

KOTHARI INSTITUTE



— PARLIAMENT OF INDIA —



सत्यमेव जयते

INDIAN CONSTITUTION

Contents

Unit	Subject	Page. No.
UNIT-1	Indian Constitution In the Context of Unity in Diversity of India	4
UNIT-2	Social Justice	5
UNIT-3	What is Government	6
UNIT-4	Key Elements of a Democratic Government	8
UNIT-5	Panchayati Raj	11
UNIT-6	Rural Administration	13
UNIT-7	Urban Administration	15
UNIT-8	Equality in Indian Democracy	16
UNIT-9	How the State Government Works	18
UNIT-10	Media and democracy	21
UNIT-11	Indian Constitution	23
UNIT-12	Secularism	29
UNIT-13	Parliament and The Making of Laws	31
UNIT-14	Understanding Laws	34
UNIT-15	Judiciary	36
UNIT-16	Our Criminal Justice System	39
UNIT-17	Social Justice	41
UNIT-18	Public Facilities and Constitution	44
UNIT-19	Law and Social Justice	48

PREFACE

The union Public service Commission (U.P.S.C) has created the below curriculum for the selection of civil servants, which will help them to develop a advance mindset.

The curriculum can be understood into two ways :-

4 Pillars (External)	2 Pillars (Internal)
1. History Ability	1. Reasoning Skills & Analytical
2. Polity	2. Ethics & Integrity
3. Geography	
4. Economics	

Polity included in the syllabus means two forms of constitution & of administration.

A Civil Servant Should understand the constitution called the commertance of the country because here the refereance to the rights of Man's action, from basic duty and fundamental rights to the highest civilian, The President base tells us about their uses, their importance their works & their/ powers. The country based on the structure of the constitution.

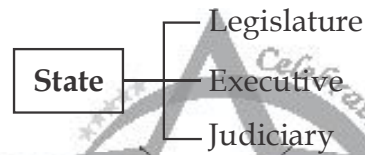
Another form of polity, introduces the civil servant to the methods of Administration, Ethics etc. Which helps him to awaken a sense of social brotherhood among the society. It can be said that "The best administration provides the right direction to the country." It is therefore an important subject in the curriculum.

Thus, the main features/topics of the syllabus are discribed here which will help a civil servant in realizing his role & will easily achieve the goal of -"Self Building to Nation Building"!

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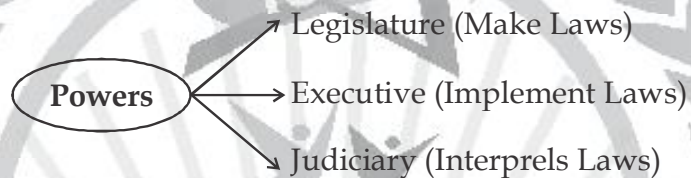
Polity Mind Maps

Organs of State



- Also known as "Three Pillars of democracy"
- Fourth Pillar of Democracy is = Press

Separation of Powers



Concept Famously Articulated by the French Philosophers Montesquieu "Sprit of Laws", 1748

Parliamentary Form of Democracy in India.



Federalism In India

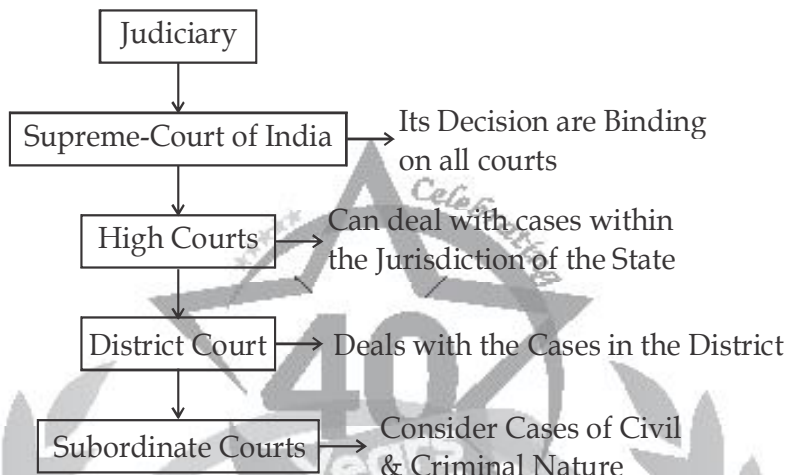


- | | |
|---------------------|---------------------|
| ● Union Executive | ● State Executive |
| ● Union Legislature | ● State Legislature |

Note : Only Executive and Legislature is Federal, Judiciary is Integrated

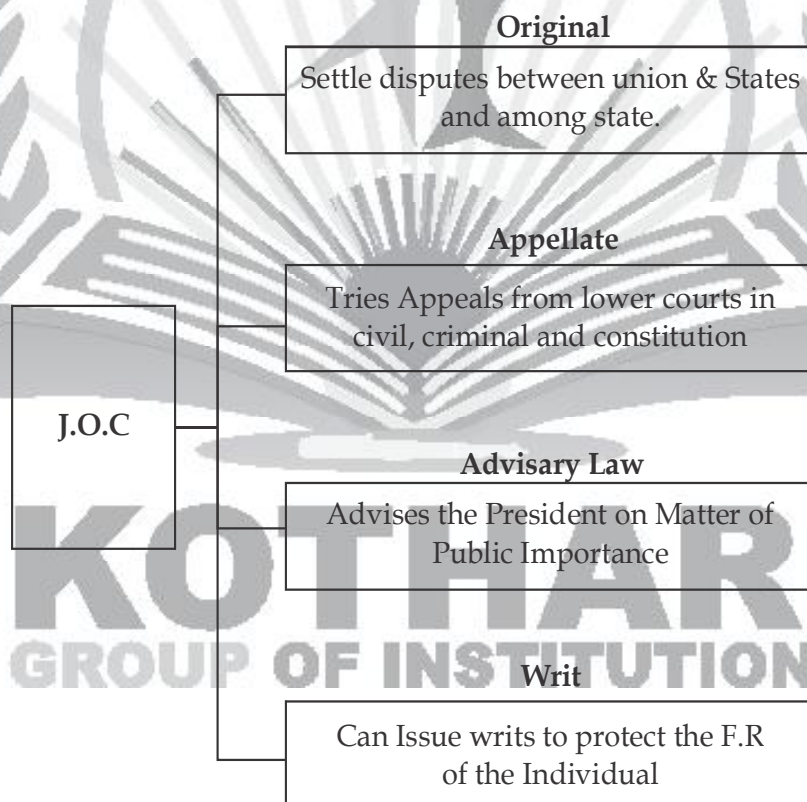
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Structure of Indian



In the sub-ordinate courts, the Munsif deals with civil courts cases, while the magistrate, hears with the criminal cases.

Jurisdiction of Courts



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THE CONSTITUTION OF INDIA PREAMBLE

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

JUSTICE, Social, Economic and Political :

LIBERTY of thought, expression, belief, faith and worship :

EQUALITY of status and of opportunity : and to promote among them all

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation] :

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

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UNIT-1 : Indian Constitution In the Context of Unity in Diversity of India

India's diversity has always been recognised as a source of its strength. When the British ruled India, women and men from different cultural, religious and regional backgrounds came together to oppose them. India's freedom movement had thousands of people of different backgrounds in it. They worked together to decide joint actions, they went to jail together, and they found different ways to oppose the British. Interestingly the British thought they could divide Indians because they were so different, and then continue to rule them. But the people showed how they could be different and yet be united in their battle against the British.

Don't forget the days of blood, O friend In the midst of your happiness remember to shed a tear for us

The hunter has torn away every single flower

Do plant a flower in the desert garden dear friend

Having fallen to bullets we slept in Jallianwala Bagh

Do light a lamp on this lonely grave O friend

The blood of Hindus and Muslims flows together today

Do soak your robe in this river of blood dear friend

Some rot in jails while others lie in their graves

Do shed a few tears for them O friend.

Indian People's Theatre Association (IPTA)

This song was sung after the Jallianwala Bagh massacre in Amritsar in which a British general opened fire on a large group of unarmed, peaceful people killing many and wounding even more. Men and women, Hindus, Sikhs and Muslims, rich and poor had gathered to protest against the British. This song was composed and sung to honour the memory of those brave people.

Songs and symbols that emerged during the freedom struggle serve as a constant reminder of our country's rich tradition of respect for diversity. Do you know the story of the Indian flag? It was used as a symbol of protest against the British by people everywhere.

In his book *The Discovery of India* Jawaharlal Nehru says that Indian unity is not something imposed from the outside but rather, "It was something deeper and within its fold, the widest tolerance of belief and custom was practised and every variety acknowledged and even encouraged." It was Nehru, who coined the phrase, "unity in diversity" to describe the country.

There are 11 fundamental duties of Indian citizens are described in the constitution of India.

Article 51 describe in detail about the fundamental duties of Indian citizen.

India's national anthem, composed by Rabindranath Tagore, is another expression of the unity of India. In what way does the national anthem describe this unity?



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UNIT-2 : Social Justice**Striving for Equality and Indian Constitution**

The struggle for freedom from British rule also included within it the struggle of large groups of people who not only fought against the British but also fought to be treated more equally. Dalits, women, tribals and peasants fought against the inequalities they experienced in their lives.

As pointed out earlier, many Dalits organised themselves to gain entry into temples. Women demanded that they should have as much a right to education as men did. Peasants and tribals fought to release themselves from the grasp of the moneylender and the high interest they were charged.

When India became a nation in 1947 our leaders too were concerned about the different kinds of inequalities that existed. Those who wrote the Constitution of India, a document that laid out the rules by which the nation would function, were aware of the ways in which as a crime and has been legally abolished by law. People are free to choose the kind of work they wish to do. Government jobs are open to all people. In addition, the Constitution also placed responsibility on the government to take specific steps to realise this right to equality for poor and other such marginal communities. The writers of the Constitution also said that respect for diversity was a significant element in ensuring equality. They felt that people must have the freedom to follow their religion, speak their language, celebrate their festivals and express themselves freely. They said that no one language, religion or festival should become compulsory for all to follow. They said that the government must treat all religions equally.



Some of the members who wrote the Constitution of India.

Therefore, India became a secular country where people of different religions and faiths have discrimination had been practised in our society and how people had struggled against this.

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UNIT-3 : What is Government

Every country needs a government to make decisions and get things done. These can be decisions about where to build roads and schools, or how to reduce the price of onions when they get too expensive or ways to increase the supply of electricity. The government also takes action on many social issues, for example it has several programmes to help the poor. It does other important things such as running postal and railway services.

The government also has the job of protecting the boundaries of the country and maintaining peaceful relations with other countries. It is responsible for ensuring that all its citizens have enough to eat and have good health facilities. When there are natural disasters like the tsunami or an earthquake it is the government that mainly organises aid and assistance for the affected people. If there is a dispute or if someone has committed a crime you find people in a court. Courts are also part of the government.



Some examples of institutions that are part of the government:
The Supreme Court, The Indian Railways and Bharat Petroleum.



Perhaps you are wondering how governments manage to do all this. And why it is necessary for them to do so. When human beings live and work together, there needs to be some amount of organisation so that decisions can be made.

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Some rules have to be made that apply to everyone. For example, there is a need to control resources and protect the territory of a country, so people can feel secure. Governments do this on behalf of their people by exercising leadership, taking decisions and implementing these among all the people living in their territory.

Levels of Government

Now that you know that the government is responsible for so many different things, can you think of how it manages to do all this? The government works at different levels: at the local level, at the level of the state and at the national level. The local level means in your village, town or locality, the state level would mean that which covers an entire state like Haryana or Assam and the national level relates to the entire country.

Laws and the Government

The government makes laws and everyone who lives in the country has to follow these. This is the only way governments can function. Just like the government has the power to make decisions, similarly it has the power to enforce its decisions. For example, there is a law that says that all persons driving a motor vehicle must have a licence. Any person caught driving a vehicle without a licence can either be jailed or fined a large sum of money.

Types of Government

Who gives the government this power to make decisions and enforce laws?

The answer to this question depends on the type of government there is in a country. In a democracy it is the people who give the government this power. They do this through elections in which they vote for particular persons and elect them. Once elected, these persons form the government. In a democracy the government has to explain its actions and defend its decisions to the people.

Another form of government is monarchy. The monarch (king or queen) has the power to make decisions and run the government. The monarch may have a small group of people to discuss matters with, but the final decision-making power remains with the monarch. Unlike in a democracy, kings and queens do not have to explain their actions or defend the decisions they take.

Democratic Governments

You now know that the main feature of a democracy is that the people have the power to elect their leaders. So in a sense a democracy is rule by the people. The basic idea is that people rule themselves by participating in the making of these rules.

Democratic governments in our times are usually referred to as representative democracies. In representative democracies people do not participate directly but, instead, choose their representatives through an election process. These representatives meet and make decisions for the entire population. These days a government cannot call itself democratic unless it allows what is known as universal adult franchise. This means that all adults in the country are allowed to vote.

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UNIT-4 : Key Elements of a Democratic Government

Let us now try to understand what a democratic government means to all of us.

PARTICIPATION

Why do we have regular elections?

People make the decisions in a democracy. Through voting in elections people elect leaders to represent them. These representatives take decisions on behalf of the people. In doing so it is assumed that they will keep in mind the voices and interests of the people.

All governments are elected for fixed periods. In India this period is five years. Once elected, governments can stay in power only for that period. If they want to continue to be in power then they have to be re-elected by the people. This is a moment when people can sense their power in a democracy. In this way the power of the government gets limited by regular elections.

Other ways of participating

Elections are usually held once in five years. Besides voting there are other ways of participating in the process of government. People participate by taking an interest in the working of the government and by criticising it when required. In August 2005, when a particular government increased the money people had to pay for electricity, people expressed their disapproval very sharply. They took out rallies and also organised a signature campaign. The government tried to explain and defend its decision but finally listened to the people's opinion and withdrew the increase. The government had to change its decision because it is responsible to the people.

There are many ways in which people express their views and make governments understand what actions they should take. These include dharnas, rallies, strikes, signature campaigns etc. Things that are unfair and unjust are also brought forward.

What approval or disapproval is being expressed here?



Not bad! One of the taps in the nearby village must be getting water!

Letters to the editor**Ban posters**

POSTERS ON walls spoil the city's looks. Further, many times posters are pasted on important sign boards and even road maps. All political parties should arrive at a consensus on banning posters on walls.

MAHESH KAPASI
Delhi

Take Action

It is worrying to know that the tiger population in India is falling. Tigers are being hunted and killed by poachers for their skins. The government has not taken the issue of poaching seriously enough. It must take action immediately, arrest the poachers and implement the laws protecting the tiger. If this does not happen the tiger will become an extinct animal in the next ten years.

Sohan Pal
Guwahati, Assam

Newspapers, magazines and TV also play a role in discussing government issues and responsibilities.

While it is true that a democracy allows people to participate, it is also true that not all sections of people are actually able to do so. Another way for people to participate is by organising themselves into social movements that seek to challenge the government and its functioning. Members of the minority community, dalits, adivasis, women and others are often able to participate in this manner.

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If a country's people are alert and interested in how the country is run, the democratic character of the government of that country will be stronger.

So the next time we see a rally winding through the streets of our cities and towns or villages we should pause to find out what the rally is about, who is participating in it, and what they are protesting about. This will help to give us a sense of how our government works.

Need To Resolve Conflict

Conflicts can often lead to violence and death because one group decides that it is all right to use force to prevent the other group from protesting.

Conflicts occur when people of different cultures, religions, regions or economic backgrounds do not get along with each other, or when some among them feel they are being discriminated against. People may use violent means to settle their differences. This leads to fear and tension among others living in an area. The government is responsible for helping to resolve conflicts.

Let's read about some of the conflicts in our society and the role of the government in resolving them.

The Indian Constitution lays down the basic rules or laws that have to be followed by everyone. These laws are for both the government and the people. Conflicts and differences have to be resolved according to these laws.

Religious processions and celebrations can sometimes lead to conflicts. For example, the route a procession takes may lead to a conflict. The government, particularly the police, play an important role in getting representatives of concerned communities to meet and try and arrive at a solution. At times there is fear that violence may erupt, with people throwing stones or trying to disrupt the procession. The police is responsible for ensuring that violence does not take place.

Rivers too can become a source of conflict between states. A river may begin in one state, flow through another and end in a third. The sharing of river water between different states that the river goes through is becoming an issue of conflict. For example, you may have heard about the Cauvery water dispute between Karnataka and Tamil Nadu. The water stored in Krishnasagar dam in Karnataka is used for irrigating a number of districts and for meeting the needs of the city of Bangalore. The water stored in Mettur dam in Tamil Nadu is used for crops grown in the delta region of that state.

A conflict arises because both dams are on the same river. The downstream dam in Tamil Nadu can only be filled up if water is released from the upstream one located in Karnataka. Therefore, both states can't get as much water as they need for people in their states. This leads to conflict. The central government has to step in and see that a fair distribution is worked out for both states.

Equality and Justice

One of the key ideas of a democratic government is its commitment to equality and justice. Equality and justice are inseparable.

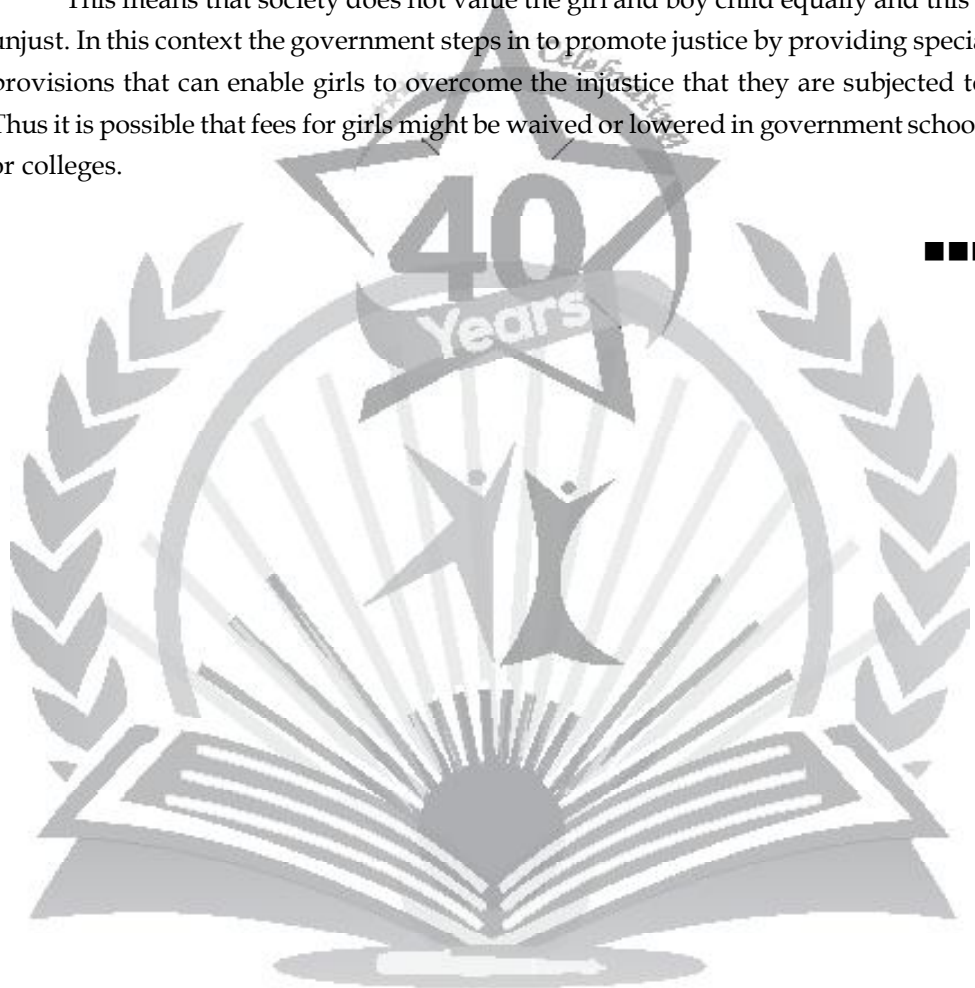
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The earlier practice of untouchability is now banned by law. This group of people were denied education, transport or medical facilities and even the chance to offer prayers. Such practices must not continue and that justice can only be achieved when people are treated equally.

The government also recognises this and makes special provisions for groups within society that are unequal. For instance, in our society there is a general tendency to value and care for the boy child more than the girl child.

This means that society does not value the girl and boy child equally and this is unjust. In this context the government steps in to promote justice by providing special provisions that can enable girls to overcome the injustice that they are subjected to. Thus it is possible that fees for girls might be waived or lowered in government schools or colleges.

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KOTHARI
GROUP OF INSTITUTIONS

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UNIT-5 : Panchayati Raj

What happens after people elect their representatives? How are decisions made? Let's look at how this takes place in rural areas. Here, we look at the Gram Sabha, which is a meeting where people directly participate and seek answers from their elected representatives.

The Gram Sabha is a meeting of all adults who live in the area covered by a Panchayat. This could be only one village or a few villages. In some states, a village meeting is held for each village. Anyone who is 18 years old or more and who has the right to vote is a member of the Gram Sabha.

Every village Panchayat is divided into wards, i.e. smaller areas. Each ward elects a representative who is known as the Ward Member (Panch). All the members of the Gram Sabha also elect a Sarpanch who is the Panchayat President. The Ward Panchs and the Sarpanch form the Gram Panchayat. The Gram Panchayat is elected for five years.

The Gram Panchayat has a Secretary who is also the Secretary of the Gram Sabha. This person is not an elected person but is appointed by the government. The Secretary is responsible for calling the meeting of the Gram Sabha and Gram Panchayat and keeping a record of the proceedings.

The Gram Sabha is a key factor in making the Gram Panchayat play its role and be responsible. It is the place where all plans for the work of the Gram Panchayat are placed before the people.

The Gram Sabha prevents the Panchayat from doing wrong things like misusing money or favouring certain people. It plays an important role in keeping an eye on the elected representatives and in making them responsible to the persons who elected them.

The Gram Panchayat

The Gram Panchayat meets regularly and one of its main tasks is to implement development programmes for all villages that come under it. The work of the Gram Panchayat has to be approved by the Gram Sabha.

In some states, Gram Sabhas form committees like construction and development committees. These committees include some members of the Gram Sabha and some from the Gram Panchayat who work together to carry out specific tasks.

The work of a Gram Panchayat includes

1. The construction and maintenance of water sources, roads, drainage, school buildings and other common property resources.
2. Levying and collecting local taxes.
3. Executing government schemes related to generating employment in the village.

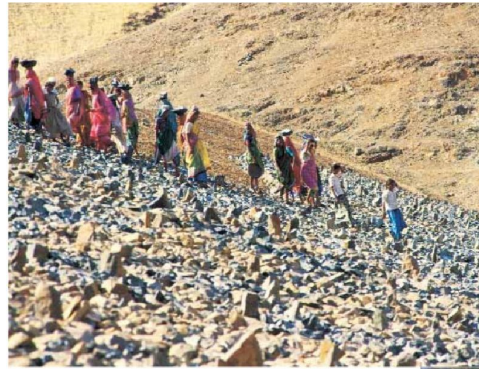


Two village Panchs from Maharashtra who were awarded the Nirmal Gram Puruskar in 2005 for the excellent work done by them in the Panchayat.

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Sources of funds for the Panchayat

- Collection of taxes on houses, market places etc.
- Government scheme funds received through various departments of the government – through the Janpad and Zila Panchayats.
- Donations for community works etc.



Watershed management has transformed this barren slope to a green meadow in just two years.

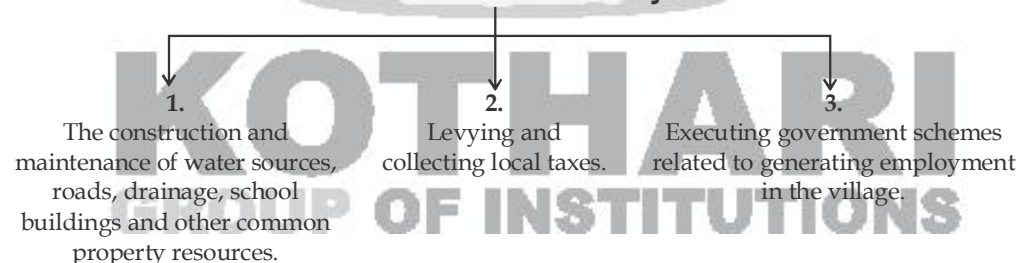
**Three Levels of Panchayats**

The Panchayati Raj System is a process through which people participate in their own government. The Panchayati Raj system is the first tier or level of democratic government. The Panchs and the Gram Panchayat are answerable to the Gram Sabha because it is the members of the Gram Sabha who elected them.

This idea of people's participation in the Panchayati Raj system extends to two other levels. One is the Block level, which is called the Janpad Panchayat or the Panchayat Samiti. The Panchayat Samiti has many Gram Panchayats under it. Above the Panchayat Samiti is the District Panchayat or the Zila Parishad. The Zila Parishad actually makes developmental plans at the district level. With the help of Panchayat Samitis, it also regulates the money distribution among all the Gram Panchayats.

Within the guidelines given in the Constitution each state in the country has its own laws with regard to Panchayats. The idea is to provide more and more space for people to participate and raise their voices.

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Work of a Gram Panchayat

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UNIT-6 : Rural Administration

There are more than six lakh villages in India. Taking care of their needs for water, electricity, road connections, is not a small task. In addition to this, land records have to be maintained and conflicts too need to be dealt with. A large machinery is in place to deal with all this. In this chapter we will look at the work of two rural administrative officers with some detail.

Area of the Police Station

Every police station has an area that comes under its control. All persons in that area can report cases or inform the police about any theft, accident, injury, fight, etc. It is the responsibility of the police of that station to enquire, to investigate and take action on the cases within its area.

Maintenance of Land Records

Isn't there a way by which they could have settled this dispute in a peaceful manner? Are there records that show who owns what land in the village? Let's find out how this is done.

Measuring land and keeping land records is the main work of the Patwari. The Patwari is known by different names in different states - in some villages such officers are called Lekhpal, in others Kanungo or Karamchari or Village Officer etc. We will refer to this officer as Patwari. Each Patwari is responsible for a group of villages. The Patwari maintains and updates the records of the village.

The map and the corresponding details from the register are a small part of the records kept by the Patwari.

The Patwari usually has ways of measuring agricultural fields. In some places a long chain is used.

The Patwari is also responsible for organising the collection of land revenue from the farmers and providing information to the government about the crops grown in this area. This is done from the records that are kept, and this is why it's important for the Patwari to regularly update these. Farmers may change the crops grown on their fields or someone may dig a well somewhere, and keeping track of all this is the work of the revenue department of the government. Senior people in this department supervise the Patwari's work.

All states in India are divided into districts. For managing matters relating to land these districts are further sub-divided. These subdivisions of a district are known by different names such as tehsil, taluka, etc. At the head is the District Collector and under her are the revenue officers, also known as tehsildars. They have to hear disputes. They also supervise the work of the Patwaris and ensure that records are properly kept and land revenue is collected. They make sure that the farmers can easily obtain a copy of their record, students can obtain their caste certificates etc. The Tehsildar's office is where land disputes are also heard.

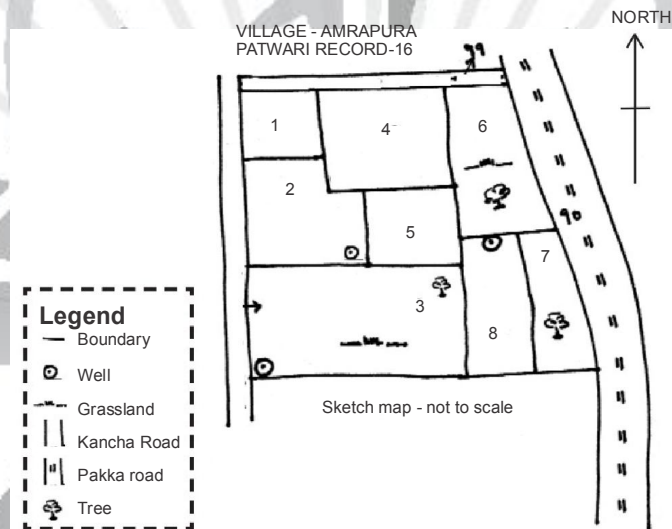
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The Khasra record of the Patwari gives you information regarding the map given below. It identifies which plot of land is owned by whom.

Khasra 5

No.	Area in hectare	Name of owner, Father or husband's name, address	If it is rented to some other farmer, their name and rent received	Area cultivated this year			Area not cultivated fallow land	Facilities
				Crop grown	Area	Second crop grown		
1	2	3	4	5	6	7	8	
1.	0.75	Mohan, Son of Raja Ram, Village Amrapura owner	No	Soya-bean	0.75 Hectare			
2.	3.00	Raghu Ram, Son of Ratan Lall, Village Amrapura owner	No	Soy-abeen, Wheat, Irrigated	2.75		0.25	Well-1 Working
3.	6.00	Madhya Pradesh Government Grassland	No	-				Well-1 working Grazing

- Who owns the land south of Mohan's field?
- Mark the common boundary between Mohan's and Raghu's lands.
- Who can use field no 3?
- What information can one get for field no 2 and field no 3?



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UNIT-7 : Urban Administration

A city is much bigger than a village and more spread out. A city has crowded markets, many buses and cars, water and electricity facilities, traffic control and hospitals. Have you ever wondered who is responsible for running all this? Do you know how decisions are made? How the planning is done? Who are the people who do all the work? Read this chapter and find some answers.

There is a big organisation called the Municipal Corporation that takes care of street lights, garbage collection, water supply, keeping the streets and the market clean."

The Municipal Corporation is also responsible for ensuring that diseases do not break out in the city. It also runs schools, hospitals and dispensaries and makes gardens and maintains them,"

In smaller towns it is called a Municipal Council."

Cities are usually quite large so the Municipal Corporation has to make a lot of decisions as well as do a lot of work to keep the city clean. The decisions like where a park or a new hospital should go are usually made by the Ward Councillors."

The city is divided into different wards and ward councillors get elected. The complicated decisions that affect the entire city are taken by groups of councillors who form committees to decide and debate issues. For example, if bus stands need to be improved, or a crowded market-place needs to have its garbage cleared more regularly, or there is a 'nala' or drain that cuts through the city that needs cleaning etc. It is these committees for water, garbage collection, street lighting etc. that decide on the work to be done. When the problems are within a ward then the people who live in the ward can contact their councillors. For example, if there are dangerous electrical wires hanging down then the local Councillor can help them get in touch with the electricity authority. While the Councillor's Committees and the councillors decide on issues, the Commissioner and the administrative staff implement these. The Commissioner and the administrative staff are appointed. Councillors are elected.

"Well, all of the Ward Councillors meet and they make a budget and the money is spent according to this. The Ward Councillors try and ensure that the particular demands of their wards are placed before the entire council. These decisions are then implemented by the administrative staff,"

How does the Municipal Corporation get its money?

Providing and running so many services requires a lot of money. The Municipal Corporation collects this in different ways. A tax is a sum of money that people pay to the government for the services the government provides. People who own homes have to pay a property tax as well as taxes for water and other services. The larger the house the more the tax. Property taxes however form only 25-30 per cent of the money that a Municipal Corporation earns.

There are also taxes for education and other amenities. If you own a hotel or shop then you have to pay a tax for this as well. Also the next time you go to see a movie look carefully at your ticket because you pay a tax for this as well. Thus while rich people account for property taxes, a much wider population pays more general taxes.

The work in the city is divided into different departments. So there is the water department, the garbage collection department, a department to look after gardens, another to look after roads.

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UNIT-8 : Equality in Indian Democracy

The Indian **Constitution** recognises every person as equal. This means that every individual in the country, including male and female persons from all castes, religions, tribes, educational and economic backgrounds are recognised as equal. This is not to say that inequality ceases to exist. It doesn't. But atleast, in democratic India, the principle of the equality of all persons is recognised. While earlier no law existed to protect people from discrimination and ill-treatment, now there are several that work to see that people are treated with dignity and as equals.

This recognition of equality includes some of the following provisions in the Constitution: first that every person is equal before the law. What this means is that every person, from the President of the country to Janta, a domestic worker, has to obey the same laws. Second, no person can be discriminated against on the basis of their religion, race, caste, place of birth or whether they are female or male. Third, every person has access to all public places including playgrounds, hotels, shops and markets. All persons can use publicly available wells, roads and bathing ghats. Fourth, untouchability has been abolished.



The Parliament is the cornerstone of our democracy and we are represented in it through our elected representatives.

The two ways in which the government has tried to implement the equality that is guaranteed in the Constitution is first through laws and second through government programmes or schemes to help disadvantaged communities. There are several laws in India that protect every person's right to be treated equally. In addition to laws, the government has also set up several schemes to improve the lives of communities and individuals who have been treated unequally for several centuries. These schemes are to ensure greater opportunity for people who have not had this in the past.

One of the steps taken by the government includes the midday meal scheme. This refers to the programme introduced in all government elementary schools to provide children with cooked lunch. Tamil Nadu was the first state in India to introduce this scheme, and in 2001, the Supreme Court asked all state governments to begin this programme in their schools within six months. This programme has had many positive effects. These include the fact that more poor children have begun enrolling and regularly attending school. Teachers reported that earlier children would often go home for lunch and then not return to school but now with the midday meal being provided in school, their attendance has improved. Their mothers, who earlier had to interrupt their work to feed their children at home during the day, now no longer need to do so. This programme has also helped reduce caste prejudices because both lower and upper caste children in the school eat this meal together, and in quite a few

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places, Dalit women have been employed to cook the meal. The midday meal programme also helps reduce the hunger of poor students who often come to school and cannot concentrate because their stomachs are empty.

While government programmes play an important role in increasing equality of opportunity, there is much that still needs to be done. While the midday meal programme has helped increase the enrolment and attendance of poor children in school, there continues to be big differences in our country between schools that the rich attend and those that the poor attend. Even today there are several schools in the country in which Dalit children, like Omprakash Valmiki, are discriminated against and treated unequally. These children are forced into unequal situations in which their dignity is not respected. This is because people refuse to think of them as equal even though the law requires it.

One of the main reasons for this is that attitudes change very slowly. Even though persons are aware that discrimination is against the law, they continue to treat people unequally on the basis of their caste, religion, disability, economic status and because they are women. It is only when people begin to believe that no one is inferior, and that every person deserves to be treated with dignity, that present attitudes can change. Establishing equality in a democratic society is a continuous struggle and one in which individuals as well as various communities in India contribute to

Challenge of democracy

No country can be described as being completely democratic. There are always communities and individuals trying to expand the idea of democracy and push for a greater recognition of equality on existing as well as new issues. Central to this is the struggle for the recognition of all persons as equal and for their dignity to be maintained. In this book you will read about how this issue of equality affects various aspects of our daily lives in democratic India. As you read these chapters, think about whether the equality of all persons and their being able to maintain their dignity is upheld.

Important Terms

Universal adult franchise : This is a very important aspect of democratic societies. It means that all adult (those who are 18 and above) citizens have the right to vote irrespective of their social or economic backgrounds.

Dignity : This refers to thinking of oneself and other persons as worthy of respect.

Constitution: This is a document that lays down the basic rules and regulations for people and the government in the country to follow.

Civil Rights Movement : A movement that began in USA in 1950s in which African-American people demanded equal rights and an end to racial discrimination.



KOTHARI
GROUP OF INSTITUTIONS

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UNIT-9 : How the State Government Works

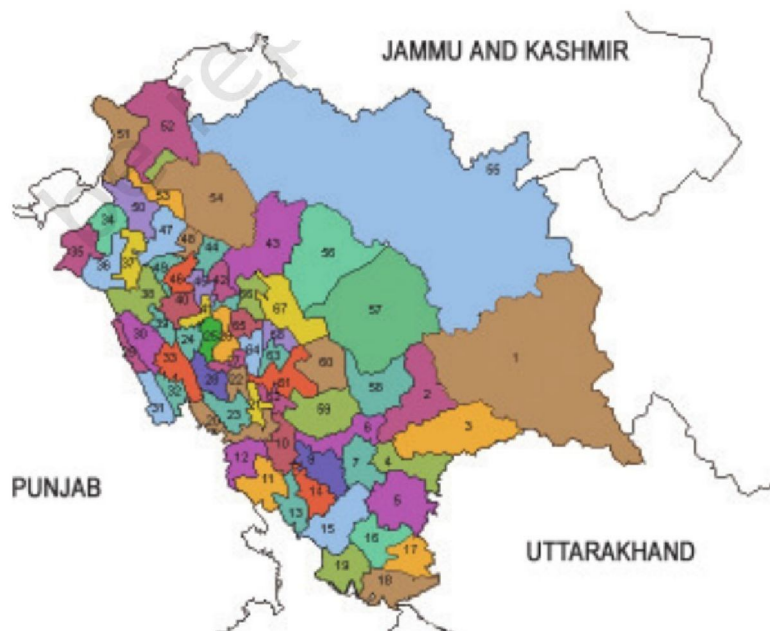
Government works at three levels – local, state and national. In this chapter, we examine the work of the government at the state level. How does this take place in a democracy? What is the role of a Member of the Legislative Assembly (MLA) and Ministers? How do people express their views or demand action from government?

Who is an MLA?

Members of the Legislative Assembly (MLAs) are elected by the people. They then become members of the legislative assembly and also form the government. In this way we say that the MLAs represent people.

Every state in India has a Legislative Assembly. Each state is divided into different areas or constituencies. For example, look at the map below. It shows that the state of Himachal Pradesh is divided into 68 assembly constituencies. From each constituency, the people elect one representative who then becomes a Member of the Legislative Assembly (MLA). You would have noticed that people stand for elections in the name of different parties. These MLAs, therefore, belong to different political parties.

How do people who are MLAs become ministers or chief minister? A political party whose MLAs have won more than half the number of constituencies in a state can be said to be in a majority. The political party that has the majority is called the ruling party and all other members are called the opposition. For example, the Legislative Assembly of the state of Himachal Pradesh has 68 MLA constituencies.

**Results of the Assembly Elections in Himachal Pradesh in 2003**

Political party	Number of MLAs elected
Indian National Congress (INC)	43
Bharatiya Janata Party (BJP)	16
Other political parties	03
Independents (who don't belong to any party).....	06
Total	68

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Candidates from various political parties won the 2017 assembly elections and became MLAs. Since the total number of MLAs in the Legislative Assembly is 68, a political party would have needed to have more than 34 MLAs in order to gain a majority. The Indian National Congress with 43 MLAs had the majority and it became the ruling party. All other MLAs became the opposition. In this case, Bharatiya Janata Party was the major opposition party, since it had the largest number of MLAs after the Indian National Congress. Among the opposition were other parties, including those who had been elected as independent candidates.

After the elections, the MLAs belonging to the ruling party will elect their leader who will become the chief minister. In this case, the Congress Party MLAs chose Shri Virbhadra Singh as their leader and he became the chief minister. The chief minister then selects other people as ministers. After the elections, it is the Governor of the state who appoints the chief minister and other ministers.

The chief minister and other ministers have the responsibility of running various government departments or ministries. They have separate offices. A Legislative Assembly is a place where all the MLAs, whether from the ruling party or from the opposition meet to discuss various things. Hence, some MLAs have dual responsibilities: one as an MLA and the other as a minister.

Debate in the Legislative Assembly

Afreen, Sujata and many other students from their school travelled to the state capital to visit the Legislative Assembly which was housed in an impressive building. The children were excited. After security checks, they were taken upstairs. There was a gallery from where they could see the large hall below. There were rows and rows of desks.

During this time, MLAs can express their opinions and ask questions related to the issue or give suggestions about what should be done by the government. Those who wish to, can respond to this. The minister then replies to the questions and tries to assure the Assembly that adequate steps are being taken.

The chief minister and other ministers have to take decisions and run the government. We usually hear about them or see them in the new channels or in the papers. However, whatever decisions are being taken have to be approved by the members of the legislative assembly. In a democracy, these members can ask questions, debate an important issue, decide where money should be spent, etc. They have the main authority.

The MLAs are together responsible for the work of the government. In common usage the word 'government' refers to government departments and various ministers who head them. The overall head is the chief minister. More correctly, this is called the executive part of the government. All the MLAs who gather together (assemble) in the legislative assembly are called the Legislature. They are the ones who authorise and supervise their work. It is from among them that the head of the executive, or the chief minister is formed.

Working of the government

The Legislative Assembly is not the only place where opinions are expressed about the work of the government and action is demanded. You will find newspapers, TV channels and other organisations regularly talking about the government. In a democracy, there are various ways through which people express their views and also take action.

The people in power like the chief minister and the minister have to take action. They do so through various departments like the Public Works Department, the Agriculture Department, the Health Department, the Education Department and so

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on. They also have to answer questions that are asked in the Legislative Assembly and convince people asking the questions that proper steps are being taken. At the same time, newspapers and the media widely discuss the issue and the government has to respond, for example, by holding the press conferences.

The government can also decide to make new laws for the state regarding sanitation and health facilities. For example, it may make it compulsory for municipal corporations to ensure that there are adequate toilets in every urban area. It may also ensure that a health worker is appointed in every village. This act of making laws on certain issues is done in the Legislative Assembly of each state. The various government departments then implement these laws. Laws for the entire country are made in the Parliament.

In a democracy, it is the people who elect their representatives as Members of the Legislative Assembly (MLAs) and, thus, it is the people who have the main authority. The ruling party members then form the government and some members are appointed ministers. These ministers are in charge of various departments of the government. Whatever work is done by these departments has to be approved by the members of the legislative assembly.



In a democracy, people organise meetings to voice their opinions and protest against the government.

Important Terms

Constituency : A particular area from which all the voters living there choose their representatives.

This could be, for example, a panchayat ward or an area that chooses an MLA.

Majority : This is a situation when more than half the number in a group supports a decision or an idea. This is also called a simple majority.

Opposition : This refers to elected representatives who are not members of the ruling party and who play the role of questioning government decisions and actions as well as raise new issues for consideration in the Assembly.

Press Conference : A gathering of journalists from the media who are invited to hear about and ask questions on a particular issue and are then expected to report on this to the larger public.



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UNIT-10 : Media and democracy

In a democracy, the media plays a very important role in providing news and discussing events taking place in the country and the world. It is on the basis of this information that citizens can, for example, learn how government works. And often, if they wish to, they can take action on the basis of these news stories. Some of the ways in which they can do this is by writing letters to the concerned minister, organising a public protest, starting a signature campaign, asking the government to rethink its programme, etc.

Writing a balanced report, however, depends on the media being independent. An independent media means that no one should control and influence its coverage of news. No one should tell the media what can be included and what should not be included in a news story. An independent media is important in a democracy. It is on the basis of the information that the media provides that we take action as citizens, so it is important that this information is reliable and not biased.

However, the reality is that media is far from independent. This is mainly because of two reasons. The first is the control that the government has on the media. When the government prevents either a news item, or scenes from a movie, or the lyrics of a song from being shared with the larger public, this is referred to as censorship. There have been periods in Indian history when the government censored the media. The worst of these was the Emergency between 1975-1977.

While the government does continue to censor films, it does not really censor the media's coverage of news. Despite the absence of censorship by the government, most newspapers now-a-days still fail to provide a balanced story. The reasons for this are complicated. Persons who research the media have said that this happens because business houses control the Media's. At times, it is in the interest of these businesses to focus on only one side of the story. Media's continual need for money and its links to advertising means that it becomes difficult for media to be reporting against people who give them advertisements. Media is, thus, no longer considered independent because of its close links to business.

Besides the above, the media also tends to focus on a particular aspect of a story because they believe this makes the story interesting. Also, if they want to increase public support for an issue, they often do this by focusing on one side of a story.

There are several instances when the media fails to focus on issues that are significant in our lives. For example, drinking water is a major problem in the country. Every year, thousands of people suffer and die because they do not get safe drinking water. However, we seldom find the media discussing this issue. A well-known Indian journalist wrote of how the Fashion Week, in which clothes designers show their new creations to rich people, formed the front page headlines of all the newspapers while several slums were being demolished in Mumbai, the very same week, and this was not even noticed!

As citizens of a democracy, the media has a very important role to play in our lives because it is through the media that we hear about issues related to the working of the government. The media decides what to focus on and in this way it sets the agenda. The government can, at times, prevent the media from publishing a story and this is called censorship. Now-a-days, media's close relationship with business often means that a balanced report is difficult to come by. Given this, it is important for us to be aware that the "factual information" that a news report provides is often not complete and can be one-sided. We, therefore, need to analyse the news by asking the following questions: what is the information I am learning from this report? What information is not being provided? From whose point of view is the article being written? Whose point of view is being left out and why?

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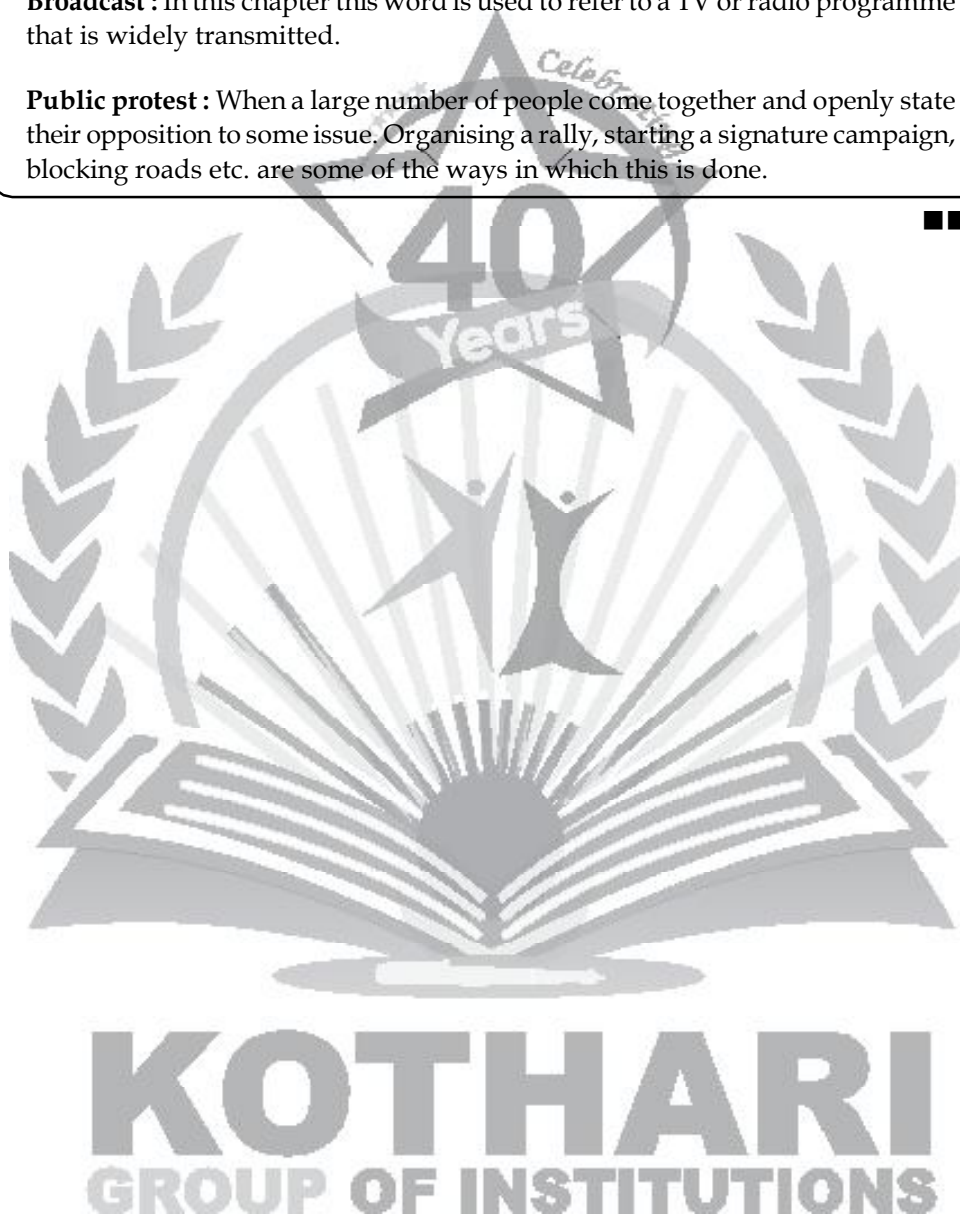
Important Terms

Publish : This refers to newsreports, articles, interviews, stories, etc., that are printed in newspapers, magazines and books for a wide audience to read.

Censorship : This refers to the powers that government has to disallow media from publishing or showing certain stories.

Broadcast : In this chapter this word is used to refer to a TV or radio programme that is widely transmitted.

Public protest : When a large number of people come together and openly state their opposition to some issue. Organising a rally, starting a signature campaign, blocking roads etc. are some of the ways in which this is done.



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UNIT-11 : Indian Constitution**Why Does a Country Need a Constitution?**

Today most countries in the world have a Constitution. While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic. The Constitution serves several purposes. First, Constitution lays out certain ideals that form the basis of the kind of country that we as citizen aspire to live in. Or, put another way, a Constitution tells us what the fundamental nature of our society is. A country is usually made up of different communities of people who share certain beliefs but may not necessarily agree on all issues. A Constitution helps serve as a set of rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed. This includes not only the type of government but also an agreement on certain ideals that they all believe the country should uphold.



In 1934, the Indian National Congress made the demand for a Constituent Assembly.

During the Second World War, this assertion for an independent Constituent Assembly formed only of Indians gained momentum and this was convened in December 1946.

Between December 1946 and November 1949, the Constituent Assembly drafted a constitution for independent India. Free to shape their destiny at last, after 150 years of British rule, the members of the Constituent Assembly approached this task with the great idealism that the freedom struggle had helped produce. You will read more about the work of the Constituent Assembly later in the chapter.

The photo shows Prime Minister Jawaharlal Nehru addressing the Constituent Assembly.

In a democracy, we choose our leaders so that they can exercise power responsibly on our behalf. However, there is always the possibility that these leaders might misuse their authority and the Constitution usually provides safeguards against this.

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In democratic societies, the Constitution often lays down rules that guard against misuse of power by our political leaders. In the case of the Indian Constitution, many of these laws are contained in the section of Fundamental Rights. You read about how the Indian Constitution guarantees the right to equality to all persons and says that no citizen can be discriminated against on ground of religion, race, caste, gender, and place of birth. The Right to Equality is one of the Fundamental Rights guaranteed by the Indian Constitution.

Another important functions that a Constitution plays in a democracy is to ensure that a dominant group does not use its power against other, less powerful people or groups.

The Constitution usually contains rules that ensure that minorities are not excluded from anything that is routinely available to the majority. Another reason why we have a Constitution is precisely to prevent this tyranny or domination by the majority dominating by the majority of a minority.

The third significant reason why we need a Constitution is to save us from ourselves. This may sound strange but what is meant by this is that we might at times feel strongly about an issue that might go against our larger interests and the Constitution helps us guard against this.

Similarly, the Constitution helps to protect us against certain decision that we might take that could have an adverse effect on the larger principles that the country believes in. For example, it is possible that many people who live in a democracy might come to strongly feel that party politics has becomes so acrimonious that we need a strong dictator to set this right. Swept by this emotion, they may not realise that in the long run, dictatorial rule goes against all their interests. A good Constitution does not allow these whims to change its basic structure. It does not allow for the easy overthrow of provisions that guarantee rights of citizens and protect their freedom.

The Indian Constitution: Key Features

By the beginning of the twentieth century, the Indian national movement had been active in the struggle for independence from British rule for several decades. During the freedom struggle the nationalists had devoted a great deal of time to imaging and planning what a free India would be like. Under the British, they had been forced to obey rules that they had very little role in making. The long experience of authoritarian rule under the colonial state convinced Indians that free India should be a democracy in which everyone should be treated equally and be allowed to participate in government. What remained to be done then was to work out the ways in which a democratic government would be set up in India and the rules that would determine its functioning. This was done not by one person but by a group of around 300 people who became members of the Constituent Assembly in 1946 and who met periodically for the next three years to write India's Constitution.



There was an extraordinary sense of unity amongst the members of the Constituent Assembly. Each of the provisions of the future constitution was discussed in great detail and there was a sincere effort to compromise and reach an agreement through consensus. The above photo shows Sardar Vallabhbhai Patel, a prominent member of the Constituent Assembly.

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These members of the Constituent Assembly had a huge task before them. The country was made up of several different communities who spoke different languages, belonged to different religions, and had distinct cultures. Also, when the Constitution was being written, India was going through considerable turmoil. The partition of the country into India and Pakistan was imminent, some of the Princely States remained undecided about their future, and the socio-economic condition of the vast mass of people appeared dismal. All of these issues played on the minds of the members of the Constituent Assembly as they drafted the Constitution. They rose to the occasion and gave this country a visionary document that reflects a respect for maintaining diversity while preserving national unity. The final document also reflects their concern for eradicating poverty through socio-economic reforms as well as emphasizing the crucial role the people can play in choosing their representatives.

1. Federalism : This refers to the existence of more than one level of government in the country. In India, we have governments at the state level and at the centre. Panchayati Raj is the third tier of government.

The vast number of communities in India meant that a system of government needed to be devised that did not involve only persons sitting in the capital city of New Delhi and making decision for everyone. Instead, it was important to have another level of government in the states so that decision could be made for that particular area. While each state in India enjoys autonomy in exercising powers on certain issues, subjects of national concern require that all of these states follow the laws of the central government. The Constitution contains lists that detail the issues that each tier of government can make laws on. In addition, the Constitution also specifies where each tier of government can get the money from for the work that it does. Under federalism, the states are not merely agents of Constitution as well. All persons in India are governed by laws and policies made by each of these levels of government.

2. Parliamentary Form of Government : The different tiers of government that you just read about consist of representatives who are elected by the people.



Dr Babasaheb Ambedkar is known as the Father of the India Constitution.

Dr Ambedkar believed that his participation in the Constituent Assembly helped the Scheduled Castes get some safeguards in the draft constitution. But he also stated that although the laws might exist, Scheduled Castes still had reason to fear because the administration of these laws were in the hands of 'caste Hindu officers'. He, therefore, urged Scheduled Castes to join the government as well as the civil services.



The photo above shows people standing in line to cast their votes.

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Constitution of India guarantees universal adult suffrage for all citizens. When they were making the Constitution, the members of the Constituent Assembly felt that the freedom struggle had prepared the masses for universal adult suffrage and that this would help encourage a democratic mindset and break the clutches of traditional caste, class and gender hierarchies. This means that the people of India have a direct role in electing their representatives. Also, every citizen of the country, irrespective of his/her social background, can also contest in elections. These representatives are accountable to the people.

3. Separation of Powers

: According to the Constitution, there are three organs of the State. These are the legislature, the executive and the judiciary. The legislature refers to our elected representatives. The executive is a smaller group of people who are responsible for implementing laws and running the government. The judiciary, refers to the system of courts in this country. In order to prevent the misuse of power by any one branch of the State, the Constitution says that each of these organs should exercise different powers. Through this, each organ acts as a check on the other organs of the State and this ensures the balance of power between all three.



Members of the Constituent Assembly feared that the executive might become too strong and ignore its responsibility to the legislature. The Assembly, therefore, included a number of provisions in the Constitution to limit and control the action taken by the executive branch of government as a whole.

The above photo shows members of the Constituent Assembly deep in discussion.

The word 'State' is often used in this chapter. This does NOT refer to state governments. Rather when we use State, we are trying to distinguish it from 'government'. 'Government' is responsible for administering and enforcing laws. 'The government can change with elections. The State on the other hand refers to a political institution that represents a sovereign people who occupy a definite territory. We can, thus, speak of the Indian State, the Nepali State etc. The Indian State has a democratic form of government. The government (or the executive) is one part of the State. The State refers to more than just the government and cannot be used interchangeably with it.

4. Fundamental Rights : The section on Fundamental Rights has often been referred to as the 'conscience' of the Indian Constitution. Colonial rule had created a certain suspicion of the State in the mind of the nationalists and they wanted to ensure that a set of written rights would guard against the misuse of State power in independent India. Fundamental Rights, therefore, protect citizens against the arbitrary and absolute exercise of power by the State. The Constitution, thus, guarantees the rights of individuals against the State as well as against other individuals.

Moreover, the various minority communities also expressed the need for the Constitution to include rights that would protect their groups. The Constitution, therefore, also guarantees the rights of minorities against the majority. As Dr Ambedkar has said about these Fundamental Rights, their object is two-fold. The first objective is that every citizen must be in a position to claim those rights. And secondly, these rights must be binding upon every authority that has got the power to make laws.

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In addition to Fundamental Rights, the Constitution also has a section called Directive Principles of State Policy. This section was designed by the members of the Constituent Assembly to ensure greater social and economic reforms, and to serve as a guide to the independent Indian State to institute laws and policies that help reduce the poverty of the masses.

The Fundamental Rights in the Indian Constitution include :

1. Right to Equality : All persons are equal before the law. This means that all persons shall be equally protected by the laws of the country. It also states that no citizen can be discriminated against on the basis of their religion, caste or sex. Every person has access to all public places including playground, hotels, shops etc. the State cannot discriminate against anyone in matters of employment. But there are exceptions to this that you will read about later in this book. The practice of untouchability has also been abolished.

2. Right to Freedom : This includes the right to freedom of speech and expression, the right to form associations, the right to move freely and reside in any part of the country, and the right to practise any profession, occupation or business.

3. Right against Exploitation : The Constitution prohibits human trafficking, forced labour and employment of children under 14 years of age.

4. Right to Freedom of Religion : Religious freedom is provided to all citizens. Every person has the right to practise, profess and propagate the religion of their choice.

5. Culutral and Educational Rights : The Constitution state that all minorities, religious or linguistic, can set up their own educational institutions in order to preserve and develop their own culture.

6. Right to Constitutional Remedies : This allows citizens to move the court if they believe that any of their Fundamental Rights have been violated by the State.

5. Secularism : A secular state is one in which the state does not officially promote any one religion as the state religion.

A country's history often determines the kind of Constitution that a country adopts for itself. The Constitution plays a crucial role in laying out the ideals that we would like all citizens of the country to adhere to, including the representatives that we elect to rule us.



The above photos show various members of the Constituent Assembly signing a copy of the Constitution at its final session on 24 January 1950. The first photo (from top) shows Prime Minister Pandit Jawaharlal Nehru signing. The second photo is of Dr. Rajendra Prasad, President of the Constituent Assembly. The last photo shows the following persons (from right to left): Shri Jairamdas Daulatram, Minister for Food and Agriculture; Rajkumari Amrit Kaur, Health Minister; Dr John Mathai, Finance Minister, Sardar Vallabhbhai Patel, Deputy Prime Minister and behind him Shri Jagjivan Ram, Labour Minister.

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Important Terms

Arbitrary : When nothing is fixed and is instead left to one's judgment or choice. This can be used to refer to rules that are not fixed, or decisions that have no basis etc.

Ideal : A goal or a principle in its most excellent or perfect form.

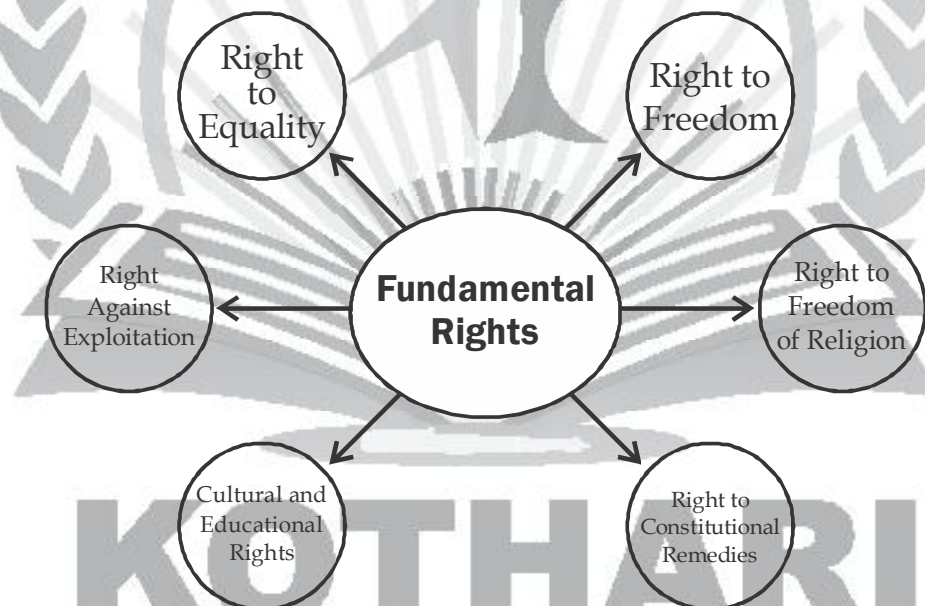
Indian national movement : The Indian national movement emerged in nineteenth-century in India and saw thousands of men and women coming together to fight British rule. This culminated in India's independence in 1947.

Polity : A society that has an organised political structure. India is a democratic polity.

Sovereign : In the context of this chapter it refers to an independent people.

Human Trafficking : The practice of the illegal buying and selling of different commodities across national borders. In the context of Fundamental Rights discussed in this chapter, it refers to illegal trade in human beings, particularly women and children.

Tyranny : The cruel and unjust use of power or authority.



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UNIT-12 : Secularism**What is Secularism?**

The Indian Constitution contains Fundamental Rights that protect us against State power as well as against the tyranny of the majority. The Indian Constitution allows individuals the freedom to live by their religious beliefs and practices as they interpret these. In keeping with this idea of religious freedom for all, India also adopted a strategy of separating the power of religion and the power of the State. Secularism refers to this separation of religion from the State.

Why is it Important to Separate Religion from the State?

The most important aspect of secularism is its separation of religion from State power. This is important for a country to function democratically. Almost all countries of the world will have more than one religious group living in them. Within these religious groups, there will most likely be one group that is in a majority. If this majority religious group has access to State power, then it could quite easily use this power and financial resources to discriminate against and persecute person of other religions. This tyranny of the majority could result in the discrimination, coercion and at times even the killing of religious minorities from practising their religions. Any form of domination based on religion is in violation of the rights that a democratic society guarantees to each and every citizen irrespective of their religion. Therefore, the tyranny of the majority and the violation of Fundamental Rights that can result is one reason why it is important to separate the State and religion in democratic societies.

Another reason that it is important to separate religion from the State in democratic societies is because we also need to protect the freedom of individuals to exit from their religion, embrace another religion or have the freedom to interpret religious teachings differently.

What is Indian Secularism?

The Indian Constitution mandates that the Indian State be secular. According to the Constitution, only a secular State can realise its objectives to ensure the following:

1. that one religious community does not dominate another;
2. that some members do not dominate other members of the same religious community;
3. that the State does not enforce any particular religion nor take away the religious freedom of individuals.

The Indian State works in various ways to prevent the above domination. First, it uses a strategy of distancing itself from religion. The Indian State is not ruled by a religious group and nor does it support any one religion. In India, government spaces like law courts, police stations, government school and officers are not supposed to display or promote any one religion.

The second way in which Indian secularism works to prevent the above domination is through a strategy of non-interference. This means that in order to respect the sentiments of all religions and not interfere with religious practices, the State makes certain exceptions for particular religious communities.

For example, Paramjit, the Sikh youth, does not have to wear a helmet. This is because the Indian State recognises that wearing a pugri (turban) is central to a Sikh's religious practice and in order not to interfere with this, allows an exception in the law.

Similarly, to ensure that laws relating to equal inheritance rights are respected, the State may have to intervene in the religion-based 'personal laws' of communities.

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The intervention of the State can also be in the form of support. The Indian Constitution grants the right to religious communities to set up their own schools and colleges. It also gives them financial aid on a non-preferential basis.

In what way is Indian secularism different from that of other democratic countries?

We know that how the Indian Constitution intervened in Hindu religious practices in order to abolish untouchability. In Indian secularism, though the State is not strictly separate from religion it does maintain a principled distance vis-a-vis religion. This means that any interference in religion by the State has to be based on the ideals laid out in the Constitution. These ideals serve as the standard through which we can judge whether the State is or is not behaving according to secular principles.

The Indian State is secular and works in various ways to prevent religious domination. The Indian Constitution guarantees Fundamental Rights that are based on these secular principles. However, this is not to say that there is no violation of these rights in Indian society. Indeed it is precisely because such violations happen frequently that we need a constitutional mechanism to prevent them from happening. The knowledge that such rights exist makes us sensitive to their violations and enables us to take action when these violations take place.

Important terms

Coercion : To force someone to do something. In the context of this chapter, it refers to the force used by a legal authority like the State.

Freedom to interpret : The independence that all persons shall have to understand things in their own way. In the context of this chapter, it refers to a person's liberty to develop their own understanding and meaning of the religion they practice.

Intervene : In the context of this chapter, it refers to the State's efforts to influence a particular matter in accordance with the principles of the Constitution.



KOTHARI
GROUP OF INSTITUTIONS

NOTES

UNIT-13 : Parliament and The Making of Laws**Why Do We Need a Parliament?**

We in India pride ourselves on being a democracy. Here we will try and understand the relation between the ideas of participation in decision-making and the need for all democratic governments to have the consent of their citizens.

It is these elements that together make us a democracy and this is best expressed in the institution of the Parliament. In this chapter, we will try to see how the Parliament enables citizens of India to participate in decision making and control the government, thus making it the most important symbol of Indian democracy and a key feature of the Constitution.

Why should People Decide?

The Constitution of independent India laid down the principle of universal adult franchise, i.e., that all adult citizens of the country have the right to vote.

People and their Representatives

The take-off point for a democracy is the idea of consent, i.e. the desire, approval and participation of people. It is the decision of people that creates a democratic government and decides about its functioning. The basic idea in this kind of democracy is that the individual or the citizen is the most important person and that in principle the government as well as other public institutions need to have the trust of these citizens.

How does the individual give approval to the government? One way of doing so, as you read, is through elections. People would elect their representatives to the Parliament, then, one group from among these elected representatives forms the government. The Parliament, which is made up of all representatives together, controls and guides the government. In this sense people, through their chosen representatives, form the government and also control it.



1. The Parliament of India (Sansad) is the supreme law-making institution. It has two Houses, the Rajya Sabha and the Lok Sabha.
2. Rajya Sabha (Council of States), with a total strength of 245 members, is chaired by the Vice-President of India.
3. Lok Sabha (House of the People), with a total membership of 545, is presided over by the Speaker.

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The Role of the Parliament

Created after 1947, the Indian Parliament is an expression of the faith that the people of India have in principles of democracy. These are participation by people in the decision-making process and government by consent. The Parliament in our system has immense powers because it is the representative of the people. Elections to the Parliament are held in a similar manner as they are for the state legislature. The Lok Sabha is usually elected once every five years. The country is divided into numerous constituencies. Each of these constituencies elects one person to the Parliament. The candidates who contest elections usually belong to different political parties.

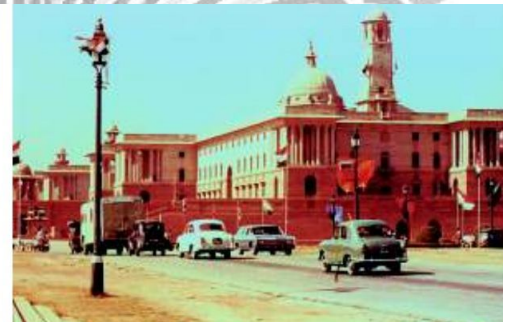
Once elected, these candidates become Members of Parliament or MPs. These MPs together make up the Parliament. Once elections to the Parliament have taken place, the Parliament needs to perform the following functions :

A. To Select the National Government

Parliament of India consists of the President, the Rajya Sabha and the Lok Sabha. After the Lok Sabha elections, a list is prepared showing how many MPs belong to each political party. For a political party to form the government, they must have a majority of elected MPs. Since there are 543 elected (plus 2 Anglo-Indian nominated) members in Lok Sabha, to have majority a party should have at least half the number i.e. 272 members or more. The Opposition in Parliament is formed by all the political parties that oppose the majority party/coalition formed. The largest amongst these parties is called the Opposition party.

One of the most important functions of the Lok Sabha is to select the executive. The executive, is a group of persons who work together to implement the laws made by the Parliament. This executive is often what we have in mind when we use the term government.

The Prime Minister of India is the leader of the ruling party in the Lok Sabha. From the MPs who belong to his party, the Prime Minister selects ministers to work with him to implement decisions. These ministers then take charge of different areas of government functioning like health, education, finance etc.



These two buildings of the Central Secretariat, the South Block and North Block were built during the 1930s. The photo on the left is of the South Block which houses the Prime Minister's Office (PMO), the Ministry of Defence and the Ministry of External Affairs. The North Block is the photo on the right and this has the Ministry of Finance and the Ministry of Home Affairs. The other ministries of the Union Government are located in various buildings in New Delhi.

The Rajya Sabha functions primarily as the representative of the states of India in the Parliament. The Rajya Sabha can also initiate legislation and a bill is required to pass through the Rajya Sabha in order to become a law. It, therefore, has an important role of reviewing and altering (if alterations are needed) the laws initiated by the Lok Sabha. The members of the Rajya Sabha are elected by the elected members of the

NOTES

Legislative Assemblies of various states. There are 233 elected members plus 12 members nominated by the President.

(B) To Control, Guide and Inform the Government

The Parliament, while in session, begins with a question hour. The question hour is an important mechanism through which MPs can elicit information about the working of the government. This is a very important way through which the Parliament controls the executive. By asking questions the government is alerted to its shortcomings, and also comes to know the opinion of the people through their representatives in the Parliament, i.e. the MPs. Asking questions of the government is a crucial task for every MP. The Opposition parties play a critical role in the healthy functioning of a democracy. They highlight drawbacks in various policies and programmes of the government and mobilise popular support for their own policies.

The government gets valuable feedback and is kept on its toes by the questions asked by the MPs. In addition, in all matters dealing with finances, the Parliament's approval is crucial for the government. This is one of the several ways in which the Parliament controls, guides and informs the government. The MPs as representatives of the people have a central role in controlling, guiding and informing parliament and this is a key aspect of the functioning of Indian democracy.

(C) Law-Making

Law-Making is a significant function of the Parliament.

Who are the People in Parliament?

Some seats are reserved in the Parliament for SCs and STs. This has been done so that the MPs elected from these constituencies will be familiar with and can represent Dalit and Adivasi interests in Parliament.

Important terms

Approval : To give one's consent to and be favourable towards something. In the context of this chapter, it refers both to the formal consent (through elected representatives) that Parliament has as well as the fact that it needs to continue to enjoy the people's trust.

Coalition : A temporary alliance of groups or parties. In this chapter, it refers to the alliance formed by political parties after elections when no party has been able to get adequate seats to form a clear majority.

Unresolved : Situations in which there are no easy solutions to problems.

KOTHARI
GROUP OF INSTITUTIONS

NOTES

UNIT-14 : Understanding Laws

You may be familiar with some laws such as those that specify the age of marriage, the age at which a person can vote, and perhaps even the laws dealing with buying and selling of property. We now know that the Parliament is incharge of making laws. Do these laws apply to everyone? How do new laws come into being? Could there be laws that are unpopular or controversial? What should we as citizens do under such circumstances?

The law cannot discriminate between person on the basis of their religion, caste or gender. What the rule of law means is that all laws apply equally to all citizens of the country and no one can be above the law. Neither a government official, nor a wealthy person nor even the President of the country is above the law. Any crime or violation of law has a specific punishment as well as a process through which the guilt of the person has to be established.

How Do New Laws Come About?

The Parliament has an important role in making laws. There are many ways through which this takes place and it is often different groups in society that raise the need for a particular law. An important role of Parliament is to be sensitive to the problems faced by people.

Unpopular and Controversial Laws

Sometimes the Parliament passes laws that turn out to be very unpopular. Sometimes a law can be constitutionally valid and hence legal, but it can continue to be unpopular and unacceptable to people because they feel that the intention behind it is unfair and harmful. Hence, people might criticise this law, hold public meetings, write about it in newspapers, report to TV news channels etc. In a democracy like ours, citizens can express their unwillingness to accept repressive laws framed by the Parliament. When a large number of people begin to feel that a wrong law has been passed, then there is pressure on the Parliament to change this.

For example, various municipal laws on the use of space within municipal limits often make hawking and street vending illegal. No one will dispute the necessity for some rules to keep the public space open so that people can walk on the pavements easily. However, one also cannot deny that hawkers and vendors provide essential services cheaply and efficiently to the millions living in a large city. This is their means of livelihood. Hence, if the law favours one group and disregards the other it will be controversial and lead to conflict. People who think that the law is not fair can approach the court to decide on the issue. The court has the power to modify or cancel laws if it finds that they don't adhere to the Constitution.

We need to remember that our role as citizens does not end with electing our representatives. Rather, it is then that we begin to use newspapers and the media to carefully chart the work that is being done by our MPs and criticise their actions when we feel it is required. Thus, what we should bear in mind is that it is the extent, involvement and enthusiasm of the people that helps Parliament perform its representative functions properly.

NOTES

Important terms

Criticise : To find fault with or disapprove of a person or things. In the context of this chapter, it refers to citizens finding fault with the functioning of government.

Evolution : Process of development from a simple to a complex form and is often used to discuss the development of a species of plants or animals. In the context of this chapter it refers to the way in which protecting women against domestic violence developed from an urgently-felt need to a new law that can be enforced throughout the country.

Sedition : This applies to anything that the government might consider as stirring up resistance or rebellion against it. In such cases, the government does not need absolute evidence in order to arrest persons. Under the Sedition Act of 1870, the British had a very broad interpretation of what constituted sedition, and what this meant was that they could arrest and detain any person they wanted under this Act. The nationalists considered this law arbitrary because persons were arrested for a variety of reasons that were seldom clarified beforehand as well as because those arrested were often kept in jail without a trial.

Repressive : To control severely in order to prevent free and natural development or expression. In the context of this chapter it refers to laws that brutally control persons and often prevent them from exercising their Fundamental Rights including Right to Speech and Assembly.



KOTHARI
GROUP OF INSTITUTIONS

NOTES

UNIT-15 : Judiciary

What is the Role of the Judiciary?

Courts take decisions on a very large number of issues. They can decide that no teacher can beat a student, or about the sharing of river waters between states, or they can punish people for particular crimes. Broadly speaking, the work that the judiciary does can be divided into the following :

(1) Dispute Resolution : The judicial system provide a mechanism for resolving disputes between citizens, between citizens and the government, between two state governments and between the centre and state governments.

(2) Judicial Review : As the final interpreter of the Constitution, the judiciary also has the power to strike down particular laws passed by the Parliament if it believes that these are a violation of the basic structure of the Constitution. This is called judicial review.

(3) Upholding the Law and Enforcing Fundamental Rights : Every citizen of India can approach the Supreme Court or the High Court if they believe that their Fundamental Rights have been violated.



The above photo shows the Supreme Court of India. The Supreme Court was established on 26 January 1950, the day India became a Republic.

What is an Independent Judiciary?

The Indian Constitution providing for the independence of the Judiciary.

One aspect of this independence is the 'separation of powers'. this is a key feature of the Constitution. What this means here is that other branches of the State-like the legislature and the executive - cannot interfere in the work of the judiciary. The courts are not under the government and do not act on their behalf.

For the above separation to work well, it is also crucial that all judges in the High Court as well as the Supreme Court are appointed with very little interference from these other branches of government. Once appointed to this office, it is also very difficult to remove a judge.

It is the independence of the judiciary that allows the courts to play a central role in ensuring that there is no misuse of power by the legislature and the executive. It also plays a crucial role in protecting the Fundamental Rights of citizens because anyone can approach the courts if they believe that their rights have been violate.

What is the Structure of Courts in India?

There are three different levels of courts in our country. There are several courts at the lower level while there is only one at the apex level. The courts that most people interact with are what are called subordinate or district courts. These are usually at the district or Tehsil level or in towns and they hear many kinds of cases. Each state is divided into districts that are presided over by a District Judge. Each state has a High Court which is the highest court of that state. At the top is the Supreme Court that is located in New Delhi and is presided over by the Chief Justice of India. The decisions made by the Supreme Court are binding on all other courts in India.

NOTES



High Courts were first established in the three Presidency cities of Calcutta, Bombay and Madras in 1862. The High Court of Delhi came up in 1966. Currently there are 21 High Courts. While many states have their own High Courts, Punjab and Haryana share a common High Court at Chandigarh, and the seven northeast states have a common High Court at Guwahati. Some High Courts have benches in other parts of the state for greater accessibility.

Are these different levels of courts connected to each other? Yes, they are. In India, we have an integrated judicial system, meaning that the decisions made by higher courts are binding on the lower courts. Another way to understand this integration is through the appellate system that exists in India. This means that a person can appeal to a higher court if they believe that the judgement passed by the lower court is not just.

What are the Different Branches of the Legal System?

No.	Criminal Law	Civil Law
1.	Deals with conduct or acts that the law defines as offences. For example, theft, harassing a woman to bring more dowry, murder.	Deals with any harm or injury to rights of individuals. For example, disputes relating to sale of land, purchase of goods, rent matters, divorce cases.
2.	It usually begins with the lodging of an First Information Report (FIR) with the Police who investigate the crime after which a case is filed in the court.	A petition has to be filed before the relevant court by the affected party. only In a rent matter, either the landlord or tenant can file a case.
3.	If found guilty, the accused can be sent to jail and also fined.	The court gives the specific relief asked for. For instance, in a case between a landlord and tenant, the court can order the flat to be vacated and pending rent to be paid.

Does Everyone Have Access to the Courts?

In principle, all citizens of India can access the courts in this country. This implies that every citizen has a right to justice through the courts. the courts play a very significant role in protecting our Fundamental Rights. If any citizen believes that their rights are being violated, then they can approach the court for justice to be done. While

NOTES

the courts are available for all, in reality access to courts has always been difficult for a vast majority of the poor in India. Legal procedures involve a lot of money and paperwork as well as take up a lot of time. For a poor person who cannot read and whose family depends on a daily wage, the idea of going to court to get justice often seems remote.

In response to this, the Supreme Court in the early 1980s devised a mechanism of Public Interest Litigation or PIL to increase access to justice. It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated. The legal process was greatly simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL. In the early years, PIL was used to secure justice on a large number of issues such as rescuing bonded labourers from inhuman work conditions; and securing the release of prisoners in Bihar who had been kept in jail even after their punishment term was complete.

Did you know that the mid-day meal that children now receive in government and government aided schools is because of a PIL?

For the common person, access to courts is access to justice. The courts exercise a crucial role in interpreting the Fundamental Rights of citizens and the courts interpreted Article 21 of the Constitution on the Right to Life to include the Right to Food. They, therefore, ordered the State to take certain steps to provide food for all including the mid-day meal scheme.

There is no denying that the judiciary has played a crucial role in democratic India, serving as a check on the powers of the executive and the legislature as well as in protecting the Fundamental Rights of citizens. The members of the Constituent Assembly had quite correctly envisioned a system of courts with an independent judiciary as a key feature of our democracy.

Important Terms

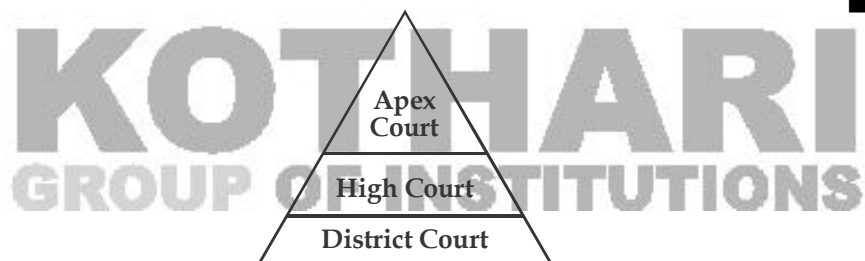
Acquit : This refers to the court declaring that a person is not guilty of the crime which he/she was tried for by the court.

To Appeal In the context of this chapter this refers to a petition filed before a higher court to hear a case that has already been decided by a lower court.

Compensation In the context of this chapter this refers to money given to make amends for an injury or a loss.

Eviction In the context of this chapter this refers to the removal of person from land/homes that they are currently living in.

Violation In the context of this chapter it refers both to the act of breaking a law as well as the breach or infringement of Fundamental Rights.



"I Believe that an independent judiciary is the crown jewel of our constitutional republic."

-Brett Kavanaugh

NOTES

UNIT-16 : Our Criminal Justice System**What is the Role of the Police in Investigating Crime?**

One important function of the police is to investigate any complaint about the commission of a crime. An investigation includes recording statements of witnesses and collecting different kinds of evidence. On the basis of the investigation, the police are required to form an opinion. If the police think that the evidence points to the guilt of the accused person, then they file a chargesheet in the court. It is not the job of the police to decide whether a person is guilty or innocent, that is for the judge to decide.

Rule of law, means that everyone is subject to the law of the land. This includes the police. Therefore, police investigations always have to be conducted in accordance with law and with full respect for human rights. The Supreme Court has laid down guidelines that the police must follow at the time of arrest, detention and interrogation. The police are not allowed to torture or beat or shoot anyone during investigation. They cannot inflict any forms of punishment on a person even for petty offences.

Article 22 of the Constitution and criminal law guarantee to every arrested person the following Fundamental Rights :

- The Right to be informed at the time of arrest of the offence for which the person is being arrested.
- The Right to be presented before a magistrate within 24 hours of arrest.
- The Right not to be ill treated or tortured during arrest or in custody.
- Confessions made in police custody cannot be used as evidence against the accused.
- A boy under 15 years of age and women cannot be called to the police station only for questioning.

The Supreme Court of India has laid down specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are known as the D.K. Basu Guidelines and some of these include :

- The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations.
- A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by at least one witness who could include a family member of the person arrested. The arrest memo should be counter-signed by the person arrested.
- The person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher.
- When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest.

First Information Report (FIR) :

It is with the registration of an FIR that the police can begin their investigations into a crime. The law states that it is compulsory for an officer in charge of a police station to register an FIR whenever a person gives information about a cognizable offence. This information can be given to the police either orally or in writing. The FIR usually mentions the date, time and place of the offence, details the basic facts of the offence, including a description of the events. If known, the identity of the accused persons and witnesses is also mentioned. The FIR also states the name and address of the complainant. There is a prescribed form in which the police registers an FIR and it is signed by the complainant. The Complainant also has a legal right to get a free copy of the FIR from the police.

NOTES

What is the Role of the Public Prosecutor?

A criminal offence is regarded as a public wrong. What is meant by this is that it is considered to have been committed not only against the affected victims but against society as a whole.

In court, it is the Public Prosecutor who represents the interests of the State. The role of the Prosecutor begins once the police has conducted the investigation and filed the chargesheet in the court. He/she has no role to play in the investigation. The Prosecutor must conduct the prosecution on behalf of the State. As an officer of the court, it is his/her duty to act impartially and present the full and material facts, witnesses and evidence before the court to enable the court to decide the case.

What is the Role of the Judge?

The judge is like umpire in a game and conducts the trial impartially and in an open court. The Judge hears all the witnesses and any other evidence presented by the prosecution and the defence. The judge decides whether the accused person is guilty or innocent on the basis of the evidence presented and in accordance with the law. If the accused is convicted, then the judge pronounces the sentence. He may send the person to jail or impose a fine or both, depending on what the law prescribes.

Important Terms

Accused : In the context of this chapter this refers to the person who is tried by a court for a crime.

Cognizable : In the context of this chapter this refers to an offence for which the police may arrest a person without the permission of the court.

Cross-examine : In the context of this chapter this refers to the questioning of a witness who has already been examined by the opposing side in order to determine the veracity of his/her testimony.

Detention : In the context of this chapter this refers to the act of being kept in illegal custody by the police.

Impartial : The act of being fair or just and not favouring one side over another.

Offence : Any act that the law defines as a crime.

To be charged of a crime : This refers to the trial judge informing the accused, in writing, of the offence for which he/she will face trial.

Witness : In the context of this chapter this refers to the person who is called upon in court to provide a first-hand account of what he/she has seen, heard or knows.

NOTES

UNIT-17 : Social Justice**Invoking Fundamental Rights**

The Constitution lays down the principles that make our society and polity democratic. They are defined in and through the list of Fundamental Rights that are an important part of the Constitution. These rights are available to all Indians equally.

Article 17 of the Constitution states that untouchability has been abolished - what this means is that no one can henceforth prevent Dalits from educating themselves, entering temples, using public facilities etc. It also means that it is wrong to practise untouchability and that this practice will not be tolerated by a democratic government. In fact, untouchability is a punishable crime now.

There are other sections in the Constitution that help to strengthen the argument against untouchability - for example, Article 15 of the Constitution notes that no citizen of India shall be discriminated against on the basis of religion, race, caste, sex or place of birth.

Minority groups have drawn on the Fundamental Rights section of our Constitution. They have particularly drawn upon the right to freedom of religion and cultural and educational rights. In the case of cultural and educational rights, distinct cultural and religious groups like the Muslim and Parsis have the right to be the guardians of the content of their culture, as well as the right to make decisions on how best this content is to be preserved. Thus, by granting different forms of cultural rights, the Constitution tries to ensure cultural justice to such groups. The Constitution does this so that the culture of these groups is not dominated or wiped out by the culture of the majority community.

Promoting Social Justice

As part of their effort to implement the Constitution, both state and central governments create specific schemes for implementation in tribal areas or in areas that have a high Dalit population. For example, the government provides for free or subsidised hostels for students of Dalit and Adivasi communities so that they can avail of education facilities that may not be available in their localities.

In addition to providing certain facilities, the government also operates through laws to ensure that concrete steps are taken to end inequity in the system. One such law/policy is the reservation policy that today is both significant and highly contentious. The laws which reserve seats in education and government employment for Dalits and Adivasis are based on an important argument-that in a society like ours, where for centuries sections of the population have been denied opportunities to learn and to work in order to develop new skills or vocations, a democratic government needs to step in and assist these sections.

How does the reservation policy work? Governments across India have their own list of Scheduled Castes (or Dalits), Scheduled Tribes and backward and most backward castes. The central government too has its list. Students applying to educational institutions and those applying for posts in government and educational institutions also ask for candidates to mention their caste/tribe status.) If a particular Dalit caste or a certain tribe is on the government list, then a candidate from that caste or tribe can avail of the benefit of reservation.

For admission to colleges, especially to institutes of professional education, such as medical colleges, governments define a set of 'cut-off' marks. This means that not all Dalit and tribal candidates can qualify for admission, but only those who have done reasonably well and secured marks above the cut-off point. Governments also offer special scholarships for these students.

NOTES

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

This Act was framed in 1989 in response to demand made by Dalits and others that the government must take seriously the ill treatment and humiliation Dalits and tribal groups face in an every sense. While such treatment had persisted for a long time, it had acquired a violent character in the late 1970s and 1980s. During this period, in parts of southern India, a number of assertive Dalit groups came into being and asserted their rights - they refused to perform their so-called caste duties and insisted on being treated equally.

They refused to follow practices located in the humiliation and exploitation of Dalits. This resulted in the more powerful castes unleashing violence against them. In order to indicate to the government that untouchability was still being practised and in the most hideous manner, Dalit groups demanded new laws that would list the various sorts of violence against dalits and prescribe stringent punishment for those who indulge in them.

This Act contains a very long list of crimes, some of which are too horrible even to contemplate. The Act does not only describe terrible crimes, but also lets people know what dreadful deeds human beings are capable of. In this sense, laws such as these seek to both punish as well as influence the way we think and act.

The Act distinguishes several levels of crimes. Firstly, it lists modes of numiliation that are both physically horrific and morally reprehensible and seeks to punish those who (i) force a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance; (iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him or her naked or with painted face or body or commits any similar act which is derogatory to human dignity.

Secondly, it lists actions that dispossess Dalits and Adivasis of their meagre resources or which force them into performing slave labour. Thus, the Act sets out to punish anyone who (iv) wrongfully occupies or cultivates any land owned by, or allotted to, a member of Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

At another level, the Act recognize that crimes against Dalit and tribal women are of a specific kind and, therefore, seeks to penalise anyone who (xi) assaults or uses force on any women belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour her.....

Adivasi Demands and the 1989 Act

The 1989 Act is important for another reason-Adivasi activists refer to it to defend their right to occupy land that was traditionally theirs. Adivasis are often unwilling to move from their land and are forcibly displaced. Activities have asked that those who have forcibly encroached upon tribal lands should be punished under this law. They have also pointed to the fact that this Act merely confirms what has already been promised to tribal people cannot be sold to or bought by non-tribal people. In cases where this has happened, the Constitution guarantees the right of tribal people to re-possess their land.

C.K. Janu, an Adivasi activist, has also pointed out that one of the violators of Constitutional rights guaranteed to tribal people are governments in the various states of India- for it is they who allow non-tribal encroachers in the form of timber merchants, paper mills etc, to exploit tribal land, and to forcibly evict tribal people from their traditional forests in the process of declaring forests as reserved or as sanctuaries. She has also noted that in cases where tribals have already been evicted and cannot go

NOTES

back to their lands, they must be compensated. That is, the government must draw up plans and policies for them to live and work elsewhere. After all, governments spend large sums of money on building industrial or other projects on lands taken from tribals - so why should they be reluctant to spend even very modest amounts on rehabilitating the displaced?

Conclusion

As we can see, the existence of a right or a law or even a policy on paper does not mean that it exists in reality. People have had to constantly work on or make efforts to translate these into principles that guide the actions of their fellow citizens or even their leaders. The desire for equality, dignity and respect is not new. It has existed in different forms throughout our history as you have seen in this chapter. Similarly, even in a democratic society, similar processes of struggle, writing, negotiation and organising need to continue.

Important Terms

Assertive : An assertive person or group is one that can express themselves and their views strongly.

Confront : To come face to face or to challenge someone or something. In the context of this chapter, this refers to groups challenging their marginalisation.

Dispossessed : To possess is to own something and to be dispossessed is to have to give up ownership or to give up authority.

Ostracise : This means to exclude or banish an individual or a group. In the context of this chapter it refers to a social boycott of an individual and his family.

Morally reprehensible : This refers to an act that violates all norms of decency and dignity that a society believes in. It usually refers to a hideous and repugnant act that goes against all the values that a society has accepted.

Policy : A stated course of action that provides direction for the future, sets goals to be achieved or lays out principles or guidelines to be followed and acted upon. In this chapter we have referred to government policies. But other institutions like schools, companies, etc. also have policies.



KOTHARI
GROUP OF INSTITUTIONS

NOTES

UNIT-18 : Public Facilities and Constitution**Water as Part of the Fundamental Right to Life**

Water is essential for life and for good health. Not only is it necessary for us to be able to meet our daily needs but safe drinking water can prevent many water-related diseases. India has one of the largest number of cases of diseases such as diarrhoea, dysentery, cholera. Over 1,600 Indians, most of them children below the age of five, reportedly die everyday because of water-related diseases. These deaths can be prevented if people have access to safe drinking water.

The Constitution of India recognises the right to water as being a part of the Right to Life under Article 21. This means that it is the right of every person, whether rich or poor, to have sufficient amounts of water to fulfill his/her daily needs at a price that he/she can afford. In other words, there should be universal access to water.

There have been several court cases in which both the High Courts and the Supreme Court have held that the right to safe drinking water is a Fundamental Right. More recently, in 2007, the Andhra Pradesh High Court Restated this while hearing a case based on a letter written by a villager of Mahbubnagar district on the contamination of drinking water. The villager's complaint was that a textile company was discharging poisonous chemicals into a stream near his village, contaminating ground water, which was the source for irrigation and drinking water. The judges directed the Mahbubnagar district collector to supply 25 litres of water to each person in the village.

Other Public Facilities

Like water, there are other essential facilities that need to be provided for everyone. Two other such facilities are healthcare and sanitation. Similarly, there are things like electricity, public transport, schools and colleges that are also necessary. These are known as **public facilities**.

The important characteristics of a public facility is that once it is provided, its benefits can be shared by many people. For instance, a school in the village will enable many children to get educated. Similarly, the supply of electricity to an area can be useful for many people; farmers can run pumpsets to irrigate their fields, people can open small workshops that run on electricity, students will find it easier to study and most people in the village will benefit in some way or the other.

The Government's Role

Since public facilities are so important, someone must carry the responsibility of providing these to the people. This 'someone' is the government. One of the most important functions of the government is to ensure that these public facilities are made available to everyone. Let us try and understand why the government (and only the government) must bear this responsibility.

We have seen that private companies operate for profit in the market. In most of the public facilities, there is no profit to be had. For example, what profit can accrue to a company for keeping the drains clean or running an anti-malaria campaign? A private company will probably not be interested in undertaking such work.

But, for other public facilities such as schools and hospitals, private companies may well be interested. We have many of these, particularly in large cities. Similarly, if you are living in a city, you will have seen private companies supplying water through tankers or supplying drinking water in sealed bottles. In such cases, private companies provide public facilities but at a price that only some people can afford. Hence, this facility is not available to all at an affordable rate. If we go by the rule that people will get as much as they can pay for then many people who cannot afford to pay for such facilities will be deprived of the opportunity to live a decent life.

NOTES

Clearly, this is not a desirable option, Public facilities relate to people's basic needs. Any modern society requires that these facilities are provided so that people's basic needs are met. The Right to Life that the Constitution guarantees is for all persons living in this country. The responsibility to provide public facilities, therefore, must be that of the government.

Where does the government get money for public Facilities?

Every year you must have heard the government budget being presented in the Parliament. This is an account of the expenses the government has made on its programmes in the past year and how much it plans to spend in the coming year.

In the budget, the government also announces the various ways in which it plans to meet these expenses. The main source of revenue for the government is the taxes collected from the people, and the government is empowered to collect these taxes and use them for such programmes. For instance, to supply water, the government has to incur costs in pumping water, carrying it over long distances, laying down pipes for distribution, treating the water for impurities, and finally, collecting and treating waste water. It meets these expenses partly from the various taxes that it collects and partly by charging a price for water. This price is set so that most people can afford a certain minimum amount of water for daily use.

Buses are the most important forms of public transport over short distances. It is the main link to the workplace for majority of the working people. With rapid urbanisation, the public bus system even in the major cities has not been able to keep up with demand.

As an alternative, the government has planned ambitious metro rail projects for Delhi and other metropolitan cities. Rs. 11,000 crore was spent from the government budget for the construction of the first segment of the metro-rail in Delhi

In Search of Alternatives

The situation in Chennai is not unique. A similar scenario of shortages and acute crisis during the summer months is common to other cities of India. The shortage in municipal water is increasingly being filled by an expansion of private companies who are selling water for profit. Also common are the great inequalities in water use. The supply of water per person in an urban area in India should be about 135 litres per day (about seven buckets)- a standard set by the Urban Water Commission. Whereas people in slums have to make do with less than 20 litres a day per person (one bucket), people living in luxury hotels may consume as much as 1,600 litres (80 buckets) of water per day.

A shortage of municipal water is often taken as a sign of failure of the government. Some people argue that since the government is unable to supply the amount of water that is needed and many of the municipal water departments are running at a loss, we should allow private companies to take over the task of water supply. According to them, private companies can perform better.

Consider the following facts:

1. Throughout the world, water supply is a function of the government. There are very few instances of private water supply.
2. There are areas in the world where public water supply has achieved universal access. (see Box below)
3. In a few cases, where the responsibility for water supply was handed over to private companies, there was a steep rise in the price of water, making it unaffordable for many. Cities saw huge protests, with riots breaking out in places like Bolivia, forcing the government to take back the service from private hands.

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4. Within India, there are cases of success in government water departments, though these are few in number and limited to certain areas of their work. The water supply department in Mumbai raises enough money through water charges to cover its expenses on supplying water. In Hyderabad, a recent report shows that the department has increased coverage and improved performance in revenue collection. In Chennai, the department has taken several initiatives for harvesting rain water to increase the level of groundwater. It has also used the services of private companies for transporting and distributing water but the government water supply department decides the rate for water tankers and gives them permission to operate. Hence they are called 'on contract'.



Mumbai's sub-urban railway is well functioning public transport system. it is the densest route in the world, attending to 65 lakh passengers daily. Extending over a distance of 300 kilometers, these local trains allow people living far away from Mumbai to find work in the city. Note that the high cost of housing in cities makes it impossible for an average worker to live in the city.

Besides safe drinking water, sanitation is a must in prevention of water-borne diseases. However, the sanitation coverage in india is even lower than that of water. Official figures for 2001 show that 68 percent of the households in india have access to drinking water and about 36 percent have access to sanitation (toilet facilities within the premises of residence) Once again, it is the poor both in the rural and urban areas who lack access to sanitation.

Sulabh, a non-government organisation, has been working for three decades to address the problems of sanitation facing low-caste, low-income people in india. it has constructed more than 7,500 public toilet blocks and 1.2 million private toilets, giving access to sanitation to 10 million people. The majority of the users of Sulabh facilities are from the poor working class.

Sulabh enters into contracts with municipalities or other local authorities to construct toilet blocks with government funds. local authorities provide land and funds for setting up the services, whereas maintenance costs are sometimes financed through user charges (for example, Re 5 is charged for use of the latrines in the cities).

Conclusion

Public facilities relate to our basic needs and the Indian Constitution recognises the right to water, health, education etc as being a part of the Right to Life. Thus one of the major roles of the government is to ensure adequate public facilities for everyone.

But, progress on this front has been far from satisfactory. There is a shortage in supply and there are inequalities in distribution. Compared to the metros and large cities, towns and villages are under-provided. Compared to wealthy localities, the poorer localities are under serviced. Handing over these facilities to private companies may not be the answer. Any solution needs to take account of the important fact that every citizen of the country has a right to these facilities which should be provided to her/him in an equitable manner.

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Important Terms

Sanitation : Provision of facilities for the safe disposal of human urine and faeces. This is done by construction of toilets and pipes to carry the sewerage and treatment of waste water. This is necessary so as to avoid contamination .

Company : A company is a form of business set up by people or by the government. Those that are promoted and owned by individuals or groups are called private companies. For example, Tata Steel is a private company whereas Indian Oil is a company run by the government.

Universal access : Universal access is achieved when everyone has physical access to a good and can also afford it. For instance, a tap connection at home will allow physical access to water, and if the price of water is low or is provided free, everyone will be able to afford it.

Basic needs : Primary requirements of food, water, shelter, sanitation, healthcare and education necessary for survival.



KOTHARI
GROUP OF INSTITUTIONS

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UNIT-19 : Law and Social Justice

Let us take a common market situation where the law is very important. the issue of worker's wages is a major issue in India. Private companies, contractors, businesspersons normally want to make as much profit as they can. In the drive for profits, they might deny workers their rights and not pay them wages, for example. In the eyes of the law it is illegal or wrong to deny workers their wages. Similarly to ensure that workers are not underpaid, or are paid fairly, there is a law on minimum wage by the employer. The minimum wages are revised upwards every few years.

As with the law on minimum wages, which is meant to protect workers, there are also laws that protect the interests of producers and consumers in the market. These help ensure that the relations between these three parties- the worker, consumer and producer are governed in a manner that is not exploitative.

Table 1 provide some important law relating to the protection of these various interests. Columns (2) and (3) in Table 1 state why and for whom these laws are necessary. Based on discussions in the classroom, you have to complete the remaining entries in the table.

Table -1

Law	Why is necessary?	Whose interests does the law protect.?
Minimum Wages Act specifies that wages should not be below a specified minimum	Many workers are denied fair wages by their employers. Because they badly need work. workers have no bargaining power and are paid low wages.	This law is meant to protect the interests of all workers; particularly farm labourers, construction workers, factory workers, domestic workers, etc.
Law specifying that there be adequate safety measures in workplaces. For example, alarm system, emergency exits, property functioning machinery		
Law requiring that the quality of goods meet certain prescribed Standards. For example electrical appliances have to meet safety standards.	Consumers might be put to risk by the poor quality of products such as electrical appliances, food, medicines.	
Law requiring that the prices of essential goods are not high for example sugar, kerosene, foodgrains.		The interests of the poor who will otherwise be unable to afford these goods.
Law requiring that factories do not pollute air or water.		

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Laws against child labour in workplaces.

Law to form workers unions/associations

By organising themselves into unions, workers can use their combined power to demand fair wages and better working conditions

But merely making laws is not enough. The government has to ensure that these laws are implemented. This means that the law must be enforced. Enforcement becomes even more important when the law seeks to protect the weak from the strong. For instance, to ensure that every worker gets fair wages, the government has to regularly inspect work sites and punish those who violate the law. When workers are poor or powerless, the fear of losing future earnings or facing reprisals often forces them to accept low wages. Employers know this well and use their power to pay workers less than the fair wage. In such cases, it is crucial that laws are enforced.

Through making, enforcing and upholding these laws, the government can control the activities of individuals or private companies so as to ensure social justice. Many of these laws have their basis in the Fundamental Rights guaranteed by the Indian Constitution. For instance, the Right against Exploitation says that no one can be forced to work for low wages or under bondage. Similarly, the Constitution lays down "no child below the age of 14 years shall be employed to work in any factory or mines or engaged in any other hazardous employments."

How are these laws played out in practice? To what extent do they address the concerns of social justice? These are some of the questions that this chapter will now go on to explore.

What is a Worker's Worth?

If we are to understand the events leading to Bhopal disaster, we have to ask: why did Union Carbide set up its plant in India?

One reason why foreign companies come to India is for cheap labour. Wages that the companies pay to workers, say in the U.S.A. are far higher than what they have to pay to workers in poorer countries like India. For lower pay, companies can get longer hours of work. Additional expenses such as for housing facilities for workers are also fewer. Thus, companies can save costs and earn higher profits.



According to the 2001 census, over 12 million children in India aged between 5 and 14 work in various occupations including hazardous ones. In October 2006, the government amended the Child Labour Prevention Act, banning children under 14 years of age from working as domestic servants or as workers in dhabas restaurants, tea shops etc. It made employing these children a punishable offence. Anyone found violating the ban must be penalised with a punishment ranging from a jail term of three months to two years and/or fine of Rs. 10,000 to Rs. 20,000. The central government had asked state governments to develop plans to rescue and rehabilitate children who are working as domestic servants. To date, only three state governments, namely Maharashtra, Karnataka and Tamil Nadu have published these plans. Even today more than a year after this law was passed 74 percent of child domestic workers are under the age of 16.

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Cost cutting can also be done by other more dangerous means. Lower working conditions including lower safety measures are used as ways to cutting costs. In the UC plant, every safety device was malfunctioning or was in short supply. Between 1980 and 1984, the work crew for the MIC plant was cut in half from 12 to 6 workers. The period of safety training for workers was brought down from 6 months to 15 days! The post of night-shift worker for the MIC plant was abolished.

Read the following comparison between UC's safety system in Bhopal and its other plant in the US:

At West Virginia (U.S.A.) computerised warning and monitoring systems were in place, whereas the UC plant in Bhopal relied on manual gauges and the human senses to detect gas leaks. At the West Virginia plant, emergency evacuation plans were in place, but nonexistent in Bhopal.

Why are there such sharp differences in safety standards across countries? And even after the disaster happened, why was the compensation to the victims so low?

One part of the answer lies in what is perceived as the worth of an Indian worker. One worker can easily replace another. Since there is so much unemployment, there are many workers who are willing to work in unsafe conditions in return for a wage. Making use of the workers's vulnerability, employers ignore safety in workplaces. Thus, even so many years after the Bhopal gas tragedy, there are regular reports of accidents in construction sites, mines or factories due to the callous attitude of the employees.

Enforcement of Safety Laws

As the lawmaker and enforcer, the government is supposed to ensure that safety laws are implemented. It is also the duty of the government to ensure that the Right to Life guaranteed under Article 21 of the Constitution is not violated. What was the government doing when there were such blatant violations of safety standards in the UC plant?

First, the safety laws were lax in India. Second, even these weak safety laws were not enforced.

Government officials refused to recognise the plant as hazardous and allowed it to come up in a populated locality. When some municipal officials in Bhopal objected that the installation of an MIC production unit in 1978 was a safety violation, the position of the government was that the state needs the continued investment of the Bhopal plant, which provides jobs. It was unthinkable, according to them, to ask UC to shift to cleaner technology or safer procedures. Government inspectors continued to approve the procedures in the plant, even when repeated incidents of leaks from the plant made it obvious to everybody that things were seriously wrong.

This, as you know, is contrary to what the role of a law making and enforcement agency should be. Instead of protecting the interests of the people, their safety was being disregarded both by the government and by private companies.



Accidents are common to construction sites. Yet, very often, safety equipment and other precautions are ignored.

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This is obviously not at all desirable. With more industries being setup both by local and foreign businesses in India, there is a great need for stronger laws protecting workers' rights and better enforcement of these laws.

New Laws to Protect the Environment

In 1984, there were very few laws protecting the environment in India, and there was hardly any enforcement of these laws. The environment was treated as a 'free' entity and any industry could pollute the air and water without any restrictions. Whether it was our rivers, air, groundwater- the environment was being polluted and the health of people disregarded.

Thus, not only was India a beneficiary of lower safety standards, it didn't have to spend any money to clean up the pollution. In the U.S.A. this is a necessary part of the production process.

The Bhopal disaster brought the issue of environment to the forefront. Several thousands of persons who were not associated with the factory in any way were greatly affected because of the poisonous gases leaked from the plant. This made people realise that the existing laws, though weak, only covered the individual worker and not persons who might be injured due to industrial accidents.

In response to this pressure from environmental activists and others, in the years following the Bhopal gas tragedy, the Indian government introduced new laws on the accountability for the damage done to environment. The environment is something that people over generations will share, and it could not be destroyed merely for industrial development.

The courts also gave a number of judgements upholding the right to a healthy environment as intrinsic to the Fundamental Right of Life. In *Subhash vs. State of Bihar* (1991) the Supreme Court held that the Right to Life is a Fundamental Right under Article 21 of the Constitution and it includes the right to the enjoyment of pollution-free water and air for full enjoyment of life. The government is responsible for setting up laws and procedures that can check pollution, clean rivers and introduce heavy fines for those who pollute.

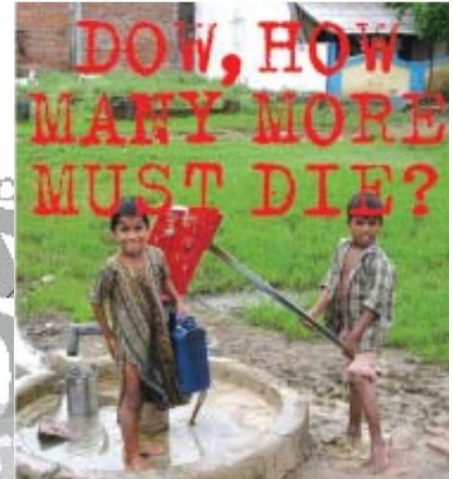
Environment as a Public Facility

In recent years, while the courts have come out with strong orders on environmental issues, these have sometimes affected people's livelihoods adversely.

For instance, the courts directed industries in residential areas in Delhi to close down or shift out of the city.

Several of these industries were polluting the neighbourhood and discharge from these industries was polluting the river Yamuna, because they had been set up without following the rules.

But, while the court's action solved one problem, it created another. Because of the closure, many workers lost their jobs. Others were forced to go to far-away places where these factories had relocated. And the same problem now began to come up in these areas-



Pumps at contaminated wells are painted red by the government around the UC factory in Bhopal. Yet, local people continue to use them as they have no other accessible source of clean water.

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for now these places become polluted. And the issue of the safety conditions of workers remained unaddressed.

Recent research on environmental issues in India has highlighted the fact that the growing concern for the environment among the middle classes is often at the expense of the poor. So, for example, slums need to be cleaned as part of a city's beautification drive, or as in the case above, a polluting factory is moved to the outskirts of the city. And while this awareness of the need for a clean environment is increasing there is little concern for the safety of the workers themselves.

The challenge is to look for solutions where everyone can benefit from a clean environment. One way this can be done is to gradually move to cleaner technologies and processes in factories. The government has to encourage and support factories to do this. It will need to fine those who pollute. This will ensure that the workers livelihoods are protected and both workers and communities living around the factories enjoy a safe environment.



Emissions from vehicles are a major cause of environmental pollution. In a series of rulings (1998 onwards), the Supreme Court had ordered all public transport vehicles using diesel were to switch to Compressed Natural Gas (CNG). As a result of this move, air pollution in cities like Delhi came down considerably. But a recent report by the Centre for Science and Environment, New Delhi, shows the presence of high levels of toxic substance in the air. This is due to emission from cars run on diesel (rather than petrol) and a sharp increase in the number of cars on the road.



Workers outside closed factories.

Thrown out of work, many of the workers end up as small traders or as daily-wage labourers.

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Some might find work in even smaller production units, where the conditions of work enforcement of laws weaker.



Advanced countries are relocating the toxic and hazardous industries to developing countries to take advantages of the weaker laws in these countries and keep their own countries safe. South Asian countries-particularly India, Bangladesh and Pakistan - play hosts for industries producing pesticides, asbestos or processing zinc and lead.

Ship-breaking is another hazardous industry that is growing rapidly in South Asia. Old ships no longer in use, are sent to ship-yards in Bangladesh and India for scrapping. These ships contain potentially dangerous and harmful substances. This photo shows workers breaking down a ship in Alang, Gujarat.

Conclusion

Laws are necessary in many situations, whether this be the market, office or factory so as to protect people from unfair practices. Private companies, contractors, business persons, in order to make higher profits, resort to unfair practices such as paying workers low wages, employing children for work, ignoring the conditions of work, ignoring the damage to the environment (and hence to the people in the neighbourhood) etc.

A major role of the government, therefore, is to control the activities of private companies by making, enforcing and upholding laws so as to prevent unfair practices and ensure social justice. This means that the government has to make 'appropriate laws' and also has to enforce the laws. Laws that are weak and poorly enforced can cause serious harm, as the Bhopal gas tragedy showed.

While the government has a leading role in this respect, people can exert pressure so that both private companies and the government act in the interests of society. Environment, as we saw, is one example where people have pushed a public cause and the courts have upheld the right to healthy environment as intrinsic to the Right to Life. In this chapter, we have argued that people now must demand that this facility of healthy environment be extended to all. Likewise, workers' rights (right to work, right to a fair wage and decent work conditions) is an area where the situation is still very unfair, People must demand stronger laws protecting workers' interest so that the Right to Life is achieved for all.

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Important Terms

Consumer : An individual who buys goods for personal use and not for resale.

Producer : A person or organisation that produces goods for sale in the market. At times, the producer keeps a part of the produce for his own use, like a farmer.

Investment : Money spent to purchase new machinery or building or training so as to be able to increase/modernise production in the future.

Workers' unions : An association of workers. Workers' unions are common in factories and offices, but might be also found among types of workers, domestic workers' unions. The leaders of the union bargain and negotiate with the employer on behalf of its members. The issues include wages, work rules, rules governing hiring, firing and promotion of workers, benefits and workplace safety.

The Constitution as a Living Ideal

The Right to Life is a Fundamental Right that the Constitution guarantees to all the citizens of this country. Over the years this right, or Article 21, has been used by ordinary citizens to include issues to make this Right more meaningful and substantial. The case of the slum-dwellers being evicted from Mumbai established the right to livelihood as part of the Right to Life. the court ruled in favour of a person's Right to the "enjoyment of pollution free water and air for full enjoyment of life" as part of the Right to Life. In addition to these cases, the courts have also ruled to include the right to education and the right to shelter within this expanded understanding of Article 21.

The above expanded understanding of the Right to Life was achieved through the efforts of ordinary citizens to get justice from the courts when they believed that their Fundamental Rights were being violated. These Fundamental Rights have also served time and again as the basis for the making of new laws and establishing certain policies to protect all citizens. All of this is possible because our constitution contains certain constitutive rules that work towards protecting the dignity and self-respect of all citizens of India and guard against all forms of possible violations. What these should include is spelt out in the various provisions on Fundamental Rights and the rule of law.

But as the above cases highlight, there is also an intrinsic flexibility to our Constitution that allows for a continually expanding list of issues to be included within the idea of dignity and justice that the Constitution guarantees. This flexibility allows for new interpretations and, therefore, the Constitution can be considered to be a living document. Thus, the right to health, the right to shelter etc, are issues that were not present in written form in the Constitution that members of the Constituent Assembly had presented in 1949. But they were present in spirit, i.e. the democratic ideals that the Constitution established allowed for persons to use the political process to continually ensure that these ideal became a reality in the lives of ordinary citizens.

Much has been done in this process of making Constitutional ideals into a reality. and a lot still remains to be done. Several struggles by people in different parts of the country serve as a continual reminder that serious issues of equality, dignity and self-respect remain to be realised in the live of the majority. These struggles, are often not covered by the media. But this does not in any way diminish the attention that they deserve.