



Australian Government
Refugee Review Tribunal

Country Advice

India

India – IND38610 – Electoral system –
Avtar Hanery – Avtar Henry – Next
elections
18 April 2011

1. Please provide a brief overview of the India's electoral system, including the various levels of government.

On 21 July 2007 Pratibha Devisingh PATIL (United Progressive Alliance) was elected President of India, by an electoral college and commenced a five-year term. Following the April-May 2009 legislative elections the Prime Minister Manmohan SINGH (Indian National Congress) was given a second term in office.¹ The Political Handbook of the World provides a summary of the Indian electoral system which has a:

republican form of parliamentary government in a secular union (despite Hindu numerical predominance) that currently embraces 28 states and 7 centrally administered territories. Under the Indian constitution, all legislative subjects are divided into three jurisdictions: the union list, comprising subjects on which the union Parliament has exclusive authority; the state list, comprising subjects on which the state assemblies have authority; and the concurrent list, comprising subjects on which both may legislate, with a union ruling predominating in the event of conflict and where state questions assume national importance.

The head of state, a president who serves a five-year term, is chosen, under a weighted voting system, by an electoral college comprising the elected members of both the bicameral Parliament and the state legislatures. The vice president is elected by the members of the full Parliament and serves as ex officio chair of the upper house of the legislature, the Council of States (Rajya Sabha). The lower House of the People (Lok Sabha), elected for a five-year term (subject to dissolution), is presided over by a speaker elected by its members. The speaker must be a member of Parliament but by convention abandons party affiliation while serving as presiding officer. The prime minister is elected by the parliamentary members of the majority party or coalition of parties and heads a government that is collectively responsible to the legislature.

¹ Banks, Arthur S. et al. (eds.) 2010, 'India', *Political Handbook of the World 2010*, CQ Press, Washington, D.C.

http://library.cqpress.com/phw/phw2010_India - Accessed 15 April 2011 – Attachment 1

Each state has a governor, who is appointed by the president for a term of five years, and a popularly elected legislature. The legislatures may be bicameral or unicameral, but all are subject to maximum terms of five years. Administration is carried out by a chief minister heading a cabinet subject to parliamentary responsibility. In the event that constitutional processes in a state are rendered inoperative, the union constitution provides for the institution of direct presidential rule, with the concurrence of both houses of Parliament. The president can also appoint an agent to act as presidential surrogate, while the prime minister can call for new state elections.²

Country Advice IND36875 of 1 July 2010 outlines the political situation in the Punjab. The state of Punjab is currently governed by the Shiromani Akali Dal Party (SAD) in coalition with the Hindu-nationalist Bharatiya Janata Party (BJP) with the National Congress Party (Congress) in opposition. SAD is a Punjab-based political party which aims at maintaining Sikh identity and came to power in 2007.³

2. Please indicate during what years Avtar Hanery served as a politician in the Punjab, for what party and in what level of government.

A search of the databases available to the Tribunals has failed to locate a comprehensive political profile for Avtar Hanery; however, there is one reference to Avtar Hanery as the Food and Civil Supplies Minister in October 2005 in Punjab.⁴

Another article refers to a person of the name of Avtar Henry – this article from *'The Tribune'* (Chandigarh) in March 2002 states that as an Indian National Congress representative of Jalandhar North, Vidhan Sabha (the Legislative Assembly), Mr Avtar Henry was given the 'Civil Aviation, Science and Technology' portfolio as Cabinet Minister of the Punjab Council of Ministers.⁵

In February 2007 the *Punjab Newspaper Service* listed Avtar Henry – whom it described as a 'Congress heavyweight' as one among some others who had lost the elections.⁶

3. Please advise when the next scheduled elections will take place.

As the current President - Ms Pratibha Patil - was elected for a five-year term in 2007 – the next Presidential elections should take place in 2012.⁷

The previous legislative elections (general elections) took place in 2009, therefore the next legislative elections are normally due to take place in 2014.⁸

² Banks, Arthur S. et al. (eds.) 2010, 'India', *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/phw2010_India - Accessed 15 April 2011 – Attachment 1

³ RRT Country Advice Service 2010, *Country Advice IND36875*, 1 July - Attachment 2

⁴ 'The Central Government has relaxed the uniform specifications of Paddy for Kharif Marketing session 2005-06 for Punjab' 2005, *The Press Trust of India Ltd.*, 4 October – Attachment 3

⁵ Avtar Henry joins Cabinet' 2002, *The Tribune*, 14 March <http://www.tribuneindia.com/2002/20020314/main6.htm> - Accessed 15 April 2011 – Attachment 4

⁶ 'Heavyweights tumble' 2007, *Punjab Newspaper Service*, 27 February – Attachment 5

⁷ Banks, Arthur S. et al. (eds.) 2010, 'India', *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/phw2010_India - Accessed 15 April 2011 – Attachment 1

The Punjab State Assembly elections took place in 2007 therefore the next assembly elections are due to take place in 2012.⁹

Attachments

1. Banks, Arthur S. et al. (eds.) 2010, 'India', *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/phw2010_India - Accessed 15 April 2011.
2. RRT Country Advice Service 2010, *Country Advice IND36875*, 1 July.
3. 'The Central Government has relaxed the uniform specifications of Paddy for Kharif Marketing session 2005-06 for Punjab' 2005, *The Press Trust of India Ltd.*, 4 October. (FACTIVA)
4. 'Avtar Henry joins Cabinet' 2002, *The Tribune*, 14 March <http://www.tribuneindia.com/2002/20020314/main6.htm> - Accessed 15 April 2011.
5. 'Heavyweights tumble in Punjab' 2007, *Punjab Newspaper Service*, 27 February <http://www.punjabnewspaper.com/wordpress/2007/02/27/heavyweights-tumble-in-punjab/> - Accessed 14 April 2011.

⁸ Banks, Arthur S. et al. (eds.) 2010, 'India', *Political Handbook of the World 2010*, CQ Press, Washington, D.C.

http://library.cqpress.com/phw/phw2010_India - Accessed 15 April 2011 – Attachment 1

⁹ RRT Country Advice Service 2010, *Country Advice IND36875*, 1 July - Attachment 2