

# Political system of India



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### INTRODUCTION

India – with a population of 1.3 billion and an electorate of around 900 million (2019) – 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 January 1950 and advocates the trinity of justice, liberty and equality for all citizens. The Constitution of India is the longest written constitution of any sovereign country in the world, containing 444 articles, 12 schedules and 98 amendments, with some 146,000 words in its English language version.

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 98 changes in just over 70 years. 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. While the framers of the Indian constitution certainly had in mind this Anglo-Saxon idea of federalism, historically the central government has dominated over the regional states. The Constitution actually refers to India as a “Union of states” and perhaps a better term – which is also used in the mainstream media – is quasi-federal system.

### 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, nearly 5,000 members of the national parliament and state legislators are eligible to vote in the election of the President. The current President is Ram Nath Kovind, a member of the dalit (untouchable) caste.

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 upper house called the Rajya Sabha. The current Vice-President is Venkaiah Naidu.

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. In May 2014, Narendra Modi, leader of the the Bharatiya Janata

Party (BJP), became PM, having never previously held office at national level. In May 2019, his party won the general election, giving him a second five-year term as premier.

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, comprising 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 casts 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.

The last election to the Lok Sabha was in April/May 2019 and the next election will commence in April 2024.

The composition of the Lok Sabha is supposed to be based on the population of each state and union territory with periodic revisions based on the latest census. However, the allocation of seats has not changed since 1971. This is because states that have been most successful in curbing population growth would be penalized by reductions in their representation and therefore are resisting change.

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 cases of constitutional issues or supply (money) where the Lok Sabha has overriding powers. In the case of conflicting legislation on issues other than the constitution or supply, 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.

## ELECTIONS

Elections in a country of the size and complexity of India are huge and difficult affairs. The Indian Constitution requires that voters do not have to travel more than 2 km (1.2 miles) from their homes to vote. At the last election in May 2019, some 900 million citizens were eligible to vote and almost 614 million did so.

There is no way that such a poll can be conducted on a single day and in fact the last election to the Lok Sabha took place over a period of almost six weeks, starting on 11 April 2019 and finishing on 19 May 2019 with all votes counted on a single day: 23 May 2019. The election was conducted in seven separate phases and almost 4 million staff were deployed to run them. Administrative and security considerations meant that electoral staff and soldiers were moved around the country as the different voting phases took place.

All this activity is controlled by a National Election Commission which was formed early in the life of the nation and has significant powers. This is a contrast with the American political system where federal elections are organized by the states.

Historically only around 55% of those eligible to do so vote in Indian national elections. However, turnout for the 2014 election broke records with 66.38% of those eligible casting a vote and turnout in 2019 again broke the record at 67.11%.

There is growing concern in India about what has been called the “criminalization” of politics. Many members of the Lok Sabha have been the subject of criminal charges. The severity of these charges varies and some charges may be unfounded, as the judicial process is often used to smear political opponents and police in many states are highly corrupt. Nevertheless, there is little doubt that overall criminality and corruption are high in Indian politics.

## 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 the opposition in those states.

Following its formation in 1885, the Indian National Congress (INC) – and its successor of 1978 – was 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. Indeed, so dominant was Congress at both national and state levels that it created what was called “the Congress system”.

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, 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. Then, the 2014 election was a disaster for the Congress Party. It did not simply lose power; it was shattered at the polls winning a mere 44 seats. In the 2019 election, it only marginally improved its seat count to 52. Clearly the Congress Party’s historic role as leader of post-independence India is over.

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, privatization 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 refused to accept the post of Prime Minister in the last Congress government; 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 36 parties. In the 2019 election, the UPA had 91 seats.

The other major, but more recently-established, political party in India is the Bharatiya Janata Party (BJP). Founded on the remnants of the Bharatiya Jana Sangh (BJS) created in 1951 as the political wing of the the Rashtriya Swayamsevak Sangh (RSS), the BJS was formed 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. In the election of 2014, it stormed to victory, winning 282 seats, an overall majority in parliament. In the election of 2019, it increasing this tally to 303 seats

The leader of the BJP is a controversial figure. Narendra Modi is a lifelong member of the Rashtriya Swayamsevak Sangh (RSS) or National Volunteer Movement, a vast and influential Hindu rivalist conservative movement which has been banned three times in India. In 2002, when he was chief minister in the state of Gujarat, more than 1,000 people died in inter-communal riots and Modi was accused of complicity in the sectarian slaughter mostly of Muslims.

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 43. In the 2019 election, the NDA commanded 355 seats.

Two other – much smaller – national alliances are a grand alliance of regional parties and a left-front of communist-leaning parties.

In a democracy where a significant proportion of the electorate is illiterate, the use of recognizable symbols for political parties is important. The Indian Congress Party is represented by a hand, while the Bharatiya Janata Party is represented by a lotus.

## THE JUDICIAL BRANCH

The Supreme Court is the highest judicial authority in civil, criminal and constitutional cases. Since 2008, the size of the court has been 31.

A judge is appointed to the Supreme Court by the President of India on the recommendation of the collegium — a closed group of the Chief Justice of India, the four most senior judges of the court, and the senior-most judge hailing from the high court of a prospective appointee. However, a Bill is currently being considered which would

provide that Supreme Court judges are appointed by the legislative branch with the collegium functioning as an advisory body.

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