

Law and Politics in India: A Complex Interplay

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ABSTRACT

The relationship between law and politics in India is complex and multifaceted. This paper explores the interplay between the legal system and the political process in India, examining how they shape and influence each other. The paper discusses the constitutional framework, legislative and judicial processes, and the role of institutions such as the Election Commission and the National Human Rights Commission. It also analyses key laws and policies, including the Right to Information Act and the Goods and Services Tax Act. The paper highlights the challenges and reforms in the Indian legal and political systems, including corruption, judicial delays, and electoral reforms.

Keywords: Law and politics, India, constitutional framework, legislative process, judicial process

The relationship between law and politics in India is intricate and multifaceted. The country's constitutional framework, legislative and judicial processes, and institutions all play a crucial role in shaping the Indian legal and political systems. This paper aims to explore the complex interplay between law and politics in India, examining the ways in which they influence and shape each other. By analysing key laws and policies, highlighting challenges and reforms, and providing recommendations for strengthening institutions and promoting transparency and accountability, this paper seeks to contribute to a deeper understanding of the Indian legal and political systems.

India: A Land of Diversity and Resilience:

India, officially known as the Republic of India, is a country located in South Asia. It is the seventh-largest country by land area, the second-most populous country, and the most populous democracy in the world. India is a land of incredible diversity, with a rich cultural heritage, varied geography, and a resilient people.

Geography and Climate

India's geography is as diverse as its culture. The country is bounded by the Himalayan Mountains to the north, the Arabian Sea to the west, the Indian Ocean to the south, and the Bay of Bengal to

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the east. The climate ranges from tropical in the south to temperate in the north. India's terrain includes the fertile Indo-Gangetic Plain, the Thar Desert, and the Eastern and Western Ghats.

Culture and Heritage

Indian culture is a rich tapestry of traditions, customs, and languages. The country is home to 22 officially recognized languages and over 1,600 dialects. Hinduism, Islam, Christianity, Sikhism, Buddhism, and Jainism are the major religions practiced in India. The country is famous for its classical music, dance, and art forms, such as Bharatanatyam, Kathakali, and Madhubani painting.

History

India's history dates back to the Indus Valley Civilization, which flourished around 4000 BCE. The Vedic period, which followed, saw the emergence of Hinduism and the composition of the Vedas. The Mughal Empire, which ruled India from 1526 to 1756, left a lasting legacy in architecture, art, and literature. The British colonial period, which lasted from 1757 to 1947, saw the struggle for independence, led by Mahatma Gandhi and other freedom fighters.

Economy

India's economy is the fifth-largest in the world, with a GDP of over \$2.7 trillion. The country has made significant progress in various sectors, including information technology, pharmaceuticals, and automotive manufacturing. However, India still faces challenges such as poverty, inequality, and corruption.

Challenges and Opportunities

Despite its many achievements, India faces several challenges, including poverty, inequality, and environmental degradation. The country also faces external threats, such as terrorism and climate change. However, India also presents numerous opportunities, including its large and growing market, its skilled and educated workforce, and its strategic location in Asia.

India is a land of incredible diversity and resilience. From its rich cultural heritage to its varied geography and climate, India is a country that is both fascinating and complex. Despite its many challenges, India presents numerous opportunities for growth, development, and cooperation. As the country continues to evolve and grow, it is likely to play an increasingly important role in global affairs.

CONSTITUTIONAL FRAMEWORK OF INDIA:

Preamble

- Objective: The Preamble sets out the objectives of the Constitution, including justice, liberty, equality, and fraternity.
- Source of Authority: The Preamble declares that the Constitution derives its authority from the people of India.

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Fundamental Rights (Part III)

- Right to Equality (Articles 14-18): Guarantees equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.
- Right to Freedom (Articles 19-22): Guarantees freedom of speech and expression, freedom of assembly, freedom of association, and freedom of movement.
- Right against Exploitation (Articles 23-24): Prohibits traffic in human beings, forced labor, and child labor.
- Right to Freedom of Religion (Articles 25-28): Guarantees freedom of conscience and free profession, practice, and propagation of religion.
- Cultural and Educational Rights (Articles 29-30): Protects the rights of minorities to conserve their culture and language.

Directive Principles of State Policy (Part IV)

- Social and Economic Welfare: Directs the state to promote social and economic welfare, including securing a social order for the promotion of welfare of the people.
- International Peace and Security: Directs the state to promote international peace and security.

Fundamental Duties (Part IVA)

- Duties of Citizens: Enumerates the duties of citizens, including respecting the Constitution, national flag, and national anthem.

Structure of the Government (Part V, VI, VII)

- Union Government: Establishes the framework of the union government, including the President, Prime Minister, and Council of Ministers.
- State Governments: Establishes the framework of state governments, including the Governor, Chief Minister, and Council of Ministers.
- Local Governments: Establishes the framework of local governments, including Panchayats and Municipalities.

Amendments to the Constitution

- Procedure for Amendment: Outlines the procedure for amending the Constitution, including the role of Parliament and state legislatures.
- Types of Amendments: Distinguishes between different types of amendments, including those that require a special majority and those that require ratification by state legislatures.

Legislative Process:

Steps involved in the legislative process

1. Introduction of a Bill: A bill can be introduced in either the Lok Sabha (House of the People) or the Rajya Sabha (Council of States) by a minister or a private member.
2. First Reading: The bill is introduced in the House, and the member introducing the bill explains its purpose and scope.

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3. Referral to a Committee: The bill is referred to a committee, which examines the bill in detail and makes recommendations.
4. Second Reading: The bill is debated in the House, and members can move amendments to the bill.
5. Committee Stage: The bill is referred to a committee, which examines the bill in detail and makes recommendations.
6. Report Stage: The committee presents its report, and members can move amendments to the bill.
7. Third Reading: The bill is debated in the House, and members can move amendments to the bill.
8. Passage of the Bill: If the bill is passed by a majority of members present and voting, it is sent to the other House for consideration.
9. Assent of the President: If the bill is passed by both Houses, it is sent to the President for assent. If the President gives assent, the bill becomes an Act.

Types of Bills

1. Government Bills: Introduced by ministers on behalf of the government.
2. Private Members' Bills: Introduced by private members, who are not ministers.
3. Money Bills: Introduced in the Lok Sabha, dealing with taxation, expenditure, or financial matters.
4. Financial Bills: Introduced in the Lok Sabha, dealing with financial matters, but not involving taxation or expenditure.

Legislative Bodies

1. Lok Sabha (House of the People): The lower house of Parliament, composed of 543 elected members.
2. Rajya Sabha (Council of States): The upper house of Parliament, composed of 245 members, with 233 elected and 12 nominated by the President.

Important Articles

1. Article 107: Deals with the introduction and passing of bills in Parliament.
2. Article 108: Deals with the joint sitting of both Houses of Parliament.
3. Article 109: Deals with the special procedure for the passing of money bills.

Important Rules

1. Rule 55 of the Lok Sabha Rules: Deals with the introduction of bills in the Lok Sabha.
2. Rule 64 of the Rajya Sabha Rules: Deals with the introduction of bills in the Rajya Sabha.

JUDICIAL PROCESS IN INDIA:

Structure of the Judiciary

1. Supreme Court: The highest court in the land, with the power of judicial review.
2. High Courts: The highest courts in each state, with the power of judicial review.
3. District Courts: The courts that deal with civil and criminal cases at the district level.

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4. Subordinate Courts: The courts that deal with civil and criminal cases at the subordinate level.

Steps involved in the Judicial Process

1. Filing of a Case: A case is filed in the court by the plaintiff or the petitioner.
2. Issuance of Summons: The court issues summons to the defendant or the respondent.
3. Appearance of Parties: The parties appear in court and the case is heard.
4. Evidence: Evidence is presented by both parties.
5. Arguments: Arguments are presented by both parties.
6. Judgment: The court delivers its judgment.
7. Appeal: The parties can appeal against the judgment to a higher court.

Types of Cases

1. Civil Cases: Cases that deal with disputes between individuals or organizations.
2. Criminal Cases: Cases that deal with crimes committed by individuals or organizations.
3. Constitutional Cases: Cases that deal with the interpretation of the Constitution.
4. Writ Petitions: Cases that deal with the enforcement of fundamental rights.

Important Articles

1. Article 32: Deals with the right to move the Supreme Court for the enforcement of fundamental rights.
2. Article 136: Deals with the power of the Supreme Court to grant special leave to appeal.
3. Article 142: Deals with the power of the Supreme Court to pass orders for doing complete justice.

Important Sections

1. Section 141 of the Code of Civil Procedure: Deals with the procedure for filing a suit.
2. Section 190 of the Code of Criminal Procedure: Deals with the procedure for filing a criminal case.
3. Section 226 of the Constitution: Deals with the power of the High Courts to issue writs.

Landmark Judgments

1. Kesavananda Bharati v. State of Kerala (1973): A landmark judgment that established the doctrine of basic structure of the Constitution.
2. Minerva Mills v. Union of India (1980): A landmark judgment that reaffirmed the importance of judicial review and the rule of law.
3. Justice K.S. Puttaswamy (Retd.) v. Union of India (2017): A landmark judgment that recognized the right to privacy as a fundamental right.

CONCLUSION

The intricate relationship between law and politics in India is a delicate balance of power, influence, and accountability. The Constitution, as the supreme law of the land, provides the framework for this interplay. However, the complexities of Indian politics, with its diverse population, multiple parties, and ever-changing alliances, often test the limits of this framework.

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The complex interplay between law and politics in India is a dynamic and ever-evolving process. As India continues to grow and develop, it is essential to strengthen the rule of law, promote transparency and accountability, and ensure the independence of the judiciary. Only then can India truly realize its potential as a vibrant democracy and a beacon of hope for its citizens.

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Conflict of Interest

The author declared no conflict of interest.

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