

Civil Services Pre examination 2010

Special Package For Polity, Constitution And Social Issues

Polity & Constitution

Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishing the structure, procedures, powers and duties, of the government and spells out the fundamental rights, directive principles and duties of citizens. Passed by the Constituent Assembly on 26 November 1949, it came into effect on 26 January 1950.

The date 26 January was chosen to commemorate the declaration of independence of 1930. It declares the Union of India to be a sovereign, democratic republic, assuring its citizens of justice, equality, and liberty and to promote among them all fraternity.

The words "socialist", "secular" and "integrity" and to promote among them all "Fraternity"; were added to the definition in 1976 by constitutional amendment. India celebrates the adoption of the constitution on 26 January each year as Republic Day.

It is the longest written constitution of any sovereign country in the world, containing 395 articles in 22 parts, 12 schedules and 94 amendments, for a total of 117,369 words in the English language version. Besides the English version, there is an official Hindi translation.

After coming into effect, the Constitution replaced the Government of India Act 1935 as the governing document of India. Being the supreme law of the country, every law enacted by the government must conform to the constitution. Dr. Bhimrao Ramji Ambedkar, as chairman of the Constitution Drafting Committee, was the chief architect of the Indian Constitution.

The majority of the Indian subcontinent was under British colonial rule from 1858 to 1947. This period saw the gradual rise of the Indian national-

ist movement to gain independence from the foreign rule.

The movement culminated in the formation of the Dominion of India on 15 August 1947, along with the Dominion of Pakistan. The constitution of India was adopted on 26 January 1950, which proclaimed India to be a sovereign democratic republic.

It contained the founding principles of the law of the land which would govern India after its independence from British rule. On the day the constitution came into effect, India ceased to be a dominion of the British Crown.

Evolution of the Constitution (Acts of British Parliament before 1935)

After the Indian Rebellion of 1857, the British Parliament took over the reign of India from the British East India Company, and British India came under the direct rule of the Crown.

The British Parliament passed the Government of India Act of 1858 to this effect, which set up the structure of British government in India. It established in England the office of the Secretary of State for India through whom the Parliament would exercise its rule, along with a Council of India to aid him.

It also established the office Governor-General of India along with an Executive Council in India, which consisted of high officials of the British Government.

The Indian Councils Act of 1861 provided for a Legislative Council consisting of the members of the Executive council and non-official members.

The Indian Councils Act of 1892 established provincial legislatures and increased the powers of the Legislative Council.

These acts increased the representation of Indians in the government, but it was limited in its powers. The Government of India Acts of 1909 and 1919 further expanded the participation of Indians in the government.

(Government of India Act 1935)

The provisions of the Government of India Act of 1935, though never implemented fully, had a great impact on the constitution of India. Many key features of the constitution are directly taken from this Act.

The federal structure of government, provincial autonomy, bicameral legislature consisting of a federal assembly and a Council of States, separation of legislative powers between center and provinces are some of the provisions of the Act which are present in the Indian constitution.

The Cabinet Mission Plan

In 1946, at the initiative of British Prime Minister Clement Attlee, a cabinet mission to India was formulated to discuss and finalize plans for the transfer of power from the British Raj to Indian leadership and providing India with independence under Dominion status in the Commonwealth of Nations.

The Mission discussed the framework of the constitution and laid down in some detail the procedure to be followed by the constitution drafting body. Elections for the 296 seats assigned to the British Indian provinces were completed by August 1946. The Constituent Assembly first met and began work on 9 December 1946.

(Indian Independence Act 1947)

The Indian Independence Act, which came into force on 18 July 1947, divided the British Indian territory into two new states of India and Pakistan, which were to be dominions under the Com-

monwealth of Nations until their constitutions were in effect. The Constituent Assembly was divided into two for the separate states.

The Act relieved the British Parliament of any further rights or obligations towards India or Pakistan, and granted sovereignty over the lands to the respective Constituent Assemblies.

When the Constitution of India came into force on 26 January 1950, it overturned the Indian Independence Act. India ceased to be a dominion of the British Crown and became a sovereign democratic republic.

Constituent Assembly

The Constitution was drafted by the Constituent Assembly, which was elected by the elected members of the provincial assemblies. Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad, Shyama Prasad Mukherjee and Nalini Ranjan Ghosh were some important figures in the Assembly.

There were more than 30 members of the scheduled classes. Frank Anthony represented the Anglo-Indian community, and the Parsis were represented by H. P. Modi and R. K. Sidhwa.

The Chairman of the Minorities Committee was Harendra Coomar Mookerjee, a distinguished Christian who represented all Christians other than Anglo-Indians.

Ari Bahadur Gururung represented the Gorkha Community. Prominent jurists like Alladi Krishnaswamy Iyer, B. R. Ambedkar, Benegal Narsing Rau and K. M. Munshi, Ganesh Mavlankar were also members of the Assembly. Sarojini Naidu, Hansa Mehta, Durgabai Deshmukh and Rajkumari Amrit Kaur were important women members.

The first president of the Constituent Assembly was Sachidanand Sinha later, Rajendra Prasad was

elected president of the Constituent Assembly. The members of the Constituent Assembly met for the first time in the year 1946 on 9 December.

Drafting

In the 14 August 1947 meeting of the Assembly, a proposal for forming various committees was presented. Such committees included a Committee on Fundamental Rights, the Union Powers Committee and Union Constitution Committee.

On 29 August 1947, the Drafting Committee was appointed, with Dr Ambedkar as the Chairman along with six other members. A Draft Constitution was prepared by the committee and submitted to the Assembly on 4 November 1947.

The Assembly met, in sessions open to the public, for 166 days, spread over a period of 2 years, 11 months and 18 days before adopting the Constitution. After many deliberations and some modifications, the 308 members of the Assembly signed two hand-written copies of the document (one each in Hindi and English) on 24 January 1950.

Two days later, the Constitution of India became the law of all the Indian lands. The Constitution of India has undergone 94 amendments in the less than 60 years since its enactment.

Structure

The Constitution, in its current form, consists of a preamble, 22 parts containing 448 articles, 12 schedules, 5 appendices and over 109 amendments to date. Although it is federal in nature with strong unitary bias, in case of emergencies it takes unitary structure.

Parts

Parts are the individual chapters in the Constitution, focused in single broad field of laws, containing articles that address the issues in question.

(Preamble)

- » Part I- Union and its Territory
- » Part II- Citizenship.
- » Part III - Fundamental Rights
- » Part IV - Directive Principles and Fundamental Duties.
- » Part V - The Union.
- » Part VI - The States.
- » Part VII - States in the B part of the First schedule (Repealed).
- » Part VIII - The Union Territories
- » Part IX - Panchayat system and Municipalities.
- » Part X - The scheduled and Tribal Areas
- » Part XI - Relations between the Union and the States.
- » Part XII - Finance, Property, Contracts and Suits
- » Part XIII - Trade and Commerce within the territory of India
- » Part XIV - Services Under the Union, the States and Tribunals
- » Part XV - Elections
- » Part XVI - Special Provisions Relating to certain Classes.
- » Part XVII - Languages
- » Part XVIII - Emergency Provisions
- » Part XIX - Miscellaneous
- » Part XX - Amendment of the Constitution
- » Part XXI - Temporary, Transitional and Special Provisions
- » Part XXII - Short title, date of commencement, Authoritative text in Hindi and Repeals
- » Part XXIII - Temporary, Transitional and Special Provisions
- » Part XXIV - Temporary, Transitional and Special Provisions

Schedules

Schedules are lists in the Constitution that categorizes and tabulates bureaucratic activity and policy of the Government.

First Schedule (Articles 1 and 4): States and Union Territories – This lists the states and territories on of India, lists any changes to their borders and the laws used to make that change.

Second Schedule (Articles 59, 65, 75, 97, 125, 148, 158, 164, 186 and 221) — Emoluments for High-Level Officials – This lists the salaries of officials holding public office, judges, and Comptroller and Auditor-General of India.

Third Schedule (Articles 75, 99, 124, 148, 164, 188 and 219) — Forms of Oaths – This lists the oaths of offices for elected officials and judges.

Fourth Schedule (Articles 4 and 80) – This details the allocation of seats in the Rajya Sabha (the upper house of Parliament) per State or Union Territory.

Fifth Schedule (Article 244) – This provides for the administration and control of Scheduled Areas[Note 1] and Scheduled Tribes[Note 2] (areas and tribes needing special protection due to disadvantageous conditions).

Sixth Schedule (Articles 244 and 275) — Provisions for the administration of tribal areas in Assam.
Seventh Schedule (Article 246) — The union (central government), state, and concurrent lists of responsibilities.

Eighth Schedule (Articles 344 and 351) — The official languages.

Ninth Schedule (Article 31-B) - This covers land and tenure reforms; the accession of Sikkim with India. It may be reviewed by the courts.

Tenth Schedule (Articles 102 and 191) — "Anti-defection" provisions for Members of Parliament and Members of the State Legislatures.

Eleventh Schedule (Article 243-G) — Panchayat Raj (rural development).

Twelfth Schedule (Article 243-W) — Municipalities (urban planning).

Federal Structure

The constitution provides for separation of powers between the Union and the States. It enumerates the powers of the Parliament and State Legislatures in three lists, namely Union list, State list and Concurrent list.

Subjects like national defense, foreign policy, issuance of currency are reserved to the Union list. Public order, local governments, certain taxes are examples of subjects of the State List, on which the Parliament has no power to enact laws in those regards, barring exceptional conditions.

Education, transportation, criminal law are a few subjects of the Concurrent list, where both the State Legislature as well as the Parliament have powers to enact laws. The residuary powers are vested with the Union.

The upper house of the Parliament, the Rajya Sabha, which consists of representatives of States, is also an example of the federal nature of the government.

Parliamentary Democracy

The President of India is elected by the Parliament and State Legislative Assemblies, and not directly by the people. The President is the Head of the State, and all the business of the Executive and Laws enacted by the Parliament are in his/her name.

However, these powers are only nominal, and the President must act only according to the advise of the Prime Minister and the Council of Ministers.

The Prime Minister and the Council of Ministers enjoy their offices only as long as they enjoy a

majority support in the Lok Sabha, the lower house of the Parliament, which consists of members directly elected by the people.

The ministers are answerable to both the houses of the Parliament. Also, the Ministers must themselves be elected members of either house of the Parliament. Thus, the Parliament exercises control over the Executive.

A similar structure is present in States, where the directly elected Legislative Assembly enjoys control over the Chief Minister and the State Council of Ministers.

Independent Judiciary

The Judiciary of India is free of control from either the executive or the Parliament. The judiciary acts as an interpreter of the constitution, and an intermediary in case of disputes between two States, or between a State and the Union.

An act passed by the Parliament or a Legislative Assembly is subject to judicial review, and can be declared unconstitutional by the judiciary if it feels that the act violates some provision of the Constitution.

Constitutional remedy against any action of the government is available in a High Court or the Supreme Court, if the action violates any of the fundamental rights of an individual as enumerated in the Constitution.

Changing the constitution

Amendments to the constitution are made by Parliament. However they must be approved by a super-majority in each house, and certain amendments must also be ratified by the states.

The procedure is laid out in Article 368. Despite these rules there have been over ninety amendments to the constitution since it was enacted in 1950.

The Supreme Court has ruled, controversially, that not every constitutional amendment is permissible. An amendment must respect the "basic structure" of the constitution, which is immutable.

In 2000 the National Commission to Review the Working of the Constitution (NCRWC) was setup to look into updating the constitution of India.

Judicial review of laws

Judicial review is actually adopted in the Indian constitution from the constitution of the United States of America. In the Indian constitution, Judicial Review is dealt under Article 13. Judicial Review actually refers that the Constitution is the supreme power of the nation and all laws are under its supremacy. Article 13 deals that

All pre-constitutional laws, after the coming into force of constitution, if in conflict with it in all or some of its provisions then the provisions of constitution will prevail and the provisions of that pre-constitutional law will not be in force until an amendment of the constitution relating to the same matter. In such situation the provision of that law will again come into force, if it is compatible with the constitution as amended. This is called the Theory of Eclipse.

In a similar manner, laws made after adoption of the Constitution by the Constituent Assembly must be compatible with the constitution, otherwise the laws and amendments will be deemed to be void-ab-initio.

In such situations, the Supreme Court or High Court interprets the laws as if they are in conformity with the constitution. If such an interpretation is not possible because of inconsistency, and where a separation is possible, the provision that is inconsistent with constitution is considered to be void. In addition to article 13, articles 32, 124, 131, 219, 226 and 246 provide a constitutional bases to the Judicial review in India.

Politics of India

Politics of India take place in a framework of a federal parliamentary multi-party representative democratic republic modeled after the British Westminster System.

The Prime Minister of India is the head of government, while the President of India is the formal head of state and holds substantial reserve powers, placing him or her in approximately the same position as the British monarch.

Executive power is exercised by the government. Federal legislative power is vested in both the government and the two chambers of the Parliament of India. The judiciary is independent of the executive and the legislature.

According to its constitution, India is a "sovereign socialist secular democratic republic." India is the largest state by population with a democratically-elected government.

Like the United States, India has a federal form of government, however, the central government in India has greater power in relation to its states, and its central government is patterned after the British parliamentary system.

Regarding the former, "the Centre", the national government, can and has dismissed state governments if no majority party or coalition is able to form a government or under specific Constitutional clauses, and can impose direct federal rule known as President's rule. Locally, the Panchayati Raj system has several administrative functions.

For most of the years since independence, the federal government has been led by the Indian National Congress (INC), Politics in the states have been dominated by several national parties including the INC, the Bharatiya Janata Party (BJP), the Communist Party of India (Marxist) (CPI(M)) and various regional parties.

From 1950 to 1990, barring two brief periods, the INC enjoyed a parliamentary majority. The INC was out of power between 1977 and 1980, when the Janata Party won the election owing to public discontent with the corruption of the then Prime Minister Indira Gandhi. In 1989, a Janata Dal-led National Front coalition in alliance with the Left Front coalition won the elections but managed to stay in power for only two years.

As the 1991 elections gave no political party a majority, the INC formed a minority government under Prime Minister P.V. Narasimha Rao and was able to complete its five-year term. The years 1996–1998 were a period of turmoil in the federal government with several short-lived alliances holding sway.

The BJP formed a government briefly in 1996, followed by the United Front coalition that excluded both the BJP and the INC. In 1998, the BJP formed the National Democratic Alliance (NDA) with several other parties and became the first non-Congress government to complete a full five-year term.

In the 2004 Indian elections, the INC won the largest number of Lok Sabha seats and formed a government with a coalition called the United Progressive Alliance (UPA), supported by various parties. In the 2009 Lok Sabha Elections, it won again with a surprising majority, the INC itself winning more than 200 seats.

At the federal level, India is the most populous democracy in the world. While many neighboring countries witness frequent coups, Indian democracy has been suspended only once. Nevertheless, Indian politics is often described as chaotic. More than a fifth of parliament members face criminal charges.

Central and State Governments

The central government exercises its broad administrative powers in the name of the President, whose duties are largely ceremonial. The president and vice president are elected indirectly for 5-year

terms by a special electoral college. The vice president assumes the office of president in case of the death or resignation of the incumbent president.

The constitution designates the governance of India under two branches namely the executive branch and Real national executive power is centered in the Council of Ministers, led by the Prime Minister of India.

The President appoints the Prime Minister, who is designated by legislators of the political party or coalition commanding a parliamentary majority. The President then appoints subordinate ministers on the advice of the Prime Minister.

In reality, the President has no discretion on the question of whom to appoint as Prime Minister except when no political party or coalition of parties gains a majority in the Lok Sabha. Once the Prime Minister has been appointed, the President has no discretion on any other matter whatsoever, including the appointment of ministers. But all Central Government decisions are nominally taken in his/her name.

Legislative branch

The constitution designates the Parliament of India as the legislative branch to oversee the operation of the government. India's bicameral parliament consists of the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The Council of Ministers is held responsible to the Lok Sabha.

State Government

States in India have their own elected governments, whereas Union Territories are governed by an administrator appointed by the president. Some of the state legislatures are bicameral, patterned after the two houses of the national parliament. The states' chief ministers are responsible to the legislatures in the same way the prime minister is responsible to parliament.

Each state also has a presidentially appointed governor who may assume certain broad powers when directed by the central government. The central government exerts greater control over the union territories than over the States, although some territories have gained more power to administer their own affairs. Local state governments in India have less autonomy compared to their counterparts in the United States and Australia.

Judicial branch

India's independent judicial system began under the British, and its concepts and procedures resemble those of Anglo-Saxon countries. The constitution designates the Supreme Court, the High Courts and the lower courts as the authority to resolve disputes among the people as well as the disputes related to the people and the government. The constitution through its articles relating to the judicial system provides a way to question the laws of the government, if the common man finds the laws as unsuitable for any community in India..

Local governance

Panchayati Raj: The panchayat raj is a South Asian political system mainly in India, Pakistan, and Nepal. "Panchayat" literally means assembly (yat) of five (panch) wise and respected elders chosen and accepted by the village community.

Traditionally, these assemblies settled disputes between individuals and villages. Modern Indian government has decentralised several administrative functions to the village level, empowering elected gram panchayats. Gram panchayats are not to be confused with the unelected khap panchayats (or caste panchayats) found in some parts of India. The term 'panchayat raj' is relatively new, having originated during the British administration. 'Raj' literally means governance or government. Mahatma Gandhi advocated Panchayati Raj, a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. His term for such a vision was "*Gram Swaraj*" (Village Self-governance).

It was adopted by state governments during the 1950s and 60s as laws were passed to establish Panchayats in various states. It also found backing in the Indian Constitution, with the 73rd amendment in 1992 to accommodate the idea. The Amendment Act of 1992 contains provision for devolution of powers and responsibilities to the panchayats to both for preparation of plans for economic development and social justice and for implementation in relation to twenty-nine subjects listed in the eleventh schedule of the constitution.

The panchayats receive funds from three sources : (i) local body grants, as recommended by the Central Finance Commission, (ii) funds for implementation of centrally-sponsored schemes, and (iii) funds released by the state governments on the recommendations of the State Finance Commissions.

In the history of Panchayati Raj in India, on 24 April 1993, the Constitutional (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions. This Act was extended to Panchayats in the tribal areas of eight States, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan from 24 December 1996. Now panchayati raj system exists in all the states except Nagaland, Meghalaya and Mizoram. Also all the UTs except Delhi.

The Act aims to provide 3-tier system of Panchayati Raj for all States having population of over 2 million, to hold Panchayat elections regularly every 5 years, to provide reservation of seats for Scheduled Castes, Scheduled Tribes and Women, to appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district.

Powers and responsibilities are delegated to Panchayats at the appropriate level :-
Preparation of plan for economic development and social justice.

Implementation of schemes for economic development and social justice in relation to 29 subjects given in Eleventh Schedule of the Constitution.
To levy, collect and appropriate taxes, duties, tolls and fees.

Village Level Panchayat

Panchayati Raj is a system of governance in which gram panchayats are the basic units of administration. It has 3 levels: village, block and district.

At the village level, it is called a Panchayat. It is a local body working for the good of the village. The number of members usually ranges from 7 to 31; occasionally, groups are larger, but they never have fewer than 7 members.

The block-level institution is called the Panchayat Samiti. The district-level institution is called the Zilla Parishad.

Gram Sabha

Gram sabha is constituted by all members of a village over the age of 18 years. The Gram Sabha elects the Gram Panchayat a council of elected members taking decisions on issues key to a village's social, cultural and economic life: thus, a Gram Panchayat is also a village's body of elected representatives. The council leader is named Sarpanch in Hindi, and each member is a Gram Panchayat Sadasya or Panch. The panchayat acts as a conduit between the local government and the people. Decisions are taken by a majority vote (Bahumat).

It is said that in such a system, each villager can voice his opinion in the governance of his village. Decisions are taken without lengthy legal procedures and the process remains for the most part transparent. Panchayat is an ancient Indian word that means means Five Persons. Since its inception, Panchayat has come a long way, it is currently included in the constitution of the Government of India.

Intermediate Level Panchayat

Panchayat samiti is a local government body at the tehsil or Taluka level in India. It works for the villages of the Tehsil or Taluka that together are called a Development Block.

The Panchayat Samiti is the link between the Gram Panchayat and the district administration. There are a number of variations of this institution in various states. It is known as Mandal Praja Parishad in Andhra Pradesh, Taluka panchayat in Gujarat, Mandal Panchayat in Karnataka, etc.

Functions

- » Implement schemes for the development of agriculture.
- » Establishment of primary health centres and primary schools.
- » Supply of drinking water, drainage, construction/repair of roads.
- » Development of cottage and small-scale industries and opening of cooperative societies.
- » Establishment of youth organisations.

Sources of income

The main source of income of the panchayat samiti are grants-in-aid and loans from the State Government.

District Level Panchayat

In the district level of the panchayati raj system you have the "zilla parishad". It looks after the administration of the rural area of the district and its office is located at the district headquarters.

The Hindi word Parishad means Council and Zilla Parishad translates to District Council. It is headed by the "district collector" or the "district magistrate" or the "deputy commissioner". It is the link between the state government and the panchayat samiti (local self government at the block level)

Constitution

Members of the Zilla Parishad are elected from the district on the basis of adult franchise for a term of five years. Zilla Parishad has minimum of 50 and maximum of 75 members. There are seats reserved for Scheduled Castes, Scheduled Tribes, backward classes and women.

The Chairmen of all the Panchayat Samitis form the members of Zilla Parishad. The Parishad is headed by a President and a Vice-President.

Functions

Provide essential services and facilities to the rural population and the planning and execution of the development programmes for the district.

Supply improved seeds to farmers. Inform them of new techniques of training. Undertake construction of small-scale irrigation projects and percolation tanks. Maintain pastures and grazing lands. Set up and run schools in villages. Execute programmes for adult literacy. Run libraries. Start Primary Health Centers and hospitals in villages. Start mobile hospitals for hamlets, vaccination drives against epidemics and family welfare campaigns.

Construct Bridges and Roads

Execute plans for the development of the scheduled castes and tribes. Run ashramshalas for adivasi children. Set up free hostels for scheduled caste students.

Encourage entrepreneurs to start small-scale industries like cottage industries, handicraft, agriculture produce processing mills, dairy farms, etc. implement rural employment schemes.

They construct roads, schools, & public properties. And they take care of the public properties.

They even supply work for the poor people. (tribes, scheduled caste, lower caste)

Role of Political Parties

As like any other democracy, political parties represent different sections among the Indian society and regions, and their core values play a major role in the politics of India.

Both the executive branch and the legislative branch of the government are run by the representatives of the political parties who have been elected through the elections.

Through the electoral process, the people of India choose which majority in the lower house, a government can be formed by that party or the coalition.

India has a multi-party system, where there are a number of national as well as regional parties. A regional party may gain a majority and rule a particular state.

If a party represents more than 4 states then such parties are considered as national parties. In the 61 years since India's independence, India has been ruled by the Indian National Congress (INC) for 48 of those years.

The party enjoyed a parliamentary majority barring two brief periods during the 1970s and late 1980s. This rule was interrupted between 1977 to 1980, when the Janata Party coalition won the election owing to public discontent with the controversial state of emergency declared by the then Prime Minister Indira Gandhi.

The Janata Dal won elections in 1989, but its government managed to hold on to power for only two years. Between 1996 and 1998, there was a period of political flux with the government being formed first by the right-wing nationalist Bharatiya Janata Party (BJP) followed by a left-leaning United Front coalition.

In 1998, the BJP formed the National Democratic Alliance with smaller regional parties, and became the first non-INC and coalition government to complete a full five-year term. The 2004 Indian elections saw the INC winning the largest number of seats to form a government leading the United Progressive Alliance, and supported by left-parties and those opposed to the BJP.

On 22 May 2004, Manmohan Singh was appointed the Prime Minister of India following the victory of the INC & the left front in the 2004 Lok Sabha election.

The UPA now rules India without the support of the left front. Previously, Atal Bihari Vajpayee had taken office in October 1999 after a general election in which a BJP-led coalition of 13 parties called the National Democratic Alliance emerged with a majority.

Formation of coalition governments reflects the transition in Indian politics away from the national parties toward smaller, more narrowly-based regional parties. Some regional parties, especially in South India, are deeply aligned to the ideologies of the region unlike the national parties and thus the relationship between the central government and the state government in various states has not always been free of rancor. Disparity between the ideologies of the political parties ruling the centre and the state leads to severely skewed allocation of resources between the states.

Parliament of India

The Parliament of India (or Sansad) is the federal and supreme legislative body of India. It consists of the office of President of India and two houses, the lower house, known as the Lok Sabha and the upper house, known as the Rajya Sabha.

It is located in New Delhi at Sansad Bhavan on Sansad Marg. Any bill can become an act only after it is passed by both the houses of the Parliament and assented by the President. The Central Hall of the Parliament is used for combined sittings of the lower and upper houses and is of historical significance.

Lok Sabha

The Lok Sabha (also titled the House of the People, by the Constitution) is the directly elected lower house of the Parliament of India. As of 2009 there have been fifteen Lok Sabhas elected by the people of India.

The Constitution limits the Lok Sabha to a maximum of 552 members, including no more than 20 members representing people from the Union Territories, and two members to represent the Anglo-Indian community (if the President feels that that community is not adequately represented). The current strength of the Lok Sabha has 545 members including the Speaker and two appointed members, if any.

Each Lok Sabha is formed for a five-year term, after which it is automatically dissolved, unless extended by a Proclamation of Emergency which may extend the term in one-year increments. The 15th Lok Sabha was formed in May 2009.

An exercise to redraw Lok Sabha constituencies' boundaries has been carried out by the Delimitation Commission based on the Indian census of 2001.

This exercise, which was supposed to be carried out after every census, was suspended in 1976 following a constitutional amendment to avoid adverse effects of the family planning program which was being implemented. Today, the Lok Sabha has its own TV channel, Lok Sabha TV, headquartered within the Parliament premises.

Membership Qualifications

Membership of the Lok Sabha requires that the person must be a citizen of India, aged 25 or over, mentally sound, should not be bankrupt and has no criminal procedures against him/her. For reserved seats one should be member of the scheduled castes and/or tribes.

The Lok Sabha shares legislative power with the Rajya Sabha, except in the area of Money Bills, in

which case the Lok Sabha has the ultimate authority. In the case of money bill it is only sent to the rajya sabha for recommendations and in the case of other related issues it is sent with a period of 14 working days.

If it is not returned in that span of time it is considered as passed. If conflicting legislation is enacted by the two Houses, a joint sitting is held to resolve the differences.

In such a session, the members of the Lok Sabha would generally prevail, since the Lok Sabha includes more than twice as many members as the Rajya Sabha.

Three sessions of Lok Sabha take place in a year

Budget session: February to May.

Monsoon session: July to September.

Winter session: November to December.

Powers, including the special powers of the Lok Sabha

The special powers of the Lok Sabha is the reason why the Lok Sabha is de facto and de jure more powerful than the Rajya Sabha.

Motions of no confidence against the government can only be introduced and passed in the Lok Sabha. If passed by a majority vote, the Prime Minister and the Council of Ministers resigns collectively. The Rajya Sabha has no power over such a motion, and hence no real power over the executive. However, the Prime Minister may threaten the dissolution of the Lok Sabha and recommend this to the President, forcing an untimely general election.

The President normally accepts this recommendation unless otherwise convinced that the Lok Sabha might recommend a new Prime Minister by a majority vote. Thus, both the executive and the legislature in India have checks and balances over each other.

Money bills can only be introduced in the Lok Sabha, and upon being passed, are sent to the Rajya Sabha, where it can be deliberated on for up to 14 days. If not rejected by the Rajya Sabha, or 14 days

lapse from the introduction of the bill in the Rajya Sabha without any action by the House, or recommendations made by the Rajya Sabha are not accepted by the Lok Sabha, the bill is considered passed.

The budget is presented in the Lok Sabha by the Finance Minister in the name of the President of India. In matters pertaining to non-financial (ordinary) bills, after the bill has been passed by the House where it was originally tabled (Lok Sabha or Rajya Sabha), it is sent to the other house, where it may be kept for a maximum period of 6 months. If the other House rejects the bill or a period of 6 months elapses without any action by that House, or the House that originally tabled the bill does not accept the recommendations made by the members of the other house, it results in a deadlock.

This is resolved by a joint session of both Houses, presided over by the Speaker of the Lok Sabha and decided by a simple majority. The will of the Lok Sabha normally prevails in these matters, as its strength is more than double that of the Rajya Sabha.

Equal Powers with the Rajya Sabha in initiating and passing any Bill for Constitutional Amendment (by a majority of the total membership of the House and at least two-thirds majority of the members present and voting).

Equal Powers with the Rajya Sabha in initiating and passing a motion for the impeachment of the President (by two-thirds of the membership of the House).

Equal Powers with the Rajya Sabha in initiating and passing a motion for the impeachment of the judges of the Supreme Court and the state High Courts (by a majority of the membership of the House and at least two-thirds majority of the members present and voting).

Equal Powers with the Rajya Sabha in initiating and passing a resolution declaring war or national

emergency (by two-thirds majority) or constitutional emergency (by simple majority) in a state. If the Lok Sabha is dissolved before or after the declaration of a National Emergency, the Rajya Sabha becomes the sole de facto and de jure Parliament. It cannot be dissolved. This is a limitation on the Lok Sabha.

Rajya Sabha

The Rajya Sabha (Council of States) is the upper house of the Parliament of India. Membership is limited to 250 members, 12 of whom are chosen by the President of India for their expertise in specific fields of art, literature, science, and social services. These members are known as nominated members.

The remainder of the body is elected by state and territorial legislatures. Terms of office are for six years, with one third of the members facing re-election every two years.

The Rajya Sabha meets in continuous session and, unlike the lower house of parliament, the Lok Sabha, is not subject to dissolution. The Rajya Sabha shares legislative powers with the Lok Sabha, except in the area of supply, where the Lok Sabha has overriding powers.

In the case of conflicting legislation, a joint sitting of the two houses is held. However, since the Lok Sabha has more than twice as many members than the Rajya Sabha, it holds de facto veto power in such joint sessions.

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. The Deputy Chairman of the Rajya Sabha, who is elected from amongst its members, takes care of the day-to-day matters of the house in the absence of the Chairman. The Rajya Sabha held its first sitting on 13 May 1952.

Qualifications Required to Become a Member

To become a member of the Rajya Sabha, a person must be a citizen of India, not less than 30 years of age. He or she should be mentally sound and should not be bankrupt. He or she must also declare in an affidavit to be free from criminal procedures. For reserved seats it is a requirement to be member of a scheduled caste or tribe, or both. One can also be appointed by the President of India.

Appointment

Members are elected by the Legislative Assembly of Each State. Like the Canadian Senate and German Bundesrat, seats in the Rajya Sabha take a middle course between proportional and equal representation: while large states have more seats than small states, small states still have disproportionately high representation.

Elections in within the state legislatures are held using single transferable votes with proportional representation.

Membership

Election: The members of the Rajya Sabha from each state are elected by the members of the Legislature (Legislative Assembly) or MPs of that state by means of proportional representation through the Single Transferable Vote System.

The representatives of the Union Territories are chosen in such manner as may be decided or prescribed by the Parliament from time to time.

Elected Members

There are 238 elected members, who represent the 28 states and 7 Union Territories, including the National Capital territory, New Delhi. Seats are allotted to them on the basis of their population. For example, Uttar Pradesh with a population of

nearly 200,000,000 is represented in the Rajya Sabha by 31 members, which is the largest.

However, representation in the Rajya Sabha still greatly favors the small states: although Goa, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura send only one member each to the Rajya Sabha, if Uttar Pradesh was represented in the Rajya Sabha at the same rate that the largest of these (Tripura), it would have 63 members, more than twice its current number.

Nominated Members

Under article 80 of the Constitution, out of the 250 members of the Council of States (Rajya Sabha), 12 are nominated by the President of India from amongst persons who have special knowledge or practical experience in the fields such as literature, science, art or social service.

Since its inception in 1952, 105 members have been nominated so far, for a term of 6-year each, and with an added provision that one-third of the members shall retire every two years.

President of India

The President of India or Rashtrapati is the head of state and first citizen of India, as well as the Supreme Commander of the Indian Armed Forces. The President is responsible for all the real work and from the courts' point of view, the President possesses all the power to get work done and keep busy.

In spite of Article 53 of Constitution even now stating the President can exercise his powers directly even then, with few exceptions, all of the authority vested in the President is in practice exercised by the Council of Ministers, headed by the Prime Minister.

The President is elected by the elected members of the Parliament of India (Lok Sabha and Rajya Sabha) as well as of the state legislatures (Vidhan Sabhas), and serves for a term of five years. In-

cumbents are permitted to stand for re-election. A formula is used to allocate votes so there is a balance between the population of each state and the number of votes assembly members from a state can cast, and to give an equal balance between State Assembly members and National Parliament members.

If no candidate receives a majority of votes there is a system by which losing candidates are eliminated from the contest and votes for them transferred to other candidates, until one gains a majority. The Vice-President is elected by a direct vote of all members (elected and nominated) of the Lok Sabha and Rajya Sabha.

The president of India resides in an estate in New Delhi known as the Rashtrapati Bhavan (which roughly translates as President's Abode). The presidential retreat is The Retreat in Chharabra, Shimla and Rashtrapati Nilayam (President's Place) in Hyderabad.

The 12th President of India is Her Excellency Pratibha Devisingh Patil, the first woman to serve in the office, who was sworn in on 25 July 2007. Qualifications required to become the President
A citizen of India who is of 35 years of age or above may be a Presidential candidate. The Presidential candidate should be qualified to become a member of the Lok Sabha and should not hold any office of profit under the government. Certain office-holders, however, are permitted to stand as Presidential candidates.

These are:

- » The current Vice President.
- » The Governor of any State.
- » A Minister of the Union or of any State.

In the event that the Vice President, a State Governor or a Minister is elected President, they are considered to have vacated their previous office on the date they begin serving as President.

Election of the President

Whenever the office becomes vacant, the new president is chosen by an electoral college consisting of the elected members of both houses of the Parliament and the elected members of the State Legislative Assemblies (Vidhan Sabha).

The election is held in accordance to the system of Proportional Representation by means of Single Transferable Vote method. The Voting takes place by secret ballot system. The manner of election of President is provided by Article 55.

Each elector casts a different number of votes. The general principle is that the total number of votes cast by Members of Parliament equals the total number of votes cast by State Legislators.

Also, legislators from larger states cast more votes than those from smaller states. Finally, the number of legislators in a state matters; if a state has few legislators, then each legislator has more votes; if a state has many legislators, then each legislator has fewer votes.

The actual calculation for votes cast by a particular state is calculated by dividing the state's population by 1000, which is divided again by the number of legislators from the State voting in the electoral college.

This number is the number of votes per legislator in a given state. For votes cast by those in Parliament, the total number of votes cast by all state legislators is divided by the number of members of both Houses of Parliament. This is the number of votes per member of either house of Parliament. In 2007, the President of India was elected indirectly by the members of the Indian Parliament and by the individual States' Legislative Assemblies.

Although Indian presidential elections involve actual voting by MPs and MLAs, they tend to vote for the candidate supported by their respective parties.

Hence the internal process for the election involved lobbying by parties for their respective candidates. UPA, the ruling coalition and NDA, the major opposition coalition hence hold the key to the nomination and support gathering.

Another key player in the final decision was the Left parties, which agreed to support the UPA candidate under certain conditions for nomination. Mayawati, the newly elected chief minister of Uttar Pradesh, the most populous state of India, was also said to be a significant factor in the final election.

Electoral College

The value of votes cast by elected members of the state legislative assemblies and both houses of parliament were decided as per the provisions of article 55(2) of the Constitution of India. The details of number of voters and votes for this presidential election are given below.

Presidential elections in India involve proportional representation from respective states. The number of votes assigned to a particular voter from a state assembly is decided as follows.

Total population of the state / Total number of elected members*1000
 Total Members of Parliament- Lok Sabha (543) + Rajya Sabha (233) = 776
 Value of each vote = $549474/776 = 708$
 Total value of votes of Parliament = 549408
 Total number of electors = MLAs + MPs = 4896
 Total number of votes = 1098882

Constitutional Role

Constitutional role of the Indian Constitution states "There shall be a President of India". Article 53(1) vests in the President the executive powers of the Union, which are exercised either directly or through subordinate officers in accordance with the Constitution.

Although the Constitution explicitly says that the president is the executive head of the state, real executive power is exercised by the Council of Ministers, headed by the Prime Minister. This is inferred from Article 74 of the Indian Constitution, providing for a council of ministers to aid and advise the President who shall, in exercise of his functions, act in accordance with such advice". However, the Article 74(2) bars all courts completely from assuming even an existence of such an advice. Therefore from the courts' point of view, the real executive power lies with the President. As far as President's decision and action are concerned no one can challenge such decision or action on the ground that it is not in accordance with the advice tendered by the Ministers or that it is based on no advice.

The president of India shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior-most Judge of the Supreme Court available, an oath or affirmation that he/she shall protect, preserve and defend the Constitution (Article 60).

Executive Powers

The Constitution vests in the President of India all the executive powers of the Central Government. The President appoints the Prime Minister the person most likely to command the support of the majority in the Lok Sabha (usually the leader of the majority party or coalition). The President then appoints the other members of the Council of Ministers, distributing portfolios to them on the advice of the Prime Minister.

The Council of Ministers remains in power during the 'pleasure' of the President. In practice, however, the Council of Ministers must retain the support of the Lok Sabha.

If a President were to dismiss the Council of Ministers on his or her own initiative, it might trigger a constitutional crisis. Thus, in practice, the Council of Ministers cannot be dismissed as long as it commands the support of a majority in the Lok Sabha.

The President is responsible for making a wide variety of appointments.

These include:

(Governors of States)

The Chief Justice, other judges of the Supreme Court and High Courts of India.

- » The Attorney General
- » The Controller and Auditor General
- » The Chief Election Commissioner and other Election Commissioners
- » The Chairman and other Members of the Union Public Service Commission
- » Ambassadors and High Commissioners to other countries.
- » The President also receives the credentials of Ambassadors and High Commissioners from other countries.

Commander in Chief of The Indian Armed Forces

The President of India can grant a pardon to or reduce the sentence of a convicted person for one time, particularly in cases involving punishment of death.

The decisions involving pardoning and other rights by the president are independent of the opinion of the Prime Minister or the Lok Sabha majority. In most other cases, however, the President exercises his or her executive powers on the advice of the Prime Minister.

Financial powers

Money bills can be introduced in the Parliament only on the prior recommendation of the President. He/she also causes to be laid before the Parliament the annual financial statement which is the Union Budget.

Further no demand for grant shall be made except on his recommendation. He/She can also make ad-

vances out of the Contingency Fund of India to meet any unforeseen expenditure. Moreover, he/she constitutes the Finance Commission every 5 years to recommend the distribution of taxes between the States and the Centre.

Judicial Powers

The president appoints the Chief Justice of the Union Judiciary and other judges on the advice of the Chief Justice. In practice, these judges are actually selected by the Union cabinet. The President dismisses the judges if and only if the two Houses of the Parliament pass resolutions to that effect by two-thirds majority of the members present.

If they consider a question of law or a matter of public importance has arisen they can ask for the advisory opinion of the Supreme Court. They may or may not accept that opinion.

He has the right to grant pardon. He can suspend, remit or commute the death sentence of any person.

He enjoys the judicial immunity: 1.No criminal proceedings can be initiated against him/her during his term in office. 2.He is not answerable for the exercise of his duties.

Legislative Powers

The President summons both houses of the Parliament and prorogues them. He or she can even dissolve the Lok Sabha. These powers are formal, and by convention, the President uses these powers according to the advice of the Council of Ministers headed by the Prime Minister.

They inaugurate the Parliament by addressing it after the general elections and also at the beginning of the first session each year. Their address on these occasions is generally meant to outline the new policies of the government.

A bill that the Parliament has passed, can become a law only after the President gives his/her assent

to it. The President can return a bill to the Parliament, if it is not a money bill, for reconsideration. However, if the Parliament sends it back to them for the second time, the President is obliged to assent to it.

When the Parliament is not in session and the government considers it necessary to have a law, then the President can promulgate ordinances. These ordinances are submitted to the Parliament at its next session. They remain valid for no more than six weeks from the date the Parliament is convened unless approved by it earlier.

Diplomatic Powers

All international treaties and agreements are negotiated and concluded on behalf of the President. However, in practice, such negotiations are usually carried out by the Prime Minister along with his Cabinet (especially the Foreign Minister).

Also, such treaties are subject to the approval of the Parliament. The President represents India in international forums and affairs where such a function is chiefly ceremonial. The President may also send and receive diplomats like Ambassadors and High Commissioners.

Military Powers

The President is the supreme commander of the defence forces of India, in this capacity the president can appoint Army, Navy & Air Chiefs. The President can declare war or conclude peace, subject to the approval of parliament only under the decision of the Council of Ministers.

Emergency Powers

The President can declare three types of emergencies: national, state and financial.

National Emergency

National emergency is caused by war, external aggression or armed rebellion in the whole of India

or a part of its territory. Such an emergency was declared in India in 1962 (Indo-China war), 1971 (Indo-Pakistan war), 1975 to 1977 (declared by Indira Gandhi on account of "internal disturbance").

Under Article 352 of the India Constitution the President can declare such an emergency only on the basis of a written request by the Council of Ministers headed by the Prime Minister. Such a proclamation must be approved by the Parliament within one month.

Such an emergency can be imposed for six months. It can be extended by six months by repeated parliamentary approval, up to a maximum of 3 Years. In such an emergency, Fundamental Rights of Indian citizens can be suspended. The six freedoms under Right to Freedom are automatically suspended. However, the Right to Life and Personal Liberty cannot be suspended.

The Parliament can make laws on the 66 subjects of the State List (which contains subjects on which the state governments can make laws). Also, all money bills are referred to the Parliament for its approval. The term of the Lok Sabha can be extended by a period of up to one year, but not so as to extend the term of Parliament beyond six months after the end of the declared emergency.

State Emergency

State emergency, also known as President's rule, is declared due to breakdown of constitutional machinery in a state.

If the President is satisfied, on the basis of the report of the Governor of the concerned state or from other sources that the governance in a state cannot be carried out according to the provisions in the Constitution, he/she can declare a state of emergency in the state. Such an emergency must be approved by the Parliament within a period of six months.

Under Article 356 of the Indian Constitution, it can be imposed from six months to a maximum period of three years with repeated parliamentary approval

every six months. If the emergency needs to be extended for more than three years, this can be achieved by a constitutional amendment, as has happened in Punjab and Jammu and Kashmir.

During such an emergency, the President can take over the entire work of the executive, and the Governor administers the state in the name of the President. The Legislative Assembly can be dissolved or may remain in suspended animation. The Parliament makes laws on the 66 subjects of the state list. All money bills have to be referred to the Parliament for approval.

On 19 January 2009, President's rule was imposed on the Indian State of Jharkhand making it the latest state where this kind of emergency has been imposed.

A State Emergency can be imposed via the following:

- » By Article 356:-If that state failed to run constitutionally i.e. constitutional machinery has failed
- » By Article 365:-If that state is not working according to the given direction of the Union Government.

This type of emergency needs the approval of the parliament within 2 months. This type of emergency can last up to a maximum of 3 years via extensions after each 6 month period. However, after one year it can be extended only if :

- » A state of National Emergency has been declared in the country or in the particular state.
- » The Election Commission finds it difficult to organize an election in that state.

Financial Emergency

If the President is satisfied that there is an economic situation in which the financial stability or credit of India is threatened, he/she can proclaim financial emergency as per the Constitutional Article 360. Such an emergency must be approved by the Parliament within two months.

It has never been declared. On a previous occasion, the financial stability or credit of India has indeed been threatened, but a financial emergency was avoided through the selling off of India's gold reserves.

A state of financial emergency remains in force indefinitely until revoked by the President.

In case of a financial emergency, the President can reduce the salaries of all government officials, including judges of the Supreme Court and High Courts.

All money bills are passed by the State legislatures are submitted to the President for his approval. They can direct the state to observe certain principles (economy measures) relating to financial matters.

Important Presidential Interventions

The President's role as defender of the Constitution, and their powers as Head of State, especially in relation to those exercised by the Prime Minister as leader of the government, have changed over time.

In particular, Presidents have made a number of interventions into government and lawmaking, which have established and challenged some conventions concerning Presidential intervention. Some of the more noteworthy are documented here.

In 1979, the then Prime Minister, Charan Singh, did not enjoy a Parliamentary majority. He responded to this by simply not advising the President to summon Parliament. Since then, Presidents have been more diligent in directing incoming Prime Ministers to convene Parliament and prove their majority within reasonable deadlines (2–3 weeks). In the interim period, the Prime Ministers are generally restrained from making policy decisions.

The constitution gives the President the power to return a bill unsigned but it circumscribes the power to send it back only once for reconsideration.

If the Parliament sends back the bill with or without changes, the President is duty bound to sign it. Since the nineties, Parliamentary elections have generally not resulted in a single party or group of parties having a distinct majority.

In such cases, Presidents have used their discretion and directed Prime Ministerial aspirants to establish their credentials before being invited to form the government. Typically, the aspirants have been asked to produce letters from various party leaders, with the signatures of all the MPs who are pledging support to their candidature.

This is in addition to the requirement that a Prime Minister prove he has the support of the Lok Sabha (by a vote on the floor of the House) within weeks of being sworn in to office.

In the late nineties, President Narayanan introduced the important practice of explaining to the nation (by means of Rashtrapati Bhavan communiqués) the thinking that led to the various decisions he took while exercising his discretionary powers; this has led to openness and transparency in the functioning of the President.

In mid-2006, President A. P. J. Abdul Kalam sent back a controversial bill regarding enlarging the scope of the offices of profit, which disqualify a person from being a member of parliament. The opposition combine, the NDA, hailed the move. The UPA chose to send the bill back to the president without any changes, and after 30 days Kalam gave the assent.

Removal of the President

The President may be removed before the expiry of his/her term through impeachment. A President can be removed for violation of the Constitution.

The process may start in either of the two houses of the Parliament. The house initiates the process by leveling the charges against the President. The charges are contained in a notice, which has to be signed by at least one quarter of the total members of that house. The notice is sent up to the President and 14 days later, it is taken up for consideration.

A resolution to impeach the President has to be passed by a two-third majority of the total members of the originating house. It is then sent to the other house. The other house investigates the charges that have been made.

During this process, the President has the right to defend himself/herself through an authorised counsel. If the second house also approves the charges made by two-third majority again, the President stands impeached and is deemed to have vacated his/her office from the date when such a resolution stands passed.

Other than impeachment, no other penalty can be given to the President for the violation of the Constitution. No President has faced impeachment proceedings. Hence, the above provisions have never been tested.

Succession

In the event of a vacancy created for the President's post due to death, resignation, removal, etc., Article 65 of the Indian Constitution says that the Vice President will have to discharge his duties. The Vice President reverts to his office when a new President is elected and enters upon his office.

When the President is unable to act owing to his absence, illness or any other cause, the Vice President discharges the President's functions for a temporary period until the President resumes his duties.

When the Vice President acts as, or discharges the functions of the President, he has all the powers

and immunities of the President and is entitled to the same emoluments as the President.

Parliament has by an enactment made provision for the discharge of the functions of the President when vacancies occur in the offices of the President and of the Vice President simultaneously, owing to removal, death, resignation of the incumbent or otherwise.

In such an eventuality, the Chief Justice, or in his absence, the senior most Judge of the Supreme Court of India available discharges the functions of the President until a newly elected President enters upon his office or a newly elected Vice President begins to act as President under Article 65 of the Constitution, whichever is the earlier.

Prime Minister of India

The Prime Minister of India is the head of government of the Republic of India, and head of the Council of Ministers, appointed by the President to assist the latter in the administration of the affairs of the executive in India.

The Prime Minister is responsible for bringing proposal of legislations. The Prime Minister is appointed by the President, and recognized as leader of the majority party in the two Houses of the Parliament of India.

Constitutional framework and position of Prime Minister: The Constitution envisages a scheme of affairs in which the President of India is the head of the executive in terms of Article 53 with office of the Prime Minister as heading the Council of Ministers to assist and advise the President in the discharge of the executive power. To quote, Article 53 and 74 provide as under;

The executive powers of the Union shall be vested in the President and shall be exercised either directly or through subordinate officers, in accordance with the Constitution.

Article 53 (1), Constitution of India: There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.

Article 74(1), Constitution of India: Unlike most parliamentary democracies where the Head of State's duties are only ceremonial, the Prime Minister of India is the head of government and has joint responsibility for executive power alongwith the President of India.

With India following a parliamentary system of government the Prime Minister is generally the leader of a party (or coalition of parties) that has a majority in the Lok Sabha, the lower house of the Parliament of India. The Prime Minister either has to be a current member of one of the houses of Parliament, or be elected within six months of being appointed.

Role of the Prime Minister

The Prime Minister, alongwith the President of India leads the functioning and exercise of authority of the Government of India. They are invited by the President as leader of the majority party in the Parliament of India to form a government at the federal level (known as Central or Union Government in India) and exercise its powers.

In practice the Prime Minister nominates the members of their Council of Ministers to the President. They also work upon to decide a core group of Ministers (known as the Cabinet) as in-charge of the important functions and ministries of the Government of India.

The Prime Minister is responsible for aiding and advising the President in distribution of work of the Government to various ministries and offices and in terms of the Government of India (Allocation of Business) Rules, 1961.

The co-ordinating work is generally allocated to the Cabinet Secretariat which in turn acts as a nodal

agency for the functioning of the various Ministries. While generally the work of the Government is divided into various Ministries, the Prime Minister may retain certain portfolios.

The Prime Minister, in consultation with the Cabinet, schedules and attends the sessions of the Houses of Parliament and is required to answer the question from the Members of Parliament to them as the in-charge of the portfolios in the capacity as Prime Minister of India.

The Prime Minister is also the ex officio Chairman of the Planning Commission of India. They also appoint the Deputy Chairman of the Commission, who is responsible for the functioning of the Commission and reports to the Prime Minister.

The Prime Minister represents the country in various delegations, high level meetings and international organizations that require the attendance of the highest government office and also addresses to the nation on various issues of national or other importance.

They also have exclusive jurisdiction over disposal of two national funds, (i) the PM's National Relief Fund, and (ii) the PM's National Defence Fund, which they use at their discretion attain the objectives behind the establishment of these funds.

Deputy Prime Minister of India

The Deputy Prime Minister of India is a member of the Indian cabinet in the Indian government. The post is not a constitutional post and seldom carries any specific powers. Generally a Deputy PM also holds other key portfolios like Home minister or Finance Minister.

Though the Indian Constitution does not specify the position and with the Prime Minister himself being treated as "first among equals" in the cabinet, the position of DPM is sometimes used by governments to bring political stability and strength by including a powerful individual, or in times of national emergency, when a proper chain of command is necessary.

The first Deputy Prime Minister was Sardar Vallabhbhai Patel. The last person to hold this post was Lal Krishna Advani of the previous government. The current government does not have a Deputy Prime Minister.

The Deputy Prime Minister in reality has no power except chairing the Cabinet meetings in the absence of the PM. Only if the PM is taken ill seriously, incapacitated or in the event of his death, does the DPM take the same level of responsibility.

Supreme Court of India

The Supreme Court of India is the highest court of the land as established by Part V, Chapter IV of the Constitution of India. According to the Constitution of India, the role of the Supreme Court is that of a federal court, guardian of the Constitution and the highest court of appeal.

Articles 124 to 147 of the Constitution of India lay down the composition and jurisdiction of the Supreme Court of India. Primarily, it is an appellate court which takes up appeals against judgments of the High Courts of the states and territories.

But it also takes writ petitions in cases of serious human rights violations or if a case involves a serious issue that needs immediate resolution. The Supreme Court of India had its inaugural sitting on January 28, 1950, and since then has delivered more than 24,000 reported judgments.

Constitution of the Court

On January 28, 1950, two days after India became a sovereign democratic republic, the Supreme Court came into being. The inauguration took place in the Chamber of Princes in the Parliament building.

The Chamber of Princes had earlier been the seat of the Federal Court of India for 12 years, between 1937 and 1950, and was the seat of the Supreme

Court until the Supreme Court acquired its present premises in 1958.

After its inauguration on January 28, 1950, the Supreme Court commenced its sittings in the Chamber of Princes in the Parliament House. The Court moved into the present building in 1958. The Supreme Court Bar Association is the bar of the highest court. The current president of the SCBA is Mr. P.H. Parekh.

Composition

The original Constitution of India (1950) provided for a Supreme Court with a Chief Justice and 7 lower-ranking Judges leaving it to Parliament to increase this number. In the early years, a full bench of the Supreme Court sat together to hear the cases presented before them.

As the work of the Court increased and cases began to accumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978, 26 in 1986 and 31 in 2008.

As the number of the Judges has increased, they sit in smaller Benches of two and three (referred to as a Division Bench) coming together in larger Benches of 5 and more only when required (referred to as a Constitutional Bench) to do so or to settle a difference of opinion or controversy. Any bench may refer the case up to a larger bench if the need to do so arises.

The Supreme Court of India comprises the Chief Justice of India and not more than 30 other Judges appointed by the President of India. However, the President must appoint judges in consultation with the Supreme Court and appointments are generally made on the basis of seniority and not political preference.

Supreme Court Judges retire upon attaining the age of 65 years. In order to be appointed as a Judge of the Supreme Court, a person must be a citizen of India and must have been, for at least five years,

a Judge of a High Court or of two or more such Courts in succession, or an Advocate of a High Court or of two or more such Courts in succession for at least 10 years, or the person must be, in the opinion of the President, a distinguished jurist. Provisions exist for the appointment of a Judge of a High Court as an ad-hoc Judge of the Supreme Court and for retired Judges of the Supreme Court or High Courts to sit and act as Judges of that Court.

The Supreme Court has always maintained a wide regional representation. It also has had a good share of Judges belonging to religious and ethnic minorities. The first woman to be appointed to the Supreme Court was Justice Fatima Beevi in 1987. She was later followed by Justices Sujata Manohar and Ruma Pal.

Justice K. G. Balakrishnan in 2000 became the first judge from the dalit community. In 2007 he also became the first dalit Chief Justice of India. Justices B. P. Jeevan Reddy and A. R. Lakshmanan were appointed Chairmen of the Law Commission of India, unusually because neither of them served as Chief Justice.

Jurisdiction

The Supreme Court has original, appellate and advisory jurisdiction.

Original Jurisdiction

It has exclusive original jurisdiction over any dispute between the Government of India and one or more States or between the Government of India and any State or States on one side and one or more States on the other or between two or more States, if and insofar as the dispute involves any question (whether of law or of fact) on which the existence or extent of a legal right depends.

In addition, Article 32 of the Constitution grants an extensive original jurisdiction to the Supreme Court in regard to enforcement of Fundamental Rights. It is empowered to issue directions, orders or writs, including writs in the nature of habeas

corpus, mandamus, prohibition, quo warranto and certiorari to enforce them.

Appellate Jurisdiction

The appellate jurisdiction of the Supreme Court can be invoked by a certificate granted by the High Court concerned under Articles 132(1), 133(1) or 134 of the Constitution in respect of any judgement, decree or final order of a High Court in both civil and criminal cases, involving substantial questions of law as to the interpretation of the Constitution.

The Supreme Court can also grant special leave to appeal from a judgement or order of any non-military Indian court. Parliament has the power to enlarge the appellate jurisdiction of the Supreme Court and has exercised this power in case of criminal appeals by enacting the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970.

Appeals also lie to the Supreme Court in civil matters if the High Court concerned certifies : (a) that the case involves a substantial question of law of general importance, and (b) that, in the opinion of the High Court, the said question needs to be decided by the Supreme Court.

In criminal cases, an appeal lies to the Supreme Court if the High Court (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to imprisonment for life or for a period of not less than 10 years, or (b) has withdrawn for trial before itself any case from any Court subordinate to its authority and has in such trial convicted the accused and sentenced him to death or to imprisonment for life or for a period of not less than 10 years, or (c) certified that the case is a fit one for appeal to the Supreme Court. Parliament is authorised to confer on the Supreme Court any further powers to entertain and hear appeals from any judgement, final order or sentence in a criminal proceeding of a High Court.

Advisory jurisdiction

The Supreme Court has special advisory jurisdiction in matters which may specifically be referred to it by the President of India under Article 143 of the Constitution.

Judicial independence

The Constitution seeks to ensure the independence of Supreme Court Judges in various ways. Judges are generally appointed on the basis of seniority and not on political preference. A Judge of the Supreme Court cannot be removed from office except by an order of the President passed after an address in each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of members present and voting, and presented to the President in the same Session for such removal on the ground of proved misbehaviour or incapacity. The salary and allowances of a judge of the Supreme Court cannot be reduced after appointment. A person who has been a Judge of the Supreme Court is debarred from practising in any court of law or before any other authority in India.

Powers to Punish Contempt

Under Articles 129 and 142 of the Constitution the Supreme Court has been vested with power to punish anyone for contempt of any law court in India including itself.

The Supreme Court performed an unprecedented action when it directed a sitting Minister of the state of Maharashtra, Swaroop Singh Naik, to be jailed for 1 month on a charge of contempt of court on May 12 2006. This was the first time that a serving Minister was ever jailed.

Other Laws Deemed Unconstitutional

On February 1, 1970, the Supreme Court invalidated the government-sponsored Bank National-

ization Bill that had been passed by Parliament in August 1969.

The Supreme Court also rejected as unconstitutional a presidential order of September 7, 1970, that abolished the titles, privileges, and privy purses of the former rulers of India's old princely states.

Response From Parliament

In reaction to the decisions of the Supreme Court, in 1971 the Parliament of India passed an amendment empowering itself to amend any provision of the constitution, including the fundamental rights.

The Parliament of India passed the 25th Amendment, making legislative decisions concerning proper land compensation non-justiciable. The Parliament of India passed an amendment to the Constitution of India, which added a constitutional article abolishing princely privileges and privy purses.

Counter-Response from The Supreme Court

The Court ruled that the basic structure of the constitution cannot be altered for convenience. On April 24, 1973, the Supreme Court responded to the parliamentary offensive by ruling in *Kesavananda Bharati v. The State of Kerala* that although these amendments were constitutional, the court still reserved for itself the discretion to reject any constitutional amendments passed by Parliament by declaring that the amendments cannot change the constitution's "basic structure", a decision piloted through by Chief Justice Sikri.

Emergency and Government of India

The independence of judiciary was severely curtailed on account of powerful central government ruled by Indian National Congress. This was dur-

ing the Indian Emergency (1975-1977) of Indira Gandhi.

The constitutional rights of imprisoned persons were restricted under Preventive detention laws passed by the parliament. In the case of *Shiva Kant Shukla Additional District Magistrate of Jabalpur v. Shiv Kant Shukla*, popularly known as the *Habeas Corpus* case, a bench of five seniormost judges of Supreme court ruled in favour of state's right for unrestricted powers of detention during emergency. Justices A.N. Ray, P. N. Bhagwati, Y. V. Chandrachud, and M.H. Beg, stated in the majority decision:

(under the declaration of emergency) no person has any locus to move any writ petition under Art. 226 before a High Court for habeas corpus or any other writ or order or direction to challenge the legality of an order of detention.

The only dissenting opinion was from Justice H. R. Khanna, who stated: Detention without trial is an anathema to all those who love personal liberty... A dissent is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possible correct the error into which the dissenting Judge believes the court to have been betrayed.

It is believed that before delivering his dissenting opinion, Justice Khanna had mentioned to his sister: I have prepared my judgment, which is going to cost me the Chief Justice-ship of India."

When the central Government is to recommend one of Supreme court Judges for the post of Chief Justice in January 1977, Justice Khanna was superseded despite being the most senior judge at the time and thereby Government broke the convention of appointing only the senior most judge to the position of Chief Justice of India. In fact, it was felt that the other judges may have gone along for this very reason. Justice Khanna remains a legendary figure among the legal fraternity in India for this decision.

The New York Times, wrote of this opinion: "The submission of an independent judiciary to absolutist government is virtually the last step in the destruction of a democratic society; and the Indian Supreme Court's decision appears close to utter surrender."

During the emergency period, the government also passed the 39th amendment, which sought to limit judicial review for the election of the Prime Minister; only a body constituted by Parliament could review this election.

The court tamely agreed with this curtailment (1975), despite the earlier Keshavanand decision. Subsequently, the parliament, with most opposition members in jail during the emergency, passed the 42nd amendment which prevented any court from reviewing any amendment to the constitution with the exception of procedural issues concerning ratification.

A few years after the emergency, however, the Supreme court rejected the absoluteness of the 42nd amendment and reaffirmed its power of judicial review in the *Minerva Mills* case (1980). As a final act during the emergency, in what Justice V. R. Krishna Iyer has called "a stab on the independence of the High Court", judges were moved helter-skelter across the country, in concurrence with Chief Justice Beg.

Social Issues

(Corruption in India)

As with many developing nations, corruption is widespread in India. India is ranked 84 out of a 180 countries in Transparency International's Corruption Perceptions Index, although its score has improved consistently from 2.7 in 2002 to 3.4 in 2008 (Although this may be due to the change in polling that the survey has undergone). Corruption has taken the role of a pervasive aspect of Indian politics and bureaucracy.

The economy of India was under socialist-inspired policies for an entire generation from the 1950s

until the 1980s. The economy was subject to extensive regulation, protectionism, and public ownership, leading to pervasive corruption and slow growth. License Raj was often at the core of corruption.

The Vohra Report was submitted by the former Indian Union Home Secretary, N.N. Vohra, in October 1993. It studied the problem of the criminalisation of politics and of the nexus among criminals, politicians and bureaucrats in India. The report contained several observations made by official agencies on the criminal network which was virtually running a parallel government. It also discussed criminal gangs who enjoyed the patronage of politicians, of all parties, and the protection of government functionaries.

It revealed that political leaders had become the leaders of gangs. They were connected to the military. Over the years criminals had been elected to local bodies, State Assemblies and Parliament. The unpublished annexures to the Vohra Report were believed to contain highly explosive material. According to Jitendra Singh, "in the bad old days, particularly pre-1991, when the License Raj held sway, and by design, all kinds of free market mechanisms were hobbled or stymied, and corruption emerged almost as an illegitimate price mechanism, a shadowy quasi-market, such that scarce resources could still be allocated within the economy, and decisions could get made.

These were largely distortions created by the politico-economic regime. While a sea change has occurred in the years following 1991, some of the distorted cultural norms that took hold during the earlier period are slowly being repaired by the sheer forces of competition.

The process will be long and slow, however. It will not change overnight." One of the major problems and obstacles to development that many developing countries face is corruption by greedy, power-hungry politicians, which is endemic in certain parts of the world.

(Corruption Across Various States of India)

As per Transparency International India, "India Corruption Study 2005", Kerala is the least corrupt State in India. Bihar, on the other hand, is the most corrupt State. Jammu & Kashmir ranks next to Bihar. Himachal Pradesh followed by Gujarat are ranked second and third respectively after Kerala.

This study was carried across eleven public services. Kerala was found least corrupt in all these services. Himachal Pradesh was found less corrupt. In Gujarat services such as education, judiciary and land administration was ranked as more corrupt compared to other states. However in other services, Gujarat ranked better.

Some people in India strongly believe that the root of corruption lies at the higher levels, and that the major conspirators have to be punished first.

Politics

Criminalization of Indian politics is a problem. In July 2008 The Washington Post reported that nearly a fourth of the 540 Indian Parliament members faced criminal charges, "including human trafficking, immigration rackets, embezzlement, rape and even murder". At state level, things are often worse. In Uttar Pradesh Assembly elections 2002, candidates with criminal records won the majority of seats.

Bureaucracy

A 2005 study done by Transparency International (TI) in India found that more than 50% of the people had firsthand experience of paying bribe or peddling influence to get a job done in a public office. Taxes and bribes are common between state borders; Transparency International estimates that truckers pay annually \$5 billion in bribes.

A 2009 survey of the leading economies of Asia, revealed Indian bureaucracy to be not just least

efficient out of Singapore, Hong Kong, Thailand, South Korea, Japan, Malaysia, Taiwan, Vietnam, China, Philippines and Indonesia; further it was also found that working with the India's civil servants was a "slow and painful" process.

Officials often steal state property. In Bihar, more than 80% of the subsidized food aid to poor is stolen.

In cities and villages throughout India, Mafia Raj consisting of municipal and other government officials, elected politicians, judicial officers, real estate developers and law enforcement officials, acquire, develop and sell land in illegal ways. Many state-funded construction activities in India, such as road building, are dominated by construction mafias, which are groupings of corrupt public works officials, materials suppliers, politicians and construction contractors. Shoddy construction and material substitution (e.g. mixing sand in cement while submitting expenses for cement) result in roads and highways being dangerous, and sometimes simply washed away when India's heavy monsoon season arrives.

In Government Hospitals, corruption is associated with non availability of medicines (or duplicate medicines), getting admission, consultations with doctors and availing diagnostic services.

Judiciary

Corruption is rampant in the judicial system of India. According to Transparency International, judicial corruption in India is attributable to factors such as "delays in the disposal of cases, shortage of judges and complex procedures, all of which are exacerbated by a preponderance of new laws".

Police

Despite state prohibitions against torture and custodial misconduct by the police, torture is widespread in police custody, which is a major reason behind deaths in custody. The police often torture

innocent people until a 'confession' is obtained to save influential and wealthy offenders. G.P. Joshi, the programme coordinator of the Indian branch of the Commonwealth Human Rights Initiative in New Delhi comments that the main issue at hand concerning police violence is a lack of accountability of the police.

Religious Institutions

In India, the corruption has also crept into religious institutions. Some members of the Church are making money by selling Baptism certificates. A group of church leaders and activists has launched a campaign to combat the corruption within churches.

Among Indian Muslims, the recent "cash for fatwas scandal" was a major affair that exposed the Imams of the Islamic ulama accepting bribes for issuing random, often nonsensical fatwas.

The chief economic consequences of corruption are the loss to the , an unhealthy climate for investment and an increase in the cost of government-subsidised services.

The TI India study estimates the monetary value of petty corruption in 11 basic services provided by the government, like education, healthcare, judiciary, police, etc., to be around Rs.21,068 crores.

India still ranks in the bottom quartile of developing nations in terms of the ease of doing business, and compared to China and other lower developed Asian nations, the average time taken to secure the clearances for a startup or to invoke bankruptcy is much greater.

According to Transparency International, Bihar is the most corrupt state in India. Magazine said in 2004 that Bihar has become a byword for the worst of India, of widespread and inescapable poverty, of corrupt politicians indistinguishable from mafias they patronize, caste-ridden social order that has retained the worst feudal cruelties.

Anti-corruption efforts (Right to information Act)

The Right to Information Act (2005) and equivalent acts in the states, that require government officials to furnish information requested by citizens or face punitive action, computerisation of services and various central and state government acts that established vigilance commissions have considerably reduced corruption or at least have opened up avenues to redress grievances. The 2006 report by Transparency International puts India at the 70th place and states that significant improvements were made by India in reducing corruption. Computerization

Bhoomi is a project jointly funded by the Government of India and the Government of Karnataka to digitize the paper land records and create a software mechanism to control changes to the land registry in Karnataka. The project was designed to eliminate the long-standing problem of inefficiency and corruption.

Socio-Economic issues in India

Since India's Independence in 1947, country has faced several social and economic issues.

Religious violence

Constitutionally India is a secular state, but large-scale violence have periodically occurred in India since independence. In recent decades, communal tensions and religion-based politics have become more prominent, coinciding with a rise in Islamic terrorism.

Although India is generally known for religious pluralism, the Hindutva ideology propagates that India belongs to the Hindus, and the Christians and the Muslims are "aliens", and many proponents of this ideology portray violence against Muslims and Christians as a form of "self-defence" against "invaders".

The Hindutva ideology is at the core of Sangh Parivar politics and its expression in violence against religious minority. Throughout the history of post-Independence India, both Muslim and Christian communities have faced repeated attacks from Hindu activists.

As the Hindutva ideology has grown more powerful over the years, many Hindutva activists have partaken in riots against minority communities. Over the last decade, religious violence in India has increasingly become what academics believe to be organized pogroms to eliminate minority communities.

Some state governments in India have been accused of not effectively prosecuting those who attack religious minorities. Major religious violent incidents include Ayodhya debate, Bombay Riots, 1993 Bombay bombings, 2002 Gujarat violence.

Although related, Hinduism and Hindutva are different. Hinduism is a religion while Hindutva is a political ideology. The Hindutva movement is not supported by majority of Hindus. Some tolerant or "secular" Hindus use the term "Hindu Taliban" to describe the supporters of the Hindutva movement. Fukuoka Asian Culture Prize-winning Indian sociologist and cultural and political critic Ashis Nandy argued "Hindutva will be the end of Hinduism."

In Jammu and Kashmir, Since March 1990, estimates of between 250,000 to 300,000 pandits have migrated outside Kashmir due to persecution by Islamic fundamentalists in the largest case of ethnic cleansing since the partition of India.

The proportion of Kashmiri Pandits in the Kashmir valley has declined from about 15% in 1947 to, by some estimates, less than 0.1% since the insurgency in Kashmir took on a religious and sectarian flavor. Many Kashmiri Pandits have been killed by Islamist terrorists in incidents such as the Wandhama massacre and the 2000 Amarnath pilgrimage massacre.

In recent years, there has been a sharp increase in violent attacks on Christians in India, often perpetrated by Hindu Nationalists. The acts of violence include arson of churches, re-conversion of Christians to Hinduism, distribution of threatening literature, burning of Bibles, raping of nuns, murder of Christian priests and destruction of Christian schools, colleges, and cemeteries. The Sangh Parivar and related organisations have stated that the violence is an expression of "spontaneous anger" of "vanvasis" against "forcible conversion" activities undertaken by missionaries, a claim described as "absurd" and rejected by scholars.

Between 1964 and 1996, thirty-eight incidents of violence against Christians were reported. In 1997, twenty-four such incidents were reported. In 2007 and 2008 there was a further flare up of tensions in Orissa, the first following the Christians' putting up a Pandhal in land traditionally used by Hindus and the second after the unprovoked murder of a Hindu Guru and four of his disciples while observing Janmashtami puja. This was followed by an attack on a 150-year-old church in Madhya Pradesh, and more attacks in Karnataka.

Naxalism

Naxalism is an informal name given to communist groups that were born out of the Sino-Soviet split in the Indian communist movement. Ideologically they belong to various trends of Maoism. Initially the movement had its centre in West Bengal.

In recent years, they have spread into less developed areas of rural central and eastern India, such as Chattisgarh and Andhra Pradesh through the activities of underground groups like the Communist Party of India (Maoist). The CPI (Maoist) and some other Naxal factions are considered terrorists by the Government of India and various state governments in India.

Caste related violence

Caste-related violence and hate crimes in India have occurred despite the gradual reduction of

casteism in the country. Independent India has witnessed considerable amount of violence and hate crimes motivated by caste.

Ranvir Sena, a caste-supremacist fringe paramilitary group based in Bihar, has committed violent acts against Dalits and other members of the scheduled caste community. Phoolan Devi, who belonged to Mallah lower-caste, was mistreated and raped by upper-caste Thakurs at a young age. She then became a bandit and carried out violent robberies against upper-caste people.

In 1981, her gang massacred twenty-two Thakurs, most of whom were not involved in her kidnapping or rape. Phoolan Devi went on to become a politician and Member of Parliament.

Over the years, various incidents of violence against Dalits, such as Kherlanji Massacre have been reported from many parts of India. At the same time, many violent protests by Dalits, such as the 2006 Dalit protests in Maharashtra, have been reported as well.

The Mandal Commission was established in 1979 to "identify the socially or educationally backward", and to consider the question of seat reservations and quotas for people to redress caste discrimination. In 1980, the commission's report affirmed the affirmative action practice under Indian law whereby members of lower castes were given exclusive access to a certain portion of government jobs and slots in public universities.

When V. P. Singh Government tried to implement the recommendations of Mandal Commission in 1989, massive protests were held in the country. Many alleged that the politicians were trying to cash in on caste-based reservations for purely pragmatic electoral purposes.

In 1990s, many parties Bahujan Samaj Party (BSP), the Samajwadi Party and the Janata Dal started claiming that they are representing the backward castes. Many such parties, relying primarily on Backward Classes' support, often in alliance with Dalits and Muslims, rose to power in Indian states.

At the same time, many Dalit leaders and intellectuals started realizing that the main Dalit oppressors were so-called Other Backward Classes, and formed their own parties, such as the Indian Justice Party. The Congress (I) in Maharashtra long relied on OBCs' backing for its political success. Bharatiya Janata Party has also showcased its Dalit and OBC leaders to prove that it is not an upper-caste party.

Bangaru Laxman, the former BJP president (2001–2002) was a former Dalit. Sanyasin Uma Bharati, former CM of Madhya Pradesh, who belongs to OBC caste, was a former BJP leader. In 2006 Arjun Singh cabinet minister for MHRD of the UPA government was accused of playing caste politics when he introduced reservations for OBCs in educational institutions all around.

Press Freedom

According to the estimates of Reporters Without Borders, India ranks 120th worldwide in press freedom index (press freedom index for India is 39.33 for 2007).

The Indian Constitution, while not mentioning the word "press", provides for "the right to freedom of speech and expression" (Article 19(1) a). However this right is subject to restrictions under subclause (2), whereby this freedom can be restricted for reasons of "sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt of court, defamation, or incitement to an offence".

Laws such as the Official Secrets Act and Prevention of Terrorism Act (PoTA) have been used to limit press freedom. Under PoTA, person could be detained for up to six months for being in contact with a terrorist or terrorist group. PoTA was repealed in 2006, but the Official Secrets Act 1923 continues.

LGBT Rights

Homosexuality is criminalised in India by interpretations of the ambiguous Section 377 of the Indian Penal Code (IPC). The punishment ranges from ten years to lifelong imprisonment. The law has been used to harass HIV/AIDS prevention efforts, as well as sex workers, men who have sex with men, and other groups at risk of the disease. Scott Long, director of Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch sent a letter to Indian Prime Minister Manmohan Singh regarding the arrests of 4 men in 2006 in Lucknow and another 4 in 2001. However, in most areas of India, this law is very rarely enforced.

The People's Union for Civil Liberties has published two reports of the rights violations faced by sexual minorities and, in particular, transsexuals (hijras and kothis) in India. Indian state of Tamil Nadu has made significant effort in integrating transgenders into the mainstream society.

Overpopulation

India suffers from the problem of overpopulation. Though India ranks second in population, it ranks 33 in terms of population density below countries such as The Netherlands, South Korea and Japan. To cure this problem, Indira Gandhi, Prime Minister of India, had implemented a forced sterilization programme in the early 1970s but failed. Officially, men with two children or more had to submit to sterilization, but many unmarried young men, political opponents and ignorant, poor men were also believed to have been sterilized.

This program is still remembered and criticized in India, and is blamed for creating a wrong public aversion to family planning, which hampered Government programmes for decades. It is believed that family planning was also hampered due to Indian people's infatuation for more and more children. Rather than having a small and happy family, people of almost all religions in India (regardless

of whether they are educated or not) try to produce more and more children, and this infatuation for children puts burden on them as well as the whole nation, financially as well as otherwise.

Poverty

One-third of India's population lives below the poverty line and India is home to one-third of the world's poor people.

Though the middle class has gained from recent positive economic developments, India suffers from substantial poverty. According to the new World Bank's estimates on poverty based on 2005 data, India has 456 million people, 41.6% of its population, living below the new international poverty line of \$1.25 (PPP) per day.

The World Bank further estimates that 33% of the global poor now reside in India. Moreover, India also has 828 million people, or 75.6% of the population living below \$2 a day, compared to 72.2% for Sub-Saharan Africa.

Wealth distribution in India is fairly uneven, with the top 10% of income groups earning 33% of the income. Despite significant economic progress, 1/4 of the nation's population earns less than the government-specified poverty threshold of \$0.40/day. Official figures estimate that 27.5% of Indians lived below the national poverty line in 2004-2005.

A 2007 report by the state-run National Commission for Enterprises in the Unorganised Sector (NCEUS) found that 25% of Indians, or 236 million people, lived on less than 20 rupees per day with most working in "informal labour sector with no job or social security, living in abject poverty.