



## Introduction

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India – with a population of around a billion and an electorate of over 700 million – is the world's largest democracy and, for all its faults and flaws, this democratic system stands in marked contrast to the democratic failures of Pakistan and Bangladesh which were part of India until 1947.

Unlike the American political system and the British political system which essentially have existed in their current form for centuries, the Indian political system is a much more recent construct dating from India's independence from Britain in 1947. The current constitution came into force on 26 November 1950 and advocates the trinity of justice, liberty and equality for all citizens.

In stark contrast with the current constitution of Japan which has remained unchanged, the constitution of India has been one of the most amended national documents in the world with more than 80 changes. Many of these amendments have resulted from a long-running dispute involving the Parliament and the Supreme Court over the rights of parliamentary sovereignty as they clash with those of judicial review of laws and constitutional amendments. India's lower house, the Lok Sabha, is modelled on the British House of Commons, but its federal system of government borrows from the experience of the United States, Canada and Australia.

### *The Executive Branch*

The head of state in India is the President. This is normally a ceremonial role, originally modelled on the British monarch

to "advise, encourage and warn" the elected government on constitutional matters. The President can return a Parliamentary Bill once for reconsideration and, in times of crisis such as a hung Parliament, the role is pivotal. The President can declare a state of emergency which enables the Lok Sabha to extend its life beyond the normal five-year term.

As members of an electoral college, around 4,500 members of the national parliament and state legislators are eligible to vote in the election of the President. The Indian Presidency has recently attracted special attention because for the first time a woman now occupies the role: Pratibha Patil who was formerly governor of the northern Indian state of Rajasthan.

There is also the post of Vice-President who is elected by the members of an electoral college consisting of both houses of parliament. The Vice-President chairs the the upper house called the Rajya Sabh.

The head of the government is the Prime Minister who is appointed by the President on the nomination of the majority party in the lower house or Lok Sabha. Currently the Prime Minister is Manmohan Singh of the ruling United Progressive Alliance. Ministers are then appointed by the President on the recommendation of the Prime Minister and these ministers collectively comprise the Council of Ministers.

### ***The Legislative Branch***

The lower house in the Indian political system is the Lok Sabha or House of the People. As set out in the Constitution, the maximum size of the Lok Sabha is 552 members, made up of up to 530 members representing people from the states of India, up to 20 members representing people from the Union Territories, and two members to represent the Anglo-Indian community if it does not have adequate representation in the house according to the President.

Currently the size of the house is 545 – made up of 530 elected from the states, 13 elected from the territories, and two nominated from the Anglo-Indian community. By far the largest state representation is that of Uttar Pradesh with 80 members. At the other end of the scale, three states have only one representative each. There are certain constituencies where



only candidates from scheduled castes and scheduled tribes are allowed to stand.

Each member – except the two nominated ones – represents a geographical single-member constituency as in the British model for the House of Commons.

Each Lok Sabha is formed for a five year term, after which it is automatically dissolved, unless extended by a Proclamation of Emergency which may extend the term in one year increments. This has happened on three occasions: 1962-1968, 1971 and 1975-1977.

Elections are a huge and complex affair which nationwide are held in five separate rounds taking a total of 28 days.

The upper house in the Indian political system is the Rajya Sabha or Council of States. As set out in the Constitution, the Rajya Sabhas has up to 250 members. 12 of these members are chosen by the President for their expertise in specific fields of art, literature, science, and social services. These members are known as nominated members. The remainder of the house – currently comprising 238 members - is elected indirectly by the state and territorial legislatures in proportion to the unit's population. Again, of course, the largest state representation is that of Uttar Pradesh with 31 members. The method of election in the local legislatures is the single transferable vote.

Terms of office are for six years, with one third of the members facing re-election every two years. The Rajya Sabha meets in continuous session and, unlike the Lok Sabha, it is not subject to dissolution.

The two houses share legislative powers, except in the area of supply (money) where the Lok Sabha has overriding powers. In the case of conflicting legislation, a joint sitting of the two houses is held. If there is a conflict which cannot be resolved even by the joint committee of the two houses, it is solved in the joint session of the Parliament, where the will of the Lok Sabha almost always prevails, since the Lok Sabha is more than twice as large as the Rajya Sabha.

### ***Political Parties***

In India, political parties are either a National Party or a State Party. To be considered a National Party, a political party

has to be recognised in four or more states and to be either the ruling party or in the opposition in those states.

Ever since its formation in 1885, the Indian National Congress (INC) – and its successor - has been the dominant political party in India. For its first six decades, its focus was on campaigning for Indian independence from Britain. Since independence in 1947, it has sought to be the governing party of the nation with repeated success.

As a result, for most of its democratic history, the Lok Sabha has been dominated by the Indian Congress Party which has been in power for a great deal of the time. However, since the Congress Party lost power in 1989, no single party has been able to secure an overall majority in the Lok Sabha, making coalitions inevitable. Also, unlike Japan where the Liberal Democrat Party has been in power almost continuously, Congress has had (usually short) periods out of power, between 1977-1980, 1989-1991 and 1996-2004.

The original Congress Party espoused moderate socialism and a planned, mixed economy. However, its spin-off and successor, Congress (I) – 'I' in honour of Indira Gandhi – now supports deregulation, privatisation and foreign investment.

While the Congress Party has historically dominated Indian politics, the leadership of the Congress Party in turn has been dominated by one family: Jawaharlal Nehru, India's first Prime Minister, served for 17 years; his daughter Indira Gandhi later became Prime Minister; his grandson Rajiv Gandhi was also Prime Minister; currently the widow of Rajiv Gandhi, the Italian-born Sonia Gandhi holds the position as Congress President although she has refused to accept the post of Prime Minister; and her son Rahul Gandhi is a Member of Parliament, while her daughter Priyanka Gandhi is an active political campaigner.

The Indian Congress Party is the leading party in the Centre-Left political coalition called the United Progressive Alliance (UPA) which embraces a total of 16 parties.

The other major, but more recently-established, political party in India is the Bharatiya Janata Party (BJP). Created in 1980, it represents itself as a champion of the socio-religious cultural values of the country's Hindu majority and advocates



conservative social policies and strong national defence. The BJP, in alliance with several other parties, led the government between 1998-2004.

The Bharatiya Janata Party is the leading party in the Right-wing political coalition called the National Democratic Alliance (NDA). When it was originally founded in 1998, there were 13 parties in the coalition but currently there are eight.

A Third Front is a grouping centred on the Communists.

### ***The Judicial Branch***

The Supreme Court is the highest judicial authority in civil, criminal and constitutional cases. The court consists of up to 26 judges, including the Chief Justice of India, all of whom are appointed by the President on the recommendation of the Prime Minister. They serve until the age of 65.

### ***The States***

India is a huge country both demographically and geographically and consequently it operates a federal system of government. Below the national level, there are 28 States and seven Union Territories.

The largest of India's states is Uttar Pradesh (UP) in the north of the country. With over 175 million inhabitants, UP is the most populous state in India and is also the most populous country subdivision in the world. On its own, if it was an independent nation, this state would be the world's sixth biggest country. Only China, India itself, the United States, Indonesia and Brazil have a higher population.

In Indian general elections, it fills more than one-seventh of the seats in India's Parliament and, such is the state's caste-based and sometimes violent politics that, currently a quarter of UP's MPs face criminal charges.

Over the years, India has evolved from a highly centralised state dominated by one political party to an increasingly fragmented nation, more and more influenced by regional parties and more and more governed locally by unstable multi-party alliances. In the General Election of 2009, Congress and the BJP faced each other in only seven of the 28 States; elsewhere, one of the two national parties faced a regional party.

Politics in India is much rougher and much more corrupt than in the democracies of Europe and North America. Political assassination is not uncommon: the revered Mahatma Gandhi in 1948, the Prime Minister Indira Gandhi in 1984, and the Prime Minister Rajiv Gandhi in 1991 were all killed by assassins. Communal, caste and regional tensions continue to haunt Indian politics, sometimes threatening its long-standing democratic and secular ethos.

Recent years have seen the emergence of so-called RTI activists - tens of thousands of citizens, often poor, sometimes almost illiterate, frequently highly motivated - who use the Right To Information legislation of 2005 to promote transparency and attack corruption in public institutions. In the first five years of the legislation, over a million RTI requests were filed and so threatening to authority have some of the RTI activists become that a number of have been murdered.

More recently than the RTI movement, there has been a related - if rather different in caste and class terms - movement around the demand for an anti-corruption agency (called Lokpal). This movement has been led by the hunger-striker Anna Hazare and draws most of its support from the growing Indian middle-class which feels alienated from politics since the votes are to be found in poor, rural communities while the power is to be found in rich, urban elites.

In spite of all its problems, India remains a vibrant and functioning democracy that is a beacon to democrats in many surrounding states.

## **POLITICAL STRUCTURE**

### ***Federal System***

India, a union of states, is a Sovereign, Secular, Democratic Republic with a Parliamentary system of Government. The Indian Polity is governed in terms of the Constitution, which was adopted by the Constituent Assembly on 26 November 1949 and came into force on 26 November 1950.

The President is the constitutional head of Executive of the Union. Real executive power vests in a Council of Ministers with the Prime Minister as head. Article 74(1) of the Constitution provides that there shall be a Council of Ministers headed by



the Prime Minister to aid and advise the President who shall, in exercise of his functions, act in accordance with such advice. The Council of Ministers is collectively responsible to the Lok Sabha, the House of the People.

In the states, the Governor, as the representative of the President, is the head of Executive, but real executive power rests with the Chief Minister who heads the Council of Ministers. The Council of Ministers of a state is collectively responsible to the elected legislative assembly of the state.

The Constitution governs the sharing of legislative power between Parliament and the State Legislatures, and provides for the vesting of residual powers in Parliament. The power to amend the Constitution also vests in Parliament.

The Union Executive consists of the President, the Vice President and Council of Ministers with the Prime Minister at the head to aid and advise the President.

### **President**

The President is elected by members of an electoral college consisting of elected members of both Houses of Parliament and Legislative Assemblies of the states, with suitable weightage given to each vote. His term of office is five years.

Among other powers, the President can proclaim an emergency in the country if he is satisfied that the security of the country or of any part of its territory is threatened whether by war or external aggression or armed rebellion. When there is a failure of the constitutional machinery in a state, he can assume to himself all or any of the functions of the government of that state.

### **Vice-President**

The Vice-President is elected in the same way as the President, and holds office for five years. The Vice-President is Ex-officio Chairman of the Rajya Sabha.

### **Council of Ministers**

The Council of Ministers comprises Cabinet Ministers, Minister of States (independent charge or otherwise) and Deputy Ministers. Prime Minister communicates all decisions of the Council of Ministers relating to administration of affairs of the

Union and proposals for legislation to the President. Generally, each department has an officer designated as secretary to the Government of India to advise Ministers on policy matters and general administration. The Cabinet Secretariat has an important coordinating role in decision making at highest level and operates under direction of Prime Minister.

The Legislative Arm of the Union, called Parliament, consists of the President, Rajya Sabha and Lok Sabha. All legislation requires consent of both houses of parliament. However, in case of money bills, the will of the Lok Sabha prevails.

### **Rajya Sabha**

The Rajya Sabha consists of 245 members. Of these, 233 represent states and union territories and 12 members are nominated by the President. Elections to the Rajya Sabha are indirect; members are elected by the elected members of Legislative Assemblies of the concerned states. The Rajya Sabha is not subject to dissolution, one third of its members retire every second year.

### **Lok Sabha**

The Lok Sabha is composed of representatives of the people chosen by direct election on the basis of universal adult suffrage. As of today, the Lok Sabha consists of 545 members with 2 members nominated by the President to represent the Anglo-Indian Community. Unless dissolved under unusual circumstances, the term of the Lok Sabha is five years.

### **State Governments**

The system of government in states closely resembles that of the Union. There are 25 states and seven Union territories in the country.

Union Territories are administered by the President through an Administrator appointed by him. Till 1 February 1992, the Union Territory of Delhi was governed by the Central government through an Administrator appointed by the President of India. Through a Constitutional amendment in Parliament, the Union Territory of Delhi is now called the National Capital Territory of Delhi from 1 February 1992.



General elections to the Legislative assembly of the National Capital Territory were held in November 1993.

### ***Political System***

A recognised political party has been classified as a National Party or a State Party. If a political party is recognised in four or more states, it is considered as a National Party.

Congress, Bharatiya Janata Party, Janata Dal, Communist Party of India and Communist Party of India (Marxist) are the prominent National Parties in the Country. Telugu Desam in Andhra Pradesh, Asom Gana Parishad in Assam, Jharkhand Mukti Morcha in Bihar, Maharashtra Gomantak Party in Goa, National Conference in Jammu and Kashmir, Muslim League in Kerala, Shiv Sena in Maharashtra, Akali Dal in Punjab, All India Anna Dravida Munnetra Kazhagam and Dravida Munnetra Kazhagam in Tamil Nadu, Bahujan Samaj Party and Samajwadi Party in Uttar Pradesh and All India Forward Block in West Bengal are the prominent state parties.

Eleven Lok Sabhas have been constituted so far. Except for the short-lived Sixth and Ninth Lok Sabha, the Congress Party ruled the country. The Sixth Lok Sabha functioned for about two years and four months and the Ninth Lok Sabha functioned for one year and two months.

### ***Judicial System***

The Supreme Court is the apex court in the country. The High Court stands at the head of the state's judicial administration. Each state is divided into judicial districts presided over by a district and sessions judge, who is the highest judicial authority in a district. Below him, there are courts of civil jurisdiction, known in different states as munsifs, sub-judges, civil judges and the like. Similarly, criminal judiciary comprises chief judicial magistrate and judicial magistrates of first and second class.

### ***Supreme Court***

The Supreme Court has original, appellate and advisory jurisdiction. Its exclusive original jurisdiction extends to all disputes between the Union and one or more states or between two or more states. The Constitution gives an extensive original