahar Lal Nehru signing the Constitution of India in the Constituent Assembly (Wikipedia)

Despite all these difficulties, there was one big advantage for the makers of the Indian Constitution. Unlike South Africa, they did not have to create a consensus about what a democratic India should look like. Much of this consensus had evolved during the freedom struggle. Our national movement was not merely a struggle against a foreign rule. It was also a struggle to rejuvenate our country and to transform our society and politics. There were sharp differences of opinion within the freedom struggle about the path India should take after Independence. Such differences exist even today. Yet some basic ideas had come to be accepted by almost everyone.

As far back as 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 and Ministries 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 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.



A bronze memorial of Dandi March 1930, led by Gandhi Ji (Wikipedia)

Years of thinking and deliberation on the framework of the constitution had another benefit. 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 US. The socialist revolution in Russia had inspired many Indians to think of shaping a system based on social and economic equality. Yet they were not simply imitating what 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

Who, then, were the makers of the Indian Constitution? You will find here very brief sketch of some of the leaders who played an important role in making the Constitution.

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. The Assembly adopted the Constitution on 26 November 1949 but it came into effect on January 26, 1950. To mark this day we celebrate January 26 as Republic Day every year.



Pandit Jawaharlal Nehru



Sir Alladi Krishnaswami (seated third from left), Rajendra Prasad and a few members of the Constituent Assembly.



Sardar Patel & K.M. Munshi at the first Constituent Assembly



Dr. B.R. Ambedkar (Wikipedia)

Why should we accept the Constitution made by this Assembly more than 63 years ago? We have already noted one reason above. The Constitution does not reflect the views of its members alone. It expresses a broad consensus of its time. Many countries of the world have had to rewrite their Constitution afresh because the basic rules were not acceptable to all major social groups or political parties. In some other countries, the Constitution exists as a mere piece of paper. No one actually follows it. The experience of our Constitution is different. 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 for any constitution.



Happy Republic Day

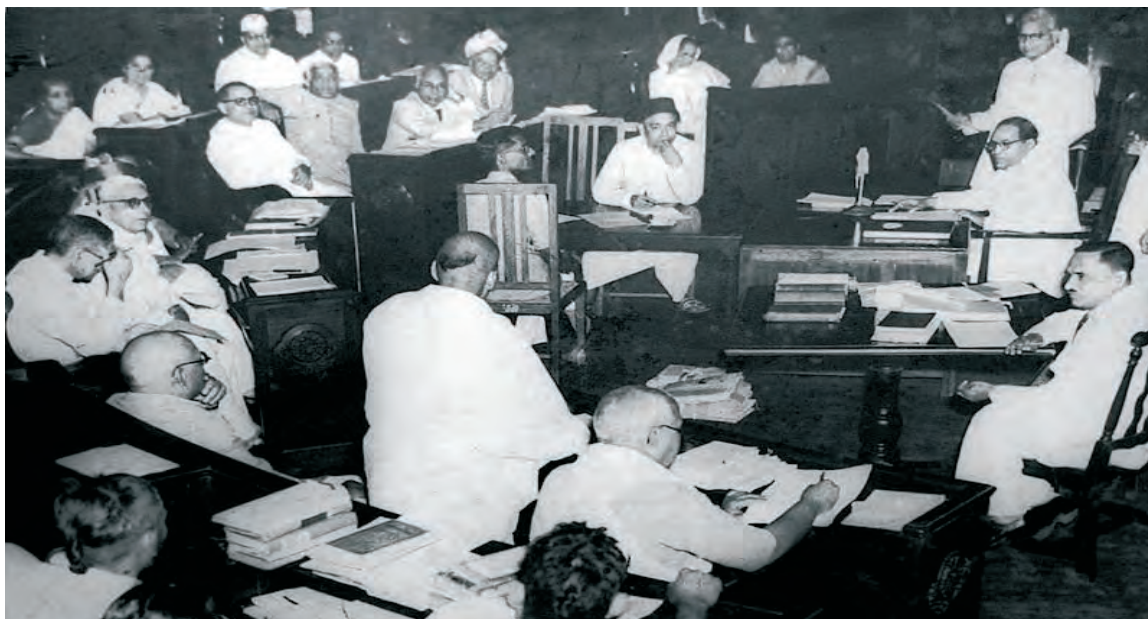
*Jana Gana Mana Adhinayaka Jaya He
Bharat Bhagya Vidhata
Punjab Sindh Gujarat Maratha
Dravida Utkala Banga
Vindhya Himachal Yamuna Ganga
Uchhala Jaladhi Taranga
Tubh Shubha Name Jage
Tubh Shubha Ashiska Mange
Gake Tubh Jaya Gata
Jan Gan Mangaldayak Jay He
Bharat Bhagya Vidhata
Jaye He ! Jaye He ! Jaye He !
Jaye, Jaye, Jaye, Jaye He*

Jaihind

The second reason for accepting the Constitution is that the Constituent Assembly represented the people of India. There was no universal adult franchise at that time. So the Constituent Assembly could not have been chosen directly by all the people of India. It was elected mainly by the members of the existing Provincial Legislatures that

we mentioned above. This ensured a fair geographical share of members from all the regions of the country. The Assembly was dominated by the Indian National Congress, the party that led India's freedom struggle. But the Congress itself included a variety of political groups and opinions. The Assembly had many members who did not agree with the Congress. 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.

Finally, the manner in which the Constituent Assembly worked gives 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 the Draft Constitution, clause by clause. More than two thousand amendments were considered. Every document presented and every word spoken in the Constituent Assembly has been recorded and preserved. These are called 'Constituent Assembly Debates'. When printed, these debates are 12 bulky volumes! These debates provide the rationale behind every provision of the Constitution. These are used to interpret the meaning of the Constitution.



Making of the Constitution, a scene of debate in the Constituent Assembly (Wikipedia)

3.4 GUIDING VALUES OF THE INDIAN CONSTITUTION

Now let us try to understand the overall **philosophy** of what our Constitution is all about. 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.

The Dream and the Promise

Some of you may have noticed a name missing from the sketches of the makers of the constitution: Mahatma Gandhi. 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 all thralldom 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 the intoxicating drinks and drugs. Women will enjoy the same rights as men ... I shall be satisfied with nothing else. (Gandhi)



Bhimrao Ramji
Ambedkar

(1891-1956). Chairman of the Drafting Committee. Social revolutionary thinker and agitator against caste divisions and caste based inequalities. Later: Law minister in the first cabinet of post-independence India. Founder of Republican Party of India.

This dream of an India that has eliminated inequality was shared by Dr. Ambedkar, 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 criticised Mahatma Gandhi and his vision. In his concluding speech to the Constituent Assembly he stated his anxiety very clearly:

On the 26th of 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 recognising 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. (Ambedkar)

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



Pandit Jawaharlal Nehru delivering this famous speech “Tryst with Destiny” (Wikipedia)

Long years ago we made a 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 the 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 solemn 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 of labour and our hearts are heavy with the memory of this sorrow. Some of those 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. (J.L.Nehru)

CHECK YOUR PROGRESS

Read the opinions of Gandhi, Ambedkar and J. L. Nehru 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?

Philosophy of the Constitution

Values that inspired and guided the freedom struggle and were in turn nurtured by it, formed 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 American model, most countries in the contemporary world have chosen to begin their constitutions with a preamble.

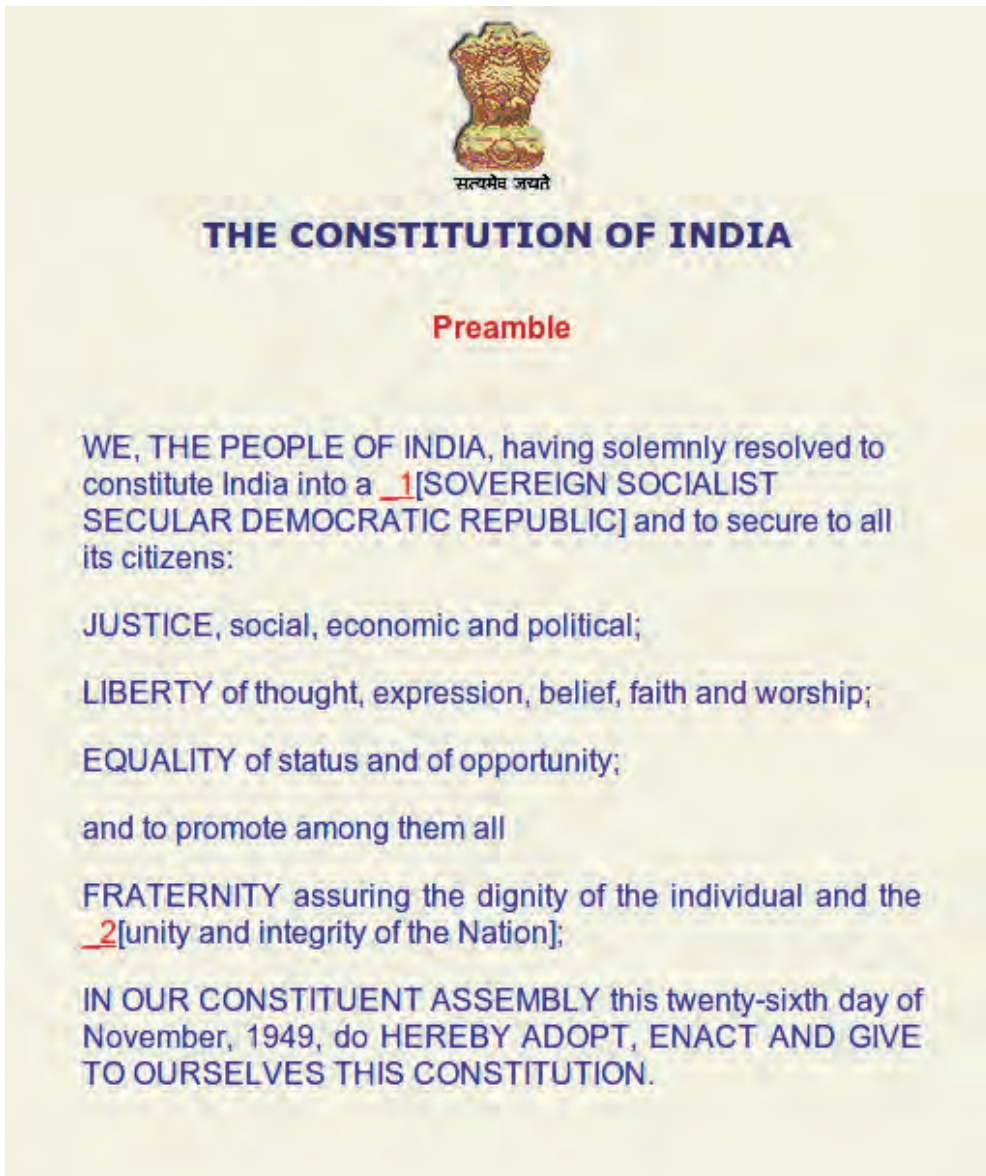
*We the people
Of the United States*

IN ORDER TO FORM A MORE PERFECT UNION, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, PROVIDE FOR THE COMMON DEFENSE, 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.

**We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –
Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
May God protect our people.
Nkosi Sikelele' iAfrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.**

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

The Preamble of our 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.



Brief explanation of the Preamble:

WE, THE PEOPLE OF INDIA

The constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers.

SOVEREIGN

People have supreme right to make decisions on internal as well as external matters. No external power can dictate to the government of India.

SOCIALIST

Wealth is generated socially and should be shared equally by society. Government should regulate the ownership of land and industry to reduce socio-economic inequalities.

SECULAR

Citizens have complete freedom to follow any religion. But there is no official religion. Government treats all religious beliefs and practices with equal respect.

DEMOCRATIC

A form of government where people enjoy equal political rights, elect their rulers and hold them accountable. The government is run according to some basic rules.

REPUBLIC

The head of the state is an elected person and not a hereditary position.

JUSTICE

Citizens cannot be discriminated on the grounds of caste, religion and gender. Social inequalities have to be reduced. Government should work for the welfare of all, especially of the disadvantaged groups.

LIBERTY

There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.

EQUALITY

All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.

FRATERNITY

All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior.

THE WORDS SOCIALIST & SECULAR WERE ADDED TO THE PREAMBLE BY 42nd AMENDMENT 1976.

CHECK YOUR PROGRESS

Compare the Preambles to the constitutions of the United States of America, India and South Africa.

- Make a list of ideas that are common to all these three.
- Note down at least one of the major difference among these.
- Which of the three make a reference to the past?



Hon'ble Members of J&K Constituent Assembly 1951
(Jenab Sheikh Mohammad Abdullah, G.M. Sadiq , Moulana Masoodi)

THE CONSTITUTION OF JAMMU & KASHMIR

The Constitution of India refers to India as a “Union of States”.

In its structure, like the United States of America, India is a federal State where there are two sets of governments.

But, unlike USA, in India, states do not have a separate Constitution to regulate their functioning. However in this regard Jammu and Kashmir is an exception. It is the only state within the Union of India that has a separate constitution to regulate its government functioning.

It is because the ruler of the state, Maharaja Hari Singh signed the Instrument of Accession in relation to only three subjects i.e. Defense, Foreign affairs and Communication.

Article 370, incorporated in the Constitution of India confers a special status to the state of Jammu and Kashmir within the Indian Union.

Art. 370 of the Indian Constitution, among other things envisaged the convening of a Constituent Assembly to frame a separate Constitution for the State of Jammu and Kashmir.

Accordingly Sadar-i-Riyasat Yuraj Karan Singh issued a proclamation on 1st May, 1951 to form a Constituent Assembly.

Elections to the Constituent Assembly were completed by August, 1951 and its first session was held on 31st October 1951.

During its 12th session held from September 29, 1956 to November 17, 1956 the constitution was finalized and adopted on 17th November 1956.

The Constitution became operative from 26 January 1957.

The Constitution of the J&K state comprises of 158 Sections and 6 schedules.

It, just like the Indian constitution, has its own preamble that defines the principles and the ideals to which the state is committed.

Institutional design

A constitution is not merely a statement of values and philosophy. As we noted above, a constitution is mainly about embodying these values into institutional arrangements. Much of the document called Constitution of India is about these arrangements. It is a very long and detailed document. Therefore it needs to be amended quite regularly to keep it updated. Those who drafted the Indian Constitution felt that it has to be in accordance with people's aspirations and changes in society. They did not see it as a sacred, static and unalterable law. So, they made provisions to incorporate changes from time to time. These changes are called constitutional amendments.

The Constitution describes the institutional arrangements in a very legal language. If you read the Constitution for the first time, it can be quite difficult to understand. Yet the basic institutional design is not very difficult to understand. Like any Constitution, the Indian Constitution lays down a procedure for choosing persons to govern the country. It defines who will have how much power to take which decisions. And it puts limits to what the government can do by providing some rights to the citizen that cannot be violated. The remaining three chapters in this book are about these three aspects of the working of Indian constitution. We shall look at some key constitutional provisions in each chapter and understand how they work in democratic politics. But this textbook will not cover all the salient features of the institutional design in the Indian Constitution.

GLOSSARY

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

Clause: A distinct section of a document.

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

Constitution: Supreme law of a country, containing fundamental rules governing the politics and society in a country.

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

Draft: A preliminary version of a legal document.

Philosophy: The most fundamental principles underlying one's thought and actions.

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

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

Tryst: A meeting or meeting place that has been agreed upon.

Exercises

Long Answer Type Questions:

1. Write a note on South African Constitution.
2. Write a note on the making of Indian Constitution.
3. Comment on the role of Dr. B.R. Ambedkar in the making of Indian Constitution
4. What pledge did Jawaharlal Nehru in his “Tryst with Destiny Speech” want the makers of the Indian Constitution to take?

Short Answer Type Questions:

1. What does the word Republic in the Preamble signify?
2. Why do we need a Constitution?
3. What are the guiding values of Indian Constitution?
4. What is a Constitutional Amendment?

Very Short Answer Type Questions:

1. Name the state of Indian Union which has its own Constitution?
2. When was the Preamble to the Constitution of India amended?
3. What are the words inserted in the Preamble to the Constitution of India?
4. What is the importance of 26th January in India?

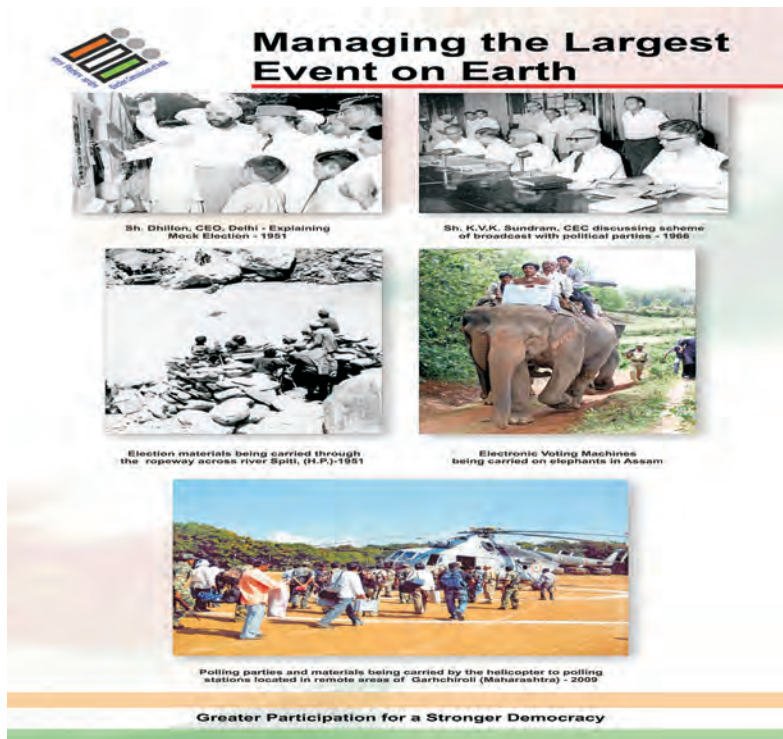
Objective Type Questions:

1. The words socialist and secular were added to the Preamble by which amendment
a) 50th b) 42nd c) 41st d) 61st
2. The word Apartheid means
a) Equality before law b) Racial discrimination
c) Reservation d) Citizen
3. Constitution of India was enacted and adopted by the Constituent Assembly on
a) 15th August 1947 b) 15th August 1950
c) 26th November 1949 d) 26th January 1950

4. Which of these was the most salient underlying 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 majority and the black minority
 - d) Between the coloured minority and the black majority
5. 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
6. Match the following leaders with their roles in the making of the Constitution:
- | | |
|--------------------|---|
| a. Motilal Nehru | i. President of the Constituent Assembly |
| b. B.R. Ambedkar | ii. Member of the Constituent Assembly |
| c. Rajendra Prasad | iii. Chairman of the Drafting Committee |
| d. Sarojini Naidu | iv. Prepared a Constitution for India in 1928 |
7. Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly.
- | | |
|---------------|--|
| a. Sovereign | i. Government will not favour any religion |
| b. Republic | ii. People have the supreme right to make decisions. |
| c. Fraternity | iii. Head of the state is an elected person |
| d. Secular | iv. People should live like brothers and sisters |

Let us Read Newspapers

Follow the newspapers for any report regarding the making of Democratic Constitution in Nepal.



Chapter 4

ELECTORAL POLITICS

OVERVIEW

In Chapter Two we have seen that in a democracy it is neither possible nor necessary for people to govern directly. The most common 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. We try to understand how electoral competition among parties serves the people. We then go on to ask what makes an election democratic. The basic idea here is to distinguish democratic elections from non-democratic elections.

The rest of the chapter tries to assess elections in India in the light of this yardstick. We take a look at each stage of elections, from the drawing of boundaries of different constituencies to the declaration of results. At each stage we ask what should happen and what does happen in elections. Towards the end of the chapter, we turn to an assessment of whether elections in India are free and fair. Here we also examine the role of the Election Commission in ensuring free and fair elections.

4.1 WHY ELECTIONS?

Modern democracy is indirect democracy. Indirect democracy functions through the representatives of people. The representatives are elected by the people through the system of periodic elections. The system of election comprises of many important elements. They are the electorate, constituency, candidate and the agency which conducts the election.



Photo Gallery on display at the office of Election Commission of India during its Golden Jubilee Celebrations in 2010 (eci.nic.in)

All the citizens above the age of 18 years and living in a particular territorial area are called the electorate. The unit of territorial area from which one candidate is to be elected is called a constituency. A citizen of India who is above the age of 25 years can contest election either independently or as a sponsored candidate of a political party.

Finally, there has to be an institution like the Election Commission of India which is entrusted to conduct free and fair elections.

Elections are also Direct and Indirect

The election to the Lok Sabha, State Legislative Assemblies, Panchayats and Municipalities are direct elections. In these elections the electors directly participate in the election by casting their vote.

The election to the office of the President, Vice President, and Rajya Sabha are indirect elections in the sense that only the MLAs, and MPs, cast their votes on behalf of the general electorate.

The election to the Lok Sabha is called General Election. It is held after every five years. The entire country is divided into 543 constituencies and from each constituency one member is elected on the basis of first past the post system.

In case of death or resignation of a member of Lok Sabha, bye election is held in that Constituency.

India has a dual polity, accordingly elections are also held for the State Legislative Assemblies. These elections are also held after every five years and the procedure is same as that of the Lok Sabha election.

In an election the voters make many choices:

- They can choose who will make laws for them.
- They can choose who will form the government and take major decisions.
- They can choose the party whose policies will guide the government and law making.

Jammu and Kashmir Assembly Elections 2008

The Legislative Assembly of the Jammu and Kashmir is elected for a term of six years. It has 87 members. In the recent elections held in 2008 the party position is as follows:

Party Name	Number of Seats Won
Jammu and Kashmir National Conference	28
Peoples Democratic Party	21
Indian National Congress	17
Bharatiya Janata Party	11
J&K National Panthers Party	3
Communist Party of India (Marxist)	1
J&K Democratic Party Nationalist	1
People's Democratic Front	1
Independents	4

The results show that no single political party has the majority of seats to form the Government. Therefore, a coalition of few political parties has been formed to run the government of the state. Mr. Omar Abdullah became the youngest Chief Minister of the state after the 2008 elections.

J & K Assembly Elections 2008

No. of Polling Stations	=	8109
No. of General Electors	=	6497593
Male Electors	=	3352147
Female Electors	=	3145446
No. of Service Electors	=	40228
Male	=	33233
Female	=	6995

What makes an election democratic?

Elections can be held in many ways. All democratic countries hold elections. But most non-democratic countries also hold some kind of elections. How do we distinguish democratic elections from any other election?

Let us start with a simple list of the minimum conditions of a democratic election:

- First, everyone should be able to choose. This means that everyone should have one 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, the choice should be offered at regular intervals. 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 as they really wish.

These might look like very simple and easy conditions. But there are many countries where these are not fulfilled. In this chapter we will apply these conditions to the elections held in our own country to see if we can call these democratic elections.

Is it good to have political competition?

Elections are thus all about political competition. This competition takes 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, elections will become meaningless.

List of Participating Political Parties

Sl. No.	Classification	Party Name	Party Abbreviation	Symbol	No. of Seats contested
1.	National Parties	Bahujan Samaj Party	BSP	Elephant	33
		Bhartiya Janata Party	BJP	Lotus	58
		Communist Party of India (Marxist)	CPM	Hammer, Sickle and Star	
		Communist Party of India	CPI	Ears of Corn and Sickle	07
		Indian National Congress	INC	Hand	78
		National Congress Party	NCP	Clock	11
2.	State Parties	Jammu and Kashmir National Conference	JKNC	Plough	85
3.	Registered, unrecognised Political Parties	J&K National Panthers Party	JKNPP	Bicycle	36
		J&K People's Democratic Party	JKPDP	Inkpot & Pen	58
		J&K Awami League	JKAL	-	09
		Democratic Movement	DM	-	01

But is it good to have political competition? Clearly, 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' in your locality. Different political parties and leaders often level allegations against one another. Parties and

candidates often use dirty tricks to win elections. Some people say that this pressure to win electoral fights does not allow sensible long-term policies to be formulated. Some good people who may wish to serve the country do not enter this arena. They do not like the idea of being dragged into unhealthy competition.

Our Constitution makers were aware of these problems. Yet they opted for free competition in elections as the way to select our future leaders. They did so because this system works better in the long run. In an ideal world all political leaders know what is good for the people and are motivated only by a desire to serve them. Political competition is not necessary in such an ideal world. But that is not what happens in real life. Political leaders all over the world, like all other professionals, are motivated by a desire to advance their political careers. They want to remain in power or get power and positions for themselves. They may wish to serve the people as well, but it is risky to depend entirely on their sense of duty. Besides even when they wish to serve the people, they may not know what is required to do so, or their ideas may not match what the people really want.

How do we deal with this real life situation? One way is to try and improve the knowledge and character of political leaders. The other and more realistic way is to set up a system where political leaders are rewarded for serving the people and punished for not doing so. Who decides this reward or punishment? The simple answer is: the people. This is what electoral competition does. Regular electoral competition provides incentives to political parties and leaders. They know that if they raise issues that people want to be raised, their popularity and chances of victory will increase in the next elections. But if they fail to satisfy the voters with their work they will not be able to win again.

So if a political party is motivated only by desire to be in power, even then it will be forced to serve the people. This is a bit like the way market works. Even if a shopkeeper is interested only in his profit, he is forced to give good service to the customers. If he does not, the customer will go to some other shop. Similarly, political competition may cause divisions and some ugliness, but it finally helps to force political parties and leaders to serve the people.

4.2 WHAT IS OUR SYSTEM OF ELECTIONS?

Can we say that Indian elections are democratic? To answer this question, let us take a look at how elections are held in India. **Lok Sabha** and State Legislative Assembly elections are held regularly after every five years.

After five years, the Lok Sabha stands dissolved and the term of all the elected representatives comes to an end.

Elections are held in all **constituencies** at the same time, either on the same day or within a few days. This is called a **General Election**.

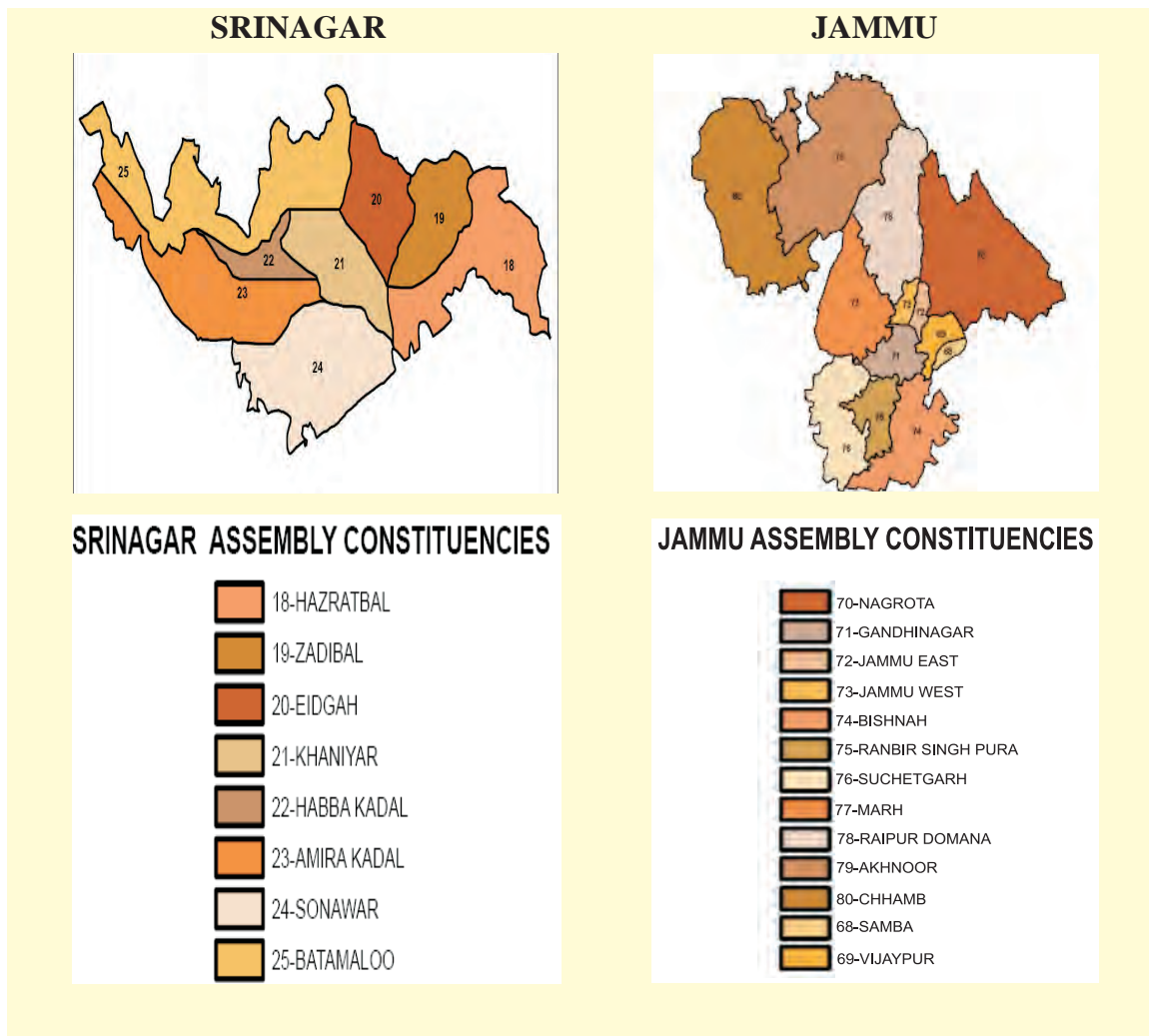
Electoral constituencies

You read about the people of Jammu and Kashmir electing 87 MLAs. You may have wondered how they did that. Did every person of the state vote for all the 87 MLAs? You perhaps know that this is not the case. In our country we follow an area based system of representation. The country is divided into different areas for purposes of elections. These areas are called electoral constituencies. The voters who live in an area elect one representative.

For Lok Sabha elections, the country is divided into 543 constituencies. The representative elected from each constituency is called a Member of Parliament or an MP. One of the features of a democratic election is that every vote should have equal value. That is why our Constitution requires that each constituency should have a roughly equal population 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 MLA. Each Parliamentary constituency has within it several assembly constituencies. The same principle applies to Panchayat and Municipal elections. Each village or town is divided into several 'wards' that are like constituencies. Each ward elects one member of the village or the urban local body. Sometimes these constituencies are counted as 'seats', for each constituency represents one seat in the assembly.

When we say that National Conference won 28 seats in Jammu and Kashmir, it means that candidates of National Conference won in 28 Assembly Constituencies in the state and thus NC has 28 MLAs in the State Legislative Assembly.



Reserved Constituencies

Our Constitution entitles every citizen to elect its representative and to be elected as a representative. The Constitution makers, however, were 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, education and contacts to contest and win elections against others. 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. That would make our democracy less representative and less democratic.

So, the makers of our Constitution thought of a special system of reserved constituencies for the weaker sections. Some constituencies are reserved for people who belong to the Scheduled Castes [SC] and Scheduled Tribes [ST]. In a SC reserved constituency only someone who belongs to the Scheduled Castes 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 Scheduled Castes and 41 for the Scheduled Tribes. This number is in proportion to their share in the total population. Thus, the reserved seats for SC and ST do not take away the legitimate share of any other social group.

Like in Panchayats, should we not have at least one-third seats in the parliament and assemblies reserved for women?

This system of reservation was extended later to other weaker sections at the district and local level. In many states, seats in Rural (Panchayat) and Urban (Municipalities and Corporations) Local Bodies are now reserved for Other Backward Classes (OBC) as well. However, the proportion of seats reserved varies from state to state. Similarly, one-third of the seats are reserved in Rural and Urban Local Bodies for women candidates.

Voter list

Once the constituencies are decided, the next step is to decide who can and who cannot vote. This decision cannot be left to anyone till the last day. 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 the Electoral Roll and is commonly known as the Voter List.

This is an important step for it is linked to the first condition of a democratic election: everyone should get an equal opportunity to choose representatives. In Chapter One we read about the principle of universal adult franchise. In practice it means that everyone should have one vote and each vote should have equal value. No one should be denied the right to vote without a valid reason.

Voting age in India was 21 till 1989, when it was reduced to 18 years by the 61st Amendment Act.

Every citizen above the age of 18 years, has the right to vote, regardless of his or her caste, religion or gender. Some criminals and persons with unsound mind can be denied

ELECTORAL ROLL - 2012: STATE (S09) JAMMU AND KASHMIR																				
No., Name and Reservation Status of the Assembly Constituency :			24-SONAWAR (GEN)	Part No 44																
No., Name and Reservation Status of the Parliamentary Constituency(ies) in which Assembly Constituency is located :			2 - SRINAGAR GEN																	
1. Details of Revision																				
Year of Revision : 2012		Roll Identification : Basic Roll of intensive revision, 2005 integrated with all the supplements preceding Summary Revision, 2012																		
Qualifying Date : 01/01/2012																				
Type of Revision : SPECIAL SUMMARY REVISION																				
Date of Publication : 01/10/2011																				
2. Details of Parts and Polling Area																				
No. & Name of the section in the part GAGRI BAL NEW CHINAR BAGH																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Main Village</td> <td>GAGRI BAL NEW CHINAR BAGH</td> </tr> <tr> <td>Ward No</td> <td>HAMHAMAMA 66</td> </tr> <tr> <td>Patwar Halqa</td> <td>HAMHAMAMA 66</td> </tr> <tr> <td>Police Station</td> <td>RAM MUNSHI BAGH</td> </tr> <tr> <td>Post Office</td> <td>G P O</td> </tr> <tr> <td>Tehsil</td> <td>SRINAGAR SOUTH</td> </tr> <tr> <td>District</td> <td>SRINAGAR</td> </tr> <tr> <td>Pin No</td> <td>190001</td> </tr> </table>					Main Village	GAGRI BAL NEW CHINAR BAGH	Ward No	HAMHAMAMA 66	Patwar Halqa	HAMHAMAMA 66	Police Station	RAM MUNSHI BAGH	Post Office	G P O	Tehsil	SRINAGAR SOUTH	District	SRINAGAR	Pin No	190001
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District	SRINAGAR																			
Pin No	190001																			
3. Polling Station Details																				
No and Name of the Polling Station GAGRI BAL		Type of Polling Station Men/Women/General	General																	
Address of the Polling Station GOVT. GIRLS HIGH SCHOOL GAGARI BAL		No of Auxillary Polling Stations of this Part	0																	
4. Number of Electors			Net Electors																	
Starting SI No	Ending SI No	Men	Women	Total																
1	997	455	456	911																

the right to vote, but only in rare situations. It is the responsibility of the government to get the names of all the eligible voters put on the voters' list. As new persons attain voting age, names are added to the voters' list. Names of those who move out of a place or those who are dead are deleted.

A complete revision of the list takes place every five years. This is done to ensure that it remains up to date.

In the last few years a new system of Election Photo Identity Card [EPIC] has been introduced. The government has tried to give this card to every person on the voters list. The voters are required to carry this card when they go out to vote, so that no one can vote for someone else. But the card is not yet compulsory for voting. For voting, the voters can show many other proofs of identity like the ration card or the driving licence.



Voters enthusiastically displaying their EPICs, in a queue outside a Polling Booth (ceojammukashmir.nic.in)

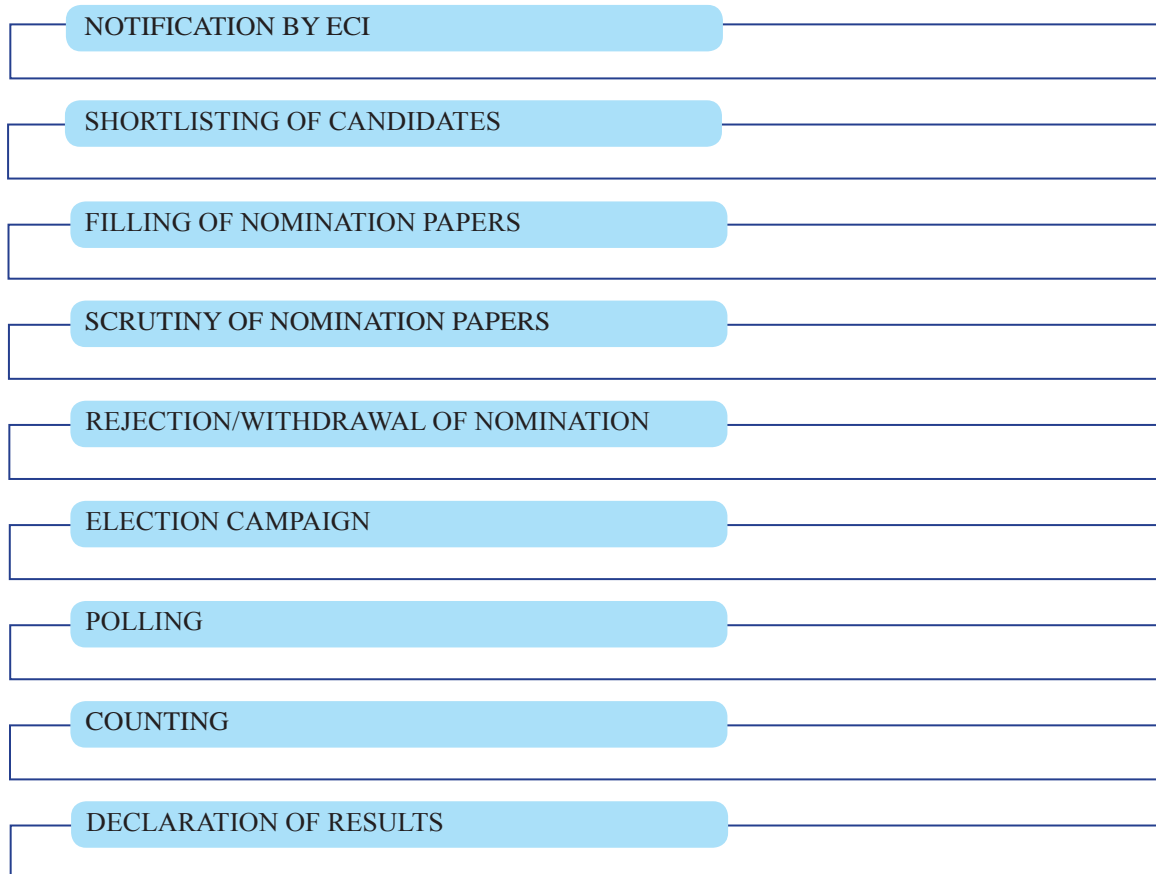
Nomination of candidates

We noted above that in a democratic election people should have a real choice. This happens only when there are almost no restrictions on anyone to contest an election. This is what our system provides. Anyone 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 only 18 years for being a voter.

Why are the candidates required to give a detailed statement of their property?

There are some other restrictions on criminals etc. But these apply in very extreme cases. Political parties nominate their candidates who get the party symbol and support. Party's nomination is often called party 'ticket'. Every person who wishes to contest an election has to fill a 'nomination form' and give some money as 'security deposit'.

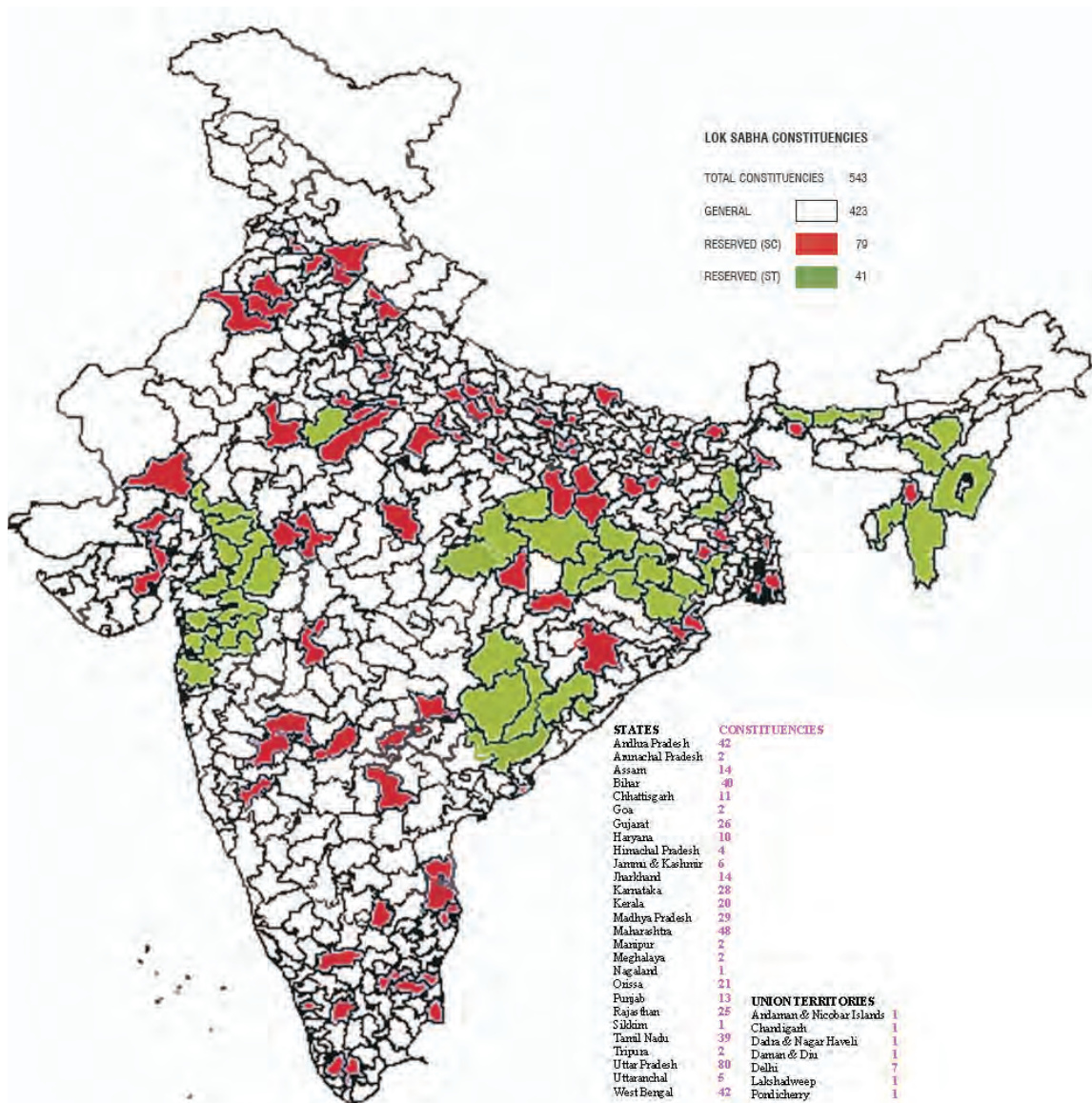
Various steps involved in the process of Election



Recently, 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; and
- Education qualifications of the candidate.

This information has to be made public. This provides an opportunity to the voters to make their decision on the basis of the information provided by the candidates.



See the map above and answer the following questions.

- What is the number of Lok Sabha constituencies in your state and the neighbouring two states?
- Which states have more than 30 Lok Sabha constituencies?
- Why do some states have such a large number of constituencies?
- Why are some constituencies small in area while others are very big?
- Are the constituencies reserved for the SCs and STs evenly spread all over the entire country or are there more in some areas?

Educational qualifications for candidates

Why is there no educational qualification for holding such an important position when some kind of educational qualification is needed for any other job in the country?

- Educational qualifications are not relevant to all kinds of jobs. The relevant qualification for selection to the Indian cricket team, for example, is not the attainment of educational degrees but the ability to play cricket well. Similarly the relevant qualification for being an MLA or an MP is the ability to understand people's concerns, problems and to represent their interests. Whether they can do so or not is examined by lakhs of examiners — their voters — after every five years.
- Even if education was relevant, it should be left to the people to decide how much importance they give to educational qualifications.
- In our country putting an educational qualification would go against the spirit of democracy for yet another reason. It would mean depriving a majority of the country's citizens the right to contest elections. If, for example, a graduate degree like B.A., B.Com or B.Sc was made compulsory for candidates, more than 90 per cent of the citizens will become ineligible to contest elections.

Election Campaign

The main purpose of election is to give people a chance to choose the representatives, the government and the policies they prefer. Therefore, it is necessary to have a free and open discussion about who is a better representative, which party will make a better government or what is a good policy. This is what happens during election campaigns. In India, 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 candidates contact their voters, political leaders address election rallies and political parties mobilise their supporters. This is also the period when newspapers and television news are full of election related stories and debates. But election campaign is not limited to these two weeks only. Political parties start preparing for elections months before they actually take place.

Election Commission of India-State Election, 2008 to the Legislative Assembly of Jammu & Kashmir

ELECTORS DATA SUMMARY

	TYPE OF CONSTITUENCY			TOTAL
	GEN	SC	ST	
1. NO. OF CONSTITUENCIES	80	7	0	87
2. ELECTORS (including service electors)				
a. MALE	3076784	287481	0	3364265
b. FEMALE	2832955	264537	0	3097492
c. TOTAL	5909739	552018	0	6461757
3. ELECTORS WHO VOTED				
a. MALE	1929249	199633	0	2128882
b. FEMALE	1642416	180796	0	1823212
c. POSTAL	14804	1771	0	16575
d. TOTAL	3586469	382200	0	3968669
PROXY (already included in 3.a/3.b)	0	0	0	0
4. REJECTED VOTES (POSTAL)				
a. VOTES	2373	239	0	2612
b. PERCENTAGE (to postal votes)	16.03	13.50	0.00	15.76
c. VOTES NOT RETRIEVED FROM EVM	117	296	0	413
5. VALID VOTES 3.D-(4.A+4.C)	3583979	381665	0	3965644
6. POLL PERCENTAGE	60.69	69.24	0.00	61.42
7. NO. OF POLLING STATIONS	8342	735	0	9077
8. AVERAGE NO. OF ELECTORS PER POLLING STATION (including Service electors)	3583979	381665	0	3965644

In election campaigns, political parties try to focus public attention on some big issues. They want to attract the public to that issue and get them to vote for their party on that basis. Let us look at some of the successful slogans given by different political parties in various elections.

- The Congress party led by Indira Gandhi gave the slogan of **Garibi Hatao (Remove poverty)** in the Lok Sabha elections of 1971. The party promised to reorient all the policies of the government to remove poverty from the country.
- **Save Democracy** was the slogan given by Janata Party in the next Lok Sabha election held in 1977. The party promised to undo the excesses committed during Emergency and restore civil liberties.
- National Front (a coalition of parties headed by Mr. V. P. Singh) promised in its poll manifesto during the General Elections held in 1989, to implement the Mandal Commission Recommendations.
- Jammu and Kashmir Peoples Democratic Party promised **“Healing Touch”** policy in the 2002 State Legislative Assembly elections.

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 sometimes necessary to regulate campaigns to ensure that every political party and candidate gets a fair and equal chance to compete.

According to our election law, no party or candidate can:

- Bribe or threaten voters;
- Appeal to them in the name of caste or religion;
- Use government resources for election campaign; and
- Spend more than Rs. 25 lakh in a constituency for a Lok Sabha election and Rs.10 lakh in a constituency in an Assembly election.

If they do so, their election can be rejected by the court even after they have been declared elected. In addition to the 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 place of worship for election propaganda;
- Use government vehicles, aircrafts and officials for elections; and

- 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 stage of an election is the day when the voters cast or ‘poll’ their vote. That day is usually called the election day. Every person whose name is on the voters’ list can go to a nearby ‘polling booth’, situated usually in a local school or a government office. Once the voter goes inside the booth, the election officials identify him/her, put a mark on his/her finger and allow him/her to cast a vote. An agent of each candidate is allowed to sit inside the polling booth and ensure that the voting takes place in a fair way.

Programme of Election

Sl.No.	Activity	Phase-I	Phase-II	Phase-III	Phase-IV
1.	Date of Announcement of Schedule of Election	02-08-2002	02-08-2002	02-08-2002	02-08-2002
2.	Date of Issue of Notification for Election	22-08-2002	29-08-2002	06-09-2002	13-09-2002
3.	Last date for filing Nominations	29-08-2002	05-09-2002	13-09-2002	20-09-2002
4.	Scrutiny of nominations	31-08-2002	06-09-2002	14-09-2002	21-09-2002
5.	Last date of withdrawal of candidature	02-09-2002	09-09-2002	16-09-2002	23-09-2002
6.	Date of Poll	16-09-2002	24-09-2002	01-10-2002	08-10-2002
7.	Commencement of counting	10-10-2002	10-10-2002	10-10-2002	10-10-2002
8.	Date before which election process shall be completed	12-10-2002	12-10-2002	12-10-2002	12-10-2002

HIGHLIGHTS

- Announcement on 2nd August, 2002
- Election in four Phases.
 - Phase-I** : Kupwara, Baramulla, Leh, Kargil, Rajouri, Poonch
16th Sept. 2002
 - Phase-II** : Srinagar, Budgam, Jammu
24th Sept. 2002
 - Phase-III** : Pulwama, Anantnag, Udhampur, Kathua
1st Oct. 2002
 - Phase-IV** : Doda
8th Oct. 2002
- Hours of Poll : 7:00 a.m. to 4:00 p.m.
- Counting for all the 87 Assembly Segments simultaneously from 8:00 a.m. on 10th October, 2002

- Repoll :**
- 1st October, 2002 : 2 polling stations of 27-Budgam Assembly Constituency.
1 polling station of 71-Gandhinagar Assembly Constituency.
3 polling stations each of 85-Surankote and 86-Mendhar Assembly Constituency.
 - 8th October, 2002 : 4 polling stations of 46-Pahalgam Assembly Constituency.
1 polling station of 65-Kathua Assembly Constituency.
1 polling station of 85-Surankote Assembly Constituency.
 - 9th October, 2002 : 2 polling stations of 53-Doda Assembly Constituency.
1 polling station of 51-Kishtwar Assembly Constituency.

Earlier the voters used to indicate who they wanted to vote for by putting a stamp on the ballot paper. A ballot paper is a sheet of paper on which the names of the contesting candidates along with party name and symbols are listed. Nowadays electronic voting machines (EVM) are used to record votes.

Why are party agents present in the polling booth and the counting centre?

The machine shows the names of the candidates and the party symbols. Independent candidates too have their own symbols, allotted by election commission. All the voter has to do is to press the button against the name of the candidate he/ she wants to give his/her vote.



Electronic Voting Machine (ceojammukashmir.nic.in)

Once the polling is over, all the EVMs are sealed and taken to a secure place. A few days later, on a fixed date, all the EVMs from a constituency are opened and the votes secured by each candidate 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 from a constituency is declared elected. In a general election, usually the counting of votes in all the constituencies takes place at the same time, on the same

day. Television channels, radio and newspapers report this event. Within a few hours of counting, all the results are declared and it becomes clear as to who will form the next government.



The Harvest of Choices



Counting of votes - ballot box days



Mixing of ballot papers before counting - 1998



Mixing of ballot papers for counting - New Delhi - 1998



Counting of votes - EVM days



Counting of votes - EVM days

Greater Participation for a Stronger Democracy

Election Commission of India-State Election, 2008 to the Legislative Assembly of Jammu & Kashmir

DETAILED RESULTS

CAND SL as per form	CANDIDAT NAME	SEX	AGE	CATEGORY	PARTY	VALID VOTES POLLED			% VOTES POLLED
						GENERAL	POSTAL	TOTAL	
Constituency		1. Karnah			Total Electors :			26941	
11	1 KAFIL UR REHMAN	M	53	GEN	JKN	4110	0	4110	19.10
9	2 A B REHMAN BHADANA	M	66	ST	JKANC	2981	1	2982	13.80
2	3 JAVID AHMED MIRCHAL	M	30	GEN	SDP	2911	0	2911	13.57
10	4 ALI ASGAR KHAN	M	69	GEN	IND	2642	0	2642	12.31
4	5 RAJA MANZOOR AHMAD KHAN	M	53	GEN	JKPDP	2516	0	2516	12.19
6	6 SYED YASIN SHAH	M	60	GEN	INC	2245	0	2245	10.45
13	7 MOHD ABASS	M	57	GEN	IND	1706	0	1706	7.96
14	8 MOHD NASEEM	M	48	GEN	IND	770	0	770	3.69
8	9 ZIYAFAT LONE	M	28	GEN	IND	484	0	484	2.26
7	10 SHANWAZ AHMAD	M	34	GEN	IND	295	0	295	1.37
1	11 TAJA PARVEEN	F	67	GEN	JKPDF	226	0	226	1.05
3	12 JAHANGIR KHAN	M	33	GEN	JKNPP	182	0	182	0.85
12	13 LAL DIN PLOUT	M	45	GEN	SP	174	0	174	0.41
5	14 SAIYDA BAGUM	F	38	GEN	BSP	133	0	133	0.62
TURN OUT		TOTAL:				21487	1	21488	79.65

- What is the percentage of voters who had actually cast their votes?
- To win an election is it necessary for a person to secure more than half the votes polled?

4.3 WHAT MAKES ELECTIONS IN INDIA DEMOCRATIC?

We get to read a lot about unfair practices in elections. Newspapers and television reports often refer to such allegations. Most of these reports are about the following:

- Inclusion of false names and exclusion of genuine names in the voters' list;
- Misuse of government facilities and officials by the ruling party;
- Excessive use of money by rich candidates and big parties; and
- Intimidation of voters and rigging on the polling day.

Many of these reports are correct. We feel unhappy when we read or see such reports. But fortunately they are not on such a scale so as to defeat the very purpose of elections. This becomes clear if we ask a basic question: Can a party win an election and come to power not because it has popular support but through electoral malpractices? This is a vital question. Let us carefully examine various aspects of this question.

Independent Election Commission

One simple way of checking whether elections are fair or not is to look at who conducts the elections. Are they independent of the government? Or can the government or the ruling party influence or pressurize them? Do they have enough powers to be able to conduct free and fair elections? Do they actually use these powers? The answer to all these questions is quite positive for our country. In India, elections are conducted by an independent and very powerful Election Commission (EC). It enjoys the same kind of independence that the judiciary enjoys. The Chief Election Commissioner (CEC) is appointed by the President of India. But once appointed, the Chief Election Commissioner is not answerable to the President or the government. Even if the ruling party or the government does not like what the Commission does, it is virtually impossible for it to remove the CEC.

Very few election commissions in the world have such wide-ranging powers as the Election Commission of India.

- EC takes decisions on every aspect of conduct and control of elections from the announcement of elections to the declaration of results.
- It implements the Code of Conduct and punishes any candidate or party that violates it.
- During the election period, the EC can order the government to follow some guidelines, to prevent use and misuse of governmental power to enhance its chances to win elections, or 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 fifteen years or so, the Election Commission has begun to exercise all its powers and even expand them. It is very common now for the Election Commission to reprimand the government and administration for their lapses. When election officials come to the opinion that polling was not fair in some booths or even an entire constituency,

they order a re-poll. The ruling parties often do not like what the EC does. But they have to obey. This would not have happened if the EC was not independent and powerful.

CHECK YOUR PROGRESS

The image shows a collage of newspaper headlines on a light green background. The headlines are arranged in two columns and are written in bold, black, sans-serif font. The headlines are: 'EC issues notification constituting 14th Lok Sabha', 'Photo I-cards not mandatory in Bihar polls', 'EC tightens norms for poll expenses', 'EC accepts new Haryana DGP', 'EC to visit Gujarat again, review poll arrangements', 'EC will seek power to censure political ads', 'HC asks EC to bar 'criminal' netas', 'EC says no immediate plan to ban Exit Polls', 'EC shoots down HM advice on poll reforms', 'EC orders repoll in 398 more booths', and 'EC to keep closer eye on hidden poll costs'. Below the collage, there is a light green box containing the following text: 'Read these headlines carefully and identify which powers are used by the Election Commission in each instance to ensure free and fair elections.'



Youth Power



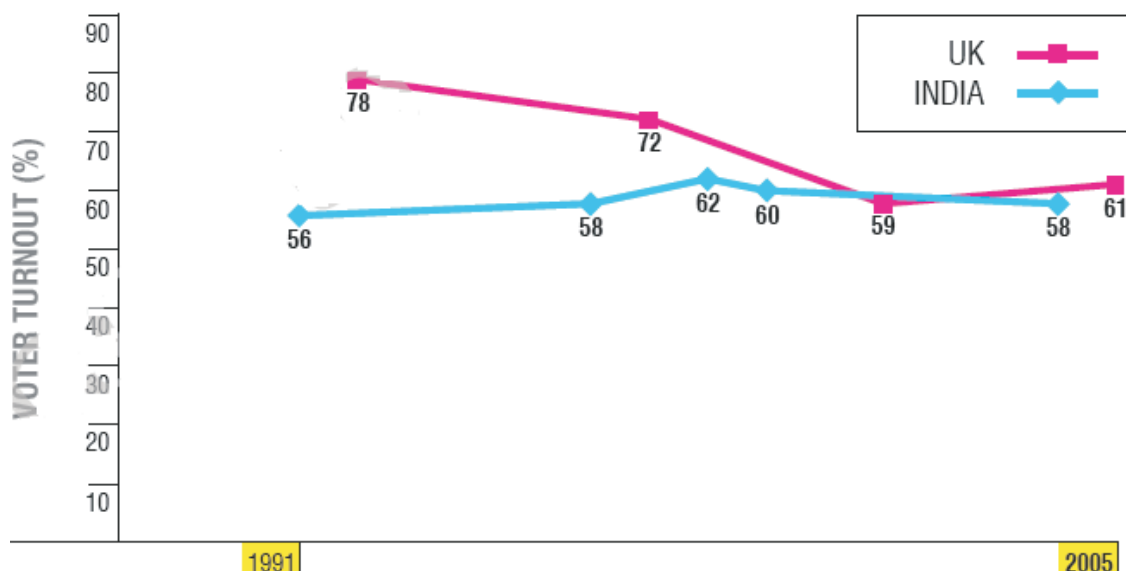
Greater Participation for a Stronger Democracy

Popular participation

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. Now, read these charts and draw some conclusions about participation in India:

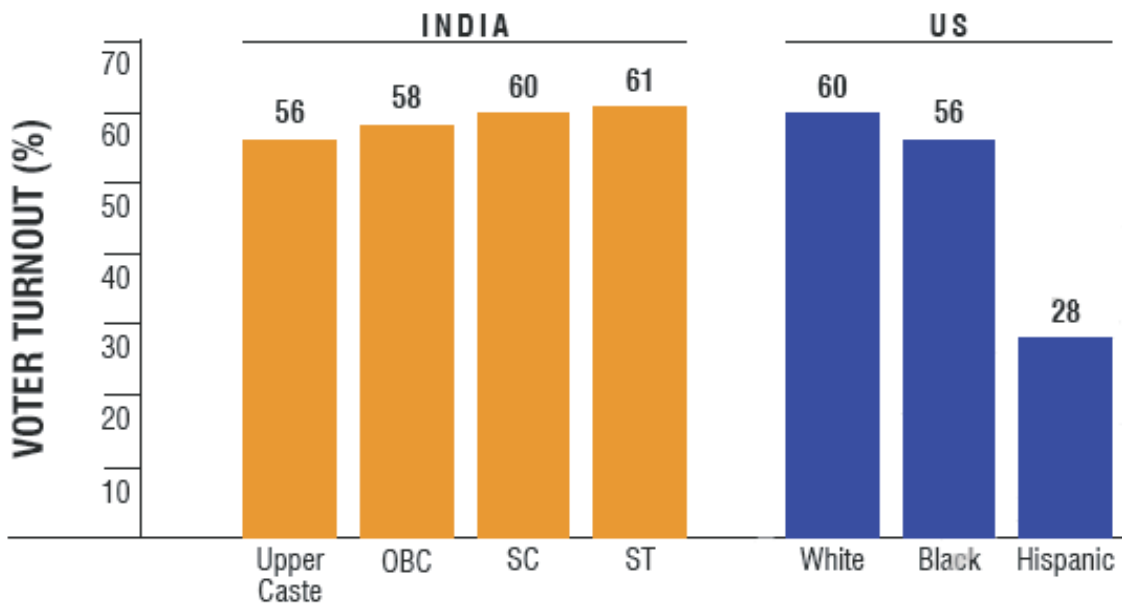
1 People's participation in election is usually measured by voter turnout figures. Turnout indicates the per cent of eligible voters who actually cast their vote. Over the last fifty years, the turnout in Europe and North America has declined. In India the turnout has either remained stable or actually gone up.

A. VOTER TURNOUT IN INDIA AND THE UK



B. In India the poor, illiterate and underprivileged people vote in larger proportion as compared to the rich and privileged sections. This is in contrast to western democracies. For example in the United States of America, poor people, African Americans and Hispanics vote much less than the rich and the white people.

C. VOTER TURN OUT IN INDIA AND USA BY SOCIAL GROUPS, 2004



SOCIAL GROUPS

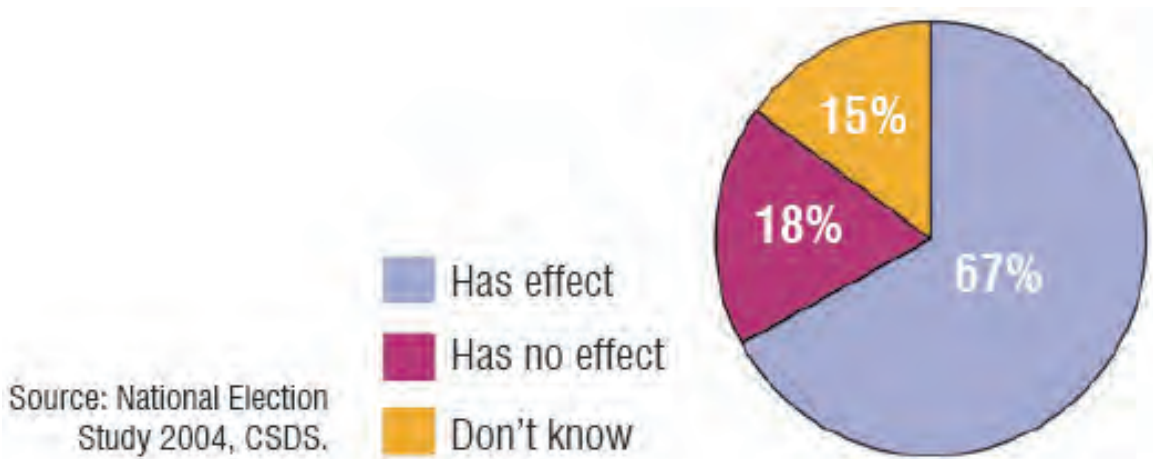
Source: Figures for India from National Election Study 2004, CSDS.

Figure for US from National study 2004, University of Michigan.

3 Common people in India attach a lot of importance to elections. They feel that through elections they can bring pressure on political parties to adopt policies and programmes favourable to them. They also feel that their vote matters in the way things are run in the country.

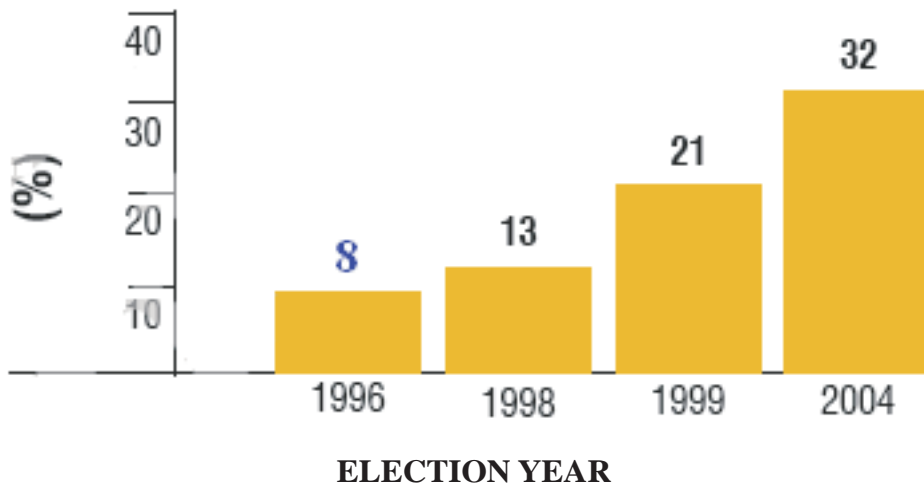
4 The interest of voters in election related activities has been increasing over the years. During the 2004 elections, more than one-third voters took part in campaign-related activities. More than half of the people identified themselves as being close to one or the other political party. One out of every seven voters is a member of a political party.

DO YOU THINK YOUR VOTE MAKES A DIFFERENCE?



D THOSE WHO PARTICIPATED IN ANY ELECTION RELATED ACTIVITY IN INDIA

Source: National Election Study 1996-2004, CSDS



ACTIVITY

Ask the eligible voters in your family whether they voted in the last election to the Lok Sabha or to the State Assembly. If they did not, ask them why did they not vote. If they did, ask them which party and candidate they voted for and why. Also ask them whether they had participated in any other election-related activity like attending an election meeting or rally etc.

4.4 ACCEPTANCE OF ELECTION OUTCOME

In the ultimate analysis, it is the outcome of results in the election that determine the fairness of elections. The acceptance of the election outcome by one and all is the final test of fairness. If elections are not fair the outcome always favours the powerful. In such a situation, the ruling parties do not lose elections. Usually, the losing party does not accept the outcome of a rigged election. The outcome of India's elections speaks for itself:

- The ruling parties routinely lose elections in India both at the national and state level. In fact in every two out of the three elections held in the last fifteen years, the ruling party lost.
- In the US, an **incumbent** or 'sitting' elected representative rarely loses an election. In India about half of the sitting MPs or MLAs lose elections.
- Candidates who are known to have spent a lot of money on 'buying votes' and those with known criminal connections often lose elections.
- Barring very few disputed elections, the electoral outcomes are usually accepted as 'people's verdict' by the defeated party.

Challenges to free and fair elections

All this leads to a simple conclusion: elections in India are basically free and fair. The party that wins an election and forms government does so because people have chosen it over its rivals. This may not be true for every constituency. A few candidates may win purely on the basis of money power and unfair means. But the overall verdict of a general election still reflects popular preference. There are very few exceptions to this rule in the last fifty years in our country. This is what makes Indian elections democratic.

Yet the picture looks different if we ask deeper questions: Are people's preferences based on real knowledge? Are the voters getting a real choice? Is election a real level playing field for everyone? Can an ordinary citizen hope to win elections? Questions of this kind bring forth many limitations and challenges of Indian elections to our attention. These include:

- Candidates and parties with a lot of money may not be sure of their victory but they do enjoy a big and unfair advantage over smaller parties and independents.
- In some parts of the country, candidates with criminal connection have been able to push others out of the electoral race and to secure a 'ticket' from major parties.

- Some families tend to dominate political parties; tickets are distributed to relatives from these families.

Very often elections offer little choice to ordinary citizens, for both the major parties are quite similar to each other both in policy and practice.

- Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties.

CHECK YOUR PROGRESS

Here are some facts on Indian elections. Comment on each of these to say whether they reflect the strength or the weakness of our electoral system:

- The Lok Sabha has always had less than 10 percent women members.
- The Election Commission often refuses to accept the government's advice about when the elections should be held.
- The current Lok Sabha has more than 145 members whose assets are more than Rs.1 crore.
- After losing an election the Chief Minister said: "I respect the people's verdict".

These challenges exist not just in India but also in many established democracies. These deeper issues are a matter of concern for those who believe in democracy. That is why citizens, social activists and organisations have been demanding reforms in our electoral system. Can you think of some reforms? What can an ordinary citizen do to face these challenges?

GLOSSARY

First past the post: a simple system of counting votes in which the candidate who gets the highest number of votes polled is declared elected.

Booth capturing: Supporters or hired musclemen of party or a candidate gain physical control of a polling booth and cast false votes by threatening everyone or by preventing genuine voters from reaching the polling booth.

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

Constituency: Voters in a geographical area who elect a representative to the legislative bodies.

Incumbent: The current holder of a political office. Usually the choice for the voters in elections is between the incumbent party or candidate and those who oppose them.

Level playing field: Condition in which all parties and candidates contesting in an election have equal opportunities to appeal for votes and to carry out election campaign.

Rigging: Fraud and malpractices indulged by a party or candidate to increase its votes. It includes stuffing ballot boxes by a few persons using the votes of others; recording multiple votes by the same person; and bribing or coercing polling officers to favour a candidate.

Turnout: The percentage of eligible voters who cast their votes in an election.

Exercises

Long Answer Questions:

1. Describe the role of the Election Commission in ensuring free and fair elections.
2. Describe in detail the various steps in the election process.
3. What are the various challenges to free and fair elections?

Short Answer Questions:

1. What is an Electoral Constituency?
2. How many Assembly Constituencies are there in J&K?
3. Why are modern democracies indirect?
4. What do you mean by the word 'Popular Participation' in elections?
5. Why does the need arise to form a coalition government?

Very Short Answer Questions:

1. Why elections are necessary in a democracy?
2. What do you mean by Direct and Indirect elections?
3. What is a General Election?
4. What is a By-Election?

Objective Type Questions:

1. Indirect democracy functions through:
a) Representatives b) King c) Bureaucrat d) Queen
2. The minimum age for contesting Legislative Assembly Election is
a) 18 years b) 21 years c) 25 years d) 30 years
3. Election to the Lok Sabha is
a) Direct Election b) Indirect Election
c) Both of these d) None of these



Rashtrapati Bhawan (President House)



Rajya Sabha Chamber



Lok Sabha Chamber

Chapter 5

WORKING OF INSTITUTIONS

OVERVIEW

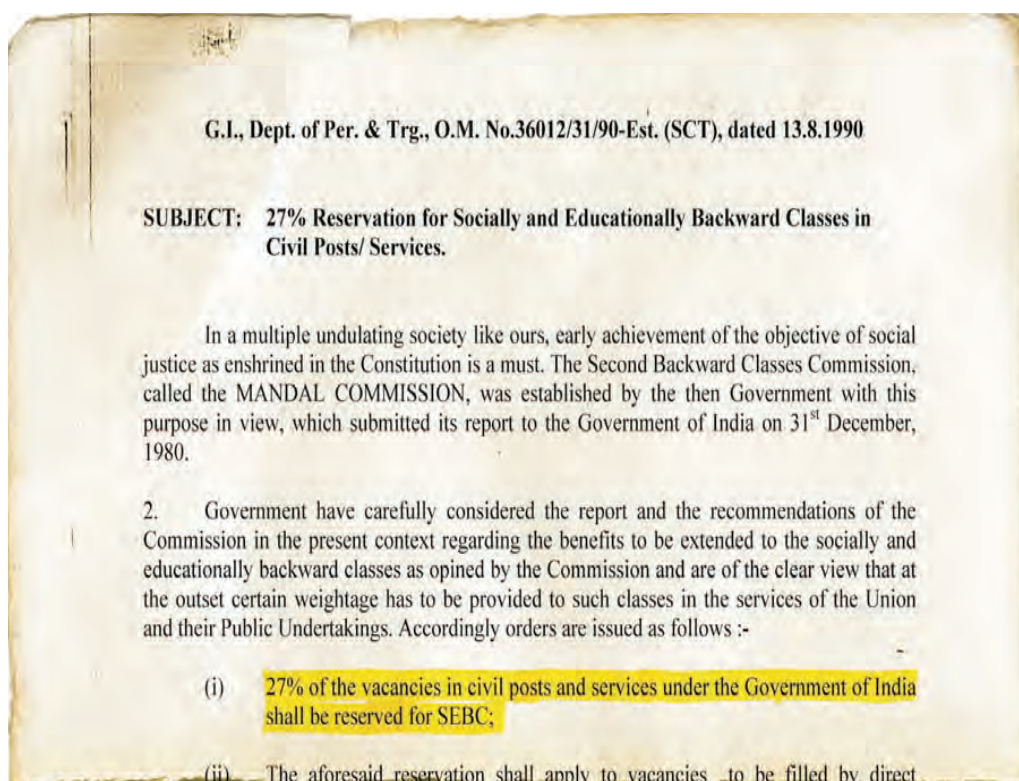
Democracy is not just about people electing their rulers. In a democracy the rulers have to follow some rules and procedures. They have to work with and within institutions. This chapter is about the working of such institutions in a democracy. We try to understand this by looking at the manner in which major decisions are taken and implemented in our country. We also look at how disputes regarding these decisions are resolved. In this process we come across three institutions that play a key role in taking major decisions - legislature, executive and judiciary.

You have already read something about these institutions in earlier classes. Here we shall quickly summarise those and move on to asking larger questions. In the case of each institution we ask: What does this institution do? How is this institution connected to other institutions? What makes its functioning more or less democratic? The basic objective here is to understand how all these institutions together carry on the work of government. Sometimes we compare these with similar institutions in other democracies. In this chapter we take our examples from the working of the national level government called Central Government, Union Government, or just Government of India. While reading this chapter, you can think of and discuss examples from the working of the government in your state.

5.1 HOW IS A MAJOR POLICY DECISION TAKEN?

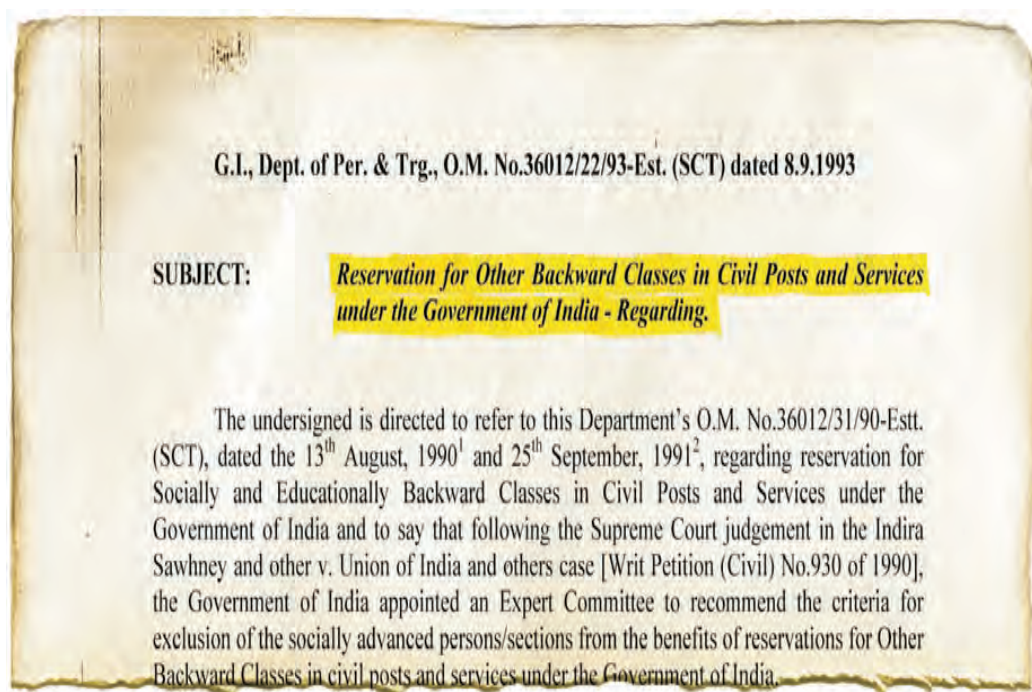
A Government Order

On August 13, 1990, the Government of India issued an Order. It was called an **Office Memorandum**. Like all government orders, it had a number and is known by that: O. M. No. 36012/31/90-Est (SCT), dated 13.8.1990. The Joint Secretary, an officer in the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensions, signed the Order. It was quite short, barely one page. It looked like any ordinary circular or notice that you may have seen in school. The government issues hundreds of orders every day on different matters. 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 Order announced a major policy decision. It said that 27 per cent of the vacancies in civil posts and services under the Government of India are reserved for the Socially and Economically Backward Classes (SEBC).



SEBC is another name for all those people who belong to castes that are considered backward by the government. The benefit of job reservation was till then available only

to Scheduled Castes and Scheduled Tribes. Now a new third category called SEBC was introduced. Only persons who belong to backward castes were eligible for this quota of 27 per cent jobs. Others could not compete for these jobs.



The Decision Makers

Who decided to issue this Memorandum? Clearly, such a big decision could not have been taken by the person who signed that document. The officer was merely implementing the instructions given by the Minister of Personnel, Public Grievances and Pensions, of which the department was a part. We can guess that such a major decision would have involved other major functionaries in our country. You have already read in the previous class about some of them. Let us go over some of the main points that you covered then:

- The President is the head of the **state** and is the highest formal authority in the country.
- The Prime Minister is the head of the **government** and actually exercises all governmental powers. He takes most of the decisions in the cabinet meetings.
- Parliament consists of two Houses, Lok Sabha and Rajya Sabha. The Prime Minister must have the support of a majority of Lok Sabha members.

So, were all these people involved in this decision regarding the Office Memorandum? Let us find out.

ACTIVITY

- Which points, other than the ones mentioned above, do you recall about these institutions from the previous class? Discuss in class.
- Can you think of a major decision made by your state government? How were the Governor, the Council of Ministers, the state assembly and the courts involved in that decision?

This Office Memorandum was the culmination of a long chain of events. The Government of India had appointed the Second Backward Classes Commission in 1979. It was headed by B.P. Mandal. Hence it was popularly called the Mandal Commission. It was asked to determine the criteria to identify the socially and educationally backward classes in India and recommend steps to be taken for their advancement. The Commission gave its Report in 1980 and made many recommendations. One of these was that 27 per cent of government jobs be reserved for the socially and economically backward classes. The Report and recommendations were discussed in the Parliament.

Is every Office Memorandum a major political decision? If not, what made this one different?

For several years, many parliamentarians and parties kept demanding the implementation of the Commission's recommendations. Then came the Lok Sabha election of 1989. In its election manifesto, the Janata Dal promised that if voted to power, it would implement the Mandal Commission report. The Janata Dal did form the government after this election. Its leader V. P. Singh became the Prime Minister. Several developments took place after that:

- The President of India in his address to the Parliament announced the intention of the government to implement the recommendations of the Mandal Commission.
- On 6 August 1990, the Union Cabinet took a formal decision to implement the recommendations.
- Next day Prime Minister V.P. Singh informed the Parliament about this decision through a statement in both the Houses of Parliament.
- The decision of the Cabinet was sent to the Department of Personnel and Training. The senior officers of the Department drafted an order in line with the Cabinet

decision and took the minister's approval. An officer signed the order on behalf of the Union Government. This was how O.M. No. 36012/ 31/90 was born on August 13, 1990.

For the next few months, this was the most hotly debated issue in the country. Newspapers and magazines were full of different views and opinions on this issue. It led to widespread protests and counter protests, some of which were violent. People reacted strongly because this decision affected thousands of job opportunities. Some felt that existence of inequalities among people of different castes in India necessitated job reservations. They felt, this would give a fair opportunity to those communities who so far had not adequately been represented in government employment.

Others felt that this was unfair as it would deny equality of opportunity to those who did not belong to backward communities. They would be denied jobs even though they could be more qualified. Some felt that this would perpetuate caste feelings among people and hamper national unity. In this chapter we won't discuss whether the decision was good or not. We only take this example to understand how major decisions are taken and implemented in the country.

Now I can see clearly!
That is why they talk of
Mandalisation of politics.
Don't they?

Who resolved this dispute? You know that the Supreme Court and the High Courts in India settle disputes arising out of governmental decisions. Some persons and associations opposed to this order filed a number of cases in the courts. They appealed to the courts to declare the order invalid and stop its implementation. The Supreme Court of India bunched all these cases together. This case was known as the

Which institutions are at work in the running of your school? Would it be better if one person alone took all the decisions regarding management of your school?

'Indira Sawhney and others Vs Union of India case'. Eleven judges of the Supreme Court heard arguments of both sides. By a majority, the Supreme Court judges in 1992 declared that this order of the Government of India was valid. At the same time the Supreme Court asked the government to modify its original order. It said that well-to-do persons among the backward classes should be excluded from getting the benefit of reservation. Accordingly, the Department of Personnel and Training issued another

Office Memorandum on September 8, 1993. The dispute thus came to an end and this policy has been followed since then.

CHECK YOUR PROGRESS

Who did what in this case of reservations for backward classes?

Supreme Court	Made formal announcement about this decision
Cabinet	Implemented the decision by issuing an order
President	Took the decision to give 27% job reservations
Government Officials	Upheld reservations as valid

Need for Political Institutions

We have seen one example of how the government works. Governing a country involves various such activities. For example, the government is responsible for ensuring security to the citizens and providing facilities for education and health to all. It collects taxes and spends the money thus raised on administration, defence and development programmes. It formulates and implements several welfare schemes. Some persons have to take decisions on how to go about these activities. Others have to implement these decisions. If disputes arise on these decisions or in their implementation, there should be some one to determine what is right and what is wrong. It is important that everyone should know who is responsible for doing what. It is also important that these activities keep taking place even if the persons in key positions change. So, to attend to all these tasks, several arrangements are made in all modern democracies. Such arrangements are called institutions. A democracy works well when these institutions perform functions assigned to them. The Constitution of any country lays down basic rules on the powers and functions of each institution. In the example above we saw several such institutions at work.

- The Prime Minister and the Cabinet are institutions that take all important policy decisions.
- The Civil Servants, working together, are responsible for taking steps to implement the ministers' decisions.
- Supreme Court is an institution where disputes between citizens and the government are finally settled.

Can you think of some other institutions in this example? What is their role?

Working with institutions is not easy. Institutions involve rules and regulations. This can bind the hands of leaders. Institutions involve meetings, committees and routines. This often leads to delays and complications. Therefore dealing with institutions can be frustrating. One might feel that it is much better to have one person take all decisions without any rules, procedures and meetings. But that is not the spirit of democracy. Some of the delays and complications introduced by institutions are very useful. They provide an opportunity for a wider set of people to be consulted in any decision. Institutions make it difficult to have a good decision taken very quickly. But they also make it equally difficult to rush through a bad decision. That is why democratic governments insist on institutions.

5.2 PARLIAMENT

In the example of the Office Memorandum, do you remember the role of the Parliament? Since this decision was not taken by the Parliament, you might think that the Parliament had no role in it. But let us go back to the story and see whether Parliament figures in it. Let us recall the points made earlier by completing the following sentences:

- The Report of the Mandal Commission was discussed ...
- The President of India mentioned this in his ...
- The Prime Minister made a ...

The decision was not directly taken in the Parliament. But Parliamentary discussions on the Report influenced and shaped the decision of the government. They brought pressure on the government to act on the Mandal recommendation. If the Parliament was not in favour of this decision, the Government could not have gone ahead with it. Can you guess why? Recall what you read about the Parliament in the earlier class and try to imagine what the Parliament could have done if it did not approve of the Cabinet's decision.

Why do we need a Parliament?

In all democracies, an assembly of elected representatives exercise supreme political authority on behalf of the people. In India such a national assembly of elected representatives is called Parliament. At the state level this is called **Legislature** or Legislative Assembly. The name may vary in different countries, but such an assembly exists in every democracy. It exercises political authority on behalf of the people in many ways:

1. Parliament is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change existing laws, or abolish existing laws and make new ones in their place.
2. Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the Parliament.
3. Parliaments control all the money that governments have. In most countries the public money can be spent only when the Parliament sanctions it.
4. Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Parliament can seek information about any matter.

Two Houses of Parliament

Since the Parliament plays a central role in modern democracies, generally large countries divide the role and powers of the Parliament in two parts. They are called Chambers or Houses. One House is usually directly elected by the people and exercises the real power on behalf of the people. The second House is usually elected indirectly and performs some special functions. The most common work for the second House is to look after the interests of various states, regions or federal units.

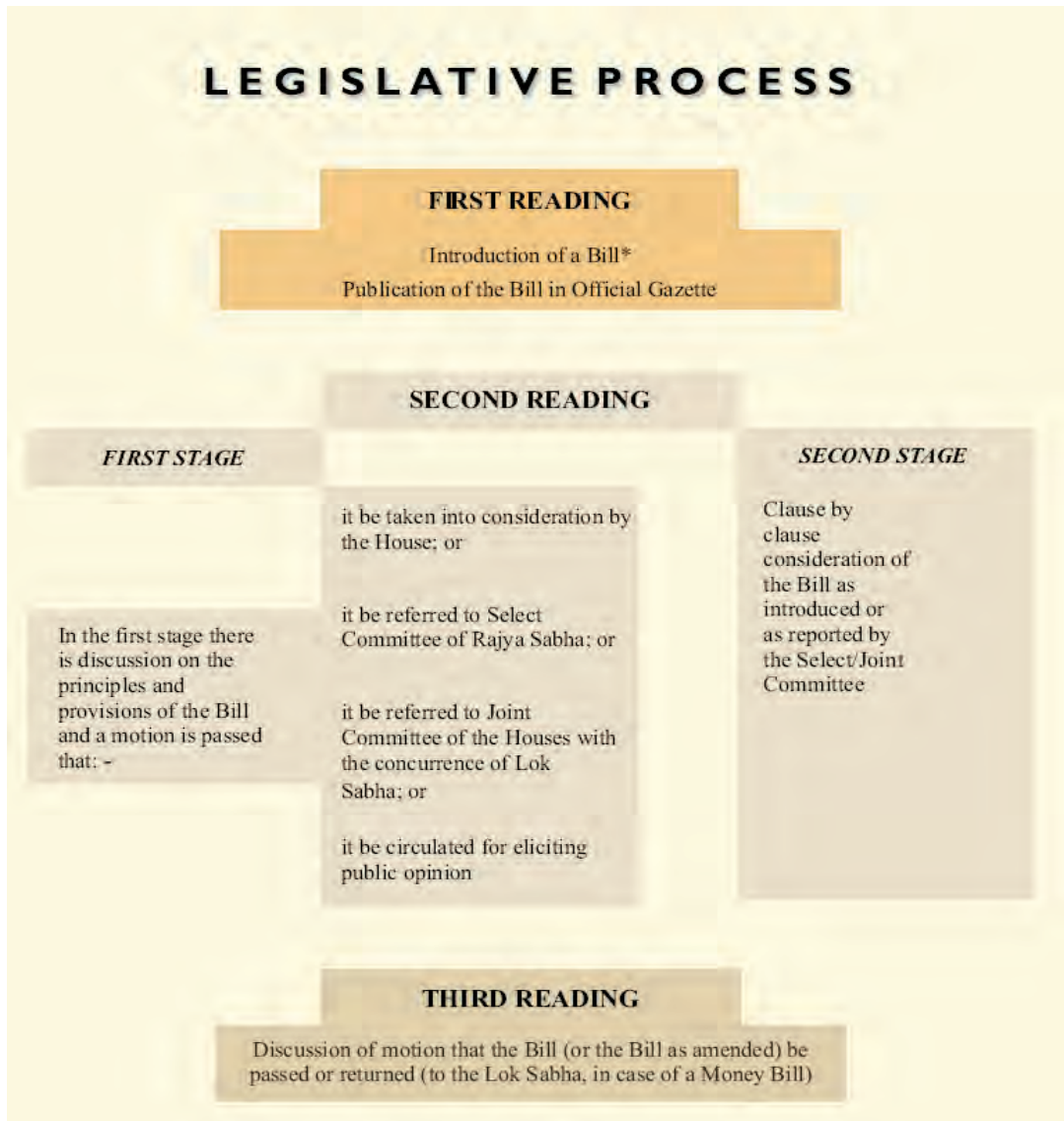
In our country, the Parliament consists of two Houses. The two Houses are known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The President of India is a part of the Parliament, although he is not a member of either House. That is why all laws made in the Houses come into force only after they receive the assent of the President.

Organization and structure of the Council of States (Rajya Sabha) and the House of the People (Lok Sabha)		
	Rajya Sabha	Lok Sabha
No. of Members	233 (elected) 12 (nominated)	543 (elected) 2 (nominated)
Minimum age for becoming member	30 years	25 years
Requirement for nomination	Persons having special knowledge or practical experience in literature, science, art and social service.	Persons belonging to Anglo-Indian community, if not adequately represented in the House.
Term of members	Permanent House, the term of a member is 6 years. 1/3 rd of members retire every second year.	5 years (unless dissolved earlier)
Presiding Officers	Chairman (Vice-President of India is the <i>ex officio</i> Chairman) Deputy Chairman	Speaker Deputy Speaker

Which of the two Houses is more powerful? It might appear that the Rajya Sabha is more powerful, for sometimes it is called the ‘Upper Chamber’ and the Lok Sabha the ‘Lower Chamber’. But this does not mean that Rajya Sabha is more powerful than Lok Sabha. This is just an old style of speaking and not the language used in our Constitution. Our Constitution does give the Rajya Sabha some special powers over the states. But on most matters, the Lok Sabha exercises supreme power. Let us see how:

1. Any ordinary law needs to be passed by both the Houses. 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. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting.
2. Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes.
3. Most importantly, the Lok Sabha controls the Council of Ministers. Only a person who enjoys the support of the majority of the members in the Lok Sabha is appointed as the Prime Minister. If the majority of the Lok Sabha members say they have ‘no

confidence' in the Council of Ministers, all ministers including the Prime Minister, have to quit, the Rajya Sabha does not have this power.



ACTIVITY

When the Parliament is in session, there is a special programme everyday on Doordarshan about the proceedings in Lok Sabha and Rajya Sabha. Watch the proceedings or read about it in the newspapers and note the following:

- Powers of the two Houses of Parliament.
- Role of the Speaker.
- Role of the Opposition.

A day in Lok Sabha

7 December, 2004, was an ordinary day in the life of the Fourteenth Lok Sabha. Let us take a look at what happened in the course of that day. Identify the role and powers of the parliament on the basis of the proceedings for the day as given below. You can also enact this day in your classroom.



11:00 Various ministries gave written answers to about 250 questions that were asked by members. These included:

- What is the government doing about overpricing of medicines by big companies?

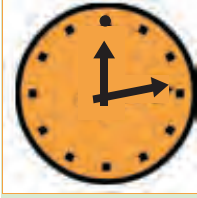


12:00 A large number of official documents were presented and were available for discussion. These included:

- Recruitment rules for the Indo-Tibetan Border Police Force
- Annual Report of the Indian Institute of Technology, Kharagpur
- Report and accounts of Rashtriya Ispat Nigam Limited, Visakhapattanam



12:02 The Minister of Development of North Eastern Region made a statement regarding Revitalisation of the North Eastern Council. The Minister of State for Railways presented a statement showing the grant needed by the Railways in addition to that sanctioned in the Railway Budget.



The Minister of Human Resource Development introduced the National Commission for Minority Educational Institutions Bill, 2004. He also gave a statement explaining why the government had to bring an ordinance for this.



12:14 Several members highlighted some issues, including:

- Need to include Rajasthani as an official language in the Constitution.
- Need to renew the insurance policies of farmers and agricultural workers of Andhra Pradesh.



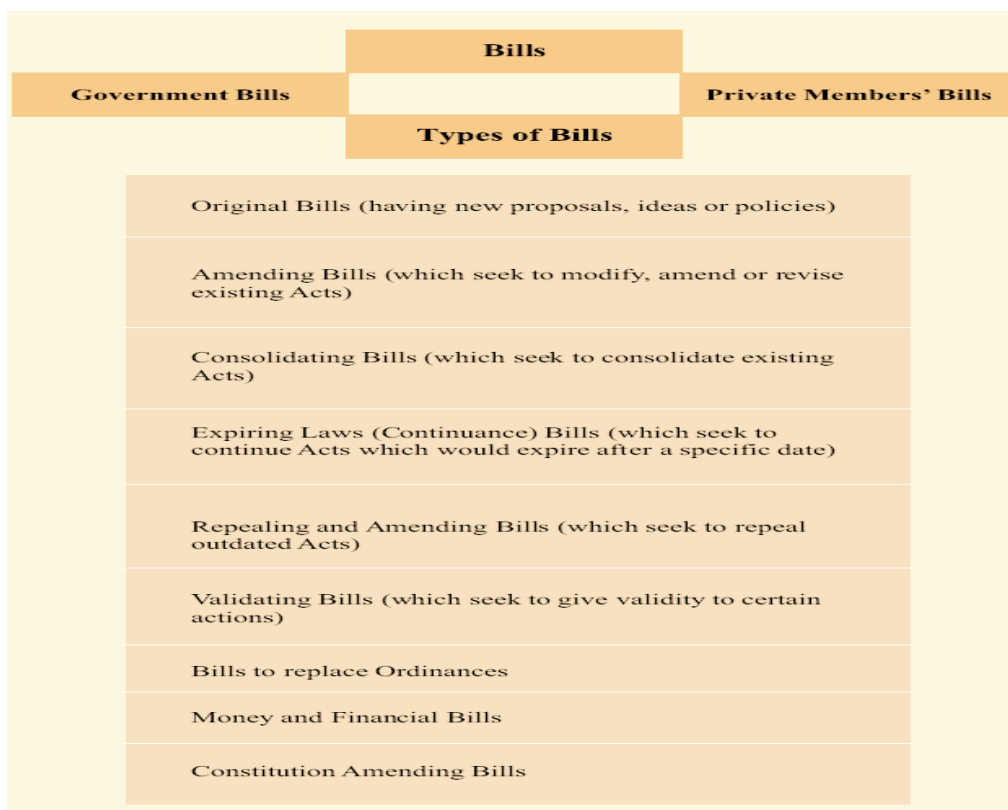
2:26 Two bills proposed by the government were considered and passed. These were:

- The Securities Laws (Amendment) Bill
- The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill



4:00 Finally, there was a long discussion regarding the foreign policy of the government and the need to continue an independent foreign policy in the context of the situation in Iraq.

7:17 Discussion concluded. House adjourned for next day.



5.3 POLITICAL EXECUTIVE

Do you remember the story of the Office Memorandum with which we started this chapter? We found out that the person who signed the document did not take this decision. He was only executing the policy decision taken by someone else. We noted the role of the Prime Minister in taking that decision. But we also know that he could not have taken that decision if he did not have support from the Lok Sabha. In that sense he was only executing the wishes of the Parliament.

Thus, at different levels of any government we find functionaries who take day-to-day decisions but do not exercise supreme power on behalf of the people. All those functionaries are collectively known as the executive. They are called executive because they are in charge of the 'execution' of the policies of the government. Thus, when we talk about 'the government' we usually mean the executive.

Political and Permanent Executive

In a democratic country, two categories make up the executive. One that is elected by the people for a specific period is called the political executive. Political leaders who

take the big decisions fall in this category. In the second category, people are appointed on a long-term basis. This is called the permanent executive or civil services. Persons working in civil services are called civil servants. They remain in office even when the ruling party changes. These officers work under political executive and assist them in carrying out the day-to-day administration. Can you recall the role of political and non-political executive in the case of the Office Memorandum?

In a democracy the will of the people is supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf. He is finally answerable to the people for all the consequences of his decision. The minister decides the overall framework and objectives in which decisions or policy should be made. The minister is not, and is not expected to be, an expert in the matters of his/her ministry. The minister takes the advice of experts on all technical matters. But very often experts hold different opinions or place before him/her more than one option. Depending on what the overall objective is, the minister decides.

Actually this happens in any large organisation. Those who understand the overall picture take the most important decisions, not the experts. The experts can tell the route, but someone with a larger view decides the destination. In a democracy elected ministers perform this role.

The Prime Minister and the Council of Ministers

The Prime Minister is the most important **political institution** in the country. Yet there is no direct election to the post of the Prime Minister. The President appoints the Prime Minister. But the President cannot appoint anyone he likes. The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister. In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He continues in power so long as he remains the leader of the majority party or coalition. After the appointment of the Prime Minister, the President appoints other ministers on the advice of the Prime Minister. The Ministers are usually from the party or the coalition that has the majority in the Lok Sabha. The Prime Minister is free to choose ministers, as long as they are members of Parliament. Sometimes, a person who is not a member of Parliament can also become a minister. But

such a person has to get elected to one of the Houses of the Parliament within six months of appointment as minister.

Council of Ministers is the official name for the body that includes all the Ministers. It usually has 60 to 80 Ministers of different ranks.

- **Cabinet Ministers** are usually top-level leaders of the ruling party or parties who are in charge of the major ministries. Usually the Cabinet Ministers meet to take decisions in the name of the Council of Ministers. Cabinet is thus the inner ring of the Council of Ministers. It comprises about 20 ministers.
- **Ministers of State with independent charge** are usually in-charge of smaller Ministries. They participate in the Cabinet meetings only when specially invited.
- **Ministers of State** are attached to and required to assist Cabinet Ministers.

Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. That is why parliamentary democracy in most countries is often known as the Cabinet form of government. The Cabinet works as a team. The ministers may have different views and opinions, but everyone has to own up every decision of the Cabinet. No minister can openly criticise any decision of the government, even if it is about another Ministry or Department. Every ministry has secretaries, who are civil servants. The secretaries provide the necessary background information to the ministers to take decisions. The Cabinet as a team is assisted by the Cabinet Secretariat. This includes many senior civil servants who try to coordinate the working of different ministries.

ACTIVITY

- List the names of five Cabinet Ministers and their ministries each at the Union level and in your state.
- Meet the Mayor or Municipal Chairperson of your town or the President of Zila Parishad of your district and ask him or her about how the city, town or district is administered.

Powers of the Prime Minister

The Constitution does not say very much about the powers of the Prime Minister or the ministers or their relationship with each other. But as head of the government, the Prime Minister has wide ranging powers. He chairs Cabinet meetings. He coordinates the work

of different Departments. His decisions are final in case disagreements arise between Departments. He exercises general supervision of different ministries. All ministers work under his leadership. The Prime Minister distributes and redistributes work to the ministers. He also has the power to dismiss ministers. When the Prime Minister quits, the entire ministry quits.

Thus, if the Cabinet is the most powerful institution in India, within the Cabinet it is the Prime Minister who is the most powerful. The powers of the Prime Minister in all parliamentary democracies of the world have increased so much in recent decades that parliamentary democracies are some times seen as Prime Ministerial form of government. As political parties have come to play a major role in politics, the Prime Minister controls the Cabinet and Parliament through the party. The media also contributes to this trend by making politics and elections as a competition between top leaders of parties. In India too we have seen such a tendency towards the concentration of powers in the hands of the Prime Minister. Jawaharlal Nehru, the first Prime Minister of India, exercised enormous authority because he had great influence over the public. Indira Gandhi was also a very powerful leader compared to her colleagues in the Cabinet. Of course, the extent of power wielded by a Prime Minister also depends on the personality of the person holding that position.

However, in recent years the rise of coalition politics has imposed certain constraints on the power of the Prime Minister. The Prime Minister of a **coalition government** cannot take decisions as he likes. He has to accommodate different groups and factions in his party as well as among alliance partners. He also has to heed to the views and positions of the coalition partners and other parties, on whose support the survival of the government depends.

The President

While the Prime Minister is the head of the government, the President is the head of the State. In our political system the head of the State exercises only nominal powers. The President supervises the overall functioning of all the political institutions in the country so that they operate in harmony to achieve the objectives of the state.



Shri Pranab Mukherjee assumed the office of President on 26th July 2012.

The President is not elected directly by the people. The President is elected indirectly by an electoral college consisting of the elected Members of Parliament (MPs) and elected Members of State Legislative Assemblies (MLAs). A candidate standing for President's post has to get a majority of votes to win the election. This ensures that the President can be seen to represent the entire nation. At the same time the President can never claim the kind of direct popular mandate that the Prime Minister can. This ensures that he remains only a nominal executive.

**SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

NO.ECI/PN/52/2012

Date 12th June, 2012

PRESS NOTE

Sub: Election to the office of President of India, 2012 (14th Presidential election).

The term of office of Smt. Pratibha Devisingh Patil, President of India, ends on 24th July, 2012. An election to fill the vacancy caused by the expiration of the term of office of the outgoing President shall need to be completed before the expiration of her term. The law provides that the notification for election shall be issued on, or as soon as conveniently may be after, the sixtieth day before the expiry of term of office of the out going President.

Notification issued by Election Commission of India for the 14th Presidential Election

The same is true of the powers of the President. If you casually read the Constitution you would think that there is nothing that he cannot do. All governmental activities take place in the name of the President. All laws and major policy decisions of the government are issued in his name. All major appointments are made in the name of the President. These include the appointment of the Chief Justice of India, the Judges of the Supreme Court and the High Courts of the states, the Governors of the states, the Election Commissioners, ambassadors to other countries, etc. All international treaties and agreements are made in the name of the President. The President is the supreme commander of the defence forces of India.

But we should remember that the President exercises all these powers only on the advice of the Council of Ministers. The President can ask the Council of Ministers to reconsider its advice. But if the same advice is given again, he is bound to act according

to it. Similarly, a bill passed by the Parliament becomes a law only after the President gives assent to it. If the President wants, he can delay this for some time and send the bill back to the Parliament for reconsideration. But if the Parliament passes the bill again, he has to sign it.

So you may wonder what does the President really do? Can he do anything on his own at all? There is one very important thing he should do on his own: appoint the Prime Minister. When a party or coalition of parties secures a clear majority in the elections, the President, has to appoint the leader of the majority party or the coalition that enjoys majority support in the Lok Sabha. When no party or coalition gets a majority in the Lok Sabha, the President exercises his discretion. The President appoints a leader who in his opinion can muster majority support in the Lok Sabha. In such a case, the President can ask the newly appointed Prime Minister to prove majority support in the Lok Sabha within a specified time.

What is better for a democracy: A Prime Minister who can do whatever he wishes or a Prime Minister who needs to consult other leaders and parties?

The Presidential System

Presidents all over the world are not always nominal executives. In many countries of the world, the President is both the head of the state and the head of the government. The President of the United States of America is the most well known example of this kind of President. The US President is directly elected by the people. He personally chooses and appoints all Ministers. The law making is still done by the legislature (called the Congress in the US), but the president can veto any law. Most importantly, the president does not need the support of the majority of members in the Congress and neither is he answerable to them. He has a fixed tenure of four years and completes it even if his party does not have a majority in the Congress.

This model is followed in most of the countries of Latin America and many of the ex-Soviet Union countries. Given the centrality of the President, this system of government is called the Presidential form of government. In countries like ours that follow the British model, the parliament is supreme. Therefore, our system is called the parliamentary system of government.

5.4 THE JUDICIARY



The Supreme Court of India

Let us return, one final time, to the story of Office Memorandum that we started with. This time let us not recall the story, but imagine how different the story could have been. Remember, the story came to a satisfactory end because the Supreme Court gave a verdict that was accepted by everyone. Imagine what would have happened in the following situations:

- If there was nothing like a Supreme Court in the country.
- Even if there was a Supreme Court, if it had no power to judge actions of the government.
- Even if it had the power, if no one trusted the Supreme Court to give a fair verdict.
- Even if it gave a fair judgement, if those who appealed against the Government Order did not accept the judgement.

ACTIVITY

Follow the news about any major court case in a High Court or the Supreme Court. What was the original verdict? Did the High Court or the Supreme Court change it? What was the reason?

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 Indian judiciary consists of a Supreme Court for the entire nation, High Courts in the states, District Courts and the courts at local level. India has an integrated judiciary. It means the Supreme Court controls the judicial administration in the country. Its decisions are binding on all other courts of the country. It can take up any dispute:

- Between citizens of the country;
- Between citizens and government;
- Between two or more state governments; and
- Between governments at the union and state level.

It is the highest court of appeal in civil and criminal cases. It can hear appeals against the decisions of the High Courts.

Independence of the judiciary means that it is not under the control of the legislature or the executive. The judges do not act on the direction of the government or according to the wishes of the party in power. That is why all modern democracies have courts that are independent of the legislature and the executive. India has achieved this. The judges of the Supreme Court and the High Courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court. In practice it now means that the senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts. There is very little scope for interference by the political executive. The senior most judge of the Supreme Court is usually appointed the Chief Justice. A judge can be removed only by an impeachment motion passed separately by two-thirds members of the two Houses of the Parliament. It has never happened in the history of Indian democracy.

The judiciary in India is also one of the most powerful in the world. The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if they find such a law or action is against the Constitution. Thus they can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the **Judicial Review**. The Supreme Court of India has also ruled that the core or basic principles of the Constitution cannot be changed by the Parliament.

The powers and the independence of the Indian judiciary allow it to act as the guardian of the Fundamental Rights. We shall see in the next chapter that the citizens have a right to approach the courts to seek remedy in case of any violation of their rights. In recent years the Courts have given several judgments and directives to protect public interest and human rights. Any one can approach the courts if public interest is hurt by the actions of government. This is called **public interest litigation**. The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials. That is why the judiciary enjoys a high level of confidence among the people.

CHECK YOUR PROGRESS

Give one reason each to argue that Indian judiciary is independent with respect to:

Appointment of judges: ...

Removal of judges: ...

Powers of the judiciary: ...

Why are people allowed to go to courts against the government's decisions?

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. Governments may change, but the state continues. In common speech, the terms country, nation and state are used as synonyms.

Exercises

Long Answer Type Questions:

1. How is a major policy decision taken?
2. How is the working of different institutions regulated?
3. Comment on the bicameral nature of the Indian Parliament.
4. How is the President of India elected?
5. Write a note on the Parliamentary form of government.

Short Answer Type Questions:

1. How is the Prime Minister appointed?
2. What do you mean by a Coalition Government?
3. Who appoints the judges of the Supreme Court?
4. Name the three organs of the government and what are their functions.

Very Short Answer Type Questions:

1. Who appoints various ministers of the Union Government?
2. Who appoints the Chief Justice of the Supreme Court?
3. Who elects the Vice-President of India?
4. Who appoints the Lt. Governor of Union Territories?

Objective Type Questions:

1. Indian parliament has _____ houses.
a) Five b) Three c) Four d) Two

2. In a Parliamentary form of Government there are:
 - a) Two types of executive
 - b) Only single executive
 - c) Three types of executive
 - d) None of these
3. The total number of members of Rajya Sabha is:
 - a) 250
 - b) 251
 - c) 252
 - d) 253
4. If you are elected as the President of India which of the following decision 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 reconsideration of a bill passed by both the Houses.
 - d. Nominate the leaders of your choice to the Council of Ministers.
5. Who 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
6. Which of the following statements about the judiciary is false?
 - 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 rights are violated
7. Which of the following institutions can make changes to an existing law of the country?
 - a. The Supreme Court
 - b. The President
 - c. The Prime Minister
 - d. The Parliament

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

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 Health
The price of rice and wheat sold under the Public Distribution System will go down.	Ministry of Agriculture, Food and Public Distribution
A pulse polio campaign will be launched	Ministry of Commerce and Industry
The allowances of the soldiers posted on high altitudes will be increased.	Ministry of Communications and Information Technology

LET US READ NEWSPAPERS

Collect newspapers for the last one week and classify the news related to the working of any of the institutions discussed in this chapter into four groups:

- Working of the **legislatures**
- Working of the **political executive**
- Working of the **civil services**
- Working of **judiciary**



A poster of UN Declaration of Human Rights (www.flickr.com/riacale)

Chapter 6

DEMOCRATIC RIGHTS

OVERVIEW

In the previous two chapters we have looked at two major elements of a democratic government. In Chapter Four we saw how a democratic government has to be periodically elected by the people in a free and fair manner. In Chapter Five we learnt that a democracy must be based on institutions that follow certain rules and procedures. These elements are necessary but not sufficient for a democracy. Elections and institutions need to be combined with a third element - enjoyment of rights - to make a government democratic. Even the most properly elected rulers working through the established institutional process must learn not to cross some limits. Citizens' democratic rights set those limits in a democracy.

This is what we take up in this final chapter of the book. We begin by a discussion on what we mean by rights and why do we need them. As in the previous chapters, the general discussion is followed by a focus on India. We discuss one by one the Fundamental Rights in the Indian Constitution. Then we turn to how these rights can be used by ordinary citizens. Who will protect and enforce them? Finally we take a look at how the scope of rights has been expanding.

6.1 RIGHTS IN A DEMOCRACY

Everyone would desire a system where security, dignity and fair play are assured to all. You might want, for example, that no one should be arrested except for the breach of law. And if someone is arrested, he or she should have a fair chance to defend themselves. One has to be reasonable in what one expects and demands of everyone else, for one has to grant the same to everyone. But you might insist that the assurance does not remain on paper, that there is someone to enforce these assurances, that those who violate these are punished.

In other words, you might want a system where at least a minimum is guaranteed to everyone – powerful or weak, rich or poor, majority or minority. This is the spirit behind thinking about rights.

What are rights?

Rights are **claims** of a person, recognized by the society and enforced by the state. All of us want to live happily, without fear and without being subjected to degraded treatment. For this we expect others to behave in such a way that does not harm us or hurt us. Equally, our actions should not also harm or hurt others. So a right is possible when you make a claim that is equally possible for others. You cannot have a right that harms or hurts others. You cannot have a right to play a game in such a way that it breaks the neighbour's window. The claims we make should be reasonable. They should be such that can be made available to others in an equal measure. Thus, a right comes with an obligation to respect other rights.

Just because we claim some thing, it does not become our right. It has to be recognised by the society we live in. Rights acquire meaning only in society. Every society makes certain rules to regulate our conduct. They tell us what is right and what is wrong. What is recognised by the society as rightful becomes the basis of rights. That is why the notion of rights changes from time to time and society to society. Two hundred years ago anyone who said that women should have right to vote would have sounded strange. Today not granting women right to vote appears strange.

When the socially recognized claims are written into law they acquire real force. Otherwise they remain merely as natural or moral rights. When law recognises some claims they become enforceable. We can then demand their application. When fellow

citizens or the government do not respect these rights we call it violation or infringement of our rights. In such circumstances citizens can approach courts to protect their rights. So, if we want to call any claim a right, it has to have these three qualities. Rights are **reasonable** claims of persons **recognised by society and sanctioned by law**.

Why do we need rights in a democracy?

Rights are necessary for the very sustenance of a democracy. In a democracy every citizen has to have the right to vote and the right to be elected to Government. For democratic elections to take place it is necessary that citizens should have the right to express their opinion, form political parties and take part in political activities.

Rights also perform a very special role in a democracy. Rights protect minorities from the oppression of majority. They ensure that the majority cannot do whatever it likes. Rights are guarantees which can be used when things go wrong. Things may go wrong when some citizens may wish to take away the rights of others. This usually happens when those in majority want to dominate those in minority. The government should protect the citizens' rights in such a situation. But sometimes elected governments may not protect or may even attack the rights of their own citizens.

What are the examples of elected governments not protecting or even attacking the rights of their own citizens? Why do they do that?

That is why some rights need to be placed higher than the government, so that the government cannot violate these. In most democracies the basic rights of the citizen are written down in the constitution.

6.2 RIGHTS IN THE INDIAN CONSTITUTION

In India, like most other democracies in the world, these rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights. We have already read in Chapter Three the preamble to our Constitution. It talks about securing to all its citizens equality, liberty and justice. Fundamental Rights put this promise into effect. They are an important basic feature of India's Constitution.

Part 3rd of the Constitution of India contains an elaborate chapter on Fundamental Rights. The Fundamental rights have been placed in six categories.

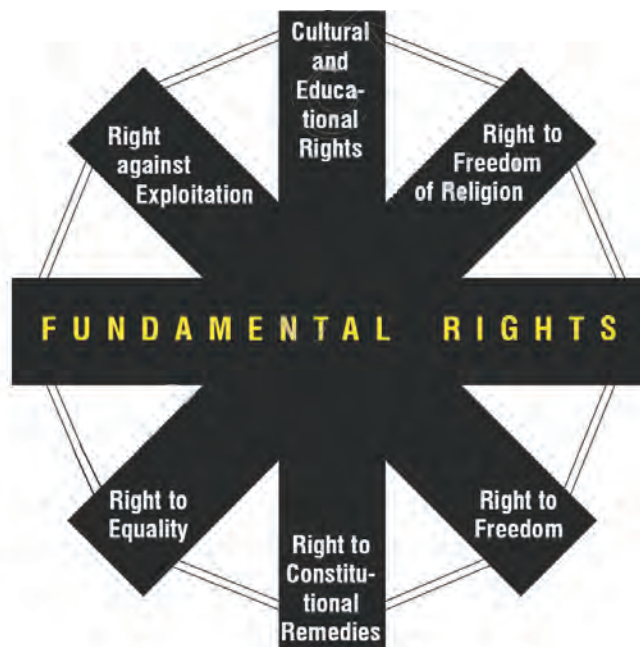
i) Right to Equality

The Constitution says that the government shall not deny to any person in India equality before the law or the equal protection of the laws. It means that the laws apply in the same manner to all, regardless of a person's status. This is called the rule of law. Rule of law is the foundation of any democracy. It means that no person is above the law. There cannot be any distinction between a political leader, government official and an ordinary citizen.

Every citizen, from the Prime Minister to a small farmer in a remote village, is subjected to the same laws. No person can legally claim any special treatment or privilege just because he or she happens to be an important person.

This basic position is further clarified in the Constitution by spelling out some implications of the Right to Equality. The government shall not discriminate against any citizen on grounds of religion, caste, ethnicity, sex or place of birth. Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls. Similarly, there shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds and places of public resorts maintained by government or dedicated to the use of general public. This might appear very obvious, but it was necessary to incorporate these rights in the Constitution of our country where the traditional caste system did not allow people from some communities to access all public places.

The same principle applies to public jobs. All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government. No citizen shall be discriminated against or made ineligible for employment on the



grounds mentioned above. You have read in Chapter Five that the Government of India has provided reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes. Various governments have different schemes for giving preference to women, poor or physically handicapped in some kinds of jobs. Are these reservations against the right to equality? They are not. For equality does not mean giving everyone the same treatment, no matter what they need. 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 job reservations do. Just to clarify this, the Constitution says that reservations of this kind are not a violation of the Right to Equality.

The principle of non-discrimination extends to social life as well. The Constitution mentions one extreme form of social discrimination, the practice of untouchability, and clearly directs the government to put an end to it. The practice of untouchability has been forbidden in any form. Untouchability here does not only mean refusal to touch people belonging to certain castes. It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies them interaction with others or access to public places as equal citizens. So the Constitution made untouchability a punishable offence.



ACTIVITY

- Go to the playground of the school or any stadium and watch a 400 metre race on any track. Why are the competitors in the outer lane placed ahead of those in the inner lane at the starting point of the race? What would happen if all the competitors start the race from the same line? Which of these two would be an equal and fair race? Apply this example to a competition for jobs.
- Observe any big public building. Is there a ramp for physically handicapped? Are there any other facilities that make it possible for physically handicapped to use the building in the same way as any one else? Should these special facilities be provided, if it leads to extra expenditure on the building? Do these special provisions go against the principle of equality?

ii) Right to Freedom

Freedom means absence of constraints. In practical life it means absence of interference in our affairs by others – be it other individuals or the government. We want to live in society, but we want to be free. We want to do things in the way we want to do them. Others should not dictate us what we should do. So, under the Indian Constitution all citizens have the right to

- Freedom of speech and expression
- Freedom to assemble in a peaceful manner
- Freedom to form associations and unions
- Freedom to move freely throughout the country
- Freedom to reside in any part of the country, and
- Freedom to practice any profession, or to carry on any occupation, trade or business.

You should remember that every citizen has the right to all these freedoms. That means you cannot exercise your freedom in such a manner that violates others' right to freedom. Your freedoms should not cause public nuisance or disorder. You are free to do everything which injures no one else. Freedom is not unlimited license to do what one wants. Accordingly, the government can impose certain reasonable restrictions on our freedoms in the larger interests of the society.

Freedom of speech and expression is one of the essential features of any democracy. Our ideas and personality develop only when we are able to freely communicate with others. You may think differently from others. Even if a hundred people think in one way, you should have the freedom to think differently and express your views accordingly.

You may disagree with a policy of government or activities of an association. You are free to criticize the government or the activities of the association in your conversations with parents, friends and relatives. You may publicise your views through a pamphlet, magazine or newspaper. You can do it through paintings, poetry or songs. However, you cannot use this freedom to instigate violence against others. You cannot use it to incite people to rebel against government. Neither can you use it to defame others by saying false and mean things that cause damage to a person's reputation.

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.

As citizens we have the **freedom to travel to any part of the country.** We are free to reside and settle in any part of the territory of India. Let us say a person who belongs to the state of Assam wants to start a business in Hyderabad. He may not have any connection with that city, he may not have even seen it ever. Yet as a citizen of India he has the right to set up base there. This right allows lakhs of people to migrate from villages to towns and from poorer regions of the countries to prosperous regions and big cities. The same freedom extends to choice of occupations. No one can force you to do or not to do a certain job. Women cannot be told that some kinds of occupations are not for them. People from deprived castes cannot be kept to their traditional occupations.

The Constitution says that no person can be deprived of his **life or personal liberty** except according to procedure established by law. It means that no person can be killed unless the court has ordered a death sentence. It also means that a government or police officer can arrest or detain any citizen unless he has proper legal justification. Even when they do, they have to follow some procedures:

- A person who is arrested and detained in custody will have to be informed of the reasons for such arrest and detention.

- A person who is arrested and detained shall be produced before the nearest magistrate within a period of 24 hours of arrest.
- Such a person has the right to consult a lawyer or engage a lawyer for his defence.

CHECK YOUR PROGRESS

Are these cases instances of violation of right to freedom? If yes, which constitutional provision does each of these violate?

- The government of India banned Salman Rushdie's book *Satanic Verses* on the ground that it was disrespectful to Prophet Mohammed (SAW) and was likely to hurt the feelings of Muslim community.
- Every film has to be approved by the Censor Board of the government before it can be shown to the public. But there is no such restriction if the same story is published in a book or a magazine.
- The government is considering a proposal that there will be industrial zones or sectors of economy where workers will not be allowed to form unions or go on strike.
- City administration has imposed a ban on use of public microphones after 10 p.m. in view of the approaching secondary school examinations.

iii) Right against Exploitation

Once the right to liberty and equality is granted, it follows that every citizen has a right not to be exploited. Yet the Constitution makers thought it was necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society.

The Constitution mentions three specific evils and declares these illegal. First, the Constitution prohibits 'traffic in human beings'. Traffic here means selling and buying of human beings, usually women, for immoral purposes. Second, our Constitution also prohibits forced labour or *begar* in any form. '*Begar*' is a practice where the worker is forced to render service to the 'master' free of charge or at a nominal remuneration. When this practice takes place on a life-long basis, it is called the practice of bonded labour.

Finally, 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, firecrackers and matches, printing and dyeing.

ACTIVITY

Do you know what the minimum wages in your state are? If not, can you find out? Speak to five people doing different types of work in your neighbourhood and find out if they are earning the minimum wages or not. Ask them if they know what the minimum wages are. Ask them if men and women are getting the same wages.

iv) Right to Freedom of Religion

Right to freedom includes right to freedom of religion as well. In this case too, the Constitution makers were very particular to state it clearly.

Every person has a **right to profess, practice and propagate the religion** he or she believes in. Every religious group or sect is free to manage its religious affairs. A right to propagate one's religion, however, does not mean that a person has right to compel another person to convert into his religion by means of force, fraud, inducement or allurements. Of course, a person is free to change religion on his or her own will.

A secular state is one that does not confer any privilege or favour on any particular religion. Nor does it punish or discriminate against people on the basis of religion they follow. Thus the government cannot compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious institution. There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies no person shall be compelled to take part in any religious instruction or to attend any religious worship.

v) Cultural and Educational Rights

You might wonder why the Constitution makers were so particular in providing written guarantees of the rights of the minorities. Why are there no special guarantees for the majority? Well, for the simple reason that the working of democracy gives power to the majority. It is the language, culture and religion of minorities that needs special protection. Otherwise, they may get neglected or undermined under the impact of the language, religion and culture of the majority. That is why the Constitution specifies the cultural and educational rights of the minorities:

- Any section of citizens with a distinct language or culture have a right to conserve it.
- Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.

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

Here minority does not mean only religious minority at the national level. In some places people speaking a particular language are in majority; people speaking a different language are in a minority. For example, Telugu speaking people form a majority in Andhra Pradesh. But they are a minority in the neighbouring State of Karnataka. Sikhs constitute a majority in Punjab. But they are a minority in Rajasthan, Haryana and Delhi.

6.3 GUARANTEE OF FUNDAMENTAL RIGHTS

The Fundamental Rights contained in the Constitution of India are guaranteed against any violation. This guarantee itself is a Fundamental Right under Right to Constitutional remedies. Thus Fundamental Rights in the Constitution are inviolable because they are justiciable. It means that in case of any violation we can approach the Supreme Court or the High Court to get our Fundamental Rights enforced.

vi) Right to Constitutional Remedies

The **Right to Constitutional Remedies** itself is a Fundamental Right. This right makes other rights effective. It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of our rights are violated we can seek remedy through courts. If it is a Fundamental Right we can directly approach the Supreme Court or the High Court of a state. That is why Dr. Ambedkar called the Right to Constitutional Remedies, ‘the heart and soul’ of our Constitution.

Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid. We can challenge such laws of the central and state governments, the policies and actions of the government or the governmental organisations like the nationalised banks or electricity boards. Courts also enforce the Fundamental Rights against private individuals and bodies. The Supreme Court and High Courts have the power to issue directions, orders or writs for

the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators. We have already seen in Chapter Five that the judiciary in our country is independent of the government and the parliament. We also noted that our judiciary is very powerful and can do whatever is needed to protect the rights of the citizens.

ACTIVITY

The Supreme Court and High Courts have the power to issue various writs for the enforcement of Fundamental Rights.

With the help of your teacher find out about these writs.

In case of any violation of a Fundamental Right the aggrieved person can go to a court for remedy. But now, any person can go to court against the violation of the Fundamental Right, if it is of social or public interest. It is called Public Interest Litigation (PIL). Under the PIL any citizen or group of citizens 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.

6.4 EXPANDING SCOPE OF RIGHTS

We began this chapter by discussing the significance of rights. In much of the chapter we have focused only on Fundamental Rights in the Constitution. You might think that Fundamental Rights granted by the Constitution are the only rights citizen have. This is not true. While Fundamental Rights are the source of all rights, our Constitution and law offers a wider range of rights.

Over the years the scope of rights has expanded. Sometimes it leads to expansion in the legal rights that the citizen can enjoy. From time to time, the courts gave judgments to expand the scope of rights. Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights. Now school education has become a right for Indian citizens.

Right to Education:-

The governments are responsible for providing free and compulsory education to all children up to the age of 14 years.



Right to Education became a Fundamental right under Article 21A, by 86th Amendment in 2002.

Right to Education as a Fundamental Right became operational from April 2010. Now the state is to provide free and compulsory education to all children from the age of 6 to 14 years.

Right to Information:

The Government of India always lays emphasis on making the lives of its citizens easy, smooth and making India truly democratic and keeping this in mind the RTI Act was passed in 2005.

RTI stands for Right to Information and has been given the status of a fundamental right under Article 19(1) of the Constitution. Article 19 (1) under which every citizen has freedom of speech and expression and have the right to know how the government works, what role does it play, what are its functions and so on.

The Act confers right to the citizens to know as to how the tax-payers money is being spent by the Government.

National Food Security Bill 2011:

The Parliament of India passed National Food Security Act 2011 to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food, for all persons in the country, at all times, in pursuance of their fundamental right to live with dignity , free of hunger and malnutrition.





Food Security Bill

National Food Security Bill aims to provide rice at Rs. 3/kg, wheat Rs. 2/kg and Coarse grain at Re 1/kg to those living below the poverty line who are the beneficiaries under the poverty group.

A destitute family without any foodstuff in Orissa (Wikimedia)

Also, rights are not limited only to Fundamental Rights as enumerated in the Constitution. Constitution provides many more rights, which may not be Fundamental Rights. For example the right to property is not a Fundamental Right but it is a constitutional right. Right to vote in elections is an important constitutional right.

Sometimes the expansion takes place in what is called human rights. These are universal moral claims that may or may not have been recognized by law. In that sense these claims are not rights going by the definition that we presented earlier. With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims. Some international covenants have also contributed to the expansion of rights.

Thus, the scope of rights has been expanding and new rights are evolving over time. They are result of struggle of the people. New rights emerge as societies develop or as new constitutions are made. The Constitution of South Africa guarantees its citizens several kinds of new rights:

- Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped, their communication cannot be opened.
- Right to an environment that is not harmful to their health or well being;
- Right to have access to adequate housing.
- Right to have access to health care services, sufficient food and water; no one may be refused emergency medical treatment.

Many people think that the right to work, right to health, right to minimum livelihood and right to privacy should be made fundamental rights in India as well. What do you think?

International Covenant on Economic, Social and Cultural Rights

This international covenant recognises many rights that are not directly a part of the Fundamental Rights in the Indian Constitution. This has not yet become an international treaty. But human right activists all over the world see this as a standard of human rights.

These include:

- Right to work: opportunity to everyone to earn livelihood by working
- Right to safe and healthy working conditions, fair wages that can provide decent standard of living for the workers and their families
- Right to adequate standard of living including adequate food, clothing and housing
- Right to social security and insurance
- Right to health: medical care during illness, special care for women during childbirth and prevention of epidemics
- Right to education: free and compulsory primary education, equal access to higher education.

GLOSSARY

Claim: Demand for legal or moral entitlements a person makes on fellow citizens, society or the government.

Covenant: Promise made by individuals, groups or countries to uphold a rule or principle. It is legally binding on the signatories to the agreement or statement.

Dalit: A person who belongs to the castes which were considered low and not touchable by others. Dalits are also known by other names such as the Scheduled Castes, Depressed Classes etc.

3. There are _____ categories of fundamental rights in all.
a) Six b) Seven c) Ten d) Five
4. Right to property was deleted as a fundamental right by _____ amendment.
a) 42nd b) 43rd c) 44th d) 45th
5. Which of the following is not an instance of an exercise of a fundamental right?
a) Workers from Bihar go to the Punjab to work on the farms
b) Christian missions set up a chain of missionary schools
c) Men and women government employees get the same salary
d) Parents' property is inherited by their children
6. Which of the following freedoms is not available to an Indian citizen?
a) Freedom to criticise 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
7. Which of the following rights is available under the Indian Constitution?
a) Right to work b) Right to adequate livelihood
c) Right to protect one's culture d) Right to privacy

LET US READ NEWSPAPERS

In every chapter we have done an exercise on reading the newspaper. Let us now try to write for the newspaper. Take any example from the reports discussed in this chapter or any other local example that you are familiar with and write the following:

- Letter to the editor highlighting a case of Child labour witnessed by you.
- A headline and a news item concerning a Supreme Court order related to Fundamental Rights.
- An issue of public interest litigation.
- An application for seeking information under RTI.

Put these together and make a newspaper for your school notice board.