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## IMPACT OF UNION GOVERNMENTS ON THE CONSTITUTION OF INDIA AND FEDERAL SYSTEM – DOCTRINAL RESEARCH

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### Abstract

A constitution means a document having a special legal sanctity which sets out the frame and principle functions of the organs of the Government of State and declares the principles governing the operation of those organs. The impact of Union Governments on Constitution of India and Federal system through the constitution amendments. The impact of Union Governments on Federal system in India through the imposed the President Rule and huge scams. The Role of the Constitutional Law of India and how to regulate the structure of the principle functions of the organs of the Government of State and their relationship to one another. The role of the judiciary is to prevent the unconstitutional subjects. These are main focus of this study.

**Key words:** Constitution of Indian, Constitutional Law of India, President of India Rule, Constitutional Amendments, Judiciary, Federal System.

### Introduction:

Indian Constitution consists of 251 pages in calligraphy and 4,543 words including the signatures. Its length is 22 inches long and 16 inches wide. It took 2 years 11 months and 18 days of time to written. At the time of its adoption, the Constitution contained 395 Articles and 8 Schedules. the Constitution was approved by the Constituent Assembly on November 26, 1949. 284 Members signed on 24 January 1950. First Signature was by Dr. Babu Rajendra Prasad.

Part XXII declared the title of the Constitution of India under Articles 369 to 392. The Constitution of India provides both Federal and Unitary features. Quasi – federal refers to system of Government where the distribution of powers between the Union and States are not equal. India is a Federation with a Unitary bias referred as Quasi-federal State. Article 1 of the constitution of India stated that “India is Bharat”, shall be a Union of India. The constitution frames were derived the Federal System from

1935 British Government Act. Present the Constitution of India consists 22 parties 395 Articles and 12 schedules, particularly 42 Amendment Act, 1976, introduced the XXIII part and XXIV part and incorporated under IV A under Article 51A. This part explains the fundamental duties. Part XXIV incorporated under part XIV A under Articles 323A to 323B. This part explains the “Tribunals”. Another one XXV part introduced by 73 and 74 Amendment Acts. This part explain the Municipalities and Cooperative Societies. Under Articles 243P to 243ZG and Cooperative Societies under Articles 243ZH to 243 ZT respectively. The present constitution of India consists 25 parts and 448 Articles, particularly 448 articles inserted by different Constitutional Amendments.

For the first time General Elections held in India 1951-1952. The then the Congress Party formed the Union Government at Centre and State Governments in all the States. For the first time the Union Congress Party Government imposed the President Rule in Andhra Pradesh



its own Congress Party State Government. The Union Governments since 1953, the Union Government imposed the President Rule 126 times on State Governments and ruined the Federal System. The judiciary number of times struck down the unconstitutional subjects and pronounced the judgments against Union Governments. The Congress Party Union Government imposed the emergency in 1975 and ruined the constitutional basic structure and Fundamental Rights. The Union Government amended the constitutional structure through the amendments.

#### **Quoted by Constitutional Framers:**

##### **Dr. B.R.Ambedkar:**

"If the Governments that enforce the Constitution are good, the Constitution will be bad."

"If the Governments that enforce the Constitution are bad, the Constitution will be good".

"The Indian Constitution is known as a bag of borrowings and draws its features from the Constitutions of many countries. Dr. B.R.Ambedkar rightly said that it was created after ransacking the known Constitution across the world."

##### **K.C.Whear:**

"Indian constitution is a Quasi Federal". He described the Indian Constitution as Quasi-Federal. Quasi Federal means a federal form of Government where more power is given to the Central Government than the State Government. India is considered a Quasi Federal or Semi Federal form of Government.

##### **Austin:**

Austin called Indian Federalism as "Cooperative Federalism". Cooperative Federalism means a combination of cooperation and interdependence between the Centre and the States to ensure smooth governance of the country.

Federalism this phrase is not used anywhere in the Constitution. Federalism means a country is governed at two levels at State and Centre. Thus India is a Federal country.

India is considered a Quasi Federal or semi-federal form of Government. The Supreme Court of India also described the Indian Constitution as Quasi Federal. In case of **S.R.Bommai Vs. Union of India – AIR 1994 S.C.**

A Nine Judge Bench of Supreme Court held that federalism is a part of the basic structure of the Constitution.

#### **President Rule imposed in States under Article 356:**

Article 356 of the Constitution of India provides for proclamation of President Rule in States when they satisfies that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution. Even in Constituent Assembly, the founding fathers of our Constitution apprehended the possible misuse or employment of it for 'political purpose' or being resorted to for unnecessary or 'intolerant action" through political prejudices, or the Centre might intervenes in petty provincial matters of on the 'slightest pretext of resolving ministerial' crisis or purifying or reforming malad ministration or mismanagement or inefficiency or corruption in a province or for resolving a mere crisis or vote of no-confidence in the Ministry by the Legislature or for ensuring good Government, President Rule in States, if permitted will result in reducing the autonomy of the State to farse.

In the Constituent Assembly, Dr. B.R.Ambedkar defended the inclusion of Article 356 in view of the wide spread violent disturbances and emergence of disruptive forces in the wake of partition threatening the very existence of the polity. It was expected that the Centre's interference in the administration of provincial affairs must be 'by and under' some constitutional obligations and must not

be invasion which is ‘wanton’, arbitrary, and unauthorized by law.

President Rule brings to an end for the time being, a duly elected Government in the State. During the period of proclamation the Centre takes over the regimes ruins of the Government in the State, exercised properly, Presidential Rule in State may operate as a safety value for the democratic system.

President Rule imposed in Indian States about 128 times. Particularly Congress Party Union Government has been imposed President Rule 84 times in States. The Congress Party Union Government imposed President Rule its

own Congress Party Governments in the States under Article 356. Indira Gandhi imposed President Rule about 39 times and ruined the Center and State relations and she is the only Prime Minister ruined the powers between Centre and States.

However the framers of the Constitution expected that these extraordinary powers of Article 356 would be sparingly used only in case of constitutional break-down. But the Post-Independence era witnessed the invocation of the Article 356 on more than a hundred occasions as given below.

**President Rule imposed particular years**

<b>S.No.</b>	<b>Regime</b>	<b>Period</b>	<b>Number of occasions of proclamation of President Rule</b>
1.	Jawaharlal Nehru	1951-1964	7
2.	Lal Bahadur Sastry	1964-1965	2
3.	Indira Gandhi	1966-1977	32
4.	Morarji Desai	1977-1979	16
5.	Indira Gandhi	1980-1984	16
6.	Rajiv Gandhi	1984-1989	6
7.	V.P.Singh	1989-1990	2
8.	Chandrasekhar	1990-1991	4
9.	P.V.Narasimha Rao	1991-1996	11
10.	I.K.Gujral	1997-1998	2
11.	Vajpayee	1998-2004	2
12.	Devegowda	1996-1997	2
13.	Dr. Manmohan Singh	2004-2014	10
14.	Narendra Moudi	2014-	6
<b>Total</b>			<b>128</b>

**President Rule imposed during Congress party Union Governments**

For the first time in India General Elections held in 1951-1952. The Congress Party

own huge majority seats in the Loksabha and formed the Union Government and as well as in all States. During the 1<sup>st</sup> time elections, the Communist party of India contested in General Elections throughout India by defeated by



Congress Party, particularly the Communist Party seated in the left side in the Loksabha as Opposition Party called Leftists, this was literally meaning. According to Loksabha traditions and State Assembly traditions, the opposition party sitting left side and they are calling leftists or Vamapakshalu literally meaning. Leftists meaning not only Communists, whoever sitting in left side from Speaker, they are calling Leftists or Vamapakshamu (Left hand), Daskshina hastham (Right hand) power party.

During 1951-1964, Jawaharlal Nehru became a Prime Minister for India. He imposed the President Rule 6 times on his own Congress Party Governments in the States. For the first time Jawaharlal Nehru imposed the President Rule in Punjab on Akalidal Party State Government for the purpose of suspension for nine months and 28 days to hold the State Congress Government get its act together. Pandit Nehru took advantages against regional party and imposed President Rule for the benefit of Congress Party in the States.

During 1966-1977 Indira Gandhi imposed the President Rule 32 times against her own Congress Party Governments implied the totalitarian Government and tyrannical attitude. The second time during 1980-1984 Indira Gandhi imposed the President Rule 16 times in different States and shown the tyrannical attitude. Nehru and his daughter Indira Gandhi established the totalitarian Governments at Centre and annihilated the Federal System. Federal powers destructed during their tenure. As well as P.V.Narasimha Rao also imposed the President Rule on behalf of Congress Party 11 times in different States. Rajiv Gandhi also imposed President Rule 6 times in different states.

Particularly, the Congress Party Union Governments 84 times imposed the President Rule through India and minimized the Democracy and maximized the Totalitarian Government at Centre. The Congress Party Governments at Centre declined the Fundamental Rights drastically.

During 1977-1979 Janatha Party came to power headed by Morarji Desai and formed the Union Government and imposed the President Rule against Congress Party State Governments by different reasons. The Janatha Party Union Government imposed the President Rule 16 times in different States.

During 2014, BJP Party Government imposed the President Rule 6 times in different States different political atmosphere.

### **The impact of emergency on Federalism and Fundamental Rights under Articles 352-356**

India is a vast country and federal country. In fact, it is not purely a federal or unitary. It is a Quasi-Federal. In case of emergency, it becomes as a unitary as the United Kingdom. If the circumstances are flexible and prospective, it becomes a federal. In general circumstances, it remains as a Quasi Federal. The framers of Constitution framed the Constitution to adjust the country in any set up and to face any consequences and disturbances, whether they are internal or external. They thought sometimes foreign forces or internal rebellion would destroy the unity and integrity of the country. Under such circumstances, to safeguard the country, they had given more powers to the Union Government in Part XVIII under Articles 352 to 360 and these provisions are called the "Emergency Provisions". The primary object of emergency is to strengthen the country with adequate powers to face any dangerous situation, and to save the country and to solve any unforeseen problems.

In India, the national emergency was proclaimed three times. For the first time the National Emergency was proclaimed under the circumstances of "War or External Aggression" and the third one was the "Internal disturbances."

**1) First Emergency:** (From 26-10-1962 to 10-01-1968) Due to diplomacy of Congress Party Union Government, China attacked the Northern border of India on 08-09-1962, to face it,



President of India proclaimed the Emergency in India for the first time under the cause of the war and of external aggression.

**2) Second time Emergency:** Second time, the emergency was proclaimed on 03.12.1971 due to the war between India and Pakistan under the cause of the war and of external aggression.

**3) Third time Emergency:** On 25-06-1975, the President Fakhruddin Ali Ahmed proclaimed the emergency on the advice of Indira Gandhi Prime Minister. This was called as “Black period”. This emergency created a great controversy. **In case of Indira Gandhi Vs. Raj Narayan AIR 1975 SC**, the Allahabad High Court gave the Judgment against Indira Gandhi invalidating her election as Parliament Member. Due to Allahabad High Court Judgment she had to give the resignation to the Membership and the Prime Ministership. To escape it, Indira Gandhi approached the Supreme Court, which gave stay on the proceedings of the Allahabad High Court.

The political parties, Communist Party of India, Communist Party of Marx and Akalidal Party etc., started agitation demanding her to resign. To avoid, such a situation, Indira Gandhi caused the proclamation of emergency throughout India with effect from 25-06-1975 under the cause of the “Internal disturbances”. The executives, the police and the Congress Party leaders did several unparliamentary affairs and at societies against the public and the opponent political party men. This caused annoyance in the minds of the Indians. Meanwhile, some parties combined under the name of the “Janatha party” in the year 1977 and captured power in General Elections in 1977. The two proclamations were revoked in March, 1979. By the 44<sup>th</sup> Amendment Act, 1978 on 20.06.1979 the phrase “Internal disturbances” from Article 352 was removed. So that in further no Central Government can misuse the powers under proclamation of emergency.

The Emergency in third time was a black spot in Indian Modern History. The aim of these amendments made by the Congress

Government was to bring all the powers to one person to control the judiciary and to destroy the basic principles of the Constitution. During the emergency, the rights of citizens were suppressed and the principles of democracy attacked by the Congress Party Union Government.

### **ROLE OF JUDICIARY**

#### **Impact of judiciary on Federal System in India**

The Congress Party Union Government in 1992 imposed the President Rule on Karnataka State Government. The main grounds on which the Government had been dismissed were that the Chief Minister of Karnataka States had connections with the organization which had been banned, and these Governments had encouraged the Kar Sevaks to go to Ayodhya. Particularly President Rule imposed in three States of Madhya Pradesh, Himachal Pradesh and Rajasthan and Assemblies were dissolved on the ground that these States were not implementing sincerely the ban imposed by the Centre on religious organization and these States Governments had encouraged the Kar Sevaks to go to Ayodhya. These three State Governors had submitted more or less identical report in 24 hours. This was clear abuse of Article 356, where duly elected Governments were dismissed merely on the ground of suspicions.

#### **Case Law: S.R.Bommai & others Vs. Union of India & others AIR 1994 S.C.**

Elections were held for the Karnataka State Legislative Assembly. Janatha Dal won the majority. R.K.Hegde was elected as the leader of Janatha Dal and also as the Chief Minister. Due to conflicts in Janata Dal, he resigned. In his place Sri S.R.Bommai was elected as Chief Minister one Kalyan Molakery and 19 others defected from Janata Dal and wrote a letter to the Governor that Bommai had no majority. S.R.Bommai met the Governor and asked him to give a chance to prove his majority in the floor. The Governor, instead of giving floor-test, sent a report to the President that the Constitutional



machinery in Karnataka was failed and recommended for the proclamation of emergency in the State. The President of India dismissed the Bommai Government and proclaimed State emergency under Article 356.

S.R.Bommai filed a Writ Petition before the High Court, which dismissed it. He filed appeal to the Supreme Court of India. A Nine Judges Constitutional Bench enquired the issue of Karnataka and also of four States of Rajasthan, Madhya Pradesh and Himachal Pradesh.

**Judgment:** The Supreme Court gave a Judgment that the behavior of the Governor was most objectionable. He was hurry to dismiss the elected legislative body. His recommendation was clearly malafide, and was seen apparently on the face of the records, hence proclamation of President's Rule in Karnataka was struck down.

### **Controversial amendments impact on Constitution of India**

Constitution in any country regulates the affairs between the individuals and State. As the time passed, the social, economic and political conditions of the people go on changing. To meet the changing conditions, there shall be an appropriate mechanism to alter the provisions of the Constitution, such mechanism is called the amendment of the Constitution.

Constitution of a country may be flexible or rigid. A Constitution is said to be flexible, it provides a simple procedure for its amendment. A rigid constitution on the other hand is one, which requires a special, complex and more technical procedure for its amendment.

Article 368 of the Constitution confers on the Parliament power to amend the Constitution. 'Amendment of the Constitution' is the process by which certain provisions of the Constitution are changed. However, this amendment power is subject to certain restrictions that the basic structure of the Constitution should not be destroyed.

Dr. B.R.Ambedkar says "One can, therefore, safely say that the Indian Federation will not suffer from the faults of rigidity of legalism. Its distinguishing feature is that it is a flexible federation."

### **Kesavananda Bharati Vs. State of Kerala AIR 1973 SC**

The provision for amendment of the Constitution is made with a view to overcome the difficulties which may encounter in future in the working of the Constitution. No generation has monopoly of wisdom nor has it a right to place fetters on future generation to mould the machinery of Government according to their requirements. If no provisions is were made for the amendment of the Constitution, the people would have recourse to extra constitutional method like revolution to change the constitution.

The machinery of amendment should be like safety valve, so devised of neither to operate the machine with too great facility nor to require in order to set in motion, an accumulation of force sufficient to explode it. The constitution-makers have, therefore, kept the balance between the danger of having non-amendable constitution and a constitution which is too easily amendable.

This case was filed by Sri Kesavananda Bharati, the head of a Hindu religious Mutt in Kerala, challenging the constitutional validity of the 24<sup>th</sup>, 25<sup>th</sup> and 29<sup>th</sup> Amendments to the Indian Constitution, which sought to curtail the powers of the judiciary and the fundamental rights of citizens.

The landmark judgment was delivered on 24<sup>th</sup> April 1974 by a thin majority of 7:6 wherein the majority held that any provision of the Indian Constitution can be amended by the Parliament in order to fulfill its socio-economic obligations that were guaranteed to the citizens as given in the preamble, provided that such amendment did not change the constitution's basic structure.



### **Controversial amendments in our Constitution**

Particularly 38<sup>th</sup>, 39<sup>th</sup>, 42<sup>nd</sup> 73<sup>th</sup> and 74<sup>th</sup> amendments have been the most controversial amendments so far. These three amendments were made in the background of an internal emergency declared in the country from June 1975. The 42<sup>nd</sup> Amendment is regarded as the most controversial constitutional amendment in history. It attempted to reduce the power of the Supreme Court and High Courts to pronounce upon the Constitutional validity of Law. It laid down the Fundamental duties of Indian citizens to the nation.

The 42<sup>nd</sup> Amendment Act, 1976 introduced the 'secularism' and socialism. Indira Gandhi incorporated these two phrases into the preamble. Secularism says that giving the respect for religions in India. Everybody knows Bharat is a land of different religions. But Indira Gandhi incorporated the secularism for only minority vote bank politics, Indian neighbor countries all most all existed theocratic states and military ruling countries, then why the Congress Union Government proclaimed the Secular State. This is the burning aspect in India. During Indira Gandhi tenure, only CPI and CPM opposition parties are there. But Indira Gandhi introduced the socialism for the vote bank of CPI and CPM and in favour of CPI & CPM. Since 1976 till today, the Congress Party Union Governments, CPI and CPM, never discussion about socialism in the country. The Congress Union Governments never introduced socialism in their Manifesto till today. Socialism is only effigy in the preamble of the Constitution.

The Congress Party Union Governments and CPI and CPM these three parties and it is alliance parties always talking about 'Secularism', but they never discussed about socialism.

Present in the country, the main aspect is 'Secularism'. It has been disguising as terrorism. The Congress Party and CPI and CPM supported Secularism. But they never supported 'Socialism'. Father of secularism was George Jokab Kelvinian a Brish Philosopher, but not

Jawaharlal Nehru. Father of Socialism was Karl Marx. Secularism and Socialism both are no need to the country. It is better to remove from the preamble of the Constitution. Dr. B.R.Ambedkar never thought that these two phrases.

### **Impact of Emergency on Fundamental Rights**

The Congress Union Government imposed the national emergency and suspend the Fundamental Rights. Article 352 – Suspension of Fundamental Rights under Article 19, as per Article 358, when a proclamation of National Emergency is made, the Six Fundamental Rights under Article 19 (Right to Freedom) are automatically suspended. As per Article 359, the President can suspend the right to move any court for enforcement of Fundamental Rights during a national emergency.

### **CASE LAWS**

#### **1. BENNET CALEMEN & CO OTHERS UNION OF INDIA AIR1978.**

##### **FREEDOM OF PRESS – NEWS PRINT CASE**

**BRIEF FACTS OF THIS CASE:** Bennet Colmen & Co. was the company managing a news paper .The central government passed an order known as "The newspaper central order 1972", which affected the distribution of newsprint to the petitioner company. Due to that order the company was to put great loss. Consequently it had to close into magazine. The company challenged the said order before the supreme court under Ariticle 19(1)(a) and 14. The Writ Petitions were filled by several readers newspapers editors and shareholders of several other news paper simultaneously.

**JUDGEMENT:** In this case the Supreme Court held that the fundamental rights of readers news paper editors. Shareholders were badly affected by said order. If their fundamental rights has not been recognized and if the unreasonable restrictions are not removed. The freedom of the press would be destroyed in the country. Therefore the supreme court admitted the petition of the newspaper companies,



readers, shareholders and editors and unwashed clauses against freedom of press in the “News Print Control Order 1972”.

## 2. MANEKA GANDHI VS UNION OF INDIA AIR 1978 – SUPREME COURT (PASSPORT CASE)

**Brief facts of This Case:** Smt. Maneka Gandhi applied for passport. The passport was issued to Maneka Gandhi on 01-07-1976 under the passport Act 1967. The regional passport officer Delhi write a letter dated 2-7-1977 to Menaka Gandhi intimating her that the union government of India decided to impound her passport under section 10(3)(c) of the passport Act 1967. In the public interest and also asked her to surrender her passport in their office. The letter was received by her on 04-07-1977. She filed a Writ Petition challenging the act of passport authorities and also challenging the validity of Section 10(3)(c) that was against Articles 14, 19(1)(a), 19(1)(g) and 21.

**JUDGMENT:** The Supreme Court Bench comprised judges Justice P.N.Bhagavathi, Justice Utevalia and Justice Fazal Ali pronounced judgment in favour of Maneka Gandhi and over ruled A.K.Gopalan’s principles.

This case was a landmark decision of the Supreme Court of India in which the court significantly. Expanded the interpretation of Article 21 of the Constitution of India. It over-ruled **A.K.Gopalan Vs State of Madras**, which has implied the exclusiveness of fundamental rights and established relationships between Article 14, 19 and 21 of the Constitution of India (this case known as Golden triangle trinity) holding that a law depriving a person of personal liberty must not violate any of them. Once again over ruling A.K.Gopalan. In this case held that a procedure under Article 21 of the Constitution cannot be arbitrary, unfair oppressive or unreasonable.

The decision had a significant influence on Indian Constitutional Law and has been described as the moment. When the Supreme Court of India rejected three decades of formalist interpretation and inaugurated a new

path where courts would expend the rights of individuals against the State instead of limiting.

**Judicial Review:** It is a process by the Supreme Court of India and the High Courts in India examine determine and invalidate the executive or legislature actions. Inconsistent with the Constitution of India.

The word judicial review finds no mention in the Constitution of India but the Constitution of India implicitly provides for judicial review through Articles 13, 32, 136, 142 and 226.

## 3. R.C.COOPER Vs UNION OF INDIA AIR 1970.SC (Banks Nationalisation Case)

**Brief facts of this case:** Eleven Banks were nationalized by the Congress Union Government in 1969 by an act called as “The Banking Companies Act 1969”. The petitioner Rustom Cavasjee R.C. Cooper herein had shares in the Central Bank of India. Bank of Baroda Ltd., the Union Bank of India Ltd., and had current and fixed deposit accounts with those banks R.C. Cooper was one of the Directors of the Central Bank of India, he challenged the validity of the banking companies (Acquisitions and transfer of undertaking) Ordinances of 1969 and No.22 of 1969 contending that certain modifications impaired his fundamental rights guaranteed under Articles 14, 19 & 31.

**JUDGMENT:** The Supreme Court gave a Judgment in favour of R.C. Cooper. Their lordships held that the Act 22 of 1969 was the legislative competence of the Parliament but it made hostile discrimination against the named bank from carrying on banking business, where as other banks. The Indian and Foreign banks were permitted to carry on banking business and also new banks may be formed which may be engage in banking business. It was clear violation of Article 14. Section 4 of the Act 22 of 1969, gave arbitrary and discriminatory powers to the executive to fix the compensation. It was against the fundamental rights guaranteed under Articles 19(1)(f), 31(2). Finally their



lordships declared that the Act 22 of 1969 was invalid and unauthorized.

Particularly the Congress Union Government did not leave this matter after the above Judgment of the Supreme Court, the Union Government brought the 42 Amendment Act 1976, which replaced Article 19(F) and 31, and incorporated new Article 300A in new part XII of the Constitution.

Secularism in India is against nationalism and against national integrity and sovereignty. Even national anthem and national flag also refused by secularists. *Bijou Emmanuel Vs. State of Kerala, 1986.*

### **Impact of scams through the Union Governments**

Scams were not new to Indian Union Governments. For the first time scam was purchasing the Jeeps for Military. It was prevailed in 1948 in Nehru Cabinet through the unconstitutional amendments and huge scams. Since then number of scams, the constitutional fruits did not distribute among the people. Political leaders and bureaucratic corruption in India are major connected to the huge scams. Due to scams in India, rich people became richest people and poor people became poorest people. Due to huge scams, agriculture sector, educational sector and medical sector and industrial sector hampered in India. These four sectors eye-out from the poor people. The corporate sector exuberance a crossed country and captured and controlled all sectors. Social justice such as social, economical and political development ruined across the country. All the corporate sectors turned to political parties and committed scams. Huge scams have been prevailed in India such as 1) purchasing the jeeps for military in 1948. It was held in Nehru Cabinet and 80 lakh rupees corrupted. 2) Bofors scam – it was held in 1987 by Rajiv Gandhi Cabinet. In this scam 1,437 crore rupees corrupted. 3) Fodder Scam held in 1996 in Bihar Regional Government, which was in UPA Congress Union Government. The Bihar Government corrupted 940 crore rupees scam

and convicted in this scam (Rashtriya Janata Dal). 4) Common Wealth Games scam was held in the Union Government of Congress corrupted 70,000 crores in 2010. The accused Suresh Kalmadi arrested by C.B.I. Suresh Kalmadi former Minister for Railway of India. 5) 2G Spectrum Scam – A.Raja, the then Telecom Minister in UPA Union Government was accused of selling 2G spectrum licenses at a very low cost which resulted in the loss of 1,76,000 crores in Government revenue. It was held in the year 2008 in UPA Government. 6) Coal scam was one of the major scam in India, concerning the Indian Governments allocation of the nations coal deposits to public sector enterprises (PSEs) and private companies. Its value is 1,86,000 crore rupees corrupted by the UPA Union Government. In this scam Mohan Agarwal and Rakesh Agarwal were guilty in this scam. It was held in the year 2012, during UPA Union Government. 7) Chopper scam was also held in UPA Union Government in the year 2012. Its value is 3,200 crore rupees. This was also called helicopter bribery scam and also Agusta Westland chopper scam. 8) Tatra Truck Scam-2012. It was held in UPA Union Government. Tatra is manufacturing truck company based in the Czech Republic. The main allegation was that Tatra trucks were sold at a very high cost to the Indian Army through an unusual route. Its value is 750 crore rupees. 9) Cash for vote scam. It was held in the year 2011 in UPA Union Government. This scandal was an Indian political scandal allegedly mastermind by then Bharatiya Janata Party politician Sudheendra Kulkarni in which the UPA, the majority-holding Parliamentary Party alliance of India led by Sonia Gandhi, allegedly bribed BJP MPs in order to survive a confidence vote on 22<sup>nd</sup> July, 2008. The vote in the Loksabha arose after the Communist Party of India (Marxist) led left front withdraw support from the Government, who wanted to pursue on Indo-US Nuclear deal. 10) This scam was held in the year 2012 during UPA Union Government. In this scam FIR alleged Chavan was the Revenue Minister in UPA Government Over a period of several years,



politicians, bureaucrats and Military Officers allegedly conspired to bend several rules concerning land ownership, zoning, floor space index and membership getting themselves flats allotted in this cooperative society at below-market rates. 11) IPL Scam – It was held in the year 2013 during UPA Government. Three cricket players Rajasthan Royals Franchise namely Sreesanth, Ankeet Chavan and Ajit Chadila were arrested by Delhi Police. 12) Satyam Scam was held in the year 2009. This scam was a major corporate fraud that took place in India in the year 2009. The Founder and Chairman of Satyam Computer Services Ramalinga Raju, confessed to manipulating the company's accounts and inflating profits for years. Its value is 12,320 crore rupees corrupted. 13) Sarada Chit Fund Scam was held in the year 2013. Sarada Group financial scandal was a major political scandal caused by the collapse of a Ponzi scheme run by Sarada Group, a consortium of over 200 private companies. That was believed to be running collective investment schemes popularly, but incorrectly referred to as chit funds in Eastern India. This scam has been estimated to be over 30,000 crore rupees. 14) INX Media case scam was held in the year 2013. INX Media founded by Media Entrepreneurs Indrani Mukharji along with her husband Peter Mukharji, allegedly violated Foreign Investment Laws. INX Media had permission to source foreign investment to the tune of 305 crore rupees. In this scam P.Chidambaram and his son exempted from appearing in person. 15) Aircel-Maxis Scam was held in UPA Union Government and allege the CBI against Chidambaram and his son are part of an ongoing trial.

### Conclusion and Suggestions:

Particularly, the Congress Party Union Government has been ruled since 1952. These Governments had imposed the President Rule unnecessarily and amended the constitution indiscriminately. During Congress Union Government Indian Demography had increased indiscriminately and terrorism also prevailed across the country. The Congress Union

Government had implied that ruined the constitution and federal system. The Congress Party was established by A.O. Hume, Britisher and this party leaders also followed Britishers that divide and rule in India, such as communal violence, caste conflicts, separation of States.

As a researcher, I focused the suggestion that the secularism in India is disguised as terrorism. Particularly Bharat neighbor countries almost all established by theocratic states and military ruling. So the Bharat shall remove the secularism and shall declare as Hindu State as existed before 1975.

### References:

- 1) Dr. S.R.Myneni – Constitutional Law-I, Asia Law House, Hyderabad. 2<sup>nd</sup> Edition.
- 2) Dr.S.R.Myneni, Constitutional Law-2, Asia Law House, 4<sup>th</sup> Edition, Hyderabad.
- 3) Dr. J.N.Panday, Constitutional Law of India.
- 4) M.P. Jain Indian Constitutional Law 8<sup>th</sup> Edition (Lexis, Nexis) (Gurgaon, Haryana)
- 5) V.D.Mahajan, Constitution of Law of India – 8<sup>th</sup> Edition (EBC), Lucknow.
- 6) Gade Veera Reddy, Advocate, Hyderabad – Sujatha Law Books Pvt. Ltd. Publishers.
- 7) Internet connections.