SOCIAL SCIENCE

DEMOCRATIC POLITICS-I

Textbook in Political Science
for Class IX

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NCERT Campus
Sri Aurobindo Marg
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108, 100 Feet Road
Hosdakere Halli Extension
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Navjivan Trust Building
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Ahmedabad 380 014 — **Phone : 079-27541446**

CWC Campus
Opp. Dhankal Bus Stop
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CWC Complex
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R.K. Laxman
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Harish Chandra Shukla (Kaak)

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Publication Team

Head, Publication Division	:	*M. Siraj Anwar*
Chief Editor	:	*Shweta Uppal*
Chief Business Manager	:	*Gautam Ganguly*
Chief Production Officer (Incharge)	:	*Arun Chitkara*
Production Assistant	:	*Rajesh Pippal*

Cover and Layout
Oroon Das

Sketches
Rajeev Kumar

Cartoons
Irfan Khan

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FOREWORD

The National Curriculum Framework (NCF), 2005, recommends that children's life at school must be linked to their life outside the school. This principle marks a departure from the legacy of bookish learning which continues to shape our system and causes a gap between the school, home and community. The syllabi and textbooks developed on the basis of NCF signify an attempt to implement this basic idea. They also attempt to discourage rote learning and the maintenance of sharp boundaries between different subject areas. We hope these measures will take us significantly further in the direction of a child-centred system of education outlined in the National Policy on Education (1986).

The success of this effort depends on the steps that school principals and teachers will take to encourage children to reflect on their own learning and to pursue imaginative activities and questions. We must recognise that given space, time and freedom, children generate new knowledge by engaging with the information passed on to them by adults. Treating the prescribed textbook as the sole basis of examination is one of the key reasons why other resources and sites of learning are ignored. Inculcating creativity and initiative is possible if we perceive and treat children as participants in learning, not as receivers of a fixed body of knowledge.

These aims imply considerable change in school routines and mode of functioning. Flexibility in the daily time-table is as necessary as rigour in implementing the annual calendar so that the required number of teaching days is actually devoted to teaching. The methods used for teaching and evaluation will also determine how effective this textbook proves for making children's life at school a happy experience, rather than a source of stress or boredom. Syllabus designers have tried to address the problem of curricular burden by restructuring and reorienting knowledge at different stages with greater consideration for child psychology and the time available for teaching. The textbook attempts to enhance this endeavour by giving higher priority and space to opportunities for contemplation and wondering, discussion in small groups, and activities requiring hands-on experience.

The National Council of Educational Research and Training (NCERT) appreciates the hard work done by the textbook development committee responsible for this book. We wish to thank the Chairperson of the advisory group in Social Sciences, Professor Hari Vasudevan and the Chief Advisors

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for this book, Professor Yogendra Yadav and Professor Suhas Palshikar for guiding the work of this committee. Several teachers contributed to the development of this textbook; we are grateful to their principals for making this possible. We are indebted to the institutions and organisations which have generously permitted us to draw upon their resources, material and personnel. We are especially grateful to the members of the National Monitoring Committee, appointed by the Department of Secondary and Higher Education, Ministry of Human Resource Development under the Chairmanship of Professor Mrinal Miri and Professor G.P. Deshpande, for their valuable time and contribution. As an organisation committed to systemic reform and continuous improvement in the quality of its products, NCERT welcomes comments and suggestions which will enable us to undertake further revision and refinement.

Director
National Council of Educational
Research and Training

New Delhi
20 December 2005

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A LETTER FOR YOU

Dear teachers and parents,

'Civics is boring'. You may have heard this from your students or your child. You may have felt that they had a point. Syllabi of Civics in our country tend to focus on formal institutions of government. The textbooks are full of constitutional, legal and procedural details, presented in a dry and abstract manner. No wonder children experience disconnect between the theory they read in the textbook and what they see in real life around them. This is perhaps what makes Civics 'boring' for young adults in a country otherwise full of passion for politics.

The present textbook is a small step towards changing this. The impetus came from the National Curriculum Framework 2005 that provided the space and opportunity to bring about this basic change. The foreword to this book by the Director of the NCERT explains the philosophy of the new curriculum. It meant a complete overhaul of the traditional Civics syllabi. The change in the name – from Civics to Political Science – reflects the shift in the focus. The new syllabi recognise that the student at this stage is aware of and needs to know more about politics. Accordingly, the students in classes IX and X will be offered an introduction to various facets of politics. Democracy is the window through which they get to look at the theory and the practice of politics.

With this textbook you are going to take the students on a tour of a museum of contemporary democracy. You will first take them quickly through a series of stories from different parts of the world. Once they develop a sense and feel of democracy, you can ask some reflective questions: what is democracy? Why democracy? With this clarity you can take them to a gallery on constitutions. An understanding of what and how of the constitutions would prepare them for an exhibition on three aspects of democratic politics: elections, institutions and rights. You may encounter many contentious themes during this tour. Our attempt here is not to hand over a definite opinion to the students but to enable them to think on their own.

This textbook is meant to help the students enjoy this tour and to assist you in guiding them. It does not merely inform the students. It encourages them to think on their own. It interacts with them through questions, moves

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them with stories and pictures and tickles them with cartoons. It helps you in reviewing their progress and in getting them involved with activities. All these features have meant taking more space than used to be the case earlier. It is precisely to reduce the information load that the book takes more pages. Please do read 'How to use this book' on the following pages to be able to use these features of the book. The tour will continue in the textbook for class X and will focus more on the working of democracy. We hope this tour will create interest in them to understand politics more carefully and to help them become active and participant citizens.

This hope of ours rests on you. That is why this book makes more demands on you. You may have to learn more about new names, events and places. You may face questions that the textbook does not answer. You may have to guide the students through sensitive and passionate debates that naturally arise when we discuss politics. Just when you begin to feel tired or irritated, do entertain a thought. When your student asks a question that you find difficult to answer, when she seeks information that is not easy to find or expresses an opinion that you don't approve of, this may actually be a sign of your success as a teacher or a parent. As we all know, getting students to question is critical to their learning process both as a student and as citizens of a democracy. This is what the present book tries to cultivate.

The desire to get rid of the 'boring Civics' tag brought together, perhaps for the first time in our country, a group of political scientists, school teachers and educationists to think about how to teach politics to our next generation. You can read about this group, the Textbook Development Committee, on page xii. All these colleagues spared their valuable time and mental space for this unscheduled event in their academic calendar. Professor Krishna Kumar, Director NCERT, not only dragged some of us into this pleasant duty but also supported us at every stage. Professor Hari Vasudevan and Professor Gopal Guru provided this experiment the protection it needed. Professor Mrinal Miri, Professor G. P. Deshpande and other members of the National Monitoring Committee offered valuable inputs and criticisms. The experiment gained many friends on the way: Ambassador Jorge Heine, Arvind Sardana, Aditya Nigam, Suman Lata and Chandni Khanduja read different parts of the draft and provided valuable inputs. At many points it drew upon Lokniti research programme and Lokniti network of the Centre for the Study of Developing Societies for intellectual and logistic resources. Above all, this experiment drew upon the insights and energy of Alex M. George, Pankaj Pushkar and Manish Jain – three young educationists committed to a radical pedagogy — who taught us how to think about the challenge of school education. Designer Oroon Das and cartoonist Irfan Khan and copy editor Devyani Onial helped us turn the idea of this book into a reality.

We sincerely hope that you and the students would enjoy this book and perhaps look at politics as something valuable, something worth taking seriously, something worth studying. We look forward to your feedback.

K. C. Suri
ADVISOR

Yogendra Yadav
Suhas Palshikar
CHIEF ADVISORS

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HOW TO USE THIS BOOK?

Overview comes at the beginning of each chapter. You can use it to understand the purpose of the chapter and how it links with the rest of the book. It also helps you explain the rationale behind the different sections of the chapter. If you are in doubt about what to teach, what to emphasise and what kind of questions to ask, please do refer back to the overview.

Sections and Sub-sections help you break the chapter into small bits that you can take up one by one. Each chapter is usually divided into four sections, each of which you can complete within about three periods. Section Heading(s) are numbered and announce the beginning of a fresh theme within the chapter. Sub-section heading(s) provide convenient breaks for you to sum up one point and move to the next. Boxes are very much part of the main text and are meant to be taught. They provide additional information or analysis that requires a little detour.

Each chapter begins with one or more real life stories or imagined dialogues. This is to create an interest and understanding of some central issues discussed in the chapter. Sometimes smaller stories or examples are used to lead the student into a section or sub-section. Please do tell this story in all its details. If you can, please add more details to those given here. You don't need to bother very much if the student does not grasp the full significance of the story at this stage. As the chapter develops, it draws upon from the initial story and moves from the concrete to the abstract. But please do not ask the students to memorise the facts and details of the story like the year, names of personalities or places, etc. The same applies to any other example used in this book. This would kill their interest and defeat the very purpose of using stories. If the story is good, some details will stay in their memory. Even if no details stay with them but they can draw the general point from any such instance, we have succeeded in our task.

Munni and Unni are two characters specially designed for this book by cartoonist Irfan Khan. The two of them keep appearing every now and then to ask all kinds of questions: impish, irrelevant, irreverent or even impossible. The questions are sparked off by the points made in the text. But in most cases you will not find the answer in the textbook itself. Munni and Unni are

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there to assure the students that the kind of 'funny' thoughts that often come to their minds are not stupid and to give them the courage to ask such questions. They give you the space to take a detour and get into a side discussion that is often richer than the main one. Please do not use these questions for evaluation.

You would notice lots of cartoons and pictures in this book. This brings visual relief and some fun. But these images are meant to do more. These are parts of the teaching and learning process. The caption to each visual provides background information to help the student appreciate the message. It also asks them questions. Please do stop at each cartoon or visual and get the students involved in reading the message. If you can, please select some more cartoons from your regional languages and use them. Similarly there are several maps and many more references to countries unknown to the students. One of the aims of this book is to expand the student's imagination beyond our own country. Please keep and refer to a recent political map of the world while teaching this book.

read the cartoon

Check your progress questions come usually at the end of every section. These questions give you an opportunity to ensure that the students comprehend the things discussed in that section. These questions also indicate to you the kind of learning you might wish to emphasise. May we urge you to please make more questions of this kind so that the student can move away from learning by rote.

CHECK YOUR PROGRESS

Activity may involve getting the students together within the classroom or doing things outside the classroom. You would need to guide them by assigning tasks to individuals or to groups. The activity and its location in the chapter is only suggestive. If you can think of an activity that relates better to students' own life, please feel free to replace our suggestion with yours.

ACTIVITY

Glossary of unfamiliar words or concepts comes at the end of a chapter. Such a word appears in pink when it is used for the first time. Please encourage the students to refer to the glossary and learn to use the word in a different context. But there is no need for them to memorise the definition given in the glossary.

GLOSSARY

Exercises come at the end of each chapter. You would notice that there are many more questions here than used to be the case. You would also notice that the questions are of a different kind. These questions do not test the student's ability to recall and reproduce what they have read in the Chapter. Keeping in with the approach of the new NCF, we have asked questions that require interpretation, application, analysis, and reasoning based on what they have learnt in the Chapter. You would need to spend some time with the students going over these exercises. Please feel free to come up with new and better questions than suggested here and use those for student evaluation.

exercises

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Let us read the newspaper is both an exercise and an activity. You can use it to ensure that the students can apply what they have learnt to a different context. You can also use it to encourage the habit of newspaper reading. Where most students have access to news channels on television, you may supplement or modify the projects suggested here to include watching of news and current affair programmes. Here again, if you think a different project will suit your students' context and resources, you must be right. Please go ahead.

ACCESSING ONLINE INFORMATION

We are living in an era of information and communication revolution. Printed books, textbooks and the mass media such as newspapers and periodicals have ceased to be the only sources of information. Now millions of websites (World Wide Web) provide easy and instant access to a vast and diverse amount of online information. The World Wide Web has enabled a sudden and extreme decentralisation of information. Since many schools do not possess the latest encyclopaedias and traditional libraries, students and teachers may rely on the Internet to access the needed information.

While using this textbook, the teachers and students may sometimes feel that information provided in the book is, 'insufficient' for learning or classroom teaching. You may want to know more about certain ideas, concepts and events in different countries. We would suggest some of the ways you can use the Internet for this purpose.

You may find some information in free encyclopaedias like www.en.wikipedia.org or www.britannica.com Search engines like Google and Yahoo can provide links to websites that are specifically dedicated to different topics that you may be interested in.

Similarly, several important newspapers and magazines are available online. Some of them allow you to access their archives without payments and registrations. Similarly a few TV channels also allow you to access information without registrations and payments.

Some other websites would be useful to know more about the various institutions discussed in the text. You could find the links to all the Indian government institutional websites from www.india.gov.in. Specifically http://india.gov.in/directories_gov.php will provide you the direct link to various institutions. Similarly various international organisations such as United Nations, International Monetary Fund (IMF),World Bank, human rights organisations such as National Human Rights Commission (NHRC) too have their own websites. Apart from Indian constitution you will also find constitutions of many countries also being available online. You can also look at parliaments around the world by following the link from Inter Parliamentary Union www.ipu.org/english/home.htm

Further you may want to use more images, pictures, or cartoons for discussions. You will find them in newspapers that are available online. Apart from it, you could also look at www.politicalcartoons.com for this purpose. Similarly, through searching "images" category of Google you could locate them.

You may find it useful to visit the websites like www.plato.standford.edu, www.opendemocracy.net, www.brainyencyclopeid.com especially when you wish to get more clarity on certain theoretical aspects or to learn more about politics.

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REQUEST FOR FEEDBACK

How did you like this textbook? What was your experience in reading or using this? What were the difficulties you faced? What changes would you like to see in the next version of this book? Write to us on all these and any other matter related to this textbook. You could be a teacher, a parent, a student or just a general reader. We value any and every feedback.

Please write to:
Coordinator (Political Science)
Department of Education in Social Sciences (DESS)
NCERT
Sri Aurobindo Marg, New Delhi 110016.

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TEXTBOOK DEVELOPMENT COMMITTEE

Chairperson, Advisory Committee for Textbooks at the Secondary Level
Hari Vasudevan, *Professor,* Department of History, University of Calcutta, Kolkata.

Chief Advisors
Yogendra Yadav, *Senior Fellow,* Centre for the Study of Developing Societies, Delhi

Suhas Palshikar, *Professor,* Department of Politics and Public Administration, University of Pune, Maharashtra

Advisor
K.C. Suri, *Professor,* Nagarjuna University, Guntur, Andhra Pradesh

Members

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Sabyasachi Basu Roychowdhary, *Professor,* Rabindra Bharati University, Kolkata

Member-Coordinator
Sanjay Dubey, *Reader,* DESSH, NCERT, New Delhi

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CHAPTER I

DEMOCRACY IN THE CONTEMPORARY WORLD

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Overview

This book is about democracy. In this first chapter we see how democracy has expanded during the last hundred years to more and more countries in the world. More than half of the independent countries in the world today are democracies. The expansion of democracy has not been smooth and straight. It has seen several ups and downs in different countries. It still remains an unstable and uncertain achievement.

This chapter begins with different stories on the making and unmaking of democracy from different parts of the world. These stories are meant to give a sense of what it means to experience democracy and its absence. We present the pattern of the spread of democracy first with a series of maps and then with a short history. The focus in this chapter is on democracy within a country. But towards the end of the chapter, we take a look at democracy or its absence in the relations among different countries. We examine the working of some international organisations. This allows us to ask a big question: are we moving towards democracy at the global level?

©La Nación

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?

1.1 Two Tales Of Democracy

"*Workers of my country, I have faith in Chile and its future. Other men will overcome this dark and bitter moment when treason seeks to prevail. Keep in mind that, much sooner than later, the great avenues will again be opened, through which will pass free men to construct a better society. Long live Chile! Long live the people! Long live the workers!*

These are my last words, and I am certain that my sacrifice will not be in vain. I am certain that, at the very least, it will be a moral lesson that will punish felony, cowardice, and treason."

These are some extracts from the last speech of Salvador Allende (pronounced Ayen-they). 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 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.

Why did President Allende address himself mainly to 'workers'? Why were the rich unhappy with him?

Military Coup of 1973

On the morning of 11 September 1973, the military took over the seaport. The Defence Minister was arrested by the military when he arrived at his office. The military

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commanders asked the President to resign. Allende refused to resign or 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 people was overthrown by the military through conspiracy and violence.

What took place in Chile on 11 September 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.

Did the army have any legal right to arrest the defence minister of the country? Should the army have the power to arrest any citizen?

ACTIVITY

- Locate and shade Chile on the map. Which state in our country has a shape similar to Chile?
- Follow the newspaper for one month and collect news items related to any country in Latin America. Did you find the news coverage adequate?

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?

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2018-19

Lech Walesa

Poland is famous for its poster art. Most of the posters of Solidarity carried this special way of writing 'Solidarnosc'. Can you find similar examples of poster art or wall writing in Indian politics?

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 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 Bashelet), 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."

Michelle Bachelet served as President of Chile (2006–2010) and Executive Director of UN Women (2010–2013). She was elected as President of Chile for a second term in 2014.

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.

On 14 August 1980, the workers of Lenin Shipyard in the city of Gdansk went on a strike. 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

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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 recognise 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.

ACTIVITY

- Locate Poland on the map. Write down the names of the countries that surround it.
- Which other East European countries were ruled by communist parties in the 1980s? Shade them on the map.
- Make a list of political activities that you could not have done in Poland in 1980s but you can do in our country.

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.

Let us compare the two non-democratic 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:

Why was an independent trade union so important in Poland? Why are trade unions necessary?

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

The three democratic governments identified above — Allende's Chile, Walesa's Poland and Bachelet'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. Bachelet 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 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 a democracy.

CHECK YOUR PROGRESS

Anita 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 party exists

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

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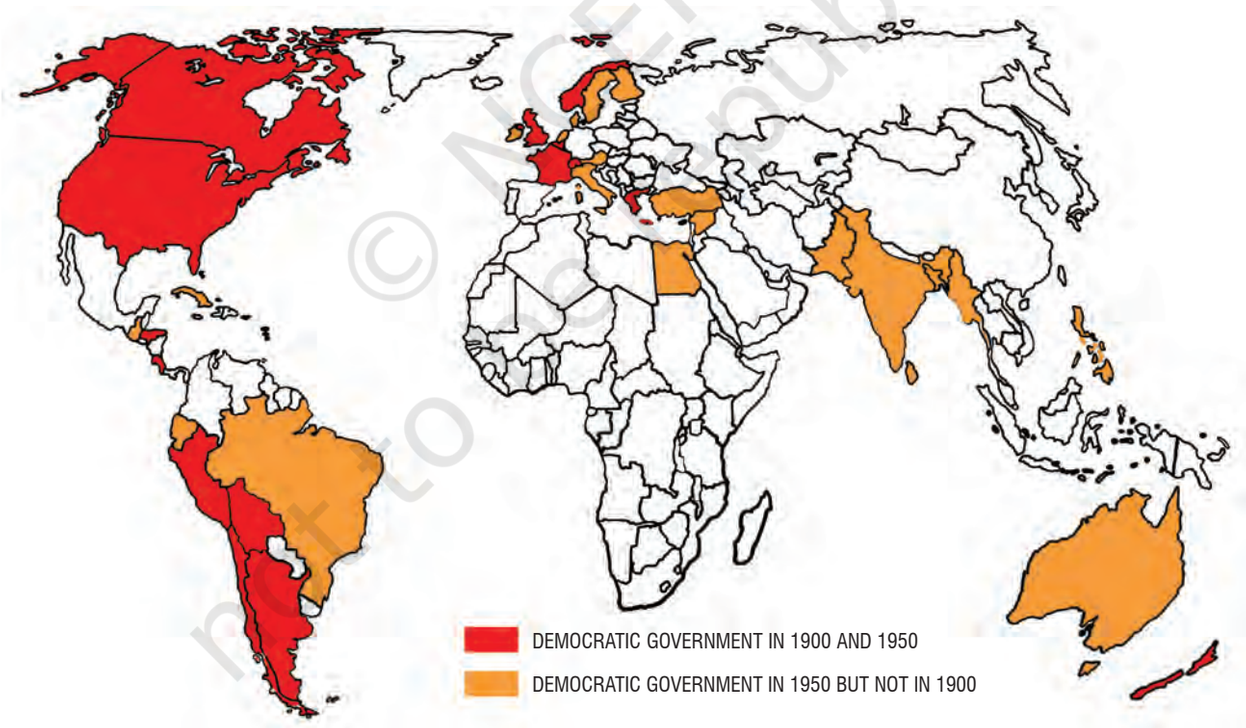
1.2 The Changing Map of Democracy

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



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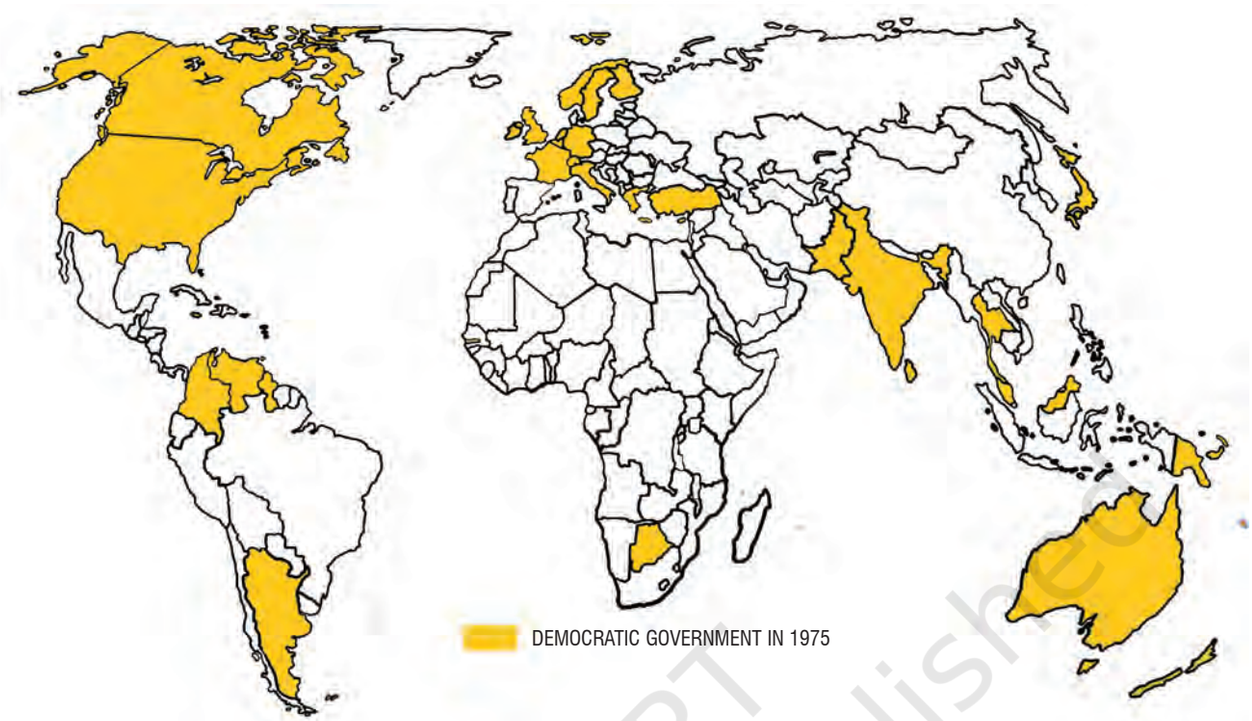
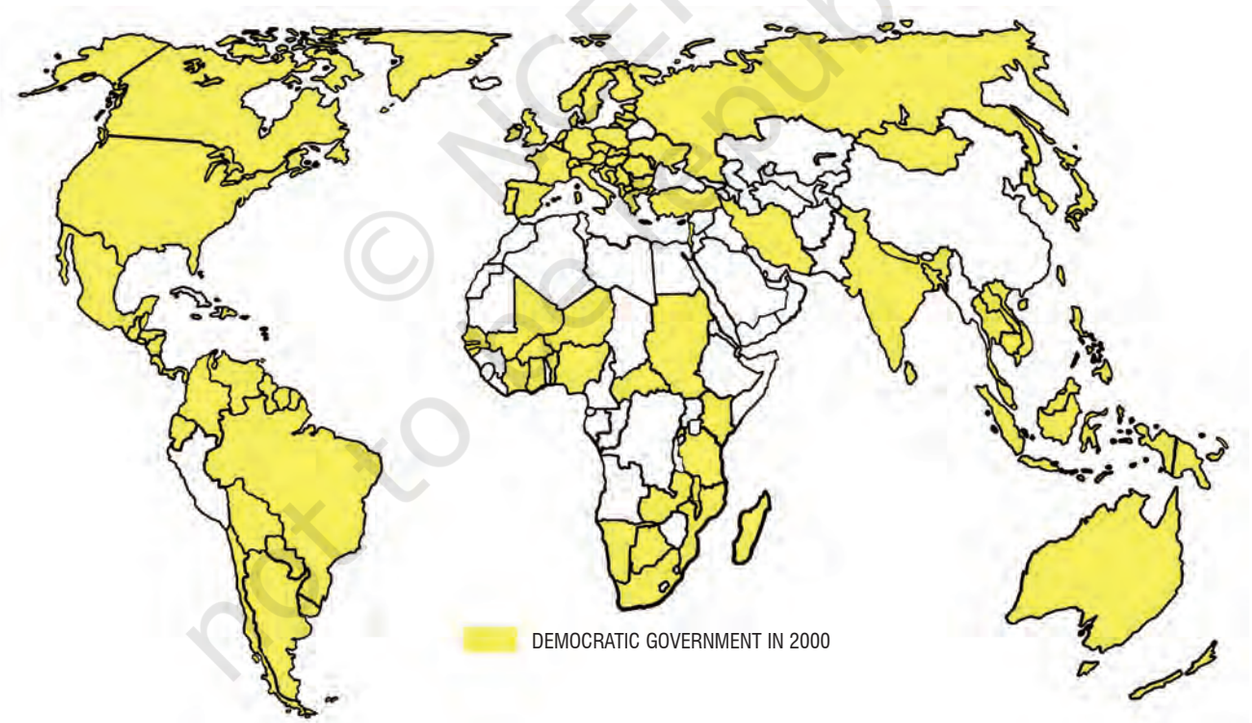
MAP 1.2: DEMOCRATIC GOVERNMENTS IN 1975



MAP 1.3: DEMOCRATIC GOVERNMENTS IN 2000



Source: Historical data for these maps is taken from Polity IV Project dataset of Universtiy 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

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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.

CHECK YOUR PROGRESS

Let us summarise the main points that emerge from a 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?

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

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 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

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Why were women given voting rights much later than men in most countries? Why did this not happen in India?

constitution in 1787. But here too the right to vote was limited to very few men.

In the nineteenth century struggles for democracy often centred 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.

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.

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 colonised 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

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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 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.

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. But, in 2008, Pakistan became democratic again and Nepal emerged as a democratic republic after abolishing the monarchy.

Yet the overall trend in this period points to more and more countries turning to democracy. This phase still continues. By 2016, 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

Kwame Nkrumah Memorial Park in Accra, the capital of Ghana. This park was commissioned in 1992, twenty years after Nkrumah passed away. What might have caused this delay?

Dev Ley, *Wikipedia*, GNU Free Documentation License

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read the cartoon

This cartoon appeared in 2005 when Aung San Suu Kyi turned 60. What is the cartoonist saying here?

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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 (NLD), 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, 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 can 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. Finally, under her leadership, the NLD fought the historic 2015 elections and a democratic republic was established.

ACTIVITY

- Locate Myanmar on an atlas. Which Indian states border this country?
- Write a short essay on the life of Aung San Suu Kyi.
- Collect newspaper reports on the struggle for democracy in Myanmar.

1. 4 Democracy at the Global Level?

After reading about the various phases of expansion of democracy, a teacher, Mr. Singh, asked the students to summarise what they had learnt. This is how the conversation took place:

Farida: We have learnt that democracy has been expanding to more and more regions and countries all over the world.

Rajesh: Yes, we live in a better world than before. It seems we are moving towards a world democracy.

Sushmita: World democracy! How can you say that? I saw a television programme that showed how the Americans invaded Iraq without any justification. The people of Iraq were not consulted at any stage. How can you call that a world democracy?

Farida: I am not talking about the relationship between different countries. I am only saying that more and more countries are becoming democratic.

Rajesh: But what is the difference between the two? If more and more countries become democratic, isn't it obvious that the world also becomes more democratic? After all the Iraq war was all about taking democracy to that country.

Sushmita: No, it is not obvious to me.

Singh sir: I think we are talking about two very different things here. Farida spoke about establishment of democratic governments within different countries in the world today. Sushmita and Rajesh have differences over something else. Their difference is over the relationship among different countries. It is quite possible, Rajesh, that the rulers of a country who are democratically elected by their people may want to dominate over other countries.

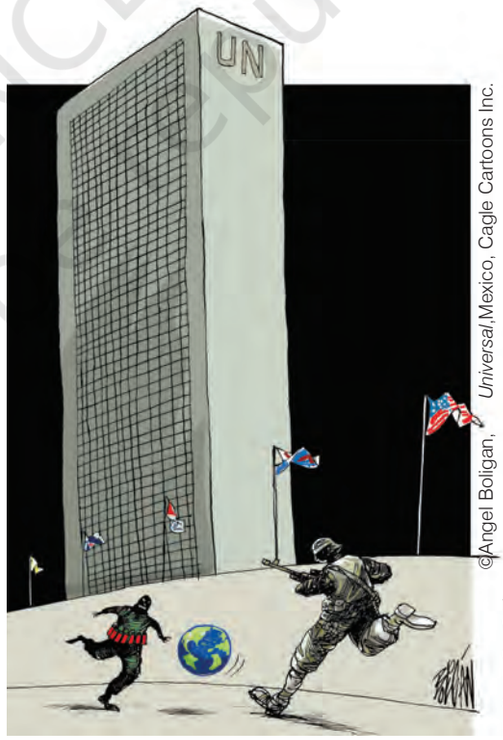
Sushmita: Yes sir. That is exactly what happened in the case of the war on Iraq.

Surinder: I am confused. How can we talk about democracy at the global level? Is there any world government? Who is the president of the world? If there is no government, how can it be democratic or non-democratic?

International Organisations

Let us respond to the question that came up in this conversation: Does an increase in the number of democratic countries all over the world automatically lead to democratic relations among countries? Before we do that, let us think about the point raised by Surinder. 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. 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 rulers and ruled, how can we apply the two features of democracy here? These two features, you would recall, were that the rulers should be elected by the people and that people should have basic political freedoms.

Should there be a world government? If yes, who should elect it? And, what powers should it have?



©Angel Boligan, *Universal*, Mexico, Cagle Cartoons Inc.

This cartoon was published in Mexico in 2005 and was titled 'International Games'. Which games is the cartoonist talking about here? What does the ball symbolize? Who are the players?

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Should the permanent members of the UN be given the power to veto?

While Surinder is right in a simple sense, 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. In this light let us examine the organisation of some of these world bodies.

Every one of the 193 member states (as on 1 September 2012) 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.

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International Monetary Fund (IMF) is one of the biggest moneylenders for any country in the world. Its 189 member states (as on 12 April 2016) do not have equal voting rights. The vote of each country is weighed by how much money it has contributed to the IMF. More than 40% of the voting power in the IMF is in the hands of only seven countries (US, Japan, Germany, France, UK, Italy and Canada). The remaining 182 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.

ACTIVITY

- Find out more about the history and various organs of the United Nations.
- Collect any news about the decisions of the World Bank and the IMF.

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.

Wolfowitz was a senior official in the Department of Defence in the US (commonly called the Pentagon). He was an aggressive supporter of the invasion of Iraq. The cartoon comments on his appointment as the President of the World Bank. What does the cartoon tell us about the relationship between the World Bank and the US?

read the cartoon

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CHECK YOUR PROGRESS

Here are some suggestions to strengthen world democracy. Do you support these changes? Are these changes likely to happen? Give your 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.

Democracy promotion

Take a close look at the two cartoons on this and on the next page. These cartoons raise a fundamental question related to global democracy. Recently, many powerful countries in the world, particularly the United States of America, have taken on the task of democracy promotion in the rest of the world. They say that propagating the values of democracy is not enough. Existing democracies should directly intervene in countries that are non-democratic to establish democracy there. In some cases powerful countries have launched armed attack on non-democratic countries. This is what Sushmita was talking about.

Let us see what happened in Iraq. Iraq is a country in Western Asia. It became independent from British rule in 1932. Three decades later there were a series of coups by military officers. Since 1968, it was ruled by Arab Socialist Ba'th Party (the Arabic word Ba'th means renaissance). Saddam Hussein, a leading Ba'th party leader, played a key role in the 1968 coup that brought the party to power. This government abolished traditional Islamic law and gave women the right to vote and several freedoms not granted in other west Asian countries. After becoming the president of Iraq in 1979, Saddam ran a dictatorial government and suppressed any dissent or opposition to his rule. He was known to have got a number of political opponents killed and persons of ethnic minorities massacred.

The US and its allies like Britain, alleged that Iraq possessed secret nuclear weapons and other 'weapons of mass destruction' which posed a big threat to the world. But when a UN team went to Iraq to search for such weapons, it did not find any. Still the US and its allies invaded Iraq, occupied it and removed Saddam Hussein from power in 2003. The US installed an interim government of its preference. The war against Iraq was not authorised by the UN Security Council. Kofi Annan, the UN Secretary General, said that the US war on Iraq was illegal.

The cartoon "Cactus of Democracy" was published in 2004. What does the cactus look like here? Who is gifting it, and to whom? What is the message?

read the cartoon

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ACTIVITY

Collect information on the debate related to Iraq within the US and the UK. What were the reasons originally offered for the Iraq invasion by the President of US and the Prime Minister of UK? What were the reasons offered after the war?

The example of Iraq raises some basic questions that we need to think about:

- Is this the right way to promote democracy? Should a democratic country wage a war and invade other countries for establishing democracy there?
- Does external help work in every case? Or does it work only when the people of a nation are actively engaged in a struggle to make their societies democratic?
- Even if external intervention leads to the establishment of democracy in a country, would it last long? Would it enjoy the support of its citizens?
- Finally, is the use of external force to gift democracy to the people in keeping with the spirit of democracy?

Think about these questions in the light of all that you have learnt in this chapter.

read the cartoon

'Helping Democracy' was a comment on the presence of US forces during the elections in Iraq. Do you think the cartoon can apply to many other situations? Identify some examples from this chapter which this cartoon can help understand.

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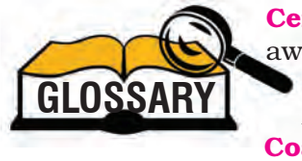

Censorship: A condition under which the freedom of expression is taken away. Citizens have to take prior permission from the censor authorities of the government for making a speech or publishing news and views. Anything that the government finds objectionable cannot be published.

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.

Coup: A coup d'état (pronounced ku de'ta), or simply a coup, is the sudden overthrow of a government illegally. It may or may not be violent in nature. The term is French for 'a sudden blow or strike to a state'.

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.

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.

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

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 statements 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.

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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
a Chile	**i** Freedom from British colonial rule
b Nepal	**ii** End of military dictatorship
c Poland	**iii** End of one party rule
d Ghana	**iv** King agreed to give up his powers

5 What are the difficulties people face in a non-democratic country? Give answers drawing from the examples given in this chapter.

6 Which freedoms are usually taken away when a democracy is overthrown by the military?

7 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.

8 Here are three opinions heard in a television debate on the struggle for democracy in Nepal. Which of these do you agree with and why?

Guest 1: India is a democracy. Therefore, the Indian government must support the people of Nepal who are struggling against monarchy and for democracy.

Guest 2: That is a dangerous argument. We would be in the same position as the US was in Iraq. Remember, no outside force can promote democracy.

Guest 3: But why should we bother about the internal affairs of another country? We should be worried about our business interests there, not about democracy.

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exercises

9 In an imaginary country called Happyland, the people overthrew the foreign ruler and brought back the old royal family. They said: "*After all their ancestors were our kings before foreigners started ruling us. It is good that we have one strong ruler, who can help us become rich and powerful*". When someone talked about democracy the wise men said it is a foreign idea. Their struggle was to throw the foreigners and their ideas out of the country. When someone demanded freedom for the media, the elders thought that too much criticism of the ruler would not help them improve their living standards. "*After all, the king is so kind and interested in the welfare of all the subjects. Why create problems for him. Don't we all want to be happy?* "

After reading the above passage, Chaman, Champa and Chandru made the following observations:

Chaman: Happyland is a democratic country because people were able to throw out the foreign rulers and bring back the king.

Champa: Happyland is not a democratic country because people cannot criticise the ruler. The king may be nice and may provide economic prosperity, but a king cannot give a democratic rule.

Chandru: What people need is happiness. So they are willing to allow their new ruler to take decisions for them. If people are happy it must be a democracy.

What is your opinion about each of these statements? What do you think about the form of government in this country?

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 wallpaper.

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CHAPTER 2

WHAT IS DEMOCRACY? WHY DEMOCRACY?

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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 Merry. She does not like this way of defining democracy and wants to ask some basic questions.

Palestinians' democratic choice must be respected

The excuses given for refusing to deal with Hamas will not wash. This is a chance for Europe to have an independent role.

INTERNATIONAL

First Afghanistan Parliament in three decades to open amid tight security

Major step on an internationally sponsored path to democracy and stability

Why wait for a revolution, asks Bhutan's King

Country scheduled to hold general elections in 2008

Nepal King invents 'democracy', promotes it

कुवैत में संसद ने किया अमीर का चुनाव

News items like this appear very often in newspapers. Do they all use the word democracy in the same sense?

Her teacher Matilda Lyngdoh responds to her questions, as other classmates join the discussion:

Merry: 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?

Lyngdoh 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.

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

Lyngdoh 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.

Ribiang: But why do we need to work on a definition? The other day you quoted Abraham Lincoln to us: "Democracy is government of the people, by the people and for the people". We in Meghalaya always ruled ourselves. That is accepted by everyone. Why do we need to change that?

Lyngdoh 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.

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

Lyngdoh 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.

Merry: 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.

Lyngdoh Madam: You got me right. Let us get on with it now.

ACTIVITY

Let us take Lyngdoh 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 chalk or crayon.

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

I have heard a different version. Democracy is off the people, far (from) the people and (where they) buy the people. Why don't we accept that?

A simple definition

Let us get back to our discussion on similarities and differences among governments that are called democracies. In the previous 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 is a useful starting point. This definition allows us to separate democracy from forms of government that are clearly not democratic. The army rulers of Myanmar are not elected by the people. Those who happen to be in control of the army

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become the rulers of the country. People have no say in this decision. Dictators like Pinochet are not elected by the people. This also applies to monarchies. The kings of Nepal and Saudi Arabia rule not because the people have chosen them to do so but because they happen to be born into the royal family.

This simple definition is not adequate. It reminds us that democracy is people's rule. But if we use this definition in an unthinking manner, we would end up calling almost every government that holds an election a democracy. That would be very misleading. As we shall find out in Chapter Four, 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.

CHECK YOUR PROGRESS

Ribiang went back home and collected some more famous quotations on democracy. This time she did not mention the names of the people who said or wrote these. She wants you to read these and comment on how good or useful these thoughts are:

- Democracy gives every man the right to be his own oppressor.
- Democracy consists of choosing your dictators after they've told you what you think it is you want to hear.
- Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary
- Democracy is a device that insures we shall be governed no better than we deserve.
- All the ills of democracy can be cured by more democracy.

read the cartoon

This cartoon was drawn when elections were held in Iraq with the presence of US and other foreign powers. What do you think this cartoon is saying? Why is 'democracy' written the way it is?

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2.2 Features of democracy

We have started with a simple definition that **democracy is a form of government in which the rulers are elected by the people**. This raises many questions:

- Who are **the rulers** in this definition? Which officials must be elected for any government to be called a democracy? Which decisions may be taken by non-elected officials in a democracy?
- What kind of **election** constitutes a democratic election? What conditions must be fulfilled for an election to be considered democratic?
- Who are **the people** who can elect the rulers or get elected as rulers? Should this include every citizen on an equal basis? Can a democracy deny some citizens this right?
- Finally, what kind of a **form of government** is democracy? Can elected rulers do whatever they want in a democracy? Or must a democratic government function with some limits? Is it necessary for a democracy to respect some rights of the citizens?

Let us consider each of these questions with the help of some examples.

Major decisions by elected leaders

In Pakistan, General Pervez Musharraf led a military coup in October 1999. He overthrew a democratically elected government and declared himself the 'Chief Executive' of the country. Later he changed his designation to President and in 2002 held a referendum in the country that granted him a five-year extension. Pakistani media, human rights organisations and democracy activists said that the referendum was based on

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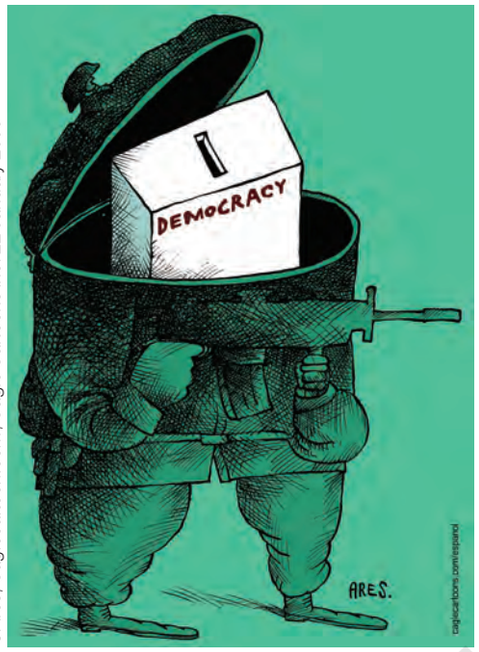
read the cartoon

Syria is a small west Asian country. The ruling Ba'ath Party and some of its small allies are the only parties allowed in that country. Do you think this cartoon could apply to China or Mexico? What does the crown of leaves on democracy signify?

2018-19

read the cartoon

This cartoon was drawn in the context of Latin America. Do you think it applies to the Pakistani situation as well? Think of other countries where this could apply? Does this happen sometimes in our country as well?



©Ares, *Caglecartoon.com*, Cagle Cartoons Inc. 22 January 2005

malpractices and fraud. In August 2002 he issued a 'Legal Framework Order' that amended the Constitution of Pakistan. According to this Order, the President can dismiss the national and provincial assemblies. The work of the civilian cabinet is supervised by a National Security Council which is dominated by military officers. After passing this law, elections were held to the national and provincial assemblies. So Pakistan has had elections, elected representatives have some powers. But the final power rested with military officers and General Musharraf himself.

Clearly, there are many reasons why Pakistan under General Musharraf should not be called a democracy. But let us focus on one of these. Can we say that the rulers are elected by the people in Pakistan? Not quite. People may have elected their representatives to the national and provincial assemblies but those elected representatives were not really the rulers. They cannot take the final decisions. The power to take final decision rested with army officials and with General Musharraf, and none of them were elected by the people. This happens in many dictatorships and monarchies. They formally have an elected parliament and government but the real power is with those who are not elected. In the previous chapter we read about the role of the USSR in communist Poland and that of the US in contemporary Iraq. Here the real power was with some external powers and not with locally elected representatives. This cannot be called people's rule.

This gives us the first feature. **In a democracy the final decision-making power must rest with those elected by the people**.

All this is so remote for me. Is democracy all about rulers and governments? Can we talk about a democratic classroom? Or a democratic family?

Free and fair electoral competition

In China, elections are regularly held after every five years for electing the country's parliament, called Quanguo Renmin Daibiao Dahui (National People's Congress). The National People's Congress has the power to appoint the President of the country. It has nearly 3,000 members elected from all over China. Some members are elected by the army. Before contesting elections, a candidate needs the approval of the Chinese Communist Party. Only those who are members of the Chinese Communist Party or eight smaller parties allied to it were allowed to contest elections held in 2002-03. The government is always formed by the Communist Party.

Since its independence in 1930, Mexico holds elections after every six years to elect its President. The country has never been under a military or dictator's rule. But until 2000 every election was won by a

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party called PRI (Institutional Revolutionary Party). Opposition parties did contest elections, but never managed to win. The PRI was known to use many dirty tricks to win elections. All those who were employed in government offices had to attend its party meetings. Teachers of government schools used to force parents to vote for the PRI. Media largely ignored the activities of opposition political parties except to criticise them. Sometimes the polling booths were shifted from one place to another in the last minute, which made it difficult for people to cast their votes. The PRI spent a large sum of money in the campaign for its candidates.

Should we consider the elections described above as examples of people electing their rulers? Reading these examples we get a sense that we cannot. There are many problems here. In China the elections do not offer the people any serious choice. They have to choose the ruling party and the candidates approved by it. Can we call this a choice? In the Mexican example, people seemed to really have a choice but in practice they had no choice. There was no way the ruling party could be defeated, even if people were against it. These are not fair elections.

We can thus add a second feature to our understanding of democracy. Holding elections of any kind is not sufficient. The elections must offer a real choice between political alternatives. And it should be possible for people to use this choice to remove the existing rulers, if they wish so. So, **a democracy must be based on a free and fair election where those currently in power have a fair chance of losing**. We shall find out more about a democratic election in Chapter Four.

©Nerilicon, *El Economista* , Mexico, Cagle Cartoons Inc. 17 May 2005

read the cartoon

This cartoon was titled 'Building Democracy' and was first published in a Latin American publication. What do moneybags signify here? Could this cartoon be applied to India?

One person, one vote, one value

In the previous chapter we read about how the struggle for democracy was linked to the demand for universal adult franchise. This principle has now come to be accepted almost all over the world. Yet there are many instances of denial of equal right to vote.

- Until 2015, in Saudi Arabia women did not have the right to vote.
- Estonia has made its citizenship rules in such a way that people belonging to Russian minority find it difficult to get the right to vote.
- In Fiji, the electoral system is such that the vote of an indigenous Fiji has more value than that of an Indian-Fijian.

Democracy is based on a fundamental principle of political equality. That gives us the third feature of democracy: **in a democracy, each adult citizen must have one vote and each vote must have one value**. We shall read more about it in Chapter Four.

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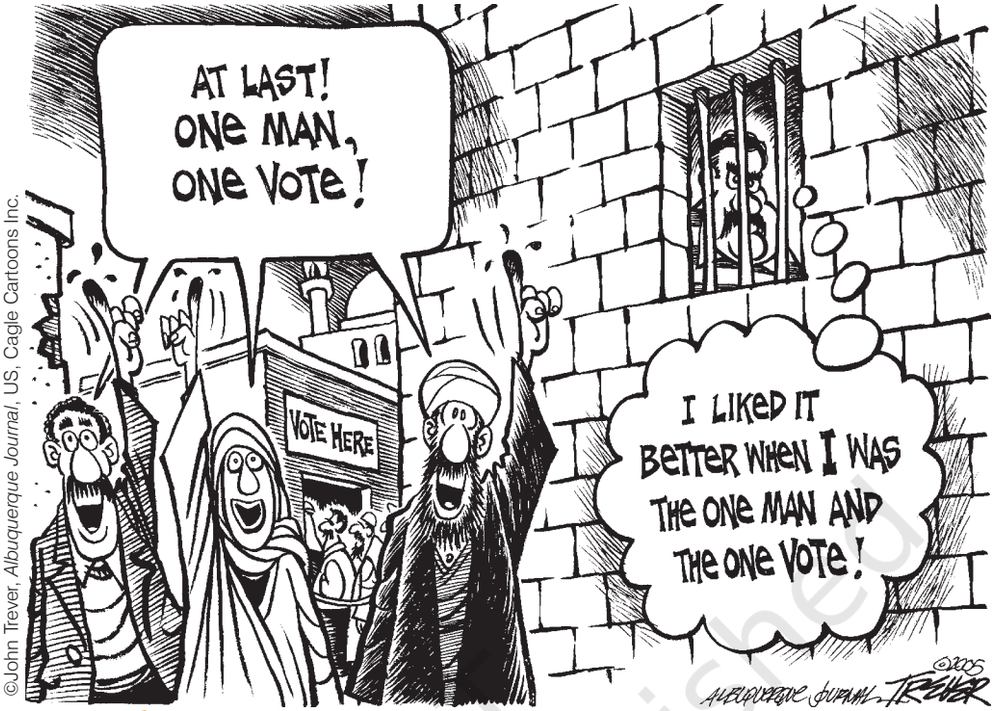
read the cartoon

This cartoon is about the Iraqi election held after Saddam Hussain's regime was overthrown. He is shown behind the bars. What is the cartoonist saying here? Compare the message of this cartoon with the first cartoon in this chapter.



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Rule of law and respect for rights

Zimbabwe attained independence from White minority rule in 1980. Since then the country has been ruled by ZANU-PF, the party that led the freedom struggle. Its leader, Robert Mugabe, ruled the country since independence. Elections were held regularly and always won by ZANU-PF. President Mugabe was popular but also used unfair practices in elections. Over the years his government changed the constitution several times to increase the powers of the President and make him less accountable. Opposition party workers were harassed and their meeting disrupted. Public protests and demonstrations against the government were declared illegal. There was a law that limited the right to criticise the President. Television and radio were controlled by the government and gave only the ruling party's version. There were independent newspapers but the government harassed those journalists who went against it. The government ignored some court judgments that went against it and pressurised judges. He was forced out of office in 2017.

The example of Zimbabwe shows that popular approval of the rulers is necessary in a democracy, but it is not sufficient. Popular governments can be undemocratic. Popular leaders can be autocratic. If we wish to assess a democracy, it is important to look at the elections. But it is equally important to look before and after the elections. There should be sufficient room for normal political activity, including political opposition, in the period before elections. This requires that the state should respect some basic rights of the citizen. They should be free to think, to have opinions, to express these in public, to form associations, to protest and take other political actions. Everyone should be equal in the eyes of law. These rights must be protected by an independent

Why talk about Zimbabwe? I read similar reports from many parts of our own country. Why don't we discuss that?

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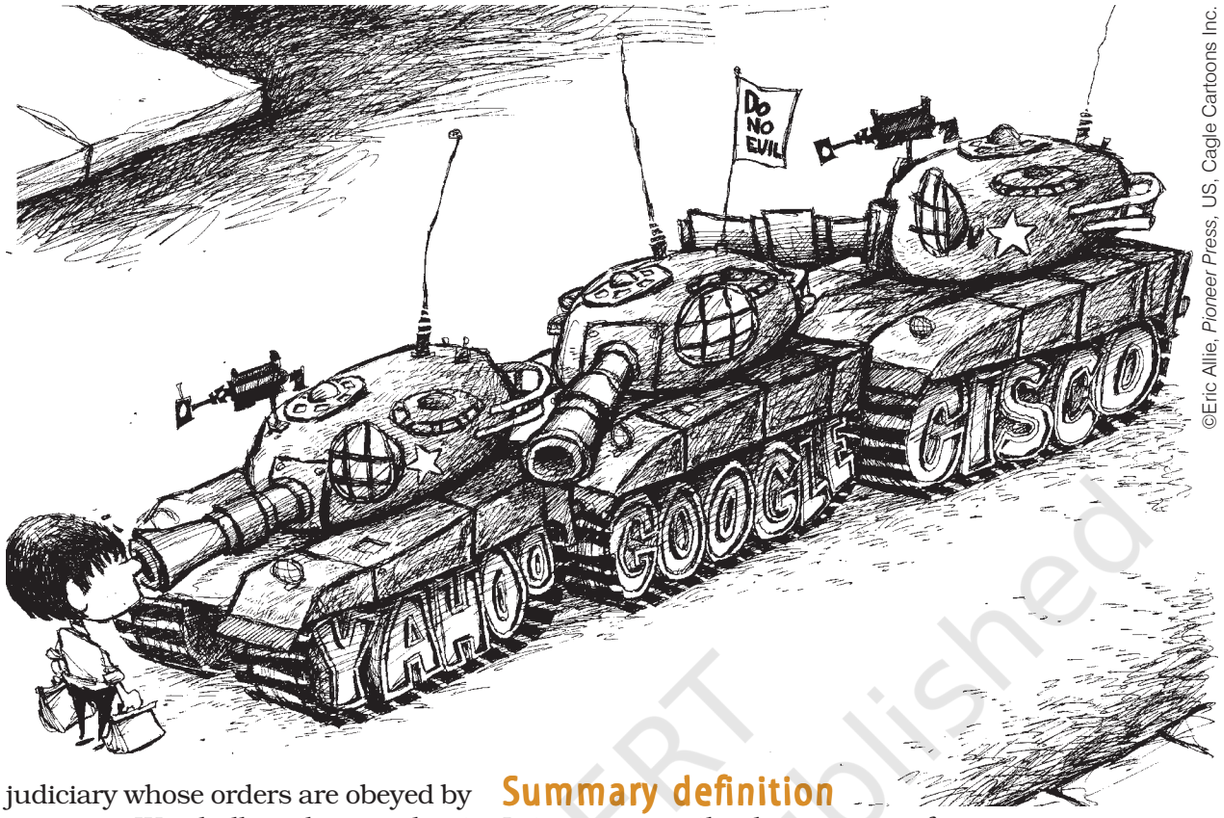

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judiciary whose orders are obeyed by everyone. We shall read more about these rights in Chapter Six.

Similarly, there are some conditions that apply to the way a government is run after the elections. A democratic government cannot do whatever it likes, simply because it has won an election. It has to respect some basic rules. In particular it has to respect some guarantees to the minorities. Every major decision has to go through a series of consultations. Every office bearer has certain rights and responsibilities assigned by the constitution and the law. Each of these is accountable not only to the people but also to other independent officials. We shall read more about this in Chapter Five.

Both these aspects give us the fourth and final feature of democracy: **a democratic government rules within limits set by constitutional law and citizens' rights**.

Summary definition

Let us sum up the discussion so far. We started with a simple definition that **democracy is a form of government in which the rulers are elected by the people**. We found that this definition was not adequate unless we explained some of the key words used in it. Through a series of examples we worked out four features of democracy as a form of government. Accordingly, democracy is a form of government in which:

- Rulers elected by the people take all the major decisions;
- Elections offer a choice and fair opportunity to the people to change the current rulers;
- This choice and opportunity is available to all the people on an equal basis; and
- The exercise of this choice leads to a government limited by basic rules of the constitution and citizens' rights.

read the cartoon

Chinese government blocked free flow of information on the internet by placing restrictions on popular websites like 'Google' and 'Yahoo'. The image of tanks and an unarmed student reminds the reader of another major event in recent Chinese history. Find out about that event.

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CHECK YOUR PROGRESS

Read these five examples of working or denial of democracy. Match each of these with the relevant feature of democracy discussed above.

Example	Feature
King of Bhutan has declared that in future he will be guided by the advice given to him by elected representatives.	Rule of law
Many Tamil workers who migrated from India were not given a right to vote in Sri Lanka.	Respect for Rights
The king of Nepal imposed a ban on political gatherings, demonstrations and rallies.	One person one vote one value
The Indian Supreme Court held that the dissolution of Bihar assembly was unconstitutional.	Free and fair electoral competition
Political parties in Bangladesh have agreed that a neutral government should rule the country at the time of elections.	Major decisions by elected leaders

2.3 Why democracy?

An argument broke out in Madam Lyngdoh'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

Yolanda: We live in a democratic country. We read in the previous 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?

Tangkini: But Lyngdoh 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?

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

Ribiang: 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?

Jeni: 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?

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

Rose: 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.

Someone shouted: That is called dictatorship!

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

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

Hoi: 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.

I want to be in Lyngdoh Madam's class! That sounds like a democratic classroom. Doesn't it?

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Madam Lyngdoh 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 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 affect 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 government that are there for us to choose from?

Arguments for democracy

China's famine of 1958-1961 was the worst recorded famine in world history. Nearly three crore people died in this famine. During those days, India's economic condition was not much better than China. Yet India did not have a famine of the kind China had. Economists think

This cartoon is from Brazil, a country that has long experience of dictatorship. It is entitled "The Hidden Side of Dictatorship". Which hidden sides does this cartoon depict? Is it necessary for every dictatorship to have a hidden side? Find this out about the dictators discussed in the first chapter and, if possible, about Sani Abacha in Nigeria and Ferdinand Marcos in the Philippines.

read the cartoon

©Osmani Simanca, Brazil, Cagle Cartoons Inc. 6 December 2004

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that this was a result of different government policies in the two countries. The existence of democracy in India made the Indian government respond to food scarcity in a way that the Chinese government did not. They point out that no large-scale famine has ever taken place in an independent and democratic country. If China too had multiparty elections, an opposition party and a press free to criticise the government, then so many people may not have died in the famine.

This example brings out one of the reasons why democracy is considered the best form of government. Democracy 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 people's 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 heads 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.**

What would have happened if India was not a democracy? Could we have stayed together as a single nation?

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 country like ours which has an amazing social diversity. People belong to different regions, speak different languages, practise different religions and have different castes. They look at the world very differently and have different preferences. The preferences 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 our country 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

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poorest and the least educated has 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.

Finally, democracy **is better than other forms of government because it allows us to correct its 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.

This cartoon was published in Canada just before its parliamentary elections of 2004. Everyone, including the cartoonist, expected the Liberal party to win once again. When the results came, the Liberal Party lost the elections. Is this cartoon an argument against democracy or for democracy?

read the cartoon

©Cam Cardow, *The Ottawa Citizen*, Canada, Cagle Cartoons Inc. 30 May 2004.

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?**

CHECK YOUR PROGRESS

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This famous cartoon by R K Laxman comments on the celebrations of the fifty years of independence. How many images on the wall do you recognize? Do many common people feel the way the common man in this cartoon does?

read the cartoon

2.4 Broader meanings of democracy

In this chapter we have considered the meaning of democracy in a limited and descriptive sense. We have understood democracy as a form of government. This way of defining democracy helps us to identify a clear set of minimal features that a democracy must have. The most common form that democracy takes in our times is that of a representative democracy. You have already read about this in the previous classes. In the countries we call democracy, 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 become 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 citizen does 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

©R.K. Laxman, *The Times of India*

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allow us to see the operation of democracy beyond government. For this we need to turn to broader meanings of democracy.

Sometimes we use democracy for organisations other than the government. Just read these statements:

- "*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?

In my village the Gram Sabha never meets. Is that democratic?

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?

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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.

This is what distinguished 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

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

a Country A: People who do not accept the country's official religion do not have a right to vote.

b Country B: The same party has been winning elections for the last twenty years.

c Country C: Ruling party has lost in the last three elections.

d Country D: There is no independent election commission.

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

a Country P: The parliament cannot pass a law about the army without the consent of the Chief of Army.

b Country Q: The parliament cannot pass a law reducing the powers of the judiciary.

c Country R: The country's leaders cannot sign any treaty with another country without taking permission from its neighbouring country.

d Country S: All the major economic decisions about the country are taken by officials of the central bank which the ministers cannot change.

3 Which of these is **not** a good argument in favour of democracy? Why?

a People feel free and equal in a democracy.

b Democracies resolve conflict in a better way than others.

c Democratic government is more accountable to the people.

d Democracies are more prosperous than others.

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4 Each of these statements contains a democratic and an undemocratic element. Write out the two separately for each statement.

a A minister said that some laws have to be passed by the parliament in order to conform to the regulations decided by the World Trade Organisation (WTO).

b The Election Commission ordered re-polling in a constituency where large-scale rigging was reported.

c Women's representation in the parliament has barely reached 10 per cent. This led women's organisations to demand one-third seats for women.

5 Which of these is **not** a valid reason for arguing that there is a lesser possibility of famine in a democratic country?

a Opposition parties can draw attention to hunger and starvation.

b Free press can report suffering from famine in different parts of the country.

c Government fears its defeat in the next elections.

d People are free to believe in and practise any religion.

6 There are 40 villages in a district where the government has made no provision for drinking water. These villagers met and considered many methods of forcing the government to respond to their need. Which of these is **not** a democratic method?

a Filing a case in the courts claiming that water is part of right to life.

b Boycotting the next elections to give a message to all parties.

c Organising public meetings against government's policies.

d Paying money to government officials to get water.

7 Write a response to the following arguments against democracy:

a Army is the most disciplined and corruption-free organisation in the country. Therefore army should rule the country.

b Rule of the majority means the rule of ignorant people. What we need is the rule of the wise, even if they are in small numbers.

c If we want religious leaders to guide us in spiritual matters, why not invite them to guide us in politics as well. The country should be ruled by religious leaders.

8 Are the following statements in keeping with democracy as a value? Why?

a Father to daughter: I don't want to hear your opinion about your marriage. In our family children marry where the parents tell them to.

b Teacher to student: Don't disturb my concentration by asking me questions in the classroom.

c Employee to the officer: Our working hours must be reduced according to the law.

9 Consider the following facts about a country and decide if you would call it a democracy. Give reasons to support your decision.

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exercises

a All the citizens of the country have 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.

10 In 2004 a report published in USA pointed to the increasing inequalities in that country. Inequalities in income reflected in the participation of people in democracy. It also shaped their abilities to influence the decisions taken by the government. The report highlighted that:

- If an average Black family earns $ 100 then the income of average White family is $ 162. A White family has twelve times more wealth than the average Black family.
- In a President's election 'nearly 9 out of 10 individuals in families with income over $ 75,000 have voted. These people are the top 20% of the population in terms of their income. On the other hand only 5 people out of 10 from families with income less than $ 15,000 have voted. They are the bottom 20% of the population in terms of their income.
- About 95% contribution to the political parties comes from the rich. This gives them opportunity to express their opinions and concerns, which is not available to most citizens.
- As poor sections participate less in politics, the government does not listen to their concerns – coming out of poverty, getting job, education, health care and housing for them. Politicians hear most regularly about the concerns of business persons and the rich.

Write an essay on 'Democracy and Poverty' using the information given in this report but using examples from India.

Most newspapers have an editorial page. On that page the newspaper publishes its own opinions about current affairs. The paper also publishes 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

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CHAPTER 3

CONSTITUTIONAL DESIGN

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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

Nelson Mandela

"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 needs 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.

1

A signboard emblematic of the tense relations of the apartheid era, 1953.

South Africa History Online

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 way they occupied India. But unlike India, a large number of 'whites' had settled in South Africa and became the local rulers. The system of apartheid divided the people and labelled them on the basis of their skin colour. The native people of South Africa are black in colour. They made up about three-fourth of the population and were called 'blacks'. Besides these two groups, there were people of mixed races who were called 'coloured' and people who migrated from India. The white rulers treated all non-whites as inferiors. The non-whites did not have voting rights.

The apartheid system was particularly oppressive for the blacks. They were forbidden from living in white areas. They could work in white areas only if they had a permit. Trains, buses, taxis, hotels, hospitals, schools and colleges, libraries, cinema halls, theatres, beaches, swimming pools,

2

John Mullen, *Wikipedia*, GNU Free Documentation License

2

Sign on Durban beach in English, Afrikaans and Zulu
In English it reads: 'CITY OF DURBAN Under section 37 of the Durban beach by-laws, this bathing area is reserved for the sole use of members of the white race group'.

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public toilets, were all separate for the whites and blacks. This was called segregation. They could not even visit the churches where the whites worshipped. Blacks could not form associations or protest against the terrible treatment.

Since 1950, the blacks, coloured and 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.
- If available, read some portions of his autobiography, *The Long Walk to Freedom,* in the classroom.

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 (see page 50) sums up this spirit.

What would have happened in South Africa if the black majority had decided to take revenge on the whites for all their oppression and exploitation?

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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.*"

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

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 do constitutions do. 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.

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

This is not fair! What was the point in having a Constituent Assembly in India if all the basics were already decided?

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3.3 Making of the Indian Constitution

Vallabhbhai Jhaverbhai Patel
(1875-1950) born: Gujarat. Minister of Home, Information and Broadcasting in the Interim Government. Lawyer and leader of Bardoli peasant satyagraha. Played a decisive role in the integration of the Indian princely states. Later: Deputy Prime Minister.

Abul Kalam Azad
(1888-1958) born: Saudi Arabia. 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.

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

All sketches by Rajeev Kumar

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.

Atleast 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 anxieties about the present and the future of the country.

ACTIVITY

Speak to your grandparents or some other elders in your locality. Ask them if they have any memory of partition or independence or the making of the constitution. What were their fears and hopes about the country at that time? Discuss these in the classroom.

The path to Constitution

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

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working in them. That is why the Indian constitution adopted many institutional details and procedures from colonial laws like the Government of India Act, 1935.

Years of thinking and deliberation on the framework of 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.

ACTIVITY

Find out more about any member of the Constituent Assembly from your state or region who is not mentioned here. Collect a photograph or make a sketch of that leader. Write a short note on him or her, following the same style as used here: Name (year of birth-year of death), place of birth (by current political boundaries), brief description of political activities; role played after the Constituent Assembly.

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

Why should we accept the Constitution made by this Assembly more than fifty 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 accepted 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.

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

Rajendra Prasad
(1884-1963) born: Bihar. President 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.

Jaipal Singh
(1903-1970)
born: Jharkhand
A sportsman and educationist. Captain of the first national Hockey team. Founder President of Adivasi Maha Sabha. Later: founder of Jharkhand Party.

H. C. Mookherjee
(1887-1956)
born: Bengal.
Vice-Chairman of the Constituent Assembly. Reputed author and educationist. Congress leader. Member of All India Christian Council and Bengal Legislative Assembly. Later: Governor of West Bengal.

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G. Durgabai Deshmukh
(1909-1981)
born: Andhra Pradesh.
Advocate and public activist for women's emancipation. Founder of Andhra Mahila Sabha. Congress leader. Later: Founder Chairperson of Central Social Welfare Board.

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. The members deliberated for 114 days spread over three years. 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.

CHECK YOUR PROGRESS

Read the information about all the makers of the Indian Constitution given in the side columns here. You don't need to memorise this information. Just give examples from these to support the following statements:

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

3.4 Guiding Values of the Indian Constitution

Baldev Singh
(1901-1961)
born: Haryana.
A successful entrepreneur and leader of the Panthic Akali Party in the Punjab Assembly. A nominee of the Congress in the Constituent Assembly. Later: Defence Minister in the Union Cabinet.

In this book we shall study the exact provisions of the Constitution on different subjects. At this stage let us begin by understanding 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:

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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.

Kanhaiyalal Maniklal Munshi
(1887-1971) born:Gujarat. Advocate, historian and linguist. Congress leader and Gandhian. Later: Minister in the Union Cabinet. Founder of the Swatantra Party.

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:

Bhimrao Ramji Ambedkar
(1891-1956) born: Madhya Pradesh. 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.

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.

Shyama Prasad Mukherjee
(1901-1953) born: West Bengal. Minister for Industry and Supply in the Interim Government. Educationist and lawyer. Active in Hindu Mahasabha. Later: Founder President of Bharatiya Jansangh.

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

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Jawaharlal Nehru
(1889-1964) born: Uttar Pradesh. Prime Minister of the interim government. Lawyer and Congress leader. Advocate of socialism, democracy and anti-imperialism. Later: First Prime Minister of India.

Sarojini Naidu
(1879-1949)
born: Andhra Pradesh. Poet, writer and political activist. Among the foremost women leaders in the Congress. Later: Governor of Uttar Pradesh.

Somnath Lahiri
(1901-1984) born: West Bengal. Writer and editor. Leader of the Communist Party of India. Later: Member of West Bengal Legislative Assembly.

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.

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CHECK YOUR PROGRESS

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

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 Sikelel' iAfrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

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

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

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 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 account-able. The government is run according to some basic rules.

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity; and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

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

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.

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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 differences among these.
- Which of the three makes a reference to the past?
- Which of these does not invoke God?

CHECK YOUR PROGRESS

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 crafted 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. Some other aspects will be covered in your textbook next year.

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 thoughts 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.

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exercises

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

a Leaders of the freedom movement had an open mind about whether the country should be democratic or not after independence.
b Members of the Constituent Assembly of India held the same views on all provisions of the Constitution.
c A country that has a constitution must be a democracy.
d Constitution cannot be amended because it is the supreme law of a country.

2 Which of these 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

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

a Powers of the head of the state
b Name of the head of the state
c Powers of the legislature
d Name of the country

4 Match the following 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

5 Read again the extracts from Nehru's speech 'Tryst with Destiny' and answer the following:

a Why did Nehru use the expression "not wholly or in full measure" in the first sentence?
b What pledge did he want the makers of the Indian Constitution to take?
c "*The ambition of the greatest man of our generation has been to wipe every tear from every eye*". Who was he referring to?

6 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.

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7 A friend from Nepal has written you a letter describing the political situation there. Many political parties are opposing the rule of the king. Some of them say that the existing constitution given by the monarch can be amended to allow more powers to elected representatives. Others are demanding a new Constituent Assembly to write a republican constitution. Reply to your friend giving your opinions on the subject.

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

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

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

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

9 Read the following extract from a conduct book for 'married women', published in 1912. '*God has made the female species delicate and fragile both physically and emotionally, pitiably incapable of self-defence. They are destined thus by God to remain in male protection – of father, husband and son – all their lives. Women should, therefore, not despair, but feel obliged that they can dedicate themselves to the service of men*'. Do you think the values expressed in this para reflected the values underlying our constitution? Or does this go against the constitutional values?

10 Read the following statements about a constitution. Give reasons why each of these is true or not true.

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

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

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

d A constitution is about institutions, not about values

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

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CHAPTER 4

ELECTORAL POLITICS

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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.

Do most leaders fulfil their election promises?

4.1 Why Elections?

Assembly Election in Haryana

The time is after midnight. An expectant crowd sitting for the past five hours in a chowk of the town is waiting for its leader to come. The organisers assure and reassure the crowd that he would be here any moment. The crowd stands up whenever a passing vehicle comes that way. It arouses hopes that he has come.

The leader is Mr. Devi Lal, chief of the Haryana Sangharsh Samiti, who was to address a meeting in Karnal on Thursday night. The 76-year-old leader, is a very busy man these days. His day starts at 8 a.m. and ends after 11 p.m. … he had already addressed nine election meetings since morning… been constantly addressing public meetings for the past 23 months and preparing for this election.

This newspaper report is about the State assembly election in Haryana in 1987. The State had been ruled by a Congress party led government since 1982. Chaudhary Devi Lal, then an opposition leader, led a movement called 'Nyaya Yudh' (Struggle for Justice) and formed a new party, Lok Dal. His party joined other opposition parties to form a front against the Congress in the elections. In the election campaign, Devi Lal said that if his party won the elections, his government would waive the loans of farmers and small businessmen. He promised that this would be the first action of his government.

The people were unhappy with the existing government. They were also attracted by Devi Lal's promise. So, when elections were held, they voted overwhelmingly in favour of Lok Dal and its allies. Lok Dal and its partners won 76 out of 90 seats in the State Assembly. Lok Dal alone won 60 seats and thus had a clear majority in the Assembly. The Congress could win only 5 seats.

Once the election results were announced, the sitting Chief Minister resigned. The newly elected Members of Legislative Assembly (MLAs) of Lok Dal chose Devi Lal as their leader. The Governor invited Devi Lal to be the new Chief Minister. Three days after the election results were declared, he became the Chief Minister. As soon as he became the Chief Minister, his Government issued a Government Order waiving the outstanding loans of small farmers, agricultural labourers and small businessmen. His party ruled the State for four years. The next elections were held in 1991. But this time his party did not win popular support. The Congress won the election and formed the government.

CHECK YOUR PROGRESS

Jagdeep and Navpreet read this story and drew the following conclusions. Can you say which of these are right or wrong (or if the information given in the story is inadequate to call them right or wrong):

- Elections can lead to changes in the policy of the government.
- The Governor invited Devi Lal to become the Chief Minister because he was impressed with his speeches.
- People are unhappy with every ruling party and vote against it in the next election.
- The party that wins the election forms the government.
- This election led to a lot of economic development in Haryana.
- The Congress Chief Minister need not have resigned after his party lost elections.

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ACTIVITY

Do you know when the last Assembly election was held in your state? Which other elections have taken place in your locality in the last five years? Write down the level of elections (National, Assembly, Panchayat, etc.), when were they held and the name and designation (MP, MLA, etc.) of the persons who got elected from your area.

Why do we need elections?

Elections take place regularly in any democracy. We noted in Chapter One that there are more than one hundred countries in the world in which elections take place to choose people's representatives. We also read that elections are held in many countries that are not democratic.

But why do we need elections? Let us try to imagine a democracy without elections. A rule of the people is possible without any elections if all the people can sit together everyday and take all the decisions. But as we have already seen in Chapter Two, this is not possible in any large community. Nor is it possible for everyone to have the time and knowledge to take decisions on all matters. Therefore in most democracies people rule through their representatives.

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

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

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.

We have seen why democracies need to have elections. But why do rulers in non-democratic countries need to hold elections?

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? We have discussed this question briefly in Chapter Two. We discussed many examples of countries where elections are held but they can't really be called democratic elections. Let us recall what we learnt there and 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.

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- 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 pointless.

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.

Ah! So, elections are like exams where politicians and parties know if they have passed or failed. But who are the examiners?

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.

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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.

read the cartoon

Irfan Khan

Read these two cartoons carefully. Write the message of each of them in your own words. Have a discussion in class on which of the two is closer to the reality in your own locality. Draw a cartoon to depict what elections do to the relationship between voters and political leaders.

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 Vidhan Sabha (Assembly) elections are held regularly after every five years. After five years the term of all the elected representatives comes to an end. The Lok Sabha or Vidhan Sabha stands 'dissolved'. 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. Sometimes election is held only for one constitutency to fill the vacancy caused by death or resignation of a member. This is called a by-election. In this chapter we will focus on general elections.

Electoral constituencies

You read about the people of Haryana electing 90 MLAs. You may have wondered how they did that. Did every person in Haryana vote for all the 90 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 constitutencies. The voters who live in an area elect one representative.

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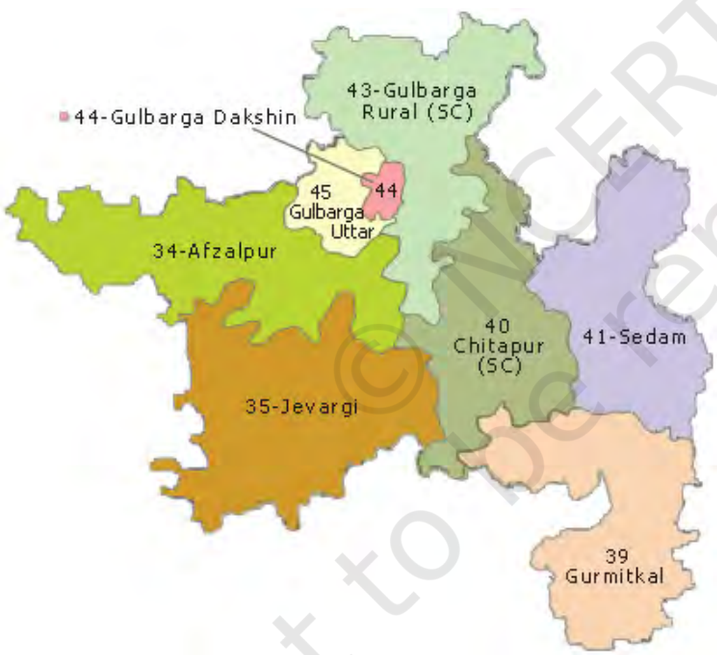
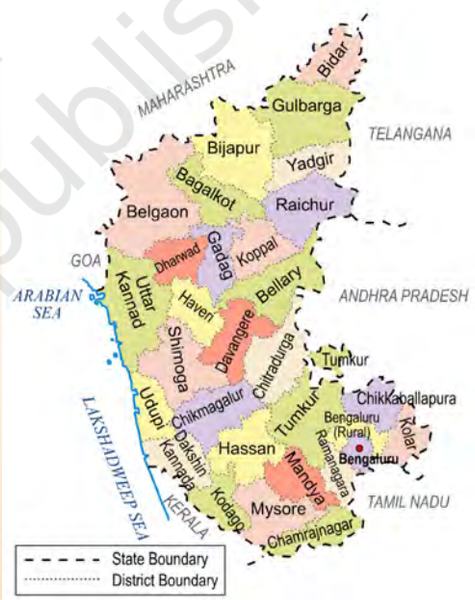
For Lok Sabha elections, the country is divided into 543 constituencies. The representative elected from each constituency is called a Member of Parliament or an MP. One of the features of a democratic election is that every vote should have equal value. That is why our Constitution requires that each 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 for 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 'Lok Dal won 60 seats' in Haryana, it means that candidates of Lok Dal won in 60 assembly constituencies in the state and thus Lok Dal had 60 MLAs in the state assembly.

GULBARGA LOK SABHA CONSTITUENCY



GULBARGA (KALABURAGI) DISTRICT IN KARNATAKA



- Why is the boundary of the Gulbarga Lok Sabha constituency not the same as the district boundary of Gulbarga (Kalaburagi)? Draw a similar map for your own Lok Sabha constituency.
- How many Assembly constituencies are there in the Gulbarga Lok Sabha constituency? Is it the same in your own Lok Sabha constituency?

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Reserved Constituencies

Our Constitution entitles every citizen to elect her/his 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, 84 seats are reserved for the Scheduled Castes and 47 for the Scheduled Tribes (as on 1 September 2012). 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.

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.

Voters' 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 Voters' 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 good reason. Different citizens differ from one another in many ways: some are rich, some are poor; some are highly educated, some are not so educated or not educated at all; some are kind, others are not so kind. But all of them are human beings with their own needs and views. That is why all of them deserve to have an equal say in decisions that affect them.

In our country, all the citizens aged 18 years and above can vote in an election. Every citizen has the right to vote, regardless of his or her caste, religion or gender. Some criminals and persons with unsound mind can

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

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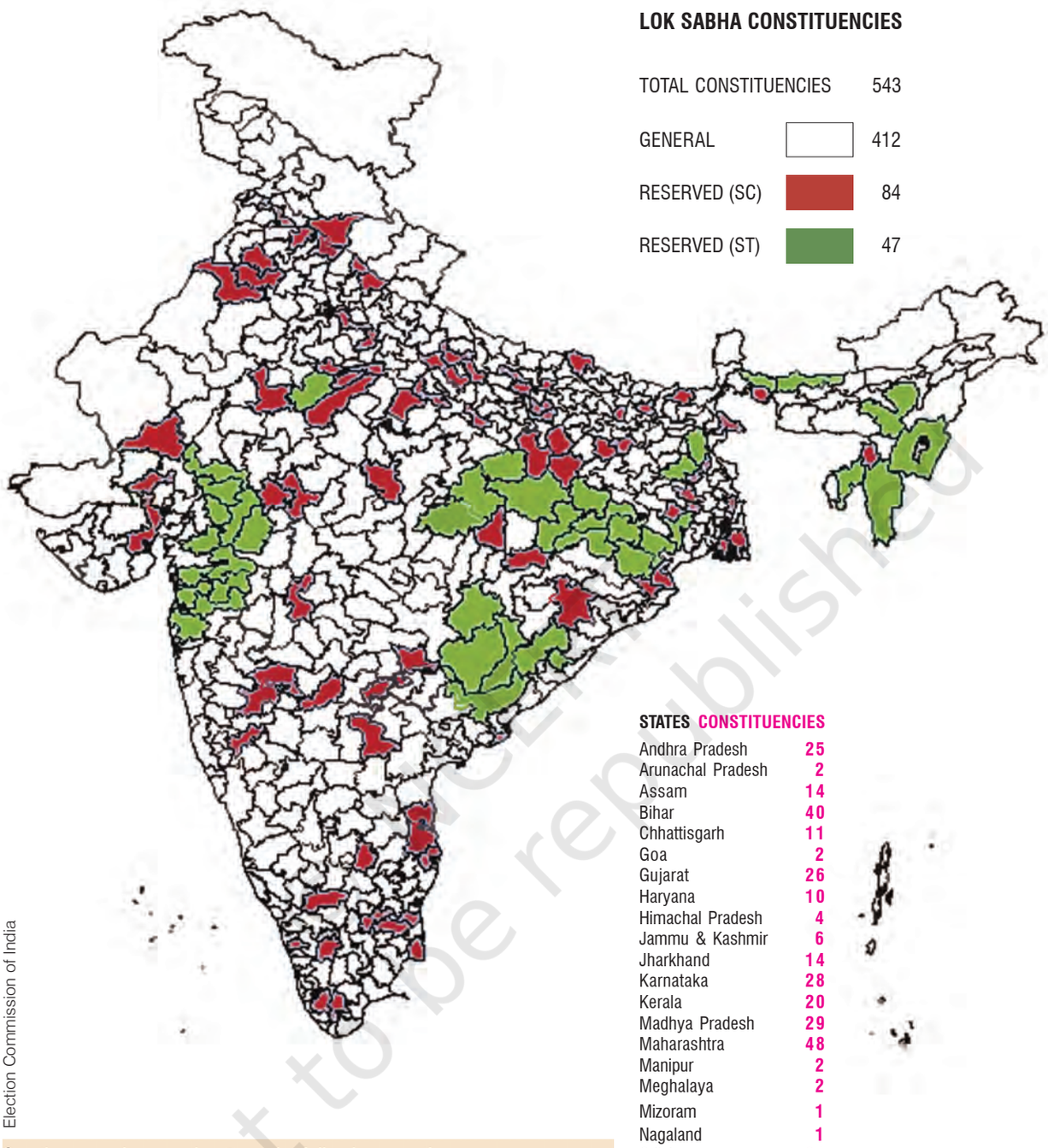

Election Commission of India

STATES	CONSTITUENCIES
Andhra Pradesh	25
Arunachal Pradesh	2
Assam	14
Bihar	40
Chhattisgarh	11
Goa	2
Gujarat	26
Haryana	10
Himachal Pradesh	4
Jammu & Kashmir	6
Jharkhand	14
Karnataka	28
Kerala	20
Madhya Pradesh	29
Maharashtra	48
Manipur	2
Meghalaya	2
Mizoram	1
Nagaland	1
Odisha	21
Punjab	13
Rajasthan	25
Sikkim	1
Tamil Nadu	39
Telangana	17
Tripura	2
Uttar Pradesh	80
Uttarakhand	5
West Bengal	42

UNION TERRITORIES	
Andaman & Nicobar Islands	1
Chandigarh	1
Dadra & Nagar Haveli	1
Daman & Diu	1
Delhi	7
Lakshadweep	1
Puducherry	1

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?

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be denied 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.

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. 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'. 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.

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.

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

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ELECTORAL ROLL -2017 STATE (S16) MIZORAM

No. Name and Reservation Status of Assembly Constituency :	2 - DAMPA (ST)	Part Number 9
No. Name and Reservation Status of Parliamentary Constituency (ies) in which the assembly constituency is located :	1 - MIZORAM (ST)	

1 . DETAILS OF REVISION

Year of Revision : 2017

Qualifying Date : 01/01/2017

Type of Revision : Special Summary Revision

Date of Publication : 05/01/2017

Roll Identification:

Basic Roll of Intensive Revision, 2005 integrated with all Supplements preceeding Special Summary Revision, 2017

2 . DETAILS OF PART AND POLLING AREA

No. & Name of Sections in the part :

1 Zopui

Main Village/Town	:	**ZOPUI**
PostOffice	:	**W. PHAILENG**
Block	:	**W. PHAILENG**
PoliceStation	:	**W. PHAILENG**
Subdivision	:	**W. PHAILENG**
District	:	**MAMIT**
Pincode	:	**796431**

3 . POLLING STATION DETAILS

No. and Name of Polling Station :	9Zopui	Type of Polling Station (Male/Female/General)	General
Address of Polling Station :	Govt. P/S Zopui, Village Name : ZOPUI Post Office : W. PHAILENG District: MAMIT	Number of Auxiliary Polling Stations in this part :	0

4 . NUMBER OF ELECTORS

Starting Serial No.	Ending Serial No.	Net Electors								
		Male	With Photo	Without Photo	Female	With Photo	Without Photo	Total	With Photo	Without Photo
1	42	23	23	0	19	19	0	42	42	0

Assembly constituency 2 - DAMPA Part No. - 9

Section No. & Name: 1 Zopui District - MAMIT PIN- 796431

1 JKF0009175 Name : Thanchungnunga Father's Name : Tlangliana (L) House No : 1 Age : 56 Sex : Male	2 WTT0028308 Name : Lalduhawmi Husband's Name : Thanchungnunga House No : 1 Age : 46 Sex : Female	3 JKF0191874 Name : Lalrosangi Father's Name : Thanchungnunga House No : 1 Age : 29 Sex : Female
4 JKF0191882 Name : Lalrinpuii Father's Name : Thanchungnunga House No : 1 Age : 26 Sex : Female	5 WTT0039529 Name : Lalliandinga Father's Name : Lianbuanga House No : 1 Age : 19 Sex : Male	6 JKF0171314 Name : Lalbuatsaiha Mother's Name : Rangthanmawii House No : 2 Age : 39 Sex : Male
7 JKF0170290 Name : Hmangaihzuali Husband's Name : Lalbuatsaiha House No : 2 Age : 30 Sex : Female	8 JKF0191858 Name : Lalzamliana Father's Name : Chalngaia House No : 3 Age : 53 Sex : Male	9 JKF0191833 Name : Lalnuntluangi Husband's Name : Lalzamliana House No : 3 Age : 53 Sex : Female

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Match the following features of our electoral system with the principles they reflect.

Principles	Features of election system
Universal adult franchise	Each constituency has roughly the same population
Representation of weaker sections	Everyone who is 18 years of age or older has a right to vote
Open political competition	Anyone can form a party or contest elections
One vote one value	Reservation of seats for the SCs and the STs

CHECK YOUR PROGRESS

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

ACTIVITY

What was the election campaign like in your constituency in the last Lok Sabha elections? Prepare a list of what the candidates and parties said and did.

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 under the leadership of Jayaprakash Narayan, in the Lok Sabha election held in 1977. The party promised to undo the excesses committed during Emergency and restore civil liberties.
- The Left Front used the slogan of **Land to the Tiller** in the West Bengal Assembly elections held in 1977.
- '**Protect the Self-Respect of the Telugus**' was the slogan used by N. T. Rama Rao, the leader of the Telugu Desam Party in Andhra Pradesh Assembly elections in 1983.

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

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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 or 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.

Draw a cartoon here about the Model Code of Conduct for the guidance of political parties and candidates during elections.

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 her, put a mark on her finger and allow her to cast her 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.

Are the elections too expensive for our country?

A large amount of money is spent in conducting elections in India. For instance, the government spent about ₹3,500 crores in conducting Lok Sabha elections in 2014. That works out to about ₹40 per person on the voters' list. The amount spent by parties and candidates was more than what the government spent. Roughly speaking, the expenditure made by government, parties and candidates was around ₹30,000 crores or ₹500 per voter.

Some people say that elections are a burden on our people, that our poor country cannot afford to hold elections once every five years. Let us compare this expenditure with some other figures:

- In 2005, our government decided to buy six nuclear submarines from France. Each submarine cost about ₹3,000 crores.
- Delhi hosted the Commonwealth Games in 2010. The estimate for its cost is around ₹20,000 crores.

Are the elections too expensive? You decide.

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Election result in Gulbarga

Let us go back to our example of Gulbarga. In 2014, a total of 8 candidates contested elections in that constituency. The total eligible voters were 17.21 lakhs. Of these 9.98 lakh voters had cast their votes. The candidate of the Congress party, Mallikarjun Kharge secured about 5.07 lakh votes. This was 50.82 percent of the total votes polled. But since he had secured more votes than anyone else, he was declared elected a Member of Parliament from Gulbarga Lok Sabha constituency.

Election Result of Gulbarga constituency, General Election to Lok Sabha, 2014

CANDIDATE	PARTY	VOTES POLLED	% OF VOTES
D.G. Sagar	JD(S)	15690	1.57
Mallikarjun Kharge	INC	507193	50.82
Danni Mahadev B.	BSP	11428	1.14
Revunaik Belamagi	BJP	432460	43.33
B.T. Lalitha Naik	AAAP	9074	0.91
S.M. Sharma	SUCI	4943	0.50
Shankar Jadhav	BHPP	2877	0.29
Ramu	IND	4085	0.41
None of the Above	NOTA	9888	0.99

- 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?

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

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

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.

CHECK YOUR PROGRESS

Identify the fair and the unfair electoral practices among the following:

- A minister flags off a new train in his constituency a week before polling day.
- A candidate promises that she will get a new train for her constituency if she is elected.
- Supporters of a candidate take the voters to a temple and make them take an oath that they will vote for him.
- The supporters of a candidate distribute blankets in slums in return for a promise for vote.

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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.

For more details about the Election Commission of India, visit http://eci.nic.in

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 pressurise them? Do they have enough powers to be able to conduct free and fair elections? Do they actually use these powers?

Why does the Election Commission have so much powers? Is this good for democracy?

The answer to all these questions is quite positive for our country. In our country 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 25 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 repoll. 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.

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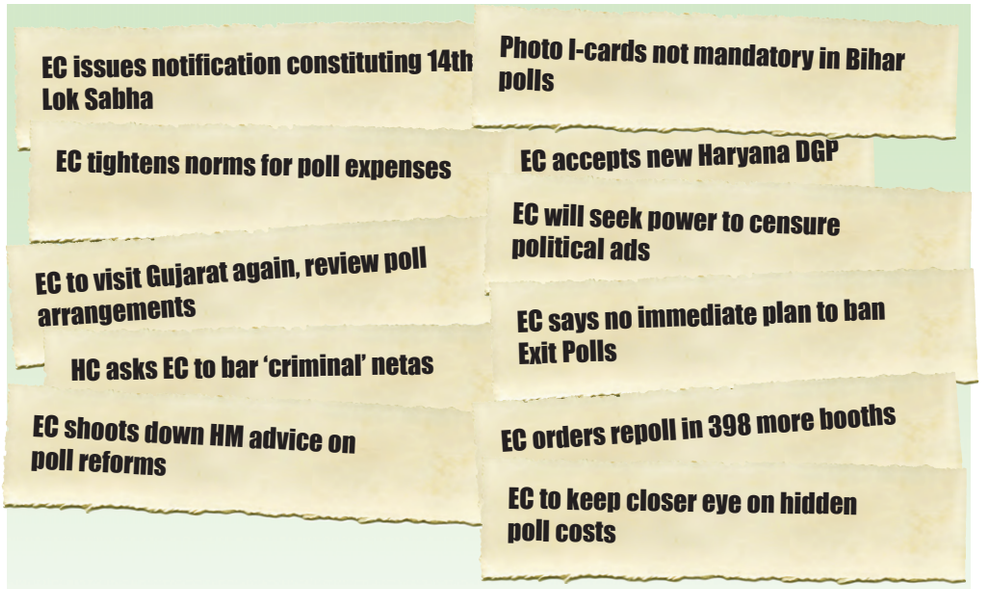


CHECK YOUR PROGRESS

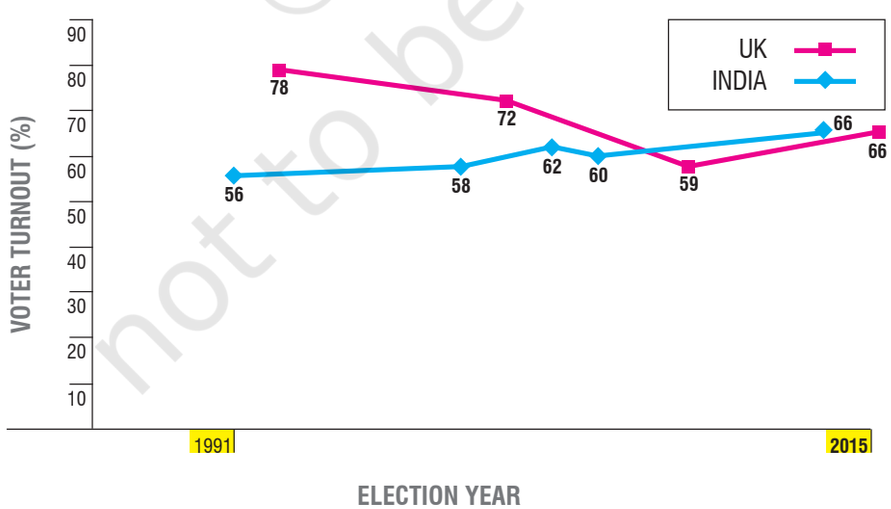
Read these headlines carefully and identify which powers are used by the Election Commission in each instance to ensure free and fair elections.

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.

1 VOTER TURNOUT IN INDIA AND THE UK



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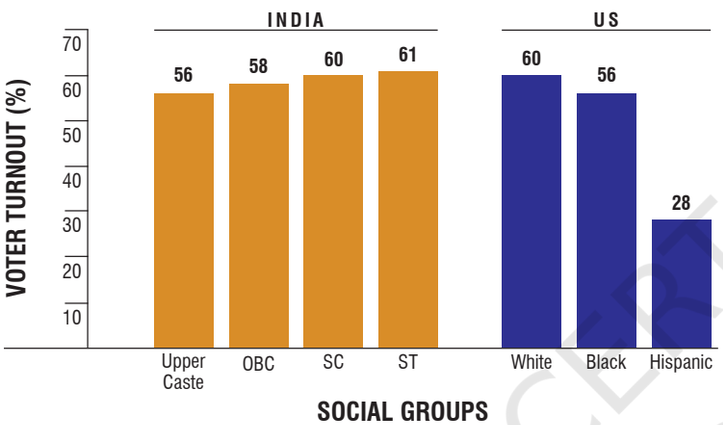
2 In India the poor, illiterate and underprivileged people vote in larger proportion as compared to the rich and privileged sections. This is in contrast to western democracies. For example in the United States of America, poor people, African Americans and Hispanics vote much less than the rich and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

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 a 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.

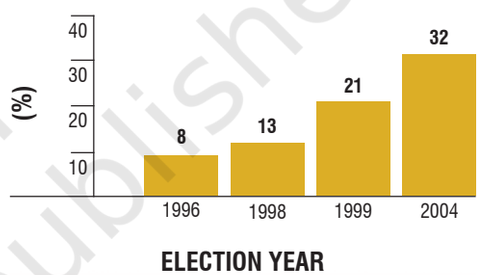
2 VOTER TURNOUT IN INDIA AND US BY SOCIAL GROUPS, 2004



Source: Figures for India from National Election Study 2004, CSDS. Figures for US from National Election Study 2004, University of Michigan.

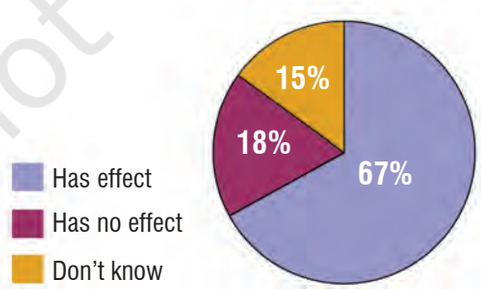
4 THOSE WHO PARTICIPATED IN ANY ELECTION RELATED ACTIVITY IN INDIA

Source: National Election Study 1996-2004, CSDS.



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.

3 DO YOU THINK YOUR VOTE MAKES A DIFFERENCE?



Source: National Election Study 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.

Acceptance of election outcome

One final test of the free and fairness of election has in the outcome itself. If elections are not free or fair, the outcome always favours the powerful. In such a situation, the ruling parties do not lose elections. Usually, the

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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.

Irfan Khan

The leader is coming out of a press conference: "What was the need to say that we have distributed tickets only amongst suitable and winnable family relations?" Do you think that family politics is confined to only a few states or parties?

read the cartoon

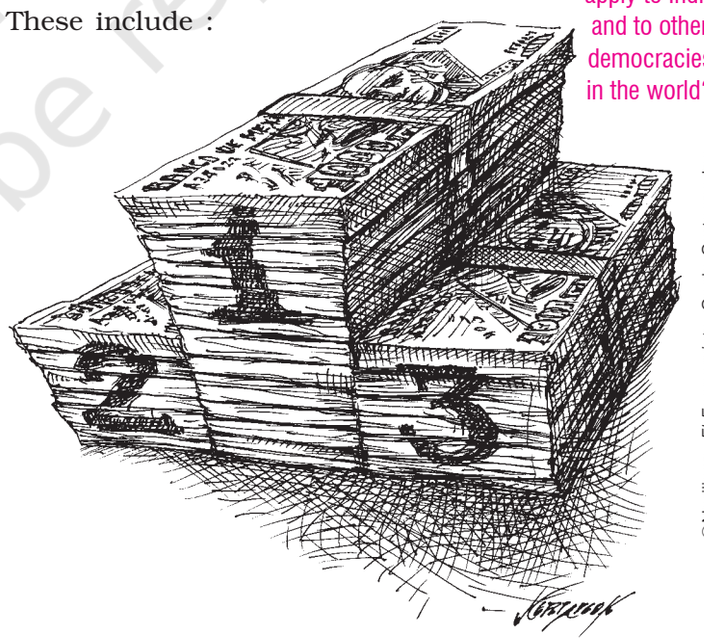
Challenges to free and fair elections

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 really level playing field for everyone? Can an ordinary citizen hope to win elections?

Questions of this kind bring the many limitations and challenges of Indian elections to our attention. These include :

Titled 'Electoral Campaigns', this cartoon was drawn in the Latin American context. Does this apply to India and to other democracies in the world?



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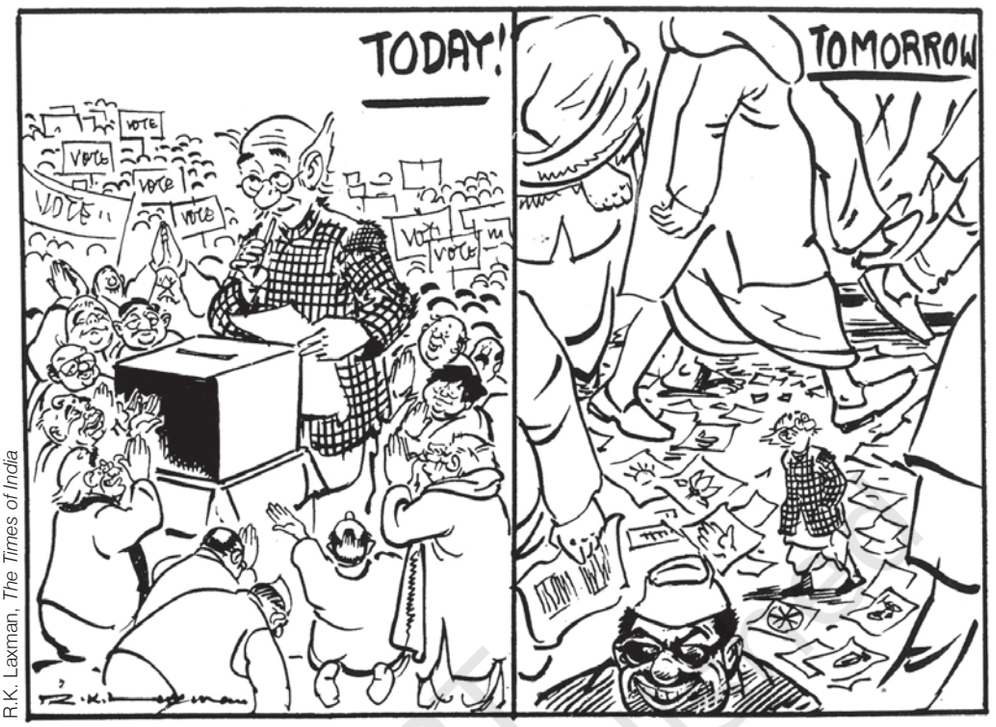
Is this an accurate picture of what happens to the voter before and after elections? Must this always happen in a democracy? Can you think of examples when this did not happen?

read the cartoon



R.K. Laxman, *The Times of India*

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

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?

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 had less than 10 per cent women members till 2009.
- The Election Commission often refuses to accept the government's advice about when the elections should be held.
- The 16th Lok Sabha has more than 440 members whose assets are more than Rs.1 crore.
- After losing an election the Chief Minister said: "I respect the people's verdict".

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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

1 Which of the following statements about the reasons for conducting elections are false?
- **a** Elections enable people to judge the performance of the government.
- **b** People select the representative of their choice in an election.
- **c** Elections enable people to evaluate the performance of the judiciary.
- **d** People can indicate which policies they prefer.

2 Which of these is *not* a good reason to say that Indian elections are democratic?
- **a** India has the largest number of voters in the world.
- **b** India's Election Commission is very powerful.
- **c** In India, everyone above the age of 18 has a right to vote.
- **d** In India, the losing parties accept the electoral verdict.

3 Match the following :

a	It is necessary to keep the voters list up to date because	**i**	there is a fair representation of all sections of our society
b	Some constituencies are reserved for SCs and STs so that	**ii**	everyone has equal opportunity to elect their representative
c	Everyone has one and only one vote so that	**iii**	all candidates must have a fair chance of competing in elections
d	Party in power is not allowed to use government vehicles because	**iv**	some people may have moved away from the area where they voted last

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exercises

4 List all the different election related activities mentioned in the chapter and arrange them in a time sequence, beginning with the first activity and ending with the last. Some of these activities are given below: releasing election manifestos; counting of votes; making of voters' list; election campaign; declaration of election results; casting of votes; ordering of re-poll; announcing election schedule; filing nomination.

5 Surekha is an officer in-charge of ensuring free and fair elections in an assembly constituency in a state. Describe what should she focus on for each of the following stages of election:

a Election campaign
b Polling day
c Counting day

6 The table below gives the proportion of different communities among the candidates who won elections to the US Congress. Compare these to the proportion of these communities in the population of the US. Based on this, would you suggest a system of reservations in the US Congress? If yes, why and for which communities? If no, why not?

	Proportion of the community (in per cent) in the	
	House of representatives	Population of US
Blacks	8	13
Hispanics	5	13
Whites	86	70

7 Can we draw the following conclusions from the information given in this chapter? Give two facts to support your position for each of these.

a Election Commission of India does not have enough powers to conduct free and fair elections in the country.
b There is a high level of popular participation in the elections in our country.
c It is very easy for the party in power to win an election.
d Many reforms are needed to make our elections completely free and fair.

8 Chinappa was convicted for torturing his wife for dowry. Satbir was held guilty of practicing untouchability. The court did not allow either of them to contest elections. Does this decision go against the principles of democratic elections?

9 Here are some reports of electoral malpractices from different parts of the world. Is there anything that these countries can learn from India to improve their elections? What would you suggest in each case?

a During an election in Nigeria, the officer in charge of counting votes deliberately increased the votes of one candidate and declared

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him elected. The court later found out that more than five lakh votes cast for one candidate were counted in favour of another.

b Just before elections in Fiji, a pamphlet was distributed warning voters that a vote for former Prime Minister, Mahendra Chaudhry will lead to bloodshed. This was a threat to voters of Indian origin.

c In the US, each state has its own method of voting, its own procedure of counting and its own authority for conducting elections. Authorities in the state of Florida took many controversial decisions that favoured Mr. Bush in the presidential elections in 2000. But no one could change those decisions.

10 Here are some reports of malpractices in Indian elections. Identify what the problem in each case is. What should be done to correct the situation?

a Following the announcement of elections, the minister promised to provide financial aid to reopen the closed sugar mill.

b Opposition parties alleged that their statements and campaign was not given due attention in Doordarshan and All India Radio.

c An inquiry by the Election Commission showed that electoral rolls of a state contain name of 20 lakh fake voters.

d The hoodlums of a political party were moving with guns, physically preventing supporters of other political parties to meet the voters and attacking meetings of other parties.

11 Ramesh was not in class when this chapter was being taught. He came the next day and repeated what he had heard from his father. Can you tell Ramesh what is wrong with these statements?

a Women always vote the way men tell them to. So what is the point of giving them the right to vote?

b Party politics creates tension in society. Elections should be decided by consensus not by competition.

c Only graduates should be allowed to stand as candidates for elections.

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Assembly elections are usually held every year in a few states of the country. You can collect information about the elections that take place during this session. While collecting news items, divide these into three parts:

- Important events that took place before the election – main agenda discussed by political parties; information about people's demand; role of the Election Commission.
- Important events on the day of the election and counting – turnout in elections; reports of malpractice; re-polls; the types of predictions made; and the final outcome.
- Post elections – reasons offered by political parties for winning or losing elections; analysis of the election verdict by the media; selection of the Chief Minister.

NVD PLEDGE

हम, भारत के नागरिक, लोकतंत्र में अपनी पूर्ण आस्था रखते हुए यह शपथ लेते हैं कि हम अपने देश की लोकतांत्रिक परम्पराओं की मर्यादा को बनाए रखेंगे तथा स्वतंत्र, निष्पक्ष एवं शांतिपूर्ण निर्वाचन की गरिमा को अक्षुण्ण रखते हुए, निर्भीक होकर, धर्म, वर्ग, जाति,समुदाय, भाषा अथवा अन्य किसी भी प्रलोभन से प्रभावित हुए बिना सभी निर्वाचनों में अपने मताधिकार का प्रयोग करेंगे।

We, the citizens of India, having abiding faith in democracy, hereby pledge to uphold the democratic traditions of our country and the dignity of free, fair and peaceful elections, and to vote in every election fearlessly and without being influenced by considerations of religion, race, caste, community, language or any inducement.

How did your school celebrate the National Voters' Day (NVD) on 25th January? Did you take the NVD Pledge?

The tableau of the Election Commission of India passes through the Rajpath, New Delhi, on the occasion of the 67th Republic Day Parade in 2016.

CHAPTER 5

WORKING OF INSTITUTIONS

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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 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.

G.I., Dept. of Per. & Trg., O.M. No.36012/31/90-Est. (SCT), dated 13.8.1990

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

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

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

(i) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC;

(ii) The aforesaid reservation shall apply to vacancies to be filled by direct

G.I., Dept. of Per. & Trg., O.M. No.36012/22/93-Est. (SCT) dated 8.9.1993

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

The undersigned is directed to refer to this Department's O.M. No.36012/31/90-Estt. (SCT), dated the 13th August, 1990[1] and 25th September, 1991[2], regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and other v. Union of India and others case [Writ Petition (Civil) No.930 of 1990], the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

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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 Educationally 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 classes 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:

- President is the head of the state and is the highest formal authority in the country.
- 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 the President and 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?

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

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 educationally backward classes. The Report and recommendations were discussed in the Parliament.

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:

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

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read the image

Reservation debate was such an important issue during 1990-91 that advertisers used this theme to sell their products. Can you spot some references to political events and debates in these Amul Butter hoardings?

- 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.

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 '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

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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.

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

CHECK YOUR PROGRESS

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

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?

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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? Perhaps not. 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.

Irfan Khan

Why do we need a Parliament?

In all democracies, an assembly of elected representatives exercises 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 any the public money can be spent only when the Parliament sanctions it.

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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, most 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 she 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.

You have read about the Indian Parliament in earlier classes. From the Chapter Four you know how Lok Sabha elections take place. Let us recall some key differences between the composition of these two Houses of Parliament. Answer the following for the Lok Sabha and the Rajya Sabha:

- What is the total number of members? ...
- Who elects the members? ...
- What is the length of the term (in years)? ...
- Can the House be dissolved or is it permanent? ...

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.

What is the point in having so much debate and discussion in the Parliament when we know that the view of the ruling party is going to prevail?

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.

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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 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.

A day in the life of the 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's policy on talking to militant groups in Kashmir?
- What are the figures of atrocities against Scheduled Tribes, including those inflicted by the police?
- What is the government doing about over-pricing 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, Visakhapatnam

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:

- The vindictiveness of the Central Bureau of Investigation (CBI) in registering cases against some leaders in the Tehelka case.
- 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.

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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?

You might ask: Why does the political executive have more power than the non-political executive? Why is the minister more powerful than the civil servant? The civil servant is usually more educated and has more expert knowledge of the subject. The advisors working in the Finance Ministry know more about economics than the Finance Minister. Sometimes the ministers may know very little about the technical matters that come under their ministry. This could easily happen in ministries like Defence, Industry, Health, Science and Technology, Mining, etc. Why should the minister have the final say on these matters?

The reason is very simple. 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. She is finally answerable to the people for all the consequences of her decision. That is why the minister takes all the final decisions. The minister decides the overall framework and objectives in which decisions on policy should be made. The minister is not, and is not expected to be, an expert in the matters of her ministry. The minister takes the advice of experts on all technical matters. But very often experts hold different opinions or place before 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.

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The experts can tell the route, but someone with a larger view decides the destination. In a democracy elected ministers perform this role.

Prime Minister and Council of Ministers

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 she 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.

read the cartoon

The race to become minister is not new. Here is a cartoon depicting ministerial aspirants waiting to get a berth in Nehru's Cabinet after the 1962 elections. Why do you think political leaders are so keen to become ministers?

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 to every decision of the Cabinet.

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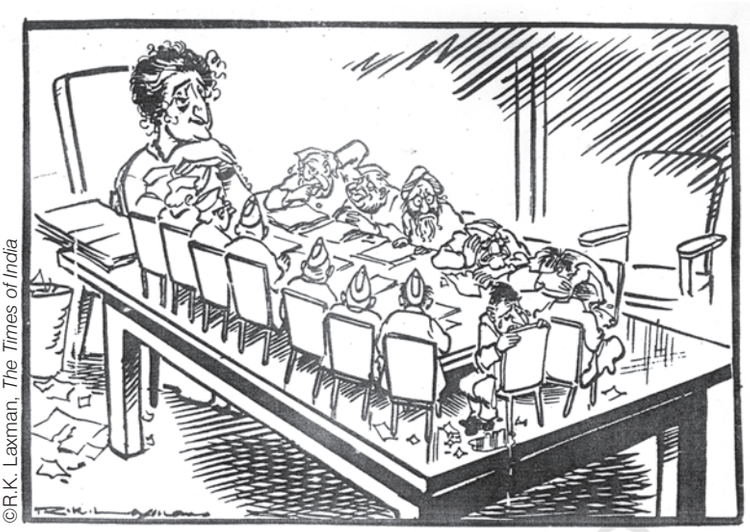
No minister can openly criticise any decision of the government, even if it is about another Ministry or Department. Every ministry has secretaries, who are civil servants. The secretaries provide the necessary background information to the ministers to take decisions. The Cabinet as a team is assisted by the Cabinet Secretariat. This includes many senior civil servants who try to coordinate the working of different ministries.



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read the cartoon

This cartoon depicts a cabinet meeting chaired by Prime Minister Indira Gandhi in early 1970s, at the peak of her popularity. Do you think similar cartoons could be drawn about other prime ministers who followed her?

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

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Why does this book refer to the President as 'she'? Have we ever had a woman President in our country?

Did you protest when the book referred to the Prime Minister as 'he'? Have we not had a woman Prime Minister? Why should we assume that all the important positions are held by men?

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 of India is like the Queen of Britain whose functions are to a large extent ceremonial. 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.

The President is not elected directly by the people. The elected Members of Parliament (MPs) and the elected Members of the Legislative Assemblies (MLAs) elect her. 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 she remains only a nominal executive.

The same is true of the powers of the President. If you casually read the Constitution you would think that there is nothing that she 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 her name. All major appointments are made in the name of the President. These include the appointment of

Press Information Bureau

The President, Shri Pranab Mukherjee administering the oath of office of the Prime Minister to Shri Narendra Modi, at a Swearing-in Ceremony, at Rashtrapati Bhavan on 26 May 2014.

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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, she 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, she can delay this for some time and send the bill back to the Parliament for reconsideration. But if the Parliament passes the bill again, she has to sign it.

So you may wonder what does the President really do? Can she do anything on her own at all? There is one very important thing she should do on her 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 her discretion. The President appoints a leader who in her 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.

The Presidential System

Presidents all over the world are not always nominal executives like the President of India. 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.

read the image

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?

CHECK YOUR PROGRESS

Eliamma, Annakutti and Marymol read the section on the President. Each of them had a question. Can you help them in answering these questions?

Eliamma: What happens if the President and the Prime Minister disagree about some policy? Does the view of the Prime Minister always prevail?

Annakutti: I find it funny that the President is the Supreme Commander of Armed Forces. I doubt if the President can even lift a heavy gun. What is the point in making the President the Commander?

Marymol: I would say, what is the point in having a President at all if all the real powers are with the Prime Minister?

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5.4 The Judiciary

It is quite common in the US for judges to be nominated on the basis of well-known political opinions and affiliations. This fictitious advertisement appeared in the US in 2005 when President Bush was considering various candidates for nomination to the US supreme court. What does this cartoon say about the independence of the judiciary? Why do such cartoons not appear in our country? Does this demonstrate the independence of our judiciary?

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.

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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

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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. Once a person is appointed as judge of the Supreme Court or the High Court it is nearly impossible to remove him or her from that position. It is as difficult as removing the President of India. 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.

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

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: ...

The Chief Justice of India, Shri Justice J.S. Khehar administering the oath of the office of the President of India to Shri Ram Nath Kovind, at a swearing-in ceremony in the Central Hall of Parliament in New Delhi on 25 July 2017.

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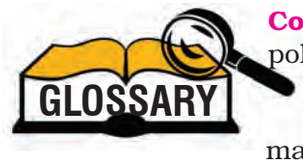

Coalition government: A government formed by an alliance of two or more political parties, usually when no single party enjoys majority support of the members in a legislature.

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

1 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.

2 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

3 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

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4 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

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

a	A new policy is being made to increase the jute exports from the country.	**i**	Ministry of Defence
b	Telephone services will be made more accessible to rural areas.	**ii**	Ministry of Agriculture, Food and Public Distribution
c	The price of rice and wheat sold under the Public Distribution System will go down.	**iii**	Ministry of Health
d	A pulse polio campaign will be launched.	**iv**	Ministry of Commerce and Industry
e	The allowances of the soldiers posted on high altitudes will be increased.	**v**	Ministry of Communications and Information Technology

6 Of all the institutions that we have studied in this chapter, name the one that exercises the powers on each of the following matters.

a Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens
b Considers the recommendation of a Committee on a law to regulate the stock exchange
c Decides on a legal dispute between two state governments
d Implements the decision to provide relief for the victims of an earthquake.

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

a In a Parliamentary democracy only the leader of the majority party in the Lok Sabha can become the Prime Minister.
b Lok Sabha can remove the Prime Minister and the Council of Ministers even before the expiry of their term.
c Since the Prime Minister is appointed by the President there is no need for it.
d Direct election of the Prime Minister will involve lot of expenditure on election.

8 Three friends went to watch a film that showed the hero becoming Chief Minister for a day and making big changes in the state. Imran said this is what the country needs. Rizwan said this kind of a personal

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exercises

rule without institutions is dangerous. Shankar said all this is a fantasy. No minister can do anything in one day. What would be your reaction to such a film?

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

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

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

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

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

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 the **judiciary**

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CHAPTER 6

DEMOCRATIC RIGHTS

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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 discussing some real life cases to imagine what it means to live without rights. This leads to 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 Life without Rights

In this book we have mentioned rights again and again. If you remember, we have discussed rights in each of the five preceding chapters. Can you fill in the blanks by recalling the rights dimension in each chapter?

Chapter One: Chile under Pinochet and Poland under Jaruzelsky were not democratic because ...

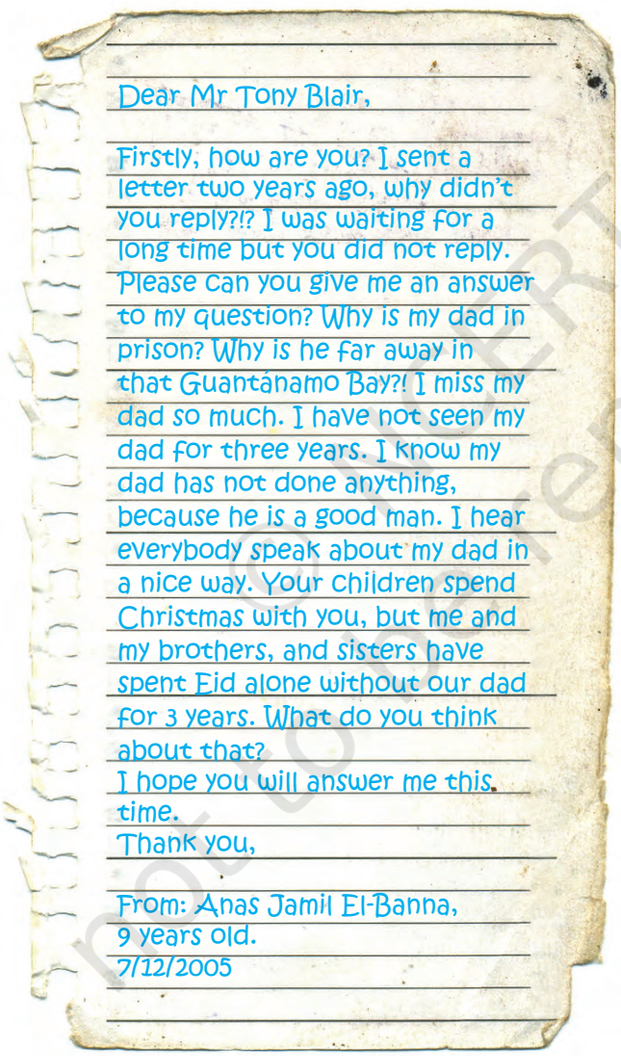
Chapter Two: A comprehensive definition of democracy includes ...

Chapter Three: Our Constitution makers believed that fundamental rights were quite central to the Constitution because ...

Chapter Four: Every adult citizen of India has the right to ... and to be ...

Chapter Five: If a law is against the Constitution, every citizen has the right to approach ...

Let us now begin with three examples of what it means to live in the absence of rights.



Dear Mr Tony Blair,

Firstly, how are you? I sent a letter two years ago, why didn't you reply?!? I was waiting for a long time but you did not reply. Please can you give me an answer to my question? Why is my dad in prison? Why is he far away in that Guantanamo Bay?! I miss my dad so much. I have not seen my dad for three years. I know my dad has not done anything, because he is a good man. I hear everybody speak about my dad in a nice way. Your children spend Christmas with you, but me and my brothers, and sisters have spent Eid alone without our dad for 3 years. What do you think about that?

I hope you will answer me this time.

Thank you,

From: Anas Jamil El-Banna,
9 years old.
7/12/2005

Prison in Guantanamo Bay

About 600 people were secretly picked up by the US forces from all over the world and put in a prison in Guantanamo Bay, an area near Cuba controlled by Amercian Navy. Anas's father, Jamil El-Banna, was among them. The American government said that they were enemies of the US and linked to the attack on New York on 11 September 2001. In most cases the governments of their countries were not asked or even informed about their imprisonment. Like other prisoners, El-Banna's family got to know that he was in that prison only through the media. Families of prisoners, media or even UN representatives were not allowed to meet them. The US army arrested them, interrogated them and decided whether to keep them there or not. There was no trial before any magistrate in the US. Nor could these prisoners approach courts in their own country.

Amnesty International, an international human rights organisation, collected information on the condition of the prisoners in Guantanamo Bay and reported that the prisoners were being tortured in ways that violated the US laws. They

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were being denied the treatment that even prisoners of war must get as per international treaties. Many prisoners had tried protesting against these conditions by going on a hunger strike. Prisoners were not released even after they were officially declared not guilty. An independent inquiry by the UN supported these findings. The UN Secretary General said the prison in Guantanamo Bay should be closed down. The US government refused to accept these pleas.

Citizens' Rights in Saudi Arabia

The case of Guantanamo Bay looks like an exception, for it involves the government of one country denying rights to citizens of another country. Let us therefore look at the case of Saudi Arabia and the position of the citizens with regard to their government. Consider these facts:

- The country is ruled by a hereditary king and the people have no role in electing or changing their rulers.
- The king selects the legislature as well as the executive. He appoints the judges and can change any of their decisions.
- Citizens cannot form political parties or any political organisations. Media cannot report anything that the monarch does not like.
- There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
- Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women.

This is true not just of Saudi Arabia. There are many countries in the world where several of these conditions exist.

Ethnic massacre in Kosovo

You might think that this is possible in an absolute monarchy but not in countries which choose their rulers. Just consider this story from Kosovo. This was a province of Yugoslavia before its split. In this province the population was overwhelmingly ethnic Albanian. But in the entire country, Serbs were in majority. A narrow minded Serb nationalist Milosevic (pronounced Miloshevich) had won the election. His government was very hostile to the Kosovo Albanians. He wanted the Serbs to dominate the country. Many Serb leaders thought that Ethnic minorities like Albanians should either leave the country or accept the dominance of the Serbs.

This is what happened to an Albanian family in a town in Kosovo in April 1999:

74-year-old Batisha Hoxha was sitting in her kitchen with her 77-year–old husband Izet, staying warm by the stove. They had heard explosions but did not realise that Serbian troops had already entered the town. The next thing she knew, five or six soldiers had burst through the front door and were demanding

"*Where are your children?*"

"*... they shot Izet three times in the chest*" recalls Batisha. With her husband dying before her, the soldiers pulled the wedding ring off her finger and told her to get out. *"I was not even outside the gate when they burnt the house*" ... She was standing on the street in the rain with no house, no husband, no possessions but the clothes she was wearing.

This news report was typical of what happened to thousands of Albanians in that period. Do

If you were a Serb, would you support what Milosevic did in Kosovo? Do you think his project of establishing Serb dominance was good for the Serbs?

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remember that this massacre was being carried out by the army of their own country, working under the direction of a leader who came to power through democratic elections. This was one of the worst instances of killings based on ethnic prejudices in recent times. Finally several other countries intervened to stop this massacre. Milosevic lost power and was tried by the International Court of Justice for crimes against humanity.

ACTIVITY

- Write a letter to Anas Jamil in UK, describing your reactions after reading his letter to Tony Blair.
- Write a letter from Batisha in Kosovo to a woman who faced a similar situation in India.
- Write a memorandum on behalf of women in Saudi Arabia to the Secretary General of the United Nations.

CHECK YOUR PROGRESS

For each of the three cases of life without rights, mention an example from India. These could include the following:

- Newspaper reports on custodial violence.
- Newspaper reports on force-feeding of prisoners who go on hunger strike.
- Ethnic massacre in any part of our country.
- Reports regarding unequal treatment of women.

List the **similarities** and **differences** between the earlier case and the Indian example. It is not necessary that for each of these cases you must find an exact Indian parallel.

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6.2 Rights in a Democracy

Think of all the examples that we have discussed so far. Think of the victims in each example: the prisoners in Guantanamo Bay, women in Saudi Arabia, Albanians in Kosovo. If you were in their position, what would you have wished? If you could, what would you do to ensure that such things do not happen to anyone?

You would perhaps desire a system where security, dignity and fair play are assured to everyone. You might want, for example, that no one should be arrested without proper reason and information. And if someone is arrested, he or she should have a fair chance to defend themselves. You might agree that such assurance cannot apply to everything. 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 over other fellow beings, over the society and over the government. 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 Serbs in Yugoslavia could not have claimed the whole country for themselves. 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 them vote in Saudi Arabia appears strange.

When the socially recognised claims are written into law they acquire real force. Otherwise they remain merely as natural or moral rights. The prisoners in Guantanamo Bay had a moral claim not to be tortured or humiliated. But they could not go to anyone to enforce this claim. 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.**

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

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

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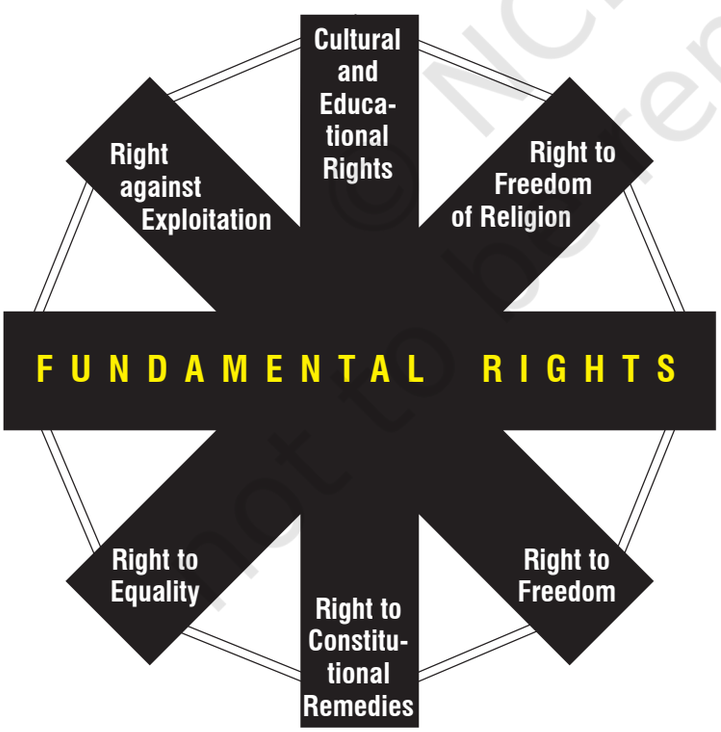
6.3 Rights in the Indian Constitution

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 for all its citizens equality, liberty and justice. Fundamental Rights put this promise into effect. They are an important basic feature of India's Constitution.

You already know our Constitution provides for six Fundamental Rights. Can you recall these? What exactly do these rights mean for an ordinary citizen? Let us look at these one by one.

Everyone knows that the rich can have better lawyers in the courts. What is the point in talking about equality before law?



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. For example, a few years ago a former Prime Minister of the country faced a court case on charges of cheating. The court finally declared that he was not guilty. But as long as the case continued, he had to go to the court, give evidence and file papers, just like any other citizen.

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 only of religion, race, caste, 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

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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?

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Many Forms of Untouchability

In 1999, P. Sainath wrote a series of newsreports in *The Hindu* describing untouchability and caste discrimination that was still being practiced against Dalits or persons belonging to Scheduled Castes. He travelled to various parts of the country and found that in many places:

- Tea stalls kept two kinds of cups, one for Dalits one for others;
- Barbers refused to serve dalit clients;
- Dalit students were made to sit separately in the classroom or drink water from separate picher;
- Dalit grooms were not allowed to ride a horse in the wedding procession; and
- Dalits were not allowed to use common handpump or if they did, the handpump was washed to purify it.

All these fall under the definition of untouchability. Can you think of some examples from your own area?

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
- Assembly in a peaceful manner
- Form associations and unions
- Move freely throughout the country
- Reside in any part of the country, and
- 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 licence 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 criticise 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.

Should the freedom of expression be extended to those who are spreading wrong and narrow-minded ideas? Should they be allowed to confuse the public?

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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, mobilise 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 party 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

Irfan Khan

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 cannot 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.

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Let us recall the cases of Guantanamo Bay and Kosovo. The victims in both these cases faced a threat to the most basic of all liberties, the protection of individual life and personal liberty.

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 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.

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 is 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.

CHECK YOUR PROGRESS

On the basis of these news reports write a letter to the editor or a petition to a court highlighting the violation of right against exploitation:

A petition was filed in the Madras High Court. The petitioner said a large number of children aged between seven and 12 were taken from villages in Salem district and sold at auctions at Olur Nagar in Kerala's Thrissur district. The petitioner requested the courts to order the government to check these facts. (**March 2005**)

Children, from the age of five, were employed in the iron ore mines in the Hospet, Sandur and the Ikal areas in Karnataka. Children were forced to carry out digging, breaking stones, loading, dumping, transporting and processing of iron ore with no safety equipment, fixed wages and working hours. They handled a high-level of toxic wastes and were exposed to mine dust, which was above the permissible level. The school dropout rate in the region was very high. (**May 2005**)

The latest annual survey conducted by the National Sample Survey Organisation found that the number of female child labourers was growing both in rural and urban areas. The survey revealed there were 41 female child labourers per thousand worker population in rural areas as against the previous figure of 34 per thousand. The figure for male child had remained at 31. (**April 2005**)

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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.

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. You have already read in Chapter Three that India is a secular state. Most people in India, like anywhere else in the world, follow different religions. Some may not believe in any religion. Secularism is based on the idea that the state is concerned only with relations among human beings, and not with the relation between human beings and God. A secular state is one that does not establish any one religion as official religion. Indian secularism practices an attitude of a principled and equal distance from all religions. The state has to be neutral and impartial in dealing with all religions.

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 allurement. Of course, a person is free to change religion on his or her own will. Freedom to practice religion does not mean that a person can do whatever he wants in the name of religion. For example, one cannot sacrifice animals or human beings as offerings to supernatural forces or gods. Religious practices which treat women as inferior or those that infringe women's freedom are not allowed. For example, one cannot force a widowed woman to shave head or wear white clothes.

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.

The Constitution does not give people their religion. Then how can it give people the right to practise their religion?

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.

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- 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.

CHECK YOUR PROGRESS

Read these news reports and identify the right that is being debated in each of these cases:

- An emergency session of the Shiromani Gurdwara Parbandhak Committee (SGPC) rejected the proposal to form a separate body to manage the affairs of Sikh shrines in Haryana. It warned the government that the Sikh community would not tolerate any interference in their religious affairs. (June 2005)
- The Allahabad High Court quashed the Central law, which gave Aligarh Muslim University its minority status, and held illegal the reservation of seats for Muslims in its postgraduate medical courses. (January 2006)
- The Rajasthan Government has decided to enact an anti-conversion law. Christian leaders have said that the Bill would aggravate the sense of insecurity and fear in the minds of minorities. (March 2005)

How can we secure these rights?

If rights are like guarantees, they are of no use if there is no one to honour them. The fundamental rights in the Constitution are important because they are enforceable. We have a right to seek the enforcement of the above mentioned rights. This is called the **Right to Constitutional Remedies**. This 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.

Can the President of India stop you from approaching the Supreme Court to secure your fundamental rights?

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

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National Human Rights Commission

Do you notice references to the National Human Rights Commission (NHRC) in the news collage on this page? These references reflect the growing awareness of human rights and struggles for human dignity. Many cases of human rights violations in diverse fields, for instance, Gujarat riots, are being brought to the public notice from across India. Human rights organisations and the media often criticise government agencies for not seriously pursuing these cases or catching the culprits.

Someone had to intervene on behalf of the victims. This is where the National Human Rights Commission stepped in. This is an independent commission set up by law in 1993. Like judiciary, the Commission is independent of the government. The Commission is appointed by the President and includes retired judges, officers and eminent citizens. Yet it does not have the burden of deciding court cases. So it can focus on helping the victims secure their human rights. These include all the rights granted to the citizens by the Constitution. For NHRC human rights also include the rights mentioned in the UN sponsored international treaties that India has signed.

The NHRC cannot by itself punish the guilty. That is the responsibility of courts. The NHRC is there to make independent and credible inquiry into any case of violation of human rights. It also inquires into any case of abetment of such violation or negligence in controlling it by any government officer and takes other general steps to promote human rights in the country. The Commission presents its findings and recommendations to the government or intervene in the court on behalf of the victims. It has wide ranging powers to carry out its inquiry. Like any court it can summon witnesses, question any government official, demand any official paper, visit any prison for inspection or send its own team for on-the-spot inquiry.

Any citizen of India can write a letter to this address to complain against the violation of human rights: **National Human Rights Commission**, G.P.O. Complex, INA, New Delhi 110023. There is no fee or anyformal procedure to approach the NHRC. Like NHRC, there are State Human RightsCommissions in 26 states of the country (as on 10 December 2017). For more details, visit http://www.nhrc.nic.in

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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.

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.

ACTIVITY

Is there a State Human Rights Commission in your state? Find out about its activities.

Write a petition to the NHRC if you know any instances of human rights violation in your area.

6.4 Expanding scope of rights

Are these rights only for adults? Which of these rights are available to children?

We began this chapter by discussing the significance of rights. In much of the chapter we have focussed 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. The governments are responsible for providing free and compulsory education to all children up to the age of 14 years. Parliament has enacted a law giving the right to information to the citizens. This Act was made under the Fundamental Right to freedom of thought and expression. We have a right to seek information from government offices. Recently the Supreme Court has expanded the meaning of the right to life to include the right to food. 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 recognised 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.

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Some international covenants have also contributed to the expansion of rights.

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.

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?

Amnesty International: An international organisation of volunteers who campaign for human rights. This organisation brings out independent reports on the violation of human rights all over the world.

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.

Ethnic group: An ethnic group is a human population whose members usually identify with each other on the basis of a common ancestry. People of an ethnic group are united by cultural practices, religious beliefs and historical memories.

Traffic: Selling and buying of men, women or children for immoral purposes.

Summon: An order issued by a court asking a person to appear before it.

Writ: A formal document containing an order of the court to the government issued only by High Court or the Supreme Court.

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exercises

1 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

2 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

3 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

4 Name the Fundamental Right under which each of the following rights falls:
a Freedom to propagate one's religion
b Right to life
c Abolition of untouchability
d Ban on bonded labour

5 Which of these statements about the relationship between democracy and rights is more valid? Give reasons for your preference.
a Every country that is a democracy gives rights to its citizens.
b Every country that gives rights to its citizens is a democracy.
c Giving rights is good, but it is not necessary for a democracy.

6 Are these restrictions on the right to freedom justified? Give reasons for your answer.
a Indian citizens need permission to visit some border areas of the country for reasons of security.
b Outsiders are not allowed to buy property in some areas to protect the interest of the local population.
c The government bans the publication of a book that can go against the ruling party in the next elections.

7 Manoj went to a college to apply for admission into an MBA course. The clerk refused to take his application and said "You, the son of a sweeper, wish to be a manager! Has anyone done this job in your community? Go to the municipality office and apply for a sweeper's position". Which of Manoj's fundamental rights are being violated in this instance? Spell these out in a letter from Manoj to the district collector.

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exercises

8 When Madhurima went to the property registration office, the Registrar told her, "You can't write your name as Madhurima Banerjee d/o A. K. Banerjee. You are married, so you must give your husband's name. Your husband's surname is Rao. So your name should be changed to Madhurima Rao." She did not agree. She said "If my husband's name has not changed after marriage, why should mine?" In your opinion who is right in this dispute? And why?

9 Thousands of tribals and other forest dwellers gathered at Piparia in Hoshangabad district in Madhya Pradesh to protest against their proposed displacement from the Satpura National Park, Bori Wildlife Sanctuary and Panchmarhi Wildlife Sanctuary. They argue that such a displacement is an attack on their livelihood and beliefs. Government claims that their displacement is essential for the development of the area and for protection of wildlife. Write a petition on behalf of the forest dwellers to the NHRC, a response from the government and a report of the NHRC on this matter.

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

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 human rights violation.
- Press release by a human rights organisation.
- A headline and a news item concerning a Supreme Court order related to Fundamental Rights.
- Editorial on growing incidents of custodial violence.

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

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