CHAPTER I

INTRODUCTION

The State of Maharashtra forms a major part of peninsular India with the coast on its western side. It lies between 22.1 and 16.4 degrees north latitude and 72.6 and 80.9 degrees east longitude. The boundaries of the State are: the Arabian Sea in the west; Gujarat in the north-west; Madhya Pradesh in the north; Andhra Pradesh in the south-east; and Karnataka and Goa in the south. It has a total area of 3,06,345 square kilometers. Historically, Western Maharashtra, Vidarbha and Marathwada are the three components of the State. Administratively the State is divided into 30 districts. Maharashtra State represents about one-tenth of the area of India (in Sq. Km, India 32,29,606; Maharashtra 3,06,345) and about one-eleventh of India’s total population, i.e., India 66.41 crores; Maharashtra 6.28 mm crores.

The population of Maharashtra State according to the 1981 census is 6.28 crores, which is near about 10 per cent of the population of the Indian Union. This population lives in 307 towns (including cities) and 35,851 inhabited villages spread over 229 talukas of the 30 districts. The population living in the urban areas is 35.03 per cent. The corresponding figure for the Indian Union is 23.71 per cent. Greater Bombay alone accounted for 37.45 per cent of the urban population of the State.
According to the census of 1981, 29 cities with a population over 1 lakh. The number of towns with a population between 50,000 and 99,999 is 25. The number of villages having a population less than 500 is 17,109 which is 47.72 per cent of the total inhabited villages in the State.

The density of population in the State is 204 per sq. km, as against 221 in the Indian Union. The density in Greater Bombay is the highest, which is 13644 per square km, and the lowest in Chanda with 79 persons per square km. The sex ratio for the State is 938 females per 1,000 males, while for the Indian Union it is 935 females per 1,000 males. The number of females for 1,000 males is the greatest in Ratnagiri district, being 1,242 whereas it is the lowest in Greater Bombay being 773.

The number of workers in the State in 1981 was 2.43 crore of which 1.74 crore were male workers and 0.69 crore female workers. The percentage of workers to population was 38.71 in 1981, up from 36.48 in 1971. The percentage of workers among males in 1981 was 52.14 and that for females 24.39. The percentage of rural workers was considerably higher (42.66) than that of the urban workers (31.39).
There was little change in the work-participation rates of male workers in the rural and urban areas and female workers in the urban areas between 1971 and 1981 censuses. In the case of the rural female workers, however, the rate in the rural areas was high at 32 per cent in 1981 as against 24 per cent in 1971.

The work participation rate of male workers went somewhat down in 1981, compared with that in 1971 in Greater Bombay, Raigad, Ratnagiri, Pune, Aurangabad, Nagpur, Bhandara and Chandrapur districts. In the case of female workers, the rate went up materially in all the districts in 1981 except in Ratnagiri, where it went down marginally.

Of the 2.43 crore workers in the State in 1981, 34.84 per cent were cultivators and 26.79 per cent were agricultural labourers, i.e., nearly 62 per cent of the workers in the State were dependent on agriculture, compared with nearly 65 per cent in 1971. Workers in household industry accounted for 3.14 per cent of the total workers, nearly the same percentage as in 1971 (3.06 per cent) while the category "other workers" accounted for 35.23 per cent of the total workers, up from 32.07 per cent in 1971. This category covers such activities as non-household industry, trade, transport, commerce, services that are essentially urban in character. Since the provisional results do not give these particulars
particulars separately the characteristics of urban working force are presently not fully known.

The dependence of the rural population on agriculture was overwhelming as 83 per cent of the workers in rural areas worked in agricultural activities. Similar percentage for rural male workers was 77 while that for rural female workers 92. Yet these percentages have slightly gone down by between 2 to 4 points in the last decade, in favour of the category "other Workers". In the case of the urban 6 workers, the category "other workers" accounted for 88 per cent of the workers (90 per cent male workers and 72 per cent female workers), in 1981, the same percentage as in 1971. The percentage of those engaged in agriculture declined to 8.05 in 1981 from 9.16 in 1971 in favour of the category household industry, the percentage of the workers in which went up to 4.25 in 1981 from 3.34 in 1971.

Apart from 2.43 crore workers in the State there were 24.84 lakh marginal workers in 1981. Of these, 92 per cent were in the rural areas. The proportion of female marginal workers to total marginal workers was also similarly high i.e. 77 per cent.

**Literacy**: The percentage of literacy for Maharashtra according to 1981 census was 47.02 (up from 39.16 in 1971) as against 36.17 for the country (excluding Jammu and
Kashmir and Assam) and Maharashtra stood second to Kerala in respect of literacy amongst the 22 states States in India. The literacy rate was high at 63.02 per cent for urban areas of Maharashtra as against 37.97 per cent for rural areas of Maharashtra. It was similarly high at 58.65 per cent for males as against 34.63 per cent for females. The urban male literacy rate was nearly three times the rural female literacy rate.

Greater Bombay district had the highest percentage (67.98) of literacy followed by Nagpur (54.69) and Pune (54.11) while Nanded District had the lowest percentage (29.74) of literacy, preceded by Parbhani (30.12) and Beed (31.63).

Cross Section of Population: - A cross-section of the population in the State shows that people of different religions and sects live in Maharashtra. These include Hindus, Muslims, Christians, Parsees, Jains, Buddhists, Sikhs and Lingayats. Numerically Hindus and Muslims are the two major communities, while the others are found in small fractions concentrated in certain specific areas.

The vast Hindu community is made up of castes and sub-castes based on traditional distinctions. With the impact of modern ideas and quickening pace of industrialisation, the barriers of castes are, however, steadily dwindling. This process has been further accelerated by
the persistent efforts made by social reformers and in recent years by the governmental authority.

The Marathas, who form the large majority of the Hindu community are tillers of land. As farmers, they are diligent, painstaking and resourceful and are gradually adopting modern techniques of farming in place of the age-old and outmoded methods. As individuals, they are cheerful and clean in their habits, which has impressed many an outsider. They have long martial traditions and have their due share in India's defence forces. The police force of the State is also mostly manned by them. These services provide a suitable outlet for their qualities of toughness, sternness and resourcefulness.

The Scheduled Castes or the Harijans, who remained under social subjugation of the upper classes for centuries, have awakened to their rights as human beings as much by modernisation of life as by the great movements carried on for their uplift by leaders like Mahatma Gandhi and Dr.B.B. Ambedkar. As a result of disintegration of the old system of village services, the Harijans have mostly migrated to bigger towns and cities and have found their way in industries as workers. Thus, there is a large percentage of Harijan employees in Bombay's textile industry. The Mahars, who are one of the original inhabitants of Maharashtra, are known for their fighting qualities since historical times and are in the country's
armed forces in an appreciably large number. Of the
Chamaar community, which is another major Harijan
community, not a few have quite remarkably modernised
their traditional occupation of tanning and manufacture
of leather goods to suit the modern taste and are
carrying on flourishing trade in urban centres. The
Kumbhars (pot-makers), the Matangas (rope-makers), the
Burdas (basket-makers) etc. are other backward communities
which are seen still in struggles to eke out their
living by their traditional trades and callings. In
recent times, however, co-operation has gone to their
succour and many co-operative societies of these backward
class artisans have been formed and are doing a good work.

The Brahmins with their different regional
ramifications, the Kayasthas and the educated Marathas,
who are the main advanced classes, constitute the
fraternity of the white-collar workers and have mostly
filled in the ranks of the urban professions like
education, medicine, law, engineering, etc.

The old picture of a caste-ridden society is,
however, fast changing. With the continuous expansion of
educational facilities and means of communications, the
process towards equality of opportunity has already
made considerable headway and a conglomerate Hindu
Society no longer remains a remote ideal.
**Other Communities**

The Muslims are scattered all over the State, and all big and small towns and a large percentage of villages invariably have a Muslim population. In bigger urban centres, they are engaged in trade and commerce, particularly trades like cutlery and hardware, whereas in rural areas they carry on small-scale manufacture of articles and appliances of domestic utility. It is to the credit of the two great communities, Hindus and Muslims, that for centuries they have lived in peace and unity in Maharashtra.

The Parsis are an enterprising community. Their population is mainly concentrated in Bombay City and in small numbers in other cities and towns. The Parsis mostly belong to the upper middle class and are engaged in urban professions. This small community has given to the country many eminent lawyers, doctors, engineers, etc., and its contribution to Indian industry is unique, to which the name of the Tatas bears sufficient testimony. Like the Parsis, the Christians are mostly to be found in cities, engaged in various trades, but particularly jobs of skilled and technical nature.

It is interesting to note that in Maharashtra, the trades relating to distribution of commodities are run in greater measure by the Gujaratis and Marwadis. Thus even in the remotest village, the cloth dealer is usually a Gujrati, while the grocer is generally a Marwadi.
And they have carried on their trades for years on and without even the slightest grudge by the local population. A historical anecdote says that Shivaji, seeing how Maharashtrians lacked in business acumen, specially invited Gujaratis to carry on trade and commerce in Maharashtra, and for centuries they have been doing, it, completely identifying themselves with the local people.

There are a number of Adivasi communities in Maharashtra, who live either in dense forests or on mountain perches of the Sahyadris and the Satpudas. The main amongst these are the Warlis, the Katkaris and the Thakurs of Thana and Kolaba districts, the Shils of Dhulia and the Korkus, Gonds and the Madias of Vindarbha. These Adivasis still continue to live a primitive life as they used to live centuries ago, despite all the big changes that have taken place in the m1 neighbouring civilised world. Their deities, festivals and modes of recreation—especially their folk dances and folk music—have a quaint charm and fascination for the civilised people. But steeped in poverty and ignorance, their lot is most miserable and the irony is that the inertia of ages is so deep-rooted in them that they sometimes resist attempts to change the age-old pattern of their life even if it does them good. The efforts of Government and social workers are therefore directed to improve their economic lot without disturbing their pastoral culture.
Backward Class Population - Population of scheduled castes was 44.80 Lakhs and that of scheduled tribes 7.8 Lakhs in 1981. According to the 1971 census their population was 31.77 lakhs and 36.41 lakhs respectively. The percentage of scheduled caste population to the total was 7.1 and that of scheduled tribes population, 9.2 in 1981. About 68 per cent of the scheduled castes population and 90 per cent of the scheduled tribes population resided in the rural areas.

Political Structure - Evolution of State Legislature; The history of the growth of the Provincial Legislatures is both interesting and instructive. While tracing the origin of the Legislative powers of the provinces we find that in 1797 the presidency of Bengal was authorised to issue independent regulations within its jurisdiction. Similar powers were given in 1807 to the presidencies of Madras and Bombay. The result of this was that each presidency developed its own system of laws. It was found that there were conflicting laws in the various presidencies. Such a thing was not considered to be in the interests of the country. Consequently, the charter Act of 1833 deprived the Presidencies of Madras and Bombay of their power of legislation. All legislation for the whole of India was to be made by the Central Government. This resulted in over-centralisation. The Government of India could not understand and appreciate the needs of
the various Presidencies. Complaints were made against the abuse of the system.

**Charter Act of 1853:** The Charter Act of 1853 tried to remove some of the defects of the system. It was provided that each Presidency was to send one representative to the Central Government and no legislative measure for any presidency was to be considered by the Governor-General in Council without the presence of the Member from the Presidency concerned. Even this innovation was not a remedy for the evils of the existing system. Lord Canning held the view that a partial return to the system which existed before 1833 "was advisable."

**Act of 1861:** The Indian Council Act of 1861 reserved the process started by the Charter Act of 1833. The presidencies of Madras and Bombay were given the power of making laws. For legislative purposes, the Executive Council of the Governor was to be expanded by the addition of not less than 2 and not more than 4 additional members. No demarcation was made between the jurisdictions of the Central and the provincial legislatures. In certain cases, the previous sanction of the Governor-General was required for legislation by the local mem councils. All the Acts, passed by the Provincial Governments required the assent of
of the Governor and the Governor-General. In exercise of the powers given to the Governor-General by the Act of 1861, Legislative Councils were established in Bengal in 1862, in Uttar Pradesh 1866, etc. It is to be noted that the function of these councils was purely legislative and nothing else. Even those laws were few maxims in reality the orders of the Government. In spite of the defects of the system, no change was made till 1892.

**Act of 1892**: The Indian Councils Act of 1892 enlarged the legislative councils of the various provinces. The number of additional members was fixed at 20 for Bengal and 15 for North-West province and Oudh. In the case of Bombay and Madras it was to be not less than eight and not more than twenty. A system of indirect elections was also provided for. Certain corporate bodies were given the power of electing representatives and those persons were to be nominated by the Governor. The members of the councils were given the power of asking questions and discussing the financial statement. However, no right of asking supplementary questions was given. The members also could not reject the budget. This was no doubt an advance on the Act of 1861, but that advance was not considered to be adequate by the people.

**Act of 1909**: The next step was taken by the Indian
Councils Act of 1909. The Provincial Legislatures enlarged up to a limit of 50 additional members in the larger provinces and 30 in the smaller provinces. The majority of the members were to be elected. The system of nomination after election was given up. It was provided that corporate bodies were to elect members of an electoral college and the latter were to elect members of the provincial legislature. The Mohammedans were given special representation by this Act. They were to vote in the special constituencies of the Muslims alone. The members of the Provincial Legislatures were given the right of asking questions and supplementary questions. But the supplementary questions could be put only by the person who put the original question. The members were given the right of discussing the budget and passing resolutions on it. It was the duty of the Government to take those resolutions into consideration. As a matter of fact, the Government completely ignored those resolutions. Under the Act of 1909, the Provincial Legislatures were "essentially consultative Committees attached to the Executive". The voting qualifications were so high that the number of voters in any constituency was very small. As the system of elections was indirect, the sense of responsibility was lacking. The Legislative Councils were given no control over the Government or legislation. Their members could merely
criticise with the full knowledge that they would never be called upon to shoulder the responsibility. The result was that the members were reckless in their criticism of the Government. The Government also regarded these councils with contempt.

**Act of 1919** — The Government of India Act of 1919 made great changes in the composition and functions of the provincial legislatures. Each Provincial Legislative Council was to consist of the members of the Executive Council of the Governor and the elected and nominated members. The size of these provincial Legislatures was enlarged. Provision was made for general and special constituencies. Representation was given to various communities and interests. The Muslims and the Sikhs were given separate representation. Provision was also made for representation to the landholders, planters, mining interests, commerce and industries, universities etc. The franchise for the provincial councils was lowered. The normal qualifications of a voter were passed on community, residence, occupation of a house, assessment of income, tax, receipt of a military pension, holding of a piece of land, etc. Provision was made for representation of women also.

The Act of 1919 provided for a dyarchical system of Government in the provinces. The Indian Ministers
were in charge of the transferred subjects, and reserved subjects remained with the Governor and the members of his Executive Council. The Ministers were chosen by the Governors from the members of the legislature. Provision was made for the election of a speaker of the Legislative Council.

The Act provided for two lists, viz., Central List and Provincial List. The provincial Legislature was given the power to make laws on matters given in the provincial list. Its members were given the power of moving and passing resolutions on different subjects. They were also given the power of asking questions and supplementary questions. They were also empowered to move votes of censure against the Government. They were also allowed to demand the adjournment of the House to discuss important matters of recent occurrence. The Legislative Council was given the power to discuss the provincial budget and reject the same; however, it had no control over the non-votable items of the budget. If the budget was rejected, the Governor was authorised to restore the same.

There were certain limitations on the legislative powers of the Provincial Councils. In order to introduce certain bills, the previous sanction of the Government of India and the Governor was required. Even when a bill
was passed by the provincial Legislature, the Governor was empowered to certify, veto or reserve the same for the consideration of the Governor-General.

**Act of 1935: Under Government of India Act, 1935**, provision was made for the establishment of two legislature of the Provincial Legislature in six provinces and only one House in the five provinces. The upper House was known as the Provincial Legislative Council and the Lower House as the Provincial Legislative Assembly. The Upper House consisted of 21 to 65 members. Some of its members were elected and the others nominated by the Governor. The Legislative Council was permanent body and one third of its members retired after every 3 years. There was no change of the whole house at one time.

The Lower House consisted of 60 to 250 members. The life of the Lower House was 5 years but it could be dissolved earlier by the Governor. Its life also could be extended beyond 5 years by the Governor. It was provided that money bills were to be introduced only in the Lower House, although otherwise the powers of the two Houses were made equal. In the case of a conflict between the two Houses, provision was made for a joint sitting of two Houses.
It is to be noted that the powers of the Provincial Legislatures under the Act of 1935 were circumscribed. They were not given complete control over legislation. Even their control over the budget was not complete. About 50 per cent of the provincial budget was non-votable. The Provincial Legislatures could not accomplish much.

**Position after 1950**: Republican and federal in Character, the Constitution of free India provides broadly for a parliamentary form of Government based on universal adult franchise and the accountability of the Executive to the elected representatives of the People.

Although there were Legislatures elected on the basis of a limited franchise during the British rule, Legislatures elected on the basis of universal adult suffrage were established for the first time under the Constitution of India.

Parliamentary form of democracy is the most difficult one to work. It is a product of British genius and peculiar to British traditions and conventions. When it is transplanted to other countries, its success depends upon the climate and local conditions of those countries. The Parliamentary form requires discipline, Character, a high sense of public morality and a
A willingness to listen to minority views and a readiness for political accommodation and adjustment.

One of the greatest experiments in human history is going on in India today. It is the experiment of many millions of people trying to attain a tolerable standard of existence and decent political, economic and social institutions in the face of tremendous obstacles from within and from without, and to achieve these goals in a democratic way. There are many forces inside India which tend to pull her in a different direction.

This is true in the sense that fullfledged Parliamentary democracy, with a modern institutional framework, was established in the country only in 1950 with the coming into force of the Republican Constitution. However, democracy and democratic institutions were not entirely new to India. Not only had our people a long tradition of freedom and tolerance towards differing views, creeds and ways of living, but democratic institutions, like popular assemblies and elective monarchy had been in vogue in our country as early as the Vedic Period (Circa 3000-1000 BC).

Thus, with this rich heritage of democratic traditions and the democratic temper of the Indian People, India could easily adopt the Parliamentary form of Government in modern times and operate it successfully. The
Parliament of India, representing as it does all constitutionally organised shades of public opinion at the national level, occupies a pre-eminent and pivotal position in the new constitutional set-up. It has also, over the years, secured for itself a unique place in the esteem of the people as the forum through which they articulate and realize their aspirations and ventilate their grievances and difficulties.

**Democratic Federalism in India:** The federal structure in India is characterized formally by a bias in favour of the Centre—a bias that has been the subject of controversy since the system's inception. Where K.C. has described the system as "quasi-federal", and Ashok Chanda, former comptroller and Auditor General of India, has stated flatly that "India is not a federal State. In the final analysis", he says, "it is a unitary state in concept and operation".

The division of powers is laid down in the Seventh Schedule of the Constitution in three lists exhausting "all the ordinary activities of Government". The Union list gives the center exclusive authority to act in matters of national importance and includes among its 97 items defense, foreign affairs, currency, banking duties, and income taxation. The State List, with 66 items, covers public order and Police, welfare, health,
education, local government, industry, agriculture and land revenue. The concurrent list contains 47 items over which the centre and the states share authority. The most important are civil and criminal law and social and economic planning. The residuary power lies with the Union, and in any conflict between Union and State, Union law prevails.

India has been characterized by a dual process of centralization and decentralization. Centralization in response to the exigencies of national planning, and decentralization as a result of the center’s dependence on the states for administration, the increased solidarity of Linguistic States, and the emergence of a new, regionally based state leadership.

The federal relationship is a bargaining process between central and state leaders, one in which experiment, cooperation, persuasion and conciliation could describe both generally accepted norms and the usual procedural patterns of inter-governmental relations.

The scheme of distribution of powers between the centre and the States, followed by the constitution of India, emphasizes it many ways the general predominance of Parliament in the Legislative field. Apart from the wide range of subjects allotted to it in the seventh
Schedule of the constitution, even in normal times Parliament can, under certain circumstances, assume legislative power over a subject falling within the sphere exclusively reserved for the States. For example, Parliament may legislate on a matter included in the State list if the Raja Sabha declares, by a resolution supported by a two-thirds majority, that it is necessary or expedient in the national interest to do so.

Further, in times of grave emergency when the security of India or any part thereof is threatened by war or external aggression or internal disturbance, and a Proclamation of Emergency is made by the President, Parliament acquires the power to make laws with respect to any of the matters enumerated in the State list. Similarly, in the event of the break down of the constitutional machinery in a State, the powers of the legislature of the State become exercisable by or under the authority of Parliament. In an emergency the Government of India in fact takes on a unitary form.

The constitution provides that the Union may give such directions to a State Government as may be necessary “to ensure compliance with laws made by Parliament”. If a state fails to comply with such directions, the President may invoke his emergency power to supersede the State government. A variety of other articles also
reveal the constitutional imbalance between the Union and States. The amending process, the single judicial system, the all India Services, the single election commission, and the provision for reservation of certain State bills for presidential assent.

In shorts leaving aside the exceptional powers of the Parliament over State subject, the State legislature have exclusive powers of legislation on the subjects included in State List, which contains 66 items. The important subjects included are: Public order and Police, Local Government, Public Health and Sanitation, Agriculture, Forest, Fisheries, education, State taxes and duties etc. In case of other items included in the concurrent list, though State Legislature has power to legislate, the constitution gives dominating role to the parliament of India.

The constitutional provision theoretically clear that the State legislature can enact any law within the sphere allotted to it by state list and exercise control over the Executive Wing of the State Government and in this way, State legislature protects the freedom of the people and expresses their will. But the placing these theoretical principle in practice, and suggests a quite different trend. The government states its policy, or introduces a bill, and legislative members
generally supports and gives consent to it, with slight opposition from the members who do not possess any power (opposition parties). The result that policy gets approval or a bill passes without any change in the contents. This happens because the government is supported by majority members and to this adds the working rules and procedure of the legislature, over which the government has full control.

Thus, the theory of legislative supremacy over executive wing (government), in practice becomes executive supremacy over the legislative wing. This becomes an area of study for the students and scientists of Political Science. On this background sincere efforts have been made in succeeding pages to study the working of the State Legislative Assembly of Maharashtra.
REFERENCES:


4. Ibid, p.66.

5. Ibid, p.69.


15. Ibid, Article 250, p.145.


17. Ibid, Article 256, p.149.