



Introduction

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Chapter 8 Story of Indian Democracy

Chapter 8 Story of Indian Democracy

The idea of democracy in India

Democracy is a government of the people, by the people, and for the people.

Democracies fall into two basic categories, direct and representative.

In a direct democracy, all citizens, without the intermediary of elected or appointed officials, can participate in making public decisions.

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The idea of democracy in India

Ours is a representative democracy. Every citizen has the important right to vote her/his representative.

People elect their representatives to all levels from Panchayats, Municipal Boards, State Assemblies and Parliament.

There has increasingly been a feeling that democracy ought to involve people more regularly and should not just mean casting a vote every five years.

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The idea of democracy in India

Both the concepts of participatory democracy and decentralised governance have thus become popular.

Participatory democracy is a system of democracy in which the members of a group or community participate collectively in the taking of major decisions.

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Indian Constitution

The Core Values Of Indian Democracy

India fought for its independence from British colonialism a vision of what Indian democracy ought to look like emerged.

As far back as in 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India.

In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like.

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Indian Constitution

The Karachi Resolution reflects a vision of democracy that meant not just formal holding of elections but a substantive reworking of the Indian social structure in order to have a genuine democratic society.

The Karachi Resolution clearly spells out the vision of democracy that the nationalist movement in India had.

It articulates the values that were further given full expression in the Indian Constitution.

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Indian Constitution

The Preamble of the Indian Constitution seeks to ensure not just political justice but also social and economic justice.

The equality is not just about equal political rights but also of status and opportunity.

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Karachi Resolution, 1931:

What Swaraj will Include?

Karachi Congress Resolution, 1931 Swaraj as conceived by the Congress should include real economic freedom of the masses. The Congress declares that no constitution will be acceptable to it unless it provides or enables the Swaraj Government to provide for.

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Karachi Resolution, 1931:

- Freedom of expression, association and meeting.
Freedom of religion.
- Protection of all cultures and languages,
- All citizens shall be equal before the law.
- No disability in employment or trade or profession on account of religion, caste or sex,
- Equal rights and duties for all in regard to public wells, schools, etc,

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Karachi Resolution, 1931:

- All to have right to bear arms in accordance with regulations.
- No person to be deprived of property or liberty except in accordance with law.
- Religious neutrality of State. Adult Suffrage,
- Free compulsory primary education.
- No titles to be conferred.

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Karachi Resolution, 1931:

- Capital punishment to be abolished.
- Freedom of movement for every citizen of India and right to settle and acquire property in any part thereof, and equal protection of law.
- Proper standard of life for industrial workers and suitable machinery for settlement of disputes between employers and workers and protection against old age, sickness, etc.
- All labour to be free from conditions of serfdom. Special protection of women workers.

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Karachi Resolution, 1931:

- **Children not to be employed in mines and factories. Rights of peasants and workers to form unions, Reform of system of land revenue and tenure and rent, exempting rent and revenue for uneconomical holdings and reduction of dues payable for smaller holdings.**
- **Inheritance tax on graduated scale.**
- **Reduction of military expenditure by at least half. No servant of State ordinarily to be paid above Rs 500 per month.**

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Karachi Resolution, 1931:

- Abolition of Salt tax.
- Protection of indigenous cloth against competition of foreign cloth.
- Total prohibition of intoxicating drinks and drugs.
Currency and exchange in national interest.
Nationalisation of key industries and services, railways, etc.
- Relief of agricultural indebtedness and control of usury.
- Military training for citizens.

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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 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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Debates in Constituent Assembly:

In 1939, Gandhiji wrote an article in the 'Harijan' called 'The Only Way' in which he said "... the Constituent Assembly alone can produce a constitution indigenous to the country and truly and fully representing the will of the people" one based on "unadulterated adult franchise for both men and women".

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Debates in Constituent Assembly:

The popular demand in 1939 for a Constituent Assembly was, after several ups and downs conceded by Imperialist Britain in 1945.

In July 1946, the elections were held. In August 1946, The Indian National Congress' Expert Committee moved a resolution in the Constituent Assembly,

This contained the declaration that India shall be a Republic where the declared social, economic and political justice will be guaranteed to all the people of India.

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Debates in Constituent Assembly:

On matters of social justice, there were lively debates on whether government functions should be prescribed and the state should be bound down to them,

Issues debated ranged from right to employment, to social security, land reforms to property rights, to the organisation of panchayats.

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The Constitution and Social Change

The basic objectives laid down in the Constitution and which are generally agreed in the Indian political world as being obviously just.

These would be empowerment of the poor and marginalised, poverty alleviation, ending of caste and positive steps to treat all groups equally.

Competing interests do not always reflect a clear class divide.

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Note:

Take the issue of the close down of a factory because it emits toxic waste and affects the health of those around. This is a matter of life, which the Constitution protects. The flipside is that the closure will render people jobless, Livelihood again, is a matter of life that the Constitution protects. It is interesting that at the time of drawing up the Constitution, the Constituent Assembly was fully aware of this complexity and plurality but was intent on securing social justice as a guarantee.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

Law is law because it carries the means to coerce or force obedience. The power of the state is behind it.

The basic norm from which all other rules and authorities flow is called the Constitution. It is the document that constitutes a nation's tenets.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

The Indian Constitution is India's basic norm. All other laws are made as per the procedures the Constitution prescribes.

These laws are made and implemented by the authorities specified by the Constitution.

A hierarchy of courts (which too are authorities created by the Constitution) interpret the laws when there is a dispute.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

The Supreme Court is the highest court and the ultimate interpreter of the Constitution.

The Supreme Court has enhanced the substance of Fundamental Rights in the Constitution in many important ways.

A Fundamental Right includes all that is incidental to it.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

The terse words of Article 21 recognising the right to life and liberty have been interpreted as including all that goes into a life of quality, including livelihood, health, shelter, education and dignity.

In various pronouncements different attributes of 'life' have been expanded and 'life' has been explained to mean more than mere animal existence.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

These interpretations have been used to provide relief to prisoners subjected to torture and deprivation, release and rehabilitation of bonded labourers, against environmentally degrading activities, to provide primary health care and primary education. In 1993 the Supreme Court held that Right to Information is part of and incidental to the Right to Expression under Article 19(1)(a).

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

Reading Directive Principles into the content of Fundamental Rights. The Supreme Court read the Directive Principle of "equal pay for equal work" into the Fundamental Right to Equality under Article 14 and has provided relief to many plantation and agricultural labourers and to others.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

The Constitution is not just a ready referencer of do's and don'ts for social justice. It has the potential for the meaning of social justice to be extended.

Social movements have also aided the Courts and authorities to interpret the contents of rights and principles in keeping with the contemporary understanding on social justice.

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Constitutional Norms And Social Justice: Interpretation To Aid Social Justice

The Directive Principle on village panchayats was moved as an amendment in the Constituent Assembly by K. Santhanam. After forty odd years it became a Constitutional imperative after the 73rd Amendment in 1992.

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The Panchayati Raj And The Challenges Of Rural Social Transformation:

Panchayati Raj translates literally to 'Governance by five individuals'.

The idea is to ensure at the village or grass root level a functioning and vibrant democracy.

When the constitution was being drafted panchayats did not find a mention in it. At this juncture, a number of members expressed their sorrow, anger and disappointment over this issue.

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The Panchayati Raj And The Challenges Of Rural Social Transformation:

The concept of local government was dear to Gandhiji too, He envisaged each village as a self- sufficient unit conducting its own affairs and saw gram-swarajya to be an ideal model to be continued after independence.

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The three-tier system of Panchayati Raj Institution

- The structure is like a pyramid.
 - At the base of the structure stands the unit of democracy or Gram Sabha.
 - This consists of the entire body of citizens in a village or grama.
 - It is this general body that elects the local government and charges it with specific responsibilities.
 - The Gram Sabhas ideally ought to provide an open forum for discussions and village-level development activities and play a crucial role in ensuring

inclusion of the weaker sections in the decision-making processes.

- The 73rd Amendment provided a three-tier system of Panchayati Raj for all states having a population of over twenty lakhs
- It became mandatory that election to these bodies be conducted every five years.
- It provided reservation of seats for the Scheduled Castes, Scheduled Tribes and thirty three percent seats for women.
- It constituted District Planning Committee to prepare drafts and develop plans for the district as a whole

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Establishing PRIS:

In 1992 that grassroot democracy or decentralised governance was ushered in by the 73rd Constitutional Amendment.

This act provided constitutional status to the Panchayati Raj Institutions (PRIs).

It is compulsory now for local self-government bodies in rural and municipal areas to be elected every five years.

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Establishing PRIS:

The control of local resources is given to the elected local bodies.

The 73rd and 74th amendments to the Constitution ensured the reservation of one third of the total seats for women in all elected offices of local bodies in both the rural and urban areas.

Out of this, 17 per cent seats are reserved for women belonging to the scheduled castes and tribes.

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Establishing PRIS:

This amendment is significant as for the first time it brought women into elected bodies which also bestowed on them decision making powers.

One third of the seats in local bodies, gram panchayats, village panchayats, municipalities, city corporations and district boards are reserved for women.

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Establishing PRIS:

A constitutional amendment prescribed a three-tier system of local self-governance for the entire country, effective since 1992-93.

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Powers And Responsibilities Of Panchayats :

According to the Constitution, Panchayats should be given powers and authority to function as institutions of self-government.

It, thus, requires all state governments to revitalise local representative institutions.

The following powers and responsibility were delegated to the Panchayats:

- to prepare plans and schemes for economic development

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Powers And Responsibilities Of Panchayats :

- to promote schemes that will enhance social justice
- to levy, collect and appropriate taxes, duties, tolls and fees
- help in the devolution of governmental responsibilities, especially that of finances to local authorities

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Social Welfare:

Social welfare responsibilities of the Panchayats include the maintenance of burning and burial grounds, recording statistics of births and deaths, establishment of child welfare and maternity centres, control of cattle pounds, propagation of family planning and promotion of agricultural activities.

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Social Welfare:

The development activities include the construction of roads, public buildings, wells, tanks and schools. They also promote small cottage industries and take care of minor irrigation works.

Many government schemes like the Integrated Rural Development Programme (IRDP) and Integrated Child Development Scheme (ICDS) are monitored by members of the panchayat.

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Finances:

The main income of the Panchayats is from tax levied on property, profession, animals, vehicles, cess on land revenue and rentals.

The resources are further increased by the grants received through the Zilla Panchayat.

It is also considered compulsory for Panchayat offices to put up boards outside their offices, listing the break up of funds received, and utilisation of the financial aid received.

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Finances:

This exercise was taken up to ensure that people at the grassroot level should have the 'right to information'- opening all functioning to the public eye.

People had the right to scrutinise allocation of money and ask reasons for decisions that were taken for the welfare and development activities of the village.

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Justice

Nyaya Panchayats have been constituted in some states. They possess the authority to hear some petty, civil and criminal cases.

They can impose fines but cannot award a sentence.

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Justice

These village courts have often been successful in bringing about an agreement amongst contending parties.

They have been particularly effective in punishing men who harass women for dowry and perpetrate violence against them.

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Panchayati Raj In Tribal Area:

Many tribal areas have had a rich tradition of grassroots democratic functioning.

All the three major ethnic tribal groups, namely, the Khasis, Jaintias and the Garos have their own traditional political institutions that have existed for hundreds of years.

These political institutions were fairly well-developed and functioned at various tiers, such as the village level, clan level and state level.

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Panchayati Raj In Tribal Area:

For instance, in the traditional political system of the Khasis each clan had its own council known as the 'Durbar Kur' which was presided over by the clan headman.

Though there is a long tradition of grassroot political institutions in Meghalaya, a large chunk of tribal areas lie outside the provisions of the 73rd Amendment.

This may be because the concerned policy makers did not wish to interfere with the traditional tribal institutions.

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Political Parties, Pressure Groups And Democratic Politics:

In a democratic form of government political parties are key actors.

A political party may be defined as an organisation oriented towards achieving legitimate control of government through an electoral process.

Political Party is an organisation established with the aim of achieving governmental power and using that power to pursue a specific programme.

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Political Parties, Pressure Groups And Democratic Politics:

Political parties are based on certain understanding of society and how it ought to be.

In a democratic system the interests of different groups are also represented by political parties, who take up their case.

Different interest groups will work towards influencing political parties.

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Political Parties, Pressure Groups And Democratic Politics:

Interest Groups are organised to pursue specific interests in the political arena, operating primarily by lobbying the members of legislative bodies. In some situations, there may be political organisations which seek to achieve power but are denied the opportunity to do so through standard means.

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Political Parties, Pressure Groups And Democratic Politics:

These organisations are best regarded as movements until they achieve recognition.

Some argue that the concept of pressure groups underestimate the power that dominant social groups such as class, caste or gender have in society.

They feel that it would be more accurate to suggest that dominant class or classes control the state. This does not negate the fact that social movements and pressure groups also continue to play a very important role in a democracy.

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Some Important Groups:

Industrialists form associations such as Federation of Indian Chambers and Commerce (FICCI) and Association of Chambers of Commerce (ASSOCHAM).

Workers form trade unions such as the Indian Trade Union Congress (INTUC) or the Centre for Indian Trade Unions (CITU).

Farmers form agricultural unions such as Shetkari Sangathan, Agricultural labourers have their own unions.

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