INTERGOVERNMENTAL POLITICS OF INDIA

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INTRODUCTION

INDIAN POLITICS ENTERED a new era at the beginning of the 1990s. The period of political domination by the Congress (I) branch of the Indian National Congress came to an end with the party's defeat in the 1989 general elections, and India began a period of intense multiparty political competition. Even though the Congress (I) regained power as a minority government in 1991, its grasp on power was precarious. The Nehruvian socialist ideology that the party had used to fashion India's political agenda had lost much of its popular appeal. The Congress (I) political leadership had lost the mantle of moral integrity inherited from the Indian National Congress's role in the independence movement, and it was widely viewed as corrupt. Support among key social bases of the Congress (I) political coalition was seriously eroding. The main alternative to the Congress (I), the Bhartiya Janata Party (BJP--Indian People's Party), embarked on a campaign to reorganize the Indian electorate in an effort to create a Hindu nationalist majority coalition. Simultaneously, such parties as the Janata Dal (People's Party), the Samajwadi Party (Socialist Party), and the Bahujan Samaj Party (BSP-- Party of Society's Majority) attempted to ascend to power on the crest of an alliance of interests uniting Dalits, Backward Classes, Scheduled Tribes, and religious minorities.

The structure of India's federal--or union--system not only creates a strong central government but also has facilitated the concentration of power in the central government in general and in particular in the Office of the Prime Minister. This centralization of power has been a source of considerable controversy and political tension. It is likely to further exacerbate political conflict because of the increasing pluralism of the country's party system and the growing diversity of interest-group representation.

Once viewed as a source of solutions for the country's economic and social problems, the Indian polity is increasingly seen by political observers as the problem. When populist political appeals stir the passions of the masses, government institutions appear less capable than ever before of accommodating conflicts in a society mobilized along competing ethnic and religious lines. In addition, law and order have become increasingly tenuous because ofthe growing inability of the police to curb criminal activities and quell communal disturbances. Indeed, many observers bemoan the "criminalization" of Indian politics at atime when politicians routinely hire "muscle power" to improve their electoral prospects, and criminals themselves successfully run for public office. These circumstances have led some observers to conclude that India has entered into a growing crisis of governability.

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THE INDIAN CONSTITUTION

The constitution of India draws extensively from Western legal traditions in its outline of the principles of liberal democracy. It is distinguished from many Western constitutions, however, in its elaboration of principles reflecting the aspirations to end the inequities of traditional social relations and enhance the social welfare of the population. According to constitutional scholar Granville Austin, probably no other nation's constitution "has provided so much impetus toward changing and rebuilding society for the common good." Since its enactment, the constitution has fostered a steady concentration of power in the central government--especially the Office of the Prime Minister. This centralization has occurred in the face of the increasing assertiveness of an array of ethnic and caste groups across Indian society. Increasingly, the government has responded to the resulting tensions by resorting to the formidable array of authoritarian powers provided by the constitution. Together with the public's perception of pervasive corruption among India's politicians, the state's centralization of authority and increasing resort to coercive power have eroded its legitimacy. However, a new assertiveness shown by the Supreme Court and the Election Commission suggests that the remaining checks and balances among the country's political institutions continue tosupport the resilience of Indian democracy.

Adopted after some two and one-half years of deliberation by the Constituent Assembly that also acted as India's first legislature, the Indian constitution was put into effect on January 26, 1950. Bhimrao Ramji (B.R.) Ambedkar, a Dalit who earned a law degree from Columbia University, chaired the drafting committee of the constitution and shepherded it through Constituent Assembly debates. Supporters of independent India's founding father, Mohandas Karamchand (Mahatma) Gandhi, backed measures that would form a decentralized polity with strong local administration--known as *panchayat* --in a system known as *Panchayati raj* , that is rule by *panchayats* . However, the support of more modernist leaders, such asJawaharlal Nehru, ultimately led to a parliamentary government and a federal system with a strong central government . Following a British parliamentary pattern, the constitution embodies the Fundamental Rights, which are similar to the United States Bill of Rights, and a Supreme Court similar to that of the United States. It creates a "sovereign democratic republic" called India, or Bharat (after the legendary king of the *Mahabharata*), which "shall be a Union of States." India is a federal system in which residual powers of legislation remain with the central government, similar to that in Canada. The constitution of India provides detailed lists dividing up powers between central and state governments as in Australia, and it elaborates a set of Directive Principles of State Policy as does the Irish constitution.

The 395 articles and ten appendixes, known as schedules, in the constitution make it one of the longest and most detailed in the world. Schedules can be added to the constitution by amendment. The ten schedules in force cover the designations of the states and union territories; the emoluments for high-level officials; forms of oaths; allocation of the number of seats in the Rajya Sabha (Council of States--the upper house of Parliament) per state or territory; provisions for the administration and control of Scheduled Areas (see Glossary) and

Scheduled Tribes; provisions for the administration of tribal areas in Assam; the union (meaning central government), state, and concurrent (dual) lists of responsibilities; the official languages; land and tenure reforms; and the association of Sikkim with India.

The Indian constitution is also one of the most frequently amended constitutions in the world. The first amendment came only a year after the adoption of the constitution and instituted numerous minor changes. Many more amendments followed, and through June 1995 the constitution had been amended seventy-seven times, a rate of almost two amendments per year since 1950. Most of the constitution can be amended after a quorum of more than half of the members of each house in Parliament passes an amendment with a two-thirds majority vote. Articles pertaining to the distribution of legislative authority between the central andstate governments must also be approved by 50 percent of the state legislatures.

The Constitution of India lays down the basic structure of government under which the people are to be governed. It establishes the main organs of government - the executive, the legislature and the judiciary. The Constitution not only defines the powers of each organ, but also demarcates their responsibilities. It regulates the relationship between the different organs and between the government and the people. It thus forms the basis of politics in India. The Constitution is superior to all other laws of the country. Every law enacted by the government has to be in conformity with the Constitution.

The governance of India is based on a tiered system, wherein the Constitution of India appropriates the subjects on which each tier of government has executive powers. The constitution uses the Seventh Schedule to delimit the subjects under three categories namely the union list, the state list and the concurrent list. The central government has the powers to enact laws on subjects under the union list, while the state governments have the powers to enact laws on subjects under the state list. Both the central as well as the state governments can enact laws on subjects under the concurrent list. However, the laws enacted by the central government under the concurrent list overrides the laws enacted by the state government when a conflict arises between those laws.

INTERGOVERNMENTAL POLITICS OF INDIA

Politics of India takes place in a framework of a federal parliamentary multi-party representative democratic republic modeled after the British Westminster System. The Prime Minister of India is the head of government, while the President of India is the formal head of state and holds substantial reserve powers, placing him or her in approximately the same position as the British monarch. Executive power is exercised by the government. Federal legislative power is vested in both the government and the two chambers of the Parliament of India. The judiciary is independent of the executive and the legislature.

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

United States, India has a federal form of government, however, the central government in India has greater power in relation to its states, and its central government is patterned after the British parliamentary system. Regarding the former, "the Centre", the national government, can and has dismissed state governments if no majority party or coalition is able to form a government or under specific Constitutional clauses, and can impose direct federal rule known as President's rule. Locally, the Panchayati Raj system has several administrative functions.

For most of the years since independence, the federal government has been led by the Indian National Congress (INC), Politics in the states have been dominated by several national parties including the INC, the Bhartiya Janata Party (BJP), the Communist Party of India (Marxist) (CPI(M)) and various regional parties. From 1950 to 1990, barring two brief periods, the INC enjoyed a parliamentary majority. The INC was out of power between 1977 and 1980, when the Janata Party won the election owing to public discontent with the corruption of the then Prime Minister Indira Gandhi. In 1989, a Janata Dal-led National Front coalition in alliance with the Left Front coalition won the elections but managed to stay in power for only two years. As the 1991 elections gave no political party a majority, the INC formed a minority government under Prime Minister P.V. Narasimha Rao and was able to complete its five-year term. The years 1996–1998 were a period of turmoil in the federal government with several short-lived alliances holding sway. The BJP formed a government briefly in 1996, followed by the United Front coalition that excluded both the BJP and theINC. In 1998, the BJP formed the National Democratic Alliance (NDA) with several other parties and became the first non-Congress government to complete a full five-year term. In the 2004 Indian elections, the INC won the largest number of Lok Sabha seats and formed a government with a coalition called the United Progressive Alliance (UPA), supported by various parties.

At the federal level, India is the most populous democracy in the world. While many neighboring countries witness frequent coups, Indian democracy has been suspended only once. Nevertheless, Indian politics is often described as chaotic. More than a fifth of parliament members face criminal charges and is not unheard of that most state assembly

seats are hold by convicted criminals. Corruption is common.

GOVERNMENT OF INDIA

The **Government of India**, officially referred to as the **Union Government**, and also as **Central Government**, was established by the Constitution of India, and is the governing authority of a *federal union* of 28 states and seven union territories, collectively called the Republic of India. It is seated in New Delhi, Delhi.
The basic civil and criminal laws governing the citizens of India are set down in major parliamentary legislation, such as the Indian Penal Code, Criminal Procedure Code, etc. The federal (union) and individual state governments consist of executive, legislative and judicial

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branches. The legal system as applicable to the federal and individual state governments is based on the English Common and Statutory Law. India accepts International Court of Justice jurisdiction with several reservations. At the local level, the Panchayati Raj system has several decentralised administrative functions.

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